

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.

Ultimately, the NMSG expects that the implementation of the FiTI principles and standards in the Seychelles will help its people to hold decision makers to account, and encourage 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

- i. The NMSG reflects a multi-stakeholder composition.
 - Membership in the NMSG is institutional, and not personal.
 - Membership of the FiTI NMSG is open to any entity duly registered in Seychelles from the government, business or social sector, interested in enhancing transparency and multi-stakeholder participation in fisheries, good ocean governance or wider areas of open government and access to information.

The size of the group should not exceed fifteen (15) voting members and is distributed among three stakeholder groups, as follows:

Government (5 members):

- Department of Fisheries.
- Department of Blue Economy
- Seychelles Fishing Authority
- Seychelles Maritime Safety Authority
- Ministry of Finance, National Planning and Trade

Civil Society (5 members):

- Sustainability for Seychelles
- Seychelles Maritime Academy
- Transparency Initiative Seychelles
- Green Islands Foundation
- Nature Seychelles

Business (5 members):

- Seaward Shipping
- Aquarius Shipping
- Association of Fish Processors and Exporters of Seychelles
- Glacis Fishermen Association
- Bel Ombre Fishermen Association

- Each organization appoints one focal representative.
- Additionally, the NMSG is presided over and represented by a non-voting Chair. The FiTI National lead may act as the Chair of the NMSG.
- Members are appointed for a term of two years and the date of appointment is the first meeting attended/announced.
- 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 stakeholder group is recommended to have at least one alternate, who are welcome to observe meetings and substitute for a Member in case of absence of this Member.
- Representatives from intergovernmental organizations, development banks, development agencies, and other relevant organizations, as well as individual experts, may be invited by the Chair, e.g. upon request from the NMSG to attend meetings as observers, when this can be practically accommodated.

ii. Observers:

- Observers may express their views on specific policy and implementation matters. Observers do not have voting rights. The NMSG may decide that certain matters should be discussed without the presence of observers.
- The Chair must be notified of any requests by Members of the NMSG to invite observers to a meeting no later than 5 days prior to the meeting date.
- An up-to-date list of the names of all Members, their alignment to a stakeholder group (as defined above), as well as other relevant information, is published and regularly updated on the website of the FiTI lead Ministry.

3. Responsibilities and duties 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 operations of the FiTI in Seychelles with the aim of enabling Seychelles to achieve and maintain compliance with the FiTI Standard.

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

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

- Define the scope of the FiTI implementation in the Seychelles¹;
- Identify and address any legal, regulatory, or administrative barriers to the implementation of the FiTI Standards, as well as capacity constraints, and take steps to remove them;
- Ensure Seychelles remains compliant with the FiTI Standards.
- Establish a properly authorized and resourced FiTI National Secretariat to provide administrative and operational support to the NMSG;
- Develop and apply 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
- Conduct the FiTI reporting process annually;³
- Endorse the appointment of a Report Compiler;
- Review, approve and publish national FiTI Reports in accordance with the reporting deadlines and periods specified in the FiTI Standard;
- Recommend improvements on the publication of relevant data in the public domain.
- Ensure public dissemination of fisheries information of public interest, contributing to the wide dissemination of national FiTI Reports and stimulate public debate on them, and responding to queries from the public and elected representatives;⁴

- Support efforts to secure investments in sustainable fisheries;
- Support FiTI validation process⁶; and
- Promoting transparency and multi-stakeholder participation in marine fisheries governance.

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

ii. **Nomination and replacement of Members of the NMSG**

a. Nomination of Members of the NMSG:

The three stakeholder groups appoint their Members in the form of a public request/call for nominations or 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 qualifications to carry out their responsibilities competently 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.

b. Replacement of Members of the NMSG:

Resignation: Any Member may resign at any time by delivering written or electronic notice to the Chair, the national secretariat 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, such as attending regular meetings or issuing proxies, 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 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 the term ends, the concerned stakeholder group conducts its regular nomination procedures, as stated above.

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

iii. Roles and responsibilities of Members of the NMSG

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 and the national secretariat before the commencement of the meeting - such apologies are announced at the meeting and are recorded in the minutes;
- appoint a replacement from within their organisation; or if this is not possible, delegating her/his voting power by assigning a proxy from within the same stakeholder group.

