



Ministry of Mining, Blue Economy and Maritime Affairs

State Department for Blue Economy and Fisheries

Kenya Marine Fisheries Socioeconomic Development (KEMFSED) Project

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**TERMS OF REFERENCE FOR CONSULTANCY SERVICES FOR SUPPORT ON THE
DEVELOPMENT OF KENYA MARINE SPATIAL PLANNING (MSP)**

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TERMS OF REFERENCE – revised WB

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I. PROJECT KEMFSED BACKGROUND

The Government of Kenya has received support from the World Bank towards the implementation of the Kenya Marine Fisheries and Socioeconomic Development Project (KEMFSED). The KEMFSED project covers a period of 5 years. The Project Development Objective is to improve management of priority fisheries and mariculture and strengthen access to complimentary livelihoods in coastal communities. The implementing agency will be the State Department for Blue Economy & Fisheries the (SDBE&F) on behalf of the Government of Kenya. Five (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 of priority fisheries, mariculture, and strengthen access to complementary livelihood activities.

The project is comprised of the following three components:

- a) **Component 1: Governance and Management of Marine Fisheries** will focus on improving the management of marine fisheries in Kenyan waters. In furtherance of the same PDO, fisheries governance interventions will be promoted through strengthened co-management of nearshore fisheries, and infrastructure development to support the management of fisheries at both the national and county levels.
- b) **Component 2: Coastal Community Empowerment and Livelihoods** will contribute to the PDO by strengthening livelihoods in coastal communities through a combination of technical and financial support for the implementation of livelihood, social welfare, and environmental subprojects; provision of scholarship grants and complementary capacity-building and mentoring of beneficiaries;
- c) **Component 3: Project Management** this Component will finance support for project management at both national and county levels to ensure coordinated and timely execution of project activities.

The consultancy will support the activities of Component I and Subcomponent I.1 of Improve governance in the marine sector. Since MSP process requires extensive stakeholder consultations, negotiations and technical expertise, the project is seeking expert consultant services for the

development of Kenya's MSP process. This consultancy will work in close collaboration with the Government of Kenya MSP team, relevant partners (TNC) and local stakeholders.

2. REGULATORY FRAMEWORK

Kenya is signatory to several international conventions and protocols that advocate the implementation of MPAs as a tool for biodiversity conservation and regulation of fisheries. Notable among these are: the 1982 United Nations Convention on the Law of the Sea; the 1992 Convention on Biological Diversity, the Jakarta Mandate of which outlines the program of action for marine and coastal biodiversity within the CBD (Tuda and Omar, 2012); maritime pollution and safety conventions under the International Maritime Organization; and fisheries related agreements and instruments such as the 1993 FAO Compliance Agreement, the 1995 UN Fish Stocks Agreement and the FAO Voluntary Code of Conduct for Responsible Fishing, the *Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region* (Nairobi Convention), the South West Indian Ocean Fisheries Commission (SWIOFC), among others. The Nairobi Convention also requires parties to take appropriate measures to protect and preserve fragile ecosystems and to assess the environmental impacts of activities under their jurisdiction. The Convention is supplemented other protocols:

- Protocol Concerning Co-operation in Combating Marine Pollution in Cases of Emergency in the Eastern African Region, adopted in 1985;
- Protocol Concerning Protected Areas and Wild Fauna and Flora in the Eastern African Region, adopted in 1985; and
- Protocol for the Protection of the Marine and Coastal Environment of the Western Indian Ocean from Land-Based Sources and Activities, adopted in 2010.

At national level, there more than 50 sector specific policies, regulations and management frameworks have been prepared (or are in preparation) that are highly relevant for the management of marine resources and MSP. Among the include the National Ocean and Fisheries Policy (2008), the Integrated Coastal Zone Management (ICZM) Policy (2015) and the ICZM National Action Plan (currently under review); the National Land Use Policy (2017); the National Environmental Policy (2013); Environmental Management and Coordination Act, 1999 , The National Land Use Policy (2017); The National Wildlife Conservation and Management Policy (2017); The Fisheries (Beach Management Units) Regulations, 2007, Fisheries Management and Development Act, 2016, Merchant Shipping Act, 2009, the DRAFT National Energy and Petroleum Policy (2015), the Draft Fishing Access Rights, among others. All these policy and management instruments bring in a diversity of policy and governance mechanisms, many of which are regional or sectoral and if not harmonized may lead to duplication of efforts and to conflicts, resulting in unsustainable management of the marine and coastal resources.

Kenya has a National Oceans and Fishery Policy, but this mainly focused on the fisheries sector and does not address broader and sector based issues of ocean governance. As such, Kenya will benefit from an overarching national ocean plan which is expected to be developed through a Marine Spatial Planning (MSP) process.

3. BLUE ECONOMY AND BACKGROUND OF MSP

World Bank defines the Blue Economy as the sustainable and integrated development of economic sectors in healthy oceans. It is also as a framework to realize the sustainable development goals (SDGs), address climate change, reduce biodiversity loss and provide opportunities for shared prosperity for all. MSP is also a strategic instrument for mobilizing marine sectors for Green Resilient and Inclusive Development (GRID). In order to transition into a blue economy, government needs to invest in MSP to acknowledge the current challenges and opportunities and mobilizes resources that can protect its costal-marine natural capitals and use these resources sustainable now and in the future.

The most accepted definition of MSP is that of UNESCO that indicates MPS is “a public process of analyzing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic, and social objectives that are usually specified through a political process” (Ehler & Douvère, 2009).

The MSP will help Kenya in responding to national commitments toward a Blue Economy, a Sustainable Ocean Plan, The Nationally Determined Contributions (NDC), Post-2020 Biodiversity Framework, among others national, regional and global agendas.

The long-term success of MSP relies on having the needed legislative, institutional, and financial resources in place for planning but also for the implementation of the action plans (which might include restoration of coastal areas, creation of incentives for private sector investments, greening trade and ports, setting up no fishing zones for recovering of stocks, dissemination, environmental education plans, etc).

The intention of this process is to set up a national new legally binding instrument across all sectors and users of the marine and coastal area where boundaries can co-exists and reduce conflict over the use of natural and marine resources. The ultimate goal of MSP will lead to the conservation and sustainable use of marine biological diversity while ensuring the use of marine resources by all stakeholders for economic growth, ensure compliance of national regulations and be aligned to marine regional and global commitments and treaties.

MSP is cross-sectoral in nature and thus special consideration must be given to how sectors may be able to interact during planning and design of the plan but also after in the implementation of agreed actions plans. The levels of interaction between sectors can vary significantly and interactions take place in a multitude of ways, layers, temporal and spatial scales. The levels of increasing interaction can be grouped into communication, cooperation, coordination, monitoring and surveillance.

Implementation of the MSP is crucial for ensuring an effective transition from plan to blue action plans, monitoring and evaluation to capture lessons learned, adjust and expand to better targets in the future.

MSP is an effort to plan, define, agree, monitor and enhance the use of the coastal and marine waters. It is similar in large, to an area-based management plan but more complex since different sectors can overlap in the same waters. MSP must take into consideration different use and sectoral dimensions in the analysis such as:

- -governance options and institutional arrangement;
- -the existing and needed legal framework;
- -Current uses of the ocean, its ecosystems and species;
- -current conflicts in the use of these waters and areas;
- -the ambition of a blue economy but also its limitations;
- -current country capacity to manage, protect, surveillance and monitor these waters and its ecosystems;
- -The science and data availability; and
- -The opportunities for economic growth, local development, conservation of the coastal and marine species;
- -Specific MSP process and plans for specific areas, counties and the Exclusive Economic Zone (EEZ).

Principles for MSP for Kenya

The main setting principles for MSP that will help guide the process and to assist the government and stakeholders in making difficult decisions are as follows:

1. The process is inclusive, fair, transparent;
2. It is led by the ecosystem approach;
3. It incorporates the precautionary principle; and
4. It is guided by science and best available scientific information and data.

Benefits expected from MSP

Some of the benefits that MSP can bring to Kenya includes, adopted by McKinney Capital (2013):

Economic	<ul style="list-style-type: none">- improve transparency in permitting and other decision making;-create opportunities for more jobs, reduce poverty and increase revenue to marine/blue agencies-Reduction of conflicts among incompatible uses and between uses and nature, which provides more conducive conditions for investments-contribution to country GDP and economy growth
Social	<ul style="list-style-type: none">-identification of challenges and creation of actions to benefit local fisheries communities-Improved opportunities for community and citizen participation.-Identification of potential impacts of decisions on the allocation of ocean space for certain uses (or non-use) for coastal communities and economies.-Share prosperity with vulnerable groups
Environmental	<ul style="list-style-type: none">- Compliance with Environmental regulations, policies and treaties-Identification of areas of biological or ecological importance and networks of marine protected areas, or buffer zones using nature-based solutions.-Incorporation of biodiversity and ecosystem services objectives at the heart of MSP and management.-Reduction of cumulative impacts of human uses on marine ecosystems.

