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Organización de las
Naciones Unidas para la
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Agricultura

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
TECHNICAL COOPERATION PROGRAMME

Country: Suriname

Project title: Updating Suriname's capture fisheries legal framework

Project symbol: TCP/SUR/3502

Starting date: March 2015

Completion date: September 2016

Government Ministry responsible for project execution: Ministry of Agriculture, Livestock, and Fisheries

Budget covering FAO contribution: US\$ 116 000

Signed:

(on behalf of the government)

Signed:

(on behalf of FAO)

Date of signature:

Date of signature:.....

Executive Summary

The project provides assistance to Suriname in the development of an efficient legal framework for capture fisheries management in line with international best practices and obligations arising out of international legal instruments for fisheries. The project addresses the substantial shortcomings in the current legal framework for fisheries. These shortcomings relate to the absence of clear licensing procedures for marine capture fisheries, the inadequate framework for carrying out effective monitoring, control and enforcement, and the lack of a sufficiently detailed legal framework for inland fisheries, with conflicts of resource users and misinterpretation of existing legislation as a result.

Project outputs include the preparation of stakeholders to engage in the legislative process in a meaningful way, the preparation of a review report of the current legal framework that affects fisheries, including recommendations on the legal interventions required to address shortcomings, the carrying out of broad stakeholder consultations and the preparation of draft legislation. The outcome of the project is an improvement in the sustainability and efficiency of the fisheries sector with related benefits on food security and income generation as a result. Through two field consultations, and the development of accessible information material, the involvement of stakeholders in the process will be facilitated.

The project activities are in line with the priorities set in the country programming framework and with the national white papers of the fisheries sector 2012-2016.

The project will be used to test a legal assessment tool and will count as co-financing in the REBYC-LAC II project, which foresees legal activities in the region. Subject to availability of funding provided by CITES, the project will also be linked to activities on the legal implementation of CITES listings.

Table of Contents

1. BACKGROUND

- 1.1 General Context
- 1.2 Sectoral Context
 - 1.2.1 Development priorities and MDGs
 - 1.2.2 Relations with CPF and UNDAF
- 1.3 Sectoral Policy and Legislation

2. RATIONALE

- 2.1 Problems/Issues to be Addressed
- 2.2 Stakeholders and Target Beneficiaries
- 2.3 Project Justification
- 2.4 Past and Related Work
- 2.5 *FAO's Comparative Advantage*

3. PROJECT FRAMEWORK

- 3.1 Impact
- 3.2 Outcome, Outputs and Activities
- 3.3 Sustainability
- 3.4 Risks and Assumptions

4. IMPLEMENTATION AND MANAGEMENT ARRANGEMENTS

- 4.1 Institutional Framework and Coordination
- 4.2 Strategy/Methodology
- 4.3 Government Inputs
- 4.4 FAO Contribution

5. OVERSIGHT, MONITORING, MANAGEMENT INFORMATION, AND REPORTING

- 5.2 Monitoring and Knowledge Sharing
- 5.3 *Communication and Visibility*
- 5.4 Reporting Schedule

ANNEXES

- Annex 1 Budget
- Annex 2 *Logical Framework*
- Annex 3 Work Plan
- Annex 4 Terms of Reference for International and National Personnel
- Annex 5 List of Suriname's Fisheries Legislation as at June 2014
- Annex 6 The General Provisions (Source: FPC 2005/02)
- Annex 7 Linkages with other projects and co-financing

ACRONYMS

GlobalGAP	Global standards for Good Agriculture Practice
CANARI	Caribbean Natural Resources Institute
CARICOM:	Caribbean Community
CBD	The Convention on Biological Diversity
CITES	the Convention on International Trade in Endangered Species of Wild Fauna and Flora
CNFO	Caribbean Network of Fisherfolk Associations
CRFM	Caribbean Regional Fisheries Mechanism
CRFM:	Caribbean Regional Fisheries Mechanism)
EAF	Ecosystem Approach to Fisheries
EIA	Environmental Impact Assessment
FAO	Food and Agriculture Organization
GMO	Genetically Modified Organism
IUU	illegal, unreported and unregulated
LVV	Ministry of Agriculture, Animal Husbandry , and Fisheries
MCS	monitoring control and surveillance
MSC	Marine Stewardship Council
NIMOS	Nationaal Instituut voor Milieu en Ontwikkeling in Suriname
OIE	World Organization for Animal Health
PAHO	Pan American Health Organization
RAMSAR	Convention on Wetlands of international Importance especially as Waterfowl Habitat
RGB	Ministerie van Ruimtelijke ordening Grond en Bosbeheer
UNCLOS	United Nations Convention on Law of the Sea (UNCLOS)
UWI- CERMES	Centre for Resource Management and Environmental Studies of the University of the West
VKI	Viskeuringsinstituut (Fisk Inspection Institute)
VMS	Vessel Monitoring system
WHO	World Health Organization
WTO	World Trade Organization

SECTION 1. BACKGROUND

1.1 General Context

FAO (2014) reports that Fish remains among the most traded food commodities worldwide, worth almost \$130 billion in 2012 with a highly likely probability that the upward consumption trend will continue¹. Developing countries like Suriname will respond to this buoyant market and boost their share in the fishery trade.

Suriname, with a population of 534,541 is a small, open, middle-income economy, dominated by the mining sector, with a history of economic relationships with Netherlands (Holland) and Europe. It is the smallest country in South America, rich in natural resources, classified as a Small Island Developing State, and a member of the Caribbean Community (CARICOM). The country's medium term outlook is positive. Based on 14 macro-fiscal indicators, Suriname is on par and in some dimensions is above the average performance of Latin American country peers². Between 2007 and 2012, Suriname's GDP growth averaged above 4%, and this trend is expected to continue into the medium term. However, its economy is particularly vulnerable to external shocks from the commodity price cycles. Additionally, despite the dominance of mineral production (alumina, oil and gold), the agriculture sector's absolute growth will continue to be important to the economy in terms of employment, food security, income generation, and poverty reduction.

Approximately, US\$ 81 million (96% of export earnings in agriculture) is generated by four commodities: rice, bananas, fish and shrimps. In its 2010 statement 'Crossroads – to better times together', the Government of Suriname states that it gives 'high priority to increased food production to fulfil 85% of Suriname's domestic food needs, and to growth of agro based exports. The policy statement assigns primary responsibility for production and productivity to the private sector, and proposes development of sub-sector strategies, sectoral organization based on leading corporations, cooperatives, service firms, and contractual systems of production.

As part of the national development framework, and converging with food production policy, the Government committed to a poverty reduction strategy, with targets of poverty reduction of 4.4% per year. In the Human Development Index (HDI) (2012), the country ranked at position 105th out of 187 countries, with HDI of 0.684 and over 7 years of consistent progress by 3% in HDI. However, poverty, inequalities between coastal and rural interior and its consequences for a relatively young population (20% of the population below 15 years), are worrisome dimensions. The country's Multidimensional Poverty Index is 0.039 (compared to that of Guyana and Belize with MPI values of 0.03 and 0.024, respectively).

Overall, the Government's aim is to make the rural sector and particularly agriculture, fisheries, forestry and eco-tourism more competitive, and to contribute to an increased standard of living in rural areas.

