
Consultancy Assignment to:
Conduct Comparative Study of Conditions of Access to Fisheries Resources in the Member States of the Fisheries Committee for the West Central Gulf of Guinea (FCWC), and develop regional minimum terms, harmonized mechanism and conditions for fisheries access

Terms of Reference

Background

The Governments of Benin, Côte d'Ivoire, Ghana, Liberia, Nigeria and Nigeria have been working together to promote regional fisheries cooperation in this region under **the Fisheries Committee for the West Central Gulf of Guinea (FCWC)**. The development objective of the Committee in the past years largely focused on strengthening the capacity of the countries for good governance and sustainable management of targeted fisheries, reducing illegal fishing and increasing local value added to fish products.

The objectives have three main components (i) good governance and sustainable fisheries management (ii) reducing illegal fishing (iii) increased cooperation between national and regional agencies for value added to local economies.

The countries have begun implementing the regional plan of action against IUU fishing with West Africa Task Force (WATF) as implementation mechanism supported initially by NORAD. This project has initiated broad governance reforms, leading to the enactment of legal and regulatory frameworks that support national policy visions such as regular sharing of vessel license list since 2018. The first phase projects have also strengthened surveillance capability to reduce IUU fishing, including establishment of interagency cooperation with a regional fisheries information system (Basecamp) and a sub-regional combined list for fishing vessel licensed that promotes transparency in the fisheries sector. This project has also facilitated the PESCAO project development with fisheries monitoring centre equipped with satellite-based vessel monitoring systems that will manage the fishing vessels operating in the sub-region.

In order to build on the progress that was made in the sustainable management of the fisheries sector including harmonizing condition of access to the fisheries resources, the FCWC will focus on intensifying governance reform in the countries with particular focus on specific fisheries, implementing regulatory framework to bolster compliance with reforms, and empowering more pilot communities for community-led fisheries management regime and strengthening regional cooperation for improved fisheries management.

Justification of the assignment

With the governance reforms in fisheries sector that are being implemented with the support of the FCWC, the fisheries resources in these countries will generate social and economic returns if exploited sustainably. The revenue that the countries generate from their marine fisheries resources largely come from the resource rent (license fees) paid by mainly Distant-water fishing vessel owners operating in their waters. Another source of resource rent is from local industrial operators who partner with foreigners in joint ventures of fishing vessels and processing.

The FCWC had consultations with most of the countries regarding their licensing regime for Distance-water fishing vessels, it was found that the regime is not regionally harmonized and the percent of the value of the catch charged through licence fees is very low. It has been observed that this rate is under 5%

in almost all the West Africa countries, while, the rate can be between 10% and 15% in some countries such as Seychelles (18%), Liberia (10%), etc. Additionally, as the neighbouring coastal States have transboundary, straddling and highly migratory fish stocks, they tend to act in competition with one another which tends to drive down the fee that can be charged for access. Distant-water fishing vessels therefore use this weakness to seek access to fish a resource existing in the EEZs of several neighbouring coastal States at a low fee. This situation has existed for several decades, but all the Member countries now aim to change this situation.

Given the different dynamics at play in the fisheries sector and the diverse national interests at stake, it is vital for coastal States to cooperate on a regional basis to establish common terms and conditions for licence regimes or access to the fisheries stocks. It is against this background that the FCWC is mobilizing the Member countries to interact and identify common positions and initiatives to improve the licensing schemes in the region. It is advantageous for the coastal States to have a coordinated viewpoint for negotiations and for the sustainable management of the transboundary, straddling and migratory fish stocks.

Towards this, the FCWC will recruit an individual consultant to execute this assignment.

Objective of the Assignment

The objective of this assignment is to facilitate FCWC Member States to agree harmonized minimum terms and conditions (MTCs) to use in engaging industrial fishing vessel owners to develop and secure greater economic returns from the fisheries resources within their jurisdiction, while ensuring their sustainability.

Duties of the Consultant

The Consultant will conduct a comparative study on license fees and conditions in all FCWC Member States, taking account of crosscutting issues or factors that usually influence the license costs calculation. The consultant will propose strategic regional license regime options for the sustainable management and maximization of the economic and social benefits from the fisheries resources in the sub-region that will be presented at a regional workshop for validation. The consultant will develop draft Minimum terms and conditions (MTCs) for fisheries access for the FCWC region.