CROSS cutting issues

In addition to different benefits that MSP can bring to Kenya blue economy, there are several cross cutting benefits and challenges that MSP needs to consider, among these are:

- Biodiversity loss;
- Gender equality and women's empowerment;
- Climate change adaptation and mitigation;
- Environmental impact assessment;
- Pollution;
- Vulnerable groups; and
- Monitoring and evaluation.

Main sectors of interest for the MSP in Kenya

Fisheries (all types) and mariculture	Tourism (including ecotourism) and recreation	Trade and marine transport
Energy - Oil/Petroleum/Wind	Conservation and protected areas	Carbon sequestration
Cultural and Social	Cables and telecommunication	Sand mining
Land-pollution -waste disposal	Coastal development	Genetic resources

Institutions

The approach to the management of coastal and ocean issues in Kenya is highly sectoral. Institutions with mandates on coastal and marine environment management have evolved with time. The numerous organizations that have competence in this area are located within a national government structure, which leads to mostly decision making processes at the national level, which experience challenges of management of the sea and coast which are closest to the counties as well as overlapping of mandates or duplication of efforts by all actors in these sectors. Counties will also need to be taken into consideration due to their role with nearshore fisheries and BMUs.

Some of the agencies (Annex I) with a significant mandate for marine/coastal management and conservation include:

- The Blue Economy Advisory Team at the Office of the President
- Agencies under the State Department for Fisheries and Aquaculture and the Blue Economy i.e. Kenya Fisheries Service, Kenya Marine and Fisheries Research Institute, Kenya Fish Marketing Authority and Kenya Fishing Industries Corporation
- Kenya Wildlife Service (Ministry of Tourism and Wildlife)
- Coast Development Authority
- National Environment Management Authority (Ministry of Environment and Forestry)
- Kenya Forest Service (Ministry of Environment and Forestry)
- Kenya Maritime Authority and Bandari Maritime Academy (State Department for Shipping and Maritime)
- Kenya Ports Authority
- Ministry of Lands and Physical Planning
- Ministry of Petroleum and Mining
- The National Land Commission
- KEMFSED team
- Blue Economy Units at different ministries

Kenya's ambition and aspirations for a Marine Spatial Plan

- Develop a Marine Spatial Plan (MSP) or also called Sustainable Ocean-Coastal Plan (SOP) that can protect and enhance prosperity to the coastal communities of Kenya and at the same time protect their natural capital for future generations;
- Support and increase the government capacity to manage the coastal and marine ecosystems;
- Facilitate technology and knowledge transfer across coastal counties and bring the best MSP experiences from other countries and regions to Kenya; and
- To provide a framework that assesses and improves the performance of MSP and captures lessons learned.

The MSP process

The Consultant is expected to bring new ideas and proposals to recommend how the MSP should be followed and make it more efficient, at the moment for purpose of this consultancy, the Table I described the estimated process, scope and activities for Kenya's MSP process envisaged by the KEMFSED team.

Preparatory Phase

The GoK has taken important steps in the **Preparatory phase** of the MSP, for instance:

- A Blue Economy Advisory Team was created at the Office of the President;
- A Blue Economy Unit was created at the State Department of Fisheries, Aquaculture and Blue Economy;
- An MSP Secretariat has been formed and a National Coordinator and Assistant MSP Coordinator from KMFRI have been appointed to lead a team comprised of spatial data analysts from the State Department for Physical Planning and the National Lands Commission;
- A Multi Agency Steering Committee was formed in 2019 and it is expected to bring together all priority sectors for the MSP, provide technical and sectoral advice, provide input and review of draft technical outputs, and make recommendations to the Inter-ministerial Committee of Sectoral Principal Secretaries for adoption of the MSP outputs;
- Several Technical Working Group will be formed to support the MPS process. It is planned that these Working groups will facilitate sectoral and technical information sharing for the MSP, support the development of technical studies, SESA-Diagnostics, development of planning and monitoring tools, etc.
- The KEMFSED team has also hired two local consultants: i) a stakeholder consultant and ii) a communication consultant. These consultants are expected to support the overall MSP process and thus, it is expected they will also collaborate and coordinate actions with the Consultant under this consultancy; and
- The KEMFSED project also supported the development of a Scoping Study for MSP that can be consulted by the firm.

The consultant will support this phase through by playing an advisory role in the on-going national level engagement, provide technical guidance to the MSP process and connecting this high level dialogue with the issues, challenges, urgent actions needed and ways to unlock economic opportunities in the blue sector. Also, the consultant will provide support in the design and implementation of the stakeholder mapping, engagement strategy and in the training plan at different levels on technical aspects, MSP and marine management, etc. The training is expected to ensure that government team can learn about the MSP process, increase ownership and responsibilities during planning efforts but also for implementing intermediate actions to improve current conflicts affecting the coastal and marine ecosystems and later implementation of the MMP (Marine Management Plan)

STRATEGIC ENVIRONMENTAL AND SOCIAL ASSESSMENT (SESA) - Diagnostic Phase

The consultant will be responsible to lead the preparation of the SESA, perform data collection, diagnostics of all relevant fields, identification of issues, conflicts; proposed solutions, recommendations to enhance the blue economy, apply the ecosystem approach, unlock the potential for trade, fisheries and other economic activities taking into consideration the ecosystem approach; enhance protection of marine life and reduce the drivers of Kenya' degradation of marine resources, among others etc

Planning Phase

- With the information developed by technical studies, SESA, reviews, data collected, etc, the consultant will analyse different options for development of the blue sector, build scenarios taking into account climate change, current drivers of degradation, estimated populations of species, demand for products, trade, etc. The consultant is also expected to: propose zonation; actions plans; management, economic, financial, communication, etc, monitoring tools, among others.
- Complete and deliver the drafts MMP (Marine Management Plan) and other relevant regulations, manuals, etc.

Consultation and approval Phase

Once the proposed draft MMP is completed a process of consultation will be needed. It is expected that the consultant will participate in this process by providing guidance, developing meetings, workshops, consultations, etc. preparing presentations and assisting in the preparation of communication material for different media (printed, internet, tv, etc). The consultation process for the different phases and audiences will be described in the Stakeholder Engagement Plan. Once the feedback from consultation has been defined – the MMP will be adjusted and completed. The final MMP will be submitted for approval. The consultant will prepare a proposed workplan for this stage and agreement will be made in the number of events, activities to be undertaken. As minimum 7 events per county should be organized in coordination with the KEMFSED team, government agencies, stakeholders mapped, private sector, etc.

Implementation Phase

Once the MMP is approved, the Government of Kenya with the support of its Ministries, MSP Secretariat, partners, organizations, and stakeholders will start implementation of the MMP. If possible, this could start with KEMFSED if time of implementation allows (the current closing date is March 2025). In his work, the Consultant needs to consider the enabling conditions needed for a successful implementation of the MMP, craft clear actions required for implementation and enforcement of the MSP. The Consultant should develop an appropriate budget, regulations, incentives, monitoring tools and consider coordination and surveillance issues, etc. The Consultant needs to consider the needed institutional arrangements needed for the overall implementation of the MMP. The consultant will not participate of the implementation of the MMS.

Monitoring and Evaluation Phase


Monitoring of the plan and its implementation is important for the acquisition of data to enable evaluation and lessons learnt to be captured. As monitoring is continuous and requires data collection, the Consultant is expected to guide the selection of monitoring indicators that will provide information on the progress in achieving the aspirations of the MSP for Kenya. The Consultant is also expected to develop a performance monitoring programme and design a data collection system for the Monitoring entity. The Consultant should provide capacity building to relevant stakeholders on the data capture and interpretation of the information.

Update-Revision Phase

The results from monitoring and evaluation phase should be used to review and update the MSP after a period of 10 years. The Consultant is expected to provide a road map of activities required for the revision of the MSP. The road map should also include data gaps that require being filled and in particular the long term data that is needed to support decision making in the revision process.

The Consultant should prepare a budget to support the revision of the plan at the completion of 10 years.

