

Annex II

Assistance Fund under Part VII of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Terms of Reference

Background and scope

1. Article 25 of Part VII of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Law of the Sea, Office of Legal Affairs of the United Nations (UN/OLA/DOALOS), acting on behalf of the United Nations, as provided for in paragraph 13.

Establishment of the Assistance Fund

5. The Assistance Fund established pursuant to General Assembly resolution 58/14 will

13. In addition to general voluntary contributions to the Fund, contributions may also be made through donor agreements for specific activities which meet any of the purposes of the Fund set forth in paragraph 16. Such donor agreements between a donor, the FAO and the

Applications for this purpose will include details of how the meeting in question relates to implementation of the Agreement.

c) Supporting ongoing and future negotiations to establish new regional or subregional fisheries management organizations and arrangements in areas where such bodies are not currently in place, to renegotiate founding agreements for such organizations and arrangements and to strengthen existing subregional and regional fisheries management organizations and arrangements in accordance with the Agreement.

A condition for such support is that reference to implementing the Agreement is made in founding documents and/or work programmes of the regional or subregional fisheries management organizations or arrangements and in the national fisheries policies and/or management plans of States Parties.

d) Enhancing the ability of developing States Parties, in particular the least-developed among them and small island developing States Parties, to develop at the national level a legal basis for the implementation of effective flag State measures, in conformity with the provisions of the Agreement and in accordance with international law.

e) Building capacity for activities in key areas such as effective exercise of flag State responsibilities, monitoring, control and surveillance, enforcement, data collection and scientific research relevant to straddling and highly migratory fish stocks on a national and/or regional level.

f) Facilitating exchange of information and experience on the implementation of the Agreement.

g) Assisting developing States Parties to the Agreement, in particular the least-developed among them and small island developing States, with human resources development, technical training, and technical assistance in relation to conservation and management of straddling and highly migratory fish stocks and development of fisheries for such stocks, consistent with the duty to ensure the proper conservation and management of such stocks.

h) Assisting in meeting the costs involved in proceedings for the settlement of disputes between States Parties to the Agreement concerning the interpretation or application of the Agreement in accordance with Part VIII of the Agreement or proceedings concerning the interpretation or application of a subregional, regional or global fishery agreement relating to straddling fish stocks or highly migratory fish stocks to which they are parties, including any dispute concerning the conservation and management of such stocks and complementary to any assistance provided under the ITLOS Trust Fund established by General Assembly resolution 55/7 or the Trust Fund for the International Fisheries Convention to

impartial experts of the highest professional standing, to assist in the review of the applications and to make recommendations on the amount of financial assistance to be given in each case. In cases where applications for assistance from the Fund are made against specific activities for which funding has been made available through a donor agreement in accordance with paragraph 13, a representative of the donor(s) that have entered into the said donor agreement will also be invited to participate in the panel.

18. In cases of applications for assistance with travel related expenses under paragraph 16, the FAO may make decisions on applications without referral to the panel.

19. Review of applications and decisions will be guided by the purposes of the Fund, the provisions of the Agreement, the financial needs of the requesting developing State Party(ies) and availability of funds, with priority given to least developed countries and sm300.000008871-6519-11

24. Additional reports on project(s) and programme(s) referred to in paragraphs 4 and 13 will be presented to the donor by FAO and the UN/OLA/DOALOS, in accordance with any specific reporting requirements set out in the donor agreement, and in accordance with the donor agreement and the Rules and Regulations of FAO and the United Nations, as may be applicable.

25. Recipients of assistance will be required to provide a report on the purpose and outcome of the approved expenditure to the FAO or UN/OLA/DOALOS, as appropriate, f