



**MINISTRY OF AGRICULTURE, LIVESTOCK & FISHERIES  
STATE DEPARTMENT OF FISHERIES AND BLUE ECONOMY**

**KENYA MARINE FISHERIES AND SOCIO-ECONOMIC  
DEVELOPMENT PROJECT(KEMFSED)**

**TERMS OF REFERENCE**

For a consultancy firm or organization

**TO PREPARE**

- (1) ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK**
- (2) SOCIAL ASSESSMENT**
- (3) VULNERABLE AND MARGINALISED GROUP FRAMEWORK**
- (4) PROCESS FRAMEWORK**
- (5) RESETTLEMENT POLICY FRAMEWORK**

## 1. BACKGROUND

### 1.1 Commitment to Blue Economy

On May 2, 2016, in the Executive Order No. 1/2016, the Government of Kenya made a clear commitment towards a new approach, the blue economy, and taking into cognizance the importance of the sector to fuel the country's economic growth, created the State Department for Fisheries and the Blue Economy. The coastal and marine space on which a blue economy is potentially founded contains a myriad of different uses, some currently destructive or unsustainable, while others are renewable, some mutually exclusive and others compatible. More broadly, a blue economy approach is understood as encompassing a better integrated approach to these sometimes-conflicting uses of marine resources, living and non-living (including shipping, fossil energy and mining), and renewable or exhaustive. Too often, priority tends to be given to activities that generate short-term benefits but also have destructive and counter-productive longer-term consequences. In contrast, a blue economy approach is more proactive and embodies the need to focus on longer term sustainability.

The Presidential Blue Economy Committee established in September 2016, while recognizing the many sectors in blue economy prioritized fisheries and aquaculture; and maritime shipping and logistic services as priority sectors that would deliver fast socio-economic benefits to the communities in the coastal areas. To strengthen fisheries governance for sustainable utilization and enhanced revenues for the government and employment creation, the government enacted the Fisheries Management and Development Act 2016 in September, 2016. The Act established institutions that would strengthen the governance of the fishing industry and aquaculture, and enable investments along the fishery value chains for socio-economic benefits. The institutions established include the Kenya Fisheries Service, Kenya Fish Marketing Authority and the Fish Levy Trust Fund.

### 1.2 Kenya Marine Fisheries and Socio-Economic Development (KEMFSED) Project

In order to attain economic benefits from the coastal and marine resources, the Government of Kenya (GoK) through the State Department for Fisheries and the Blue Economy (SDF-BE) and Kenya Fisheries Service (KeFS) has requested the World Bank to support the proposed Kenya Marine Fisheries and Socio-Economic Development Project (KEMFSED). The GoK has received a Project Preparation Advance from the World Bank towards preparing the KEMFSED project.

The overall development project objective of KEMFSED is to enhance economic benefits and coastal livelihoods from marine fisheries and coastal aquaculture while safeguarding associated ecosystems' integrity. The project is implemented by the State Department of Fisheries and Blue Economy of the Government of Kenya (GoK).

The KEMFSED project comprises the following four components:

**Component 1:** Governance and management of marine fisheries and aquatic resources which aims to strengthen marine fisheries and coastal aquaculture governance to control over-fishing, maintain or improve stock productivity and enhance associated ecosystem integrity.

Sub-component 1 will focus on coordination and institutional strengthening to ensure fisheries and aquaculture resources are safeguarded in the context of implementing the blue economy framework. Sub-component 2 will be on strengthening existing Fisheries Information System (FIS) to ensure availability of integrated sectoral information to communicate the importance of fisheries and aquaculture sector in

broader coastal developments. Sub-component 3 will aim at improving management of inshore/small scale fisheries. Sub-component 4 will aim at improving management of offshore fisheries.

**Component 2:** Promote investment in marine fisheries and coastal aquaculture to enhance efficient utilization and value-addition of the resources by increasing investment in the marine fisheries and aquaculture sector.

Sub-component 1 will focus on improving the business environment and private sector investment in the fishery and aquaculture sector whereas sub-component 2 will focus on modernizing fisheries infrastructure to enhance value addition.

**Component 3:** Strengthening Marine Fisheries and Aquaculture-based Livelihoods for Coastal Communities which aims to enhance social and economic benefits that coastal communities derive from sustainable use of marine living resources.

Sub-component 1 will be on strengthening capacity of coastal communities on entrepreneurial and organizational skills and sub-component 2 will aim at enhancing access to finance and grant support.

