

## **TERMS OF REFERENCE**

### **Legal and Institutional fisheries Analysis in Dominican Republic. RND/CSD**

Dominican Republic

RG T3162

Sustainable development of the fisheries sector in the Wider Caribbean region

#### **1. Background and Justification**

- 1.1. The vast expanse of marine environments in the Wide Caribbean Region (WCR) is of great importance for the global tourism, shipping, fishing and energy industries. These economic activities take place in a region that occupies a globally relevant position in terms of its share in the total coverage of key tropical marine habitats/ecosystems. Hence, almost 10% of the world's coral reefs (UNEP-WCMC 2001), and around 20% of the world's remaining mangrove forests may be located within the WCR (Miloslavich et. al., 2010; Miloslavich et al., 2011; Siikamäki et al., 2012). The latter ecosystems are known to deliver substantial contributions to globally important ecological processes. Therefore, the WCR is characterized by globally significant levels of marine biodiversity, with exceptionally high levels of endemism. For instance, in the Caribbean Sea, a total of 12,046 marine species (approximately 1.400 species of fish) were identified by the Census of Marine Life program in the Caribbean region. (Miloslavich et. al. 2010). However, over the past decades, living marine resources in the WCR have become increasingly impacted by habitat degradation, unsustainable fisheries practices and pollution. This situation, at the same time is now seriously jeopardizing the region's opportunities for sustainable growth.
- 1.2. Within this purpose, the Inter American Development Bank, has design a Technical Cooperation (TC) that will focus its actions on one of the factors that are affecting the health of the marine resources in the WCR; that is, unsustainable fisheries practices, but with an emphasis into two countries: Suriname and the Dominican Republic (DR). In addition, the TC will be also focused mainly in small-scale (artisanal) fishing, because of its impact on the marine resources in the WCR. Specifically, artisanal fleets represent a major component of, if not the majority of, fishing effort in the WCR. The TC will focus its activities on collecting information and conducting socioeconomic, legal and institutional analyses that would help to improve and to reform both regulations and policies in place to manage fishing activities in both Suriname and the DR, but with a strong emphasis in the artisanal sector.
- 1.3. Specifically, in the DR fisheries sector, different government agencies have competences over marine resource. There is a need of carrying out a study whose objective is to analyze the specific mandates of each institution that participates in the management of fishery resources to increase synergies and efficiency among those institutions. In addition, there is a lack of information on the human and financial resources available to those government institutions in charge of the administration of fishing resources. It is also unknown to what extent those

resources are congruent with the mandates that have been established for those institutions.

## **2. Objectives**

- 2.1. The objective of this consultancy is to analyze the DR fisheries regulatory and institutional aspects to increase efficiency in the sector. Also, this consultancy will analyze if the governmental institutions can or cannot fulfill their mandates with the resources (human and financial) that are available to them and to provide recommendations to close the gaps between mandates and available resources. In addition, it is necessary to align the analysis with the National Fishing Strategy 2019-2024 (NFS) of the DR. Specifically, it is expected that this TC be aligned with two strategic objectives (SOs) of the NFS; they are, SO1 (Develop a plan for social and economic strengthening of the fishing sector with competitive vision and high profitability) and SO5 (Strengthen the framework legal and institutional for the application of the principles, norms and guidelines of the sustainable fishing, that implements a management based on the Code of Conduct for the Responsible Fishing).
- 2.2. As a result this consultancy will favor: (i) A better understanding of the regulatory status of the fisheries sector in the DR, (ii) A strengthening of both the institutional and legal structure, which supports both actions and reforms proposed in the NSF from the DR; and (iii) the formulation of set of recommendations to reduce the legal and financial gaps that impede regulators to promote sustainable fisheries in the DR.

## **3. Scope of Services**

- 3.1. The scope of the analysis is to provide inputs that help: (i) to strength the existing regulations based on international standards (such as FAO's Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries), (ii) to suggest institutional and legal reforms, (iii) to consolidate best practices, and (iv) to include safeguards for the actual and future potential pressures that threaten the sustainability of the fisheries sector of the country.

## **4. Key Activities**

- 4.1. The consultancy will be responsible for carrying out, but not limited to, the following activities:
  - a) Study of the gaps and deficiencies of the normative and institutional fisheries sector and provide recommendations to increase regulatory efficiency. This study will analyze the deficiencies in the institutional and legal system through analyzing the mandates, potential duplication of functions, and the potential deficiencies in the main administrative procedures such as: licensing issue, sanctions, etc.
  - b) Analysis of the financial and human capital needs to comply with the legal mandates established for the regulators of fishing activities in the DR against the budget assigned.