¹ FAO(2014) State of World Fisheries and Aquaculture, 2014

² World Bank/Cortez et al (2013) Suriname Macrofiscal context and Health financing factsheet, accessed on 24 June 2014 at http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2013/08/20/000333037_20130820152802/Rendered/PDF/804290BRI0Micr0AME0379804B00PUBLIC0.pdf,

The Government's facilitation approach prioritizes and actively promotes fishery and associated market clusters. In this context, the Government takes responsibility for improving the macroeconomic, legal and business environments to stimulate private sector investments and enhance access for small-scale entrepreneurs. To achieve the ecological, economic and human well-being goals of fisheries, the Regional Fishery Bodies (like WECAFC) stress the importance of the Code of Conduct for Responsible Fisheries which promotes the responsible use of aquatic resources and habitat conservation. More recently, in support of the CARICOM Fisheries Policy, FAO presented to CARICOM Member States the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the context of National Food Security and Poverty Eradication (Kingston, Jamaica, December 2012). The Western Central Atlantic Fishery Commission (WECAFC), and the Caribbean Regional Fishery Mechanism (CRFM) advocate that Governments (including Fisheries authorities) should be mindful of the international binding and non-binding agreements related to fisheries and work towards their adoption and implementation. Consequently, in February 2014, Suriname requested FAO's support to develop modern national Fisheries legislation, as a major tool for supporting responsible fisheries. This document defines the elements of the technical assistance project for improved fisheries legislation for Suriname.

1.2 Sectoral Context

1.2.1 Development priorities and SDGs

Suriname's fisheries sector contributes between US\$ 31-50 million per annum to foreign exchange; 5% to GDP, provides employment for 10,698 persons (2% of the population), and contributes to income and protein needs of indigenous communities. The country is the second largest fish producer from among the seventeen member states of the Caribbean Regional Fishery Mechanism, producing 21% of marine fish production (or 28,483 metric tonnes meat weight) within the period 2006-2010. Suriname exports to markets with high food standards such as Japan, the United States of America and the European Union (Netherlands, Belgium, France, United Kingdom and Spain) and recently to the Caribbean (CARICOM).^{3,4} In 2009, 420 MT of fish were captured from the fresh water systems of Suriname (Department of Fisheries Suriname, 2009).

In 2010, Suriname finalized a management plan for Atlantic Seabob (*Xyphopeneus kroyeri*) and the fishery obtained Marine Stewardship Certification (MSC) in 2011. However the MSC yearly renewal is subject to compliance with a number of management issues that are still to be addressed.

Recognizing that the high global demand for fish and fishery products cannot be met from marine fisheries, the Government of Suriname has placed high priority on the development of aquaculture. Aquaculture is mainly focused on the cultivation of tilapia, shrimp and native swamp fish. Also, the Government is actively promoting interests in ornamental fishery.

The State's long-term development objective is to support a competitive and ecologically sustainable fishery sector, including freshwater fishery and aquaculture. However, Suriname's

³ Caribbean Regional Fishery Mechanism (2012), CRFM Statistics and Information Report for 2010

⁴ FAO (2012) Case study for the shared stocks of the shrimp and groundfish fishery of the Guianas-Brazil shelf: Report of the National Consultation in Surinam, Paramaribo, 02 – 03 August 2012. FAO Fisheries and Aquaculture Report. No. xx--, Rome, FAO. 2012.

marine waters and coastal areas are under increasing environmental stress from pollution, overfishing, and degradation of coastlines.

1.2.2 Relations with CPF and UNDAF

The Government of Suriname and FAO's Country Programme Framework address the issues of fisheries under the CPF's three areas of country priority. More specifically, under CPF Country Priority 2: *Food and Income Security for Vulnerable Livelihoods and Communities in environmentally sensitive areas*, the CPF document states:

“This priority area supports national capacity and policy frameworks for natural resources, fisheries, forestry and non-timber forestry management, with emphasis on rural coastal, rural interior and forestry based communities. [...] the priority interventions would include:

- Assistance in the formulation of a fishery management plan and capacity building for institutional strengthening
- Assistance in updating fisheries legislation
- Stock assessment methodologies and operational systems to maintain statistical systems”

Overall, dependent on CPF funding, the key result for fisheries technical assistance are:

- Technical assistance provided towards establishment and commissioning of research and development station and hatchery farm (AKIS-Livestock)
- National capacity for monitoring fisheries production enhanced
- Stock assessment for *Penaeus* spp for Suriname and comparison stocks in Guyana, French Guyana en Brazil conducted
- Maximum Sustainable Yield (MSY) and Harvest Control Rule for *Penaeus* shrimp formulated;
- Technical capacity of staff and fisherfolk strengthened and enhanced
- Fisheries legislation reviews and recommendations prepared in accordance with international law and standards

From a human rights perspective, the issues of fisheries legislation correlates with the GOS/UNDAF (2012-2016) outcomes of equity, meaningful participation, and a better quality of life through MDG-oriented key legislation, policies, and budgets.

1.3 Sectoral Policy and Legislation

The White Paper “Subsector Fisheries 2012-2016”, states that “the subsector is faced with a number of urgent problems and challenges such as outdated legislation, absence of a Fisheries Management Plan (FMP), the absence of an adequate control and monitoring system of the marine resources, a low organizational level within the sub-sector and limited value added of the exported products. In addition, the persistent dominance of foreigners in the sector and the shortage of local highly skilled and technical expertise are also major concerns. Moreover, for decades there is a downward trend in production, in particular in shrimp trawling. In conclusion, the fishing industry and the Ministry of Agriculture, Animal Husbandry and Fisheries are faced

with serious challenges in terms of sustainable management, monitoring, control and surveillance of the fishery resource.

Within the context of current approach to fisheries management, maintaining ecosystems and biodiversity at an acceptable level of productivity, is crucial towards sustaining optimum utilization. Therefore, practicing sustainable management is increasingly a condition for entering major export markets. In this regard, having a Fisheries Management Plan (FMP) is essential. The basic conditions for implementing the FMP are: (i) monitoring and control, (ii) institutional capacity, (iii) a legal framework and (iv) research and development. In anticipation of the implementation of the FMP, other issues also need to be addressed. Among others, close cooperation with stakeholders and other actors is a necessity. In this regard, the Ministry already established working relations with various agencies, including the competent authorities and NGOs, in particular, the Suriname Seafood Association (SSA) and the Fishermen's Collective (VC).

By 2016, Suriname seeks improvements in fisheries in four policy dimensions:

- a positive business environment for viable and profitable commercial and artisanal fisheries, compliant with quality, environmental and other certification requirements of the major international markets for fish products
- aquatic ecosystems and resources sustainably exploited as evidenced by appropriate management plans, ecosystem assessments, fishery legislation, surveillance systems and data, and risk management systems
- fair resource access and sharing arrangements
- Protection, conservation, and restoration of living marine resource habitat and biodiversity, and adaption to climate change through co-management plans and relevant legal powers

The achievement of the State's policy goals requires stronger linkages between ministries and with the private sector (commercial and artisanal) and indigenous communities, and links with other states that share transboundary fish resources. Table 1.3 lists and comments on current Fisheries legislation

Table 1.3 Suriname Fisheries Legislation, preliminary comments

LAW	Content
Fish Stock Protection Law (1961) Visstandsbeschermingswet (1961 G.B. 1961 no. 4, z.l.g. bij S.B. 1981 No. 66),	Establishes a licensing obligation for capture fisheries in inland waters, provides authority to develop further rules for regulation of inland fisheries, and provides prohibitions in relation to closed areas and minimum sizes, and provides for sanctions and investigatory powers.
Fish Stock Protection Decree Visstandsbeschermingsbesluit G.B. 1961 No. 101	Implements the Fish stock protection Law and determines minimum catch sizes of certain inland water species. Sets a closed season for only one species, the endemic species kwie-kwie (<i>Hoplosternum littorale</i>), from April 1st to July 15th of each year.
Sea Fisheries Law (1980) Zeevisserijwet 1980 (S.B. 1980 No. 144 z.l.g. bij S.B. 2001 No. 120)	This law provides for the authority to register fishing vessels. It also introduces a licensing system for sea fishing. It furthermore provides the authority for adopting subsidiary legislation on a range of topics. The law provides for the establishment of the Sea Fisheries Council, which is responsible for advising the Minister in matters governed by this law and in general matters relating to sea fishery. The Council consists of representatives of different Ministries and different segments of the fishing Industry. Finally the law provides for sanctions and investigatory powers.