**Component 4:** This component will focus on project management which covers establishment and operationalization of a project secretariat, fiduciary, environmental and social safeguards, and monitoring and evaluation.

## **2. RATIONALE FOR THE CONSULTANCY**

The KEMFSED project intends to focus on five counties along the Kenyan coast, including Kwale, Mombasa, Kilifi, Lamu, and Tana River Counties, and will include construction of new and rehabilitation of existing infrastructure such as fishing port facilities, fish landing sites, and markets. Such activities suggest that the project is likely to have negative environmental and social impacts, which will need to be managed through the preparation of adequate safeguards documents. Since the total number, location, and designs of these investments are still to be determined, the Project will manage the environmental and social safeguards by following a framework approach. It will prepare an Environmental and Social Management Framework (ESMF). The ESMF is an umbrella document, applicable to all project activities. It sets out the principles, rules, guidelines and procedures to screen activities based on their expected environmental and social impacts, and defines the adequate environmental and social instruments to be applied in each case. These instruments can range from an Environmental and Social Impact Assessment (ESIA) to a simplified Environmental and Social Management Plan (ESMP). In addition, the ESMF establishes the principles and procedures to undertake consultations and to implement grievance mechanisms, as required; a monitoring and evaluation system; and a reporting system. It also establishes institutional responsibilities (implementation, supervision, monitoring and evaluation, and reporting) on environmental and social management along the lifetime of any project activities (design, construction and operation). Overall, the ESMF is a tool that facilitates the assessment of impacts, the identification of measures and plans to reduce, mitigate and/or offset adverse impacts and enhance positive impacts, as well as the provisions for estimating and budgeting the costs of such measures.

The KEMFSED project is, in principle, not expected to generate involuntary resettlement, be it in the form of land acquisition or direct resettlement of families/populations. While resettlement of households can be avoided, some economic displacement or restriction of access to resources may be an impact of the project. However, since the specific design of activities is unknown at this time, a Resettlement Policy Framework (RPF) will be prepared, following the same logic as defined above for the ESMF. The

purpose of the RPF is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to specific investments to be prepared during project implementation. The KEMFSED project will also develop a Process Framework (PF), to establish a mechanism by which members of potentially affected communities participate in design of project components, determination of measures necessary to achieve resettlement policy objectives, and implementation and monitoring of relevant project activities.

Finally, the five coastal counties proposed to be targeted under the project (i.e., Tana River, Lamu, Kilifi, Kwale, and Mombasa) are home to communities considered as Vulnerable and Marginalized Groups (VMGs), based on their language, culture, attachment to given lands, and being subordinate to the more dominant communities among whom they live, including other vulnerable groups. Since the specific design of project activities is unknown at this time, the project will prepare a comprehensive Social Assessment (SA), which will provide area-specific information about the population. The SA will subsequently inform the preparation of the Vulnerable and Marginalized Groups Framework (VMGF), which will provide a guiding framework to ensure that investment activities are prepared in a participatory fashion and respond to the demands of the local people.

During the implementation of the Kenya Coastal Development Project (KCDP), a similar World Bank-funded project which closed in June 2017, several safeguards instruments were prepared, including an ESMF, VMGF, SA, and VMG Plans (VMGPs). The preparation of the safeguards instruments for the KEMFSED project can build on those prepared under KCDP. However, given the rapidly changing socio-economic context, for each safeguards instrument, comprehensive and in-depth consultations will nevertheless need to be carried out with all relevant stakeholders and communities.

### **3. OBJECTIVE OF THE CONSULTANCY**

The consultancy will provide the environmental and social basis for the project to be properly appraised, and for its presentation to the World Bank Board of Directors, once the project design is completed. An overarching objective of this consultancy is to improve the design of the KEMFSED by identifying and integrating environmental and social issues (both opportunities and constraints) into the project planning process with a collection of safeguard tools and products. The consultancy will include, but will not be limited to the preparation of: (i) Environmental and Social Management Framework (ESMF); (ii) Resettlement Policy Framework; (iii) Process Framework; (iv) Social Assessment (SA); and (v) Vulnerable and Marginalized Groups Framework (VMGF);

The core task is the ESMF, which will provide the baseline environmental and social circumstances in the project region, and assess the potential generic environmental and social impacts associated with the project. The estimated impacts shall be as detailed as possible within the level of knowledge of project activities at the time it is prepared. The ESMF will need to at least satisfy the requirements of the Bank's Operational Policy 4.01 (Environmental Assessment), OP 4.04 (Natural Habitats), and OP 4.36 (Forests), and assess the implications of OP 4.09 (Pest Management).