Specific duties:

The consultant will consider the following issues:

- i. The status of existing fishing licence regimes, fisheries agreements between the Member States, and recent developments in the sector that could impact the licence regime; considering the ECOWAS region and beyond.
- ii. The economic and political factors and their dynamics with respect to fisheries access arrangements within the context of individual Member States.
- iii. The FCWC convention on minimum conditions for fisheries access within the Member States and existing the licence regimes.
- iv. Common terms, mechanism and conditions for fisheries access arrangements (e.g. harmonization of licence fees, and what factors need to be considered e.g. EEZ size, productivity, species availability, seasonality, gear type and impact), including protocols, and the legal framework.
- v. Technical advice on the implementation of the common terms and conditions and the protocol for implementation.
- vi. Present the results of the study at a regional workshop and also facilitate the workshop.
- vii. Preparation of a summary for presentation to the Conference of Ministers.

It is considered that this type of information may be useful to develop this type of regional best practice:

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- The legal framework for enabling access to foreign vessels to fish within the EEZ of FCWC countries, including arrangement for joint ventures and chartering. These will include private licences, agreements, MoUs etc.
- The current access regimes in place for implementation of these frameworks in each FCWC Member State including the applicable fees, MCS conditions and sector development conditions.
- The level of utilisation of these access agreements in FCWC Member States (if possible, for the last 3 years) including number of vessels, gear type, nationality, arrangement type, fees paid and catch and effort within the EEZ by species where possible.
- Information on the status of implementing MCS and sector development conditions.
- The value of the catch to estimate the relationship between catch value and licence fees.

Expected Results

This study will give the following results:

- Contribute to sound and coordinated management of the marine fisheries resources in the FCWC Member States, through common fishing access conditions.
- Provide information to support Member States to enter into negotiation with foreign industrial fishing vessel owners and third-party States in order to develop and secure greater economic returns, employment and sector development from license fees from the fisheries resources within their jurisdiction, while ensuring sustainability.
- Provide Member States a tool to assist in negotiating with national industrial fishing actors in the region.

Deliverables

It is expected that the consultant shall produce the following deliverables:

- The methodology and an implementation work schedule indicating the start date of the work, including the time for the draft and final reports, to be validated by FCWC.
- A detailed report on the regional license regimes study available in English. This should include a table of the current license fee structures, with pros/cons of the system, and a second table of alternative license fee structures, also with pros/cons.
- Draft Minimum terms and conditions of license regime options for different industrial fishing vessel fleets¹ and segments of the fisheries sector with an implementation protocol.
- Presentations in PowerPoint format to support presentation of the report.
- A workshop report in English.
- A summary brief for submission to the Conference of Ministers with mechanism for adoption of the protocol or agreement.

Mission duration

The mission should be achieved over a period of **twenty (20) working days**, including preparation time, consultations with countries and resource persons, presentation and writing of report. The work will start on the date of signing of the contract.

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¹ To include at a minimum Fish Demersal Trawler, Shrimp Demersal Trawler, Tuna Pole and Line, Tuna Purse Seine, Tuna Longliners, Small Pelagic Purse Seine, Mid-water Trawler, Reefers and Support Vessels. Consideration should also be made for the potential for different license fee structures for locally owned and flagged vessels versus foreign owned and flagged.

Qualifications and Experience required

The selected consultant should be able to demonstrate a successful history of consultancy engagements in a field related to this Terms of Reference.

Qualifications and skills:

- Advanced degree (minimum M.Sc.) in a relevant subject area: Fisheries economics, Fisheries Science, Statistics, Natural Resources Management;
- Fluent in English and French;

General professional experience

- Minimum 10 years of experience in fisheries development and sustainable management or related field;
- Excellent communication, report-writing and project management skills.

Specific professional experience

- Previous experience in the management of shared fish stocks such as the small pelagic and tunas
- Previous experience in developing fisheries projects/programs for regional cooperation
- Working experience in the region/countries is also highly desirable

Method of selection for Consultant

Individual Consultants will be selected based on methods consistent with the FCWC procedures.