



**28<sup>th</sup> May 2013**

## **TERMS OF REFERENCE**

### **Development of South -Western Indian Ocean (SWIO) Fisheries Accord for Shared Fish Stocks**

#### **1. Overview**

The African Union- InterAfrican Bureau for Animal Resources (AU-IBAR) has partnership with the World Wildlife Fund for Nature (WWF) mainly geared towards the sustainable reform of African fisheries for increased contribution to the socio-economic growth of the continent. Notably, the two institutions collaborated in the successful implementation of the First Phase of the GEF funded Strategic Partnership of the Fisheries Investment Fund, the promotion of Rights-Based Fisheries Management (RBFM) in countries of the SWIO region and the establishment of the African Fisheries Reform Mechanism under which the Pan African Fisheries Policy framework and the Comprehensive African Fisheries Mechanism are being developed..

The South Western Indian Ocean is an important fishing ground. Marine fish resources in the southwestern Indian Ocean can be placed in two categories: tuna and non-tuna species. Tuna are the most important commercial species, accounting for around 20% of the total global tuna catch and about 70% of the total Indian Ocean tuna catch. The United Nations Convention on the Law of the Sea (UNCLOS) gives coastal states legal rights and obligations to utilize and manage resources within their declared boundaries of 200-nautical miles of the Exclusive Economic Zone (EEZ). However, the SWIO developing states currently have limited skills, experience and financial resources to adequately exploit, develop, use and protect their rich resources. Instead, their role is mostly confined to granting access to Distant Water Fishing Nations (DWFN) through negotiated access arrangements (licensing, fisheries partnership agreement and joint ventures).

At the same time, poverty in SWIO coastal is a permanent feature; yet, these states are endowed with extensive marine resources, which are highly valuable. Due to lack of capacity to evaluate their resources, through periodic stock assessment, regular data collection and analysis, optimum fishing effort determination, that are necessary conditions for informed and profitable application of the United Nations Convention on the Law of the Sea (UNCLOS) Article 62 to the Fisheries Agreement process, the benefits from these resources to the African countries and their communities continue to be elusive.

The declining domestic fish resources in most Western and Far East countries has necessitated increasing demand of fish from the developing world including the SWIO region. This brings into play issues of overcapacity and the concomitant increased fishing intensity on valuable fish stocks in this region. For instance it is estimated that there are about 8,473 IOTC authorized tuna fishing vessels in the Indian Ocean (IOTC website, April 19/2013). The situation has been exacerbated by other management issues including Illegal, Unreported and Unregulated fishing (IUU), by-catch and discards, weak policy and inadequate institutional frameworks and limited capacities to effectively police the EEZ.

## **2. Rationale**

Based on the above, the need for an effective, concerted and collective approach for the SWIO member countries to manage and benefit from the region's living marine resources, in particular as it concerns shared and highly migratory stocks, is therefore of paramount importance. The countries in the region also have a close geographical proximity and the possibility of one country acting unilaterally and not in concert with other countries in the management of shared resources is most likely to undermine the sustainability of the fish stocks.

It is recognized that such cooperation and harmonization in fisheries management should be underpinned by clear and consistent, coherent laws and agreements, which *inter alia* allow for key management approaches such as Rights-Based Management (RBM), Ecosystem Approach to Fisheries Management (EAF), Wealth-Based Fisheries Management (WBFM) and consistency in implementation and enforcement. Other areas of cooperation and joint implementation among others include stock assessments, the establishment of Minimum Access Conditions (MAC) for foreign fisheries fleets, regional Monitoring, Control and Surveillance (MCS) mechanism, regional fisheries management plans and improved coordination among existing regional fisheries management frameworks as well as regional economic commissions (EAC, IOC and SADC) in the SWIO region.

In this regard, AU-IBAR and WWF working in strategic partnership with other organizations, including national fisheries administration and research organizations in the SWIO states, FAO, World Bank, NEPAD Agency, the Indian Ocean Tuna Commission (IOTC), South West Indian

Ocean Fisheries Commission (SWIOFC), South West Indian Ocean Fisheries Project (SWIOFP) and the Marine Stewardship Council (MSC) among others are implementing various initiatives all geared towards improving the conservation and economic performance of marine fisheries resources in the Western Indian Ocean region.

In a bid to strengthen fisheries management in the SWIO, the WWF has facilitated studies to assess the current economic benefits of tuna fisheries as well as the development of Regional Minimum Terms & Conditions for granting fisheries access arrangements in the SWIO region. Also, AU-IBAR and WWF have been advocating RBFM approaches in the WIO region. Furthermore, the SWIOFP and WWF (Coastal East Africa Initiative) have jointly executed a consultancy on harmonization of fisheries legislation, including an assessment of the implementation of fisheries management plans and RBFM in the SWIO. Most recently, with the support of WWF, the SWIO Directors of Fisheries Forum was established. This forum was recently (October 2012) adopted by the SWIOFC as its Working Party on Coordination and Cooperation on Tuna Matters.

