

REPUBLIC OF KENYA



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

**STATE DEPARTMENT FOR FISHERIES, AQUACULTURE & BLUE
ECONOMY (S DFA-BE)**

FINAL PROCESS FRAMEWORK



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

18-19TH JUNE 2019

PROCESS FRAMEWORK

KENYA MARINE FISHERIES SOCIO-ECONOMIC DEVELOPMENT PROJECT (KEMFSED)

Prepared by



IN JOINT VENTURE WITH



Objectives of Process Framework

1. The PF will serve as a guide through which activities and procedures related to KEMFSED can be enhanced to incorporate the interests and needs of coastal community members and affected stakeholders. It addresses the integral participation of people who may be affected when decisions are taken to restrict access to natural resources in coastal areas along the Kenyan coast in the project area. The purpose of the PF is to ensure that coastal areas are both effectively managed for conservation of natural and cultural resources and, at the same time, to ensure that affected people have a meaningful role in those decisions and in deciding on and implementing alternatives to restore or improve livelihoods and incomes affected by those decisions. The goal is to ensure that no one is worse off as a result of the Project.
2. According to OP/BP 4.12, the purpose of the process framework is to establish a process 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 (see OP/BP 4.12, paras. 7 and 31). Specifically, the process framework describes participatory processes by which the project activities will be accomplished.

Justification for the PF

3. This PF is prepared because KEMFSED may cause restrictions in access to natural resources in legally designated parks and protected areas.
4. World Bank funding for KEMFSED requires that the Project comply with World Bank Safeguard Policies to ensure that no undue harm is experienced by people and their environment as a result of the Project. KEMFSED has been identified as triggering the World Bank's Safeguard Policy on Involuntary Resettlement (OP/BP 4.12) as a result of activities under Component 1,2 &3.
5. These components will involve support for the implementation of KEMFSED project that will, in turn, affect coastal resource use, Marine Protected Areas and may lead to a "loss of assets or access to assets" for local households. In this case, triggering the Safeguard Policy on Involuntary Resettlement (OP/BP 4.12) requires the development of a PF, which will serve as a guide to help ensure participation of affected people in the design of project activities and to ensure affected communities have an opportunity to improve or at least restore their incomes and standards of living after displacement.
6. Given that involuntary resettlement and restriction of traditional access to resources in legally designated parks and protected areas can result in severe social and economic challenges for local communities, the WB (OP) 4.12 ensures provision of safeguards where the state restricts access to resources in legally designated parks and protected areas.

community participation in project implementation

7. The overall objective of the KEMFSED is to enhance economic benefits and coastal livelihoods from marine fisheries and coastal aquaculture while safeguarding associated ecosystems integrity. In order to achieve this it is necessary to ensure that the activities of the project are environmentally and socially sound and sustainable, the rights and interests of the Vulnerable and Marginalized Groups occupying the project area are safeguarded and that the project activities are in compliance with the various World Bank Safeguard Policies such as OP 4.01, 4.10, 4.12 and other World Bank Operational Policies that are likely to be triggered by the implementation of the various project activities. Active support by communities is therefore vital to achieving more sustainable patterns of resource use and minimizing and mitigate adverse effects that may result from project activities. To achieve this, engaging communities and facilitating their participation is therefore a necessary part of the process. The participation and consultation of local communities that will be affected by the KEMFSED project will be facilitated throughout the implementation of the project.

Approach to Community Engagement

8. When engaging communities, the following will be adhered to:
- a) The VMGs and the other dominant communities with which they co-exist are regarded as equal beneficiaries of the project and efforts must be made to address the discriminative nature of their relationship with the neighbouring dominant communities during KEMFSED project implementation. The views of all the project affected communities will be equally considered and respected.
 - b) Fishers and fishing communities are regarded as equal partners and stakeholders in the implementation of KEMFSED project activities. Their views will be considered and respected.
 - c) It is important not to raise community expectations beyond that which the project is able to deliver. The project will ensure that the scope of the implementation of the various project activities and expected outcomes are properly communicated to the communities.
 - d) The coastal communities are a diverse group with different cultural beliefs and practices, different levels of attachment to natural resources, different levels of education and engage in different income generating activities. They also have different gender roles which may variably affect their participation in the project.
 - e) The community members must be appropriately consulted during the design, planning, implementation and monitoring and evaluation of the project activities. Although they may not have the technical capacity to participate in the project activities, their traditional knowledge will be incorporated in the overall design.
 - f) It is recognized that engaging local communities is a time-consuming process and that it requires persistence and consistency.

