



REQUEST FOR EXPRESSIONS OF INTEREST
for the selection of Consultant (firm) for the Assessment of and support for the
implementation of the Minimum Terms and Conditions (MTC) Guidelines by
SWIOFC members.

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 SWIOFish1 regional project. It intends to use part of this grant to make payments under the Consultant (firm) contract " for the Assessment of and support for the implementation of the Minimum Terms and Conditions (MTC) Guidelines by SWIOFC members ".
2. The Consultant's mission is to assess the current implementation level of the MTC and develop a baseline and support regional implementation of monitoring control and surveillance (MCS) related provisions so as to equip the SWIOFC Secretariat to assist the monitoring and the implementation of the MTC Guidelines.
3. The Indian Ocean Commission (IOC) now invites eligible consultants (consulting firms) for submission of expression of interest in order to perform such consulting services. Interested consultants must demonstrate that they are qualified to perform the services. The criteria for short-listing are: The Consultants must be legally constituted firms with wide exposure in fisheries management (monitoring control and surveillance besides assisting in deterring IUU fishing) and familiar with international instruments and legislation. They must have carried out at least 2 missions in project management in the fisheries of the South West Indian Ocean and other regions (in particular the Pacific). The formation of consortiums is permitted for the purpose to reinforce the qualification to be informed.
4. A version of the terms of reference is available on the website of the Indian Ocean Commission <https://www.commissionoceanindien.org/swio1-py06-c004/>
5. Expressions of interest must be filed electronically in uncompressed format at the address below by Tuesday, 19 January 2021 :

e-mail: innocent.miada@coi-ioc.org and njiva.r@coi-ioc.org

Reference: " (SWOII/PY06-C004) The Assessment of and support for the implementation of the MTC Guidelines by SWIOFC members "

6. The consultant will be selected in accordance with the provisions of clause 3.7 (CQS) of section III of the Guidelines Selection and Employment of Consultants under IBRD loans and IDA credits & Grants by World Bank Borrowers edition January 2011 Revised July 2014.
7. The consultants concerned may obtain further information from the Indian Ocean Commission (IOC) by sending e-mails to the addresses referred in paragraph 5.



AVIS DE MANIFESTATION D'INTÉRÊT

en vue de la sélection d'une firme ou d'un cabinet (service de consultants) pour l'« Évaluation et soutien à la mise en œuvre des lignes directrices du "Minimum Terms and Conditions" (MTC) par les membres de la Commission des Pêches du Sud-Ouest de l'Océan Indien (CPSOOI).»

1. La Commission de l'Océan Indien (COI) est une organisation intergouvernementale de coopération régionale qui regroupe l'Union des Comores, La France/Réunion, Madagascar, Maurice et les Seychelles. Elle a pour mission de resserrer les liens d'amitié et de solidarité entre les peuples et de contribuer à travers la coopération régionale au développement durable de ses Etats membres. La COI a obtenu un don de la Banque mondiale pour financer le projet SWIOFish1 Regional (First South West Indian Ocean Fisheries Governance and Shared Growth Project). Elle se propose d'utiliser une partie de ce don pour effectuer des paiements autorisés au titre du contrat de Consultant (firme) qui assurera l'« Évaluation et soutien à la mise en œuvre des lignes directrices du "Minimum Terms and Conditions" (MTC) par les membres du CPSOOI»
2. La mission du consultant est d'évaluer le niveau actuel de mise en œuvre du MTC, de développer une base de référence et de soutenir la mise en œuvre régionale des dispositions relatives au suivi, contrôle et surveillance (SCS) afin d'équiper le Secrétariat de la CPSOOI pour aider au suivi et à la mise en œuvre des directives du MTC.
3. La Commission de l'océan Indien (COI) invite désormais les consultants éligibles (Firmes/Cabinets) à manifester leur intérêt afin de fournir les services décrits ci-dessus. Les Consultants intéressés doivent fournir les informations démontrant qu'ils possèdent les qualifications requises et une expérience pertinente pour l'exécution des Services. Les critères de présélection pour la liste restreinte sont les suivants : Les consultants doivent être des entreprises légalement constituées avec une large intervention dans la gestion des pêcheries (suivi, contrôle et surveillance en plus d'aider à dissuader la pêche "Illicites Non déclarées et Non réglementées (INN)" et familiers avec les instruments et la législation internationaux. Ils doivent avoir effectué au moins 2 missions de gestion de projet dans les pêcheries du sud-ouest de l'océan Indien et d'autres régions (en particulier le Pacifique). La formation de consortiums est autorisée dans le but de renforcer la qualification pour être informé
4. Une version des termes de référence est disponible sur le site web de la Commission de l'océan Indien <https://www.commissionoceanindien.org/swio1-py06-c004/>
5. Les manifestations d'intérêt doivent être envoyées en version électronique sous format non compressé aux adresses ci-après au plus tard le mardi 19 janvier 2021 :
e-mail : innocent.miada@coi-ioc.org et : njiva.r@coi-ioc.org
Référence : " (SWOII/PY06-C004) The Assessment of and support for the implementation of the MTC Guidelines by SWIOFC members "
6. Le consultant sera sélectionné en accord avec les dispositions de la clause 3.7 (QC) de la section III des Directives sur la Sélection et l'Emploi des Consultants par les emprunteurs de la Banque mondiale dans le cadre des prêts de la BIRD, des crédits et don de l'AID, édition janvier 2011 révisée en juillet 2014.
7. Les consultants intéressés peuvent obtenir de plus amples informations auprès de la Commission de l'océan Indien (COI) en envoyant un courriel aux adresses visées au paragraphe 5.