## 5. **Expected Outcome and Deliverables**

5.1. The Firm shall submit the following products to the IDB:

- a. Work Plan
- b. Legal and institutional report and recommendations to attain sustainable fisheries management in the DR. This report will analyze the mandates, potential duplication of functions, and the potential deficiencies in the main administrative procedures such as: licensing issue, sanctions, etc.
- c. Analysis of the financial and human capital needs to comply with the legal mandates established for the regulators
- d. Action Plan to apply the recommendations proposed to strength the institutional framework based on the legal and financial analysis to attain sustainable fisheries management in the DR.

## 6. **Project Schedule and Milestones**

Activity	Description	Start	Q1	Q2	Q3	Q4
0	Work Plan					
1	Data Collection					
2	Legal & institutional analysis (LIA)					
3	Diagnosis of financial and human capital gaps for an optimal regulation of fisheries resources in the DR.					
4	Developing action plan and recommendations derived from both the LIA and the gap analysis					

## 7. **Reporting Requirements**

7.1. The overall implementation of this project should be throughout 12 months. Drafts of deliverables will be completed in Spanish and once finalized, text will be translated into English. Final versions must be delivered in both English and Spanish.

7.2. The consulting firm will report to the Bank. The Bank may give comments or any instructions for changes. The Bank should approve the report. It is Firm's responsibility ensuring that needed meetings are conducted, and such reports are submitted to the Bank.

## 8. **Acceptance Criteria**

8.1. Education: Key technical members of the firm should have at least 10 years of experience in institutional and regulatory analysis for national and international fishing sector. The team leader nominated by the firm/specialized institution for this consultancy should possess at least a master's degree or equivalent on environmental law, environmental policy, economics or related.



8.2. Experience: with minimum 10 years of professional experience in the fisheries sector. The consultant firm should include expertise including but not restricted to: legal and institutional, budget analysis. Required knowledge/experience related to the fisheries management in the DR is desirable.

8.3. Languages: English and Spanish

## 9. Supervision and Reporting

9.1. Responsible person: Santiago Bucaram, Natural Resources Specialist (CSD/RND), email ([santiagobu@iadb.org](mailto:santiagobu@iadb.org)).

## 10. Schedule of Payments

10.1. Payment terms will be based on project milestones or deliverables. The Bank does not expect to make advance payments under consulting contracts unless a significant amount of travel is required. The Bank wishes to receive the most competitive cost proposal for the services described herein.

10.2. The IDB Official Exchange Rate indicated in the RFP will be applied for necessary conversions of local currency payments.

Payment Schedule	
<i>Deliverable</i>	%
1. Work Plan	5
2. Legal and Institutional Analysis	35
3. Analysis of the financial and human capital needs	35
4. Action Plan and Recommendations	25
TOTAL	100

## **TERMS OF REFERENCE**

### **Legal and Institutional fisheries Analysis in Dominican Republic. RND/CSD**

Dominican Republic

RG T3162

Sustainable development of the fisheries sector in the Wider Caribbean region

#### **1. Background and Justification**

- 1.1. The vast expanse of marine environments in the Wide Caribbean Region (WCR) is of great importance for the global tourism, shipping, fishing and energy industries. These economic activities take place in a region that occupies a globally relevant position in terms of its share in the total coverage of key tropical marine habitats/ecosystems. Hence, almost 10% of the world's coral reefs (UNEP-WCMC 2001), and around 20% of the world's remaining mangrove forests may be located within the WCR (Miloslavich et. al., 2010; Miloslavich et al., 2011; Siikamäki et al., 2012). The latter ecosystems are known to deliver substantial contributions to globally important ecological processes. Therefore, the WCR is characterized by globally significant levels of marine biodiversity, with exceptionally high levels of endemism. For instance, in the Caribbean Sea, a total of 12,046 marine species (approximately 1.400 species of fish) were identified by the Census of Marine Life program in the Caribbean region. (Miloslavich et. al. 2010). However, over the past decades, living marine resources in the WCR have become increasingly impacted by habitat degradation, unsustainable fisheries practices and pollution. This situation, at the same time is now seriously jeopardizing the region's opportunities for sustainable growth.
  
