



## TERMS OF REFERENCE

### Review and Amendment of the 2019 Fisheries and Aquaculture Management and Development Law

*National Fisheries and Aquaculture Authority (NaFAA)*

**Ref. NaFAA/RFP/ICS/001/EJF-O5P/2026 (1)**

**Readvertised: August 19, 2026; New Deadline: September 2, 2026**

## 1. Background and Context

### 1.1 Liberia's Fisheries Sector

Liberia has a coastline of approximately 570 kilometres along the Atlantic Ocean, encompassing Exclusive Economic Zone (EEZ) waters estimated at around 245,000 km<sup>2</sup>. The fisheries sector plays a critical role in national food security, employment, and livelihoods, with the artisanal sub-sector providing the primary source of animal protein for a significant proportion of the population and supporting the incomes of an estimated 33,000 fishers and fish traders, the majority of whom are women engaged in fish processing and trade.

Liberia's waters host both commercially important coastal and pelagic species, attracting distant-water fishing nation (DWFN) fleets from Europe, Asia, and other regions under bilateral Fisheries Access Agreements (FIAs). Industrial fishing, including both licensed domestic vessels and foreign-flagged vessels, operates alongside a large artisanal fleet. The sector faces significant challenges, including illegal, unreported, and unregulated (IUU) fishing, inadequate monitoring, control and surveillance (MCS) capacity, overfishing of key stocks, post-harvest losses, and limited institutional and financial resources for enforcement. IUU fishing is estimated to cost West African economies billions of dollars annually, with Liberia among the affected states.

### 1.2 Regulatory and International Context

The 2019 Fisheries and Aquaculture Management and Development Law (the "Law") is the principal domestic legislative instrument governing the management, development, regulation, and control of fisheries and aquaculture in Liberia. The Law was enacted to replace earlier, outdated legislation and to modernise the governance framework administered by the National Fisheries and Aquaculture Authority (NaFAA).

Since the Law's enactment, the international regulatory environment has evolved considerably. Liberia is a signatory to, or is bound by, a range of international and regional fisheries instruments including the United Nations Convention on the Law of the Sea (UNCLOS), the UN Fish Stocks Agreement (UNFSA), the FAO Code of Conduct for Responsible Fisheries (CCRF), the Agreement on Port State Measures (PSMA), the ILO Work in Fishing Convention (C188), and is subject to the requirements and recommendations of relevant Regional Fisheries Management Organisations (RFMOs) including ICCAT and others applicable to species caught in Liberian waters or by

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Liberian-flagged vessels. In addition, Liberia's seafood export trade with the European Union is subject to EU sanitary and phytosanitary (SPS) regulations, traceability requirements, and the EU's IUU Fishing Regulation (Council Regulation (EC) No 1005/2008), all of which impose specific compliance obligations on flag and coastal states.

Compliance with these obligations requires not only institutional capacity but a sound, enabling legal framework. Preliminary assessments by NaFAA and development partners have identified that the 2019 Law, while a significant step forward, contains gaps, ambiguities, and provisions that are inconsistent with or insufficient to discharge Liberia's international obligations. These include, inter alia, insufficient port state inspection authority, incomplete provisions on transshipment and bunkering at sea, inadequate catch documentation and traceability requirements, gaps in flag state responsibilities, insufficient VMS and observer programme mandates, ambiguous Inshore Exclusion Zone delineation and limited enabling provisions for digital fisheries management systems.

### **1.3 Prior Assessments and Foundation for this Assignment**

These Terms of Reference build on a body of prior analytical work, including but not limited to:

- NaFAA internal legal and policy reviews conducted since the Law's enactment in 2019;
- Technical assessments undertaken by development partners and environmental non-governmental organisations, including the Environmental Justice Foundation (EJF), concerning IUU fishing risks and legal framework gaps;
- FAO support and technical advisory work on Liberia's fisheries governance, including assessments under the FAO's GloFish and related programmes;
- Any prior peer review or legal opinion obtained by the Ministry of Justice or Law Reform Commission regarding the 2019 Law or draft subsidiary regulations;
- Regional assessments and benchmarking exercises conducted through the Ministerial Conference on Fisheries (MFC) or the ATLAFCO/COREP regional framework.

The consultant will be required, at the outset of the assignment, to compile and review all such prior assessments and to clearly articulate how this assignment builds upon, departs from, or updates those prior findings. Copies of available prior assessments will be made available to the selected consultant as part of the data access arrangements set out in Section 9 of this TOR.

