REPUBLIC OF KENYA

MINISTRY OF AGRICULTURE, LIVESTOCK, FISHERIES & IRRIGATION (MoALFI)

STATE DEPARTMENT FOR FISHERIES, AQUACULTURE & BLUE ECONOMY (SDFA-BE)

FINAL DRAFT SOCIAL ASSESSMENT REPORT

KENYA MARINE FISHERIES SOCIO-ECONOMIC DEVELOPMENT PROJECT (KEMFSED)

VALIDATION WORKSHOP

MOMBASA

18TH-19TH JUNE 2019
Introduction

1 The Government of Kenya is preparing the Kenya Marine Fisheries and Socio-Economic Development Project (KEMFSED). The KEMFSED project will cover a period of 5 years. The development project 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 Aquaculture & the Blue Economy (SDFA-BE) on behalf of the Government of Kenya. In Kenya, 5 counties along the Coast have been selected to be beneficiaries for the project namely Kwale, Mombasa, Kilifi, Tana River and Lamu. KEMFSED Project seeks to empower coastal communities to improve management and value-addition of priority fisheries and Mariculture and strengthen access to complementary livelihood activities.

2 It is envisaged that the project will benefit the national and targeted coastal county governments through strengthening of the governance and management systems and structures of marine fisheries, enabling sustainable investment in marine fisheries and aquaculture through Small and Micro-Enterprises (SMEs) via private partners who will be involved in small and micro-enterprise interventions and coastal community empowerment and livelihoods in targeted communities along the coastal sub-counties.

Social Assessment

3 In line with the World Bank’s OP/BP 4.10, a Social Assessment for World Bank funded project is carried out to improve the design of the project and establish a participatory process for the project implementation and monitoring for the vulnerable and marginalized groups. In order to achieve this, the social assessment process takes account of the status, views and preferences of vulnerable and marginalized groups. The objective of the Social Assessment is to develop an understanding of the socio-economic and cultural characteristics of the Vulnerable and Marginalized Groups (VMGs) in the operational counties to inform the design of KEMFSED project, so as to make it responsive to their social development needs. The specific objectives of the assessment were to: assist the project to support the aspirations and needs of the VMGs and peoples in the project areas; Identify and prepare a comprehensive plan that will avert any potentially adverse effects from project interventions on VMGs and where not possible or feasible, mitigate or compensate such adverse impacts; and ensure that the project benefits reach the VMGs and peoples in an equitable manner and through institutions that respect and are able to serve them in a decentralized manner. For this project a separate plan will not be developed for the VMGs because community VMGs will be targeted and benefit from the project components to ensure their socio-economic development.

4 This social assessment was conducted with separate VMGs who currently occupy the wards within the sub-counties targeted for the implementation of KEMFSED project in the coastal counties of Kwale, Kilifi, Lamu and Tana River. The methodology entailed collecting data using primary and secondary sources to simultaneously inform the development of the Social Assessment and the Vulnerable and Marginalized Groups Framework (VMGF). Secondary data was obtained through literature review, while primary information was collected through
consultation with stakeholders, key informant interviews (KII), focused group discussions and field observations including with VMGs and other groups in the selected counties.

**Institutional, Policy and Legal Frameworks**

5 There are several institutions upon which the rights of the VMGs in Kenya are anchored. They include Ministry of Labour and Social Protection; Ministry of Public Service, Youth and Gender Affairs that coordinates empowerment programmes for the youth, women and people living with disabilities (PLWDs) in the country, and is also charged with promoting gender equity in the country; National Gender and Equality Commission that is involved in the mainstreaming of issues of minorities and marginalized communities and groups in development; Kenya National Commission on Human Rights that monitors government institutions and conducts investigations on alleged human rights violations; The National Cohesion and Integration Commission that is primarily preventing discrimination on the basis of race or ethnicity, and advocating for cohesiveness among the diverse groups in the country, and Kenyan Museums for protecting cultural heritage.

