



## Towards Ecosystem-Based Management of the Humboldt Current Large Marine Ecosystem

### TERMS OF REFERENCE

**Title:** Consultancy to deliver a report on a National Policy and Governance Assessment for the Humboldt Current Large Marine Ecosystem (HCLME) Region focusing on Chile.

**Project:** HCLME 4147  
**Case reference:** LME-5-Chile-Nov-2012-Mod4  
**Duty station:** Chile  
**Section/Unit:** EMO IWC  
**Contract/Level:** Company/University/NGO Request for Quotation  
**Duration:** November 2012 to March 2013 (up to 30 day input during this period)  
**Supervisor:** Michael J. Akester, Regional Project Coordinator [MichaelA@unops.org](mailto:MichaelA@unops.org)  
In collaboration with the Senior Project officer [MarianoG@unops.org](mailto:MarianoG@unops.org)

#### 1. Background:

The Humboldt Current supports one of the world's most productive Large Marine Ecosystems (LMEs), representing approximately 18-20% of the global fish catch and hosting globally significant biodiversity. High environmental variability in the Humboldt Current Large Marine Ecosystem (HCLME) has significant impacts on ecosystem productivity and trophic structure.

In addition, a range of anthropogenic activities are exerting pressure on this unique ecosystem. In order to provide for long-term ecosystem resilience, Chile and Peru propose to advance towards ecosystem-based management (EBM) of the HCLME by formulating a strategic long-term planning framework for the identification and prioritization of actions needed to preserve and maintain HCLME ecosystem benefits and services through endorsement of a Strategic Action Programme (SAP).

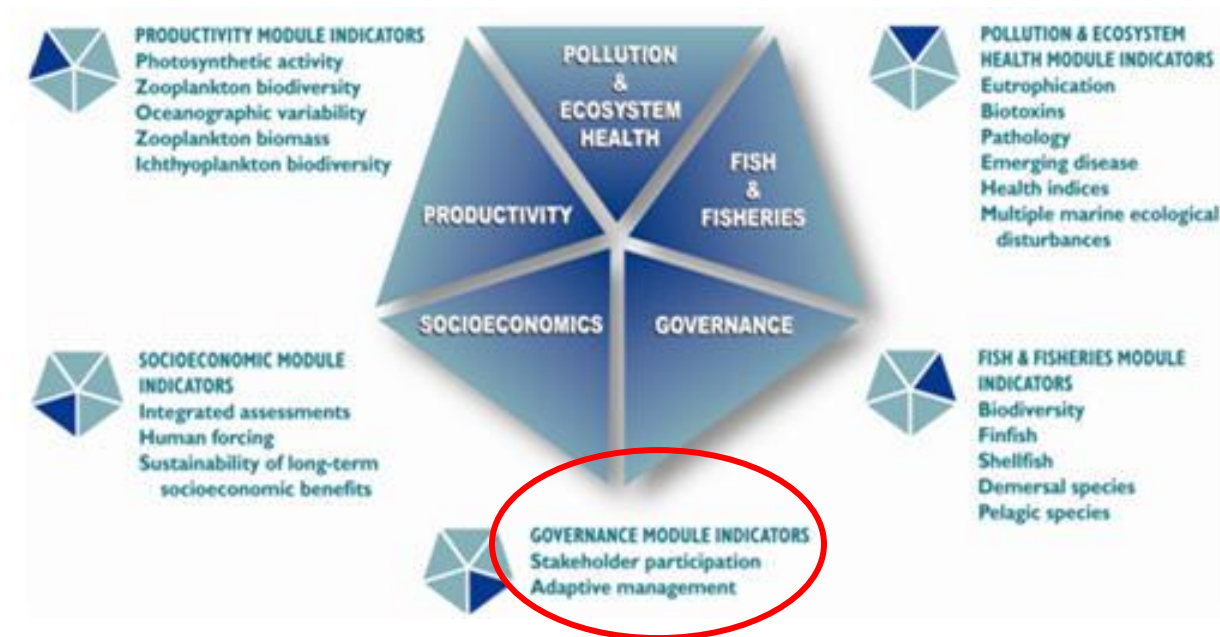
The process to obtain approval of the SAP to the highest level in both countries involves a Transzonal Diagnostic Analysis (TDA) along the length of the HCLME. To carry out the analysis, the project requires the existing TDA document to be updated via a series of five thematic studies following the LME modular assessment (Fig.1).

