

Terms of Reference (ToR) of the FiTI National Multi-Stakeholder Group (NMSG) in the Seychelles

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1. Mission and Objectives of the Seychelles FiTI NMSG

It is the objective of this National Multi-Stakeholder Group (NMSG) to collectively ensure that the FiTI is fully implemented in the Seychelles, thereby making a positive contribution to strengthening transparency, participation and accountability in fisheries governance for the benefit of a more sustainable management of its marine fisheries. The FiTI is identified as complimentary to the government’s work on advancing a sustainable blue economy.

The NMSG also expresses its ambition that the implementation of the FiTI in the Seychelles helps its people to hold decision makers to account, and encourages other countries around the world to take similar steps, thereby establishing a global level playing field of transparency in fisheries.

2. Composition of the National Multi-Stakeholder Group

The NMSG reflects a multi-stakeholder composition. The size of the group should not exceed twelve (12) members and is distributed among three stakeholder groups, as follows:

Government (4 members):

- Department of Fisheries.
- Department of Blue Economy.
- The United Seychelles (Ruling Party).
- The Linyon Demokratik Seselwa Party (Opposition Party).

Civil Society (4 members):

- Sustainability for Seychelles.
- Seychelles, Sports Fishing Club.
- Transparency Initiatives (Seychelles).
- Youth Grouping.

Business (4 members):

- Purse Seiners.
- Fishing Boat Owners Association.
- Fish Processors.
- Fishermen from Praslin.

Each organization appoints one focal point. It is also important that each Organisation appoints an alternate.

Additionally, the NMSG is presided and represented by a Chair. The FiTI National Lead acts as the Chair of the NMSG.

Members are be appointed for a term of two years.

Members may be reappointed twice. Each stakeholder group may however decide to set limits to the number of terms Members from their stakeholder group are able to serve.

Each Member – except the Chair – should have an Alternate, who is welcome to observe meetings and substitutes for the Member in case of absence of this Member

Representatives from intergovernmental organisations, development banks, development agencies, and other relevant organisations may be invited by the Chair, e.g. upon request from the National Multi-Stakeholder Group to attend meetings as observers, when this can be practically accommodated. Observers may express their views on specific policy and implementation matters. Observers do not have voting rights.

Experts may also be invited to attend National Multi-Stakeholder Group meetings by the Chair. e.g. upon request from the NMSG. Experts have speaking rights on the topics for which they were invited to, unless otherwise approved by the Chair. Experts do not have voting rights.

The Chair must be notified of any invitation extended to additional attendees no later than 10 days prior to the meeting date.

3. Responsibilities and functions of the NMSG

The NMSG takes into account the views of all stakeholder groups in its deliberations and decisions. Each stakeholder group commits itself to work with the rest of the group in the spirit of good faith and cooperation based on trust and equality.

The NMSG is responsible for the implementation and governance of the FiTI in the Seychelles with the initial aim of enabling the Seychelles to meet its objectives of gaining candidacy, followed by achieving and maintaining compliance with the FiTI Standard.

The NMSG is responsible for decision-making on the direction, implementation, monitoring, evaluation, and progressive improvement of the FiTI implementation in the Seychelles and ensures that the FiTI implementation contributes to an informed public debate on fisheries governance and the blue economy in the Seychelles.

The responsibilities of the NMSG include, but are not limited to:

- Defining the scope of the FiTI implementation in the Seychelles¹;
- Identifying and addressing any legal, regulatory, or administrative barriers to the implementation of the FiTI, as well as capacity constraints, and take steps to remove them;
- Preparing the country's application for FiTI candidacy;
- Establishing a properly authorised and resourced FiTI National Secretariat to provide administrative and operational support to the NMSG;
- Developing and applying annually a fully-costed Workplan in accordance with the deadlines and periods specified in the FiTI Standard, containing measurable targets and a timetable for implementation which incorporates an assessment of capacity constraints and measures to address them;²
- Conducting the FiTI reporting process annually;³
- Endorsing the appointment of a Report Compiler;
- Reviewing, approving and publishing national FiTI Reports in accordance with the reporting deadlines and periods specified in the FiTI Standard;
- Recommending improvements on the publication of relevant data in the public domain;
- Ensuring public dissemination of fisheries information of public interest, contributing to the wide dissemination of national FiTI Reports and stimulate public

¹ This may include e.g. the definition of small- and large-scale fisheries (in accordance with the country's national legislation and international standards).

² In accordance with FiTI Standard requirement A.6 and B.3.4

³ In accordance with FiTI Standard requirement B.2.3

debate on them, and responding to queries from the public and elected representatives;⁴

- Publishing an Impact Report in accordance with the reporting deadlines and periods specified in the FiTI Standard;⁵
- Supporting efforts to secure investments in sustainable fisheries; and
- Supporting validation⁶.