## **2. Purpose**

The Government of Liberia, through NaFAA, secured funding from Oceans5 to review its fisheries law. The purpose of this assignment is to undertake a comprehensive legal and policy review of the 2019 Fisheries and Aquaculture Management and Development Law with the explicit objective of preparing legally sound amendments that ensure Liberia's domestic fisheries legal framework incorporates principles of the Global Charter for Fisheries Transparency and is fully aligned with Liberia's obligations under UNCLOS, ILO C188, applicable RFMOs, relevant regional agreements, and other international instruments to which Liberia is party or to which it seeks compliance. The review shall also strengthen domestic fisheries governance and MCS, and facilitate sustainable, legal market access for Liberian fisheries products, including to the European Union.

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### 3. Overall Objectives

- Assess the completeness and consistency of the Law against obligations under UNCLOS, applicable RFMOs and international instruments (including but not limited to ICCAT, CCSBT, NAFO, NEAFC as regionally applicable, PSMA, FAO CCRF, ILO C188, UNFSA, IUU-related instruments, CITES where applicable, WTO SPS/TBT implications, and EU seafood import requirements).
- Identify gaps, ambiguities, inconsistencies, or conflicts within the Law and between the Law and international legal instruments, as well as inconsistencies with other domestic legislation.
- Propose concrete, legally sound draft text for the 2019 Law, and draft complementary regulations, ministerial orders, administrative forms, or standard operating procedures required to operationalise that drafted text.
- Assess the Law's adequacy with respect to foreign fishing access agreements (FIPAs) and flag state obligations under such agreements.
- Assess whether the Law contains adequate enabling provisions for digital and electronic fisheries management systems, including e-licensing, e-reporting, and digital VMS/AIS data management.
- Produce an implementation roadmap, delineating institutional responsibilities and capacity implications across MCS, laboratory competence, observer programmes, VMS, port state procedures, licensing, penalties, and data reporting.
- Facilitate and document multi-stakeholder validation of the proposed draft text, ensuring legitimacy, feasibility, and ownership.

### 4. Scope of Work— Tasks

#### Task 1: National Legislation and Policy Mapping

Compile and map all relevant national legislation, regulations, policies, and administrative instruments that interact with the 2019 Law. Identify responsible institutions, mandates, and inter-agency linkages relevant to fisheries management and RFMO obligations. This should include, at minimum: the National Port Authority Act, the Environmental Protection and Management Law, the Merchant Shipping Act, relevant labour laws, customs and revenue legislation, the Public Procurement and Concessions Act, and any subsidiary regulations promulgated under the 2019 Law. The consultant shall also identify any pending or draft legislation relevant to the fisheries sector.

#### Task 2: RFMO and International Instrument Applicability Assessment

Identify all RFMOs and relevant international and regional instruments applicable to Liberia. This shall include explicitly identifying Liberia's current RFMO memberships, cooperating non-contracting party (CNCP) status, Memoranda of Understanding, or intended affiliations. Where Liberia is not a formal member but trades with or is otherwise affected by RFMO regimes, the consultant shall identify the relevant compliance measures required domestically (e.g., catch documentation schemes, port state measures, trade-related sanitary and phytosanitary requirements). The consultant shall produce a summary matrix of key legal and operational obligations from each applicable instrument, covering: catch documentation schemes, required data reporting, observer requirements, vessel authorisation, transshipment and bunkering rules, VMS and data-sharing obligations,

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sanctions, and trade controls. The output of Task 2 shall form a central reference checklist for the article-by-article review in Task 4.

### **Task 3: Inception Report**

Within [six (6) weeks] of contract signature, the consultant shall prepare and submit an Inception Report for review and written approval by NaFAA and EJF prior to the commencement of the substantive legal review tasks (Tasks 4–12). The Inception Report shall include:

- A refined methodology and analytical framework for the article-by-article gap analysis and cross-cutting thematic review;
- A preliminary matrix of RFMO obligations applicable to Liberia (drawing on initial work under Task 2), identifying those most likely to require legislative amendment;
- A workplan and revised schedule, including milestones, deliverable submission dates, and stakeholder engagement dates;
- An inventory of documents, legislation, regulations, and prior assessments reviewed or still required, and any access constraints encountered;
- Identification of any issues of scope, resource, or timeline that require early discussion with the client;
- Preliminary identification of the jurisdictions to be examined under the comparative legal analysis (Task 7).