The geographic coverage of the HCLME GEF project includes the marine and coastal area under the influence of the HCLME current in Chile and Peru. The region also includes ocean areas that are beyond the jurisdiction of these countries: Areas Beyond National Jurisdiction (ABNJ).



**Towards Ecosystem-Based Management of the Humboldt Current Large Marine Ecosystem**

The Regional Coordinating Unit (RCU) of the HCLME is inviting national experts to submit proposals for the national Policy and Governance Assessment in Chile as part of the HCLME region.



**Figure 1 Large Marine Ecosystem (LME) modular assessments for sustainable development**

**2. Justification**

**2.1 Context**

The marine and coastal governance styles and patterns in Chile and Peru vary based in part on their history and are influenced by regional and international agreements. These differences are expressed in terms of:

- Governmental organization, processes and priorities
- Levels of economic development
- The degree of scientific capability and the ability to incorporate science into policy process
- Patterns of social organization, culture and values as well as
- Political relations

Chile and Peru are parties to a range of relevant international agreements. These will be listed as part of this consultancy report and as policy and management instruments their role in terms of the diversity of policies and governance mechanisms, will be



## **Towards Ecosystem-Based Management of the Humboldt Current Large Marine Ecosystem**

defined. In many cases regional or sectoral agreements if not harmonized may lead to a duplication of efforts and to conflicts, resulting in unsustainable management of the marine and coastal resources.

Chile and Peru have agreed to approach the challenges posed by ecosystem variability influenced by climate change and the sustainable management of the HCLME (including sea areas beyond national jurisdictions - outside the EEZs) - by moving towards an Ecosystem Based Management (EBM) approach. Currently there is no single mechanism that lends itself to support an integrated LME-wide approach to the governance of marine and coastal resources in the HCLME region. As a consequence the countries are not optimizing the benefits from the goods and services provided by marine and coastal resources. This is critical considering that both countries depend on the ecosystem's health for fishing, tourism, and climatic stability amongst other aspects.

### **2.2 Approach:**

In order to address these multidimensional governance issues, the HCLME Project intends to investigate the policies and legislation guiding governance processes on the ecosystem functions, especially in the context of their influence on societies and their economies. The collection and packaging of thematic studies will be in accordance with the five LME modules namely: (1) productivity; (2) fish and fisheries; (3) pollution and ecosystem health; (4) socioeconomic; and (5) governance (Fig. 1 above). These studies will help with the identification of problems faced by the HCLME subsequently described in a regional Trans-boundary Diagnostic Analysis (TDA) which in turn will lead to a series of suggested policy actions presented in a Strategic Action Programme (SAP).

The first three modules: - productivity; fish and fisheries; and pollution / ecosystem health, provide scientific information regarding the state of the natural ecosystem. This is being achieved through the collection of recent information and cross referencing with similar studies carried out during an earlier project phase 2000-2003. The information provided by the socioeconomic module specifies the size and scope of activities surrounding human populations and the various ways that people exploit and manage their resources. The component of the governance module will collect and analyze the national and regional laws and regulations as well as the behavior of the various entities engaged in the utilization and management of the resources, including law enforcement. Further, the governance module probes the fundamental and institutional processes and structures that are the basis for planning and decision making.

This consultancy on Policy and Governance Assessment is intended to provide data and information for the governance module of the LME approach.



