



**REQUEST FOR EXPRESSIONS OF INTEREST**  
**for the selection of an Individual Consultant to "strengthen the management of the Indian Ocean tuna fishery through improving flag State performance of SWIOFISH countries Contracting and Cooperating Parties (CPCs) of the Indian Ocean Tuna Commission".**

1. The Indian Ocean Commission (IOC) is an intergovernmental regional cooperation organization which brings together the Union of the Comoros, France, on behalf of Réunion, Madagascar, Mauritius and Seychelles. Its mission is to strengthen the bonds of friendship and solidarity between peoples and to contribute through regional cooperation to the sustainable development of its member states. The IOC has received a grant from the World Bank to support the SWIOFish regional project. It intends to use part of this grant to make payments under the Individual Consultant contract " to strengthen the management of the Indian Ocean tuna fishery through improving flag State performance of SWIOFISH countries Contracting and Cooperating Parties (CPCs) of the Indian Ocean Tuna Commission".
2. The Consultant's mission is to provide assistance to IOTC CPCs to implement their flag State responsibilities and fulfil their international obligations, including IOTC obligations.
3. The mission will be carried out in the South-West Indian Ocean region plus SWIOFISH2 member countries.
4. The Consultant will work administratively under the supervision of the Indian Ocean Commission and technically with IOTC secretariat.
5. The estimated duration for carrying out this mission is one hundred and twenty days spread over one year.
6. The Indian Ocean Commission (IOC) now invites eligible consultants to express their interest in providing the services described above. They must provide information justifying that they are able to implement the necessary expertise and perform the services in question (curriculum vitae, copies of diplomas and attestations, references concerning the performance of similar contracts, etc.).
7. A version of the terms of reference is available on the website of the Indian Ocean Commission <http://commissionoceanindien.org>
8. Expressions of interest must be filed electronically in uncompressed format at the address below no later than Tuesday, March 5<sup>th</sup>, 2019 at 16:30 (Mauritius time UTC+4):  

*e-mail: [innocent.miada@coi-ioc.com](mailto:innocent.miada@coi-ioc.com) and [njiva.r@coi-ioc.com](mailto:njiva.r@coi-ioc.com)*

*Reference: "strengthening tuna fisheries management in the Indian Ocean"*
9. Individual Consultants will be selected in accordance with the procedures set out in the World Bank Guidelines on Selection and Employment of Consultants.
10. The individual consultants concerned may obtain further information during working hours at 9:00 to 16:00 (Mauritius time UTC+4) from the Indian Ocean Commission (IOC) by sending e-mails to the addresses referred in paragraph 8.

*Terms of Reference to strengthen the management of the Indian Ocean tuna fishery through improving flag State performance of SWIOFISH countries Contracting and Cooperating Parties (CPCs) of the Indian Ocean Tuna Commission.*

---



INDIAN OCEAN  
COMMISSION



Food and Agriculture  
Organization of the  
United Nations



Indian Ocean Tuna Commission  
Commission des Thons de l'Océan Indien

## **South West Indian Ocean Fisheries Governance and Shared Growth Program (SWIOFish Regional)**

### **Second South West Indian Ocean Fisheries Governance and Shared Growth Project (SWIOFish2)**

**Terms of Reference to strengthen the management of the Indian Ocean tuna fishery through improving flag State performance of SWIOFISH countries Contracting and Cooperating Parties (CPCs) of the Indian Ocean Tuna Commission.**

<b>Assignment title</b>	<b>Terms of Reference to strengthen the management of the Indian Ocean tuna fishery through improving flag State performance of SWIOFISH countries Contracting and Cooperating Parties (CPCs) of the Indian Ocean Tuna Commission.</b>
<b>Contract duration</b>	<b>From March 2019, ending February 2020 (120 working days)</b>
<b>Assignment location</b>	<b>Home/Office based and SWIOFISH 2 countries.</b>
<b>Financed by</b>	<b>IDA.</b>

*Terms of Reference to strengthen the management of the Indian Ocean tuna fishery through improving flag State performance of SWIOFISH countries Contracting and Cooperating Parties (CPCs) of the Indian Ocean Tuna Commission.*

---

## **1. Background**

### **1.1. SWIOFISH 2**

World Bank has been supporting various fisheries projects in the Africa Region. At the regional level, the most relevant of these is the South West Indian Ocean Fisheries Project (SWIOFP), which closed on March 31, 2013. The SWIOFP, which brought together all countries in the South West Indian Ocean (SWIO), including Kenya, Mozambique, South Africa, Seychelles, Comoros, Madagascar, Mauritius, France (non-beneficiary participant), Somalia (observer) and Tanzania, was successful in building regional capacity for fisheries management, including through establishing a network of fisheries researchers and managers, and developing a regional management framework. Ultimately the Member countries of the South West Indian Ocean Fisheries Commission (SWIOFC) agreed to reform the Commission, promoting it from an advisory body to a Regional Fisheries Management Organization (RFMO) of the Coastal States – enabling it to take binding decisions on fisheries management, and to negotiate in bloc with Distant Water Fishing Nations, among others.

