

Terms of Reference (ToR)

Consultancy for a Study on the Industrial Marine Fisheries Sector in Bangladesh from a Human Rights perspective

1. Background:

Manusher Jonno Foundation (MJF), a non-government and non-profit organization works with local organizations to improve the well-being of poor and marginalized communities, through increasing their voices, capacities, realization of their fundamental rights and demand-driven institutional responsiveness. This project will be implemented by [BILS](#) and [COAST Trust](#) in close collaboration with [MJF](#).

This 'Terms of Reference' details a part of working modalities of a project on "Sustainable Oceans: Improving sustainable economic growth and development opportunities through efficient and sustainable use of human rights-centric aquaculture resources in Bangladesh".

The consultant will analyze the industrial fishing sector in Bangladesh, documenting the existing status of industrial fishing (deep-sea marine fisheries with industrial-scale large vessels), with a particular focus on the full value chain and supply chain, analyzed through a human rights lens. In addition to that, the consultant is expected to explore the impact of industrial fishing on artisanal fishing and ocean sustainability. The scope of this analysis will essentially cover, but is not limited to:

- Existing situation of Industrial marine fishing in Bangladesh
- Value chain and supply chain of Industrial marine fishing
- Mapping the institutions and stakeholders involved and their role in industrial fishing
- Impact of industrial fishing on artisanal fishing and ocean sustainability
- Formulation of a series of recommendations targeting different stakeholders

Manusher Jonno Foundation is the implementing authority of the project in Bangladesh. The main project in Bangladesh constitutes a partnering project between Manusher Jonno Foundation, Bangladesh Institute of Labor Studies (BILS) and COAST Trust, in which the Danish Institute for Human Rights (DIHR) is the global partner. The project also has a country-level component in Chile, together with global level activities and it is supported by Swedish International Development Cooperation Agency (SIDA).

2. Sustainable Oceans Project:

Oceans are the source of human life. They provide crucial ecosystem services and nutrition, they support human well-being and livelihoods, and underpin poverty eradication, food security, employment and protection from natural disasters. Reflecting the importance of oceans, the 2030 Agenda for Sustainable Development encompasses Sustainable Development Goal (SDG) 14, which aims to conserve and sustainably use the oceans, seas and marine resources for sustainable development.

The fisheries and aquaculture sectors bring together key challenges to realize the human rights of all, and balance the interlinked and interdependent economic, social and environmental dimensions of the 2030 Agenda for Sustainable Development. So far, however, the human rights implications related to sustainable oceans have only been addressed in a fragmented and piecemeal manner that has not allowed for more strategic and prioritized engagement of human rights actors from the local to the global levels. This project aims at pursuing strategic engagement of human rights actors at local, national, regional and global levels in policy and programming processes related to the fisheries and aquaculture sectors, and the implementation of SDG 14, by developing strong partnerships and generating knowledge and tools.

3. Objectives:

The purpose of contracting a Consultant is to support BILS in understanding and exploring the industrial fishing sector as a contribution to our broader work under the project titled “Sustainable Oceans: Improving sustainable economic growth and development opportunities through efficient and sustainable use of human rights-centric aquaculture resources in Bangladesh”. This analysis will constitute a key output under the project and will feed into the final report, and inform advocacy and follow-up initiatives in relation to the impacts of the fisheries sector in Bangladesh. More specifically, the key objectives of this analysis would be;

To describe the sector based on the thematic areas outlined below

- Description of the value chain system of industrial marine fisheries
- To document the supply chain system of Industrial fishing
- To map the institutions and stakeholders involved in Industrial fishing
- To identify human rights challenges in relation to the industrial marine fishing sector’s contributions to achieving SDG 14
- To identify the potential and actual positive contributions the industrial marine fishing sector has on the realization of human rights (i.e. direct and indirect job creation, tax revenues, etc.)
- To formulate a set of recommendations targeting different stakeholders for future policy advocacy

4. Scope of Services:

The Consultant will be responsible to carry out the assignment as follows: The Consultant will develop a detailed case study Report (narrative) on the Industrial fisheries sector in Bangladesh, essentially from a human rights perspective, and with a view to discussing the implementation of SDG 14 in Bangladesh. The study will identify human rights challenges, as well as positive contributions of the sector towards people’s realization of their human rights across seven thematic areas:

1. Safety and security
2. Governance
3. Livelihoods
4. Labor rights
5. Gender
6. Trade, and
7. Environment and Climate change

Specifically, the study will document:

a. The full industrial fisheries value chain: The report will describe the pathway from capturing fish to the consumer’s plate. Each segment of the value chain (see below), should describe the potential or actual human rights risks and impacts, as well as the positive impacts on human rights of that segment of the value chain. The segments of the industrial fisheries value chain is as follows:

- Production/Capture
- Collection (From First Producer Point)
- Preparation of Value-Added products
- Distribution/Logistics
- Sales

b. Exploring the existing Supply chain systems in Industrial fishing – a case study on the industrial marine fishing sector, that looks at social sustainability aspects of the industry, demonstrating the negative and positive impacts on workers, communities and others such as artisanal fishers, including the following aspects of the supply chain

- The key players in the industrial marine fisheries supply chain and its monitoring and enforcement mechanisms
- Supply and demand of the industrial marine fishing trade, including volume of collection, seasonality/banned period
- Profit analysis – understanding profit and its distribution among owners and workers, including how this profit sharing mechanism impacts on other sectors including life and livelihood of workers
- The impacts of existing supply chain systems for oceans sustainability.

c. Mapping the institutions, stakeholders and their role in Industrial fishing through a visual mapping (table or graphic), and a description of the process and procedures for getting permission for Industrial fishing (e.g., Owning a ship, financing a ship, licensing).

d. Gap analysis between relevant SGD targets and existing practices in the value chain and supply chain, based on a human rights perspective. The identified gaps shall be further analyzed, and lead to formulation of a series of recommendations for different stakeholders.

e. Description of the relation between industrial fishing and small-scale (artisanal) fishing, looking at the seven thematic areas listed above.