## Towards Ecosystem-Based Management of the Humboldt Current Large Marine Ecosystem

**2.2.1 Part One** of the assessment will list the relevant international agreements signed by the two countries and examine policy and governance implications resulting from these agreements. The study will also examine the long-term trends in both human well-being and environmental conditions as a means of determining the performance of governance interventions. The assessment will focus on how the governance systems have responded to ecosystem change as reflected by the availability of the resources, such as fluctuations of fish stocks, and will aim to identify inadequacies. The analysis should deal with practice rather than simply content. Particular attention should be given to the influence of, and impact on, policies and governance of the private sector, civil society and coastal communities and vice versa

**2.2.2. Part Two** will outline a strategic approach to policy, legal and institutional reforms and the designing of a national governance mechanism that is necessary to address the issues for the effective application of the LME approach in Chile – Peru within the HCLME region. The methods to be employed should encourage long-term perspectives, an appreciation of the roles played by governments, civil society and the private sector (markets) as well as a holistic view of the ecosystem-based approach. It should also aim to define appropriate mechanisms for engaging coastal communities in the governance process and particularly into ecosystem management and monitoring as well as appreciation of the variability and impacts of climate change.

Consideration should also be given to the concept of nested systems of governance across vertical and horizontal scales so that planning and decision making at one scale does not conflict and/or contradict with that of the other. Central to ecosystem-based governance is the concept that all planning and decision making must analyze and incorporate conditions, issues and goals at least at the next level in the governance system. Nesting is essential because environmental and societal issues are transboundary across the scales. That is why the approach used by HCLME starts from the national level before ascending to the regional level with the TDA and SAP.

### 3. General arrangements

Selected company/university/NGO under the supervision of the HCLME Project Regional Project Coordinator (RPC) with the assistance of the Senior Project Officer (SPO), will review the existing TDA from 2003 as well as other relevant available information and proceed with the drafting of the Policy and Governance module thematic report for Chile following the tasks identified below.



**Towards Ecosystem-Based Management of the Humboldt Current Large Marine Ecosystem**

**4. Specific tasks and objectives:**

**Objectives:** Within the two-stage Policy and Governance Assessment outlined in the Approach above, the national consultancy is further divided into two major objectives:

1. Deliver a policy and governance assessment at the country level. The national assessment will include but not be limited to:
  - (a) A historical review of the national agreements and associated agencies (including, but not limited to those suggested in the Specific Tasks) as well as pertinent national projects (both current and historical)
  - (b) Compilation of national ecosystem-based cross-sectoral governance efforts based on national assessment reports.
  - (c) A review of the current status of international law and agreements in relation to the management and governance of ABNJ in the context of developing an LME-based national governance strategy.
2. Liaise with the selected company/university/NGO expert undertaking an identical study in Peru and present items 1 a-c above at the Regional ecosystem-wide level with reference made to international agreements of importance.

Undertake a governance review (with due reference made to any previous and on-going related reviews) keeping in mind the important objective that it should be able to directly inform and guide:

- The development of management plans for specific transboundary/straddling fish stocks
- The development of policy and governance briefs to inform dialogue and negotiations at national and regional levels
- The design and finalization of the HCLME SAP and governance briefs at national level.

The specific tasks include the following:

**4.1 Undertake:**

- The review of respective national policies, legislative frameworks, institutional mechanisms and governance structures for the last 20 years that have a bearing on the sustainable management of marine resources including fisheries and the environment through the application of the LME approach. The review should emphasize more the adequacies/inadequacies of practice



## Towards Ecosystem-Based Management of the Humboldt Current Large Marine Ecosystem

rather the adequacies/inadequacies in the contents of the policy, institutional and legal instruments. As a preliminary activity, the selected company/university/NGO should make themselves aware of any previous or on-going reviews of a similar nature so as to capture their outputs and avoid duplication of effort or conflict.

- Development of the structure for the national governance assessment reports, which will ultimately form part of the TDA-SAP.
- Transforming the information obtained from the assessment together with recommendations into national governance briefs for presentation at a national workshop in March or April 2013
- Propose and give options on how policies, legislative frameworks, institutional mechanisms and governance structures may be harmonized and enhanced in order to meet the challenges of applying the LME and EBM approaches to marine and coastal resources at the national level in the first instance.