Terms of reference

Assessment of and support for the implementation of the MTC Guidelines by SWIOFC members:

a) **Horizontal harmonization of foreign fishing licensing in the SWIOFC region in order to implement MCS related Articles of the Voluntary MTC guidelines;**

b) **Audit of the MTC Guidelines**

Background

a) **Horizontal harmonization of foreign fishing licensing in the SWIOFC region in order to implement MCS related Articles of the Voluntary MTC guidelines**

The “Guidelines for Minimum Terms and Conditions (MTC) for Foreign Fisheries Access in the Southwest Indian Ocean Fisheries Commission (SWIOFC) Region” <http://www.fao.org/3/ca9747b/ca9747b.pdf> were adopted on 18 February 2019. Out of a total of 40 provisions in the Guidelines, 10 were classified as requiring joint implementation by Members while the remaining 30 do not need implementation at the regional level but should be applied at the national level. Among the 10 provisions requiring joint implementation there are 5 main MCS related articles that requires further work and harmonization between member states, namely:

- Article 4: Pre-Inspection,
- Article 6: Conditions for licensing;
- Article 8: SWIOFC Regional Record of Fishing Vessel;
- Article 11: Vessel reporting requirements: standardized reporting forms;
- Article 13: Vessel Monitoring System (VMS) and Automatic Identification System (AIS)

Three consultancies have so far been conducted (on MCS aspects, Regional Observer Program and By-catch) to gather information and suggestions on how the various provisions of the MTC Guidelines should be implemented. The outcomes and recommendations of these studies pertaining the above mentioned MCS related articles require:

Article 4: Pre Inspection

In the framework of procedures established by the Port State Measures Agreement (PSMA):

- (i) Standardization of inspection forms;
- (ii) Standardization of procedures for pre-inspection;
- (iii) Establishment of a regional scheme to ensure that all vessels are pre-inspected.

Article 6: Conditions for licensing

- (iv) Standardization of the license application process;
- (v) Standardization of the license application forms and timelines.

Article 8: SWIOFC Regional Record of Fishing Vessel

- (vi) Operationalize an online platform to, regularly (daily), update the list of licensed vessels

Article 11: Vessel reporting requirements: standardized reporting forms

- (vii) Standardization of reporting forms and formats among Member Countries;
- (viii) Operationalize a platform to ensure that information is shared and made available by SWIOFC members

Article 13: Vessel Monitoring System (VMS) and Automatic Identification System (AIS)

- (XI) Undertake a deep dive analysis on the existing regional VMS and AIS initiatives, in order to recommend possible synergies for the implementation of the MTC Guidelines.

The outcomes also recommend a meeting of MCS experts to push the implementation process of the provisions of the five (5) MCS related articles forward.

b) **Audit of the MTC Guidelines**

Furthermore, since the adoption of the MTC Guidelines the Commission has started to assess the status of implementation of Articles of the Guidelines. However, the assessment done does not necessarily reflect and in detail if member states have implemented the

Guidelines and the information provided by member states has not been verified by an independent means due to lack of resources for this exercise (this would require national focal points or consultants for the exercise as well as 2 external consultants described in this ToR) . The actual detailed status of implementation of the Guidelines since adoption is not exactly known. The MTCTF therefore suggested to the 10th Working Party on Collaboration and Cooperation in Tuna Fisheries held in October 2020 to conduct a comprehensive audit of the status of implementation of the Guidelines. In mind that this assessment should be conducted regularly, the MTCTF also suggested to develop a tool (with its methodology) to conduct this assessment and further to prepare a detailed implementation plan so as to allow the SWIOFC to assist in monitoring and the implementation of the MTC at regional and national levels as part of its programme of work.

Objectives

To assess the current implementation level of the MTC and develop a baseline and support regional implementation of MCS related provisions so as to equip the SWIOFC Secretariat to assist the monitoring and the implementation of the MTC Guidelines.

