



Terms of Reference (TOR) for a consultancy to develop a policy brief on fisheries access arrangements in the Western Indian Ocean Region

1.0 The Context

South West Indian Ocean Tuna Forum (SWIOTUNA) is working closely with relevant partners and stakeholders to strengthen the capacity of civil society organizations and local fishing communities to hold relevant fisheries management bodies to account. The management of shared fisheries resources in the Western Indian Ocean (WIO) region is under the South West Indian Ocean Fisheries Commission (SWIOFC) and the Indian Ocean Tuna Commission (IOTC). IOTC is responsible for the tuna and tuna-like species that are highly migratory while SWIOFC provides advisory role for the management of non-tuna species.

SWIO countries offer fishing opportunities to Distant Water Fishing Nations (DWFN) through some form of access arrangements, including private license, sustainable fisheries partnership agreements (SFPA) with the European Union and joint ventures. This is because the SWIO coastal and island states have limited capacity to venture into deep sea fishing. However, this situation is slowly changing. Some countries in the SWIO region have started building their national fleets through some joint ventures. In February 2019, the South West Indian Ocean Fisheries Commission (SWIOFC) members formally adopted the FAO voluntary guidelines on MTC spearheaded. The MTC are at various stages of implementation by the SWIOFC member states. Some countries in the SWIO have declined to enter and or renew their sustainable fisheries partnership agreements with the EU and other DWFN. Most of the SWIO range states have expressed concern that SFPAs are skewed in favour of the Distant Water Fishing Nations. This is the narrative that SWIOTUNA would like to change through its advocacy plan. The MTC are at various stages of domestication and implementation by the SWIOFC member states. SWIOTUNA and other partners are keen to see that SWIO range states derive more benefits from their shared tuna resources and that fisheries access arrangements are fair, equitable, sustainable, transparent and respect human rights.

It is against this background that this consultancy has been commissioned to develop policy on fisheries access arrangements in the WIO while taking into consideration human-rights, equity and transparency aspects.

2.0 Objectives of the assignment

The main objective of this consultancy is to prepare a policy brief on fisheries access arrangements including the regional MTC, access fee, joint ventures and sustainable fisheries partnership agreements (SFPAs) in the WIO region. The policy brief will take into consideration equity in benefit sharing, transparency in licensing and human rights for fishers. SWIOTUNA in collaboration with other partners including WWF has been on the forefront in championing and advocating for fair, sustainable and equitable fisheries access arrangements in the SWIO region. SWIOTUNA with financial support from WWF Madagascar would like to prepare the policy brief as an advocacy tool to catalyze reforms in the fisheries access arrangement regime to ensure equity, social justice and stock sustainability.

3.0 Tasks assigned to this consultancy

The main tasks assigned to this consultancy are as follows;

- i. Review existing literature and documents on regional fisheries access arrangements in the SWIO region, including but not limited to Maputo Declaration, the SWIOFC –FAO voluntary Guidelines on regional MTC, WWF working document on regional MTC, sustainable fisheries access agreements, WWF Social policies, human rights approaches to fisheries management, Indian Ocean Tuna Commission (IOTC) Quota allocation related reports, World Trade Organization (WTO) fish and trade related reports among others.
- ii. Review the status of the domestication and implementation of regional MTCs by the SWIOFC member states.
- iii. Package the information in the most appropriate way to produce a policy brief as an advocacy tool around sustainable fisheries management.
- iv. Prepare policy brief on sustainable fisheries access arrangements in the WIO region including MTC, private licensing, Sustainable Fisheries Partnership Agreement (SFPAs), joint ventures etc while taking into consideration, equity, transparency and human rights perspectives.
- v. Refine the policy brief based on the input from SWIOTUNA members coordinated by the Secretariat.

4.0 Key deliverables to SWIOTUNA

The main deliverables for this consultancy are;

- i. Inception report outlining a comprehensive methodology including work plan on how this assignment is going to be executed.

- ii. A zero draft policy brief on regional fisheries access arrangements including minimum terms and conditions for granting fisheries (MTC) and access fee (licensing) while taking into consideration transparency, equity and human rights for fishers perspectives.
- iii. Present the policy brief to the members input and comments.
- iv. Finalize the policy brief based on the comments from the members.
- v. Share final policy brief in a well presentable format to SWIOTUNA secretariat.

5.0 Implementation

The selected consultant will have overall responsibility in the implementation of the project. SWIOTUNA will appoint a staff who will be responsible for day-to-day administration and management of this assignment to ensure deliver of the desired results as outlined in this TOR and other contractual obligations.

6.0 Timing and duration

It is envisaged that the consultant will take 30 working days to complete the assignment effective from the day the contract is signed. The consultancy is expected to commence with effect from the 1st June -30th June with flexibility allowed for consultation. Final deliverable shall be submitted to SWIOTUNA on or before the 30th of June 2023.

7.0 Compensation

SWIOTUNA will pay the consultant a professional fee that will be mutually agreed upon on a competitive basis in accordance with internal procedures. Any direct costs related to the execution of this assignment which must be agreed mutually by both parties prior will be paid by SWIOTUNA. The budget including consultancy fee should be presented in the financial proposal. SWIOTUNA will withhold 5% of the withholding tax in accordance with the Kenya Government Tax regulations.

8.0 Required qualifications and experience

- a) Advanced university degree in fisheries science, natural resources, biology, or other relevant field, complimented with some background engagement in fisheries access arrangements and SWIOTUNA related work.
- b) At least 10 years of working experience in fisheries and related disciplines in the in Kenya and the SWIO region in general, including fisheries management, fisheries research, fish trade, regional fisheries trade and economic agreements and policy.

- c) Expertise and profound knowledge with national and regional fisheries management organizations in the SWIO, fishing industry, seafood business and trade related organizations and research institutions.
- d) Good communication skills and public relations.
- e) A good working knowledge of English, both written and spoken.

9.0 How to apply

Those interested are required to submit their letter of intent in English to the undersigned with the following;

- a) A technical proposal outlining the methodology, capacity and competency to handle the assignment.
- b) A financial proposal with itemized budget for the entire consultancy, including withholding fee and direct costs.
- c) A profile and CVs of the consultant(s) undertaking the work indicating relevant experience and contribution of each one of them in this assignment.
- d) 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 26th of May 2023 at 12.00hrs (East African Time) via email info@swiotuuna.org . 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 SWIOTUNA and their decision shall be final.