- 1.2. Within this purpose, the Inter American Development Bank, has design a Technical Cooperation (TC) that will focus its actions on one of the factors that are affecting the health of the marine resources in the WCR; that is, unsustainable fisheries practices, but with an emphasis into two countries: Suriname and the Dominican Republic (DR). In addition, the TC will be also focused mainly in small-scale (artisanal) fishing, because of its impact on the marine resources in the WCR. Specifically, artisanal fleets represent a major component of, if not the majority of, fishing effort in the WCR. The TC will focus its activities on collecting information and conducting socioeconomic, legal and institutional analyses that would help to improve and to reform both regulations and policies in place to manage fishing activities in both Suriname and the DR, but with a strong emphasis in the artisanal sector.
  
- 1.3. Specifically, in the DR fisheries are characterized by poor level of information which is a serious obstacle to establish both effective management plans and adequate policies to ensure the biological and economic sustainability of the fishing activity in that country. For that reason, it can be argued that it is essential, as a first step, to understand the reality of the Dominican fishing sector through the compilation of a comprehensive set of information. The latter would help to

characterize the participants of that sector and, through that, would facilitate the design of policies that increase the national production of seafood to meet local demand, while improving the quality of life of the people involved in fishing activities in the Dominican maritime space.

## **2. Objectives**

2.1. The main objective of this component is to collect data needed to assess and characterize the participants of the Dominican fishing sector. Specifically, the proposed fishery survey will be carried out with the following objectives: (i) To determine fishermen population size and structure at micro level, (ii) To assess the socio-economic status of fishermen, (iii) To obtain occupational status of fishermen, (iv) To identify active fishermen engaged in fishing activities, (v) To determine gender-wise occupation in fishing support activities, (vi) To quantify the number, type and ownership status of vessels and gears in the fishery, (vii) To obtain information on existence and quality of infrastructure facilities, (viii) To collect information on the ecosystems where the Dominican fishing fleets operate (i.e. coral reefs, mangroves, beaches, high seas). and (ix) To determine the level of access to markets (i.e. credit, products, labor, etc.) for fishermen.

## **3. Scope of Services**

3.1. We expected that the survey be conducted nationally so that its results help to improve the governance and the direction of the policies for the fishery sector in the DR.

## **4. Key Activities**

4.1. The consultancy will be responsible for carrying out, but not limited to, the following activities:

- a) Specification of the representative sample and drafting of the questionnaire for the National Fishery Survey (NAFISU).
- b) Data collection from a representative sample of coastal and marine fishermen at the national level and
- c) Processing and subsequent analysis of data collected from the NAFISU to generate recommendations about evidence-based fisheries policies adjusted to the reality of the Dominican fishermen.

## **5. Expected Outcome and Deliverables**

5.1. The Firm shall submit the following products to the IDB:

- a. Work Plan
- b. Report about the sampling methodology and the representative sample that will be used during the National Fishery Survey (NAFISU).
- c. Questionnaire and other tools that will be used during the survey process of the NAFISU.
- d. Database from the NAFISU; and
- e. Report that contains an analysis of the data gathered during the NAFISU and policy recommendations for the fishery sector of the DR.

## 6. Project Schedule and Milestones

Activity	Description	Start	Q1	Q2	Q3	Q4	Q5	Q6	Q7	Q8
0	Work Plan									
1	Definition of the sampling methodology and determination of the sample for the National Fishery Survey (NAFISU)									
2	Design of questionnaire and other survey tools for the NAFISU									
3	Implementation of the NAFISU - collection of data									
4	Preparation and Refinement of survey database									
5	Report and analysis of results from the NAFISU									

## 7. Reporting Requirements

7.1. The overall implementation of this project should be throughout 24 months. Drafts of deliverables will be completed in Spanish and once finalized, text will be translated into English. Final versions must be delivered in both English and Spanish.

7.2. The consulting firm will report to the Bank. The Bank may give comments or any instructions for changes. The Bank should approve the report. It is Firm's responsibility ensuring that needed meetings are conducted, and such reports are submitted to the Bank.

## 8. Acceptance Criteria

8.1. Education: Key technical members of the firm should have at least 10 years of experience in sampling & survey methods as well as statistical analysis. The team leader nominated by the firm/specialized institution for this consultancy should possess at least a master's degree or equivalent on statistics, economics or related.

8.2. Experience: with minimum 10 years of professional experience in statistical analysis and survey work in the DR. The consultant firm should include expertise including but not restricted to statistical analysis as well as sampling & survey methods. Required knowledge/experience related to the fisheries management in the DR is desirable.