Table 1: The MSP estimated process



Phases	Preparatory		Planning	Consultations and approval	Implementation of MSP/SOP	Monitoring & Evaluation	Revision and Adjustment
Activities	Organization and Governance	SESA- Diagnostic					
	<ul style="list-style-type: none"> -Preparation of team -Preparation of Tors -Hiring of MSP experts -Engagement with partners and collaborators -Definition of roles, responsibilities, timeframes, other -Creation of Multi-stakeholder Committee -Creation of MSP Secretariat -Coordination political and sectoral agendas and agreement of authority for MSP 	<ul style="list-style-type: none"> -Technical studies <ul style="list-style-type: none"> o Economic valuations o Financial instruments (potentially use for MSP) o Biodiversity assessments o Fisheries studies o Trade and Maritime analysis, o Other required analyses 	<ul style="list-style-type: none"> -Carrying capacity -Future demands for marine/coastal space and resources -Spatial Scenario analysis -Needed reforms -Opportunities for economic growth -Tools for enforcement and surveillance -Tools for monitoring to be installed 	<ul style="list-style-type: none"> -Implementation of Stakeholder Engagement Plan -Consultations for approval of Plan -Consultation of counties, private sector, NGOs, Government Ministries, BMUs etc. 	<ul style="list-style-type: none"> -Ensure funding -Define focal points at each institution and sector -Define implementation team -Implementation of First phase Plan - 	<ul style="list-style-type: none"> -Tracking of indicators -Verification protocols and tools 	<ul style="list-style-type: none"> -Every 10 years-review of MSP to adjust based in evidence and lessons learned
	<ul style="list-style-type: none"> -Creation of working groups -Provision and collaboration of institutional data for SESA and Diagnostics -Definition of approval process of national MSP and Counties nearshore MSP 	<ul style="list-style-type: none"> -Diagnostic of all relevant dimensions --Data collection <ul style="list-style-type: none"> o Legal o Socio-cultural o Biodiversity o Fisheries o Trade o Waste o Hazards 	<ul style="list-style-type: none"> -Plan of action with Phases and Zonation options -Proposed regulations and reforms -Proposal of financial instruments (Incentives, tariff, etc) -Needed Budget -Timing, etc 				
	<ul style="list-style-type: none"> -Stakeholder engagement a national level 	<ul style="list-style-type: none"> -Mapping using GIS <ul style="list-style-type: none"> o Users/uses o Conflict o Fragile ecosystems etc 	<ul style="list-style-type: none"> -Mapping of options and proposal for all dimensions 				

Main output	<ul style="list-style-type: none"> -Stakeholder Engagement Plan <u>(no responsibility of this consultant)</u> -Draft regulation describing mechanism for approval of national/Specific Marine Spatial Framework and Management Plan 	<p>SESA – Diagnostic final Report containing, among other aspects to be defined with the consultant at inception:</p> <ul style="list-style-type: none"> -Baseline information -Databases and Information System creation - Action plan for MSP <p>Reforms needed in regulations to increase blue economy; cost-benefit analysis; potential financial instruments; areas that are important to protect; etc.</p>	Proposed: Marine Spatial Management Plan (MSP)	Stakeholder Engagement Report	Annual reports on implementation of MSP	<ul style="list-style-type: none"> -Monitoring reports -Annual dissemination conference 	-Updated and revised MSP
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4. OBJECTIVES OF THIS CONSULTANCY

The Marine Spatial Planning Consultant (firm) is expected to provide technical, legal, scientific and other themes, support in the development of MSP process for Kenya including a diagnostic process: Strategic Environmental and Social Assessment (SESA). The consultant will deliver a National Marine Spatial Plan (MSP) also called Sustainable Ocean Plan (SOP)¹ for both near shore and EEZ waters.

The main objectives of this consultancy are:

- To lead and coordinate with the government, partners and stakeholders the Kenya MSP process and deliver a National Marine Spatial Plan (MSP) for both near shore and EEZ waters;
- To lead capacity development for the enhancement of technical skills needed to support the development of an integrated marine spatial plan and to sustain marine spatial planning as a core function of managing the Blue Economy space in Kenya; and
- To support the stakeholder engagement for an effective communication and participation of the different sectors and stakeholders in all MSP process and phases

5. PROJECT LOCATION AND GENERAL CHARACTERISTICS OF PROJECT AREA

a). Area of implementation

The KEMFSED project is been implemented in the 5 coastal counties of the country and it is expected the Consultant will interact with the counties. Additionally, for this consultancy the Consultant will also consider the near shore waters, and the EEZ (Figure I).

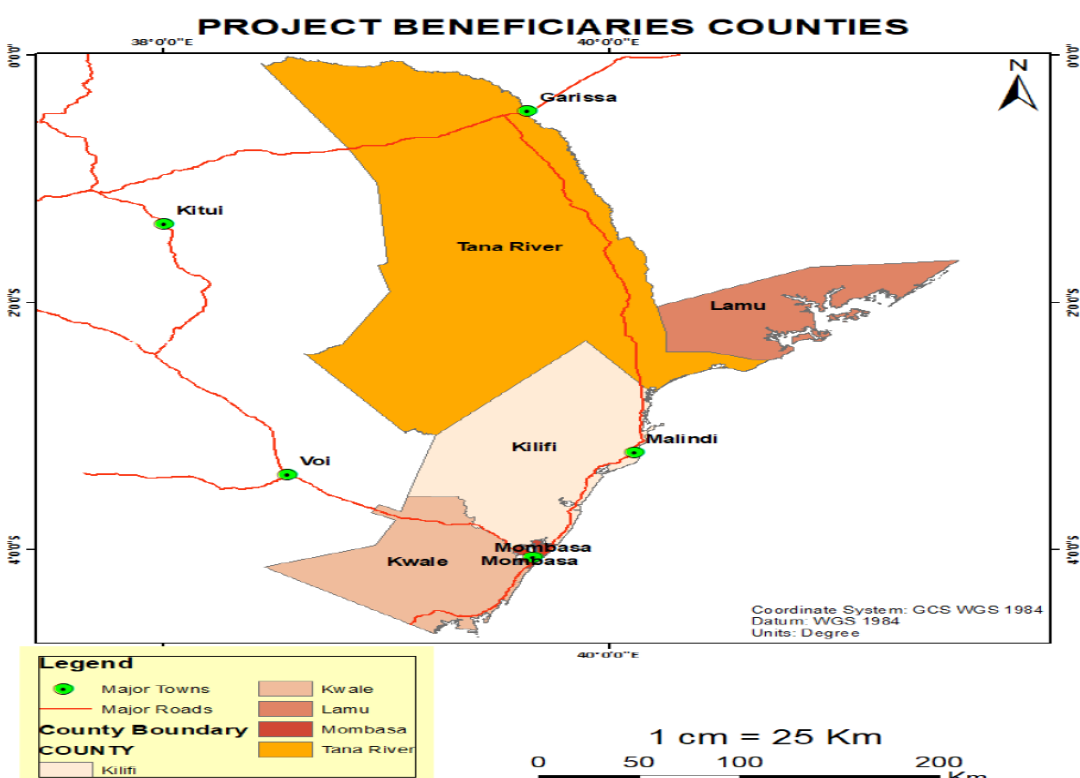


Figure I: Map of the KEMFSED Project Counties

¹ Additional inputs for the MSP/SOP will be provided by other partners and PROBLUE.

The MSP covers Kenya's territorial waters and Exclusive Economic Zone (EEZ) measuring approximately 142,000 km² and includes the claim of extended continental shelf area covering approximately an additional 103,320 km².

b). Social-Economic Characteristics

The State of the Coast report (2017) indicates that the population size and distribution at the Kenyan Coast is driven by natural population growth, immigration due to availability economic opportunities, proximity to social amenities. Opportunities in sectors such as tourism, maritime activities, construction and commerce have attracted people to migrate from other parts of the country to settle in the coast. The coastal region of Kenya is 14.2% of Kenya's land mass and has a population of 3.3 million people that translates to 8.61% of the total Kenyan population (Government of Kenya, 2010). The coast region has an average population density of 40 persons per km² which is lower than the national average of 66 persons per km². Most of the land has low population density. However, there are very high density areas particularly along the coastline and in urban centres like Mombasa, Malindi and Kilifi, Ukunda and Malikani. The density is highest in Kilindini at 4,493 persons per km² while the lowest is in Lamu. A survey conducted in 2013 by the Kenya National Bureau of Statistics (KNBS) and Society for International Development (SID) exploring Kenya's inequality showed that when the poverty line is estimated as Ksh 1,562 and Ksh 2,913 for rural and urban dwellers respectively, the severity of poverty was highest in coast, with Tana River and Kwale counties having the highest poverty (44- 49%) of the population while the lowest was at Lamu (4-11%). The interaction between the poor coastal communities and the environment has resulted in undesirable consequences that have accelerated not only poverty levels but also the rate of environmental degradation throughout the region.

c). Environmental Characteristics

Coastal and shallow shelf ecosystems are among the most productive in Kenya's waters, supporting a broad range of uses and activities as well as providing important services that support livelihoods and protection of coastal communities. These ecosystems include mangroves, coastal forests, estuaries, sandy beaches and sand dunes, coral reefs, and seagrass beds that support a host of marine and coastal species. These ecosystems are contained in the 6 marine protected areas (MPAs) in Kenya (Table 2) and these MPAs form zones that will contribute to the MSP development.

