



منظمة الأغذية
والزراعة
للأمم المتحدة

联合国
粮食及
农业组织

Food
and
Agriculture
Organization
of
the
United
Nations

Organisation
des
Nations
Unies
pour
l'alimentation
et
l'agriculture

Продовольственная и
сельскохозяйственная
организация
Объединенных
Наций

Organización
de las
Naciones
Unidas
para la
Agricultura
y la
Alimentación

WESTERN CENTRAL ATLANTIC FISHERY COMMISSION (WECAFC)

WECAFC Regional Working Group on Illegal, Unreported and Unregulated (IUU) fishing

**Terms of Reference agreed/approved at the fifteenth session of the Western Central Atlantic
Fishery Commission (WECAFC)**

Port of Spain, Trinidad and Tobago, 26 to 28 March 2014/Later revised in 2022

WORKING GROUP TERMS OF REFERENCE

REGIONAL WORKING GROUP ON ILLEGAL, UNREPORTED AND UNREGULATED FISHING (RWG-IUU)

**Terms of Reference agreed/approved at the fifteenth session of the Western Central Atlantic
Fishery Commission (WECAFC), Port of Spain, Trinidad and Tobago, 26 to 28 March 2014**

Revised in 2022

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I. Background and justification

Fishery management advice and recommendations, based on the best available scientific information, are provided to WECAFC member countries for their implementation by dedicated Working Groups, established by the Commission.

The Working Groups that were established or confirmed in the subsequent sessions since the 14th session of the Commission in 2012 are the following:

1. WECAFC Working Group on Caribbean Spiny Lobster
2. WECAFC Working Group on Queen Conch
3. WECAFC Working Group on the Management of Deep-Sea Fisheries
4. WECAFC Working Group on Recreational Fisheries
5. WECAFC Working Group on Fisheries using fish aggregating devices (FADS)
6. WECAFC Working Group on Flyingfish-Dolphin in the Eastern Caribbean
7. WECAFC Working Group on Shrimp and Groundfish in the Northern Brazil-Guianas Shelf
8. WECAFC Working Group on Spawning Aggregations
9. WECAFC Regional Working Group on Illegal, Unreported and Unregulated Fishing (RWG-IUU)
10. WECAFC Working Group for the Conservation and Management of Sharks in the Wider Caribbean Region
11. WECAFC Fisheries Data and Statistics Working Group (FDS-WG)

Most Working Groups are joint working groups with other regional partner institutions, such as the Caribbean Regional Fisheries Mechanism (CRFM), the Organization of Fisheries for the Central American Isthmus (OSPESCA), the Caribbean Fishery Management Council (CFMC), the French Research Institute for Exploration of the Sea (IFREMER), etc. Fishery scientists, experts, managers and decision-makers of member countries, regional partner organizations including academia and NGOs participate in the Working Groups, which have specific terms of reference that are time bound. The data used by the Working Groups to assess the status of fish stocks, to conduct fishery assessments and to generate fishery management advice and recommendations to the Commission are collected by the participating countries and NGOs.

The key drivers behind the establishment of these working groups are the need to collaborate and cooperate in the assessment and management of shared resources; need to standardize data collection and reporting systems to enable assessment of stock status using data and information from a range of countries that target the stock/species/resources throughout their distribution range; need to standardize conservation and management measures for effective management, need for training and capacity building to improve data collection and assessment of the status of fisheries/fish stocks; etc. etc.

In undertaking its work, the Working Group will pay due attention to the FAO Code of Conduct for Responsible Fisheries and its related guidelines, including the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries, as well as any other agreed international or regional instruments for the conservation and management of fisheries, and the principles of precautionary, participatory and ecosystem approaches to fisheries management. The activities of the WG are also guided by any specific regional or international fisheries management or related obligations and initiatives or instruments of relevance to the respective resources associated with the specific WG – e.g. any FMPs, Declarations, agreed CMMs, regional strategies, regulations etc.

