

Republic of Kenya



**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 an Individual Consultant**

**SCOPING STUDY ON THE STATUS OF MARINE SPATIAL PLANNING  
IN KENYAN WATERS**

**DECEMBER 2017**

## **1. Background**

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.

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) has requested the World Bank to support the proposed Kenya Marine Fisheries and Socio-Economic Development Project (KEMFSED).

The Government of Kenya has received Project Preparation Advance from the World Bank towards the Kenya Marine Fisheries and Socioeconomic Development Project (KEMFSED). The KEMFSED covers a period of 5 years and its overall goal is to enhance economic benefits and coastal livelihoods from marine fisheries and coastal aquaculture while safeguarding associated ecosystems' integrity. The implementing agency will be the State Department for Fisheries & the Blue Economy (SDF-BE) on behalf of the Government of Kenya. In Kenya, five counties along the Coast have been selected to be beneficiaries for the project namely Kwale, Mombasa, Kilifi, Tana River and Lamu.

The project comprises of 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 which aims to promote 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 will be on project management which covers establishment and operationalization of a project coordination unit including fiduciary, environmental and social safeguards, and monitoring and evaluation functions.

The project is implemented by the State Department of Fisheries and Blue Economy of the Government of Kenya (GoK).

## **2. Rationale of the Assignment**

A review was undertaken in 2006 on the status of Kenya's marine fisheries and opportunities which also took into consideration other regional matters relevant to the management, sustainable exploitation, conservation and research on fisheries, biodiversity and environment on which fisheries depend. The review considered the prevailing constraints and challenges that need to be addressed at both national and regional level for Kenya to benefit from the shared offshore

resources in the EEZ and International Waters. In inshore waters there are various conflicts not only between small scale artisanal fishers and semi-industrial fishers, but a variety of stakeholders undertaking various activities e.g. hotel industry, marine protected areas, water-sports etc. Restraining of movement or access to fishing grounds and lack of alternatives including improved infrastructure is also a very significant challenge as it affects large numbers of coastal fishers.

To be able to address specific ocean management challenges and advance Kenya's goals for economic development and conservation, there is need to undertake marine spatial planning (MSP) as it is a process that brings together multiple users of the ocean and will assist in making informed and coordinated decisions about how to use marine resources sustainably.

### **3. Objectives of Assignment**

The purpose of this consultancy is to undertake a scoping study on the status of marine spatial planning (MSP) in Kenya's nearshore and offshore waters, in the context of effective management of fisheries and other competing uses of marine resources for blue economy development; meeting Kenya's national goals and international obligations to develop nearshore and offshore marine protected areas, including under the Convention of Biodiversity (CBD) and the Convention on Migratory Species (CMS).

The consultant will be expected to characterize a baseline of existing marine spatial planning, and identify gaps that require intervention to ensure sustainable management of marine fisheries resources. These gaps should consider the broader environment including potential areas of current and future conflict and overlap of use of the marine environment such as oil and gas, mining of the coastal areas and offshore, transportation, coastal erosion possibly exacerbated by climate change effects and to consider the need for strategic environmental assessment(s).

### **4. Scope of Work**

The assignment will be carried out with regards to KEMFSED project intervention areas namely: inshore waters in Kwale, Mombasa, Kilifi, Lamu, and Tana River Counties, territorial seas and the exclusive economic zone (EEZ). The key tasks will include:

- 4.1. Review the status of marine protected areas (MPAs) and fisheries (co-) management areas [CMAs, CCAs, LMMAs] in Kenyan waters with a summary analysis including:

**For each area:**

- year of establishment; size, location
- legislation under which established
- management approach including institution responsible for management, availability of management plan, restrictions on fishing activities, percentage of area designated as no-take; etc.
- organisations/donors involved in facilitating establishment
- summary of findings of any management effectiveness evaluations
- any current or proposed mariculture areas