The Inception Report shall not exceed 30 pages (excluding annexes). NaFAA and EJF shall provide written comments within [two (2) weeks] of receipt, and the consultant shall incorporate responses and resubmit for final approval before proceeding.

### **Task 4: Article-by-Article Gap Analysis**

Conduct an article-by-article review of the 2019 Law against: (i) the RFMO and international instrument obligations checklist produced under Task 2; and (ii) relevant national legislation identified under Task 1. For each provision of the Law, the consultant shall:

- Assess whether the provision is consistent with, adequate to discharge, or in conflict with applicable international obligations;
- Identify gaps where the Law does not address an obligation that should be reflected in domestic legislation;
- Flag ambiguous or unclear provisions susceptible to inconsistent interpretation or enforcement;
- Identify conflicting clauses, whether internal to the Law or arising from interactions with other domestic laws;
- Assess enforcement weaknesses, including insufficient sanctioning powers, evidentiary or administrative process gaps, inadequate seizure and forfeiture provisions, and barriers to implementation arising from the absence of enabling provisions for delegated regulations.

The output shall be a structured gap analysis matrix cross-referencing each article of the 2019 Law against applicable obligations and identifying the specific nature of any gap, conflict, or ambiguity.

### **Task 5: Cross-Cutting Thematic and Enforcement Gap Review**

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Separately from the article-by-article analysis, the consultant shall conduct a structured thematic review assessing the Law's adequacy across the following cross-cutting themes. For each theme, the consultant shall assess current provisions, identify gaps or weaknesses, and recommend the nature of amendments or complementary instruments required:

- IUU fishing prevention and deterrence;
- Port state measures, including port entry, inspection, and denial of access procedures;
- Vessel authorisation, licensing, and the fishing vessel register;
- Observer programmes, sampling, and observer data management;
- Chain-of-custody, traceability, and catch documentation schemes;
- VMS and AIS requirements, data sharing, and flag state monitoring obligations;
- Transshipment controls and at-sea bunkering restrictions;
- Compliance with EU SPS and food hygiene rules for exports;
- Prosecutorial and judicial procedures for fisheries offences;
- Administrative fines versus criminal penalties, and the adequacy of current penalty levels as deterrents;
- Seizure, forfeiture, and disposal of vessels and catch;
- Appeals processes and due process safeguards;
- Protection of small-scale and artisanal fishers;
- Gender and social safeguards;
- Environmental protections and ecosystem-based management requirements;
- Laboratory, testing, and inspection accreditation requirements for export certification;
- Foreign fishing access agreements (FiAAs): see also Task 8;
- Digital and electronic fisheries management systems: see also Task 9.

### **Task 6: Comparative Legal Analysis**

Prepare concise comparative legal notes examining best-practice provisions from countries with fisheries governance contexts similar to Liberia's, with emphasis on jurisdictions that have demonstrated strong RFMO compliance and successful legislative reform. The comparative analysis shall examine, at minimum, the following jurisdictions:

- Sierra Leone, as the closest comparable jurisdiction with a recently reformed fisheries legal framework;
- Ghana, given its experience with EU IUU carding processes, legislative reform, and MCS strengthening;
- Senegal for its model on artisanal fisheries governance, access agreement provisions, and co-management arrangements;
- Pacific Island states (at least two, e.g., Palau and Kiribati or the Parties to the Nauru Agreement collectively) as jurisdictions recognised for advanced RFMO compliance, vessel day scheme innovations, and robust IUU deterrence regimes;
- One additional jurisdiction at the consultant's recommendation, subject to NaFAA/EJF approval in the Inception Report.

For each jurisdiction, the consultant shall produce a structured comparative table identifying: (i) the relevant provision or mechanism; (ii) the legal instrument in which it appears; (iii) how it addresses the gap identified in Liberia's Law; and (iv) its transposability to Liberia's

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constitutional and legislative drafting context. The comparative notes shall not be a general survey but shall be tightly focused on the specific gaps and reform areas identified in Tasks 4 and 5.

### **Task 7: Review of Foreign Fishing Access Agreements and Flag State Obligations**

Given Liberia's history of bilateral fisheries access agreements with distant-water fishing nations, the consultant shall undertake a targeted review of the Law's provisions governing:

- The process for negotiating, approving, and publishing FiAAs and bilateral access arrangements;
- Flag state responsibilities of foreign-flagged vessels licensed to operate in Liberia's EEZ, including reporting obligations, observer carriage, and VMS and AIS requirements;
- Provisions for monitoring compliance by foreign-flagged vessel operators and licence conditions;
- Transparency and public disclosure requirements regarding access agreements, licence fees, and fishing effort allocations;
- Consistency of current FiAA provisions with RFMO conservation and management measures applicable to shared or straddling stocks;
- Mechanisms for renegotiation, suspension, or termination of access agreements in cases of non-compliance.