The project is not expected to result in the involuntary resettlement of populations. Nevertheless, an overall project Resettlement Policy Framework (RPF) will need to be developed under this consultancy and in close collaboration with the World Bank's safeguards team. The RPF will lay out the steps and processes required for the preparation of a Resettlement Action Plan, which would need to be carried out if the actual need for resettlement arises during project implementation. Since resettlement is not expected to take place, the consultancy will only prepare the RPF. For those project activities that may result in

restrictions in access to resources, the consultancy will prepare a Process Framework (PF), in close collaboration with the World Bank's safeguards team. Finally, and as stated in the background section, a Social Assessment (SA) together with a Vulnerable and Marginalized Groups Framework (VMGF) will need to be prepared under this consultancy.

All instruments will require *comprehensive consultations including with key stakeholders and community representatives in the proposed counties*. Consultations (including potential concerns and issues raised) should be carefully documented and accompanied by signed participants lists, photos, etc., and included as annexes to the report.

## **4. SCOPE OF THE CONSULTANCY AND EXPECTED OUTPUTS**

### **4.1 Environmental and Social Management Framework (ESMF)**

An ESMF needs to be prepared to set out the principles, rules, guidelines and procedures to screen, assess, manage and monitor the mitigation measures of environmental and social impacts of the project activities and subprojects, including health and safety aspects. It will establish clear methodologies for the evaluation of subprojects to be financed, and ensure that the activities are environmentally and socially sound and sustainable and are in compliance with the WB Safeguards Policies (and World Bank Group Environmental, Health and Safety Guidelines), and serve as guidance for development of subprojects' screening checklists, simplified site-specific Environmental and Social Management Plans (ESMPs) or Environmental and Social Impact Assessments (ESIAs), according to each subproject's potential impacts' significance. The ESMF must meet all requirements set out in OP 4.01 (and other applicable safeguards policies), and should comply with Kenyan environmental and social laws and regulations.

The ESMF should consist of the following (*see suggested ESMF TOC included under paragraph 8*):

#### **1) Relevant Background Information**

- a) Clear description of the KEMFSED project, the types of activities anticipated under the project and those that will be excluded, and implementation arrangements.
- b) Outline of the Project intervention area by providing a comprehensive overview of the environmental and social conditions and trends of each area, including but not limited to natural resources, community livelihoods (particularly those related to fisheries), socio-economic groupings, gender roles, conflict potential and important environmental issues.

2) **Environmental and social management requirements:** Description of World Bank safeguards policies that are applicable to the Project and its subprojects (as per the WB Concept Integrated Safeguards Datasheet), as well as relevant national environmental and social management requirements. In each case, national and local institutions that will be involved in reviewing and approving subprojects are identified, along with their respective roles and responsibilities. This includes an assessment and analysis of the existing legal and institutional framework for project implementation from an environmental perspective:

- Assessment of key national legislation, regulatory and administrative regimes, within which the Project will operate, with a focus on requirements that will apply to project planning, approval and implementation; research and summarize regional agreements and treaties that are relevant to project planning and implementation, and for environmental management and due diligence.