The First Conference of African Ministers of Fisheries and Aquaculture (CAMFA), which was held from 20-23 September 2010 in Banjul, Gambia, requested the Africa Union Commission (AUC) to initiate a continent-wide fisheries policy coherence and reform process. In implementing the CAMFA recommendations, the AU-IBAR and the NEPAD Agency in collaboration with WWF, FAO and other government agencies have embarked on the process of formulating a Pan African Fisheries Policy Framework and the Comprehensive African Fisheries Reform Strategy, with the overall objective of facilitating the development of coherent national as well as regional fisheries policies in order to take full advantage of socio-economic benefits and opportunities of the continent's natural endowments. Other relevant CAMFA recommendations included the following:

- AU to develop and implement a coordination mechanism among RECs (in the case of the SWIO region we have EAC, IOC and SADC) and RFOs (In the case of the SWIO region we have IOTC and SWIOFC) to ensure coherence of fisheries policies and initiatives with regional economic integration agenda;
- AU to facilitate harmonized position of members states in forums of WTO, ICCAT, IOTC, SEAFO and other negotiations and strengthen the capacity of members states to participate effectively in relevant regional and global fisheries forums;
- Arrangements for regional cooperation on fisheries management frameworks be developed and included as part of the minimum regional integration plan by RECs;
- Fisheries access agreements be negotiated at the regional level and RECs provide a supporting role, in order to increase benefits to African countries;
- Member states consider options for fisheries reforms and strengthened institutional arrangements in order to improve the productivity of fisheries and aquaculture; and
- CAMFA requests RECs to assist RFBs to develop regional strategies for sustainable management of shared water resources, including the straddling and highly migratory species.

The proposed feasibility study and development of the SWIO Fisheries Accord builds and or responds to the above initiatives within the context of the SWIO region. It is envisaged that the development and adoption of the SWIO the Fisheries Accord and Protocol for the SWIO range states will empower SWIO coastal and island states to secure far greater return from particularly their fisheries resources, and will contribute to a sound and coordinated fisheries management in the SWIO, which will ensure sustainability in addition to profitability within the context of implementation of the decisions of the 1<sup>st</sup> CAMFA. It is anticipated that this fisheries Accord would facilitate the promotion of regional cooperation on fisheries management tool such as the establishment regional MCS programme, joint assessment of shared stocks, regional access agreements etc.

### **Objectives**

The objective of this project is to undertake a feasibility study to inform the development of the Fisheries Accord for the Shared Stock in the SWIO range states with a view to empowering SWIO Coastal and Island States to promote and improve the governance of these resources in their respective waters, while ensuring the sustainability of the stocks through a collective approach that would accrue increased socio-economic benefits to the region. This process supports and connects with the 1<sup>st</sup> CAMFA recommendations, in particular with regard to the Pan-Africa fisheries policy framework and fisheries reform strategy being spearheaded by the AU-IBAR, NPCA in partnership with WWF, FAO, AU member states and Regional organizations

### **Specific Tasks**

Specifically, the consultants would be tasked to:

1. Assess the rationale, provide and elaborate justification for the need to have a SWIO Fisheries Accord on shared stocks, taking into consideration the context of the Africa Fisheries Policy Framework and Reform Strategy, CAMFA I, existing instruments of regional organizations (i.e. RECs, RFOs).
2. Source information on similar Accords and protocol from other regions of the world in a bid to adaptively inform the process of formulating a regional Fisheries Accord for the SWIO region.
3. Conduct a review of national legal, policy and institutional frameworks, regional fisheries management and governance, social-economic aspects, environmental and ecosystem concerns, within the context of individual SWIO countries to inform the formulation of the SWIO Fisheries Accord.
4. On the basis of outcome 1-3, prepare a draft SWIO Fisheries Accord and Protocol for shared stocks for wider consultations.
5. Offer suggestions to the countries on how to go about the implementation of the SWIO Tuna Fisheries Accord, including proposals on the institutional and political framework.

## **Expected deliverables**

- i. Inception report outlining the methodology, including work plan for successful implementation of this project.
- ii. Comprehensive feasibility report for the establishment of a SWIO Fisheries Accord, including context and rationale for such, as well as the proposed scope and institutional arrangements.
- iii. Draft SWIO Fisheries Accord and Protocol for shared stocks
- iv. Draft report write up and submitted to AU-IBAR and WWF for review
- v. Final draft submitted to AU-IBAR

## **Methodology**

The exercise shall mainly comprise of desk study, travel to AU MS bordering SWIO, consultations largely through exchange of correspondences with relevant stakeholders, projects and appropriate national and international organizations or development agencies.

## **Qualifications**

The successful candidate shall have an advanced university degree in fisheries management, natural resources management, related institutional planning, policy 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.
- 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, relevant agreements, trade and development
- v.

- vi. at least five years' proven experience in the designing and development or formulation of regional and international fisheries management and or cooperation agreements or establishing institutional linkages and collaboration

### **Terms of Engagement**

The consultants will be engaged for a total period of 40 days to complete this assignment between 25<sup>th</sup> of June 2013 to 3<sup>rd</sup> August 2013 with flexibility allowed for consultations, preparing and presenting final deliverables. All the deliverables should be submitted to AU-IBAR no later than Friday the 9<sup>th</sup> of August 2013.

### **Deadline for applications**

Applications must be received **not later than 15<sup>th</sup> June 2013**.

### **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 by the 15<sup>th</sup> of June 2013 at 12.00 noon (East African Time) via email with cc as indicated. No letter of intent and proposal will be accepted after the deadline.

Consultants will be selected in accordance with the procedures and criteria set out by the AU-IBAR and their decision shall be final. Interested consultants may obtain further information at the address below from 0830 to 1630 hrs from Monday to Friday, excluding lunch hour (1300 - 1400 hours) and public holidays.

All applications should be submitted to the Director through the email: [applications@au-ibar.org](mailto:applications@au-ibar.org) and copied to [hro@au-ibar.org](mailto:hro@au-ibar.org) clearly indicating in the subject line the name of the consultancy.