- other parameters at Consultant's discretion

**Overall:**

- Prepare a high resolution map of all relevant MPAs/fisheries management and mariculture areas identified above
  - Review challenges posed by different approaches taken to establishment of co-management areas [CMAs, CCAs, LMMAs etc.] in nearshore areas and make recommendations on future streamlining/synthesis;
  - Review overall coverage of fisheries no-take zones (under whichever type of management regime); their total area (both nominal and as respective percentage of inshore waters/territorial seas/EEZ) and level of compliance (so far as known)
- 4.2. Review availability of information relevant to planning development of marine protected areas in offshore waters (territorial seas and EEZ) including physical and biological oceanography and fisheries biogeography;
  - 4.3. Provide a summary of Kenya's national and international commitments to MSP including under policies relating to Blue Economy development or Integrated Coastal Zone Management (ICZM); the Convention on Biological Diversity, the Convention on Migratory Species (CMS) and any other international instruments related to fisheries that might incorporate fisheries management areas within the broader MSP;
  - 4.4. Review any marine spatial management commitments, plans or proposals prepared under any integrated coastal zone management (ICZM) initiatives in Kenya including mariculture areas;
  - 4.5. Review relevant lessons in regard to marine spatial planning from Kenya Coast Development Project (KCDP);
  - 4.6. Identify gaps in MSP including in policy and legislation frameworks
  - 4.7. Provide detailed and well-justified recommendations for proposed interventions on marine spatial planning that would support development of the marine fisheries sector in the wider context of sustainable development of the blue economy in Kenya, that could be adopted by KEMFSED within the proposed project timeframe;
  - 4.8. Develop a detailed budget for the implementation of the above-proposed MSP activities under KEMFSED and identify milestones and indicators to help monitor progress;
  - 4.9. Identify appropriate implementing institutions or organizations that could undertake the activities. This should include national, regional and or global expertise including individuals and or firms and organizations with the appropriate expertise to undertake the specialized MSP activities;
  - 4.10. Compile a draft report summarising the above elements and submit to the Client for comments;
  - 4.11. Provide a final report incorporating comments from the Client.

## **5. Working relations and supervision**

The consultant will be expected to work closely and in consultation with the KEMFSED Project Preparation Team (PPT) under the direction of the Acting Interim Director General of the KeFS.

## **6. Expected Deliverables**

Key deliverables include the following reports:

- 6.1.**Inception Report:** Specifying the approach and work plan undertaking the consultancy and the proposed structure for the final report to be submitted within one week after signing the contract. The inception report should outline target agencies, logistics and key Interested and Affected Parties (IAPs) to be consulted as well as any critical technical support needed to complete the MSP assessment.
- 6.2.**Weekly Update:** Ongoing weekly update to be submitted to the Client (ongoing until submission of the final report).
- 6.3.**Interim Draft Report:** This report should be close to final report in terms of content and include the maps and legal supporting documents. It should include a comprehensive literature review and examples of approaches used regionally and internationally to develop a comprehensive MSP for Kenya. The report should also include summaries and outcomes of discussions with IAPs. It should include a strategic approach to implementing a MSP project activities under KEMFSED as well as a budget, objectives and outcomes. The consultant will present the report to the Project Preparation Team and other key stakeholders.
- 6.4.**Final Report:** The final report to be completed after addressing responses and any shortfalls identified by the KEMFSED preparation team.

## **7. Qualifications and experience of the Consultant**

The work shall be carried out by an individual that has the following qualifications and experience:

- Experience in agro-ecological and/or coastal/marine spatial zoning schemes, land use classification, conservation area demarcation or protection.
- Experience working with spatial data and knowledge of GIS mapping software, e.g. ArcGIS an advantage
- Working experience with the Ministry responsible for fisheries and maritime/ ocean affairs will be an advantage
- In-depth understanding of the socio-economics of the coastal communities especially coastal fishing communities of Kenya
- Experience working with a wide range of stakeholders, including senior government officials, donors, development partners, county officials as well as regional organizations
- At least 10 years experience at an International level in undertaking similar MSP projects – regional experience will be an advantage
- Strong IT literacy and competency

## **8. Duration of the assignment**

The assignment is expected to take 45 days and should start immediately upon signing of the contract, with inception report to be submitted within one week after contract signing. The interim draft report should be submitted within 30 days of contract signing and the final report no later than 7 days after receipt of KEMFSED comments, and within 45 days of contract signing.

## **9. Payment structure and timeframe**

Payment terms will be based on completion of agreed milestones as per contract agreement and shall be made according to the following schedule:

- (i) 10% - Upon submission and acceptance of Inception Report
- (ii) 60% Upon submission and acceptance of Interim Draft Report
- (iii) 30% Upon submission and acceptance of final report to the satisfaction of KEMFSED project preparation team