Viskeuringswet (2000) Fish Inspection Act (2000) (S.B. 2000 No. 107)	This act provides for the food safety measures of fish and fish products and is complimented by a range of subsidiary legal instruments. The central authority in the food safety is the Fish Inspection Institute.
A draft law on capture fisheries (2011)	Merges and updates all three instruments into one single Fisheries Law. Due to technical concerns, this draft law has not been adopted

There are Regulations regarding the Vessel Monitoring System (VMS), and Regulations to prevent Illegal, Unreported and Unregulated (IUU) fishing.

Legislative Gaps

The current legal framework for capture fisheries consists of a Sea Fisheries Act of 1980, the Fish Stock Protection Act of 1961 and the Fish Stock Protection Decree of 1961, as well as, in relation to food safety, the Fish Inspection Law and associated subsidiary instruments on food safety.

These instruments do not provide the regulatory tools to efficiently manage the fisheries sector. In particular, the legal framework does not include important management principles, such as the ecosystem approach to fisheries and is not in line with a large number of binding and non-binding international fisheries instruments, many of which have been developed under the auspices of FAO, such as:

- Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas;
- Agreement on Port State Measures to Prevent, Deter and Eliminate IUU fishing;
- Code of Conduct for Responsible Fisheries;
- International Plans of Action to Prevent, Deter and Eliminate IUU fishing;
- International Guidelines on By-catch Management and Reduction of Discards;

In 2011, a review of the Sea fisheries law resulted in a draft law on fisheries. This draft still contains a number of problematic areas and given insufficient national capacities, it has been difficult to push this draft law forward. Particular problems that are not sufficiently addressed in the draft law are, among others, monitoring, control and surveillance issues and the use of Vessel Monitoring Systems.

In addition, the existing laws and draft laws do not address the establishment of protected areas, the co-management of resources and marine protected areas, the protocols for development of management plans, targets for biodiversity and conservation by species, and mandatory reporting of public and private sector⁵.

In addition to the inadequate legal framework for sea fisheries, the legal framework for inland fisheries shows important gaps. The regulatory framework provided through the fish stock protection law and decree fail to provide the necessary detailed legal framework to regulate this subsector.

⁵ (Recently, project TCP/SUR/3401 submitted a draft law on Aquaculture and Aquatic Animal Health and awaits Ministerial endorsement).

SECTION 2. RATIONALE

2.1 Problems/Issues to be Addressed

It is of crucial importance for Suriname to update the legal framework that stands at the basis of an effective management of the fisheries sector. The out-of-date fisheries legislation does not reflect important management principles, such as the Ecosystem Approach to Fisheries (EAF), fails to integrate legal best practices and is not in line with a large number of binding and non-binding international fisheries instruments, many of which have been developed under auspices of FAO.

Some problems Suriname is facing due to the inadequate legal framework for fisheries include:

- unclear mandates, responsibilities and liabilities of different institutions and officers, with poor enforcement as a result.
- A high level of discard among some important species to obtain only the fish bladder. This forms a threat to the sustainability of the ecosystem and the fish stocks. There are no rules to combat this problem;
- Tension among fishermen and employees and inspectors with regard to liability in the case of violations, due to the difficulty to interpret the current legal framework;
- Unclear procedures for application, issuing and renewal of licenses forces authorities to continue extending licensing periods, which leaves poor control over the sector, and undermines MCS efforts.

Specifically, the current fisheries law:

- does not sufficiently address monitoring, control and surveillance;
- fails to establish a transparent licensing system;
- does not provide clarity on behavioural measures, which leads to tension among officials and fishers and among fishers;
- does not provide a clear cut division of powers and mandates of institutions;
- fails to address inland fisheries, save for a limited number of size limits and closed seasons;
- does not address the co-management for small fishing communities.

Weak governance, and absence of legal protocols for sustainable fisheries fuels conflicts between fishery groups. The following has been noted⁶:

- Artisanal fishermen complain about lower catches and thus declining stocks due to the trawlers (fish and shrimp trawlers), and that trawlers damage gill nets
- Researchers on the By-catch Reduction caution on the significant amount of juvenile fishes in the catch composition of the trawlers.
- Subsistence fisheries of native villages, the main source of income and protein, contest resource access of the Sport fishing category
- Traditional fishing techniques of Indigenous peoples-the trap fishery type (schutbank), and seine net (fykenet) fishery, within near shore, estuaries and lagoons affect hatchery and nursery grounds, and harvest of juveniles pose threats to the industrial fishing and shrimp fisheries.

⁶ FAO/ Bhagwandin, Henk (2012) Baseline Report , Suriname; CASE STUDY FOR THE SHARED STOCKS OF THE SHRIMP AND GROUND FISH FISHERY OF THE GUIANAS-BRAZIL SHELF

- The seabob trawling fleet, it is believed, destroys the habitat of the large marine shrimps resulting in the poor catches.

Table 2.1 summarizes institutional and systemic challenges posed by out-of-date legislation and change objectives.

Table 2.1-Suriname Fisheries Legislation- Summary of Challenges and Change Objectives

Institutional Challenge	Change Objective
<ul style="list-style-type: none"> • Unclear mandates, responsibilities and liabilities of different institutions • Inefficient regulatory tools to manage the fisheries sector 	<ul style="list-style-type: none"> • Modern and implementable legalisation for fisheries supporting sustainable principles, incentives and sanctions and appropriate institutional mandates, and powers for compliance.
Systemic Challenge <ul style="list-style-type: none"> • poorly understood fisheries laws and regulations • tensions among officials and fishers due to difficulty in interpretation of legislation • Inadequate licensing practices due to inefficient licensing regulations • Poor understanding of public and stakeholders of the importance of legislation in sustainable management of resources 	<ul style="list-style-type: none"> • Clear, understandable legislation, based on and developed with stakeholder involvement • Shared informed and empowerment of resource users so that they assume greater responsibility for sustainable use and participatory management of resources • Improved public awareness of the benefits and importance of the fisheries sector and the need for sustainable resource management

2.2 Stakeholders and Target Beneficiaries

Table 2.2 presents a preliminary list and stakeholders and stakeholder profiles. Previous fishery projects commented on weak sector relationships and absence of stakeholder information. Consultation supports collaborative decisions and implementable legislation through better understanding of the community issues, and the negotiable and non-negotiable views of each stakeholder. Accordingly, for suitable legislation, this project's stakeholder engagement process needs to consider, for each stakeholder, the specific levels of engagement and applicable tools. It needs to consider the consultation readiness of those who might normally be excluded, and those who might normally be involved, depending on their level of interests, rights and responsibilities. Recent projects (CTA, ACP-Fish, CANARI) worked with a number of groups on governance, leadership and mentorship of fishfolk⁷, nevertheless continued work education and communication systems is needed and this aspect is crucial for the formulation and adoption of legislation.

