



**Federal Government of Somalia**  
**Ministry of Fisheries and Blue Economy**  
**Somali Sustainable Fisheries Development - BADMAAL**

**TERMS OF REFERENCE**

**Harmonization of Fisheries Laws in Somalia**

**1. Background**

With the longest coastline in continental Africa, a large Exclusive Economic Zone (EEZ) and a productive marine ecosystem, marine fisheries and the Blue Economy in Somalia can play an essential role in the rebuilding and the stabilization of the country. In fisheries, there is strong potential to harness revenues from the industrial offshore fishing and develop coastal fisheries activities for food security, domestic/regional/international trade (including export), job creation and overall economic growth. To attain this level of development, governance and management systems of the sector need to be put in place to ensure the sustainability of the resources and the wealth they will generate. However, with a narrow continental shelf, fish habitat is limited for a number of species exploited by coastal fisheries, and there is an urgent need for improved governance and management to ensure sustainable use of these resources.

The Federal Government of Somalia (FGS), with the support of the Federal Member states (FMS) (i.e. [list the FMS]) and Benadir Regional Administration (BRA) through their Ministries of Fisheries, are currently implementing the Somali Sustainable Fisheries Development Project Badmaal (SSFDP). The project is to improve the capacity of targeted communities and authorities to benefit from and effectively manage selected fisheries. The project includes two major components.

- **Component 1** will support climate resilient fisheries infrastructures and related value chains, and fishing community capacity building in the five FMS as well as in the BRA.
- **Component 2** will support the development of fisheries governance and management, with the necessary capacity reinforcement of the national institutions.

A recent legal and regulatory gap analysis identified several areas where improvements are required in the fisheries legislation of Puntland, Galmudug, Jubbaland, Hirshabelle, and Southwest State to support effective and sustainable fisheries governance.

## **2. Objectives of the Assignment**

The primary objectives of this consultancy are threefold: (1) Review the existing fisheries laws of Puntland, Galmudug, Jubbaland, Hirshabelle, and Southwest states to ascertain their compatibility with the Law of Fisheries Management and Development No. 008 of 2023 of the FGS; (2) propose amendments to the fisheries laws of the aforementioned FMS to ensure their alignment and compatibility with the FGS' Law of Fisheries Management and Development No. 008 of 2023; and (3) harmonize the fisheries laws of Puntland, Galmudug, Jubbaland, Hirshabelle, and Southwest State, with a view to ensuring consistency in fisheries governance across these FMS. This process involves conducting a thorough review of existing legal frameworks, validating and completing, where appropriate, the findings from the Legal Analysis Report provided by Initiative Development Vision (IDV) which identified gaps, inconsistencies, and areas for improvement in the current laws. Additionally, the project aims to facilitate consultations with a diverse range of stakeholders, including government officials, fisheries experts, coastal communities, fishers' and fishmongers' organizations/associations, where they exist, legal practitioners and relevant civil society organizations (CSOs) and non-governmental organizations (NGOs), to gather insights and ensure that the fisheries laws reflect the perspectives and needs of all relevant parties.

Fisheries sector is currently underdeveloped in Somalia. One of the key objectives of this consultancy is to Strengthen the fisheries regulations that can be enforced by the Federal Member States within 0-24 nautical miles (NM) and by the Federal Government from 24 miles to the 200 nautical miles Exclusive Economic Zone (EEZ).

In addition, it is essential to acknowledge, and integrate, through the necessary amendments and/or regulation, into national legislation, Somalia's commitments as a party to international organizations/agreements, including the Indian Ocean Tuna Commission (IOTC), the Southwest Indian Ocean Fisheries Commission (SWIOFC), and the FAO Port State Measures Agreement (PSMA). Furthermore, Somalia intends to integrate the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries (SSF) into its legal framework.