- Assessment of the existing capacity of the GoK, SDF-BE, and KeFS, to ensure compliance with the legal and policy framework for environmental and social management.
  - Based on the above, assess and identify potential gaps between national legislation, policies, and procedures, and the relevant World Bank Safeguard Policies. A table should clearly identify the gaps and outline corresponding measures to address these.
- 3) **Potential environmental and social impacts:** A detailed screening mechanism that facilitates the categorization of activities based on their potential risks, and thus identifies those investments that require further environmental assessment and associated mitigation provisions. List possible subprojects and their potential environmental and social impacts that may be incurred during the different project phase. Distinguish between significant positive and negative impacts, direct and indirect impacts, immediate and long-term impacts and unavoidable or irreversible impacts. Attention should be given to the environmental, social, health & safety impacts of the project during construction and operation. For all significant impacts, appropriate mitigation measures should be developed as part of the ESMF. This includes the development of ESIA's, EMP's, or mangroves management plans (for cases where the potential negative impacts on mangroves are unavoidable).
- 4) **Environment and Social Mitigation and Monitoring Plan(ESMMP):** Describe specific environmental and social due diligence provisions necessary to avoid, minimize, or mitigate project activities with potential risks, and monitor their outcomes. This process also includes identification of institutional responsibilities (implementation, supervision, monitoring and evaluation, and reporting) along the lifetime of the investment, timing of actions, how these provisions will be monitored and reported on, and identification of budget requirements. The consultant will propose a plan for mitigation and monitoring of environmental and social impacts, including:
- a) Mitigation plan: For each component and then for each type of activity, list measures and plans to prevent, reduce, mitigate and/or compensate adverse impacts and enhance positive impacts; including the environmental, health and safety aspects of the project's interventions/activities, risks and negative impacts of the project;
  - b) Provisions for estimating and budgeting the costs of mitigation measures; and the implementing agencies responsible for addressing project impacts;
  - c) Environmental and social monitoring plan, corresponding to measures proposed in the mitigation plan, for project activities/subprojects and the implementation of mitigation measures with estimated cost;The monitoring plan should include the parameters to be measured, methods to be used, frequency of measurements;
  - d) Responsibilities and capacity assessment for each of the participating implementing agencies responsible for addressing project impacts; description of institutional arrangements and reporting procedures;
  - e) The ESMMP shall be prepared in such a manner that environmental and social requirements e.g. mitigation measures and monitoring plan related to project activities (subprojects) could be incorporated in the bidding/contract documents.
- 5) **Procedures for preparation, review, clearance, and implementation of subprojects safeguard instruments**

- a) The ESMF will include a screening checklist, which will be used for assessing the subprojects. The ESMF will also determine the responsibility for undertaking the screening, review, and approval process for subprojects and associated timing, and provide guidance on any additionally required assessments(e.g., ESIA/ESMP, if needed, mangroves management plan). The ESMF will provide draft TOR for preparation of ESIA, ESMP, and mangroves management plan.
  - b) Compliance verification and approval process with clear definition of roles and responsibilities of Implementing Agency staff and associated agencies in subproject screening, implementation, monitoring and application of environmental and social measures.
- 6) **Capacity building:** Identify specific capacity building actions and activities to mitigate potential project impacts. This will include a description of each institution or agency involved in environmental and social safeguards, including summary assessment of capacity/experience of each institution, role and relationship one to another, for each of the following steps; screening, screening verification and approval, ESIA/ESMP preparation and clearance, implementation, on-site monitoring, overall ESMF supervision and aggregate reporting, annual auditing, stakeholder engagement and grievance redress mechanism.
- 7) **Public/Stakeholder’s Consultations:** Public consultation is an integral part of the environmental assessment process, as reflected in the requirements of the World Bank’s OP 4.01 and relevant national legislation. As such, prepare a consultation plan, which complies with minimum requirements on access to information. It should provide adequate timing for invitation to consultation events, and for the revision of information by relevant stakeholders, and include appropriate language both for documentation and for communication during events (e.g., access to translators when needed). The overall consultation process must be well documented including, but not limited to, invitation, assistance lists, photographic or video evidence if feasible, minutes of meetings, documented processes for addressing issues raised by stakeholders, and should include the following:
- a) Stakeholder consultations and awareness raising seminars as part of the preparation of the ESMF. Consult key stakeholders including those familiar with different socio-economic groups within the target area, including NGOs that are active in the project area, scientific experts, and relevant agencies from all levels of government, development partners, and others, in areas where project activities are likely to be proposed, approved and then implemented.
  - b) Through appropriate channels, disclose to a broader stakeholder forum and discuss in a series of public hearings within the project area, the draft ESMF to validate findings and observations. The consultant should adopt an appropriate methodology, and record the concerns expressed during the consultation process to be included in the project design.
  - c) Document the proceedings of the public/stakeholder consultation process in an annex in the ESMF including: minutes of the public/stakeholder consultations; the date and location of the meetings, list of attendants and other relevant documentation (e.g. photographs, and copies of public notification of the meeting).
  - d) Following the consultations, the ESMF should then be updated according to the recommendations provided by the consultation process.
- 8) **Grievance Redress Mechanism (GRM):** Design a GRM appropriate for use by the relevant stakeholders. This accountability mechanism for handling issues, disputes, and complaints, must be

available so it can be used by individuals, workers, communities, and /or civil society organizations that are being affected by any activities of the project. It can be designed in a way that communities and civil society are engaged in the monitoring of implementation of investments on the ground. It should be ensured that communities and potentially affected people are aware of the proposed GRM.