Representation of Affected Communities

9. While consultations will take place to ensure community participation in developing management and establishing new boundaries for the fisheries activities, it is equally important to ensure that community members have continuous engagement with the project at the leadership level. Community members will be asked to become involved as members of advisory committees for each of the targeted fishing landing sites and ports. Where these already exist, they will be strengthened by ensuring that community members are equally represented and that those committees' function according to their terms of references. This platform will provide a space for communities depending on marine and fisheries resources specially to engage with other stakeholders to advise the planning process but also space for the implementation of other project activities and even longer-term engagement in the sustainable utilization and conservation of the marine resources and maintenance of coastal ecosystem integrity. Additionally, elected representatives of the local communities including the VMGs will be proportionately represented in the project steering committee which will have oversight responsibility for the project at the county and community level.

Identification and Eligibility of Displaced Persons

10. Defining *Displaced Persons* as per the World Bank's OP 4.12, the term "displaced persons" is synonymous with "project-affected persons" and is not limited to those subjected to physical displacement. It must be noted however that project activities will not result in physical relocation of persons or communities. Displaced persons are therefore defined as those persons who are affected in any of the ways described in paragraph 3b of OP 4.12. The term connotes all those persons who lose "access to legally designated parks and protected areas resulting in adverse impacts on their livelihoods." It is important to note that not every fisher will automatically be eligible for livelihood support under the project as loss of access as a result of restrictions carried out under the project must be demonstrated.

Establishing Impacts on Local Communities

11. While the project is expected to affect the livelihoods of local community members through restrictions to resources for instance controlled illegal, over-fishing, or unreported fishing as well as displacements during the expansion of the fish landing sites and fishing ports, the introduction of new rules and regulations in beach managements or reinforcing of existing rules and regulations, specific impacts to different segments of the population such as women, VMGs, among others will not necessarily be fully known until the implementation of project activities begin. In order to adequately determine those impacts, it will be necessary to collaborate with community members, fishers and their representative organizations to identify those who are being directly affected and determine the ways in which the effects are being experienced and mechanisms of mitigation. This will be done by engaging communities through various means. For instance, modernization of the Shimoni fishing port could cause restrictions on movements from the Wasini and Mukwiro Islands to

the mainland in Kwale county and small boat operators are likely to lose income due to the expansion of the fishing port and the new rules and regulations including the introduction of modern boats both for tourism activities and the movements of locals. Furthermore, the expansion and modernization of the fishing ports is expected to lead to introduction of new sanitation rules and perhaps new levies that might make it difficult for the *mama karanga* to continue operating in such expanded fishing ports leading to a loss of livelihood. In addition, as identified in the social assessment, controversies could arise where the project activities encroach on the Mijikenda kaya forests and the sacred sites for the VMGs, leading to delay or withdrawal of project activities hence negatively affecting the populations that were initially intended to improve their livelihoods in both Kilifi and Kwale counties. In Lamu, the insecurity situation and the relationship between the local communities and the Kenya Defence Forces (KDF) would lead to a negative impact of the project activities to the communities living in Lamu. Consequently, the Saanye and Aweer are likely to be affected because of restrictions on their movements and accusations of collaborating or sympathising with the Al Shabaab terrorists in the Boni and Witu forests.