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

- Prepare and participate in NMSG meetings;
- Prepare and participate in decision-making via circulars on a more frequent basis;
- Prepare and participate in dedicated Working Groups (if determined by the NMSG) and present the outcomes of this work to the NMSG;
- Hold regular consultations with their respective stakeholder groups to receive and coordinate their input ahead of NMSG meetings; and report back to their stakeholder group after relevant meetings.
- The duty of representatives from the government includes further best efforts to secure the human, financial and other resources required to develop, implement and sustain the FiTI Standards' implementation in the Seychelles as an effective instrument for sustainable and equitable fisheries.

iv. Chair of the NMSG

The NMSG is presided and represented by a non-voting Chair. The Chair is the FiTI National lead and comes from the FiTI lead Ministry, which is the Blue Economy Department in the Ministry of Fisheries and the Blue Economy of the Republic of Seychelles. The responsibilities of the Chair include, but are not limited to:

- Set the date and place of meetings;
- Prepare the agenda of meetings, in consultation with NMSG Members, and with the assistance of the FiTI National Secretariat;
- Preparation of annual workplans to guide the work of the NMSG on an annual basis.
- Chair the meetings or, after consultation with NMSG Members, appoint a facilitator to conduct the meeting;
- Approve the attendance of observers and experts prior to NMSG meetings;
- Ensuring timely access to and the sharing of relevant information among members;
- Facilitating consensus and decision-making;
- Represent the NMSG in external matters;

- Seek collaborative relationships with other relevant stakeholders.
- The Chair serves for a term of 3 years.
- The Chair is eligible for re-appointment once.

v. Vice Chairperson

A Vice-Chair shall be elected from among the members by voting. The duties of the Vice-Chair are to assist the Chair in discharging his/her responsibilities and to preside over meetings and/or assume the responsibilities of the Chair in their absence.

The Vice-Chair serves for a one-year term and the position rotates so that every year a member of a different stakeholder group is elected.

vi. FiTI National Secretariat

The work for the NMSG is supported by a FiTI National Secretariat. The Secretariat is hosted by the Ministry of Fisheries and the Blue Economy.

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.

4. Meetings of the NMSG

The NMSG meets at least every two months. If there are any urgent issues which need to be discussed and decided on, the Chair can call an extraordinary meeting. Also, if the circumstances necessitate, meetings can be held by electronic means or in a hybrid format (mix of in-person and remote attendees), but at least two meetings per year shall be conducted in person, except in the case of force majeure.

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 submits 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 on the website of the Ministry of Fisheries and the Blue Economy.

5. Decision-Making Requirements and Procedures

No binding decision will be made in an NMSG meeting unless a quorum is present at the time of making the decision. Half of the total number of Members (including proxies), with at least two Members from each stakeholder group, establish a quorum. . No person can hold more than two proxy votes for NMSG Members at a time. Matters agreed upon during an NMSG meeting held without a quorum can become binding decisions by soliciting absent members to join in the decisions afterwards. For decisions to be binding, they shall require the support of at least the same number of members needed to establish a quorum. Requests for such decisions shall be sent to absent members by the FiTI National Secretariat via email no later than one week after the meeting and must be confirmed back by absent members also via email within one week.

Members shall make every effort to adopt decisions by consensus.

Taking account of the views of the Members, the Chair may decide that a vote is required. Every Member of the NMSG has one vote, unless the current total number of Members is not equally distributed among the stakeholder groups stated in Article 2. In such a case, voting power shall be determined on a pro-rated system, ensuring that all stakeholder groups have equal voting power. Voting shall be conducted by show of hands, secret ballots or any other means as decided by the Chair. 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, their decision will not be counted for or against a decision. Their decision will be discounted from the number of eligible votes.

In case decisions 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. The utilization of a Circular can be requested by either the Chair, a Member or the FiTI National Secretariat, but requires the approval of the Chair. The FiTI National Secretariat shall prepare, under the supervision of the Chair, Circulars to be submitted to all Members, allowing for sufficient time (at least one week) to respond. Under Circulars, decisions are made by a qualified majority of three-quarters 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 and cannot assign a proxy.

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.

6. Dispute Resolution Mechanism

In case of perceived breach of the present Terms of Reference or the principles of the FiTI, such as allegations of restrictions on representatives of a particular stakeholder group, NMSG Member(s) shall register, first 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 well-founded or how to redress it, the matter must be raised to the level of the FiTI International Board.

Subject to any safety concerns that an impacted Member may have regarding directly raising such issues with the Chair and/or other NMSG Members, the FiTI International Board may be called directly through the FiTI International Secretariat.

i. 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 comments on behalf of the NMSG. This does not restrict NMSG Members from communicating their own views or the views of their stakeholder group to the media. However, 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 organizations and small-scale fisheries are eligible to receive reimbursement of expenses directly related to the attendance of NMSG meetings. It is required that written approval be obtained in advance before any allowance is granted. Directly related expenses include travel expenses, accommodation expenses and per diem allowances, if applicable.

Approval should be sought from the Chair prior to NMSG meetings.

No reimbursement payment will be made without prior approval of the Chair and the provision of receipts.

Code of Conduct

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

ii. 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.