The scope outlined here is non-exhaustive. There might be other relevant issues, which are not included, which could arise from the research and should be considered and included in the final report by the consultant.

5. Methodology:

This analysis is expected to use both primary and secondary data sources. For primary data, various qualitative tools and techniques shall be applied, including qualitative tools such as in-depth (individual and group) interviews with key informants including (but not limited to) government stakeholders, industry associations companies (management and workers), community representatives and members, etc. and focus group discussions. For secondary data, a desktop review is required. The desktop review shall include literature from various sources, including (but not limited to) policy and planning documents from the Government of Bangladesh, statistical data, and relevant academic literature, as well as local and international NGO/civil society reports and news sources, as relevant and available..

6. Conditions:

If required, the Consultant will be expected to work together in partnership with other project partners in a positive manner to ensure successful delivery of the report.

The Consultant must respond positively to the need for complementary analysis If BILS may request to deliver its Sustainable Oceans project objectives.

The total services will need to be delivered over a contract period of 30 working days but may be extended on mutual agreement. The payment to the Consultant would be made on man-days basis depending on actual works carried out.

7. Style and length of report:

The Consultant should prepare and submit both electronic version and signed hard copy to BILS. The main body of the report shall be plus/minus a 35 pages document, but could be longer based on the scope of the study. Necessary supplementary information is to be attached as annexes. The report must provide due acknowledgement to sources. The Consultant will also provide a short 5-page summary of the analysis.

8. Deliverables and deadline:

The analysis (as specified in Scope of Services section) is expected to start from July, 2019 for an estimated duration of 30 working days. This will include desktop research and reviews, consultations, field visits, data analysis and draft report sharing.

The consultant will submit an inception report along with final work plan with key milestones within 3 days of signing the contract; this work plan will be reviewed and approved by BILS. It is anticipated that the final report will be produced within 45 working days after signing of the contract. While the draft report is submitted, BILS would provide feedback on draft report within 7 working days. During the period of the assignment, as possible, follow up meetings will be held between the contracted consultant and BILS, COAST and MJF.

9. General Terms & Conditions:

The report produced in connection with this assignment, shall be strictly confidential. After completion of this assignment only the implementing organizations (MJF, BILS, COAST Trust and DIHR) shall be eligible to use the report. However, in case of any emerging need to use it or any part of it by any academics or other users, prior informing and written endorsement from the implementing organizations (MJF, BILS and COAST Trust) is mandatory. The copyright of the final product will be endowed with BILS.

In the event of any emerging priorities and needs, concerned authority at BILS shall enjoy all authority to reschedule operational framework of this assignment.

The Consultant, shall, submit all collected and reviewed documents (in whatever form they are available) including the consultation reports (if consultation is done) to BILS along with the final report.

10. Required Qualification and Experience:

The consultant is desired to fulfill the following requirements:

1. Have a PhD degree in social sciences, environmental economics/fisheries/ Industrial fishing/ or relevant subject. Prior knowledge and/or experience of sustainability and human rights related topics would be an added value
2. At least 5 years of experience of working in the fishery research on relevant issue in a relevant enterprise (for e.g. legal institution, academic institution, research institution, NGO, project-based firm, consultancy firm)
3. Experience in producing reports for external audiences including using references
4. Must have strong and proven written and oral communication and presentation skills in Bangla and English language

11. Application Procedure:

The consultant should prepare and submit a financial and technical proposal including proper business certificate, cover letter, work plan, CV, evidence of similar work experience (National/International), Tax Identification Number/certificate by 11 July 2019. VAT & Tax will be deducted at source as per govt. rules. 15% VAT can be shown in the proposal but Tax will be included in Fees.

Please note that a presentation will have to be made before BILS team who will score according to set criterion and only the successful shortlisted consultants' financial proposal will be opened and negotiated.

12. Payment mode:

- Payment will be made in a/c payee cheque or through bank transfer on submission of invoice. 40% payment on submission of inception report & work plan and 60% on submission of final report. All costs incurred in the preparation of a proposal responding to this request for quotation (RFQ) will be the responsibility of the bidder and will not be reimbursed by BILS
- Tax and VAT will be deducted at source as per Government Rules
- If any circumstances, any failure at your end happened, you will compensate those or refund the proportionate amount to BILS within a shortest possible time
- In the event of a major natural disaster, war or major civil or political unrest this agreement may be renegotiated and jointly revised between the two parties recognizing any consequent change in the environment for implementation

13. Termination of the agreement:

Either party can terminate this agreement with a written notice within 10 (ten) days from the date of signing this agreement. BILS reserves the right to unilaterally terminate the contract if:

- The consultant/organization cannot fulfill any clause of Terms of Reference
- The consultant/organization cannot conduct 50% of work in due time

14. Ownership agreement:

Any document, information or data entrusted to or produced by the Consultant in connection with this assignment shall be strictly confidential and cannot be used by the consultant for any other purpose without the written consent of the BILS authority. This provision shall remain valid even after the completion of this assignment.

Note: Failure to comply with any of the above requirement will cause the proposal to be rejected. Submission should be sent through email: bils@citech.net. For any query, please contact;

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