



IMCS Network

Governing Framework

2012

Introduction

The IMCS Network is an informal, voluntary organisation that supports members from national fisheries agencies and regional fisheries organisations. The IMCS Network also includes observers from intergovernmental organizations (IGOs), non-government organisations (NGOs) and academic institutions that support the objectives of the Network.

The IMCS Network was established in 2001 following a commitment made by five countries through the Declaration of the International Conference on the International Monitoring, Control and Surveillance of Fishing Activities “Responsible Fishing Declaration”. The Declaration called for the establishment of an informal Network to connect those working at the forefront of fisheries monitoring, control and surveillance (MCS), compliance and enforcement. The IMCS Network was established the following year. In 2012, several Network members worked together to develop the Governing Framework. The Governing Framework reinforces the voluntary and informal nature of the Network and provides the principles that guide its work.

The **Vision** of the IMCS Network is to create a globally connected and capable fisheries MCS, compliance and enforcement community. A community that works collectively to achieve and maintain optimal levels of compliance that effectively support marine conservation and fisheries management objectives. We work towards this **Vision** through our **Mission** to strengthen and enhance fisheries MCS, compliance and enforcement by promoting and facilitating effective communication, collaboration, coordination, and capacity development across our community.

We are a member-led and member focused organisation and we exist to support the communication, collaboration, coordination and capacity development needs of our members. We believe that working collectively and collaboratively is the best way to strengthen fisheries MCS, compliance and enforcement and that these elements are essential to combat Illegal, Unreported and Unregulated (IUU) fishing and effectively support marine conservation and fisheries management objectives.

Governing Framework of the IMCS Network

Article 1

Scope

The IMCS Network is a non-profit and informal organisation, not bound by treaty, established to facilitate bilateral and multilateral cooperation to combat illegal, unreported and unregulated (IUU) fishing and associated activities.

Article 2

Objective

The objective of the IMCS Network is within its scope to improve the efficiency and effectiveness of MCS concerning fishing and fisheries-related activities through cooperation, coordination, collection and exchange of information among the organisations or institutions responsible for fisheries and fisheries-related MCS activities.

Article 3

General Principles

In giving effect to its objective, the IMCS Network will, *inter alia*:

- a. seek common solutions to IUU fishing and associated activities;

- b. facilitate communication and information exchange among members;
- c. develop and maintain information sharing capabilities;
- d. foster joint efforts, cooperation and collaboration;
- e. strengthen capacity building;
- f. coordinate education and training opportunities;
- g. enhance opportunities for sharing technology and technology transfer;
- h. promote new MCS tools; and
- i. improve public awareness.

Article 4

Composition

States, regional economic integration organisations, fishing entities and intergovernmental organisations responsible for fisheries and fisheries related MCS are eligible to become members of the IMCS Network.

Article 5

Membership

1. In order to become a member, applications shall be submitted to the Chairperson in writing.
2. Members that wish to withdraw from the IMCS Network shall notify the Chairperson in writing.

Article 6

Observers

1. The Chairperson may, on a case-by-case basis, decide that non-members, including non-governmental organisations and other interested parties which support the objective of the IMCS Network, are entitled to participate as observers at meetings of the IMCS Network. Requests for observer status shall be submitted to the Chairperson in writing.
2. Observers may address such meetings at the discretion of the Chairperson.
3. Observers shall not participate in decision making.

Article 7

Rights and Commitments of members

1. Each member is entitled to:
 - a. participate in all activities organised by the IMCS Network at its own expense;
 - b. request services provided by the IMCS Network;
 - c. receive all publications and general information provided by the IMCS Network; and
 - d. make proposals and provide advice with respect to activities and work of the IMCS Network.
2. Each member should:

- a. authorise a representative to act on its behalf, who shall also have a prominent position in the day-by-day operations of MCS issues for that member;
- b. use its best efforts to meet the objective of the IMCS Network;
- c. respect decisions pursuant to Article 10;
- d. support and, to the greatest extent possible, participate in activities organised by the IMCS Network;
- e. collect and provide timely and accurate MCS information to other members on request,
- f. respecting domestic legislative requirements and existing international evidence request systems;
- g. consider and respond to requests and, where appropriate and possible, cooperate with other members in joint MCS activities;
- h. promote technical assistance, training, experience exchange and institutional development to increase MCS knowledge and capability amongst members;
- i. address the particular needs of developing country members; and
- j. carry out such other activities as may be necessary to achieve the objective of the IMCS Network.

Article 8 The Organisation

The IMCS Network shall consist of:

- a. a General Membership;
- b. the Chair: Chairperson and Vice-Chairpersons;
- c. an Executive Committee; and
- d. Secretariat, headed by the Executive Director.

Article 9 The General Membership

1. The General Membership shall consist of a representative of each member, who may be accompanied by advisers as required.
2. Meetings of the General Membership shall be convened at least every other year. A member may request additional meetings of the General Membership, which shall be convened if one third or more of the members agree to that request.