Given the important achievements of SWIOFP, SWIOFC Member Countries have requested a follow-on program namely – ***the South West Indian Ocean Fisheries Governance and Shared Growth Program (SWIOFish Program)***.

The proposed program will be Series of Projects (SOP), over a 15-year period, using IDA and blended GEF resources, together with parallel support from other donors and trust funds. It will comprise a regional umbrella and a combined approach targeting both regional and national fisheries priorities. It will support regional integration of fisheries management, while expanding the approach beyond research and sound fisheries management to strengthen sector governance and harness the value of coastal and marine fisheries to national economies. ***Given the importance of sound fisheries management to livelihoods and economic growth, the SWIO coastal countries have decided to all participate in the SWIOFish Program through a regional platform hosted by the SWIOFC and supported by the Indian Ocean Commission (IOC).***

The first Project under the Program, entitled SWIOFish1, is now under preparation, and will implement, within 6 years, regional activities as well as country-level investments in Mozambique, Comoros and Tanzania. Other SWIO countries are expected to join progressively with country-level investments.

### **1.2. IOTC**

The IOTC is an intergovernmental organization established under Article XIV of the FAO Constitution. The IOTC agreement was concluded in 1993 and entered in force in March 1996. The IOTC is mandated to manage tuna and tuna-like species in the Indian Ocean and

*Terms of Reference to strengthen the management of the Indian Ocean tuna fishery through improving flag State performance of SWIOFISH countries Contracting and Cooperating Parties (CPCs) of the Indian Ocean Tuna Commission.*

---

adjacent seas with primary objective the conservation and optimum utilization of the stocks for long term sustainability.

Since 1998, the members of the IOTC have dedicated most of their effort to the scientific component of fisheries management, to manage the tuna and tuna-like resources. Since the mid 2000's, more emphasis has been placed on the compliance component of this tuna RFMO. A Compliance Section has been created to assist the Compliance Committee in the task of assessing and reviewing all aspects related to the compliance with IOTC conservation and management measures and to provide support to Contracting and Cooperating non-Contracting Parties (CPCs) in the implementation of Monitoring, Control and Surveillance (MCS) tools adopted by the IOTC Members (e.g. IUU vessel lists, authorized & active vessels lists, documents on board, marking of fishing vessels and gears, Vessel Monitoring System, fishing logbooks, regional observers scheme, transshipments programme, catch certification/trade documentation schemes). In 2010, aware of the powerful and cost effective compliance tool of port States measures to combat IUU fishing activities in the Indian Ocean, the IOTC adopted a resolution on Port State measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing (IOTC Resolution 16/11 on PSMR). The resolution, which entered into force on 1 March 2011 (Resolution 10/11), is inspired by the 2009 FAO Agreement on Port State Measures but placed in the context of the IOTC mandate. The fisheries administrations of the Coastal CPCs of the IOTC, where foreign fishing vessels offload tuna and tuna like species, are responsible for the implementation of the resolution.

Article X of the IOTC Agreement focuses on the implementation of the decisions of the Members. With regards to implementation, paragraph 1) requests that Each Member of the Commission shall ensure that such action is taken, under its national legislation, including the imposition of adequate penalties for violations, as may be necessary to make effective the provisions of this Agreement and to implement conservation and management measures which become binding on it under paragraph 1 of Article IX. In practice, the Members have the obligation to transpose the Conservation and Management Measures adopted by the Commission to exercise their flag State responsibilities over their fleets. These Conservation and Management Measures are contained in the IOTC Resolutions.

On the recommendation of the Committee on Fisheries (COFI) of the Food and Agriculture Organization of the United Nations (FAO) at its Twenty-eighth session in 2009, two technical Consultation on Flag State Performance were organised (The Technical Consultation was held at FAO Headquarters, Rome, Italy, from 2 to 6 May 2011, and resumed from 5 to 9 March 2012 and from 4 to 8 February 2013).

*Terms of Reference to strengthen the management of the Indian Ocean tuna fishery through improving flag State performance of SWIOFISH countries Contracting and Cooperating Parties (CPCs) of the Indian Ocean Tuna Commission.*

---

There had been increasing concern by the international community that the performance of many flag States in the fulfilment of their international obligations had been inadequate. These States were either unable for capacity reasons, or unwilling, to exercise effective control over their fishing fleets, many of which engaged in illegal, unreported and unregulated (IUU) fishing and related activities in geographic areas beyond the national jurisdiction of the flag State.