The consultant shall identify any gaps or weaknesses in the Law's treatment of these matters and propose specific text to strengthen oversight, transparency, and compliance in relation to foreign fishing access.

### **Task 8: Digital and E-Governance Enabling Provisions**

Modern fisheries legislation increasingly requires enabling provisions for electronic and digital management systems. The consultant shall assess whether the 2019 Law provides adequate legal authority for, and enabling provisions to support:

- Electronic licensing and digital fishing licence registers;
- E-reporting of catch, effort, and logbook data;
- Digital VMS and AIS data management, storage, sharing, and use as evidence in enforcement proceedings;
- Interoperability of NaFAA's digital systems with RFMO reporting platforms and regional MCS networks;
- Electronic catch documentation schemes and digital traceability systems;
- Data protection, confidentiality, and access provisions governing commercially sensitive fishing data held by NaFAA;
- Legal admissibility and evidentiary status of electronically generated or recorded fisheries data.

The consultant shall propose specific amendments or new provisions to ensure the Law provides a robust legal basis for a fully digital fisheries management environment, consistent with international best practice and NaFAA's existing and planned digital infrastructure.

### **Task 9: Draft amendment text**

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Drawing on the findings of Tasks 4 through 8, the consultant shall prepare clear, legally sound text for the 2019 Law in tracked-changes format, addressing all identified gaps and integrating RFMO and international obligations. Where necessary, the consultant shall also draft:

- Complementary subsidiary regulations (statutory instruments or ministerial regulations);
- Ministerial orders or administrative directives required to operationalise specific provisions;
- Standard operating procedures (SOPs) for key enforcement and administrative functions;
- Template administrative forms (e.g., port state inspection records, observer reporting forms, licence applications).

All drafting shall be consistent with Liberia's constitutional framework, the Legislation Drafting Manual of the Law Reform Commission (if available), and established legislative drafting conventions. Transitional provisions shall be included where appropriate. The draft text shall be accompanied by an explanatory note for each proposed amendment, setting out its legal basis, the gap it addresses, and the international obligation it fulfils.

### **Task 10: Stakeholder Validation Workshops**

The consultant shall organise and facilitate a structured stakeholder validation and consultation process. The following minimum requirements apply:

- One (1) national-level validation workshop in Monrovia, to present the findings of the gap analysis and proposed text to a broad range of stakeholders. This workshop shall include a minimum of one full day of plenary and breakout group sessions.
- At minimum two (2) county-level or sector-specific consultations targeting artisanal fishing communities and small-scale fisher associations, including women's fish trading groups, in primary fishing communities (e.g., Grand Bassa, Sinoe, or Grand Kru counties, subject to agreement with NaFAA and EJF).

Participants shall include, at minimum: fisher associations (artisanal and industrial); fish processors and women's trade associations; exporters; NaFAA staff; enforcement agencies (Coast Guard, Bureau of Immigration, Customs); Ministry of Justice representatives; judiciary representatives; Ministry of Foreign Affairs; development partners; and civil society organisations.

The costs of organising and facilitating all workshops and consultations, including venue hire, travel, accommodation, per diem for participants where applicable, and interpretation, shall be borne by the consultant within the contract budget.

Following the consultations, the consultant shall prepare a Stakeholder Consultation Report summarising all inputs received, explaining how each substantive input has been addressed in the revised text, and providing reasoned justifications for any input not adopted.

### **Task 11: Ministry of Justice and Law Reform Commission Coordination and Peer Review**

Prior to finalisation, the draft text shall be subject to a formal peer-review process to ensure legal rigour and constitutional compliance. The consultant shall:

- Submit the draft text to the Ministry of Justice and the Liberia Law Reform Commission for legal review and comments;

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- Coordinate with the Law Reform Commission to ensure consistency with Liberia's legislative drafting standards and any ongoing law reform initiatives;
- Facilitate a technical peer-review by a qualified independent international fisheries law expert (to be identified by NaFAA and EJF, which may include an FAO or COFI-nominated technical reviewer), who shall review the draft for consistency with international fisheries law obligations and best practice;
- Consolidate and respond to all peer-review comments, revising the text accordingly;
- Prepare a submission package for Cabinet and the National Legislature, comprising: the final tracked-changes text; an explanatory memorandum; a regulatory impact assessment; and a summary of stakeholder consultation evidence.