Table 2: The Marine Protected Areas in Kenya

NAME	Year creation	ZONATION	SIZE (KM ²)	MANAGEMENT PLAN
Diani-Chale Marine National Reserve	1995	None	75	No
Kisite-Mpunguti MPA	1978	Core Protection Zone(No Take)	28	Kisite-Mpunguti MPA Management Plan 2015-2025
		Partially Protected Use Zone	11	
Kiunga National Reserve and MaB Reserve	1980	Marine National Reserve (Multi-Use Zone)	287	Kiunga-Boni-Dodori Conservation Area Management Plan (KBDCA), 2013-2023

NAME	Year creation	ZONATION	SIZE (KM ²)	MANAGEMENT PLAN
Malindi MPA	1968	Marine National Reserve (Artisanal Fishing Zone)	213	Malindi MPA Management Plan 2016-2026
		Marine National Park (No Take Zone)	6	
Mombasa MPA	1968	Partially Protected Use Zone	200	Not known
		Core Protection Zone (No Take)	10	
Watamu MPA	1968	Marine National Reserve (Artisanal Fishing Zone)	32	Watamu MPA Management Plan 2016-2026
		Marine National Park (No Take Zone)	6	

d). Fisheries Characteristics

Beach Management Units

Under the current Fisheries regulations, each BMU is required to define a co-management area (CMA) and develop a plan for that area. Members of a BMU may fish in the CMA of another BMU, but they must comply with the controls imposed by that BMU. The idea being to give local communities rights and control over their traditional fishing grounds through each BMU. In practice implementation of these requirements has been highly variable across different BMUs. BMUs at the Kenyan coast have not been performing well in marine resource management due to some factors such as limited understanding of BMU and co management concepts, non-compliance to rules and regulations, lack tangible benefits (benefits of joining BMUs), poor networking, lack of a dedicated manager instead of relying on BMU executive, limited financial and infrastructural resources and inadequate fisheries field staff supervisory capacity.

There are total of 15 BMU co-management areas (CMAs) plans, and 3 joint co-management area plans have been established along the Kenya coast mainly concentrated in Lamu and Kwale Counties. Many of these include networks of management zones (CCAs/LMMAs). Notable examples include Pate-Shanga (3 BMUs) and Faza-Siyu-Mbwajumwali (3 BMUs) in Pate Island; Shimoni-Vanga (7 BMUs); and Malindi-Ungwana (8 BMUs). These three CMAs cover areas of 1,080 sq. km, 868 sq. km and 3370 sq. km respectively and will also require to be included in the MSP development process.

6. SCOPE OF THE ASSIGNMENT

The Consultant will implement the following **TASKS** for the Preparatory, Planning Phases and consultation phases of the MSP process in Kenya

Advisory and technical services to MSP Secretariat

Task 1. Provide Support to the Governance structure and MSP Secretariat and committees. The consultant will provide technical support to the MSP Secretariat and will play an advisory role in the on-going national level engagement, be a technical leader guiding the MSP process and connecting this high level dialogue with the issues, challenges, urgent actions needed and ways to unlock economic opportunities in the blue sector, among other things. It is envisioned that the Task

Team leader together with the right cluster of experts will provide the appropriate technical advisory services to the governance structure for MSP. The activities within Task 1 include:

Activity 1. Support the MSP Secretariat in the political dialogues for the MSP process, negotiations with the different sectors and mainstreaming MSP activities in the Interagency Committee and other government proposed framework.

Activity 2. Support and provide technical advice for technical working groups supporting the MSP process.

Activity 3. Support the MSP Secretariat to communicate complex economic, financial, ecological, spatial, socio-economic or other kind – outcomes, results, action to the relevant stakeholders.

Activity 4. Support the MSP Secretariat in the preparation of reporting MSP progress, results, partnerships, etc to government entities, stakeholders or in national, regional and global initiatives.

Activity 5. Support development of Terms of Reference for specific technical studies that are considered needed and not included in this consultancy for review and approval by the MSP secretariat; also for defining roles, responsibilities, governance aspects for committees members, focal groups, other stakeholder arrangement that is considered needed for the MSP process and future implementation of the MSP/SOP.

Activity 6. Support the review of technical reports of potential consultancies hired during KEMFSED to provide additional information for the Kenyan MSP process.

Activity 7. Lead training at different levels on technical aspects, MSP and marine management to prepare the teams for the MSP but also for implementing intermediate actions to improve current conflicts affecting the coastal and marine ecosystems.

Stakeholder Engagement Framework/Strategy

Task 2. Support and lead stakeholder engagement. The KEMFSED has hired two independent consultants to provide support in the development of the design of the MSP stakeholder engagement strategy, communication plan, consultations and overall implementation. It is expected that the MSP Consultant will review the proposed stakeholder engagement strategy, and communication plans, update them and improve them; it is also expected the consultant will provide expert support in the implementation of the stakeholder engagement and communication activities. Other partners and relevant agencies (ministries, counties, etc) will also contribute in the stakeholder engagement and proper communication and consultation processes.

Activity 1. Review and update the Stakeholder Engagement Strategy, communication and consultations plans

Activity 2. Support implementation together with other partners of the already prepared Stakeholder Engagement Strategy/Framework, communication and consultation processes. Especially important is the engagement of the counties, all relevant national and county government agencies and Non-Governmental Agencies relevant to coastal and marine conservation and management in Kenya. Coordinate coordination of consultation of the draft MSP/SOP.

Legal Support

Task 3 – Develop and proposed a detailed regulatory framework, review and propose the changes needed for a successful MSP process, collaboration among institutions, and approval of the MSP; proposed regulatory draft for reforms and incentives or other financial instruments (PES, tariffs, green fees, etc) for creating funding sources for the future implementation of the MSP and increasing for private and public sector investments in the blue sector. Important stakeholders to consult includes Ministry of Finance, Attorney General, Treasury, Maritime Authority, Petroleum Authority, among others.

Activity 1. Perform a policy and regulations review across the different priority sectors to ensure the consultant becomes familiar with the Kenya policy and legal framework relevant to MSP process. Develop a database or system that can make accessible for the team and public the regulatory framework existing or in process of approval. The review should indicate the current strengths, overlapping conflicts, challenges, opportunities, etc. Interview government officials, experts, users (national or international), counties and relevant stakeholders for the MSP to have a good baseline information of current legal enabling conditions for MSP.

Activity 2. Define the legal framework requirements for MSP process and the required new or updated regulations. This activity will be performed by the consultant with the collaboration of legal officers, consultants working in this area and other inputs from KEMFSED, working groups and/or partners. Interview government officials, experts, users (national or international), counties and relevant stakeholders to have good baseline information of current legal enabling conditions for MSP and future implementation of MMP.

Activity 3. Prepare draft regulations or amendments that the Consultant considers are needed for an effective MSP process, ensure the mandatory engagement with the different priority sectors, capacity to negotiate and enabling the approval of the final MMP.

Strategic Environmental and Social Assessment (SESA)

Task 4. Develop a Strategic Environmental and Social Assessment (SESA) to inform Kenya's MSP process.

The consultant will design, develop, consult and complete a SESA to provide the baseline information on the current conditions related to the environmental, social, economic, etc. exiting conditions of the coastal and marine waters of Kenya. The SESA will also describe the potential risks or impacts related to the current trends in the use of the marine space as well the opportunities for growth, conservation of natural habitats, potential adverse impacts on community's livelihoods and increase prosperity through MSP. SESA identifies potential impacts to marine ecosystems and resources from marine uses, potential impacts created by a spatial plan, and recommends measures to minimize significant adverse effects that can be addressed by marine planning, including alternatives and a process for environmental and social impact assessment.

The consultant will make use of the legal and data reviews performed by other tasks to consider in the SESA development.

