

# **FEDERATED STATES OF MICRONESIA**

## **REQUEST FOR EXPRESSIONS OF INTEREST**

### **CONSULTING SERVICES - FIRMS SELECTION**

#### **Consultancy Services to Strengthen the Legal Frameworks for Coastal Fisheries Management in the Federated States of Micronesia**

|                                             |                                                                                                                                |
|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| <b>Country</b>                              | Federated States of Micronesia                                                                                                 |
| <b>Project</b>                              | Pacific Islands Regional Oceanscape Program - Second Phase for Economic Resilience (PROPER)                                    |
| <b>Project Implementing Agency / Client</b> | FSM Department of Resources & Development (FSM R&D), in collaboration with NORMA, State Fisheries/Marine Departments           |
| <b>Assignment Title</b>                     | Consultancy Services to Strengthen the Legal Frameworks for Coastal Fisheries Management in the Federated States of Micronesia |
| <b>Selection Method</b>                     | Consultant's Qualification-Based Selection (CQS)                                                                               |
| <b>Contract Type</b>                        | Lump Sum                                                                                                                       |
| <b>Reference No.</b>                        | FM-NORMA-560493-CS-CQS                                                                                                         |
| <b>Credit/Grant No.</b>                     | IDA-E3710                                                                                                                      |
| <b>Date of Issue</b>                        | August 17, 2026                                                                                                                |
| <b>Deadline for Submission</b>              | September 17, 2026                                                                                                             |

## **REQUEST FOR EXPRESSIONS OF INTEREST**

### **CONSULTING SERVICES - FIRMS SELECTION**

The Government of the Federated States of Micronesia has received financing from the World Bank toward the cost of the Pacific Islands Regional Oceanscape Program - Second Phase for Economic Resilience (PROPER) and intends to apply part of the proceeds for consulting services.

The consulting services ("the Services") are for strengthening the management of coastal fisheries through review and gap analysis of legislative and regulatory frameworks governing coastal fisheries in the FSM states, and development of draft legislation and related recommendations, including areas relating to small boat registration and safety, community-based fisheries management, compliance, enforcement, stakeholder engagement, awareness and follow-on TORs.

The FSM Department of Resources & Development, with support from NORMA, and the State Fisheries/Marine Departments, now invites eligible consulting firms (“Consultants”) to indicate their interest in providing the Services. Interested Consultants should provide information demonstrating that they have the required qualifications and relevant experience to perform the Services.

## 1. Background and Context

FSM is an island nation in the western Pacific comprising Yap, Chuuk, Pohnpei and Kosrae. Fisheries are a vital economic resource, and FSM’s coastal and near-shore resources are under state jurisdiction while offshore oceanic resources are retained as a national government function.

Under PROPER, FSM seeks to strengthen management of both oceanic and coastal fisheries and the critical habitats upon which they depend. The coastal component seeks to implement priority actions identified in the coastal fisheries situation analysis and related investment project profiles.

The TOR identifies that FSM lacks modern legal frameworks for coastal fisheries and that existing legislation is often not implemented or enforced. The assignment will support legislative assessment, consultation, and drafting of laws and regulations responsive to each state’s needs.

## 2. Assignment Objective

The objective of the assignment is to strengthen coastal fisheries management through review and gap analysis of the legal and regulatory frameworks governing coastal fisheries in the FSM states; development of draft legislation and related management recommendations; and broad stakeholder consultations across all four states, including municipalities, communities and outer island representatives where viable.

## 3. Scope of Services

The expected services will be delivered through the following stages:

| Stage          | Expected scope                                             |
|----------------|------------------------------------------------------------|
| <b>Stage 1</b> | Desk Review and Compilation of Laws and Policies           |
| <b>Stage 2</b> | Legal Analysis and Gap Identification                      |
| <b>Stage 3</b> | Stakeholder Engagement and Site Selection - First Round    |
| <b>Stage 4</b> | First Draft of Legislation and Management Recommendations  |
| <b>Stage 5</b> | Stakeholder Engagement and Site Selection - Second Round   |
| <b>Stage 6</b> | Second Draft of Legislation and Management Recommendations |
| <b>Stage 7</b> | Validation Workshop                                        |

|                 |                                                                                     |
|-----------------|-------------------------------------------------------------------------------------|
| <b>Stage 8</b>  | Final Draft of Legislation with Workshop Feedback                                   |
| <b>Stage 9</b>  | Awareness Raising and Other Activities, including TORs for subsequent consultancies |
| <b>Stage 10</b> | Final Consultancy Report                                                            |

The assignment is expected to require field work and consultations in all four FSM states, as well as desk-based legal and policy analysis, legislative drafting, reporting and support to stakeholder validation.

#### 4. Expected Duration and Indicative Level of Effort

The total duration of the assignment is expected to be fourteen (14) months. The TOR indicates an expected total input of approximately twenty-five (25) person-months by key experts, working part-time across the assignment. The final team composition, level of effort and work plan will be proposed by the selected Consultant in its technical and financial proposals and confirmed during negotiations.