Table -2.2 Stakeholders: A preliminary list and Profiles

Category	Name	Profile/ Dimensions*
Fisherfolk Organizations (Artisanal)	Vissers Collectief Visco	NGOs: networked into the community structure . Low and unpredictable funding
Industrial	Suriname Seafood Association (SSA) Heiploeg (Noble House, Moribel - Belgian company)	Pressures for support of Marine Stewardship Certification. As part of the management plan and license requirements of Marine Stewardship certification the sea bob shrimp fishery uses Turtle Exclusion Devices and Bycatch Reduction Devices (BRDs). The MSC certificate holder is Heiploeg Group/Morubel NV of Belgium
Institutional/	Ministry of Foreign Affairs	Community agencies works in close collaboration with the

⁷ telephone conversation, Terence Phillips (CANARI) and Lisa J. Martinez(FAO), 25 June 2014

Administration		Fisheries Department from the Ministry of Agriculture, Animal Husbandry and Fisheries regarding fishing agreements between other countries with Suriname
	Ministry of Agriculture, Livestock and Fisheries (LVV)/Fisheries Advisory Board	The main duty of this board is to advise the minister on fisheries matter, such as licenses and fishing regulations. (Article 26 of the Sea Fisheries Act of December 2001.)
	Ministry of Agriculture animal Husbandry and Fisheries (LVV) / the Fisheries Department	Manages the fisheries resources through its policy and legislation. It issues licenses to fishermen annually and controls the adherence to license conditions. The Department furthermore has a central role in updating the Fisheries legislation,
	Fish Quality Institute	Responsible for the provisions incorporated in the Fish Inspection legislation.
	the Ministry of Nature Conservation	Assists in Monitoring, Control and Surveillance for the Fisheries Department. Functions as the focal point for the Convention on International Trade in Endangered Species of wild Fauna and Flora (CITES). It is charged with the enforcement of laws on Hunting; including protection of Sea Turtles, and on biodiversity such as Mangrove forests (in the Coastal area) and certain provisions of the Fisheries legislation.
	The Maritime Authority Suriname (MAS	Charged with the registration of fishing vessels in the ship registry, and is responsible for issuing the Surinamese flag to fishing vessels.
	The Ministry of Defense/The Suriname Navy and the Police and	Charged with (support to) enforcement of legislation.
	The Ministry of Foreign Affairs from Suriname	Responsible for the ratification processes of international treaties.
	The Ministry of Labor, Technology and Environment / National Institute for Environmental Development in Suriname	The watchdog for safeguarding the environment in general. Environmental agency. National Focal point for Global Environmental Facility
	The Ministry of Labor, Technology and Environment	The Ministry is responsible for labour standards, including on board vessels
Research/University	Institute Emilio Garde, University of Para University of Suriname	
	National Oceanic Atmospheric Administration/ National Marine Fisheries Service (NOAA/NMFS)	
Other sectors impacting fisheries	Petrobras Staatsolie	Oil and gold exploration with impact on inland and marine fisheries
International: Intergovernmental and Donor Community	Japan Brazil Guyana CARICOM WECAFC	
Civil Society ; international and National	WWF, Conservation International (CI) and Suriname Conservation Foundation (SCF)	National projects or advocacy on ecosystem and fisheries related matters.
CARICOM Reference Groups	Caribbean Network of fisherfolk and Organizations	
	CRFM	
	UWI-CERMES	

* The project may need to profile stakeholders in terms of economic wealth, legitimacy (rights and responsibilities), information access, conflicts, interests and power. Gender, youth, disability are additional considerations

2.3 Project Justification

The Government requires external support through this project to address technical capacity gaps in the art of legislative drafting for fisheries management and conservation. The project facilitates the development of updated legislation for capture fisheries, which will allow for the efficient management of the sector on the basis of the ecosystem approach to fisheries and other modern management principles. In particular, the legislation will facilitate the introduction of a more effective licensing system, which will contribute to generating foreign currency, and allow for more effective management of national fisheries. The improved legal framework will facilitate the

more efficient monitoring, control and enforcement of fisheries activities and thus make fisheries more environmentally sustainable and act as a disincentive for offences. An adequate legal framework is the basis for the efficient management of the sector and will thus facilitate the introduction of eco-labelling standards. The legislation will also ensure the implementation in national legislation of obligations deriving from international instruments and of provisions of international non-binding instruments which Suriname supports, notably: the UN Fish Stocks Agreement,⁸ the Code of Conduct for Responsible Fisheries and related instruments, including the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing, International Guidelines on Bycatch Management and Reduction of Discards, and the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the context of National Food Security and Poverty Eradication. Also the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing and the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas are of importance, even though Suriname is not a Party to either of these agreements.

An efficient regulatory framework for inland and marine fisheries, introducing among others co-management practices, contributes to making the sector more sustainable and to safeguarding the contribution of inland and marine fisheries to national food security in the long run.

2.4 Past and Related Work

The Government of Suriname has recently been engaged in a project related to aquatic animal health, in the context of which a review of the aquaculture and aquatic animal health legislation was carried out. The legal activities under this project are relevant as far as it relates to the capture based aquaculture and in relation to certain powers in relation to food safety that were addressed in the aquatic animal health legislation.

Table 2.4 SURINAME Fisheries Projects - Past and Related work

Caribbean Large Marine Ecosystem (CLME) case study on shared stocks of shrimps and groundfish fisheries of the Guianas-Brazil shelf.	Project aimed at 1) CLME Transboundary Diagnostic Analysis as a basis for preparation of the Strategic Action Programme, with priority actions for the sustainability of the shrimp and groundfish fisheries; 2) mainstreaming the Ecosystem Approach to Fisheries (EAF) in the management of shrimp and ground fish fisheries in the six participating countries and overseas territories: Brazil, French Guiana, Suriname, Guyana, Trinidad & Tobago and Venezuela. Each country identified interest groups, make proposals for the improvement of decision-making processes by key EAF management issue , and ultimately the implementation of recommendations. (Training Workshop on Ecosystem Approach to Fisheries, Paramaribo, 17-21 October 2011)
Integrating Watershed and Coastal Area Management (IWCAM)	
European Union-Africa Caribbean Pacific Fish II	
CRFM/ Japan International Cooperation Agency (JICA) Master Plan Study	

⁸ United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

CARICOM / CRFM / Kingdom of Spain Diagnostic Study	
CRFM / CTA / CNFO project	
TCP/SUR/3401 Aquatic Animal Health	The project aimed, among others at the development of legislation for aquatic animal health, targeting mainly the aquaculture subsector. The reviewed legal frameworks for aquatic animal health will have some impact on the capture fisheries, in particular where it relates to the capture of wild specimen and grow out in aquaculture facilities. The legal work under this project also touched on a number of issues that are related to food safety, which are equally relevant for capture fisheries, in particular in relation to the authority of the VKI to inspect residue levels in fish food.

2.5 FAO's Comparative Advantage

FAO's comparative advantage is broadly related to enhancing institutional, planning and management capacity for sustainable fisheries, applying sustainable ecosystem approach to fisheries management and includes technical and normative work. As part of its normative work FAO has supported the development of a suite of legal and policy instruments. A particularly relevant example is the Code of Conduct for Responsible Fisheries and associated international guidelines such as the Guidelines on Bycatch Management and Reduction of Discards, and the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the context of National Food Security and Poverty Eradication. A number of legal instruments address IUU fishing, including in particular the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing, and the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing. These instruments, guidelines and measures also address important fisheries management issues.

Part of the work of FAO is related to providing legal assistance to FAO Members in strengthening legal capacities for the implementation of these and other instruments.

FAO's legal office, and in particular the Development Law Branch, has the mandate under FAO's Administrative Manual and long experience in delivering technical legal assistance to FAO members to review and update legislation in the field of food and agriculture, including fisheries. The provision of legislative assistance is an integrated part of FAO's strategic framework, and recent legislative projects in Suriname have addressed the animal health and production, including aquatic animal health.

