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Draft Terms of Reference

Consultancy Services to support Strengthening of Ocean Governance in the Benguela Large Marine Ecosystem (BCLME)

1. Background

The BCC was established in January 2007 through the signing of an Interim Agreement by Angola, Namibia and South Africa. On 18 March 2013, the three governments signed a groundbreaking environmental treaty, that entrenches the Benguela Current Convention (BCC) as a permanent inter-governmental organisation. The BCC is the first inter-governmental Convention in the world to be based on the Large Marine Ecosystem (LME) concept of ocean governance – a move towards managing transboundary resources at the larger ecosystem level (rather than at the national level) and balancing human needs with conservation imperatives.

The BCC is governed through the Ministerial Conference with its strategic and operational activities driven by the Commission, and has three permanent advisory committees: The Ecosystem Advisory Committee (EAC) comprises senior, multi-disciplinary experts providing the Commission with the best scientific, legal and socio-economic advice and management recommendations based on best available relevant information, as generated and presented by various technical working groups; the Finance and Administration Committee (FAC) has the mandate to provide oversight over the secretariat's audit and financial control functions to ensure good corporate governance and also provides independent assurance and support to the Commission and the Secretariat by evaluating the Secretariat's risks, control and compliance framework, and its external accountability responsibilities; the Compliance Committee is mandated to provide the Commission with information, advice and recommendations on the implementation of, and compliance with, the measures adopted to give effect to the objectives of the Convention. The Secretariat, based in Swakopmund, is entrusted by the Parties to coordinate and provide support to all the BCC structures by facilitating the execution of their functions; coordinate programmes; mobilise resources; and establish partnerships with relevant organisations. The coordination by the Secretariat is guided by the signed Strategic Action Programme (SAP, 2015 – 2019) for the implementation of BCC activities.

Proposals are invited from eligible consulting firms (consortia) to support the BCC and its Parties to strengthen policy, legal and institutional mechanisms at transboundary (BCLME) and national level.

Professional staff are recruited from member countries, with gender equity at the forefront of the recruitment process.

The core values of the BCC are integrity, accountability, transparency, equity and environmental sustainability.

2. Scope of work

2.1.Objectives

This consultancy has two objectives; namely:

Objective 1: To identify governance shortfalls at transboundary and national levels that should be addressed in the four BCC sectors; namely, Environment, Fisheries, Minerals/ Oil and Gas and Transport through a Governance Baseline Assessment (GBA). The GBA will provide priority needs from the countries to further SAP implementation.

A preliminary GBA review was undertaken during project development which focused primarily on the Fisheries sector. This assessment will build on the work that was carried out during project development by updating the information for the Fisheries sector and expand the analysis for the other three BCC sectors. The GBA will include an analysis of policy, legal and institutional frameworks relevant to the BCC Convention and the SAP. The consulting firm will also make recommendations for effective use and/or strengthening of existing policy, legal and institutional instruments in support of SAP implementation, while taking into account options for long term sustainability of BCC and national institutions.

Objective 2: To develop the priority guidelines, standards and protocols as identified from the GBA which will support implementation of the SAP.

The GBA is expected to define more standardized and analogous approaches across the region, while recognizing different political, legislative and cultural settings in each country. Under this objective, the Consulting Firm will facilitate the development and/or strengthening of appropriate guidelines, standards and protocols arising from the GBA. This will include support to the BCC and countries to develop appropriate documentation towards legislative and administrative adoption and implementation, where required.

2.2.Specific tasks

To achieve the objective of this assignment, the successful consulting firm will undertake the following core tasks:

- i. Review strategic documents and technical reports, including:
 - BCC Convention
 - Strategic Action Programme
 - BCLME III Project Document
 - Preliminary Governance Baseline Assessment
 - Any other relevant documents

- ii. Participate in a regional inception workshop¹ to present a detailed methodology for the consultancy, work plan and schedule of activities for endorsement by the BCC;
- iii. Hold stakeholder consultations at regional and national levels (in the three countries) to gather information and confirm priorities;
- iv. Analyse data and information and produce a draft Governance Baseline Assessment Report;
- v. Develop a strategy for delivering improvements in policy, legal and institutional mechanisms at regional and national levels (with input from the BCC and countries). The Strategy will include prioritized governance improvements and associated roadmap, recommendations on areas for capacity development and opportunities for collaboration to strengthen governance;
- vi. Participate in a regional validation workshop² to present the draft GBA report and Strategy for endorsement³;
- vii. Subsequent to the approval of the GBA report and Strategy, facilitate the development of prioritized guidelines, standards and protocols for the four BCC sectors as may be required;
- viii. Provide regular progress reports to the BCC Secretariat/PMU;
- ix. Produce a final process report, including lessons learned, best practices and recommendations.