#### 5. Main Deliverables

| No. | Deliverable                                                             | Indicative timing after contract signing |
|-----|-------------------------------------------------------------------------|------------------------------------------|
| 1   | Inception Report                                                        | Week 2                                   |
| 2   | Legislative Review Report                                               | Week 4                                   |
| 3   | Legal Gap Analysis Report                                               | Week 16                                  |
| 4   | Stakeholder Engagement Summary - First Round                            | Week 24                                  |
| 5   | Preliminary Legal Recommendations Report / First Draft                  | Week 28                                  |
| 6   | Stakeholder Engagement Summary - Second Round                           | Week 32                                  |
| 7   | Interim Legal Recommendations Report / Second Draft                     | Week 36                                  |
| 8   | Validation Workshop Report                                              | Week 44                                  |
| 9   | Final Legal Recommendations Report / Final Draft with Workshop Feedback | Week 48                                  |
| 10  | TORs for Subsequent Consultancies                                       | Monthly after Month 1, as required       |
| 11  | Final Consultancy Report                                                | Week 56                                  |

#### 6. Required Consultant Profile and Experience

Interested consulting firms should demonstrate relevant experience and qualifications in the following areas:

- Legal and regulatory review, gap analysis and legislative drafting for fisheries, marine resources, maritime safety, natural resources, environment or related sectors.
- Coastal fisheries management, community-based fisheries management, compliance and enforcement, and sustainable fisheries policy, preferably in Pacific Island countries or small island developing states.
- Experience supporting national and subnational/state government agencies with legal reform, stakeholder consultation and validation workshops.
- Experience with small boat registration, vessel safety, minimum safety standards, licensing, compliance systems or related maritime/fisheries regulatory reforms.
- Demonstrated ability to manage participatory consultation processes involving government, communities, municipalities, NGOs, outer island representatives and other stakeholders.
- Experience preparing clear, practical reports, legislative drafting instructions, draft legal instruments, management recommendations, training/awareness TORs and final consolidated reports.
- Demonstrated institutional capacity, project management systems and quality assurance procedures to deliver a 14-month multi-state assignment.

The indicative key expertise identified in the TOR includes Fisheries Legal Expert; Fisheries Management Specialist / Fisheries Policy and Development Planner; National Local Liaison / Community Facilitator; and National Legal Expert. Key experts and CVs should not be evaluated at the EOI shortlisting stage unless expressly required by the Bank-approved procurement documents; detailed staffing will be evaluated at the proposal stage.

## 7. Shortlisting Criteria

The Borrower will assess Expressions of Interest to determine the shortlist of qualified firms. The criteria below are proposed for use in the shortlisting assessment. The EOI evaluation should focus on the firm's qualifications and experience, not on individual experts or detailed methodology.

| Criterion                                  | Indicative assessment considerations                                                                                                                                                                                                            |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Core business and years in business</b> | Relevance of the firm's core business to legal reform, fisheries/marine governance, natural resources, maritime safety, stakeholder consultation and policy/regulatory support; demonstrated operational history.                               |
| <b>Relevant assignment experience</b>      | Similar assignments completed in legislative review, legal gap analysis, fisheries/coastal resource legal frameworks, community-based fisheries management, enforcement/compliance, maritime/small boat safety, and subnational legal drafting. |
| <b>Technical and managerial capability</b> | Firm's capacity to manage a multi-disciplinary assignment across four FSM states over 14 months, including quality                                                                                                                              |

|                                                        |                                                                                                                                                                                                               |
|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                        | assurance, consultation logistics, reporting, legislative drafting, and coordination with government agencies.                                                                                                |
| <b>Pacific / FSM / small island context experience</b> | Experience working in Pacific Island countries, FSM, small island developing states, customary/community settings, outer island communities, and multi-jurisdictional state/national governance environments. |
| <b>Team/partnership strength</b>                       | Strength and relevance of team, JV, sub-consultant arrangements proposed to cover national legal systems, local liaison, community consultation and specialized technical expertise.                          |

## 8. Selection Method and Next Step

The Consultant will be selected in accordance with the Consultant's Qualification-Based Selection (CQS) method set out in the World Bank Procurement Regulations for IPF Borrowers 7<sup>th</sup> Edition, September 2025. Under CQS, firms provide information on relevant experience and qualifications; the Borrower selects the firm with the best qualifications and relevant experience and invites that firm to submit technical and financial proposals for negotiations.

The attention of interested Consultants is drawn to the World Bank Procurement Regulations for IPF Borrowers 7<sup>th</sup> edition, September 2025, including provisions on conflict of interest, eligibility, fraud and corruption, and the Bank's sanctions framework. Consultants may associate with other firms to enhance their qualifications but should clearly indicate whether the association is in the form of a joint venture and/or sub-consultancy. In the case of a joint venture, all members shall be jointly and severally liable for the entire contract if selected.