### **Task 12: Final Reports, Training, and Handover**

The consultant shall deliver all final reports, formatted text, SOPs, administrative forms, and training materials as specified under the Deliverables section (Section 6). The consultant shall also deliver a briefing and orientation session for NaFAA leadership and relevant stakeholders on the amended provisions and implementation steps. All original working documents, interview notes, workshop records, and datasets shall be handed over to NaFAA in an organised, accessible format at the close of the assignment.

## **5. Required Qualifications and Experience**

This assignment is intended for an individual consultant. The following minimum qualifications and experience are required:

### **The Consultant**

- A degree (minimum Bachelor's level) in international law, maritime law, fisheries law, environmental law, or a closely related legal discipline;
- A minimum of seven (7) years of professional experience in fisheries law, maritime law, or international environmental law, with specific demonstrated experience in legislative drafting or legal reform;
- Demonstrated experience in reviewing and drafting fisheries legislation or relevant laws in at least three (3) countries, preferably including at least one West African or similarly developing coastal state context;
- Demonstrated knowledge of international fisheries law, including UNCLOS, UNFSA, PSMA, RFMO legal frameworks, and FAO instruments (CCRF, IPOA-IUU);
- Familiarity with ILO C188 and its domestic implementation requirements;
- Familiarity with EU IUU Fishing Regulation requirements and the EU's market access conditions for fisheries products;
- Demonstrated experience facilitating multi-stakeholder consultations on legislative or policy reform processes;
- Excellent written and oral communication skills in English; the ability to draft legislative text with precision and clarity.

### **Desirable Additional Qualifications**

- Familiarity with Liberia's legal system and legislative drafting conventions;

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- Prior work experience with NaFAA, the Liberian government, or in the West African fisheries governance context;
- Knowledge of digital fisheries management systems, electronic catch documentation, and VMS/AIS legal frameworks;
- Familiarity with FAO's COFI processes and RFMO compliance review mechanisms;
- Experience with gender-responsive legal drafting in the fisheries or natural resources sector;
- Knowledge of French is an advantage (for engagement with Francophone regional instruments and comparator jurisdictions).

## 6. Deliverables

The consultant shall produce the following deliverables. All documents shall be submitted in English in both editable (MS Word) and PDF formats, unless otherwise specified. Amendment text shall also be provided in tracked-changes Word format.

| #  | Deliverable                                                                                                                                      | Linked Task(s) | Payment Milestone |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|
| D1 | Inception Report, including preliminary RFMO matrix, refined work plan, and document inventory                                                   | Tasks 1–3      | Milestone 1 — 20% |
| D2 | Gap Analysis Matrix (article-by-article review against RFMO checklist and national legislation)                                                  | Task 4         | Milestone 2 — 15% |
| D3 | Cross-Cutting Thematic Review Report, including FiPA review and digital/e-governance assessment                                                  | Tasks 5, 7, 8  | —                 |
| D4 | Comparative Legal Analysis notes with structured comparative tables for specified jurisdictions                                                  | Task 6         | —                 |
| D5 | Draft Text (tracked-changes Word format), with explanatory notes for each proposed amendment, draft subsidiary instruments, and draft SOPs/forms | Tasks 9, 12    | Milestone 3 — 25% |
| D6 | Stakeholder Consultation Report, including workshop proceedings, all inputs received, and response matrix                                        | Task 10        | —                 |
| D7 | Revised Draft Text incorporating stakeholder feedback and peer review comments                                                                   | Tasks 9, 12    | Milestone 4 — 20% |
| D8 | Implementation Plan, including agency roles, capacity needs,                                                                                     | Task 11        | —                 |

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| #   | Deliverable                                                                                                                     | Linked Task(s) | Payment Milestone |
|-----|---------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------|
|     | budget estimates, and phased timeline                                                                                           |                |                   |
| D9  | Cabinet/Legislature Submission Package: final text, explanatory memorandum, regulatory impact assessment, consultation evidence | Task 12        | —                 |
| D10 | Final Report, training materials, and handover package (all working documents, workshop records, datasets)                      | Task 13        | Milestone 5 — 20% |

All deliverables shall be submitted to the designated NaFAA/EJF contact persons and shall be reviewed within [two (2) weeks] of receipt. The consultant shall address review comments within [one (1) week] of receiving them. No payment milestone shall be released until the associated deliverable has been approved in writing by NaFAA and EJF.