### **Suggested Table of Contents for the Environmental and Social Framework (ESMF)**

#### **Main Body**

- 1) Executive Summary
- 2) Introduction
- 3) Project Description
- 4) Legal and Regulatory Framework
- 5) Baseline Environmental and Social Conditions
- 6) World Bank Safeguards Policies Triggered
- 7) Potential Environmental and Social Impacts
- 8) Measures to Manage Environmental and Social Impacts
- 9) Procedures for Preparation, Review, Clearance, and Implementation of Subproject Safeguards Instruments
- 10) Environmental and Social Management and Monitoring Plan, including the institutional arrangements for the project implementation and supervision
- 11) Capacity Development for Environmental Management and Monitoring
- 12) Grievance Redress Mechanism
- 13) ESMF Consultation and Disclosure

#### **Annexes**

- Annex 1: Proposed Terms of Reference for an ESIA/ESMP
- Annex 2: Environmental and social screening form based on subproject typology and WBSafeguard policies
- Annex 3: Field environmental and Social monitoring checklist
- Annex 4: Minutes (including pictures and list of participants) of meetings
- Annex 6: Chance Find Procedures
- Annex 7: Format for Annual Reporting
- Annex 8: Format for Project Auditing

#### **4.2 Resettlement Policy Framework (RPF)**

The RPF needs to be prepared to establish resettlement objectives and principles, organizational arrangements, and mechanisms for any resettlement operation as part of World Bank financing of KEMFSED project activities. Its preparation should benefit from the information contained in the ESMF. It should clearly indicate all the needed steps to conduct resettlement activities, (that is, it should include all key elements and principles to guide the preparation of a Resettlement Action Plan if the need arises), including the undertaking of a consultation process with affected stakeholders as part of the preparation of the RPF. This Framework will be prepared since the extent and location of resettlement is not known at this time, and will be detailed during the early project implementation. If a specific resettlement need is identified for any project component, the preparation of a specific Resettlement Action Plan will be thoroughly discussed between SDF&BE and the World Bank.

The RPF ensures that, should a specific resettlement activity arise during project implementation, there is protection of affected parties and physical structures, and livelihoods are restored to their previous standard and preferably exceed their status. The RPF will include the process for valuation of all associated impacts on people's property and livelihoods and address mitigation of the impacts of resettlement based on international standards.

The preparation of the RPF will include the following:

- a) Brief description of the project and components for which land acquisition and resettlement are required, and an explanation of why a resettlement plan as described in paras.
- b) Principles and objectives governing resettlement preparation and implementation;
- c) Description of the process for preparing and approving resettlement plans;
- d) Estimated population displacement and likely categories of displaced persons, as feasible;
- e) Description of eligibility criteria for defining various categories of displaced persons;
- f) Description of legal framework reviewing the fit between borrower laws and regulations and Bank policy requirements and measures proposed to bridge any gaps between them;
- g) Methods of valuing affected assets;
- h) Organizational procedures for delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer;
- i) Description of the implementation process, linking resettlement implementation to civil works;
- j) Description of grievance redress mechanisms;
- k) Description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements;
- l) Description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and
- m) Arrangements for monitoring by the implementing agency and, if required, by independent monitors.

### **4.3 Process Framework (PF)**

A PF will be prepared for all investments and or activities that will be undertaken in the project area, and that may cause restrictions in access to natural resources in these areas for the communities in the project area. The purpose of the PF is to establish a process by which members of potentially affected communities participate in both the design, implementation, monitoring and evaluation of project activities, and determine the measures necessary to achieve resettlement policy objectives of livelihood restoration and or improvement. Specifically, the PF should include the following:

- a) Description of the project and components or activities that may involve new or more stringent restrictions on natural resource use. It should also describe the process by which potentially displaced persons participate in project design.
- b) Description of criteria for eligibility of affected persons will be determined. The document should establish that potentially affected communities will be involved in identifying any adverse impacts, assessing of the significance of impacts, and establishing of the criteria for eligibility for any mitigating or compensating measures necessary.
- c) Description of measures to assist affected persons in their efforts to improve their livelihoods or restore them, in real terms, to pre-displacement levels, while maintaining the sustainability of the park or protected area will be identified. The document should describe methods and procedures by which communities will identify and choose potential mitigating or compensating measures to be provided to those adversely affected, and procedures by which adversely affected community members will decide among the options available to them.
- d) Description of the process for resolving disputes relating to resource use restrictions that may arise between or among affected communities, and grievances that may arise from members of communities who are dissatisfied with the eligibility criteria, community planning measures, or actual implementation.