Another key objective is to ensure that the FMS fisheries laws are aligned with Somalia's international commitments, in particular pertinent international treaties and international conservation and management measures adopted by regional fisheries organizations to which Somalia is a party, promoting a cohesive legal framework that enhances governance and compliance across all levels. The consultancy will also focus on establishing a decentralized fisheries governance framework that fosters collaboration between the FGS and the FMS, ensuring effective implementation of fisheries policies. Furthermore, it seeks to enhance legal provisions that promote conservation, sustainable resource management, and economic growth, thereby supporting the long-term viability of fisheries resources. Finally, the project will present the draft amendments to

stakeholders for review and validation, incorporating their feedback to refine the legal drafts, ultimately ensuring that the finalized documents are ready for parliamentary presentation and adoption.

### **3. Scope of Work**

The consultants will be responsible for the following tasks:

#### **I. Validation of Legal Analysis Report**

- Conduct a thorough review of the final Legal Analysis Report provided by Initiative Development Vision (IDV) for each Federal Member State (FMS) and Federal Government of Somalia (FGS). This will include an evaluation of the report's findings, methodologies, and recommendations.
- Assess the alignment of state-level laws with the 2023 Federal Fisheries Law and relevant international treaties, including the United Nations Convention on the Law of the Sea, the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the Convention on Biological Diversity. This will involve identifying discrepancies, gaps, and areas for improvement to ensure compliance and coherence across legal frameworks.

#### **II. Alignment of FMS' Fisheries Laws**

- Propose amendments to the fisheries laws for the following Federal Member States (FMS) in both English and Somali languages:
  - Puntland
  - Galmudug
  - Jubbaland
  - Hirshabelle
  - Southwest State
- Ensure that the proposed amendments are aligned with federal fisheries laws and frameworks and incorporate best practices for sustainable and effective fisheries governance. This will include reviewing existing legal provisions and ensuring compatibility with national and international standards.
- Draft fisheries regulations to implement and operationalize fisheries legislation, as required, for both the FGS and the FMS, taking into account the capacity of the administration and other relevant agencies, organizations, private sector, cooperatives and fishers and mechanisms in the FGS and the FMS to implement these regulations. This will involve drafting detailed regulatory frameworks that

promote sustainable and responsible fisheries practices and effective resources and ecosystems management.

### **III. Stakeholder Consultations**

- Develop and implement a comprehensive engagement strategy to consult with relevant stakeholders. This will include:
  - Government officials at federal and state levels, including fisheries, environment, maritime, and navy
  - Fisheries experts and researchers
  - Legal practitioners specializing in fisheries law
  - Fishers and fishmongers' organizations/associations.
  - Local authorities.
  - Fishing communities.
  - Pertinent CSOs and NGOs
- Organize and facilitate workshops, focus groups, meetings, and online communication (email, e-meetings) to gather insights, feedback, and recommendations from stakeholders. Ensure that all voices are heard and considered in the legal drafting process.

### **IV. Finalization**

- Present the validation report of the existing FMS fisheries laws to the FMS/MFBE Ministries. This will include a clear articulation of the objectives, provisions, and expected outcomes of the proposed legislation.
- Actively solicit and incorporate feedback from stakeholders to refine and finalize the proposed amendments to ensure that they are practical, implementable, effective, and widely accepted.
- Prepare and submit the finalized proposed amendments and accompanying documentation to respective FMS and MFBE Fisheries ministries so that they can submit to cabinet and state level Parliament for approval and enactment..
- Note: Ensure all in-person stakeholder engagement and printed materials use the local language(s) and include measures to enable meaningful participation by people with low or no literacy.