## 9. Information to be Submitted by Interested Firms

Interested firms should submit an Expression of Interest containing the following information. The EOI should be concise and should not include a full technical proposal or financial proposal at this stage.

| Submission item            | Description                                                                                                                                                                   |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Cover letter</b>        | Signed by an authorized representative, identifying the firm or joint venture, contact details, and confirmation of interest.                                                 |
| <b>Firm profile</b>        | Legal name, country of registration, ownership, years in business, core business areas, management structure and contact details.                                             |
| <b>Relevant experience</b> | A table of similar assignments, including client, country, contract value if available, duration, role of the firm, description of services and relevance to this assignment. |

|                                            |                                                                                                                                                                                |
|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Technical and managerial capability</b> | Brief description of internal resources, quality assurance arrangements, consultation management, legislative drafting capacity and ability to work across FSM states.         |
| <b>Association details</b>                 | JV or sub-consultant arrangements, including lead firm and roles of each partner, if applicable.                                                                               |
| <b>Conflict of interest declaration</b>    | Statement of any actual, potential or perceived conflicts of interest, or confirmation that none exist.                                                                        |
| <b>Eligibility declaration</b>             | Confirmation that the firm and any JV members are eligible in accordance with World Bank requirements and are not subject to World Bank sanctions or applicable ineligibility. |

## 10. Submission Instructions

|                                   |                                                                                                                                                                                                                                         |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Submission address / email</b> | proper.procurement@norma.fm                                                                                                                                                                                                             |
| <b>Recipient</b>                  | Okean Ehmes, PROPER Project Manager                                                                                                                                                                                                     |
| <b>Deadline</b>                   | September 17, 2026, 3:00 PM Pohnpei Local Time                                                                                                                                                                                          |
| <b>Language</b>                   | English                                                                                                                                                                                                                                 |
| <b>Format</b>                     | PDF electronic copy; if hard copies are required, insert number of copies and address.                                                                                                                                                  |
| <b>Subject line</b>               | Expression of Interest - Legal Frameworks for Coastal Fisheries Management in FSM - Ref. FM-NORMA-560493-CS-CQS                                                                                                                         |
| <b>Clarifications</b>             | Requests for clarification shall be submitted in writing to OKEAN EHMES, no later than September 07, 2026. Responses will be issued in writing to all interested firms as appropriate.<br><br>Email: <b>proper.procurement@norma.fm</b> |

**Late EOIs will be rejected.**

## ANNEX 1: EOI SUBMISSION FORMS

The following forms may be included with the REOI to make responses consistent and easier to evaluate. Firms may add supporting information where necessary.

### Form EOI-1: Cover Letter

|                                   |          |
|-----------------------------------|----------|
| <b>Name of firm / JV:</b>         | [Insert] |
| <b>Country of registration:</b>   | [Insert] |
| <b>Authorized representative:</b> | [Insert] |
| <b>Address:</b>                   | [Insert] |
| <b>Telephone / email:</b>         | [Insert] |
| <b>Confirmation of interest:</b>  | [Insert] |
| <b>Signature and date:</b>        | [Insert] |

### Form EOI-2: Firm Profile

|                                                                        |          |
|------------------------------------------------------------------------|----------|
| <b>Legal status and registration details:</b>                          | [Insert] |
| <b>Year established:</b>                                               | [Insert] |
| <b>Core business areas:</b>                                            | [Insert] |
| <b>Number of permanent professional staff:</b>                         | [Insert] |
| <b>Office locations relevant to the assignment:</b>                    | [Insert] |
| <b>Quality assurance and project management systems:</b>               | [Insert] |
| <b>Prior experience with World Bank or donor-financed assignments:</b> | [Insert] |

### Form EOI-3: Relevant Assignment Experience

| No. | Client   | Country  | Assignment title / period | Role of firm | Brief scope and outputs | Relevance to this assignment |
|-----|----------|----------|---------------------------|--------------|-------------------------|------------------------------|
| 1   | [Insert] | [Insert] | [Insert]                  | [Insert]     | [Insert]                | [Insert]                     |
| 2   | [Insert] | [Insert] | [Insert]                  | [Insert]     | [Insert]                | [Insert]                     |
| 3   | [Insert] | [Insert] | [Insert]                  | [Insert]     | [Insert]                | [Insert]                     |

|   |          |          |          |          |          |          |
|---|----------|----------|----------|----------|----------|----------|
| 4 | [Insert] | [Insert] | [Insert] | [Insert] | [Insert] | [Insert] |
| 5 | [Insert] | [Insert] | [Insert] | [Insert] | [Insert] | [Insert] |

#### Form EOI-4: Association / Joint Venture / Sub-consultants

|                                                                                                      |                    |
|------------------------------------------------------------------------------------------------------|--------------------|
| <b>Lead firm:</b>                                                                                    | [Insert / Confirm] |
| <b>JV members, if any:</b>                                                                           | [Insert / Confirm] |
| <b>Sub-consultants, if any:</b>                                                                      | [Insert / Confirm] |
| <b>Role of each member / sub-consultant:</b>                                                         | [Insert / Confirm] |
| <b>Proposed association type:</b>                                                                    | [Insert / Confirm] |
| <b>Confirmation that JV members will be jointly and severally liable if selected and contracted:</b> | [Insert / Confirm] |