The voluntary guideline has defined performance assessment criteria (Para 23/38) and procedure for carrying out assessment (para 44/46). It has established a mechanism for external assessment which can be conducted by inviting a competent multilateral body and/or another States to participate in the conduct of the assessment (Para 46).

In line with the FAO guideline an assessment of flag State performance will be performed with the objective to identify constraints/gap in the exercise of flag State responsibilities and provide further technical assistance to CPCs to enhance their flag State performance.

The objective of the proposed IOTC capacity building activities is to assist SWIOFISH countries Contracting and Cooperating Parties (CPCs) of the IOTC to implement their flag State responsibilities, thus increasing the level of compliance and enhancing contribution of CPCs of the IOTC to the work of the IOTC.

Assignment Title:

Strengthen the management of the Indian Ocean tuna fishery through improving flag State performance of CPCs of the Indian Ocean Tuna Commission.

Purpose of the assignment:

The purpose of the assignment is to provide assistance to IOTC CPCs to implement their flag State responsibilities and fulfil their international obligations, including IOTC obligations.

Activities of the consultant:

Under the supervision of IOTC secretariat, and in consultation with the focal point designated by the country, assistance will be provided to SWIOFISH countries Contracting and Cooperating Parties (CPCs) of the IOTC.

During this consultancy, the consultant will:

- Provide tailored assistance as needed to SWIOFISH countries to implement their flag State responsibilities,
- In line with the FAO guideline, propose a detailed methodology to conduct the assessment and propose a template to be used to draft the road map/action plan,

*Terms of Reference to strengthen the management of the Indian Ocean tuna fishery through improving flag State performance of SWIOFISH countries Contracting and Cooperating Parties (CPCs) of the Indian Ocean Tuna Commission.*

---

- Using the performance assessment criteria (Para 23/38) and procedure for carrying out assessment (para 44/46) as defined in the voluntary guideline, conduct an assessment of flag State performance with the objective to identify constraints/gaps in the exercise of flag State responsibilities, and identify corrective actions,
- Based on the results of the assessment and the identification of corrective actions, a detailed road map/action plan shall be drafted in order to enhance flag State performance,
- In consultation with the flag State competent authority and the IOTC Secretariat, organise and facilitate a flag State performance Workshop to present the results of the assessment, finalise the draft road map/action plan with the inputs of the flag State competent authority and other key stakeholders.

Expected outputs/delivery:

- Methodology to conduct the assessment (to be validated by the IOTC Secretariat);
- Template to be used to draft the road map/action plan (to be validated by the IOTC Secretariat);
- Detailed report on the assessment of flag State performance of the country;
- A road map/action plan, including guidance for implementation within a defined time frame,
- A final mission report including the results of the workshop.

Qualifications and experience of the Consultant:

The selected consultant should be able to demonstrate a successful history of consultancy engagements in a field related to this Terms of Reference or consultancy engagements in the field of fisheries law or fisheries MCS or fisheries management.

Qualifications and skills

- A BSc degree in international law, environmental law, law of the sea, or fisheries management;
- Excellent communication, report-writing and project management skills.
- The expert should have a high level of proficiency in written and spoken English or French.

Professional experience

- Knowledge and working experience for IOTC;
- Minimum 15 years of professional experience in international fisheries management or MCS, law or areas of law closely related to fisheries management;
- Previous experience in working within fisheries management framework of RFMOs;

*Terms of Reference to strengthen the management of the Indian Ocean tuna fishery through improving flag State performance of SWIOFISH countries Contracting and Cooperating Parties (CPCs) of the Indian Ocean Tuna Commission.*

---

- Experience in the region/countries of the IOTC,
- Ability to work under pressure and meet tight deadlines.

Beneficiary Country:

The beneficiaries of the initiative are SWIOFISH countries Contracting and Cooperating Parties (CPCs) of the Indian Ocean Tuna Commission.

Technical Supervisor:

The technical supervisor of the expert will be the Secretariat of the Indian Ocean Tuna Commission.

Location, travel, and expected starting date:

Most of the assignment is home based and includes two separate travels to the beneficiary country to meet with the flag State competent authority and other key stakeholders 1) to conduct the assessment, 2) to present the report of the assessment and the draft road map/action plan and finalise it with the inputs of the flag State competent authority and other key stakeholders.

The consultant will liaise regularly with the IOTC Secretariat while conducting the mission. The implementation calendar will be defined following consultation between the IOTC Secretariat, the concerned IOTC Member and the consultant.

Indicative number of working days by activities:

Assignment duration: 120 working days (4 countries) over a period starting in 2019 and ending 31<sup>st</sup> December 2020 with production of deliverables.

Payment schedule

As defined in the contract with IOC.

Risks

The risk identified is the inability of the country to implement flag State responsibilities.

Other information

None.