**Legislation and Institutional Arrangement for the VMGs**

6 The Constitution of Kenya (CoK) 2010 recognizes the socio-economic and cultural rights of all her citizens as stipulated in Article 43. It identifies indigenous peoples as being minority communities who have been marginalized through historical processes. It adopts a broad definition of marginalized groups that amalgamates most of the groups that identify themselves as indigenous peoples. The Constitution prohibits alienation of marginalized groups by virtue of their relatively small population or those that have been unable to fully develop their structures or resources to facilitate participation in the socio-economic life of Kenya. Further, it recognizes communities that have preserved their unique culture and identity thereby preventing them from participating in the economic development process in the country including hunter-gatherers, pastoralists, and fisherfolk among others. The recognition of these VMGs should contribute to the preservation of their identities and enable them to engage at par in development with other majority groups, including participation in political life.

7 The Constitution of Kenya and other related legislations have a lot of similarities with the tenets of OP/BP 4.10. There is considerable overlap between groups identified by the government of Kenya as vulnerable and marginalized and groups that have triggered OP 4.10. Similarly, the groups identified both by the government and in the context of Bank-supported operations align with some of the groups that have been identified by the African Commission on Human and Peoples’ Rights (ACHPR) in its conceptualization of the notion of indigeneity and what it means in the African context. Overall, there is no contradiction between the objectives and key principles of the OP/BP 4.10 and the Kenyan Constitution. The implementation of some key Constitutional provisions would create an environment supportive of the application of the OP/BP 4.10 in Kenya.
Identification of Key Project Stakeholders

8 During consultative meetings with VMGs, a number of non-governmental organizations (NGOs) were mentioned as working with the local communities. It was also evident that most of the communities were not aware of all the stakeholders and the roles of various agencies working among them. In Shirazi/Wakifundi community, Department of fisheries, Kenya Wildlife Services (KWS), Reefolution, WCS, County government, National government, Beach Management Units (BMUs) are the most active stakeholders. In Wasini, the stakeholders identified by Wavumba Youth included - Wasinii education trust, Wasinii youth tunaweza, Wasinii boat operators, Wasinii women group, Wasinii BMU, Wasinii community ecotourism association, Wasini united football club. In Waata Community in Makinnon area, the county government; KAPP; WWF; KWS; Wildlife works (environmental conservation leaning); Ranches – Dokata ranch, Tara ranch, Mwabeji ranch, Kifungo ranch; KMC; KCDA; NDMA; Coast lobby; KALRO were identified as some of the stakeholders known by the local communities. Within the VMGs communities, there are other indigenous institutions such as the village headman and village elders’ council known as Dhuro, Abagaaza among the Watta or gana system among the Saanye. Similar structures exist among the other VMGs. These institutions possess traditional authority which is much respected among these communities to provide opportunities for addressing emerging conflicts within the different institutions among the VMGs that will be recognized in the project’s grievance redress mechanisms.

Socio-Economic Landscapes

9 Agriculture and agricultural related activities are the largest contributor to the rural household income at 90 percent among the coastal counties interviewed. Other sources include tourist related employment at five percent, wage employment at two percent and urban self-employment at two percent. The rural population constitutes 72 percent (93,641) of the county population. Mostly, the youth suffer poor educational attainment, which has led to unemployment due to insufficient employable skills. A majority of the labour force in the counties is unemployed. Unemployment levels are still very high in the county with poverty incidence standing at over 60 per cent.

10 A wide range of crops in coastal region include maize, cowpeas, cassava, coconut, cashew nut, bixa, cotton, sesame, citrus, and tomatoes among others are grown in the county under rain-fed system. This has had significant implications on income generation, food security and poverty reduction efforts in the project target counties. Most of the selected VMGs have transitory livelihoods and lifestyles ranging from traditional to a limited extent modern livelihood. This is due to low education but also exposure to and influence of other cultures and also changing social, economic, ecological and political contexts. The VMGs have shifted traditional occupation from hunting and gathering to subsistence farming. Most households are using borehole/spring/well as their main source of water for drinking. The FGDs conducted with VMGs indicate that water is the major challenge in the project area. The predominant source of food is fish, others are farming, livestock keeping, small and medium enterprises including selling of fish and coconut. Most fish produce is marketed locally.
Culturally Appropriate Process for Consulting with the VMGs at each Stage of Project Preparation