#### Form EOI-5: Conflict of Interest and Eligibility Declaration

|                                                             |                    |
|-------------------------------------------------------------|--------------------|
| <b>Actual, potential or perceived conflict of interest:</b> | [Insert / Confirm] |
| <b>World Bank sanctions / ineligibility status:</b>         | [Insert / Confirm] |
| <b>Government ownership / SOE status, if applicable:</b>    | [Insert / Confirm] |
| <b>Certification by authorized representative:</b>          | [Insert / Confirm] |

## ANNEX 2: TERMS OF REFERENCE

### Terms of Reference (TOR)

#### CONSULTANCY SERVICES TO STRENGTHEN THE LEGAL FRAMEWORKS FOR COASTAL FISHERIES MANAGEMENT IN THE FEDERATED STATES OF MICRONESIA

##### 1. INTRODUCTION

The Federated States of Micronesia (FSM) is an island nation located in the western Pacific Ocean, consisting of four states: Yap, Chuuk, Pohnpei, and Kosrae. Fisheries are a vital economic resource for the FSM, with the country's extensive Exclusive Economic Zone (EEZ) covering over 2.9 million square kilometers of ocean. The FSM government has made efforts to develop its fisheries sector through the implementation of policies and regulations aimed at sustainable fisheries management, and most recently through the World Bank Pacific Islands Regional Oceanscape Program (PROP), which focused on the management of oceanic fisheries and was completed in 2021.

The PROP included an assessment of the current state of fisheries in the FSM through stakeholder interviews and an examination of the supporting institutions, laws, regulations, and research on fisheries. This resulted in a proposal for the Sustainable Development of the Inshore Fisheries and Resources of the FSM and the publication of a detailed Situation Analysis Report (SAR). The main finding of the SAR is that there is overfishing occurring in all four states, with the many negative impacts detailed in the SAR. Key activities in fisheries management and development were proposed which will contribute to a better understanding of the fisheries, the fishers, and biology of the target species, leading to better overall management and a reduction in overfishing.

Key shortfalls identified include:

- A. Data:** Most of the coastal fisheries data in FSM is out of date, non-existent or incorrect. Thus, it is an inappropriate baseline from which to measure any changes occurring from future management activity. Where data is available it is often not comparable with past work, as no protocols for data collection and collation are in force. Similarly, there are few time series, and very few country and/or state overviews.
- B. Capacity:** There is a lack of capacity amongst staff and severe basic skills shortages in some areas. In communities involved in fisheries-related issues, there is a marked lack of comprehension of what is going on, why conservation and management is important, and how to enforce and control fisheries activities.
- C. Enforcement:** Management of inshore fisheries resources requires enforcement of regulations and management plans. Currently, enforcement is poor throughout the nation. Rules regarding closed seasons, illegal fishing methods, size limits and closed areas are generally ignored. Fishers are aware that there is no sanction for breaking the rules, so they continue to ignore them. The enforcement agencies are under-equipped, under-trained, and unmotivated.
- D. Safety at sea:** Safety equipment is rarely carried by small, powered fishing boats in FSM and incidents of people drifting away are reported regularly. Fishers do not buy safety equipment, of which some are quite expensive (EPIRBs, radios, flares, spare engines).

The SAR details the 10 Investment Project Profiles (IPPs) prepared to realize the aims of reducing overfishing and assisting fishers in basic safety at sea and provides advice on priority activities and initiatives for future funding.

##### 1.1. CURRENT CONTEXT

FSM has now received additional financing from the World Bank (WB) toward the cost of the Pacific Islands Regional Oceanscape Program – Second Phase for Economic Resilience (PROPER). FSM PROPER seeks to strengthen the management of both oceanic and coastal fisheries, and the critical habitats upon which they depend. As such, the program is being implemented both at the national level (by the National Oceanic Resource Management Authority, (NORMA) and national partners) and at the state level (e.g., by various state fisheries

departments and environmental protection agencies). The coastal component of PROPER seeks to implement the IPPs detailed in the coastal fisheries SAR.

In the fisheries sector responsibility for the oversight and management of nearshore and coastal resources to 12 miles is vested in State Governments with the management of offshore oceanic resources retained as a National Government function. Coastal and nearshore marine and fisheries resources comprise inshore fisheries (those taking place in mangroves, reef areas, and lagoons), nearshore fisheries for large pelagic species (including tunas) and bottom fisheries (for snappers, groupers and other demersal species). In the main islands of each state small-scale fishers sell catch in excess of their own requirements through various outlets. A few fishers and traders also ship small quantities of fish to other parts of FSM and elsewhere although commercial activity in the export of reef fish is controlled in Kosrae, Yap and Pohnpei due to concerns as to resource depletion. (FSM 2023 Action Plan).

Currently, the FSM is lacking in modern legal frameworks for coastal fisheries, and existing legislation is either not implemented (lack of regulations) or not enforced (lack of compliance). The situation in each state varies, considering factors such as the level of capacity within state fisheries/marine departments in relation to the maritime area covered. As part of the FSM PROPER project, efforts will be made to carry out comprehensive legislative assessments, consult with stakeholders and develop new regulations for coastal fisheries. To facilitate this, an initial assessment of current legislation on coastal fisheries in FSM must be undertaken, and priority policy areas for assessment identified. Then, the draft laws and regulations necessary to bring existing legislation up to date, addressing the needs of each state, will be provided to the necessary authorities in the states and in the national legislature.