In addition, the PF should describe the arrangements relating to the following:

- e) Administrative and legal procedures. The document should review agreements reached regarding the process approach with relevant administrative jurisdictions and line ministries (including clear delineation for administrative and financial responsibilities under the project).
- f) Monitoring arrangements. The document should review arrangements for participatory monitoring of project activities as they relate to (beneficial and adverse) impacts on persons within the project impact area, and for monitoring the effectiveness of measures taken to improve (or at minimum restore) incomes and living standards.

The PF will be developed for the co-management of fisheries resources and it will cover analysis of the socio economic profile of affected people; nature of potential social and economic impact on affected communities; possible mitigation measures and guidelines for addressing the needs of the affected population with clear timetables of action; potential activities for livelihood restoration and stabilization; the nature, scope and timing of restrictions of fisheries resource use; the communities or persons eligible for assistance; the community financing preference and how project design might take such preference into account. It should also cover implementation arrangements, roles and responsibilities of various stakeholders that provide services to affected communities in the fisheries sector; recommendations on protocols for engagement in benefit sharing as well as for assessment of impact and the mitigation

measures where communities may be affected by restriction in use of fisheries resources; arrangements for monitoring and enforcement of restrictions and fisheries management agreements; clear output and outcome indicators developed in full consultation with and participation of affected communities; special measures concerning women and vulnerable groups; capacity building activities for the affected communities to enhance their participation in the implementation of the Plan of Action and other relevant interventions; grievance redress mechanism and conflict resolution taking into account local dispute resolution practices and norms; participatory monitoring and evaluation mechanism adapted to the local context and capacity.

#### **4.4 Social Assessment**

The five coastal counties likely to be targeted under KEMFSED (i.e. Tana River, Lamu, Kilifi, Kwale and Mombasa) are home to Vulnerable and Marginalized Groups (VMGs) who meet the OP 4.10 criteria in terms of language, culture, attachment to given lands and natural resources and are subordinate to the more dominant communities among whom they live. Under the Kenya Coastal Development Project (KCDP), a comprehensive Social Assessment (SA) was conducted and disclosed in December 2015, which found that the livelihood strategies of the VMGs within these counties range from nearshore fishing, the closer a community is to the sea – to subsistence farming, livestock keeping and small scale trades, the farther a community is from the sea.

Activities under Component 1 of the proposed KEMFSED project will include regulating fishing effort to enhance stock productivity and ensure availability of reliable fisheries information for management decision-making. While this may result in medium- to long-term benefits, in the short term, it might negatively affect the livelihood strategies of the fishing VMG communities. The project will build on the good practices identified under KCDP by engaging the VMGs at all stages of the project including at the project design stage, and by reviewing and updating the SA and develop a VMGF in consultation with the VMGs, to address their livelihood needs, strategies and aspirations as interventions are defined.

The SA report should be brief and focused on ways to design and implement the project to enhance the delivery of culturally appropriate interventions and where adverse effects are likely, make recommendations for their avoidance, minimization or mitigation. The SA should contain the following details, as needed:

- a) Review, on a scale appropriate to the project, legal and institutional framework applicable to VMGs.
- b) Gathering of baseline information on the demographic, social, cultural, and political characteristics of the affected VMGs, the land and territories that they have traditionally owned or customarily used or occupied, and the natural resources on which they depend.
- c) Taking the review and baseline information into account, the identification of key project stakeholders and the elaboration of a culturally appropriate process for consulting with the VMGs at each stage of project preparation and implementation (see paragraph 9 of OP4.10).
- d) An assessment, based on free, prior, and informed consultation, with the affected VMGs, of the potential adverse and positive effects of the project. Critical to the determination of potential adverse impacts is an analysis of the relative vulnerability of, and risks to, the affected VMGs given their distinct circumstances and close ties to land and natural resources, as well as their lack of access to opportunities relative to other social groups in the communities, regions, or national societies in which they live.

- e) The identification and evaluation, based on free, prior, and informed consultation with the affected VMGs, of measures necessary to avoid adverse effects, or if such measures are not feasible, the identification of measures to minimize, mitigate, or compensate for such effects, and to ensure that the Indigenous Peoples receive culturally appropriate benefits under the project.