11 In order to enhance inclusion and effective consultation with the VMGs, it is imperative that the existing communication channels are adopted during the project cycle. This will ensure that the segments of the community that are traditionally underserved such as women, youth, the disabled and other vulnerable groups are fully heard, and their interests and aspirations are reflected in all project activities. The meetings should be convened in consultation with the local leaders such as chiefs, Assistant chiefs and local village and clan elders. The purpose and key matters to be discussed should be revealed to the local leaders well in advance so as to be passed on to the VMGs. The convenient venue and time of the meeting will be mutually agreed upon in close consultation with the local leaders. The social assessment realized that women’s voices could be lost during the mixed stakeholder consultation forums. This means that their voices are unlikely to be captured, unless meetings specifically targeting them are arranged. Separate meetings targeting women were held. These were organized under existing Women groups or simply meetings targeting women in identifiable clusters of households.

12 The minority VMGs that include Watha of Tana River, and Kilifi Counties; Wakifundi/Wachwaka of Kwale County, Wasanye of Lamu County County preferred consultations through their representatives and their local leadership structures. They also noted that KEMFSED project implementers consult directly with the minority VMGs in their respective communities and not together with the larger communities so that their voices can be heard. Most VMG representatives noted that the literacy levels for most of their community members are very low. Thus, they suggested the need for extensive capacity building before implementation of the project.

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<tr>
<th>No</th>
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An Assessment, based on Free, Prior, and Informed Consultation (FPIC) with the affected VMGs

The FPIC consultation for the project resulted to broad community support, with the affected vulnerable and marginalized communities throughout the KEFSED design and implementation process. The framework is to be infused into the process in all the steps which utilizes high level consultation and participatory tools at every stage of project design, implementation and monitoring and evaluation. About 5 distinct yet interdependent steps and/dimensions of participation emerged during FPIC along the coastal counties i.e. initial mobilization, information sharing, consultation, and joint decision-making. All these dimensions of full and effective participation of VMGs was conducted in a manner and form that was easily understood by communities.

Potential Negative and Positive Impacts of KEMFSED on VMGs

The main findings of the SA indicate that the VMGs welcome efforts to enhance their socio-economic situation. The project attracted overwhelming support during the consultations. The project activities will give priority to VMGs in specific identified locations. The project benefits will also include some community members who are non-VMGs. These overall findings are summarized in the sections that follow.

The VMGs interviewed perceive that improvement of fisheries governance and management will assist in dealing with lack of inclusion which has been there. Most VMGs also feel that currently there is little information on the activities in the sector. Strengthening of the management of marine fisheries, including the development of an efficient Fishery Information and Monitoring System (FIMS) will facilitate access to information for effective fishery management. Closer consultations with the VMGs will enhance identification and prioritization in order to target specific interventions in line with Fishery Improvements Plans (FIPs). Appropriately, the VMGs felt that since they lack the skills and technology for deep sea fishing, priority on artisanal fisheries will be to assist them in transiting from FIP programmes to Full Assessment and Certification. Equally positively embraced is the plan to improve management of nearshore fisheries. The VMGs also welcomed a synergy with national FMPs for priority fisheries and development of Joint Co-Management Areas (JCMAs) that includes local community members through affirmative action.

On the other hand, this social assessment has shown that the VMGs to a large extent depend on natural resources, particularly the forestry and wildlife resources for their livelihood. They depend on the forests for honey, fruits, medicinal plants, firewood and charcoal. These communities also use forests for worship and performance of rituals. The VMGs therefore are likely to be adversely affected if they are stopped/restricted from accessing the forests because
the forestry resources constitute a significant proportion of their lives. Furthermore, the VMGs complained during the social assessment that they are currently being excluded by regulatory authorities such as Kenya Wildlife Service, Kenya Forest Service etc. from the efforts to conserve the natural resources within their communities. They are particularly worried about the depletion of forests and wildlife despite the fact that the government has employed additional forest and wildlife officers. While government agencies require additional support to ensure sustainable resource use, participatory models involving the local communities to help in exploiting community efforts and dealing with feelings of alienation by VMGs.

