

Terms of Reference for Conducting an Assessment of Bycatch Related Laws and Regulations in Ecuador to Provide Policy Recommendations

1. Background

The Galapagos Life Fund (GLF) was legally incorporated as a Delaware not-for-profit corporation on May 5, 2023. The purpose of the corporation is to promote the maintenance, growth, and security of the natural capital of the Galapagos Islands and their marine ecosystems by providing grants or funding to organizations, governmental agencies, and other entities for relevant environmental and sustainable development projects. These projects consider biodiversity, social, economic, sustainability, and climate change issues, and the Fund may pledge assets to secure loans and other obligations in support of this objective. Presidential Decree No. 735, dated May 9, 2023, signed by President Guillermo Lasso, recognizes the establishment of the GLF.

The Fund's Board of Directors consists of eleven members, with five seats occupied by government representatives (Ministries of Environment, Defense, Foreign Affairs, Production and Fisheries, and the Governing Council of Galapagos) and six seats by civil society members (initially represented by Ocean Finance Company, Ledunfly Foundation, the University of San Francisco, a Galapagos-based fishing association, the Galapagos Chamber of Tourism (CAPTURGAL), and The Pew Charitable Trusts).

The Fund manages the proceeds of a recently completed sovereign debt restructuring operation for approximately US\$1.6 billion. The Fund will distribute approximately US\$12 million annually through an open and transparent call for proposals. Approximately US\$6 million each year will capitalize an endowment, expected to reach US\$240 million after 18 years. To operate, the Fund must comply with commitments made with the Ecuadorian government.

As part of these commitments, the GLF and the government have agreed to collaborate on conducting studies aimed at assessing the effectiveness of the design and enforcement of bycatch-related laws and regulations. These studies, funded by GLF, aim to develop joint recommendations to reduce the bycatch of marine species listed in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Appendices.

2. Objective

Evaluate the current bycatch-related laws and regulations in Ecuador, focusing on their legal and technical design, implementation, and enforcement. The study aims to identify strengths, weaknesses, and gaps in the current legal framework and enforcement practices, ultimately providing actionable recommendations to reduce bycatch of CITES-listed marine species.

3. Scope of work

The consultancy focuses on the diagnosis of legal instruments used by the Ecuadorian Government for fisheries management, particularly bycatch regulations. The consultant's responsibilities will include:

Review of available information: Exhaustive review of the primary and secondary legislation that comprises the regulatory framework for fishing activities in Ecuador, with particular emphasis on bycatch regulations. Relevant international legal frameworks should also be considered, including CITES (listings and NDFs), IATTC, and SPRFMO, and Ecuador's requirements under those frameworks. The consultant should examine the CITES Appendices to identify the species that are both listed under CITES and occur in Ecuador's waters. While this assessment will focus on reducing bycatch of CITES listed marine species, it should also consider whether those listings are properly implemented particularly for those species that are listed and considered target catch, rather than bycatch.

Information analysis: Identification and analysis of strengths, weaknesses, and inconsistencies in existing legal regulations and international or regional obligations. The applicability, coherence, and harmonization of the legal framework should be evaluated in relation to existing national and international regulations. The consultant should identify opportunities for improvement in fisheries management instruments to ensure more effective and sustainable management of marine resources and help reduce the bycatch of marine species listed in the CITES Appendices. Activities include, but are not limited to:

- a) Assess the design and comprehensiveness of current bycatch-related laws and regulations.
- b) Provide a definition of bycatch and the parameters used to characterize it.
- c) Evaluate the alignment of national laws with international regulations and CITES requirements.
- d) Analyze the enforcement mechanisms and identify any gaps or weaknesses.
- e) Measure the effectiveness of current regulations in reducing bycatch incidents.
- f) Identify successful strategies and practices that could be scaled or replicated.
- g) Assess the impact of enforcement efforts on compliance rates and bycatch reduction.

Synthesize information and deliver products: Process the information obtained during the project, identifying key points to generate reports and other agreed products. This synthesis should ensure clarity and conciseness while highlighting detailed conclusions and recommendations on next steps to address identified issues and improve legal regulations related to fisheries management and bycatch.

Joint Recommendations: Develop recommendations with the GLF to enhance the effectiveness of bycatch-related laws and regulations. These recommendations should include practical measures for improving enforcement and compliance, ensuring that the regulations are robust and effectively implemented. Suggest necessary amendments to existing laws and propose new policies to address any identified gaps.

Meetings and interviews: sessions designed to gather inputs and validate findings with the GLF and the institutional focal points designated to the process. These discussions should cover practical measures for improving enforcement and compliance, as well as potential amendments to laws and policies. Ensure that the assessment is informed by diverse perspectives and that recommendations are feasible and supported by stakeholders.