## 7. Timeline and Duration

The total duration of the assignment is estimated at six (6) months from the date of contract signature, inclusive of client review periods, stakeholder workshops, peer review, and revisions. The indicative schedule of key milestones is as follows:

| Phase                                    | Activity / Deliverable                                                                                                                     | Indicative Timing               |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Phase 1: Inception</b>                | Contract signature; document collection; initial desk review; Inception Report (D1)                                                        | August 15 - Sept 15, 2026       |
| <b>Phase 2: Review and Analysis</b>      | Article-by-article gap analysis (D2); cross-cutting thematic review, FiPA review, digital provisions (D3); comparative legal analysis (D4) | Sept 16 - October 16, 2026      |
| <b>Phase 3: Drafting</b>                 | First draft text with explanatory notes, draft subsidiary instruments and SOPs (D5)                                                        | October 17 - Nov 17, 2026       |
| <b>Phase 4: Consultation</b>             | National validation workshop; county/sector consultations; Stakeholder Consultation Report (D6)                                            | November 18 - December 18, 2026 |
| <b>Phase 5: Peer Review and Revision</b> | MoJ and Law Reform Commission review; international peer review; revised text (D7)                                                         | December 19 - January 19, 2027  |
| <b>Phase 6: Finalisation</b>             | Implementation plan (D8); Cabinet submission package (D9); final report and handover (D10)                                                 | January 19 - 30, 2027           |

**(Timelines to be re-visited following evaluation of proposals)**

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The consultant shall notify NaFAA and EJJ immediately if any factor arises that may affect the agreed schedule. Any extension to the contract duration shall require written agreement from both NaFAA and EJJ prior to the relevant milestone date.

## 8. Payment Schedule

Proposals shall clearly disaggregate professional fees and reimbursable expenses in the financial proposal.

Payments shall be made against approved deliverables in accordance with the following schedule:

| Payment Milestone          | Trigger / Deliverable                                                                               | % of Contract Value |
|----------------------------|-----------------------------------------------------------------------------------------------------|---------------------|
| <b>Milestone 1</b>         | Contract signature and mobilisation advance                                                         | 10%                 |
| <b>Milestone 2</b>         | Written approval of Inception Report (D1)                                                           | 15%                 |
| <b>Milestone 3</b>         | Approval of Gap Analysis Matrix (D2) and Cross-Cutting Thematic Review (D3)                         | 20%                 |
| <b>Milestone 4</b>         | Approval of first draft Text (D5)                                                                   | 25%                 |
| <b>Milestone 5</b>         | Approval of revised Text incorporating all peer review and stakeholder feedback (D7)                | 20%                 |
| <b>Milestone 6 (Final)</b> | Approval of Final Report and full handover package (D10), including Cabinet submission package (D9) | 10%                 |

All invoices shall be submitted to NaFAA following written approval of the relevant deliverable. Payment shall be made within [30] days of receipt of an approved invoice. Payments are subject to applicable withholding taxes in accordance with Liberian law.

## 9. Reporting and Supervision Arrangements

The assignment will be managed under the following oversight structure:

NaFAA shall serve as the primary contracting authority and shall be responsible for day-to-day contract management, deliverable review and approval, and payment processing. The designated NaFAA focal point shall be the Director General (or a nominated senior officer) of NaFAA.

### Technical Oversight

EJJ shall serve as the technical oversight partner, providing technical review of all deliverables, co-chairing stakeholder workshops, and co-signing written approvals for each deliverable in conjunction with NaFAA. EJJ's designated focal point shall [be specified in the contract].

### Strategic Oversight— Steering Committee

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A Steering Committee (SC) shall be established to provide strategic oversight and to resolve any issues of scope, timeline, or methodology that cannot be resolved at the NaFAA/EJF level. The SC should include, at minimum, representatives of NaFAA, EJF, the Ministry of Justice (or Law Reform Commission), the Ministry of Agriculture (in its fisheries policy capacity), and one development partner observer. The SC shall meet at key milestones (inception, mid-term following D5, and final) and shall not be required to approve day-to-day deliverables.