17 The main social risk is that of exclusion of the VMGs. Social risks envisioned in the implementation process include:

(i) possibility of elite capture at the community and county levels thus excluding target groups;
(ii) alienation of the VMGs since they lack representation in various cadres of community activities. These risks will be mitigated through the following: sequencing of project so that in first year focuses on building capacity of VMGs at community levels, lobbying and advocacy skills to understand and influence the project implementation process to ensure social accountability.

Success Stories about the VMGs

18 Across all the VMGs visited there was a lot of interest and anticipation of the project implementation. The VMGs hope for support and greater participation in the impending projects. Some of the challenges identified such as intra and inter community conflicts are not unique to the VMGs among the coastal communities. Such issues as conflicts over resources natural – over management (others wanted to start another management group); conflict over boundary, conflict over lack of respect of the law, and the officers in charge of regulatory enforcement over natural jurisdictions such as KWS, KFS, and KWS are common in other parts of Kenya. The most urgent interest by the VMGs is related to active representation at all the levels of project implementation in order to avoid alienation, i.e. at the community level, using highbreds of both traditional and village level administrative systems of Village elders to the extent possible.

19 Identification of measures to anticipate and avoid risks and impacts; where avoidance is not possible, minimize or reduce risks and impacts to acceptable levels; Once risks and impacts have been minimized or reduced, mitigate; and Where significant residual impacts remain, compensate for or offset them, where technically and financially feasible to ensure that the Indigenous Peoples receive Culturally appropriate benefits under the Project

20 Through various consultations, the VMGs proposed a number of measures appropriate to ensure that they benefit from the implemented development projects. The IPs/VMGs
interviewed have suggested on how their capacity can be strengthened so that they can meaningfully engage in, and benefit from KEMFSED. The measures include:

- Increased access to self-employment opportunities through local infrastructure services investments, development of entrepreneurial skills for the VMGs community members;
- Skills development in business and training on personal and community development;
- In all the VMGs consultations, it was apparent that many of them are losing their cultural identity as they struggle to fit within the majority groups linguistically and culturally due to transformation in society. Use of local languages while engaging with VMGs might help in reinforcing a sense of identity among them.
- As they participate more and more in the planned project, awareness on their rights and unique cultures should be reinforced for them to maintain their identity and solidarity. This can be achieved by entrenching their rights to development, representation, to be heard at different levels of governance, protect their cultural heritage including language and participation in leadership.

*How the VMGs will benefit from all the project components:*

**Component 1 – Improve Governance and Management of Marine Fisheries.**

21 This will focus on improving the management of marine fisheries in Kenyan waters.

a) **Sub-component 1.1:** Enhanced governance of marine fisheries and blue economy. This sub-component will focus on improving fisheries governance and management, reviewing fisheries policy and related legislation, and strengthening monitoring and surveillance. The sub-component will also focus on research needed to strengthen the management of marine fisheries, including the development of an efficient Fishery Information and Monitoring System (FIMS) that will facilitate access to information for effective fishery management. Where identified, priority fisheries will be targeted for specific interventions in line with Fishery Improvements Plans (FIPs), with the aim of transitioning these fisheries towards improved management thereby ensuring sustainable long-term benefits to relevant communities. The project will also support the development of National Plans of Action for sharks, birds and Illegal, Unreported, and Unregulated (IUU) fishing.

b) **Sub-component 1.2:** Improve management of nearshore fisheries. This sub-component will strengthen the management of nearshore fisheries and the implementation of Fishery Management Plans (FMPs). In synergy with national FMPs for priority fisheries, new Joint Co-Management Areas (JCMAs) will be developed, and the management of existing ones strengthened. The project will also support the implementation of Co-Management Area (CMA) including implementation of Monitoring, Controlling, and Surveillance (MCS) strategies and the provision of required equipment and technical support for MCS.

c) **Sub-component 1.3:** Infrastructure development for fisheries management. This sub-component comprises infrastructure development specifically aimed at supporting the management of fisheries at both the national and county level. Specifically, it includes an office building for the Kenya Fisheries Service (KeFS) in Nairobi, and the National Marine Resources and Training Centre in Kwale County. Examples of potential fisheries infrastructure could include upgrading of county fisheries offices, and expansion of the Mombasa Bandari Maritime Training College.
**Component 2 – Enable Sustainable Investment in Marine Fisheries and Aquaculture.**