Community Consultations

12. The foremost space which will allow community members to engage with the project to identify and assess the significance of adverse impacts will be through the consultations. These consultations will be carried out to design, plan and implement the various components of KEMFSED project and to identify the impact of the project both negative and positive in a community-driven participatory approach. It is very important that representation of the various segments of the communities and fishers especially, recognize the importance of participating in the process. They will be provided with opportunities to be part of the deliberations regarding how the management and implementation of the various project activities and sub-activities will be set up. Community consultations will be the most direct way for community members to participate and provide input into the implementation of various project activities. During these consultations, communities can begin to identify those who are likely to be affected based on the implementation of the various project activities and those who are likely to miss out in the implementation of the project activities so that the design of the project is reviewed to include all community members of different ages, sex, disability and other vulnerabilities identified in the communities during these consultations. There will be ongoing engagement with community members and fishers to discuss their experience with the new restrictions in order to specifically identify affected users.

Collaboration with Representative Organizations

13. There is a newly registered fishing cooperative society in Mombasa known as the Indian Ocean Water body for all the coastal fishing communities. The body coordinates the activities of a network of Beach Management Units (BMUs) for the Coastal region with an overall chairman and county network chairmen. There is also a network of Vulnerable and Marginalized Groups (VMGs) communities in Kilifi for the entire coastal region with county chairmen and a leadership that extends to village level. The registration of the network of VMGs at the Kenyan Coast was facilitated by the KCDP. KCDP used this network to prepare and implement the VMG projects at the Kenyan coast. These representative organizations will be engaged with a clear gender-based representation for them to assist in identifying the impacts of the project on their members.
14. When assessing the impacts, the focus primarily will be on individuals, households and social relations as well as gender differentiated impact, particularly how the implementation of the project activities is influencing the relationship between men and women. During these consultations, the project coordinating units will discuss the various ways in which those who are affected can engage with the project in order to avoid, minimize or mitigate the impacts being experienced as a result of the project.

Establishing Criteria for Eligibility

15. The National Project Implementation Unit (NPIU) will work primarily with the County Project Coordination Unit (CPCU) and the identified Community-Driven Development Organizations, network of Beach Management Units (BMUs) and environmental conservationists to facilitate the participation of established stakeholder fishing communities in determining the criteria for assistance eligibility. A working committee with representation from network of BMUs, VMGs through their respective association or cooperatives and KEMFSED project implementation units at the national and county levels will be established to develop the eligibility criteria for assistance. The criteria developed must be approved by the National and County Project Steering Committee which also includes various stakeholders. Those eligible for assistance must be directly affected by the project activities based on their use and access of the respective fish landing sites and fishing ports.
16. Long standing traditional use of specific areas within the fish landing sites and fishing ports will be considered when developing the criteria for eligibility.

LIVELIHOODS RESTORATION AND FACILITATION

17. The overall aim of the restorative and mitigation measures is to compensate for and diversify the livelihoods of the affected users of the marine and fisheries resources who will be affected by the implementation of KEMFSED project. The Project will support the development of community-based business ventures (SMEs) under its components 3 activities that can leverage the opportunity cost of fishing and provide an alternative

livelihood opportunity for affected community members. The process of developing SMEs and alternative livelihood strategies will be participatory and will be underlined by equity and community driven decision-making.

Community Mobilization and Livelihood Restoration

18. Affected community members will be supported to mobilize themselves in order to identify viable livelihoods activities in a participatory manner. The approach will help to ensure that there is equity in the process and that all affected users including vulnerable groups, such as women, elderly and VMGs, have the opportunity to become involved in and benefit from alternative livelihoods assistance being provided by the project. Taking this approach will acknowledge culturally appropriate decision-making patterns while supporting small fishing communities to develop their capacity to assess their own needs, and design community level actions and solutions in the future.

Community Financing Procedures

19. Sustainable community-based business ventures designed under the project will be supported by a sub-grant's mechanism. This mechanism will provide financial resources as initial capital investment to support the start-up of the identified business ventures. The operation of the sub-grant's mechanism will be according to an established process. Given the fact that livelihoods and displacement support is a restorative and mitigating measure, the grants will not be competitive but rather targeted to those adversely affected by the implementation of various project activities under KEMFSED. In the event there are left-over funds, then such funds will be used to support other community-based projects such as water projects, conservation of mangrove efforts and protection of identified cultural/sacred sites but the same process must be followed. The following section outlines the structure of the mechanism and how it is expected to operate

Employment Opportunities

20. There will be employment opportunities during the implementation of the project that will be used to absorb some of the displaced members of the fishing communities especially where their skills meet the job requirements. Interested and skilled members of the community will be competitively hired to provide their services during the implementation of the various project activities. The specific skills required will be determined after the project activities have been designed and approved.