4. Responsibilities and Duties

- a) Establish and maintain a working dynamic with the focal point of the GLF, its board members, and the designated focal points from public institutions involved.
- b) Guarantee the timely and complete delivery of the products detailed in the clause specified below.
- c) Submit a detailed final report that includes the findings, conclusions, and recommendations of the consultancy, supported by solid evidence and analysis.
- d) Facilitate meetings and interviews as necessary to gather input and validate findings.
- e) Adhere to ethical standards and confidentiality agreements throughout the consultancy, safeguarding sensitive information and maintaining professional integrity.
- f) Any other duties assigned by the GLF deemed necessary for the successful completion of the consultancy and achievement of consultancy objectives.

5. Deliverables

Product 1: A detailed workplan that includes the requirements specified in these terms of reference and a schedule of activities.

Product 2: An interim report presenting initial insights and progress, allowing for any necessary adjustments to the study. This includes a summary of the information review, description of the legal instruments reviewed, and preliminary findings.

Product 3: A draft assessment report including:

- a) An analysis of the strengths, weaknesses, and inconsistencies identified in bycatch regulations and laws within the primary and secondary national and international legal framework.
- b) Evaluation of enforcement mechanisms and their effectiveness.
- c) Draft proposal for a legal instrument to create or modify a resolution to regulate bycatch in Ecuador.
- d) Initial recommendations for improvement.
- e) Annex with outreach material for decision makers and non-specialized public summarizing the principal findings of this assessment.

Product 4: Final report – a revised version of the draft assessment report, incorporating feedback from the GLF and designated focal points. This report will present final recommendations for enhancing bycatch regulations and enforcement. This will include an annex with outreach material summarizing the principal findings of this assessment for decision makers and non-specialized public. This product must be presented in an in-person executive presentation of the findings, conclusions, and recommendations to the relevant authorities.

6. Profile of the Consulting Team

The consulting team should be comprised of at least one legal professional and one fisheries management professional who meets the following requirements:

- a) The lead consultant shall have professional training in law, with specialization in environmental, maritime, international, fisheries law or related branches.
- b) The lead consultant must have proven experience in the development of public policies, regulations, norms and other legal instruments related to fisheries management.
- c) Excellent legal information gathering, systematization and analysis skills.
- d) Ability to work collaboratively with governmental entities, intergovernmental organizations, and non-governmental organizations.
- e) Ability to effectively communicate technical information to diverse audiences.

7. Timeline

The assessment is expected to be completed within 14 weeks from the commencement date. The consultant may consider up to 20% of the advance payment against delivery of the policy of faithful fulfillment of the advance payment. Details of the method of payment will be discussed during negotiation.

The timeline for key deliverables is as follows:

- Product 1: week 2
- Product 2: week 6
- Product 3: week 10
- Product 4: week 14

Product		September		October		November		December	
1	Detailed workplan including the requirements specified in these terms of reference and a schedule of activities.								
2	Interim report presenting initial insights and progress, including a summary of the information review, description of the legal instruments reviewed, and preliminary findings.								
3	Draft assessment report including analysis of the strengths and weaknesses in bycatch regulations and laws, evaluation of enforcement mechanisms, draft proposal to regulate bycatch in Ecuador, and initial recommendations for improvement.								
4	Final report and presentation with concluding findings and recommendations for enhancing bycatch regulations and enforcement.								

8. Reporting and Coordination

The consultancy team will report to the designated representative of the GLF. Regular progress updates will be provided, and coordination meetings will be held as necessary to ensure the study remains on track and aligned with its objectives

9. Application process:

Interested parties must submit the required documentation by 4 September 2024 until 23:59 Ecuador time (UTC -5). The required documentation must be submitted in digital format to the following address info@glf.org.ec. The required information is listed below:

- a) Letter of interest to participate in the selection process addressed to the Executive Director of the GLF.
- b) CV of the consulting team members, highlighting the experience and skills relevant to this consultancy. Certificates of previous work experience must be attached.
- c) A technical and economic proposal for the execution of the required work.
- d) A copy of the consultant's legal registration and tax identification documents.
- e) Any other relevant supporting documents that demonstrate the consultant's qualifications and experience related to this project.

Evaluation Criteria:

Applications will be evaluated based on the following criteria:

- a) Relevant experience and expertise of the consulting team (30%).
- b) Quality and feasibility of the proposed methodology and work plan (30%).
- c) Cost-effectiveness of the economic proposal (20%).
- d) Previous work experience and references (10%).
- e) Completeness and clarity of the submitted documentation (10%).

Contact Information:

For any queries related to the application process, please contact:

Carolina Astudillo
email: info@glf.org.ec

10. Confidentiality of Information

All information provided and generated in the context of the execution of these terms of reference shall be considered confidential. The consultant shall formalize its commitment to confidentiality by signing a corresponding agreement with the GLF.