2.3. Timelines and expected outputs/deliverables

The tasks outlined above will need to be fit in the following overall timelines:

Timeline	Expected output/deliverable
September 2018	Contract issued
October 2018	Inception Report
January 2019	Feedback on stakeholder consultations at the regional level and in the three countries
February 2019	Draft GBA report and Strategy for Improving Ocean Governance in the BCLME
March 2019	Validation Workshop Report
March 2019	Final GBA report and Strategy delivered
April	Review meeting and agreement on next activities (consulting firm and BCC Secretariat/PMU)
June	Facilitated meetings to draft protocols, guidelines and standards
August	Draft protocols, guidelines and standards circulated
September	Validation workshop for protocols, guidelines and standards
October	Final protocols, guidelines and standards ⁴
November	Final Process Report
Progress reports will be submitted at least quarterly	

3. Qualifying requirements for the Consulting Firm

¹ The BCC Secretariat/PMU will organize the Regional Inception Workshop. All workshop related costs will be paid directly by the Secretariat.

² The BCC Secretariat/PMU will organize the Validation Workshop. All workshop related costs will be paid directly by the Secretariat.

³ The final Governance Baseline Assessment Report and Strategy will be approved by the Commission

⁴ To be presented to the Commission by the Consultant

3.1. Eligibility

The ideal Consultant should be a registered firm with proven experience in International Water Law or similar and a track record of more than 10 years in strengthening national and regional policies, laws and institutions to enhance ocean governance and management. Preference will be given to a firm / consortia registered in any of the BCC member state.

3.2. Team Composition

The consulting team will consist of a team leader and no less than one member/expert from each of the three BCC member states. The team leader will be overall responsible for the delivery of the outputs. He/she will coordinate activities to ensure consistency, alignments and quality. The national experts will facilitate activities at national level.

3.3. Qualifications of Team Leader

The Team Leader will possess expertise in, at minimum, the following:

- At least a Master's degree in International Water/Environmental Law or similar;
- At least 10 years of relevant experience;
- Experience in Large Marine Ecosystems;
- Experience in one or more of the member states is an advantage;
- Demonstrated, successful experience in working collaboratively with a broad array of stakeholders;
- Ability to communicate clearly in English in speaking and writing is essential;
- Working knowledge of Portuguese would be highly advantageous.

Qualifications of National experts

The National Expert will possess expertise in, at minimum, the following:

- A relevant Honours 's Degree (marine sciences, environmental management, natural resources, environmental law etc)
- At least 5 years of relevant working experience in the relevant field;
- Knowledge of national level policy, legal and institutional framework;
- Working experience in the BCLME is considered a strong asset;
- Demonstrated ability to facilitate processes and to work with a broad array of stakeholders.

4. Submission of proposals/bids

The Proposal shall comprise the following documents in both hard copy and in electronic copy (flash disk in rich text format):

- a) Technical Component (six copies)
- b) Price Component (six copies)

Both Technical and Price components must be in separate envelopes. The Proposal shall be sealed in one outer and two inner envelopes, as detailed below:

The outer envelope shall be addressed and posted or couriered to:

Project Coordinator

BCLME III Project

Secretariat of the Benguela Current Convention

1 Strand Street, Swakopmund

Private Bag 5031, Swakopmund

Benguela Current Convention Secretariat

Swakopmund,

Both inside envelopes shall indicate your firm's name and address. The first inner envelope shall be marked Technical Proposal and contain the Technical Component of your proposal (both hard copy and electronic versions). The second inner envelope shall be marked Financial Component and include your Price Component" (both hard copy and electronic versions).

Closing Date: 28 September 2018

The BCC may decide to reserve the right to annul the tendering process and not award the contracts.