II. Role of the Working Group

a. Scope of the Work

The scope of each Working Group is to provide scientific and management advice for the sustainable management, conservation and development of living marine resources in the area of competence of WECAFC. This includes the development and support to national and regional plans of action in order to regulate target and bycatch fisheries, as well as manage existing populations within the region. Using a multidisciplinary approach, the working group will contribute to the sustainable management by providing management advice to Members of WECAFC based on the best available scientific knowledge/evidence and traditional/local ecological knowledge. In pursuing this goal, the Working Group will contribute to the fulfilment of national and regional responsibilities for the marine environment and for the management of all living aquatic species and resources WECAFC and related or interacting species or fisheries in the WECAFC Region.

b. Goal

The goal of each Working Group is to inform and provide guidance for the management of living marine resources in WECAFC members in such a manner as to promote responsible fisheries that provide economic opportunities, secure social wellbeing while ensuring the conservation of living marine resources and the protection of marine biodiversity. Specifically, the objective of the RWG-IUU is to improve coordination and cooperation between national organizations / institutions responsible for fisheries-related MCS in support of their common efforts to prevent, deter and eliminate IUU fishing.

c. Tasks/ functions

The Working Group will:

- As a matter of priority, identify and recommend cost effective measures that can be easily implemented in the short to medium term to prevent, deter and eliminate IUU fishing;
- Review and assess the nature and extent of IUU fishing in the WECAFC area. In particular, the specific areas and species that are targeted by foreign illegal fishing and the main market for these IUU fishing products;
- Review current methods and arrangements for timely collection, analysis, reporting and dissemination of data and information relating to Distant Water Fishing Nations (DWFN) IUU fishing activities;
- Assess the viability of adopting modern technologies and methodologies to increase data capture, coverage and reliability;
- Develop recommendations for the establishment of formal protocols to facilitate the collection, compilation and transmittal of information regarding IUU fishing to the Flag State;
- Conduct a comprehensive review and assessment of the methods by which IUU fishing products are harvested, handled and traded including potential loopholes in legal systems and make recommendations for cost effective strategies and mechanisms to address identified deficiencies;
- Review and assess best practices employed to prevent, deter and eliminate IUU fishing and determine the suitability for adoption and implementation in the WECAFC area;
- Review and assess systems and mechanisms used by WECAFC Member to address IUU fishing and make such recommendations as may be necessary to improve their effectiveness;
- Provide advice and recommendations on viable methodologies to engage with flag States, regional fishery bodies and regional fishery management organizations in relation to data exchanges, in pursuit of reducing IUU fishing opportunities within the WECAFC area;
- Recommend mechanisms to ensure effective cooperation and coordination among WECAFC Members and entities as well as among national agencies within states as may be necessary to combat IUU fishing

and seafood fraud including but not limited to sharing of data and information, capacity building, legal reforms, and enhancing prosecutorial success;

- Promote the concept of collaborative policing approaches, with national fishers, and, where possible, through fisher organizations;
- Recommend way of improving public education and awareness in order to strengthen community support and political will to marshal the resources and implement the legal and institutional reforms needed to eradicate IUU fishing;
- Identify and recommend policies and measures to ensure transparency in activities such as the allocation of fishing permits and licenses by official authorities; the reporting of catches, payment of fees, taxes and charges by fishers and fishing entities; and disclosure of the identity of the beneficial owners of fishing vessels and companies throughout the supply chain;
- Seek complementary funding to support activities relating to data capture, analysis and sharing at the regional, national and local levels;
- Promote technical assistance, training, experience exchange, and institutional development, to increase MCS knowledge and capability amongst participating parties; and
- Perform other tasks as may be determined by the members.

d. Membership

Membership of the Working Group shall consist of all Member States of CRFM and WECAFC, OSPESCA, including overseas territories and Departments.

Specifically, the national organizations responsible for fisheries MCS and IUU fishing in general nominated by each WECAFC member; and experts of key partner organizations (OECS, Caribbean Network of Fisherfolk Organizations, CRFM, OSPESCA, FAO). Persons or organizations with expertise in matters pertaining to MCS and IUU fishing may also be invited to participate as [experts] observer to the RWG-IUU. The WECAFC Secretariat will act as secretary to the RWG-IUU.