#### **4.5 Vulnerable and Marginalized Groups Framework (VMGF)**

A VMGF will be prepared to be applied on all investments and/or activities. The VMGF will ensure that investment activities are prepared in a participatory fashion and respond to the demands of local people. The VMGF provides for the screening and review of project investments and/or activities with impacts on vulnerable groups, including disadvantaged communities. The VMGF will include:

- a) Description of the types of programs and subprojects likely to be proposed for financing under the project.
- b) Identification and assessment of the potential positive and adverse effects of the proposed project investments or subprojects on VMGs’ livelihoods, social organization, and culture. It is important to differentiate between impacts, whether they are individual/collective, temporary/permanent, and partial/total.
- c) Formulation of a framework for ensuring free, prior, and informed consultation with the affected VMGs at each stage of project preparation and implementation.
- d) Description of the institutional arrangements (including capacity building where necessary) for screening project-supported activities, evaluating their effects on VMGs, preparing VMGFs, and addressing any grievances through a grievance redress mechanism.
- e) Description of the monitoring and reporting arrangements, including mechanisms and benchmarks appropriate to the project, by paying particular attention to indicators of VMGs’ livelihoods, social organization, and culture.
- f) Description of the disclosure arrangements for VMGFs to be prepared under the VMGF.

#### **5. EXPECTED TIMELINE**

<b>Activity</b>	<b>Timing / deadline</b>
1. Submission of inception reports and proposed structure for the final reports for the ESMF, RPF, PF, SA, and VMGF.	Within 1 month after contract signing
2. Bi-monthly email progress update: email brief progress update to the Client mid-month and end-month	Bi-monthly through the contract period
3. Submission of interimdraft reportsto KeFS: ESMF, RPF, PF, SA, and VMGF. These drafts should contain minutes of meetings and signed participant lists, focus group discussions/stakeholder consultations and baseline data.	Within 3 months after contract signing
4. Submission of final draft reports and proposed structure for the final reports for the ESMF, RPF, PF, SA, and VMGF. These drafts should be close to final in terms of content. The Consultant will present the draft final reports to the KeFS and other key stakeholders including the World Bank.	Within 4 months after contract signing

5. Submission of final reports:ESMF, RPF, PF, SA, and VMGF. The final reports should incorporate the comments from KeFS and the World Bank, and will only be deemed final upon approval from KeFS and the World Bank.	Within 5 months after contract signing
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## 6. APPROACH, OVERALL MANAGEMENT AND COORDINATION

The consultant will report to the Acting Interim Director General of the KeFS on all matters pertaining to the assignment. The services will be completed over a five (5) calendar month period with deliverables submitted directly to the Acting Interim Director General of the KeFS, and the World Bank. In addition, the Consultant will engage in the following:

- a) Documentation. The Consultant will establish and maintain a comprehensive inventory of all relevant documents and data collected, including all records, graphical material, presentations and minutes of stakeholder consultations. Any confidential material provided to the consultants will be returned in an organized fashion to the KeFS at the end of the contract.
- b) Personnel. The Consultant must provide and maintain all key personnel proposed. Any changes are subject to approvals from the contracting authority and the World Bank.
- c) Logistics. The Consultant will be responsible for all their logistical needs in-country including work space, office support, organization of workshops, communications and transportation. The proposed work involves significant interrelated activities and consistent coordination with KeFS. As such, there will be a need for general project administration and technical coordination including: i) project supervision; ii) regular progress meetings and reporting; iii) contract management; iv) scheduling and logistics; v) report oversight, quality control and coordination.

All deliverables shall be submitted in electronic form and in hardcopy (3 copies each deliverable) in English. All hardcopies shall be two sided printed with full margins to conserve paper. All deliverables will be considered draft upon initial receipt. Draft documents will be reviewed and accepted or comments will be provided within three weeks of receipt. The Consultant shall appropriately address concerns and provide final deliverables within two weeks of receiving comments unless a mutually-agreed upon arrangement stipulates otherwise. It is anticipated that the duration of this contract will be for 5 months.