Gender and other Social Factors

21. Specific emphasis will be placed on gender equity, the participation of indigenous peoples and civil-society organizations in the design and implementation of the alternative livelihood activities. During the preparation of the KEMFSED, local communities were consulted to

determine specific activities and target communities to be supported. Women were found to play an integral role in harvesting marine resources both through their direct productive involvement (seaweed farming) and social reproductive roles. Women are involved in extraction as well as in the marketing of fish products (*mama karanga*). Consequently, the project will ensure that women have an opportunity to participate and express their own aspirations during the identification and development of subprojects for funding. Gender related issues that affect the well-being of fishing families or inhibit the participation of women will be looked at.

Vulnerable and Marginalized Groups (VMGs)

22. Affected indigenous VMG communities (Watha, Saanye, Aweer/Boni, Washiratzi, Watschwaka, Wakifundi and Wakifundi) will also be fully engaged to promote their participation in KEMFSED project activities and in the development of alternative livelihoods that are culturally appropriate. Sub-projects that promote or preserve the Culture of VMGs will be considered for funding where the economic viability of the actions can be established. Some of the suggestions from indigenous communities include strengthening eco-cultural tourism including aspects of Watha culture, Saanye language, traditional dress, cultural foods or the creation of cultural entertainment groups that support the economic diversification in local communities. Preservations of *Kaya Forests* and other sacred sites among the VMGs will be identified and preserved to help to community to promote their heritage and eco-tourism activities. These opportunities provide win-win situations for indigenous communities where their culture is highlighted and maintained while enhancing their household income.

Civil Society Organizations

4.3 The role and engagement of civil society organizations including fisher's associations and conservation NGOs will be a key feature of this project both in the promotion of KEMFSED project as well as in the development of alternative livelihoods strategies for local communities. There are local conservation organizations and Beach Management Units that have continuously engaged the targeted communities therefore the project will build on those existing relationships and will avoid creating any new organizational structures within the communities unless absolutely necessary.

Process Framework Implementation Responsibilities

23. The National Project Coordinating Unit (NPCU) and the National Project Steering Committee (NPSC) will ensure the process framework measures are implemented and complied with. The NPCU will oversee the implementation of KEMFSED project activities and is responsible for the development and implementation of the project work plan, implementation manual and budget and also in managing project resources and support staff.

The Project Technical Advisory Committee (PTAC) at the national level will oversee the implementation of the policies, regulations, and procedures approved by the NPSC for the project. The PTAC will liaise with the State Department of Fisheries and Blue Economy for financial and fiduciary management matters, and with the Directorate of Fisheries and the Kenya Marine and Fisheries Research Institute (KMFRI) for technical matters, as well as with other KEMFSED implementation partners. The NPCU reports to and provides regular reports to the NPSC on all aspects of project activities. The PTAC social safeguard technical focal persons are responsible for providing technical guidance to approved sub-projects under all the components including grants under the livelihoods support component of the project. Three social safeguard specialists will be engaged to oversee the implementation of the recommendations of the PF and RPF in Kwale, Kilifi/Tana Delta and Lamu counties. This will include overseeing and providing technical guidance to the grant's application and approval process for alternative livelihood projects.

24. The NPCU is furthermore responsible for the monitoring and evaluation of the process framework. The NPCU will report to the Project Steering Committee on activities being carried out under the framework along with other aspects of project implementation. The NPSC will provide general oversight to the overall implementation of all components of the KEMFSED project. Where required, the NPCU in consultation with the World Bank social safeguards team will engage technical consultants to carry out project activities where such technical expertise is required, and approval is obtained from the NPSC and the World Bank provides no objection. Consultants will also be engaged to assist communities to mobilize and engage in participatory planning. In all such instances, the NPCU will provide guidance and oversight to the work of third-party consultants as it relates to the process framework. The NPCU will also work in close collaboration with the Fisheries Department, the World Bank social safeguards technical team and PTAC for the technical aspects of the project. This is further described below.