SECTION 3. PROJECT FRAMEWORK

3.1 Impact

Fisheries are managed more sustainably and efficiently on the basis of strong legal frameworks, which leads to better food security and income generation in a manner that is inclusive of stakeholder interests. The project also contributes to the meeting of obligations deriving from international instruments that Suriname has ratified.

3.2 Outcome, Outputs and Activities

The project output is the strengthened legal framework that enables stakeholders and relevant actors to manage the fisheries sector more efficiently and sustainably and that is implemented by stakeholders and other actors, including government.

The project outputs are:

1. Stakeholders prepared for meaningful involvement in the legislative process through inception workshop and field consultations
2. Legal Review report developed
3. Legal working group meetings and validation workshop held through which stakeholders, government officials and experts support the legal drafting process
4. (Final) Draft legislation made available, based on recommendations of legal review report and on stakeholder input
5. Lessons Learnt Documentation and Project assessment

Following activities are related to the listed outputs:

Output 1:

- Development of information brochures on 1) importance of stakeholder involvement in legislative processes; 2) stakeholder benefits in strong legal frameworks for fisheries;
- Establishment of a legal working group to support legislative drafting process;
- Project inception workshop;
- Field consultations with main stakeholders (2)

Output 2:

- Training of legal consultant in use of legal assessment tool;
- Preparation of outline of review report and inventory of legal and policy instruments
- Preparation of review report and recommendations;

Output 3:

- Series of meetings of legal working group;
- preparation of short meeting outcome descriptions

Output 4:

- Preparation of outline of legal instruments required and rough indication of content;
- Preparation of draft legislation;
- Drafting workshop
- Preparation of explanatory notes, as per requirements of the country;
- Submission of draft legislation to government
- Project validation workshop;

Output 5:

- Preparation of terminal report.
- Project presentation event

The logframe is provided in Annex 2

Sustainability

The project is technically sustainable as training will be provided to a group of key officials and stakeholders, through the participation in the legal working group and in the project workshops, and to the national legal consultant in the use of the legal assessment tool, which enables them to carry out future amendments of the legislation without need for support. The project is environmentally sustainable as the intervention will lead to a framework that constitutes the basis for more environmentally sustainable management of the fisheries sector. The project is economically sustainable as no additional expenses are required to adopt the legislation. On the contrary, the intervention is expected to lead to increased income from license fees from foreign owned vessels, who now do not pay adequate fees. The project is socially sustainable as all stakeholders will be included in the consultation process, with particular reference to small scale fishers and to women, and their interests will be served through co-management and co-decision mechanisms for which the legislation provides the basis.

3.3 Risks and assumptions

Outcome/output	Risk	Impact	Probability	mitigation
Outcome 1	<p>Government no longer supports the project</p> <p>Legislature does not adopt the draft legislation</p> <p>Lack of willingness and capacity of stakeholders and other actors to implement legislation</p>	<p>Project would need to be terminated</p> <p>Draft legislation would not result in any change, or in partial change, when partially adopted</p> <p>Partial implementation would lead to ineffective management of sector</p>	<p>Low</p> <p>Medium</p> <p>Low</p>	<p>Strong communication with government including through legal working group</p> <p>Involvement of legislature, office of Attorney General, parliament in revision process</p> <p>Legislation will not require specifically rare capacities and willingness will be created by involvement of stakeholders in development process (buy-in)</p>
Output 1	Lack of support from public sector, NGOs and stakeholders	Project would lack stakeholder support, possibly lack of implementation and lack of support for stakeholder interests	Low	Involvement from the onset of stakeholder, transparent procedures, and information material made available
Output 2	<p>Insufficient capacity to carry out the analysis and make recommendations</p> <p>Lack of availability of data and input from stakeholders and experts.</p>	<p>Low quality review report would lead to low quality recommendations and low quality draft legislation</p> <p>Lack of relevant provisions and development of unsuitable legislation</p>	<p>Low</p> <p>Low</p>	<p>Country capacity is present and supervision and quality control provided from HQ</p> <p>Stakeholders and government will be closely involved and carry the project. They dispose of the data and information</p>
Output 3	Insufficient participation from stakeholder community	Project would lack stakeholder support, possibly lack of implementation and lack of support for stakeholder	Low	Involvement from the onset of stakeholder, transparent procedures, and information material made available

	Experts do not sufficiently liaise with stakeholders in order to get accurate feedback with the problems they face in regards to out-dated fisheries legislation	interests		
Output 4	Insufficient capacity to develop the draft legislation Insufficient input from stakeholders and experts	Low quality legislation would lead to insufficient efficiency and sustainability gains in the legislation Low quality legislation would lead to insufficient efficiency and sustainability gains in the legislation	Low Medium	Country capacity is present and supervision and quality control provided from HQ Stakeholders and government will be closely involved and carry the project. They dispose of the data and information
Output 5	Project personnel and key beneficiary not committed to document or do not retain achievements of the project	Low quality report	Low	Sufficient supervision and monitoring is provided for

SECTION 4 – IMPLEMENTATION AND MANAGEMENT ARRANGEMENTS

4.1 Institutional framework and coordination

The sub-directorate Fisheries (OD-F), Ministry of Agriculture, Animal Husbandry and Fisheries (LVV) will be the National Focal Point for this project. The OD-F will work closely with other directorates of the LVV, and with other relevant ministries, including the ministry responsible for environment, the ministry responsible for justice, the ministry responsible for planning, as well as with related institutions and bodies, such as the fish inspection institute (VKI). The national project steering committee (NPSC) will be constituted with representatives of the OD-F and other representatives of relevant ministries, including legal staff, and will be chaired by a legal officer working in the LVV, OD-F. Other members of the NPSC will include FAO representatives, private sector and other stakeholders, including small scale fisheries, women’s groups, as required. The collaborating ministries and/or departments shall be represented in the NPSC by high ranking officers of at least a director-level position to expedite consultation and authoritative decision-making and by legal staff. The NPSC will be responsible for reviewing overall progress of the project and provide the administrative decision-making and support to overcome constraints during implementation. It will meet at least twice during the life-span of this project to review progress.

A legal working group comprising of representatives from the above mentioned departments, and key stakeholders, in particular those with legal and/or technical expertise will be the key driver of the processes of legal reform with guidance from the key consultants.

Stakeholders from all groupings are to be involved, including small-holder producers, women and youth. The field consultations that will be carried out early on in the project will prepare stakeholders to meaningfully participate in the project activities.

4.2 Government inputs

The Government shall take all necessary measures to facilitate the execution of the project and to assist the project experts and consultants recruited by FAO in carrying out their duties. It shall also assist in obtaining such services and facilities as may be required in fulfilling the tasks within the scope of this project. In terms of human resources, government will nominate a National Project Coordinator (NPC) from the OD-F of the Ministry of LVV. The NPC will facilitate and play a leadership role in the project implementation. Other government staff, including national legal experts, will be involved in consultations and reviews leading to the drafting of the required legislation.

The Government shall be solely responsible for: provision of office space for the different project personnel; provision of a secretariat and secretarial staff for the project; and transportation and utility costs. It will assist in preparing the agenda of meetings and support the field missions of the project staff, consultants and FAO.