8.3. Languages: English and Spanish

## 9. Supervision and Reporting

9.1. Responsible person: Santiago Bucaram, Natural Resources Specialist (CSD/RND), email ([santiagobu@iadb.org](mailto:santiagobu@iadb.org)).

## 10. Schedule of Payments

- 10.1. Payment terms will be based on project milestones or deliverables. The Bank does not expect to make advance payments under consulting contracts unless a significant amount of travel is required. The Bank wishes to receive the most competitive cost proposal for the services described herein.
- 10.2. The IDB Official Exchange Rate indicated in the RFP will be applied for necessary conversions of local currency payments.

<b>Payment Schedule</b>	
<b><i>Deliverable</i></b>	<b>%</b>
1. Work Plan	5
2. Report about sampling methodology and definition of sample	15
3. Questionnaire and other survey tools	15
4. Database of survey	40
5. Final report of the results from the survey	25
TOTAL	100



## **TERMS OF REFERENCE**

### **Legal and Institutional fisheries Analysis in Suriname RND/CSD**

Suriname

RG T3162

Sustainable development of the fisheries sector in the Wider Caribbean region

#### **1. Background and Justification**

- 1.1. The vast expanse of marine environments in the Wide Caribbean Region (WCR) is of great importance for the global tourism, shipping, fishing and energy industries. These economic activities take place in a region that occupies a globally relevant position in terms of its share in the total coverage of key tropical marine habitats/ecosystems. Hence, almost 10% of the world's coral reefs (UNEP-WCMC 2001), and around 20% of the world's remaining mangrove forests may be located within the WCR (Miloslavich et. al., 2010; Miloslavich et al., 2011; Siikamäki et al., 2012). The latter ecosystems are known to deliver substantial contributions to globally important ecological processes. Therefore, the WCR is characterized by globally significant levels of marine biodiversity, with exceptionally high levels of endemism. For instance, in the Caribbean Sea, a total of 12,046 marine species (approximately 1.400 species of fish) were identified by the Census of Marine Life program in the Caribbean region. (Miloslavich et. al. 2010). However, over the past decades, living marine resources in the WCR have become increasingly impacted by habitat degradation, unsustainable fisheries practices and pollution. This situation, at the same time is now seriously jeopardizing the region's opportunities for sustainable growth.
  
- 1.2. Within this purpose, the Inter American Development Bank, has design a Technical Cooperation (TC) that will focus its actions on one of the factors that are affecting the health of the marine resources in the WCR; that is, unsustainable fisheries practices, but with an emphasis into two countries: Suriname and the Dominican Republic (DR). In addition, the TC will be also focused mainly in small-scale (artisanal) fishing, because of its impact on the marine resources in the WCR. Specifically, artisanal fleets represent a major component of, if not the majority of, fishing effort in the WCR. The TC will focus its activities on collecting information and conducting socioeconomic, legal and institutional analyses that would help to improve and to reform both regulations and policies in place to manage fishing activities in both Suriname and the DR, but with a strong emphasis in the artisanal sector.
  
- 1.3. Specifically, the fishing sector in Suriname has been facing several challenges. The challenges are (Seijo 2013; Smith and Burkhardt 2017; FAO 2016): (i) high level of poverty and low living conditions of artisanal fishermen; (ii) piracy incidents in the Exclusive Economic Zone (EEZ) of Suriname; (iii) illegal, unregulated and un-reporting (IUU) fishing; (iv) lack of recent stock assessment of the more important commercial fishing species including transboundary fish resources; (v) poor linkages for artisanal fishers to value chains; (vi) a lack of access to capital for

investment in improvements in fishing and storage for artisanal fisheries; (vii) weak governance that does not fully consider the impact of external forces on both the ecosystems and biodiversity of marine areas in Suriname; and (viii) absence of a Fisheries Information System designed to efficiently monitor the state of fisheries and aid decision-making associated to fisheries management.

- 1.4. Consequently, Suriname Government has been undertaken multiple actions to strengthen its fisheries management system. For instance, both the Fisheries Act from 1980 and the Fisheries Management Plan 2014-2018 are currently undergoing into a revision to enhance the current protection and management of the marine resources from local and external factors. Also, in this plan the government has recognized that is necessary to enhance the relevance of small-scale fisheries into the national regulations following the guide developed by the Food and Agriculture Organization of the United Nations (FAO) on the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries (the SSF Guidelines).
- 1.5. The aim of the Bank within this consultancy is to support government efforts, to enable a better management of the fisheries sector in Suriname. There is still an urgent need for updating the existing legislation as well as the current fishery management tools and policies so that they be adjusted to the reality of small-scale fishing sector in that country as well as contemplates other phenomena like external fishing pressures and IUU.