### **4.2 Comment on regional aspects as follows:**

- Previous (over the last 20 years), existing and planned regional instruments, legislative frameworks, institutional mechanisms and governance structures that have a bearing on the application of the LME approach to marine and coastal resources,
- Determine the extent to which the regional policies, legal instruments and governance structures may be harmonized to align them for the application of the LME approach,
- Issue based policy and governance briefs for possible inclusion in the SAP.
- Propose drafts for the development of the governance sections of the TDA and SAP in collaboration with the other national expert working in Peru.
- Propose a set of practical and effective indicators for tracking progress on the achievements of regional governance that provides an environment for the effective application of the LME approach in the HCLME region.

Comments at the regional level will, by nature, require consultation with regional organizations and entities involved in marine, coastal and watershed monitoring and management including (but not limited to) the Comisión Permanente del Pacífico Sur (CPPS) <http://www.cpps-int.org/>

The regional comments should consider the following key questions: The extent to which ecosystem approaches are being practiced at regional level and the arrangements for addressing externalities through a holistic institutional arrangement and governance strategies; incorporation of natural and social science perspectives and insights into governance processes; recognition of the connection between watersheds and coastal management as well as fisheries/



## Towards Ecosystem-Based Management of the Humboldt Current Large Marine Ecosystem

ocean management as part of the overall LME approach. It should include consideration of the following issues: sustainability in the governance endeavours; how the public is participating in the governance of the resources, with particular reference to community involvement and needs; the level of practice and exercise of equity; the application of the precautionary principle; the existence of market based and other economic incentives; the level of Practice and evidence of adaptive management. It should also consider the evidence of existence of mechanism and institutions that may be useful in advancing ecosystem based management, such as the level of practice of Environmental Impact assessments; coordinating government arrangements and mechanisms; co-management systems; presence/absence of science and socioeconomic advisory bodies; educational efforts/activities on ecosystem based management; remote sensing and the use of geographic information systems; economic incentives. The report should also examine supportive government regulation and command and control rules for ecosystem-based management

### 5. Expected Outputs:

Key outputs of the Policy and Governance Assessment to be delivered by e-mail to Michael Akester [MichaelA@unops.org](mailto:MichaelA@unops.org) , Maria Angela Barbieri [angela.barbieri@ifop.cl](mailto:angela.barbieri@ifop.cl) and cc Mariano Gutiérrez [MarianoG@unops.org](mailto:MarianoG@unops.org) and Lenka LAZO [LenkaL@unops.org](mailto:LenkaL@unops.org) are:

5.1 A national synthesis report in MS Word in English and Spanish which provides a comprehensive framework of information that can inform the TDA and SAP process.

5.2 Issue specific policy briefs with specific recommendations for inclusion in the relevant sections of the TDA and SAP. The policy briefs will include a set of possible policy and governance interventions which can be used to facilitate discussion for achieving an ecosystem-based approach for the HCLME. Specifically the following reports are expected

- a. One comprehensive national policy and governance assessment report including comments on regional issue-based policy and governance briefs containing recommendations for regional policy and governance reforms for inclusion in the SAP
- b. A set of policy/governance indicators for tracking the implementation of ecosystem-based approach at the national level
- c. An Issue-based national governance brief for Chile
- d. Proceedings of all meetings and workshops held to facilitate the assessment



**Towards Ecosystem-Based Management of the Humboldt Current Large Marine Ecosystem**

- e. PowerPoint presentation delivered at the Causal Chain Analysis (CCA) Workshop in March or April 2013.
- f. Active participation on the day of presenting the study at the CCA workshop to be held in March or April 2013.

**6. Inputs**

The Regional Coordinating Unit (RCU) will provide the selected company/university/NGO with the documents listed in Annex A and provide the necessary support, if necessary, to contact government representatives or regional organizations in the search for relevant information. Annex B refers to the table of contents for the report. Annex C contains a work plan and schedule of deliverables.