4. Nomination and replacement of Members of the NMSG

Nomination of Members of the NMSG:

The three stakeholder groups appoint their Members independently and, in the case of the stakeholder groups for civil society and business, without government interference. This includes that stakeholder groups do not pre-define any categories or types of actors that other stakeholder groups must or must not appoint; and that no stakeholder directly selects or vetos the selection of Members from other stakeholder groups.

Each stakeholder group appoints Members who have the capacity and qualification to carry out their responsibilities as a NMSG Member.

Each stakeholder group ensures that their Members represented on the NMSG are representative of their group and strives for geographical repartition and gender diversity.

Replacement of Members of the NMSG:

- *Resignation:* Any Member may resign at any time by delivering written or electronic notice to the Chair, or by giving oral notice at any NMSG meeting. Any resignation takes effect at the time specified therein, or if the time is not specified, upon delivery receipt by the Chair.
- *Recall:* Each stakeholder group, upon the decision of its members through its own independent process, may recall their representative(s) in the NMSG at any time and replace them in accordance with the procedure stated above.
- *Suspension:* In case a Member does not comply with key responsibilities as set forth in these Terms of Reference, the NMSG may decide to suspend a Member, following its regular decision-making requirements and procedures. During the period of suspension, a Member may keep her or his status as a Member, but cannot engage in any NMSG activities.
- *Removal:* The NMSG may decide, following its regular decision-making procedures, to remove a Member. This may be the case if a suspension is in force for more than 6 months or for severe breaches of the FiTI Principles or the present

⁴ In accordance with FiTI Standard requirement B.2.4

⁵ In accordance with FiTI Standard requirement B.3.5

⁶ In accordance with FiTI Standard requirement D

Terms of Reference, including, but not limited to, fraud, breach of fiduciary duties, or criminal activity.

In the event of a Member vacating her or his seat before their term ends, the Alternate of this Member takes over. In case no Alternate is available, the concerned stakeholder group conducts its regular nomination procedures, as stated above.

5. Roles and responsibilities of Members of the NMSG

Membership of the NMSG is institutional. Furthermore, Members must reflect the perspectives of their stakeholder group, to which they are accountable.

All Members engage fully, actively and effectively in the work of the NMSG. This includes that Members make every effort to attend all meetings of the NMSG. Members who are unable to attend a meeting will, as a matter of courtesy, convey their apologies to the Chair before the commencement of the meeting. Such apologies are announced at the meeting and are recorded in the minutes.

Members may assume several responsibilities and participate actively in the various activities of the NMSG, including, but not limited to:

- Preparing and participating in NMSG meetings;
- Preparing and participating in decision-making via circulars on a more frequent basis;
- Preparing and participating in dedicated Working Groups (if determined by the NMSG);
- Holding regular consultations with their respective stakeholder groups to receive and coordinate their input ahead of NMSG meetings; and reporting back to their stakeholder group after relevant meetings.

The duty of representatives from government includes further best efforts to secure the human, financial and other resources required to develop, implement and sustain the FiTI implementation in the Seychelles as an effective instrument for sustainable and equitable fisheries.

6. Chair of the NMSG

The NMSG is presided and represented by a Chair. The Chair is the FiTI National Lead, in accordance with the FiTI Standard A.3, and comes from the FiTI Lead Ministry, which is the Blue Economy Department in the office of the Vice President of the Republic of Seychelles. The responsibilities of the Chair include, but are not limited to:

- Setting the date and place of meetings;
- Preparing the agenda of meetings, in consultation with NMSG Members, and with assistance of the FiTI National Secretariat;

- Chairing the meetings or, after consultation with NMSG Members, appointing a facilitator to conduct the meeting;
- Approving the attendance of observers and experts prior to NMSG meetings;
- Facilitating consensus and decision-making;
- Representing the NMSG in external matters;
- Seeking collaborative relationships with other relevant stakeholders.

The Chair serves for a term of 3 years.

The Chair is eligible for re-appointment once.

7. Meetings of the NMSG

All meetings of the NMSG are open to the public, as much as it can be practically accommodated. However, where matters arise in relation to a particular company, organisation, individual, or a matter of political sensitivity, upon the request of a Member, the NMSG may first meet in closed session to determine whether the matter should be discussed in open or closed session.

The NMSG meets at least every three months. If there are any urgent issues which need to be discussed and decided on, the Chair can call an extraordinary meeting.

The meeting announcement will be circulated at least two weeks before the meeting date.

The meeting agenda as well as any background information and preparatory material will be circulated at least one week before the meeting date.