III. Mode of Operation:

a. Role of Countries

The members of the Working Group will play a leading role in its activities through the following activities and commitments, and through a monitoring, control, surveillance and enforcement perspective:

- participate in agreed activities of the Working Group, and ensure the participation of appropriate experts;
- implement, at the National level, the work identified in the WECAFC endorsed work plan (as appropriate);
- report on implementation of agreed measures;
- assist with mobilization of resources for the activities of the Working Group;
- facilitate the organization of Working Group meetings in the languages of the Commission;
- host Working Group meetings on a rotational basis; and
- facilitate the identification of the Convener of the Working Group.

b. Role of Convener

The Convener of the Working Group will play a leading role during the organization of the meetings and subsequent follow up with the Secretariat of WECAFC by coordinating the inputs of the members of the Working Group. The Convener should:

- seek experts from among the WECAFC Members, contact potential partner organizations, and solicit their interest to join in the Working Group;
- call for meetings as appropriate;
- ensure that technical contributions are received in a timely manner and in the appropriate format;
- ensure that outputs are delivered as agreed during each meeting
- collaborate closely with FAO-WECAFC and other subregional and regional organizations as appropriate;
- assist in the preparation and publication process of the proceedings of the Working Group meeting;
- participate (in person or virtually) at the SAG meetings to present the draft working documents and provide any clarifications as required;
- facilitate the review by the Working Group membership within a reasonable period of time (max. 15 days) on suggested edits or modifications as considered necessary to address the comments of the SAG and the return of the revised document to the WECAFC Secretariat for distribution and consideration by the Commission;
- participate in the Commission's sessions (physically or virtually) if required, to support the Secretariat in clarifying or substantiating some points of the draft working documents; and
- assist in the relevant processes to gather information in support of seeking funds to implement priority activities of the Working Group.

c. Election and role of Convener of the Working Group

- The Working Group shall elect a Convener from among its Members to serve over a two-year period. The term of office of the Convener may be extended as determined appropriate. In the case where another qualified Convener is not available, the Convener's term may be renewed for an additional two-year term until another Convener is selected.

d. Roles of the FAO/WECAFC Secretariat

The FAO/WECAFC Secretariat will play a supporting role in the activities of the Working Group by assisting in:

- Coordinating activities of the Working Group, among WECAFC and Non-WECAFC Members, at the wider regional level (including facilitate procurement of funding).
- Assisting with logistical arrangements for the convening of meetings of the Working Group.
- Providing technical assistance, such as a technical secretary or research support, if needed and as resources permit.
- Liaising with other Regional Fishery Bodies (RFBs) active in the Wider Caribbean Region and neighboring areas for their engagement as much as possible in the work of the Working Group; these RFBs include amongst others OSPESCA, CRFM, CFMC, ICCAT, NAFO, NEAFC, CECAF, COPPESAALC, etc.
- Liaising with other relevant regional and international organizations, as appropriate.

- Coordinating the formulation and adoption of recommendations and/or resolutions and reports/documents by the Working Group to facilitate the decision-making process by the Commission.
- Ensuring the strategic linkage between the work of the Working Group and programmes and projects hosted to support the fisheries and healthy ecosystems framework of the CLME+ and any future phase of this project.
- Facilitating training and collaboration of WECAFC Member States and subregional training institutions as appropriate and based on available resources.

e. Roles of other Subregional organizations (e.g. CFMC, CRFM, ICCAT, OSPESCA, UNEP-CEP, IFREMER, NOAA, CARICOM, OECS, CARICOM IMPACS, RSS, etc.)

Subregional organizations have an important role to play in assisting their member countries to participate fully in the activities of the Working Group. Therefore, they may be invited to:

- provide expertise, technical assistance and support;
- facilitate procurement of funding when possible;
- collaborate in implementing the activities of the Working Group;
- collaborate with the WECAFC Secretariat and subregional organizations in coordinating the activities of the Working Group; and
- facilitate the decision-making process at the Subregional level.