22 This will establish a Small- and Medium-sized Enterprises (SME) Development Service (SME-DS) offering ready access to relevant expertise to entrepreneurs, SMEs and authorities in coastal counties, as well as facilitate increasing the value generated from fisheries and Mariculture by investing in public infrastructure, such as roads, electricity, water supply, linked to specific value chains and private investment.

a) **Sub-Component 2.1: SME-DS in Coastal Communities.** An SME-DS will be contracted, made up of a team of SME development-related experts, available to fishing communities along the Kenyan coast. These experts will promote their services to Beach Management Units (BMUs) and coastal residents seeking to develop or expand a fisheries-related enterprise, and offer demand-driven technical assistance, analytical services, capacity building, and knowledge sharing services. The SME-DS will also identify systemic risks or issues that prevent potential projects from being investment ready and will recommend remediation steps required to remove or mitigate such risks. Training and guidance on accessing existing and emerging sources of credit will also be included. This sub-component will also support SMEs that wish to develop services to add value and make more transparent seafood value chains. In addition, the project will provide technical assistance to guide the establishment and operation of Kenya Fish Marketing Authority.

b) **Sub-Component 2.2: Improve Fisheries and Mariculture Related Infrastructure for Value Chain development.** This sub-component will target county-identified gaps in basic public infrastructure (water, electricity, transport) that are inhibiting private investment opportunities in marine fisheries and mariculture. To ensure that all investments will be clearly justified, support complementary private investment, and minimize the potential to stimulate excessive fishing effort, all value-chain related public infrastructure proposed by counties will be based on a county fishery and mariculture infrastructure development map and plan. Climate change related risks will be internalized in the development of all infrastructure investments.

**Component 3 – Coastal Community Empowerment and Livelihoods.**

23 This component will focus on strengthening the livelihoods of poor households in coastal communities, both as an end in itself, and to facilitate fishers to comply with fisheries management measures. A holistic approach, targeting complementary livelihood development, will be pursued, in part through the development of strategic partnerships with new or existing commercial enterprises applying agriculture or aquaculture contract farming schemes benefiting smallholder producers. More broadly, small-scale livelihood sub-projects, implemented by individual (micro) or small enterprise groups, will be supported through a combination of grant provision, technical assistance, and enterprise and skills training.

a) **Sub-Component 3.1: Enhance Coastal Community Livelihoods.** This sub-component includes a grant fund providing financial support to eligible beneficiaries through three distinct channels: i) Livelihood grants for subprojects by eligible small-scale coastal producers; ii) Grants for social and environmental (natural capital) community sub-projects; and iii) Capital injection grants to village savings and loans (VSL) groups.
b) **Sub-Component 3.2:** Support Services for Livelihood Enhancement and Capacity Development. Implemented by the individual counties, this sub-component will provide a package of support services and capacity-building to beneficiary groups needed to deliver, and complement, the activities implemented under sub-component 3.1 including: i) Service and Technical Assistance (TA) provision to identify grant recipients and support preparation, management and oversight of sub-projects; ii) Provision of enterprise & skills training to grant recipients and other micro-enterprises; iii) Village Savings and Loans (VSL) program; and iv) Scholarships for formal skills, vocational training, and academic education.

**Component 4 – Project Management.**

This Component 4 will finance supplemental support for project management at both national and county levels to ensure coordinated and timely execution of project activities. Specifically, it will support project oversight and coordination including facilitation of a National Project Steering Committee (NPSC) and Project Technical Advisory Committee (PTAC); establishment and operation of a Project Coordination Unit (PCU) at the national level, and Project Implementation Units (PIUs) at the county-level, including the provision of equipment; fiduciary management, including external/internal audits and accounting; quality control and assurance systems; environmental and social safeguards management; and technical audits as needed. The component will also finance the preparation and implementation of a communications strategy, and the implementation of a Monitoring and Evaluation (M&E) system, which will need to be implemented to capture data on physical and financial progress, performance of the implementing agency and other entities/service providers, and the results achieved in terms of outputs and outcomes. In addition, it will support the creation of a Grievance Redress Mechanism and ensure citizens engagement.