Technical Coordination

25. The Project Technical Advisory Committee (PTAC) and the Directorate of Fisheries will provide technical coordination of all activities regarding the implementation of KEMFSED activities, enforcement of fishing regulations and establishment of replenishment zones. These two implementing partners will engage with network of Beach Management Units, relevant county government departments in the participating counties, fishing communities and stakeholders in the consultation process. The NPCU will provide all material support necessary for the participation of stakeholder communities and will ensure that the process framework is followed and that social and environmental safeguards are complied with.

Grants Coordination for Alternative Livelihoods

26. The NPCU will collaborate with County Project Coordination Unit (CPCU) and the County Technical Advisory Committee (CTAC) on the implementation of the sub-grants mechanism to support alternative livelihoods for project-affected community members. The County Project Steering Committee (CPSC) will oversee the activities of the CPCU and the CTAC to ensure that the PF is followed. The main reason for this is because the three county implementation structures are based at the grassroots level and can easily support the implementation of the project activities. They can then report to the NPCU which will eventually report to the NPSC. The County Project Coordination Unit (CPCU) and the County Project Steering Committee (CPSC) will be responsible for overseeing the processes involved in assisting communities plan, develop and implement subprojects.

Key Implementation Partners

27. The KEMFSED project will be implemented by the State Department of Fisheries and Blue Economy as the lead agency in partnership with several government departments such as crops, Livestock, directorate of fisheries, the National Treasury, State Department for Environment and Forestry (SDEF), the Co-ordinator of Inter-governmental secretariat for Agricultural Sector, Network of Coastal Beach Management Unit (NCBMU), Coastal Fish Farmers' Organization and the Association of Fish Processors and Exporters in Kenya (AFIPEK) at the national level; The participating county governments in the coastal shoreline will be implementing agencies at the county government level. They will provide implementation and oversight structures at the county level. Below the county level implementation and coordination level will be community level implementation structures mainly comprised of Community-Driven Development Organizations (CDDO). Community level implementation structures will have sub-committees.

Grievance Redress Mechanism

28. Grievances and disputes may arise at several stages of the Project's planning and implementation and may be related to project administration or may be a result of conflicts between groups affected by the Project. Affected groups or individuals identified under the Project should be made aware at every stage that grievance procedures are in place and be advised on how they can access this mechanism.

29. For the purpose of the project's GRM, grievance is defined as an issue, concern, problem, claim (perceived or actual) or complaint that an individual or group wants the project to address and resolve. It is understood that when community members present a grievance, they generally expect to receive one or more of the following:

- a) Acknowledgment of their problem
- b) An honest response to questions about project activities
- c) An apology
- d) Compensation

- e) Modification of the conduct that caused the grievance
- f) Some other fair remedy.

30. The GRM will be designed to respond to four types of complaints that are likely to arise:

- a) Comments, suggestions, or queries;
- b) Complaints relating to non-performance of project obligations;
- c) Complaints referring to violations of law and/or corruption; and
- d) d) Complaints against project staff or community members involved in project management.

Purpose and Scope of Process M & E

31. The purpose of the process framework M&E system is to monitor the extent and the significance of adverse impacts and the effectiveness of measures designed to assist displaced person to improve or restore incomes and livelihoods. It is expected that stakeholders especially fishing community who are likely to be affected by the implementation of KEMFSED project activities partly due to introduction of new regulations or reinforcing existing regulations due to implementation of new governance structures, controlling of over-fishing, maintenance of fish stock levels and modernizing of fish landing sites and fishing ports will actively participate in the M&E process. Those who benefit from livelihoods restoration and mitigation assistance will also be expected to monitor and evaluate the effectiveness of the alternative livelihood measures being undertaken by the project.