IV. Outputs

In discharging its duties, the WG will deliver the following outputs, monitoring, control, surveillance and enforcement perspective:

- biennial work plans, including providing performance of projects on a routine schedule;
- reports on the status of monitoring, control, surveillance and enforcement of measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing in WECAFC Member Countries;
- report on the implementation of the Regional Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing in WECAFC Member Countries;
- make recommendation for the revision and/or updating of the Regional Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing in WECAFC Member Countries;
- Proposed Recommendations and Resolutions to the Commission; and
- Revised TORs, as needed.

V. Communication

A mechanism for ongoing communication among Working Group members (video conference, Skype, zoom meeting and email), is essential to ensure that the work of the group is sustained between meetings. It must include all Working Group members and the communication tools must be accessible to all Working Group members.

The successful functioning of the Working Group also requires that each member country and organization/ agency identify a national node or focal point who will be contacted through the WECAFC National Focal

Point and technically coordinate at national level all matters pertinent to the WG. The outputs of the Working Group will be communicated through working group reports to WECAFC, OSPESCA, CFMC, CRFM, CITES, UNEP-CEP, ICCAT, IFREMER, and national fishery administrations via the WECAFC Secretariat.

VI. Working Group meetings and cost

The Working Group should meet physically or virtually on a regular basis, the timing of which is decided by the members, but at a minimum once every two years. The meetings should be of 2-5 days' duration. The meetings should use cost-effective accommodation and institutional facilities and where possible take advantage of other meetings in the region. Meetings shall be chaired by the Convener of the Working Group. The reports of the meetings will be formally submitted to OSPESCA, WECAFC, CFMC and CRFM, ICCAT, CITES, UNEP-CEP, IFREMER, Gulf and Caribbean Fisheries Institute Network, etc.

VII. Amendments to the Terms of Reference

Amendment of these terms of reference may be done at each biennial meeting of the Commission for implementation by the working groups in the subsequent intersessional period.

VIII. Templates for Recommendations and Resolutions

Standardized templates will ensure a common understanding of what should be included in draft recommendations and resolutions, ease the reporting of deliverables as well as facilitate their review by other WECAFC bodies, as appropriate. Working Groups should include the following elements when preparing draft recommendations and resolutions to be presented to the WECAFC membership or other WECAFC bodies (e.g. the Scientific Advisory Group or other WECAFC Working Groups).

Recommendations and Resolutions

Draft recommendations and resolutions for review by other WECAFC bodies and the WECAFC membership should include the following elements:

- **Cover Note**: A brief cover note for draft recommendations and/or resolutions should be provided to assist reviewers. The cover note should include a clear, candid, and transparent explanation of:
 - a. why the action was developed,
 - b. at which Working Group meeting it was discussed,
 - c. a brief overview of how the Working Group arrived at its decision to put the action forward;
 - d. how the action will impact future WECAFC activities, including, where relevant any possible changes in resource or workload requirements for Members or the WECAFC Secretariat;
 - e. the ramifications of *not* approving the recommended action;
 - f. the full picture of the context for the recommended action.
- **Preambular Text**: This should provide essential elements to highlight the context and intent of the proposed action in a concise bulleted format. The preambular text should include only the core historical elements and should include references to related decisions or measures.
- **Action Text**: This should indicate clearly what action(s) the Working Group is taking, or is asking the WECAFC Membership to take, at a national, subregional, and/or regional level, including specific timelines to which the action(s) will adhere.

Considering that each Working Group can have more than one meeting, and more than one issue to address during each intersessional period, the Working Groups can produce several reports/documents or draft resolutions/recommendations. To facilitate analysis by the Commission, each Working Group shall prepare a single set of recommendations and/or resolutions organized by fishery or by theme, including all the topics addressed in the intersessional meetings. In this regard, the Commission would consider a single set of draft recommendations and/or resolutions for spiny lobster, queen conch, flying fish and dolphinfish, FADs, FDS, etc.

The Working Groups shall refer relevant recommendations and resolutions of a scientific nature to the SAG for scientific review at least one month before the meeting of SAG, to provide adequate time to the Secretariat and SAG members to review them before the meeting. This will improve the efficiency of the reviews during the SAG sessions.