**7. Specific deliverables, reporting, timing and payment modality (% payment available).**

- a. The selected company/university/NGO should review relevant information in the Governance module prepared during the PDF-B phase of the HCLME project with emphasis on the preliminary Transzonal Diagnostic Analysis (TDA) developed for Humboldt Current System in 2003 and brief the Regional Coordination Unit team by **January 2013 (15%)**
- b. The selected company/university/NGO should submit a draft report and Power Point presentation files to the RCU and Project focal point (IFOP-Chile) by **mid-March 2013 (15%)**
- c. The selected company/university/NGO should attend the CCA workshop in Chile in March / April 2013 and present his/her Governance Module assessment (20%)
- d. The selected company/university/NGO should prepare and submit a final report including comments made at the March / April workshop to the RCU and Project focal point (IFOP-Chile) by the end of April 2013 (50%).

**8. Requirements for the selected company/university/NGO experts**

The selected company/university/NGO should have staff with the following qualifications and experience which are to be listed on the UN P.11 form (sections 1-14, 16, 22, 24 (university only), 25, 26 (10 most relevant publications only) and 27 (last 3 only):

- a) Postgraduate training in relevant marine fields such as natural or social sciences, law or business;





## Towards Ecosystem-Based Management of the Humboldt Current Large Marine Ecosystem

- b) More than 5-years relevant experience in national and regional governmental and intergovernmental processes addressing coastal and marine issues;
- c) Knowledge on governance systems of the HCLME countries;
- d) Knowledge in international and regional treaties and conventions relevant to the management of marine and coastal resources and the environment;
- e) Proficiency in both Spanish and English languages with excellent report writing skills in both languages; and
- f) The UN P.11 form must be completed (sections above) and sent with the proposal

P.11 form can be downloaded from: <http://www.pnud.cl/vacantes/index.asp>

**8.1 Work plan and schedule of deliverables:** Attached as Annex C. The selected company/university/NGO expert will commence work in December 2012 and complete the assignment in April 2013.

## 9. Evaluation / administration:

The selected company/university/NGO expert will work under the supervision of the HCLME Regional Project Coordinator who will review the outputs and present them to the TDA-SAP working groups for endorsement.

### 9.1 Copyright:

The GEF-Humboldt project will be the owner of the information generated and will cite the author as and when the information is published.

## 10. Budget and Payment:

Interested companies/universities/NGOs will prepare and submit a technical and financial proposal and a completed P.11 form (NB only complete the following areas on the P11 form: 1-14; 16; 22; 24 (Universities only); 25; 26 (up to 10 most relevant publications); and 27 (last 3 employers only) for each participating expert (the budget should provide an estimate based on an input of up to 30 days per study, any local travel if necessary and the attendance of a CCA workshop in in Santiago or Valparaiso Chile in March or April 2013) to the Regional Project Coordinator Michael J. Akester [MichaelA@unops.org](mailto:MichaelA@unops.org) cc [LenkaL@unops.org](mailto:LenkaL@unops.org) by November 30th 2012.



## Towards Ecosystem-Based Management of the Humboldt Current Large Marine Ecosystem

### Annex A Documentation provided:

1. HCLME Executive Summary Document <http://humboldt.iwlearn.org/informacion-y-publicacion/ResumenProyectoHCLMEVolpdf.pdf>
2. HCLME PDF-B TDA thematic documents Chile & Peru <http://humboldt.iwlearn.org/informacion-y-publicacion/pagina-de-documentos-del-proyecto>
3. HCLME PDF-B TDA document May 2003 <http://humboldt.iwlearn.org/informacion-y-publicacion/TDAHumboldt.pdf>
4. TDA-SAP manual: <http://manuals.iwlearn.net/tda-sap-methodology/tda-sap-methodology-24-october> and <http://manuals.iwlearn.net/> and <http://manuals.iwlearn.net/tda-sap-methodology>
5. GIWA manual in English /Spanish and Humboldt Assessment <http://humboldt.iwlearn.org/informacion-y-publicacion/pagina-de-publicaciones-relacionadas>
7. Study of the Concept of Large Marine Ecosystems and Institutional relevance for Ecosystem-based Management and Development  
<http://iwlearn.net/publications/II/study-of-the-concept-of-large-marine-ecosystems-and-its-institutional-relevance-for-ecosystem-based-management-and-development/view>
8. NOAA Governance handbook  
[http://www.lme.noaa.gov/index.php?option=com\\_content&view=article&id=197:governancehandbook&catid=39:reports&Itemid=62](http://www.lme.noaa.gov/index.php?option=com_content&view=article&id=197:governancehandbook&catid=39:reports&Itemid=62)
9. NOAA Framework for Monitoring and Assessing Socioeconomic and Governance of Large Marine Ecosystems <http://www.nefsc.noaa.gov/publications/tm/tm158/>