Article 10 Functions of the General Membership

1. In giving effect to the objective of the IMCS Network, the General Membership shall:
 - a. review the implementation of the general principles;
 - b. approve the operational policies and procedures of the IMCS Network;
 - c. approve the work programs of the IMCS Network;
 - d. approve reports of from the Secretariat;

- e. approve the budget, as appropriate, and financial arrangements;
- f. review the expenditures and accounts;
- g. elect the Executive Committee as needed;
- h. seek funds and other resources to ensure the long-term operations of the IMCS Network; and
- i. decide on any other matter related to the work of the IMCS Network that is not specifically assigned to any other of its organs.

Article 11

The Roles of the Chairperson and the Vice-Chairperson

1. The General Membership shall, if consensus is not reached, elect by simple majority of members present and voting, a Chairperson and Vice-Chairperson of the IMCS Network for a term of four (4) years, who shall be eligible for re-election for an additional term of four (4) years. The initial Vice-Chairperson will hold a two (2) year term to ensure continuity. The Chairperson and Vice-Chairperson shall be representatives from different Members, with one of the, to the extent possible, representing a developing country Member.

2. The Chairperson shall have the following powers and duties:

- a. convene and preside over meeting of the General Membership and the Executive Committee;
- b. appoint the Executive Director;
- c. determine, after consultations with the Executive Director, draft provisional agendas for meetings of the General Membership and the Executive Committee;
- d. sign a report of the proceedings of each meeting of the General Membership and the Executive Committee;
- e. represent the IMCS Network at international meetings; and
- f. generally make such decisions and give such directions to the Executive Secretary to ensure, especially in the interval between meetings, that the business of the IMCS Network is carried out efficiently and in accordance with its objective and its decisions.

3. Whenever the Chairperson is unable to act, the most senior Vice-Chairperson shall exercise the powers and the duties prescribed for the Chairperson. If the office of the Chairperson is vacated, the most senior Vice-Chairperson shall become the Chairperson for the balance of the term. The Vice-Chairpersons also serves as advisors to the Chairperson and act for the Chairperson if requested by the Chairperson to do so.

Article 12

The Executive Committee

1. The Executive Committee shall consist of the Chairperson and the Vice-Chairpersons, and of representatives of at least four members as decided by the General Membership, preferably from different world regions. The representatives shall serve for a term of three (3) years and shall be eligible for an additional term of three (3) years.
2. Meetings of the Executive Committee shall be convened at least every six (6) months by telephone or video conferences or other adequate means of communication.

Article 13

Functions of the Executive Committee

The Executive Committee shall serve as an advisory body to the Chairperson, and will in particular:

- a. propose revisions to this Governing Framework, the Strategic Plan, the Work Plan, and the Business Plan as needed;
- a. provide advice on the recruitment of the Executive Director;
- b. advise on participation at meeting by non-members as described in Article 6; and
- c. carry out any other activity assigned to it.

Article 14

Sub-Committees

The General Membership or the Executive Committee may establish time-limited ad-hoc sub committees with specific tasks including terms of reference as necessary.

Article 15

The Secretariat

The Secretariat shall:

- a. implement decisions;
- b. draft operational procedures for the Secretariat and IMCS Network;
- c. develop the Secretariat's work program;
- d. draft budgets and prepare financial statements;
- e. draft annual reports of the IMCS Network's activities and a review of the implementation of the general principles;
- f. provide general services and support;
- g. provide services to meetings;
- h. maintain minutes, records, documents, files and the website;
- i. notify any change concerning the membership; and
- j. carry out any other activity as may be instructed by the General Membership or the Executive Committee.

Article 16

Staff

The staff of the IMCS Network shall consist of such qualified technical and other personnel as may be required to fulfil the functions of the IMCS Network, including the day-by-day running of it. The staff shall be appointed by the Executive Secretary duly taking into account the need for cost-effectiveness.

Article 17

Liaison with the Secretariat

The member which serves as the host for the Secretariat should provide a liaison to interact with the Secretariat and the IMCS Network as required.

Article 18

Decision Making

Notwithstanding the procedure for the election of the Chairperson and the Vice-Chairpersons under Article 11, paragraph 1, decisions shall be taken by consensus.

Article 19

Funding

The Network shall be funded from, but not limited to the following sources:

- a. donations from the members;
- b. developmental funding agencies;
- c. contributions and donations from the public and private sectors; and
- d. any other income derived from the activities and services within the scope of the IMCS Network.

Article 20

Cooperation with other Organizations

The IMCS Network may seek to develop cooperative relationships and may enter into agreements with organizations that can contribute to its work.

Article 21

Revision

This Governing Framework may be revised by the General Membership if circumstances so require.

Article 22

Languages of the IMCS Network

The official languages of the IMCS Network shall be English, French and Spanish.

Article 23

Entry into Force

This Governing Framework is adopted by the General Membership on 29 March 2012 in Valparaiso, Chile, and enters into force on the said date.

Article 24

Authentic Texts

The English, French and Spanish texts of this Governing Framework are equally authentic.



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