## **2. ASSIGNMENT OBJECTIVES**

The Consultancy will aim at strengthening the management of coastal fisheries through the review and gap analysis of legislative and regulatory frameworks governing the states' coastal fisheries. It also aims at developing draft legislation in each state, including legislation relating to small boat registration and safety, and community-based fisheries management. Under this Consultancy, stakeholder consultations will be conducted in all four states, will include municipalities and communities, and involve representatives from outer islands, to ensure broad stakeholder engagement in the legislative review process and to inform revision and updates to the legislative (inclusive of Acts and Regulations) framework.

The consultancy shall ensure that proposed legal reforms are inclusive from environment, social, health and safety (ESHS) standpoint and do not create disproportionate adverse impacts on subsistence fishers, women, youth, outer-island communities, persons with disabilities, or other vulnerable and disadvantaged groups.

The finalization of vessel registration and sea safety minimum standards legislation is important to improve safety at sea, compliance, and data collection among coastal fishers. The Consultancy will identify opportunities for improvement and support implementation of any reforms, including strategies for further stakeholder engagement, access to goods and equipment, as well as training and awareness activities. The dissemination of materials to registered vessels in all states will incentivize vessel registration.

There is also a critical need to review, revise, and update existing coastal fisheries legislation in each state to support the expansion of community-based fisheries management, as identified in the FSM 2023 Action Plan and in the Pacific Framework for Action on Scaling up CBFM 2021-2030. This may include devolving some co-management responsibilities to municipalities, where appropriate. The open access features of coastal fisheries are undesirable and need to be addressed further. Policies for fisheries are defined in National and State Development Plans.

The review shall also consider customary marine tenure, traditional governance, community access arrangements, community-based enforcement, and grievance or dispute resolution mechanisms relevant to coastal fisheries management.

## **3. SCOPE OF SERVICES**

### **General**

The consultancy will employ a participatory approach, combining clear and concise language with legal and scientific accuracy, to ensure the legislative review and consequent drafting are fit for purpose, practical, and needed in each state. The project will encompass 11 anticipated stages, each designed to contribute to the overarching goal of establishing fair and transparent coastal fisheries legislation that is complied with and that leads to safe and sustainable fishing in each state. The legal framework shall be aligned with the World Bank standards (including but not limited to) like ESS1 (Assessment and Management of Risks), ESS2 (Labor), ESS5 (Land Acquisition), and ESS7 (Indigenous Peoples) and international conventions, such as the UN Fish Stocks Agreement (UNFSA), Western and Central Pacific Fisheries Commission (WCPFC), UN Convention on the Law of the Sea (UNCLOS), and the FAO Compliance as FSM is signatory to both the agreements. In addition, the sub-regional agreements to which FSM is signatory are the Nauru Agreement (PNA), the FSM Arrangement for Regional Fisheries Access (FSMA), US South Pacific Tuna Treaty etc.

The Consultant will conduct a social, legal and institutional assessment under WB ESS1, in order to identify potential economic and social risks and impacts of the proposed framework, and appropriate measures to minimize and mitigate them, in particular those that affect poor and vulnerable groups.

Anticipated stages are as follows:

- Stage 1: Inception Phase and Inception Report
- Stage 2: Desk Review and Compilation of Laws and Policies
- Stage 3: Legal Analysis and Gap Identification
- Stage 4: Stakeholder Engagement and Site Selection (round 1)
- Stage 5: First Draft of Legislation Frameworks and Management Recommendations Stage
- Stage 6: Stakeholder Engagement and Site Selection (round 2)
- Stage 7: Second Draft of Legislation and Management Recommendations
- Stage 9: Final Report with Workshop Feedback
- Stage 10: Awareness Raising and Other Activities
- Stage 11: Final Consultancy Report

#### Stage 1: Inception Phase and Inception Report

Following contract signing, the Consultant shall mobilize and prepare an Inception Report setting out the proposed approach, detailed tasks, work plan, stakeholder engagement plan, coordination arrangements, staffing schedule, and timeline for delivery of all consultancy outputs. The Inception Report shall be submitted within two (2) weeks after contract signing and shall be reviewed and cleared by FSMR&D, NORMA, CIU, and relevant Working Groups before the Consultant proceeds with the substantive technical work.

- **Deliverable:** Inception Report - A concise report confirming the Consultant's understanding of the assignment, methodology, implementation schedule, personnel inputs, consultation plan, reporting arrangements, and proposed timeline for completing the consultancy.

#### Stage 2: Desk Review and Compilation of Laws and Policies

Conduct an extensive review of existing legislation, policies and plans at national and state level on coastal fisheries. The review should also refer to relevant literature, reports (including SAR Report), and available databases related to coastal fisheries and legislation in FSM. Compile legislation on marine resources, fisheries, and aquaculture from across all four states, including in relation to the licensing, registration and safety of small boats. This stage will be conducted remotely by reviewing information available online, as well as any documents provided by FSM counterparts.