Tasks

a) Audit of the MTC Guidelines

- 1) Comprehensively assess the status of implementation of the MTC Guidelines by the SWIOFC Member States and prepare a baseline of the MTC Guidelines implementation in each SWIOFC Member country;
- 2) Develop and implement a Monitoring system and tool to conduct a regular assessment of the status of implementation of the MTC Guidelines;
- 3) Develop a detailed implementation plan for all the Articles of the SWIOFC MTC Guidelines at regional and national levels.
- 4) Propose a mechanism on how SWIOFC will ensure the sustainability for regular auditing and assisting SWIOFC in the implementation of the MTC Guidelines.

b) Horizontal harmonization of foreign fishing licensing in the SWIOFC region in order to implement MCS related Articles of the Voluntary MTC guidelines

- 1) Propose harmonization of forms, procedures and standards for pre inspection, licencing and vessel reporting as per the MTC Guidelines, considering international instruments and best practices; the Foreign fishing licensing and reporting requirement regulations of SWIOFC member countries aligned to agreed regional and international requirements;
- 2) Develop guidelines on attributes of good standing for foreign fishing vessels, local agents and fishing companies applying for a fishing license;
- 3) Propose a regional pre inspection scheme for foreign fishing vessels, to be applied on an annual basis, involving all SWIOFC licensing States;
- 4) Develop specifications for an online regional platform to ensure an updated (daily) list of licensed fishing vessels;
- 5) Build synergies between the current regional VMS and AIS initiatives for the benefit of the SWIOFC Member States, while implementing the MTC Guidelines.

Methodology

- The exercise shall comprise of desk study, and extensive consultations (possibly remotely due to the Covid19 pandemic and related travel restrictions) with relevant stakeholders, including SWIO coastal states, SWIOFC (through its MTC Task Force and Secretariat), Indian Ocean Tuna Commission, Indian Ocean Commission, Southern African Development Community, East African Community, African Union -IBAR, Food and Agriculture Organization, and the World Bank, amongst other institutions.
- Online technical consultative meetings and with SWIOFC regional experts (MCS and Inspectors), and policy level officials.

- review of national legal framework and regulations on fishing access, license issuing procedures and reporting
- Presentation of a draft report to the MCS regional experts and inspectors (SADC MCSSC; Ecofish project; and IOTC platforms)
- Presentation to Member Countries (at a WPCCTF or SWIOFC session) to harmonize procedures

Expected Results

The following is expected to be the key results of from the technical meeting:

- 1) Audit and baseline report on status of implementation of the MTC Guidelines in the SWIOFC Member States;
- 2) Developed and implemented a Monitoring tool to conduct a regular assessment of the status of implementation of the MTC Guidelines;
- 3) A logical framework including costed implementation plan of actions for all the Articles of the SWIOFC MTC Guidelines developed;
- 4) Compilation of historical foreign fishing licensing procedures in the SWIOFC region in order to design a foreign fishing licensing control procedure that protects local access rights, generates revenues, and builds the local and regional economies
- 5) Specifications of foreign fishing units and of fishing operations for SWIOFC:
 - a. mechanism for regional foreign fishing licenses application procedure and management; including a common regional foreign fishing license template designed;
 - b. Conditions for fisheries licenses developed;
 - c. Guidelines for implementation of good standing requirement on foreign fishing vessels in the SWIOFC region and fishing vessels register designed;
 - d. Criteria for withdrawal, or suspension, or reinstatement, of good standing;
- 6) Comprehensive and harmonized regional draft regulations template to govern fishing licensing in the SWIOFC region, to be enacted and implemented in all the member countries;
- 7) A common / harmonized regional foreign fishing vessels reporting procedures developed, including respective templates on reporting requirements; and an adequate information sharing platform on foreign fishing vessels operations recommended;
- 8) Provided an update on the present status of regional VMS and AIS initiatives in the SWIOFC region and a proposed way forward on how SWIOFC could collaborate/participate to ensure synergies and avoid overlapping;
- 9) Mechanism on how SWIOFC will ensure the sustainability for regular auditing and assisting SWIOFC in the implementation of the MTC Guidelines.

Deliverables

- 1) Inception report, including a work plan with timelines and all deliverables;
- 2) Draft consultancy report;
- 3) Final draft of the consultancy report.

Qualifications and Experience

The Consultancy will require one MCS Expert and one Legal Expert.

The successful MCS Expert shall have a bachelor university degree in fisheries management or related fields. Experiences in Monitoring, Control and Surveillance (MCS), natural resources management, related institutional planning, policy or legal affairs would be an added advantage. The legal Expert will have a Law degree.

Language requirement: Fluency in understanding, speaking and writing English and French. Knowledge of Portuguese is also desirable.

The MCS Expert shall have:

At least five years of working experience at a senior level in marine fisheries and related disciplines including fisheries management, MCS, fisheries research, fish trade and policy, or development legal frameworks.

Sound knowledge on and interactions with the fisheries of the South West Indian Ocean and other regions (in particular the Pacific); and the relevant national institutions involved in fisheries management including roles of regional organizations.

Knowledge of regional and international fisheries management instruments, including MCS, relevant agreements, trade and development

The successful Legal Expert should have:

At least five years of working experience at a senior level in marine fisheries policy, or development legal frameworks.

Sound knowledge in legal affairs relating to fisheries and interactions with the fisheries of the South West Indian Ocean in particular; and the relevant national institutions involved in fisheries.

Knowledge of law in relation to fisheries management.

Schedule and Duration

The proposed starting date by mid- January 2021.

Duration of work: 120 day to be shared by the 2 consultants over a period of 5 months.

Submission date for the Draft Final Report beginning of June 2021.