- a) Existing national and coastal County developmental goals;
- b) Existing policies that are relevant to marine spatial planning;
- c) Existing international conventions and agreements that Kenya is a signatory to;
- d) Existing legal and regulatory framework;
- e) Apply the ecosystem approach and ensure all threats and impacts to marine biodiversity are considered into the SESA and MSP processes;

- f) The views of stakeholders, coastal and marine users, NGO (including those working to protect biodiversity), CBOs, academia, private sectors and other civil society groups; and
- g) Best international practices in SESA (consult World Bank publications and guidelines).

Activity 1. Prepare a proposal for the design, preparation and completion of the SESA-including all diagnostic and technical studies relevant for the MSP for Kenya. The SESA will focus in the priority sectors of the MSP. The SESA will cover Kenya's territorial waters and Exclusive Economic Zone (EEZ) measuring approximately 142,000. The SESA will inform the MSP process design to develop a multiple-objective plan spanning a period of thirty (30) years and shall be subjected to ten (10) year reviews in tandem with the Medium Term Plans (MTPs).

Activity 2. Development of the SESA. The Consultant will develop the SESA using the best available tools, technics and data. The Consultant will collect primary data for the different diagnostics and other secondary data collected or provided by free sources (satellite and global datasets), the MSP working groups, external sources, experts, studies and other available information. The Consultant will identify current situations (baselines) on the use, challenges, risks, and opportunities for blue economy. The Consultant will engage experts for each diagnostic sector (oil, fisheries, ecotourism, maritime transport, land pollution to the ocean, etc). Develop maps of coastal erosion, waste focal areas, environmental characteristics, species and habitat distributions, ecosystem goods and ecosystem services, habitat vulnerabilities, etc. The Consultant is also expected to undertake a shipping risk assessment (particularly for the EEZ) and identify suitable mitigation measures.

Activity 3. Lead focal consultations for the SESA and engage the government sectors, communities, local governments, private sector, civil society. The consultant will consult counterparts and focal points at all the government institutions relevant to the MSP and priority sectors, including ministries, agencies, local governments (Counties governors, other). Also coordinate SESA with the focal persons assigned to work in the MSP process from KeFS/SDFA&BE and KEMSFED. It is expected the consultant will also identify many other stakeholders that can benefit or be impacted by the marine spatial plan, consult their views and preferences and trade-offs for future sustainable & economic development in the fisheries, ecotourism, oil, and the other priority sectors.

Activity 4. Design and proposed specific actions plan with a time horizon of 10 years. Develop spatial and policy scenarios that can help raise awareness about the consequences of decisions regarding access to and use of ocean and coastal space and resources.

Activity 5. Consultation of draft SESA and knowledge sharing. The consultant will do presentations and consult all relevant stakeholders in the draft final report and collect their views to strengthen SESA report and inputs for the MSP process. They will also conduct workshops to share information build and collected in this consultancy so there is a better understanding of the risks of the current issues affecting the coastal and marine waters in Kenya at all sectors (pollution, overfishing, waste, etc) and also opportunities with the adoption of remedial actions plans, regulations, citizen and private sector participation, etc.

Activity 6: Adoption of best practices and national clearance

The SESA is intended to be a national framework that will provide guidance in the national development, macroeconomic, legal, and regulatory regimes, it is therefore imperative that the formulation process takes the following into account:

- a) Existing national and coastal County developmental goals;
- b) Existing policies that are relevant to marine spatial planning;
- c) Existing international conventions and agreements that Kenya is a signatory to;
- d) Existing legal and regulatory framework;
- e) The views of stakeholders including those of the civil society;
- f) The need to review and update the policy regularly and relevantly; and

- g) Relevant guidelines for the clearance of the SESA as provided by NEMA and any other appropriate National Government oversight agency and the World Bank Safeguards policies.

For best international practices in SESA (consult IOC-UNESCO best practices, World Bank publications and guidelines).

Data Collection-GIS-Information system

Task 5-Undertake a desk review of all related documentation for MSP in Kenya. The consultant will do an information gap analysis and review information to be provided by the client but also it will do its own search and become expert on the relevant existing information including, satellite data (for instance, bathymetric, coastal erosion, sea level rise, temperature, etc), scientific data, reports, management plans, strategies, policies, etc as needed for a successful implementation of this consultancy. The MSP working groups are representatives of different institutions and it is expected that they will facilitate data sharing from the different institutions to the consultant. The consultant will include it is financial offer the cost associated to data collection for specific studies, preparation of the SESA and diagnostics, training, and any other area the consultant considers its needs primary or secondary data.

In case of some relevant data and information gap it is found and it is not part of this consultancy, but it is considered needed and a priority data gap, the consultant will recommend specific studies (including Terms of reference) to the KEMFSED project to decide for additional support for this data.

Activity 1. Review all available information and audit existing data for the MSP, identify initial information and capacity gaps, data priorities and bring data from other regions and countries to share MSP global “lessons learned” and best practices in MSP/SOP.

Activity 2. Facilitate the establishment of protocols to allow for the sharing of existing data between different institutions and organizations at local, national, regional and global level;

Activity 3. Collect primary data using the methods to be agreed for the different studies, reports, processes for the MSP and development of the MSP/SOP. Biological, Social, Physical, Maritime, Economic, and other surveys will be done/coordinated by the consultant for the different tasks included in this consultancy.

Activity 4. GIS activities. The consultant will have their own GIS licenses and provide GIS services to produce MSP mapping and perform spatial and temporal analysis of data for the different tasks of this consultancy, especially for the SESA-Diagnostics, Planning and Zoning. There are many sources of information and the consultant will need to organize data per sectors and topics and develop maps as needed for the tasks of the consultancy. The consultant will develop detailed seabed habitat map of the entire coast and EEZ, seagrass and corals distribution, protected areas, submarine cable location, maritime routes, etc.

Activity 5: Develop and install a national level marine spatial data sharing and clearing house portal (MSP Information System) so that the MSP Secretariat, working groups, KEMFSED, partners and other interested groups can benefit from this data collection efforts.

Planning and zoning

Task 6. This task is related to the EEZ and near shore. The consultant is expected to undertake a broad scale MSP for the entire EEZ and near shore taking into account the full range of activities currently being undertaken, and projected to occur. This includes EEZ and near shore assessment of conservation values and preparation of zoning plans for consideration by stakeholders.

Activity 1. Agree with the Multi-Agency Steering Committee on the MSP methodological approach, in line with the MSP Framework and international best Practice.

Activity 2. Undertake an assessment of stakeholder interests and priorities and key user conflicts in both the EEZ and near shore through stakeholder consultations.

Activity 3. For the near shore plan, initiate a comprehensive programme to engage with BMUs and link with the development process for the Co-management Areas and the Joint CMA plans for the different near shore areas proposed for these management regimes.

Activity 4. Undertake an EEZ and near shore assessment of conservation values to determine further sites for protection as well as conflicts in resource uses.

Activity 5. Develop spatial and policy scenarios that can help raise awareness about the consequences of decisions regarding access to and use of ocean and coastal space and resources Prepare initial zoning plans for consultation.

Activity 6. Develop a series of zoning maps corresponding to each of the scenarios to be agreed with the Multi-Agency Steering Committee.

Activity 7. Undertake comprehensive consultation with National and County government agencies, coastal user groups, communities and industry sectors on the scenarios.

Preparation of the MMP

Task 7: The Consultant is expected to finalize the MSP in accordance with feedback from the consultative process.

Activity 1. Revise zoning plans based on stakeholder feedback and finalize zoning plans for approval by Multi-Agency Steering Committee and Inter-ministerial Committee of Sectoral Principal Secretaries.

Activity 2. Guide on environmental and social issues that require to be integrated in the development of policies, planning and decision support tools that relate to MSP.

Activity 3. Develop draft regulatory mechanisms to support implementation and enforcement of the zoning plans (e.g. mechanisms under existing instruments, by-laws, permitting and licensing provisions, enforcement provisions and penalties and monitoring and compliance mechanisms).

Activity 4. Propose institutional arrangements, adaptive management plans and budget needed to support a 10 year MMP.

Capacity Building

Task 8: Increased capacity building in MSP and MMP implementation for all members of the governance structure, State Department, Counties, KEMFSED team. The consultant will develop the following activities.

Activity 1. Undertake a capacity needs assessment of the different stakeholder and undertake capacity building of key stakeholders on the management of the MSP process.

Activity 2. Design a training program, materials (brochures, presentations, etc) and a manual per topics and for the priority sectors. Some training will be short from 1-3 hours, others will be 1-2 days. The format of the capacity building program will be discussed during inception.