- **Deliverable:** Legislative Frameworks Review Report - A concise and organized report containing all legislation, policies and other relevant documents identified during the desk review, with a brief description of their relevance to coastal fisheries. The review should also identify the main priority areas identified in national and state policies on coastal fisheries, as well as relevant international commitments. These policy priorities and commitments, cleared by the FSM counterpart, will form the basis of the legal gap analysis.

#### Stage 3: Legal Analysis and Gap Identification

For each of the main priority areas and international commitments, analyse current legislation to identify gaps and inconsistencies that hinder policy implementation and enforcement of regulations. Based on a

comparative analysis with other countries' legislation, suggest areas for improvement and possible options for FSM to better regulate coastal fisheries, achieve its policy goals and meet international commitments.

The legal gap analysis shall identify potential environmental, social, health and safety (ESHS) implications of proposed legal framework, including impacts on livelihoods, access to marine and coastal resources, enforcement risks, affordability and compliance burden, gender considerations, and customary or community-based management arrangements.

- **Deliverable:** Legal Gap Analysis Report - An analytical report presenting findings from the reading of legislation and policies on coastal fisheries, highlighting gaps and opportunities for FSM and each of the four states. Each state will indicate, through stakeholder engagement in Stage 4, which legislations and/or regulations will be developed under this Consultancy.

#### Stage 4: Stakeholder Identification and Engagement– First Round

Based on the legislative review and the legal gap analysis report, engage with state fisheries/marine departments, legal departments, research institutions, non-governmental organizations (NGOs), and local communities to gather input on priority legal reform in each state. Leverage stakeholders' insights to guide identification of legislative and regulatory gaps to be addressed for sustainable coastal fisheries management. The selection of stakeholders and communities where consultations will be held will be agreed with the FSM counterpart.

Consultations shall include, as relevant, women, youth, elderly persons, persons with disabilities, subsistence and small-scale fishers, fish vendors and processors, traditional leaders, municipal representatives, outer-island representatives, and other groups likely to be affected by or interested in coastal fisheries reforms. Process will need to ascertain the environment, social risks assessment and management, gender inclusion, or community-based natural resource management where required to support meaningful consultations and social risk analysis.

- **Deliverable:** Stakeholder Engagement Summary - A summary of stakeholder engagement activities, including workshops, meetings, and consultations, outlining key insights, concerns, and suggestions gathered from state agencies, research institutions, NGOs, and local communities. It includes the list of participants and any documentation required for financial reporting.

Consultation records shall include participants disaggregated by state/island, gender and stakeholder group, key issues raised, responses provided, unresolved concerns, and how feedback was incorporated into the draft legal recommendations.

#### Stage 5: First Draft of Legislations and Management Recommendations

Where possible, provide a first draft of the legislations and/or regulations that was prioritised, as well as related preliminary management recommendations, based on the gap analysis and the outcomes of the first round of stakeholder consultations, and in agreement with FSM and state counterparts. If drafting of the Legislations cannot start for lack of information, drafting instructions should be prepared instead for review by stakeholders at the second round of consultations.

The draft Legislations and management recommendations shall identify relevant environmental risks like;

- i. threat to biodiversity like conversion of natural habitat, introduction of alien, selectively bred, or genetically engineered species, contamination of aquatic ecosystem, impacts of harvesting on ecosystem functions, contamination of aquatic systems
- ii. hazardous material risks and management relevant to the fisheries in the FSM The aquaculture sector may involve the handling and use of hazardous materials (e.g. oil, fertilizers, and other chemicals). Recommendations for the safe storage, handling, and use of hazardous materials, including guidance on oil spills and containment in line with the World Bank General EHS Guidelines.
- iii. The occupational health and safety (OHS) like fishing boat safety and community health and safety (CHS) risks including effects on water resources, food safety impacts and management and other risks management consistent with the WB general EHS guidelines, WB ESS4 and applicable FSM regulations. The applicable and fishing boat safety guidelines will be integrated in the framework consistent with the UN's International Maritime Organization (IMO), the Food and Agriculture Organization (FAO) and other GIIPs.

The social risks associated with the proposed legal framework will be assessed risks consistent with the WB ESS2, ESS5, ESS7 and ESS10 as well as the EHS risks consistent with the WB ESS2 and WB ESS4.

- **Deliverable:** Preliminary Legal Recommendations Report - A report detailing the first draft of proposed Legislations and/or regulations and preliminary management recommendations, addressing key challenges and suggesting strategies for sustainable coastal fisheries management.

#### Stage 6: Stakeholder Engagement– Second Round

Engage with state fisheries/marine departments, legal departments, research institutions, NGOs and local communities on the first draft of the Legislations and/or regulations and management recommendations to gather input on priority legal reform. Leverage stakeholders' insights to guide feedback for legislative and regulatory drafting for sustainable coastal fisheries management.

- **Deliverable:** Stakeholder Engagement Summary - A summary of stakeholder engagement activities, including workshops, meetings, and consultations, outlining key insights, concerns, and suggestions gathered from state agencies, research institutions, NGOs, and local communities. It includes the list of participants and any documentation required for financial reporting.

