



## TERMS OF REFERENCE

# **Consultancy for undertaking assessing the cost of legal, policy and implication of formulating and implementing the regional fisheries framework agreement by the South West Indian Ocean range states**

### **The Context**

The approach taken by SWIO states with regard to foreign fishing activities in their waters differs considerably, often dependent on natural conditions (species abundance), but also historical and political realities, as well as economic strength and opportunities. Nevertheless, tuna being a shared migratory stock, States also have common interests in terms of:

- a) Securing long-term social and economic benefit through a coherent, coordinated and sustainable tuna fisheries management framework; and
- b) Reducing costs and increasing benefits by joining efforts to better control and manage access to fisheries by foreign fleets.

The SWIOFC members recently approved the technical guidelines on regional Minimum Terms and Conditions (MTC) for Fisheries Access. The MTC provide a framework and guidance for the SWIO member states in providing fishing opportunities for Distant Water Fishing Nations, including governing the access of foreign fleets, technical conditions for access, mechanisms for exchange of information, and mechanisms for agreeing on common or harmonized positions.

In order to develop a concrete framework and mechanism for coordinating the implementation of the regional MTC and strengthen SWIOFC member states in the management and development of shared and highly migratory fish stocks, a regional fisheries framework agreement is being developed. A draft framework agreement has already been prepared by merging the SWIO Fisheries Accord (that was spearheaded by WWF and the AU-IBAR) and SWIO fisheries framework agreement (that was spearheaded by the SWIOFISH 1 project). The MTC taskforce under the auspices of the SWIOFC, WWF and SWIOFISH 1 project met in June 2017 in Mauritius and reviewed the draft framework agreement. They provided further input to the document. However they were not able to address the aspects related to cost implications to the SWIOFC member states in implementing the agreement. They recommended to the SWIOFC Working Party on Tuna Matters that the information gap be filled through a consultancy. WWF agreed to meet the cost of the consultancy.

### **Main tasks**

1. Conduct a review of national and or regional legal, policy and institutional frameworks and their implication to the development and implementation of the SWIO regional fisheries framework agreement by the individual SWIOFC member countries.

2. Undertake a cost and benefit analysis for the formulation, implementation and impact of the regional fisheries framework agreement within the context of socio-economic aspects and stock sustainability.
3. Assess the options for sustainable financing mechanism to support and sustain the work of the secretariat and operational programmes for effective implementation of the regional fisheries framework agreement by the SWIO range states.
4. Define and propose the institutional structure and its mode of operation in implementing the regional fisheries framework agreement while taking into consideration the relationship with SWIOFC, the Indian Ocean Tuna Commission (IOTC) and the Western Indian Ocean Tuna Organization (WIOTO)
5. Participate in at least one regional MTC Taskforce meeting for presenting, discussing and improving the relevant articles of the regional framework agreement, if need be, as per the discussions' with the SWIO countries

## **Methodology**

The exercise shall mainly comprise of desk study, and consultations largely through exchange of correspondences with relevant stakeholders, including SWIO coastal states, SWIOFC (through its MTC Task Force), IOTC, IOC, Forum Fisheries Agency (FFA), FAO, etc

## **Qualifications**

The successful candidate shall have an advanced university degree in fisheries management, natural resources management, related institutional planning, policy and or legal affairs, and other related studies from a recognized University.

## **Experience**

The successful candidate should have:

- i. At least ten years of working experience at a senior level in marine fisheries and related disciplines in the Indian Ocean region, including fisheries management, fisheries research, fish trade and policy, or development legal frameworks, institutional and organization development.
- ii. Sound knowledge on and interactions with the fisheries of the South West Indian Ocean and the relevant national institutions involved in fisheries management , roles of regional organizations (e.g. RECs, RFOs (RFBs and RFMOs), CSOs)
- iii. Experience in designing strategies for development of coastal and marine state fishery in developing Coastal and Island States in the Indian Ocean region is desirable;
- iv. Knowledge of regional and international fisheries management instruments, including relevant agreements, trade and development
- v. At least five years' proven experience in policy formulation, designing and development or formulation of regional and international fisheries management, and establishing relevant institutional framework and linkages

## **Terms of Engagement**

The consultants will be engaged for a total period of 10 working days to complete this assignment between 30 August 2017 to 10 September of 2017 with flexibility allowed for consultations, preparing and presenting final deliverables. All the deliverables should be submitted to SWIOFish1 Project/WWF no later than 11 September of 2017.

## **How to apply**

Those interested in this consultancy either as individuals, consortium or institutions are required to submit their letter of intent in English to the undersigned with the following;

- i. A technical proposal outlining data gathering tools and methodologies, including designing appropriate format/template for collecting detailed information as per the tasks assigned to this consultancy.
- ii. A financial proposal highlighting the budget of the entire consultancy including the work program and costs.
- iii. A profile and CVs of the consultant(s) undertaking the work indicating relevant experience and contribution of each one of them in the study.
- iv. Necessary brochures and other relevant information showing past experience in related field, demonstrate your expertise by showing the experience, academic background, an inventory of past and current assignments of similar nature.
- v. Contact addresses (Postal, email and telephone) of at least three referees and any other information that may show the consultant's ability to carry out the assignment to satisfaction

The letter of intent, technical and financial proposal in electronic format should reach the undersigned on or before the 28 of August 2017 at 12.00 noon via email with cc as indicated. No letter of intent and proposal will be accepted after the deadline.