### **4. Deliverables and Timelines**

The assignment is expected to require around **six (6) months**, to be initiated as soon as the contract is signed. An indicative schedule for delivery of the expected outputs described in previous sections is:

<b>Deliverable</b>	<b>Timing / Deadline</b>
Submission of inception report	2 weeks from contract signing
<p><b>Validation of Legal Analysis Report:</b>  Conduct a thorough review of the final Legal Analysis Report provided by Initiative Development Vision (IDV) for each Federal Member State (FMS) and Federal Government of Somalia (FGS).</p>	4 weeks from Inception report approval
<p><b>Drafting proposed amendments to the Fisheries Laws for Federal Member States</b>  Propose amendments to the fisheries laws for the following FMS in both English and Somali languages:</p> <ul style="list-style-type: none"> <li>○ Puntland</li> <li>○ Galmudug</li> <li>○ Jubbaland</li> <li>○ Hirshabelle</li> <li>○ Southwest State</li> </ul> <p>Develop or update fisheries regulations for both the Federal Government of Somalia (FGS) and the Federal Member States (FMS).</p>	12 weeks after validation of the legal analysis report
<p><b>Stakeholder Consultations:</b>  Provide outreach, and communication workplan for stakeholder consultations.</p> <p>Organize and facilitate workshops, focus groups, and meetings to gather insights, feedback, and recommendations from stakeholders in each FMS and at the federal level. Ensure that all voices are heard and considered.</p>	18 weeks after submission of redrafted fisheries laws and regulations
<p><b>Finalization and Validation:</b>  Submit the finalized legal drafts and accompanying documentation to the FMS and MFBE Fisheries ministries so that they can submit to cabinet and state level Parliament for approval and enactment.</p> <p>Present and conduct outreach and communication plan of the validation efforts for different stakeholder groups.</p>	22 weeks after approval of finalized legal report and documentation

**5. Qualifications and Expertise**

The consultant/team should possess the following qualifications and expertise:

- The Consultant is expected to be a firm or an association of consulting firms with prior demonstrated experience in conducting legal analysis, advisory services or drafting legal documents
- The consultancy firm or the experts should have experience in conducting stakeholder consultations and engaging with government officials, civil society organizations, community members, underrepresented peoples, and other relevant stakeholders. Effective communication and facilitation skills (including in local language) are necessary to gather diverse perspectives and ensure the analysis reflects the needs and priorities of all stakeholders.
- In-depth knowledge of relevant international and regional conventions or agreements, policies, and best practices related to fisheries.
- Strong analytical and research skills, with the ability to identify gaps and develop practical recommendations.
- Strong legal drafting skills.
- Ability to understand and estimate enforcement needs considering limited budgets, and potential limited human capacity
- The firm or association of consulting firms should possess a deep understanding of the legal framework and regulatory environment in Somalia.
- Excellent communication and presentation skills.

The team should possess the following expertise:

**A. (International) Legal Expert (Team Leader):**

- Master's degree in law or relevant specialization.
- At least 10 years of experience in policy formulation or analysis, legal research.
- Experience in the fisheries [sector] [legislation] is a plus
- Good leadership and communication skills and ability to work within a multicultural team.
- Proficiency in English.
- Knowledge of Somali would be an advantage.

**B. National Legal Expert:**

- Bachelor's degree in law.
- At least 5 years of experience in policy formulation or analysis, legal research
- Deep understanding of Somali legal and regulatory frameworks.
- Fluency in Somali and English.

**C. Local Coordinator:**

- Bachelor's degree in social sciences or related field.
- Demonstrated experience in community engagement

- Prior work on consultation processes, such as workshops and focus groups, involving people from multiple backgrounds including women, youth, elderly and other underrepresented groups.
- Fluency in Somali

## **6. Reporting arrangements**

The consultant will report to the National Project Coordinator and collaborate with the Ministries of Fisheries in FGS and FMS on the day-to-day performance of their duties. The PMU Coordinator, having satisfied himself that a report has met the requirements of the TOR, will approve the report and any payments due to the Consultant

**Note\*:** The PMU will make available all relevant documentation to the Consultant, including but not limited to the FGS Fisheries Law, FMS Fisheries Laws, existing regulations, and related policy documents, at the start of the assignment