Consultation records shall include participants disaggregated by state/island, gender and stakeholder group, key issues raised, responses provided, unresolved concerns, and how feedback was incorporated into the draft legal recommendations.

#### Stage 7: Second Draft of Legislations and Management Recommendations

Provide a second draft of the Legislations and/or regulations as well as related management recommendations, incorporating the outcomes of stakeholder consultations Address compliance and enforcement issues through strategies that are adapted to coastal fisheries management challenges in the four states.

The second draft shall reflect stakeholder feedback and demonstrate how social risks, access restrictions, customary/community arrangements, equity, gender considerations, and grievance mechanisms have been addressed.

- **Deliverable:** Interim Legal Recommendations Report - A report detailing the second draft of the Legislations and/or regulations and management recommendations, addressing key challenges and suggesting strategies for sustainable coastal fisheries management.

#### Stage 8: Validation Workshop

Prepare and organise the validation workshop to present the second draft of the legislations and management recommendations for final feedback from all stakeholders. Prepare the agenda for clearance by the FSM counterpart as well as any information and communication material required for effective engagement by participants.

The validation workshop shall be planned to enable accessible participation, including appropriate language support, advance sharing of materials, and reasonable measures for participation by women, outer-island representatives, and vulnerable groups.

- **Deliverable:** Validation Workshop Report – A summary of suggestions and recommendations from the Validation Workshop. It includes the list of participants and any documentation required for financial reporting.

Consultation records shall include participants disaggregated by state/island, gender and stakeholder group, key issues raised, responses provided, unresolved concerns, and how feedback was incorporated into the draft legal recommendations.

#### Stage 9: Final Draft of Legislations with Workshop Feedback

Prepare a final draft of the Legislations and/or regulations and related management recommendations, incorporating feedback from the Validation Workshop and any other changes agreed with the FSM counterpart.

- **Deliverable:** Final Legal Recommendations Report – A report containing the Final Draft of Legislations/regulations and Management Recommendations, with stakeholders' feedback.

#### Stage 10: Awareness Raising/Dissemination and Other Activities

Prepare Terms of Reference (TOR) for subsequent consultancies aimed at developing awareness material and conducting awareness activities with dissemination of the new coastal fisheries legislation and or regulations, as well as at providing training to state agencies in implementing and enforcing the rules. The TOR will outline comprehensive guidelines for each consultancy phase

Awareness materials and activities shall be prepared in simple, culturally appropriate language and, where needed, translated or explained in local languages. They shall include information on rights and responsibilities, safe fishing, compliance requirements, grievance channels, and how reforms affect different user groups.

- **Deliverable:** TORs for subsequent consultancy/ies.

#### Stage 11: Final Consultancy Report

Compile all deliverables into a single, well-structured and organised document for future reference and audit, including any financial reporting required.

- **Deliverable:** Final Consultancy Report – A report including the Legislative Review, the Legal Gap Analysis and the Final Legal Recommendations, as well as Stakeholder Engagement Summaries and the Validation Workshop Report.

#### 4. **CONSULTANT'S TEAM**

The assignment will be undertaken by a Consulting Firm which will build a strong technical team to enable satisfactory execution of the assignment. The suggested team composition and qualifications are indicative. The Consulting Firm will be engaged through CQS in accordance with the Bank's Procurement Policy and Procurement Regulations, following the submission of full technical and financial proposals. Experience in the assessment of fisheries data in developing countries, particularly experience in Pacific Island nations / FSM is highly desirable.

The total length of the assignment is expected to be 14 months. Proposing entities will determine the number and the nature of experts they will require to achieve the objectives of the contract, in accordance with their proposed approach and methodology. Any one of the key experts can be designated as Project Manager, and such expert should have at least five years of experience in leading or managing relevant projects.

**Table 1. Indicative Key Personnel Required for the required Consultancy**

| Description of Qualifications/Potential Inputs                                                                                                                                                                                                                                    | Key Personnel/Expertise                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| An experienced legal professional with expertise in fisheries and maritime law, as well as legislative review and drafting. Familiarity with the Pacific Islands context preferred and at least 10 years experience with legal work in resource management, preferably fisheries. | Fisheries Legal Expert                                                     |
| An experienced fisheries management professional with expertise in coastal fisheries management and regulation. Possesses a deep understanding of Pacific Island fisheries contexts and 10 years general fisheries management and policy development experience.                  | Fisheries Management Specialist / Fisheries Policy and Development Planner |
| A local liaison with experience in FSM fisheries or natural resource management with community facilitation skills and knowledge of FSM.                                                                                                                                          | National Local Liaison / Community Facilitator                             |
| An FSM lawyer with familiarity with the national and state legal systems and traditional practices.                                                                                                                                                                               | National Legal Expert                                                      |

In addition to the above required key experts, proposing entities should include non-key experts in their technical proposal, personnel work plan, and financial proposal. All other "non-key experts" required in accordance with their proposed approach and methodology should be thus identified and included. Proposing entities should also identify and provide details of any external resources that may be co-opted onto the delivery team.

