

# TERMS OF REFERENCE TO CONDUCT A REVIEW OF NATIONAL POLICIES IN 15 AFRICAN UNION MEMBER STATES AND MAKE SPECIFIC RECOMMENDATIONS FOR ALIGNMENT AND DOMESTICATION OF GLOBAL INSTRUMENTS

## 1. Background Information

Fisheries resources management and aquaculture development in the African Union Member States (AU MS) are guided by national policy and legal instruments. These instruments are mainly developed to regulate fishing and farming practices in national waters and territories. They also set acceptable standards for marketing, trade and utilization of fisheries and aquaculture products. Though these instruments put in place measures that helped regulate the fisheries, their inadequacies became glaring with the emergency of new realities that are inherent in contemporary fisheries management and aquaculture development challenges. Responsible fisheries management practices now inculcate integrated approach that take into consideration human dimensions, ecosystems conservation and blue economy in its entirety and socio-economics and governance.

In the past attempts to address the fisheries management and developmental challenges facing many nations, Governance has been at national levels without necessarily taking into consideration the biology and behaviour of the species of concern as well as the transboundary natures of the issues such as Illegal, unreported and unregulated (IUU) fishing, trade, environmental problems e.g. pollution. Invariably these attempts have led to dismal failures with serious repercussions on the sustainability of the stocks.

The solutions, as best practices, to most of the challenges facing national Governments in the areas of responsible fisheries can be found to be in regional and international fisheries management instruments. Most of these instruments contain provisions that address inherent challenges in the sector such as overexploitation, pollution, regional collaboration, environmental degradation, climate change and other disasters, conflicts amongst others.

These international and regional instruments, often underpinned by declarations or resolutions, have the potential of significantly improving fisheries management on the continent. The major challenges are their non-adoption or implementation due possibly to unawareness of their relevant beneficial provisions and hence potential usefulness to the African countries. There are several challenges which may be hampering the domestication of these instruments. For instance, the poor implementation may be possibly related to capacity problems in aligning pertinent provisions with national instruments as well as lack of awareness. Most of these international instruments provide a framework for sustainable management of fisheries at the national, regional, continental and the international levels.

AU-IBAR collected some information on the level of adoption and implementation of some of these instruments under the first phase of the Fisheries Governance Project (FishGov1). Through awareness creation, identification of challenges and opportunities in the implementation of relevant global instruments, the prospect for increased implementation of global instruments by AU member states was promoted.

Many of these instruments, conventions, agreements and organizations have very significant components or elements connected to sustainable fisheries and must be considered within any overall assessment of fisheries policies, laws and institutions at national level.

## 2. Justifications

Based on the final review of the FishGov1 Project it was found that much work is still needed in the areas of: (i) continuation on promoting coherence in fisheries and aquaculture governance instruments, underpinned by provisions of PFRS and adherence to global instruments; (ii) consolidating effective participation and articulating a common African voice in global fora for e.g. climate change and ocean governance. There is still indeed much outstanding work to be done with regards to, for examples, events such as Areas Beyond National Jurisdiction (ABNJ), United Nations Fish Stock Agreement (UNFSA), Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) etc. One of the key lessons learnt was the important leadership role of African Union Commission as one of its mandate in supporting Africa Voice and Partnerships in regional and Global fora and the opportunities for partnerships for sustainable governance of the sector.

The phase two of the Fisheries Governance Project (FishGov2) therefore aims to build upon the achievement of FishGov1 by providing technical support to AU Member States and regional institutions through alignment of their national fisheries and aquaculture policies, strategies with the PFRS, and other relevant global fisheries and aquaculture related instruments. The challenges confronting member states for the implementation of global instruments have been identified and priority actions developed. Thus, the next phase is to provide technical support to AU Member States to facilitate implementations of the global best practices, including the Code of Conduct for Responsible Fisheries (CCRF), United Nations Fish Stock Agreement (UNFSA), Food and Agriculture Organization – Ports State Measure Agreement (FAO PSMA), Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries (VG-SSF) etc).

Above is in line with the anticipated impact and sustainability of the project for improved governance of the fishery and aquaculture sectors that would be ensure through fostering policy coherence, accountability as well as ratification and adoption of international best practices and global instruments by African Union member states and the Regional Economic Communities.

It is in line with the foregoing FishGov2 Project has a key Strategic Objective (SO) for Africa to be adequately represented and effectively participates in international fisheries and aquaculture fora and ably domesticates relevant global instruments. One of the outputs of this SO aims at ensuring that 'Mechanisms are put in place to encourage and facilitate the domestication of global instruments and initiatives at continental, regional and national levels. The consultancy to execute relevant activities to actualize this output was awarded to the Africa Centre of Excellence in Coastal Resilience (ACECoR), University of Cape Coast, Cape Coast, Ghana as a Center of Excellence in Fisheries and Aquaculture in line with the requirements of the Project. The studies have been completed and accordingly submitted to AU-IBAR hence the need to implement its key recommendations in selected AU-MS as provided by the project.

Increased awareness and subsequent accession to international treaties, conventions and agreements would greatly assist Africa to address illegal fishing, limit the abuse of flags of convenience and help enforce international management measures that will ensure sustainable and profitable exploitation of fisheries resources in the region.

In the above regard AU-IBAR is through due diligence seeking to identify and engage the services of relevant and competent national consultants to Conduct a review of national policies in 15 AU MS and make specific recommendations for alignment and domestication of global instruments.

In consistence with the foregoing the FishGov2 Project provided for the exercise to facilitate national validation workshops for reviewed national policies and laws at Member State's level of 15 AU member states with the objective to make specific recommendations for alignment and domestication of global instruments. The selected AU MS are- Somali, South Sudan, DR Congo, Libya, Chad, Sudan, Central Africa Republic, Sahrawi, Zambia, Zimbabwe, Lesotho, Madagascar, Niger, Burkina Faso, and Liberia.