## 7. QUALIFICATIONS

The Consultant will be required to provide sufficient qualified personnel to ensure achievement of all objectives of these tasks. A Project Manager and Deputy Project Manager must be designated, and the following minimum key personnel will be required for the contract (below only key needed personnel are detailed, the Consultant is encouraged to substantiate the additional personnel needs in the technical proposals):

- a) **Team Leader** (*anticipated effort estimated to be full time, or 14 weeks*), with at least 15 years of relevant international experience, having an advanced degree in a topic relevant to the consultancy; English language capacity and broad knowledge in environmental and social impact assessment and mitigation, long term impact planning and carrying capacity and/or limits of acceptable change methodologies, and institutional strengthening. The Team Leader should have significant experience in undertaking environmental and social assessments, reporting, capacity building, and

environmental and social advisory services. Knowledge of World Bank safeguards and previous expertise preparing safeguard instruments for multilateral institutions will be positively valued.

- b) ***Marine fisheries/coastal aquaculture Specialist (anticipated effort estimated at 6 weeks)***, with at least 10 years of national and international experience as marine fisheries/coastal aquaculture expert in similar assignments, and in possession of an advanced degree in marine fisheries, coastal aquaculture, or related field. Demonstrated knowledge and understanding of marine fisheries in Kenya, and proven experience in preparation of technical documents on fisheries-related issues. Familiarity with the Kenya Government environmental legislation and regulations and World Bank's Safeguard Policies and Procedures.
- c) ***Environmental Specialist (anticipated effort estimated at 10 weeks)***: A suitably qualified and experienced individual with at least a masters' degree in Environment, Natural Resources Management or related field and with at least ten years (10) years of relevant experience or a holder of a Bachelor's Degree in Environment, Natural Resources Management or related field and fifteen (15) years' working experience in environmental and social assessment for development projects, and familiarity with the Kenya Government environmental legislation and regulations and World Bank's Safeguard Policies and Procedures. The consultant must be a registered (Lead Expert) with National Environment Management Authority (NEMA).
- d) ***Social Development (anticipated effort estimated at 12 weeks)*** with a relevant master's degree, at least 10 years of international experience at senior level, including operational experience with vulnerable and marginalised groups. Proven experience in the development of safeguard instruments, specifically SAs, VMGFs and ESMFs for World Bank projects, and in implementing World Bank safeguard policies in at least two (2) World Bank projects. Experience working with vulnerable and marginalised groups of people including those who fit the criteria for OP4.10. Experience and knowledge of the KEMFSED project area (e.g., the five coastal counties), and appropriate familiarity with the languages and cultures of the affected communities.
- e) ***Resettlement Specialist (anticipated effort estimated at 10 weeks)*** with a relevant master's degree, at least 10 years of international experience at senior level, including operational experience with rural institutions. Proven experience in the development of safeguard instruments, specifically RPFs and PFs for World Bank projects, and in implementing World Bank safeguard policies in at least two (2) World Bank projects. Experience working with vulnerable groups of people, resettlement issues, and in developing action plans and implementing those for local level community projects. Experience and knowledge of the KEMFSED project area (e.g., the six coastal counties), and appropriate familiarity with the languages and cultures of the affected communities.

Note that the anticipated staff weeks are suggested, and that the consultant must clearly justify the team, and time engagement of each key component of the team.

In addition, the Consultant may need to solicit additional, short term international and local assistance from senior, mid-level and junior technical professionals with the following areas of expertise, as needed, and others as deemed necessary: (i) social/gender impact assessment Specialists (e.g. vulnerable groups of people specialist, community specialist, sociologist, resettlement); (ii) alternative livelihood specialist; (iii) participatory planning and consultation specialist; (iv) regional planner; and (v) institutional specialist (especially county governments).

The availability of each proposed staff person must be identified as well as whether they are full-time staff persons of the Consultants firm or subcontractors or consultants. It is expected that the Project

Manager or Deputy Project Manager, if not costed full time for the project, will be available throughout the duration of the contract to address all management and administrative matters. There should be no conflicts of interest in undertaking this assignment.

## **8. PAYMENT SCHEDULE**

The payment schedule will be linked to the successful submission and acceptance by SDF-BE of the products outlined below.

- a) Fifteen (15) percent of the contract price shall be paid upon submission and acceptance of the inception reports for the ESMF, RPF, PF, SA, and VMGF;
- b) Thirty-five (35) percent of the contract price shall be paid upon submission and acceptance of the interim draft reports for the ESMF, RPF, PF, SA, and VMGF;
- c) Thirty (30) percent of the contract price shall be paid upon submission and acceptance of the draft final reports for the ESMF, RPF, PF, SA, and VMGF; and
- d) Twenty (20) percent of the contract price shall be paid upon submission and acceptance by KeFS and the World Bank of the final reports for the ESMF, RPF, PF, SA, and VMGF.