#### 5. **LEVEL OF INPUT & DURATION**

It is expected that this assignment will take 14 months to complete and will require a total of 25.5 person-months input by key experts to complete. They will all work part time on the project under the oversight of the PROPER Project Manager and Working Groups. Consultant will organize and undertake all consultations and workshops in whatever form necessary to effectively collect information and compile for deliverables called for under this assignment.

**Table 2.** Expected effort and number of personnel per stage.

| Stage(s)                                                      | Number of personnel | Expected effort (per person, person months) |
|---------------------------------------------------------------|---------------------|---------------------------------------------|
| 1. Inception Phase and Inception Report                       | 2                   | 0.25                                        |
| 2. Desk Review and Compilation of Laws and Policies           | 3                   | 1                                           |
| 3. Legal Analysis and Gap Identification                      | 3                   | 1                                           |
| 4. Stakeholder Engagement and Site Selection (1)              | 4                   | 1                                           |
| 5. First Draft of Legislation and Management Recommendations  | 2                   | 1                                           |
| 6. Stakeholder Engagement and Site Selection (2)              | 4                   | 1                                           |
| 7. Second Draft of Legislation and Management Recommendations | 2                   | 1                                           |
| 8. Validation Workshop                                        | 4                   | 0.5                                         |
| 9. Final Report with Workshop Feedback                        | 2                   | 1                                           |
| 10. Awareness Raising and Other Activities                    | 2                   | 0.5                                         |
| 11. Final Consultancy Report                                  | 2                   | 1                                           |

## 6. **REPORTING / DELIVERABLES**

The Consulting Firm will report to the PROPER Project Manager and Working Groups. Upon engagement, the Consulting Firm will be required to submit the following deliverables according to the below timeline. Deliverables will be submitted electronically to the clients.

**Table 3.** Expected deliverables and timeline.

| No. | Deliverable                        | Latest date expected (weeks after contract signing) |
|-----|------------------------------------|-----------------------------------------------------|
| 1   | Inception Report                   | 2                                                   |
| 2   | Legislative Review Report          | 4                                                   |
| 3   | Legal Gap Analysis Report          | 16                                                  |
| 4   | Stakeholder Engagement Summary     | 24                                                  |
| 5   | Preliminary Recommendations Report | 28                                                  |
| 6   | Stakeholder Engagement Summary     | 32                                                  |
| 7   | Legal Recommendations Report       | 36                                                  |
| 8   | Validation Workshop Report         | 44                                                  |
| 9   | Final Legal Recommendations Report | 48                                                  |

|    |                                     |                          |
|----|-------------------------------------|--------------------------|
| 10 | TORs for subsequent consultancy/ies | Monthly after month one. |
| 11 | Final Consultancy Report            | 56                       |

## **7. INPUTS BY CLIENTS**

The in-country counterpart will be the FSM Department of Resources & Development in collaboration with the Fisheries/Marine Departments of each State Government, as well as the National PROPER implementing agency, NORMA, and the central implementation unit (CIU). Support during field visits will be provided, as well as guidance on FSM and State-specific regulations, background documentation, and assistance in the planning of stakeholder consultations, however the Consultant will be expected to organize and conduct all consultations and workshops as per proposal and agreed costs at prior to contract signing and firmed up at inception stage.

## **8. PROCEDURE FOR REVIEW & ACCEPTANCE OF OUTPUTS**

Each deliverable will be reviewed by representatives nominated by National and the State Fisheries/Marine Departments and the CIU with support and official clearance from the World Bank (WB). Deliverables will be provided as soft copies in PDF and MS Word format. Hard copies of the Final Report will be provided to FSM R&D, the State Fisheries/Marine Departments, as well as to NORMA and the WB.

## **9. TERMS OF THE ASSIGNMENT**

Key experts will travel to all FSM states, to carry out any necessary studies, surveys, and meaningful consultations with the Government and all stakeholders in preparing the project outputs. The Consultant will be provided with relevant reports and data relating to the assignment and will be able to conduct consultations and key informant meetings with National and State government representatives.

All consultations shall be planned and documented in a manner consistent with the WB ESS10.

The Consultant is required to comment on any potential conflicts of interest arising out of other assignments or a conflicting involvement in other assignments.

All data and information received from FSMR&D/FSM Government for the purpose of this assignment are to be treated as confidential and are only to be used in connection with the execution of these Terms of Reference. All intellectual property rights arising from the execution of these Terms of Reference are assigned to FSMR&D/FSM Government. The contents of written materials obtained and used in this assignment may not be disclosed to any third parties without the express advance written authorization of NORMA/FSM Government.

## **10. IMPLEMENTATION ARRANGEMENTS**

The Firm's contract will be administered by the CIU and FSMR&D. The Consulting Firm will mobilize promptly after signing the contract agreement, and will compile, prepare, and submit all required reports within the timelines mentioned in the terms of reference. Contract payments will be milestone-based and based on a pre-agreed financial proposal.

The CIU environmental and social team will review relevant environment and social output before submission of deliverables for World Bank review.