**Towards Ecosystem-Based Management of the Humboldt Current Large Marine Ecosystem**

**Annex B Table of Contents for Policy & Governance thematic report**

POLICY AND GOVERNANCE ANALYSIS

REPORT FORMAT

1. EXECUTIVE SUMMARY

2. TABLE OF CONTENTS WITH LISTS OF TABLES AND FIGURES

3. INTRODUCTION

- 3.1 Context
- 3.2 The Humboldt Current LME
- 3.3 The HCLME Project
- 3.4 Objectives of the Policy and Governance Report

4. PART ONE - PERFORMANCE OF GOVERNANCE INTERVENTIONS

- 4.1 Introduction with review of existing data and information
- 4.2 Political and decision making arrangements
- 4.3 National policy and governance assessment
- 4.4 Policy/governance indicators

5. PART TWO - STRATEGIC APPROACH TO POLICY, LEGAL AND INSTITUTIONAL REFORMS AND THE DESIGNING OF A NATIONAL GOVERNANCE MECHANISM

- 5.1
- 5.2
- 5.3
- 5.4 TRANSZONAL AND INTERNATIONAL COOPERATION

5. CONCLUSIONS AND RECOMMENDATIONS

6. DOCUMENTS CITED



**Towards Ecosystem-Based Management of the Humboldt Current Large Marine Ecosystem**

**Annex C: WORK PLAN AND SCHEDULE OF DELIVERABLES BY THE NATIONAL EXPERT CONDUCTING POLICY AND GOVERNANCE (P&G) FOR THE HCLME REGION IN CHILE**

OUTPUT	2012	2013				Comments
	Dec	Jan	Feb	Mar		
Contract negotiation and signing						Agree work plan for the 30 day period with RCU and Project focal point (IFOP-Chile)
Initial Review of existing data and information, and issues concerning the application of LME approach as well as identification of gaps as listed in the previous TDA (2003) thematic study						At the end of this analysis report findings to TDA-SAP working group
National assessment, review and synthesis of data and information, including the filling in of the identified gaps concerning the application of ecosystem-based/LME approach in the Peru – Chile HCLME region						Progress reports will be presented to the RCU on a weekly basis and Project focal point (IFOP-Chile).
Propose a set of policy/governance indicators for tracking the implementation of ecosystem-based approach at national level						These indications will be presented to the TDA-SAP working group by e-mail for comment.
National policy and governance briefs on specific issues						These policy and governance briefs are to be presented in a maximum of two A4 pages designed for decision makers.
Finalization of a set of policy/governance indicators for tracking the implementation of ecosystem-based approach at national level (Harmonised with comments on the regional indicators)						Incorporate feedback from the TDA-SAP working group to produce the final set of indicators.
1 <sup>st</sup> Draft of the national Policy and Governance Assessment						This draft will be presented in Spanish
Attend Workshop to present final draft of the national P&G Assessment report and accompanying briefs.						A PowerPoint presentation will be made in Spanish
Final national P&G Assessment Report and Summaries for inclusion in the TDA and SAP						Final report will be presented in Spanish and English <b>by the end of April 2013</b>

Project Authority (Name/Title): Michael J. Akester RPC	Contract holder (Name/Title):
Signature	Date
Signature	Date