## **2. Objectives**

- 2.1. The objective of this consultancy is to analyze the Suriname fisheries and regulatory and institutional aspects to increase efficiency in the sector. The inputs provided will help to: (i) to strength the existing regulations based on international standards (such as FAO's Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries), (ii) to suggest institutional and legal reforms, (iii) to consolidate best practices, and (iv) to include safeguards for the actual and future potential pressures that threaten the sustainability of the fisheries sector of Suriname.
- 2.2. Also, the objective of this consultancy is to conduct a feasibility assessment of fishery management tools such as fishing licenses, MPAs, Rights-Based Management schemes, among others, that are applied or could be potentially applied for the management of Suriname's fisheries.

## **3. Scope of Services**

- 3.1. The scope of the analysis is to provide inputs that help: (i) to strength the existing regulations based on international standards (such as FAO's Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries), (ii) to suggest institutional and legal reforms, (iii) to consolidate best practices, and (iv) to include safeguards for the actual and future potential pressures that threaten the sustainability of the fisheries sector of the country.

#### 4. **Key Activities**

4.1. The consultancy will be responsible for carrying out, but not limited to, the following activities:

- a) Study of the gaps and deficiencies of the normative and institutional fisheries sector and provide recommendations to increase efficiency in Suriname. This study will analyze the deficiencies in the institutional and legal system through:
  - i. Analyzing the mandates, potential duplication of functions, and the potential deficiencies in the main administrative procedures such as: licensing issue, sanctions, etc.
  - ii. Evaluation of the current fishery management tools applied in the Suriname's fisheries which includes a proposal for reforms to those tools based on the biological and economic health of the commercial fishing resources of the country.

#### 5. **Expected Outcome and Deliverables**

5.1. The Firm shall submit the following products to the IDB:

- a. Work Plan
- b. Report about both the current and the optimal regulatory and institutional framework as well as analysis of both legal and institutional gaps to attain sustainable fisheries management in Suriname;
- c. Report that contains and assessment of the Suriname's fishery management tools as well as recommendations to improve them. Action Plan to apply the recommendations proposed to strengthen the institutional framework based on the legal and financial analysis.

#### 6. **Project Schedule and Milestones**

Activity	Description	Start	Q1	Q2	Q3	Q4
0	Work Plan					
1	Data Collection					
2	Legal & institutional analysis (LIA)					
3	Tools Evaluation					
4	Developing action plan and recommendations derived from LIA analysis					

#### 7. **Reporting Requirements**

7.1. The overall implementation of this project should be throughout 12 months. Drafts of deliverables will be completed in English. Final versions must be delivered in English.

- 7.2. The consulting firm will report to the Bank. The Bank may give comments or any instructions for changes. The Bank should approve the report. It is Firm's responsibility ensuring that needed meetings are conducted, and such reports are submitted to the Bank.

## 8. Acceptance Criteria

- 8.1. Education: Key technical members of the firm should have at least 10 years of experience in institutional and regulatory analysis of fishery sector. The team leader nominated by the firm/specialized institution for this consultancy should possess at least a master's degree or equivalent on environmental law, environmental policy, economics or related. Strong knowledge of international fisheries policies and agreements between NBSLME countries is desirable.
- 8.2. Experience: with minimum 10 years of professional experience in the fisheries sector in the Caribbean Region. The consultant firm should include expertise including but not restricted to: legal and institutional reform in the CLME+, fisheries management in Suriname, licensing or fishing permit system.
- 8.3. Languages: English and Dutch.

## 9. Supervision and Reporting

- 9.1. Responsible person: Santiago Bucaram, Natural Resources Specialist (CSD/RND), email ([santiagobu@iadb.org](mailto:santiagobu@iadb.org)).

## 10. Schedule of Payments

- 10.1. Payment terms will be based on project milestones or deliverables. The Bank does not expect to make advance payments under consulting contracts unless a significant amount of travel is required. The Bank wishes to receive the most competitive cost proposal for the services described herein.
- 10.2. The IDB Official Exchange Rate indicated in the RFP will be applied for necessary conversions of local currency payments.

<b>Payment Schedule</b>	
<b><i>Deliverable</i></b>	<b>%</b>
1. Work Plan	5
2. Legal and Institutional Analysis	35
3. Analysis of the financial and human capital needs	35
4. Action Plan and Recommendations	25
<b>TOTAL</b>	<b>100</b>