Activity 3. Implement the training with the sector and teams to agree in timeline and format.

Activity 4. Proposed the tools to follow up trainee and assess evaluation and improved performance /uptake on the MSP process and future implementation.

Submission of final SESA, MSP process framework, MMP, manuals and other outputs

Task 9: The Consultant will prepare the final documents and outputs according to agreed format, content and best quality. The consultant will take into consideration feedback from consultations, MSP Secretariat, MSP, working groups, KEMFSED and World Bank reviews. The outputs will be presented by the Consultant to the KEMFSED team as the agreed deliverables and the KEMFSED team will submit the final documents (SESA, MSP framework process described, proposed regulations, manual, etc) to the designated government authorities, including the Principal Secretary, State Department for Fisheries, Aquaculture and the Blue Economy (SDF&BE), NEMA and the World Bank.

7. FIRM REQUIREMENTS AND QUALIFICATIONS

General requirements for the FIRM

1. Proven experience and knowledge on MSP, ideally in Africa. It is required to have prepared at least 2 MSP in Africa or other regions;
2. Demonstrated at least 10 years of experience in coastal and marine management and planning, biodiversity, cost-benefit analysis, financial instruments and business development or similar work in the context of integrated coastal management;
3. Record on delivering environmental studies and reports in marine ecosystems to governmental agencies in Africa or other regions, at least 4 reports as evidence
4. Experience in using planning tools for MSP or coastal marine management;
5. Experience in leading capacity building for MSP and coastal and marine management in developed or developing countries;
6. Experience in organizing consultations, focal groups, workshops, etc at different modalities and audiences, for example with government officials, private sector, NGOs, communities, from African or other regions countries; evidence at least in 3 countries.
7. International consulting firms can combine Key international experts with local consultants; but Task Team Leader (Coordinator) must reside in Kenya to be able to lead the project in coordination with KEMFSED and the MSP Secretariat.

Specific requirements for the team composition

POSITION	QUALIFICATIONS
Task Team Leader – Coordinator	<ul style="list-style-type: none"> ▪ Master or PhD degree in Ecology, Marine science, Business, Economy, Marine Engineering or other relevant field. ▪ 15 years' experience in marine and coastal management, MSP, blue economy, coastal development, other areas relevant to this consultancy. ▪ At least 10 years of experience in leading and working with multidisciplinary teams. ▪ Strong demonstrable experience working with developing countries, experience in governance and policy making.

POSITION	QUALIFICATIONS
	<ul style="list-style-type: none"> ▪ Experience working and communicating with a wide range of stakeholders, including government officials, donors, development partners, community groups, and regional and/or international organizations. ▪ Excellent English language skills (written and oral), and the ability to communicate complex technical and scientific information to audiences. ▪ Proven experience in producing high quality reports in English that can be disseminated and published by the client; ▪ Proven ability to work as team players in the MSP process with multi-tasking skills, experience in facilitation, presentation, communication, computational skills, resourcefulness, attention to detail and client orientation; ▪ Strong and demonstrated interpersonal skills and experience communicating with senior government officials, communities and large groups of people; Proven negotiation skills. ▪ Proven experience in preparation of high-quality technical documents/reports in English, for submission to government clients and/or multi-lateral development projects. ▪ Familiar with the Blue Economy concepts and global agendas for oceans, green growth, biodiversity, climate change. ▪ Resident or willingness to relocate to Kenya. ▪ Experience of donor funded projects and World Bank experience would be an added advantage
Environmental/ Fisheries expert	<ul style="list-style-type: none"> ▪ Master's degree in an area related to marine ecology or biology, fisheries, oceanography, natural resources. ▪ At least 10 years' experience and knowledge in Kenya marine resources, ecology, species, ecosystems, endangered species, critical habitats, migratory species. ▪ Proven experience in working with Kenya marine ecosystems coastal and marine; stock assessment, ecological sampling techniques, EIA, environmental management plans, biodiversity sampling and monitoring, ▪ Experience in international fisheries management and/or monitoring, control and surveillance; etc. ▪ Proven experience and ability to work in different cultural contexts. ▪ Significant demonstrated experience in delivering high quality reports, including technical reports. ▪ Excellent communication skills to reach a broad spectrum of audiences, local and international.

POSITION	QUALIFICATIONS
	<ul style="list-style-type: none"> ▪ A high level of proficiency in English language (speaking, writing, reading). ▪ Experience in training and preparing training material.
Marine Engineer	<ul style="list-style-type: none"> ▪ Engineer with a degree in relevant engineering field related to maritime transport, oil exploration, sea mining or other maritime engineering field ▪ 10 years of experience working in the marine sector and preferably in the Indian Ocean ▪ Proven experience and ability to work in different cultural contexts. ▪ Significant demonstrated experience in delivering high quality reports, including technical reports. ▪ Excellent communication skills to reach a broad spectrum of audiences, local and international. ▪
Social expert	<ul style="list-style-type: none"> ▪ Master's degree in social sciences, sociology, anthropology, community development, or other relevant fields. ▪ At least 5 years of experience with socio-economic analysis, stakeholder analysis and engagement, preferred of coastal communities from Africa or other regions. ▪ Demonstrated experience working in Kenya and working with fisheries sector, vulnerable groups (e.g., women, people with disabilities) and other relevant sector for this consultancy. ▪ Experience in social data collection (e.g. survey, structured interviews,) and analysis. ▪ Proven experience and ability to work in different cultural contexts. ▪ Significant demonstrated experience in delivering high quality reports, including technical reports. ▪ Excellent communication skills to reach a broad spectrum of audiences, local and international. ▪ A high level of proficiency in English language (speaking, writing, reading). ▪ Experience in training and preparing training material.
Environmental Economist	<ul style="list-style-type: none"> ▪ A Master's degree or higher in Environmental Economics or a closely related field. ▪ At least 10 years of experience in applying economics to matters of environmental policy research and analysis either in consultancy, another form of business or academia. ▪ Experience in collecting, managing, analyzing and presenting qualitative and quantitative data related to environmental economics. ▪ Experience undertaking cost benefit analysis, including application of methods for valuing environmental externalities.

POSITION	QUALIFICATIONS
	<ul style="list-style-type: none"> ▪ Knowledge of environmental impact assessment, including both market and non-market costs and benefits. ▪ A willingness to work flexibly across different areas. ▪ An ability to think creatively, and to advance innovative ideas; ▪ Excellent drafting and communication skills.
Legal expert	<ul style="list-style-type: none"> ▪ Master's degree or LLM in the field of law specialized in the Law of the Sea. ▪ Relevant work experience on legislative assistance to projects related to MSP, coastal development or maritime context. ▪ Experience in carrying out needs assessments and developing regulatory instruments (decrees, regulations, other) specially regarding the marine /coastal sector. ▪ Knowledge on the international treaties governing EEZ in Kenya or other Eastern African country. ▪ Familiar with best practices for MSP, fishing regulations and other relevant to this consultancy. ▪ Significant demonstrated experience in delivering high quality reports. ▪ Excellent communication skills to reach a broad spectrum of audiences, local and international. ▪ A high level of proficiency in English language (speaking, writing, reading). ▪ Experience in training and preparing training material.
GIS Analyst	<ul style="list-style-type: none"> ▪ Master's Degree in computer science, geography, surveying, engineering or related field. ▪ 10 years' proficiency experience in with database programming languages such as SQL, R or Python. ▪ Proficiency with front end design languages such as HTML, CSS, JavaScript and various mapping languages. ▪ Experience with mapping tools such as QGIS and Carto. ▪ Experience with GPS measuring tools. ▪ Outstanding quantitative skill set. ▪ Attention to detail and good problem-solving skills and analytical mindset.

POSITION	QUALIFICATIONS
	<ul style="list-style-type: none"> ▪ Be licensed to use relevant GIS platforms. ▪ Excellent written and verbal communication. ▪ Good interpersonal skills.

Other experts that might be needed as required and part time or on call basis such as: climate change, maritime transport, trade, offshore mining, ecotourism, gender, others.

1. Staff Estimated Time Input

The number of key staff and the estimated minimum time input for each key staff for the assignment are presented in Table 2 . The consultant firm can increase this estimated time depending on the proposed methodology and approach to this consultancy.

Table 1: Staff Estimated Time Input

S/No	Key and Support Staff	No.	Input (staff months)
1	Team Leader	1	24
2	Environmental/ Fisheries expert	2	12
3	Marine Engineer	3	6
4	Social expert	4	12
5	Environmental Economist	5	7
6	GIS Analyst	6	12

8. ESTIMATED TIME OF THIS CONSULTANCY

The assignment shall be for a period of 24 calendar months from contract commencement date.