The FiTI National Secretariat takes written notes of the discussions and decisions of the NMSG meetings.

After each meeting, the FiTI National Secretariat prepares, under the supervision of the Chair, draft meeting minutes and submit these to the Members for approval no later than 10 working days after the meeting. The NMSG Members have 10 working days to comment on the minutes. No comment is considered as an approval.

Names of attendees are listed in the minutes, but views that have been expressed within the meeting will not be associated to individuals' names. Exceptions may be made on attendee's request. The same rule applies outside the meetings as well.

The meeting minutes will be made publicly available.

8. Decision-making requirements and procedures

No decision will be made in a NMSG meeting unless a quorum is present at the time of making the decision. At least two-thirds of the total number of Members, with at least two Members from each stakeholder group, establish a quorum. Where a Member is unable to be present at a meeting, she or he can appoint another Member of the same stakeholder group to act as a proxy. The Member must inform the Chair about this

procedure in advance of the meeting. No person can hold more than two proxy votes for NMSG Members at a time.

Decision in the NMSG should be made on the basis of consensus.

Taking account of the view of the Members, the Chair may decide that a vote is required. Every Member of the NMSG has one vote. Voting can be done by written proxy. If a vote is called, decisions are adopted by a qualified majority, requiring support of at least two-thirds of the total votes cast (not counting abstentions) and the support of at least one Member from each stakeholder group.

Where a Member intentionally abstains, her or his vote will not be counted for or against a decision. Their vote will be discounted from the number of eligible votes.

The chair retains a casting vote.

In case decision are required that either involve matters related to the provision of public funds for FiTI activities in the Seychelles, or any matter related to the personnel forming the FiTI National Secretariat, the government stakeholder group retains the right of veto.

In addition to NMSG meetings, decisions can also be made by Circulars.

Under Circulars, decisions are made by a qualified majority of three-quarter of all votes to be cast in favour of the decision, with at least three members from each stakeholder group. Members must reply to a Circular in writing.

Members cannot vote in respect of any matter or arrangement in which they have a direct personal interest, or if there are any other special circumstances which could impair confidence in her or his impartiality. A Member must declare such interests to the Chair as soon as possible after she or he becomes aware of the same and this will be recorded in the meeting minutes. Members who are not entitled to vote on a matter are not counted in the quorum.

All votes and any dissenting opinions are recorded in the meeting minutes.

9. Dispute resolution mechanism

In case of perceived breach of the present Terms of Reference, NMSG Member(s) registers with the Chair a formal written grievance alleging such a breach of the present and outlining the grounds for the grievance. The grievance should be reviewed and recommendations for a decision proposed to the NMSG within a time period of 4 weeks.

If the NMSG cannot reach a decision on whether the grievance was founded or how to redress it, the matter must be raised to the FiTI International Board.

10. FiTI National Secretariat

The work for the NMSG is supported by a FiTI National Secretariat. The Secretariat is hosted by the Seychelles Fishing Authority (SFA).

The NMSG directs and supervises the National Secretariat in its activities.

The National Secretariat is accountable to the NMSG as a whole.

The National Secretariat does not support individual Members in the performance of their activities, as outlined above.

11. Other operational policies

Media policy:

NMSG Members coordinate with the Chair any media requests that require official information about the NMSG's work or seek comment on behalf of the NMSG. This does not restrict NMSG Members from communicating their own views or the views of their stakeholder group. Members must not harm or undermine the FiTI implementation in the Seychelles in their media communications.

The FiTI National Secretariat keeps a central record of events and publicity on the FiTI implementation in the Seychelles.

Openness policy:

In the spirit of openness, the documents of the Seychelles' FiTI implementation are public, unless otherwise agreed by the NMSG.

Any attendee, whether a NMSG Member, observer or expert, respects and does not discuss outside of NMSG meetings any confidential information that may become available at any point during the period of the FiTI implementation in the Seychelles. Any attendee is bound by this obligation for two years after termination of his or her mandate.

Reimbursement policy:

Members from civil society organisations and small-scales fisheries are eligible to receive reimbursement of expenses directly related to the attendance of NMSG meetings. Directly related expenses are travel expenses, accommodation expenses and per diem allowances, if applicable.

No reimbursement or any other payments is made conditional on the outcome of the NMSG meeting.

Code of Conduct

The provisions of the FiTI Global Code of Conduct apply also to the FiTI Implementation in the Seychelles.

12. Amendments to the Terms of Reference

These Terms of Reference are reviewed and, if necessary, amended by the NMSG every two years.

Motions for earlier reviews and amendments of the Terms of Reference may be brought to the agenda of a NMSG meeting at any other time in the period between the regular reviews.

The Terms of Reference are amended by consensus.