### **3. Overall Objective**

The overall objective of this exercise is to recruit one national consultant for each of the 15 African Union Member States (AU MS) for the award of consultancy to review national fisheries and aquaculture policies and strategies in order to make specific recommendations for alignment and domestication of global instruments and relevant international conventions. The identified AU MS to benefit from this support include Somalia, South Sudan, Democratic Republic of Congo, Libya, Chad, Sudan, Central Africa Republic, Sahrawi, Zambia, Zimbabwe, Lesotho, Madagascar, Niger, Burkina Faso and Liberia.

#### **Other specific objectives are to;**

- (i) Facilitate the analysis of national fisheries and aquaculture policies and relevant international instruments;
- (ii) Facilitate consultative national stakeholder's validation workshops to ensure ownerships;

### **4. Specific Activities**

The Consultant will carry out the following specific activities to meet the expected outcomes and produce a comprehensive report:

- (i) An inception briefing with relevant AU-IBAR staff to agree on expectations and provide clarity on any outstanding issues.
- (ii) Organize consultations with the relevant national authorities and stakeholders at national level and where possible at regional level (e.g. RFOs, RECs, etc);
- (iii) Analyze relevant documents (national policy, strategies and legislative/regulatory frameworks) with reference to the preliminary analysis and findings that has been done by the African Center of Excellence for Coastal Resilience (ACECoR) of the University of Cape Coast, Ghana on Mechanisms to Facilitate the Domestication of Global Instruments and Initiatives at Continental, Regional and National Levels;
- (iv) Identify and analyze priority instruments and initiatives and outline strategies for effective participation;
- (v) Develop a mechanism with specific recommendations for implementation, ratification and domestication of relevant instruments;
- (vi) Facilitate a national stakeholder's consultative workshop in close consultation with AU-IBAR and the National Departments of Fisheries, or the National Competent Authorities responsible for Fisheries to validate the draft document, ensuring uptake and ownership by national stakeholders.

### **5. Deliverables**

#### **(a) Consultancy reports:**

- Progress report at midterm of not more than 10 pages
- Consultancy report highlighting the outcomes of the policy analysis, priority instruments and strategies for effective participation as well as specific recommendations for implementation, ratification and domestication of relevant instruments and the policy intervention entry points.

- Final Technical Report incorporating inputs from stakeholder's validation workshop to be produced 10 days maximum after the workshop

## **6. Remuneration**

- The national Consultant will be paid a lump sum of US\$ 3,000 (Three Thousand US Dollars)
- The final Payment should be subject to delivery and clearance by the country supervisor.

## **7. Duration of Assignment**

The activities and tasks in the contract, including facilitation of the national consultative workshop, should be completed within three (3) months from the start date of the contract. Final reports should be submitted within this period.

## **8. Supervision**

The consultants will work under the supervision of the Fisheries Management Expert at AU-IBAR.

## **9. Requirements and Selection Criteria**

### **Qualification (20 marks)**

The successful candidates shall have an advanced degree in fisheries, aquaculture or related disciplines. Qualifications in natural resources management, social sciences or legal studies and background knowledge of Fisheries Policy and planning, Acts, Legislation and Regulations profile and documentation in Africa would be an advantage.

### **Experience (40)**

The candidate should have:

- At least five years' experience in sector strategy development, policy, legislative and institutional frameworks, formulation, reforms and implementation in the Africa's fisheries and aquaculture development matters;
- Knowledge of regional organizations with mandates in fisheries and aquaculture development;
- Previous experience in developing, reviewing and updating fisheries guidelines, action plans and/or policy implementation plans and strategies at national and regional levels;
- Specific working experience, sound knowledge and familiarization with fisheries policy reforms and development issues in Africa
- Proven knowledge on the major high-level continental initiative and global instruments for fisheries and aquaculture
- Practical experience of carrying out assignments for the AU or other international development agencies;

### **Specific experience (40)**

- A high level of proficiency in spoken and written of the national official language and knowledge of one or more main local languages of the MS;
- Proven experience in participating in the local national fisheries activities or operations in the existing national fisheries administration;
- Good understanding of fisheries-related issues and demonstrated knowledge of the PFRS, The Guide and relevant international fisheries policy instruments;
- Proven skills and ability to facilitate consultation process;
- Good knowledge and experience in the specific AU MS in consideration;

## **10. Submission of Application**

One applicant will be required for each of the above-mentioned African Union Member States and preference will be for nationals of each country. Applicants therefore need to specify which country they are applying for in their applications.

Applicants are additionally required to submit a technical proposal which should include:

- i) The proposed methodology and work plan for carrying out the assignment.
- ii) A Profile and CVs of the Consultant (s) undertaking the work indicating relevant experience and contribution of each one of them in the study
- iii) Other relevant information showing experience in related field, demonstration of expertise by showing the experience, academic background, an inventory of past and current assignments of similar nature
- iv) Contact addresses (Postal, Email and Telephone) of at least three referees or any other information that may show the consultants ability to carry out the assignment to satisfaction

Interested consultants are required to submit their application to [procurement@au-ibar.org](mailto:procurement@au-ibar.org) with the mention: **“Review of National Policies in African Union Member States to Make Specific Recommendations for Alignment and Domestication of Global Instruments”**

Applications in Electronic format should reach the undersigned by 11<sup>th</sup> October 2023 at 15:00hr (East African Time) via email with cc as indicated. No application will be accepted after the deadline.

Interested consultants may obtain further information at the address below from 09:30-16:30 hours from Monday to Friday excluding public holidays.

Clarifications should be addressed to: e-mail: [procurement@au-ibar.org](mailto:procurement@au-ibar.org)