9. REPORTING REQUIREMENTS AND TIMELINES FOR DELIVERABLES/OUTPUTS

- Deliverables expected under this consultancy:
- Contents for each deliverable will be agreed with the Consultant.
- All documents will be delivered in full colour, in Word format, in English. The Font type will be Times New Roman and 1 line space between lines’;
- All drawings will be delivered in Shape, PDF and jpg format. Also, the consultant will provide Google Earth file (KZM) to able to locate the project area- when required;
- All documents will be delivered in hard copies (10 copies), full colour, and electronically (open- in word, excel, Power Points and other format as agreed);
- All photos, maps, will be submitted to the client;
- All documents will be reviewed by the designated KEMFSED MSP team members;
- The World Bank KEMFSED team will also provide comments on the process and deliverables.

Deliverables, timeframe and payment

Deliverable No.	Reports	Timeline for submission of deliverable after contract commencement	Proposed Payment as percentage of lump sum contract value
1a	Draft Inception report* (proposed work plan and methods for all deliverables)	2 weeks after contract commencement	10%
1b	Final Inception report with agreements included from the KEMFSED project and World Bank team	4 weeks after contract commencement	
2a	Report on review of stakeholder framework and engagement strategy	6 months after contract commencement	10%
2b	Draft regulations from the legal review process	10 month after contract commencement	
3a	Draft Cost- Benefit analysis	6 months after contract commencement	10%
3b	Final Cost-Benefit analysis	10 months after contract commencement	
4a	Draft SESA and Diagnostic	6 months after contract commencement	20%
4b	Final SESA -Diagnostic	12 months after Contract commencement	
5a	Monthly reports on the MSP preparation	Every month after the inception	0%
5b	Draft MSP/SOP	1 year after contract commencement	30%
5c	Final MSP/SOP	1.5 year after contract commencement	
6a	Draft training manual	4 months after contract commencement	10%
6b	Final Training manual once the training is completed	To be delivered one months before contract ends	
7a	Primary and secondary data	Continuous	0%
7b	MSP data information system	continuous access and final delivery	10%

*The inception report will describe the teams, clear strategy, work plan and work schedule and proposed structure and contents of the final reports (this can be adjusted later if necessary due to new information, political challenges or other requested by the Client).

Specific Measures under Covid19

Covid-19 is causing restrictions in arranging travel, meetings, field visits and surveys. In their proposal, the Consultant will have to indicate how to deal with these restrictions, while still generating results

of expected quality. Effects by Covid-19 on the consultancy will be managed by the Consultant. Consultant will follow the Covid-19 measures taken by the GoK.

Kenya environmental laws and regulation and KEMFSED World Bank safeguards commitments

KEMFSED project will finance this consultancy and therefore the Consultant should become familiar and consider the project safeguard instruments ESMF, PF, VMGF and RPF in the development of this consultancy. The safeguards documents are available online or will be provided to the Consultant.

11. COORDINATION AND SUPPORT TO THE CONSULTANT

The Consultant will report to the National Project Coordinator of KEMFSED (NPCU) which will approve the final payments. The consultant will coordinate the daily work with the MSP Coordinator/Secretariat on the activities agreed for this consultancy. The consultant will maintain informed both coordinators of the work plan, issues, team works, data needs, coordination with the different stakeholders, etc. The consultant is also expected to work closely with: i) the Multi-agency Steering Committee for Marine Spatial Planning; ii) technical working groups, iii) consultants hired to support the MSP process, other iv) stakeholders.

The KEMFSED team will be responsible to provide support to the Consultant during all the project implementation period and provide among other things, after the signature of the contract:

- Copies of all key documents relevant to this consultancy are listed in Annex I – 3;
- Facilitate meetings with all relevant stakeholders;
- Provide office space for coordination meetings at the Consultant's request in Mombasa and Nairobi KEMFSED offices;
- Assist with site visits as requested by the Consultant; and
- Provide the Consultant feedback within 14 days on the draft and final reports and deliverables; if no comments are provided, the consultant will interpret that the reports are acceptable

12. Responsibilities of the Consultant

The Consultant shall be responsible for the provision of all the necessary resources to carry out the services such as international travel, project transportation for visits in counties, subsistence allowances, accommodation, information technology, and means for communications, reporting materials, insurance and any other required resources.

The consultant is expected to undertake activities that will ensure that outputs are consistent with the professional and legal requirements. All outputs will be presented using modern techniques/technology and will form part of the digital land information systems for informal settlements being generated by the Project. It is also required that the data is generated through a consultative process that guarantees authenticity and ownership.

12.1. FINANCIAL OFFER

The interested consultant will prepare the financial offer as described by procurement process. The consultant must take into consideration

- staff time;

- international travel and local transport;
- telephones and internet;
- National, and international telecommunication;
- Field equipment (cameras, GPS, traps, and all the importation cost, local purchase, other);
- Photocopies, preparation of maps-GIS program, editing, design and printing of reports;
- Costs for printing materials for training and stakeholder consultations (excluding cost of local transport of trainees, food, location of training/consultations which will be provided by KEMFSED); and
- Other means required for performing the services that the consultant is aware.

ANEXES

Annex I. Some of the institutions relevant for MSP in Kenya

INSTITUTION	MANDATE WITH RESPECT TO MARINE MANAGEMENT	ENABLING ACT
Kenya Fisheries Service (State Department for Fisheries and Aquaculture and the Blue Economy)	<ul style="list-style-type: none"> • Manage and develop fisheries resources • License fishing and fish marketing activities • Promote aquaculture • Enforcement of Fisheries Act • Coordinating maritime spatial planning and ICZM 	Fisheries Conservation and Management Act, 2016
Kenya Wildlife Service (Ministry of Tourism and Wildlife)	<ul style="list-style-type: none"> • Protect and conserve marine parks and reserves • Enforce Wildlife Conservation Management Act 	Wildlife Conservation & Management Act
Coast Development Authority	<ul style="list-style-type: none"> • Promote sustainable economic exploitation of coastal and marine resources 	Coast Development Authority Act
National Environment Management Authority (Ministry of Environment and Forestry)	<ul style="list-style-type: none"> • Coordination of environmental management activities • Implement ICZM 	
Kenya Forest Service (Ministry of Environment and Forestry)	<ul style="list-style-type: none"> • Management of mangrove forests 	Forest Conservation and Management Act, 2016
Kenya Maritime Authority (State Department for Shipping and Maritime)	<ul style="list-style-type: none"> • Manage maritime vessel standards; registration and licencing of ships; safety of navigation; maritime training management. 	Kenya Maritime Authority Act Maritime Zone Act Merchant Shipping Act
Kenya Ports Authority	<ul style="list-style-type: none"> • Manage ports and harbours which includes fishing ports 	Kenya Ports Authority Act
Ministry of Lands and Physical Planning	<ul style="list-style-type: none"> • Mapping the boundaries of the maritime zone • Spatial planning 	Physical Planning Act, 1996 Maritime Zones Act
State Department for Petroleum (Ministry of Petroleum and Mining)	<ul style="list-style-type: none"> • Regulates the Petroleum and Mining Sectors in Kenya • Overseas the National Oil Corporation of Kenya 	Petroleum Exploration and Production Act, 1985