4.3 FAO contribution

FAO will, through this project, help strengthen the capacity of the Ministry of LVV and other government departments as well as stakeholders involved in the management of fisheries and the conservation of living marine resources, to sustainably and efficiently manage the sector on the basis of a strong legal framework for fisheries. To this end, the following inputs will be provided by FAO:

- national Legal Consultant (60 days WAE)
- FAO Technical Support Services (TSS):
 - LEGN (LTU): 60 days in total, including standard and specific tasks (the latter including 21 days of field missions) –ToRs in Annex 5
 - SLC Fishery Officer: 25 days in total, including standard and specific tasks (the latter including 21 days of field missions) –ToRs in Annex 6
 - FIRF: 3 days for standard supervision
- Duty travel:
 - International travel for Technical Support Services missions;
 - national travel within Suriname for the national consultant and national project counterparts;
- funds for organization of consultations and workshops on fisheries legislation;
- General Operating Expenses (GOE): to cover miscellaneous expenses in the country related to the implementation of the project;
- Materials, supplies and equipment: the project will provide essential expendable materials in facilitation of workshops and other consultative meetings;

- Direct Operating Costs (DOC): to cover miscellaneous expenses at FAO related to the implementation of the project. They are calculated at the rate of 7 percent established by FAO headquarters to cover the cost of operating the project.

TSS will substitute the international legal consultant.

SECTION 5 - Oversight, Monitoring, Management information and Reporting

5.1 Monitoring and knowledge sharing

The NPSC through its chairperson will provide the monitoring and oversight of this project. In particular, the NPSC will provide support to the national project coordinator to facilitate his day-to-day management of the project. The project coordinator will from time to time provide feedback on any emerging issues to the chairperson of the steering committee.

5.2 Communication and visibility

All materials produced under this TCP, as well as the outcomes achieved and lessons learnt shall be disseminated through a national project presentation event to be held at the end of the project, as well as on the FAO and One UN websites.

Specific information will be prepared for stakeholders in the form of two brochures on 1) importance of stakeholder involvement in legislative processes; 2) stakeholder benefits in strong legal frameworks for fisheries.

5.3 Reporting schedule

Over and above the delivery of a project outputs as indicated in the ToRs, each consultant will provide his/her own progress and end of assignment reports. The Ministry of LVV on the other hand will through the nominated project coordinator coordinate day to day activities of the project, ensure that the project meets its deadlines, help organize meetings, trainings and workshops and provide periodic progress reports. In particular, the National Project Coordinator is expected to produce the following reports:

- biannual monitoring and supervision reports highlighting progress and constraints during implementation;
- draft terminal report in line with TCP procedures.

Annex 1 – Budget

Project Symbol and Title			
TCP/SUR/3502			
Updating Suriname's capture fisheries legal framework			
Comp.	Component Description	Sub Comps.	Main Comp.
5013	Consultants		18,000
5542	Consultants - International	-	
5543	Consultants - National	18,000	
5544	Consultants - TCDC/TCCT	-	
5545	Consultants - Retired Experts	-	
5546	Consultants - South South Cooperation	-	
5547	Consultants - UN Volunteers	-	
5014	Contracts		-
5650	Contracts Budget	-	
5020	Overtime		-
5652	Casual Labour - Temporary Assistance	-	
5021	Travel		29,936
5661	Duty travel others (only FAO staff)	4,344	
5684	Consultants - International	-	
5685	Consultants - National	1,480	
5686	Consultants - TCDC/TCCT	-	
5687	Consultants - Retired Experts	-	
5688	Consultants - South South Cooperation	-	
5689	Consultants - UN Volunteers	-	
5694	Travel - Training	-	
5692	Travel TSS	22,632	
5698	Travel - Non staff (e.g. counterparts)	1,480	
5023	Training		7,000
5920	Training Budget	7,000	
5024	Expendable Equipment		5,000
6000	Expendable Equipment	5,000	
5025	Non Expendable Equipment		-
6100	Non Expendable Equipment Budget	-	
5027	Technical Support Services		46,754
6111	Report Costs	2,450	
6120	Honorarium TSS	44,304	
5028	General Operating Expenses		1,721
6300	General Operating Expenses Budget	1,721	
5029	Support Cost		7,589
6118	Direct Operating Costs	7,589	
	Grand Total		116,000

Annex 2 – Logical framework

Suriname Fisheries Legislation

	Design Summary	Indicators	Baseline	Target	Means of Verification (MoV)	Risks and Assumptions
Impact	Fisheries are managed more sustainably and efficiently on the basis of strong legal frameworks, which leads to better food security and income generation in a manner that is inclusive of stakeholder interests	<p>More sustainable and efficient management measures taken on enabling legislation</p> <p>Stakeholders involved in co-management or co-decision mechanisms established in the legislation</p>	<p>Sustainability and efficiency of measures sub-optimal due to lack of legal basis</p> <p>Involvement of stakeholders on ad-hoc basis, without legal certainty</p>	<p>Sustainability and efficiency of measures is improved in relation to at least two topics: IUU and licensing</p> <p>Stakeholder involvement mechanisms are established for inland fisheries</p>	<p>Fisheries reports, Surveys and literature on efficacy of fisheries legislation and their linkage to increased production</p> <p>Reports and outcomes of stakeholder involvement mechanism meetings</p>	<p>Sustainability and efficiency of measures is related to the strengthened legal framework</p> <p>Technical, financial and Institutional support services are available</p> <p>Stakeholders actively support co-management and co-decision mechanisms</p> <p>Legislation is adopted and effectively implemented</p>
Outcome	Strengthened legal frameworks enable stakeholders and relevant actors to manage fisheries sector more efficiently and sustainably	Suriname legislation reflecting best international practices, and provisions of international legal instruments, for capture fisheries is adopted and implemented	Old legislation	Draft legislation for capture fisheries, addressing both inland and marine fisheries presented	Project documentation and draft legislation as presented	<p>Government buy in and support</p> <p>Legislature supports and adopts the draft legislation</p> <p>Willingness and capacity of stakeholders and other actors to implement legislation</p>
Output 1	Stakeholders prepared for meaningful involvement in the legislative process through inception workshop and field consultations	<p>Number of a) persons managing fisheries and; b) persons with businesses or livelihoods in fisheries informed of and engaged in legislative process;</p> <p>Number of stakeholder field consultations carried out and</p>	To be determined	<p>> than 50 persons informed of and engaged in legislative process</p> <p>At least two stakeholder field consultations carried out in which at least 25 stakeholders are met;</p>	Project records of workshop participants and field consultations, delivery of information products	Support from public sector and NGOs and stakeholders in order to promote awareness and necessity to update fisheries legislation in order to secure future fisheries

		stakeholders met during field consultations; Information material on issues of national and international legal instruments for fisheries made available		Two information flyers made available: one on legislative processes and stakeholder involvement; one on the stakeholder benefits of strong legal frameworks for fisheries.		
Output 2	Legal Review report developed	Delivery of a review report on current state of legal framework relevant for fisheries provides detailed recommendations for its improvement List of persons consulted in preparation of briefs	A few policy document refer to the main challenges of the current legal framework for fisheries, but lack of analytical review of the legislation on which detailed recommendations can be based	A review report based on a thorough analysis of all legal instruments that directly and indirectly affect fisheries, that identifies gaps, overlaps and inconsistencies and provides detailed recommendations for improving the legal framework, also taking into consideration stakeholder and expert inputs	Project records and the making available of the Legal Review Report	Sufficient capacity to carry out the analysis and make recommendations Availability of data and input from stakeholders and experts.
Output 3	Legal working group meetings and validation workshop held through which stakeholders, government officials and experts support the legal drafting process	Meetings of legal working group that supports drafting process Validation workshop that brings together ministerial representatives, fisher folks, fishing and related industry, and processing industry representatives	N/A	The events are executed (Y) to rating of satisfaction (4) of stakeholders	Project workshop reports, inclusive of numbers of participants	Participation from stakeholder community Experts collaborate with stakeholders in order to get accurate feedback with the problems they face in regards to out-dated fisheries legislation
Output 4	(Final) Draft legislation made available, based on recommendations of legal review report and on stakeholder input	Draft Legislation presented at a stakeholder workshop by 31 December 2015 Legislation Endorsement Note by 31 Jan 2016 (y/n)	N/A	Draft legislation is presented to Government Endorsement Note signed by GOS and FAO	Project records and correspondence	Sufficient capacity to develop the draft legislation Input from stakeholders and experts
Output 5	Lessons Learnt Documentation and Project assessment	Project personnel and key beneficiary generate ex post assessment and terminal report (Y/N)	N/A	Ex post Assessment is made available and in style assessable to public groups	Project records	Project personnel and key beneficiary committed to document and retain issues and achievements of the project