## Reporting Obligations

The consultant shall maintain regular communication with the NaFAA/EJF focal points and shall provide:

- Brief monthly progress notes (no more than two pages) summarising work completed, upcoming activities, and any emerging issues;
- Draft deliverables submitted in accordance with the agreed schedule;
- An end-of-assignment completion report summarising all outputs, key findings, and outstanding implementation actions.

## 10. Data and Document Access

NaFAA and EJF shall, to the greatest practicable extent, facilitate the consultant's access to all documents and information relevant to the assignment. This shall include, subject to any confidentiality constraints:

- The 2019 Fisheries and Aquaculture Management and Development Law and all subsidiary regulations, ministerial orders, and administrative guidelines promulgated thereunder;
- Prior draft subsidiary regulations, including any unpublished or draft instruments;
- Any prior legal opinions, internal legal assessments, or review memoranda prepared by or for NaFAA or the Ministry of Justice regarding the 2019 Law;
- Copies of all active bilateral FiAAs and access arrangements, including any confidential schedules, subject to any applicable disclosure restrictions;
- Relevant inter-agency correspondence, enforcement records, or inspection reports, on a confidential basis and in anonymised or aggregated form where required;
- Prior technical assessments, donor reports, or development partner evaluations relating to Liberia's fisheries governance framework;
- NaFAA's existing licensing and registration databases (in an appropriately aggregated or anonymised format);
- Information on Liberia's RFMO memberships, CNCP status, and any relevant correspondence with RFMO secretariats;
- The national legislation inventory compiled under Task 1.

Where access to sensitive documents is required, the consultant shall sign a confidentiality undertaking (see Section 12) prior to receiving such documents. NaFAA shall designate a document management focal point to coordinate document requests and to facilitate access to relevant government officials for interviews and clarifications.

The consultant shall maintain an inventory of all documents reviewed and shall include this inventory as an annex to the Inception Report and the Final Report.

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## 11. Peer-Review Process

To ensure the quality, legal rigour, and constitutional compliance of the draft text, a formal peer-review process shall be conducted prior to finalisation (see also Task 12). The peer review shall include three tiers:

- Domestic legal review by the Ministry of Justice and/or the Law Reform Commission, to ensure consistency with Liberia's constitutional framework, legislative hierarchy, and applicable drafting standards;
- Technical fisheries law peer review by an independent international fisheries law expert, nominated by NaFAA and EJF. Where possible, this expert should be identified through FAO's Legal Office, the COFI Secretariat, or an equivalent recognised body with relevant expertise. The international peer reviewer shall assess the draft text for adequacy and consistency with RFMO obligations, UNCLOS, PSMA, and other applicable international instruments;
- EJF and development partner review, focusing on IUU deterrence effectiveness, human rights and labour provisions (ILO C188), and alignment with EJF's technical standards.

The consultant shall produce a consolidated peer-review response matrix explaining how each substantive comment has been addressed, and shall revise the draft text accordingly before submission of D7.

## 12. Intellectual Property, Confidentiality, and Conflict of Interest

### 12.1 Intellectual Property

All reports, documents, data, analyses, draft legislative texts, SOPs, training materials, and other outputs produced under this assignment shall be the exclusive property of NaFAA and the Government of Liberia. The consultant shall not publish, reproduce, share, or otherwise disseminate any output or finding from this assignment without the prior written consent of NaFAA, except where required by law. The consultant may reference the assignment in their professional biography or portfolio, subject to NaFAA's prior approval of the description.

### 12.2 Confidentiality

The consultant shall treat all documents, data, information, and communications obtained in the course of this assignment as strictly confidential and shall not disclose them to any third party without the prior written consent of NaFAA, except where such disclosure is required by applicable law or by a court of competent jurisdiction. This obligation shall survive the termination or expiry of the contract and shall remain in force for a period of five (5) years thereafter.

Prior to receiving any sensitive documents (including FiAAs, enforcement records, or internal legal opinions), the consultant shall execute a formal confidentiality undertaking in the form to be provided by NaFAA.

### 12.3 Conflict of Interest

The consultant shall disclose in their proposal any actual or potential conflict of interest that may affect their ability to conduct the assignment impartially and independently. Conflicts of interest include but are not limited to:

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- Any current or recent (within five years) commercial, employment, or consultancy relationship with fishing companies licensed to operate in Liberia's EEZ, or with their owners, shareholders, or parent companies;
- Any current or recent relationship with the flag state government of a distant-water fishing nation holding an active access agreement with Liberia, where that relationship could impair the consultant's independence in reviewing flag state obligation provisions;
- Any financial interest in seafood processing, export, or trading entities subject to the regulations being reviewed;
- Any relationship with RFMO secretariats or member states that could create a bias in the analysis of RFMO compliance obligations;
- Any prior advocacy or legal advisory role that could compromise objectivity in reviewing any particular provision of the 2019 Law.