	carry out field consultation with stakeholders 1 on the basis of the preliminary findings of the review report and to consult on particular issues to be addressed. Sensitize stakeholders on value of involvement and prepare for representation of stakeholder views in legal drafting process.																		
	carry out field consultation 2 on the basis of the preliminary findings of the review report and to consult on particular issues to be addressed. Sensitize stakeholders on value of involvement and prepare for representation of stakeholder views in legal drafting process.																		
Output 2 Legal Review report developed	[Virtual] training of the national legal consultant in the use of the legal assessment tool for legal preparedness in the context of REBYC LAC issues (SSF Guidelines, VGGT, By-catch guidelines)																		
	preparation of outline of review report and list of legislation and policy documents to be consulted																		
	preparation of Section 1 of the draft review report: descriptive overview of current legal framework relevant for fisheries, including instruments that affect fisheries indirectly. Analysis of gaps, overlaps, inconsistencies																		
	Preparation of section 2 of the draft review report: preparation of detailed recommendations on legislative interventions needed																		
	Preparation of final review report, taking into consideration input from inception workshop and the field consultations																		

Output 4 (Final) Draft legislation made available, based on recommendations of legal review report and on stakeholder input	Preparation of outline of legal instruments needed and indication of content																											
	Preparation of draft legislation																											
	Preparation of explanatory notes																											
	Submission of final draft legislation and explanatory notes to the Government																											
Output 5: Lessons Learnt Documentation and Project assessment	Lessons Learnt Workshop and Evaluation _ Technical Level terminal report																											
FAO country Office	Project Closure																											

TERMS OF REFERENCE

National Legal Consultant

Under the technical guidance of the Chief, Development Law Service (LEGN), and the direct supervision of the Legal Officer, the operational supervision of the FAO Country Representative Suriname, based in Trinidad and Tobago, in close collaboration with the Fishery Officer (FAO-SLC) and other members of the project team, the National Legal Consultant will lead the implementation of the project activities in the country. In particular, the National Legal Consultant will:

- Identify and list stakeholders to be involved in the legislative activities;
- Identify existing and draft instruments directly or indirectly relevant to capture fisheries including national, regional and international legal instruments as well as key policy documents with relevance for the legal framework for fisheries, and provide an inventory of these instruments, including concise descriptions of each of them in which their relevance for fisheries is provided;
- Prepare an outline of a legal review report in which short descriptions of the different sections are provided;
- Prepare a legal review report including descriptions of relevant policy and legal instruments and an analysis of the strengths and weaknesses of these instruments, focusing on gaps, overlaps, and inconsistencies, and assessments of the different instruments in light of international best practices and international legal instruments related to fisheries. Based on this analysis, detailed recommendations will be formulated on the legislative interventions needed;
- Support the preparation of two information brochures on: 1) importance of stakeholder involvement in legislative processes; 2) stakeholder benefits in strong legal frameworks for fisheries;
- Carry out two field consultations with stakeholders to present and discuss the information material (brochures), discuss key concerns and prepare the stakeholders for involvement in the drafting process, in particular by ensuring adequate representation and by providing information on the process. The field consultations are also intended to ensure that preliminary recommendations done in the legal review report that may affect stakeholders, are discussed with them.
- Support the preparation of an inception workshop, including the logistical aspects, invitations, preparation of documentation;
- Participate in the inception workshop and present the recommendations prepared in the legal review report, take notes and support the inception workshop in any other means as may be required;
- Prepare a report of the inception meeting;
- Support and lead the meetings of the legal working group that supports the legal drafting process, and in particular prepare agenda's, invite participants, organize logistics, make notes, ensure liaison with the Legal Officer and follow-up on outstanding issues;
- Develop the outline of legal instruments including detailed descriptions of the issues that need to be addressed in these instruments, per section;

- Prepare drafts of legislation and follow-up on comments and input provided by the Legal Officer;
- Follow-up on outstanding legal questions and interpretations and ensure that all relevant legal instruments are taken into consideration;
- Prepare drafts of Explanatory Notes and follow-up on comments and inputs provided by the Legal Officer;
- Support the preparation of a validation workshop, including the logistical aspects, invitations, preparation of documentation;
- Participate in the validation workshop and present the recommendations prepared in the legal review report, take notes and support the validation workshop in any other means as may be required;
- Participate and support the organization of a national project presentation event at the end of the project and present the project activities and outputs;
- Prepare a report of the validation meeting and update draft instruments presented as per agreed inputs provided at the validation meeting;
- Prepare a draft terminal report and progress report;
- Participate in meetings as may be required;
- Liaise with the NPSC and the national counterparts as may be required;
- Carry out other tasks and activities, as may be required.

Duty station: Paramaribo, and home.

Duration: 60 days (of which 5 days national field consultations)

Qualifications: The national Legal consultant will be a lawyer who is familiar with fisheries legislation and a solid understanding of the national fisheries sector. Experience in drafting legislation and knowledge of Dutch required.

Annex 5
TERMS OF REFERENCE

Legal Officer
Development Law Service

Under the technical guidance of the Chief, Development Law Service (LEGN), in close collaboration with the FAO Representative, Suriname, the Fishery Officer (FAO-SRL), the National Legal Consultant and other members of the project, the Legal Officer shall:

- Select and brief the National Legal Consultant, prepare and coordinate his/her work programs;
- Further develop the legal assessment tool for the Voluntary Guidelines on the Governance of Tenure to include consideration of the small scale fisheries guidelines (SSFG) and the by-catch guidelines as a test case in the context of the REBYC LAC II project;
- Provide training to the national legal consultant in the use of the legal assessment tool (LAT);
- Review, provide input and comments and clear outputs prepared by the National Legal Consultant, including: the inventory and descriptions of legal and policy instruments; the outline of the review report; the review report; inception and validation meeting reports; draft legislation and explanatory notes.
- Develop, with the support of the national legal consultant draft legislation for fisheries, in line with the recommendations of the review report;
- Carry out two missions to Suriname: 1) to attend the inception workshop; 2) to attend the validation workshop and, - as may be required - carry out a third mission to Suriname to assist the legal working group in the further development of the draft legislation;
- Prepare and finalize any reporting that may be required;

Duty station: Rome, Paramaribo

Duration: 50 days (36 days desk work and two missions of 7 days, or 29 days desk work and three missions of 7 days)

Annex 6

TERMS OF REFERENCE

Sub-Regional Fishery Officer (SLC)

Under the technical guidance of the Chief, Fisheries (FI), in close collaboration with the FAO Country Representative for Suriname, the National Legal Consultant and other members of the project the Fishery Officer (FAO-SLC) shall:

- Collaborate in the selection and briefing of the National Fishery Legal Consultant, prepare and coordinate his/her work programs;
- Guide the national fishery consultant as may be needed in the technical management or governance issues of the fishery resources, as it relates to the legal assessment tool for the Voluntary Guidelines on the Governance of Tenure to include consideration of the small scale fisheries guidelines (SSFG) and the by-catch guidelines as a test case in the context of the REBYC LAC II project;
- Provide input and comments on the outputs prepared by the National Legal Consultant. The National Legal Consultant's outputs include the inventory and descriptions of legal and policy instruments; the outline of the review report; the review report; inception and validation meeting reports; draft legislation and explanatory notes.
- Contribute to draft legislation for fisheries, in line with the recommendations of the review report;
- Carry out two missions to Suriname: 1) to act as a resource person at the inception workshop; 2) to act as a technical resource person at the validation workshop and, - as may be required - carry out a third mission to Suriname to assist the legal working group in the further development of the draft legislation;
- Prepare and finalize any reporting that may be required;

Duty station: Bridgetown, Paramaribo

Duration: 25 days (4 days desk work and three missions of 7 days)

Annex 7 – List of current legal fisheries instruments (specific)

LAW	Content
Fish Stock Protection Law (1961) Visstandsbeschermingswet (1961 G.B. 1961 no. 4, z.l.g. bij S.B. 1981 No. 66),	Establishes a licensing obligation for capture fisheries in inland waters, provides authority to develop further rules for regulation of inland fisheries, and provides prohibitions in relation to closed areas and minimum sizes, and provides for sanctions and investigatory powers.
Fish Stock Protection Decree Visstandsbeschermingsbesluit G.B. 1961 No. 101	Implements the Fish stock protection Law and determines minimum catch sizes of certain inland water species. Sets a closed season for only one species, the endemic species kwie-kwie (<i>Hoplosternum littorale</i>), from April 1st to July 15th of each year.
Sea Fisheries Law (1980) Zeevisserijwet 1980 (S.B. 1980 No. 144 z.l.g. bij S.B. 2001 No. 120)	This law provides for the authority to register fishing vessels. It also introduces a licensing system for sea fishing. It furthermore provides the authority for adopting subsidiary legislation on a range of topics. The law provides for the establishment of the Sea Fisheries Council, which is responsible for advising the Minister in matters governed by this law and in general matters relating to sea fishery. The Council consists of representatives of different Ministries and different segments of the fishing Industry. Finally the law provides for sanctions and investigatory powers.
Viskeuringswet (2000) Fish Inspection Act (2000) (S.B. 2000 No. 107)	This act provides for the food safety measures of fish and fish products and is complimented by a range of subsidiary legal instruments. The central authority in the food safety is the Fish Inspection Institute.
A draft law on capture fisheries (2011)	Merges and updates all three instruments into one single Fisheries Law. Due to technical concerns, this draft law has not been adopted

Annex 8- TCP General Provisions

1. The achievement of the objectives set by the project shall be the joint responsibility of the government and FAO.
2. As part of its contribution to the project, the government shall agree to make available the requisite number of qualified national personnel and the buildings, training facilities, equipment, transport and other local services necessary for the implementation of the project.
3. The government shall assign authority for the project within the country to a government agency, which shall constitute the focal point for cooperation with FAO in the execution of the project, and which shall exercise the government's responsibility in this regard.
4. Project equipment, materials and supplies provided out of Technical Cooperation Programme funds shall normally become the property of the government immediately upon their arrival in the country, unless otherwise specified in the agreement. The government shall ensure that such equipment, materials and supplies are at all times available for use of the project and that adequate provision is made for their safe custody, maintenance and insurance. Vehicles remain the property of FAO, unless otherwise specified in the agreement.
5. Subject to any security provisions in force, the government shall furnish to FAO and to its personnel on the project, if any, such relevant reports, tapes, records and other data as may be required for the execution of the project.
6. The selection of FAO project personnel, of other persons performing services on behalf of FAO in connection with the project, and of trainees, shall be undertaken by FAO, after consultation with the government. In the interest of rapid project implementation, the government shall undertake to expedite to the maximum degree possible its procedures for the clearance of FAO personnel and other persons performing services on behalf of FAO and to dispense with, wherever possible, clearance for short-term FAO personnel.
7. The government shall apply to FAO, its property, funds and assets, and to its staff, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies. Except as otherwise agreed by the government and FAO in the Project Document, the government shall grant the same privileges and immunities contained in the Convention to all other persons performing services on behalf of FAO in connection with the execution of the project.
8. With a view to the rapid and efficient execution of the project, the government shall grant to FAO, its staff, and to all other persons performing services on behalf of FAO, the necessary facilities including:
 - i) the prompt issuance, free of charge, of any visas or permits required;
 - ii) any permits necessary for the importation and, where appropriate, the subsequent exportation, of equipment, materials and supplies required for use in connection with the project

and exemption from the payment of all customs duties or other levies or charges relating to such importation or exportation;

iii) exemption from the payment of any sales or other tax on local purchases of equipment, materials and supplies for use in connection with the project;

iv) payment of transport costs within the country, including handling, storage, insurance and all other related costs, with respect to equipment, materials or supplies for use in connection with the project;

v) the most favourable legal rate of exchange;

vi) assistance to FAO staff, to the extent possible, in obtaining suitable accommodation;

vii) any permits necessary for the importation of property belonging to and intended for the personal use of FAO staff or of other persons performing services on behalf of FAO, and for the subsequent exportation of such property;

viii) prompt customs clearance of the equipment, materials, supplies and property referred to in subparagraphs (ii) and (vii) above.

9. The Government shall appoint a National Project Coordinator (NPC), as envisaged in the Project Document, to carry out the functions and activities specified in the agreement. In some cases, it may be necessary for FAO to request, in writing, the NPC to incur specific commitments or obligations or to make specific payments on behalf of FAO. In such cases, the project may advance to the NPC project monies, up to the amounts allowed by and in accordance with current FAO rules and regulations. In this event the Government agrees to indemnify FAO and to make good to it, any losses that may arise from any irregularity in the maintenance of the advanced FAO's monies on the part of the NPC.

10. The government shall deal with any claim which may be brought by third parties against FAO or its staff, or against any person performing services on behalf of FAO, and shall hold them harmless in respect of any claim or liability arising in connection with the project, unless the government and FAO should agree that the claim or liability arises from gross negligence or wilful misconduct on the part of the individuals mentioned above.

11. The persons performing services on behalf of FAO, referred to in paragraphs 6, 7, 8 and 10, shall include any organization, firm or other entity, which FAO may designate to take part in the execution of the project.

REBYC-LAC II

This intervention complements the legal activities in REBYC LAC II (GCP /RLA/203/GFF), in particular where it relates to the implementation of the FAO by-catch guidelines. Close collaboration between the REBYC LAC II project team and national counterparts is envisaged and the foreseen TCP intervention may constitute a test-case for the implementation of the guidelines in national legislation. To this end, a legal assessment tool (LAT) will be developed that addresses the relevant instruments for the REBYC-LAC II project as well as other relevant legal instruments, with an emphasis on by-catch and co-management issues. The LAT will be developed of a currently existing LAT that is being tested in the context of the Voluntary Guidelines on the Responsible Governance of Tenure in the Context of National Food Security in Sierra Leone

CITES

The FAO legal office and the CITES Secretariat are currently developing an agreement under which CITES will make available funds to address the implementation of shark listings in the context of the CITES convention, in on-going legislative projects carried out by LEGN. The funds are to be used, if and when made available, jointly by CITES and LEGN to develop a methodology for addressing shark listings in the context of LEGNs legislative assistance projects. Suriname is a potential candidate for these activities to take place and synergies with the current projects would be a result as the implementation of CITES requirements in national legislation would be extensively addressed in the country.