Failure to disclose a material conflict of interest shall be grounds for immediate termination of the contract. If a conflict of interest arises during the assignment, the consultant shall notify NaFAA in writing immediately.

### 13. Evaluation and Selection Criteria

Proposals will be evaluated using the Individual Consultant Selection (ICS) approach. The technical proposal shall be evaluated first; only proposals achieving a minimum technical score of [70/100] will have their financial proposals opened and considered. The final score shall be weighted as follows: technical proposal [80%] and financial proposal [20%].

Technical proposals will be assessed against the following criteria:

| Criterion                                                                                               | Maximum Score | Notes                                                                          |
|---------------------------------------------------------------------------------------------------------|---------------|--------------------------------------------------------------------------------|
| Qualifications and experience of the consultant in international fisheries law and legislative drafting | 25            | Minimum 7 years required; additional years and breadth of experience scored    |
| Demonstrated experience in fisheries law reform and other policy instruments                            | 20            | Min. 3 examples with samples of prior work required                            |
| Technical approach and methodology                                                                      | 25            | Clarity, feasibility, and rigour of proposed methodology; quality of work plan |
| Knowledge of applicable international instruments (UNCLOS, RFMOs, PSMA, C188, EU IUU Regulation)        | 15            | Assessed through technical proposal narrative and references                   |
| Experience with stakeholder engagement and consultative legislative reform processes                    | 10            | Evidence of facilitated multi-stakeholder processes required                   |
| Familiarity with digital fisheries management systems and e-governance legal frameworks                 | 5             | Desirable; evidence in CV or work samples                                      |

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| Criterion    | Maximum Score | Notes                                               |
|--------------|---------------|-----------------------------------------------------|
| <b>TOTAL</b> | <b>100</b>    | Min. 70 required to proceed to financial evaluation |

## 14. Proposal Submission Requirements

### 14.1 Technical Proposal

The technical proposal shall not exceed [40] pages (excluding CV and annexes) and shall include:

- A cover letter confirming the consultant's interest in and eligibility for the assignment;
- A technical narrative setting out the consultant's understanding of the assignment, proposed methodology, and analytical approach for each task;
- A detailed work plan with a Gantt chart or equivalent schedule specifying activities, deliverables, and milestones;
- A statement of qualifications and relevant experience, including a list of at least three (3) comparable assignments with client references;
- Up to three (3) work samples demonstrating prior legislative drafting or legal gap analysis work (anonymised if required by confidentiality obligations);
- A full conflict of interest declaration in accordance with Section 12.3.

### 14.2 Financial Proposal

The financial proposal shall be submitted separately and shall include:

- A lump-sum total fee broken down by task and deliverable;
- A disaggregation of professional fees (daily rate, estimated days per task) and reimbursable expenses (travel, per diem, communications, report production);
- A clear statement of any assumptions underpinning the financial proposal.

The financial proposal shall be quoted in US Dollars (USD). Proposals denominated in other currencies will not be considered.

### 14.3 CVs

The consultant's CV shall include: educational qualifications, professional experience, a list of relevant publications or work products, and three professional references (name, organisation, email, and telephone).

### 14.4 Submission Deadline and Method

Proposals must be delivered in a written form to the address below by e-mail by **Wednesday, September 2, 2026 @ 4:00PM GMT.**

Proposals shall be submitted electronically to [recruitment@nafaa.gov.lr](mailto:recruitment@nafaa.gov.lr) and copied to [recruitment@ejfoundation.org](mailto:recruitment@ejfoundation.org) with the subject line: "Proposal— Review and Amendment of 2019 Fisheries Law— [Applicant Name]".

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Technical and financial proposals must be submitted as separate PDF attachments. Proposals received after the deadline will not be considered. Late or incomplete proposals will be disqualified.

Queries regarding this TOR may be directed to Augustine Fayiah ([augustine.fayiah@ejfoundation.org](mailto:augustine.fayiah@ejfoundation.org)) Tel:+231777843446 or Siekula T. Vannie ([stvannie@nafaa.gov.lr](mailto:stvannie@nafaa.gov.lr)) no later than 30 July 2026. Queries and responses will be circulated to all registered potential applicants.

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