Annex 2. Map of interest for this consultancy

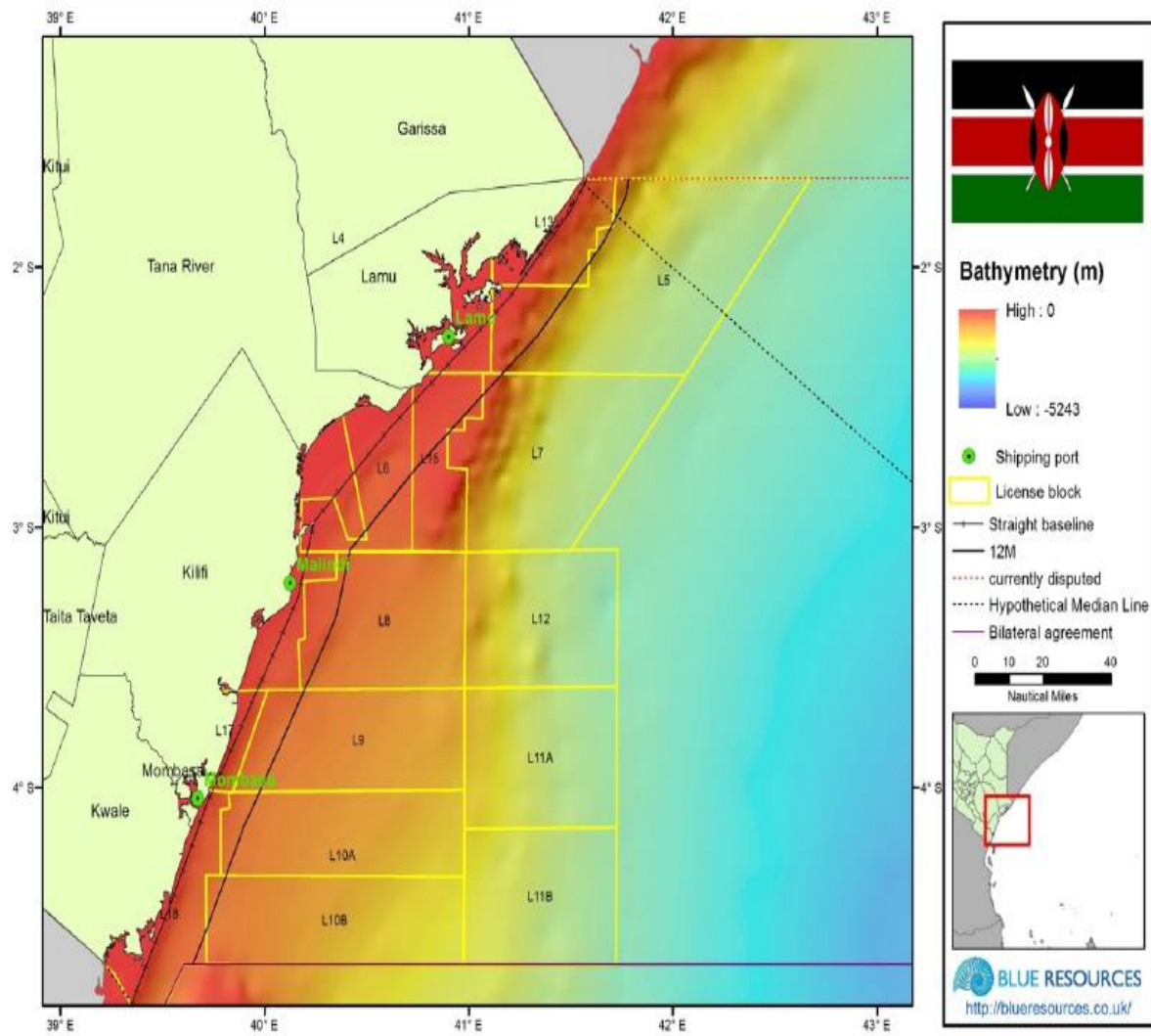


Figure 1: Kenya petroleum concessions map showing offshore blocks

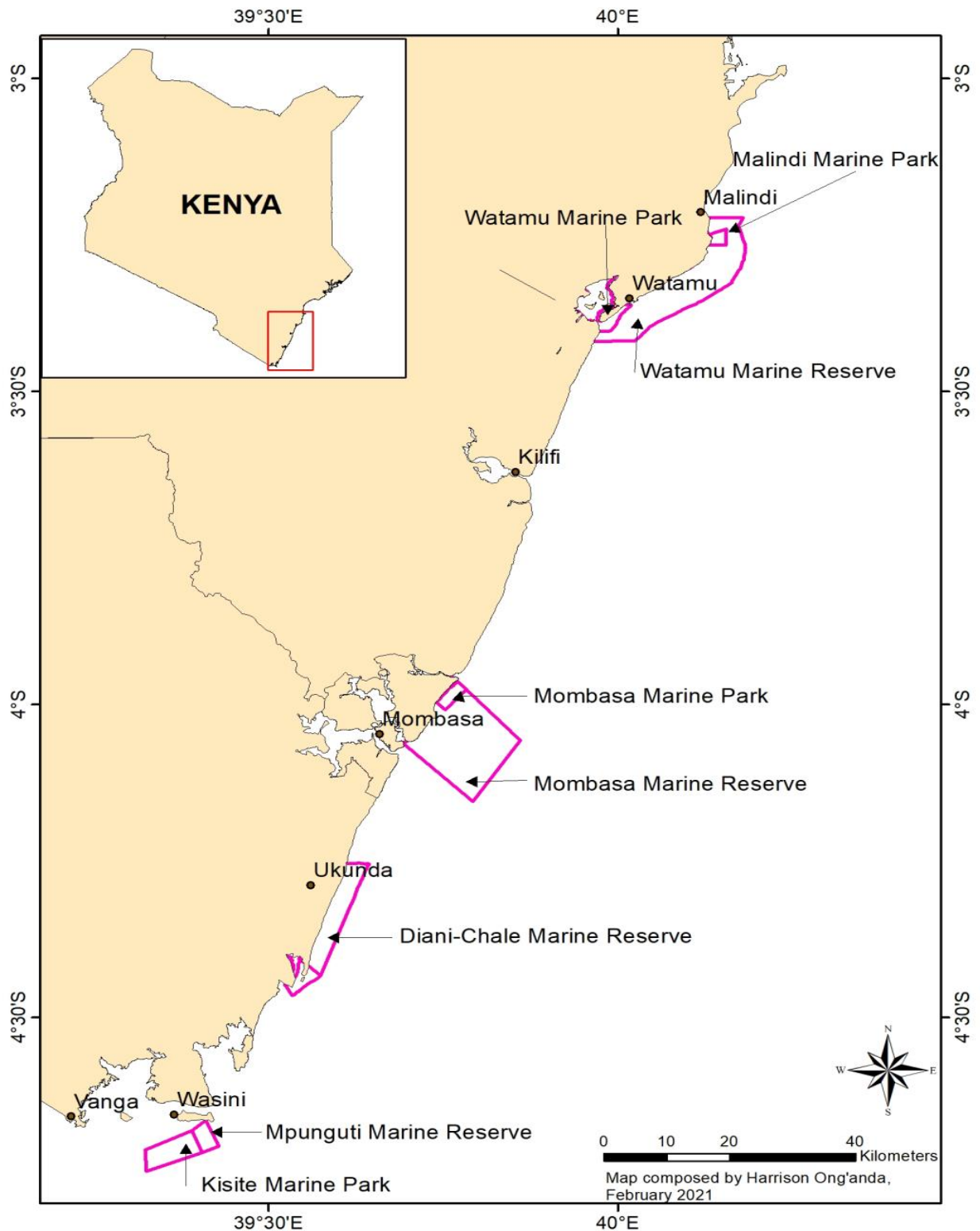


Figure 2: Map of Marine Protected Areas (MPAs) in Kenya

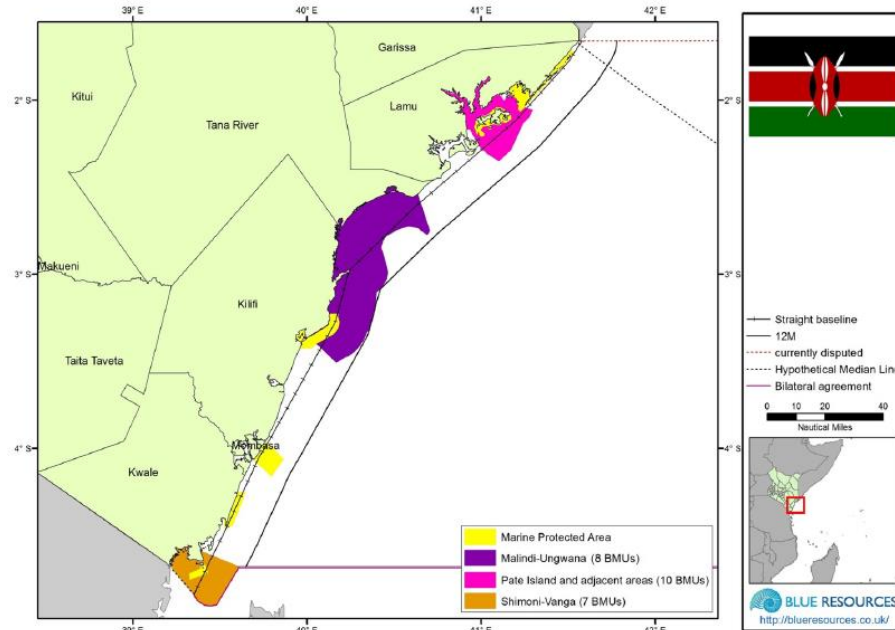


Figure 3: Map of Marine Protected Areas (MPAs) and Joint Co-Management Areas in Kenya

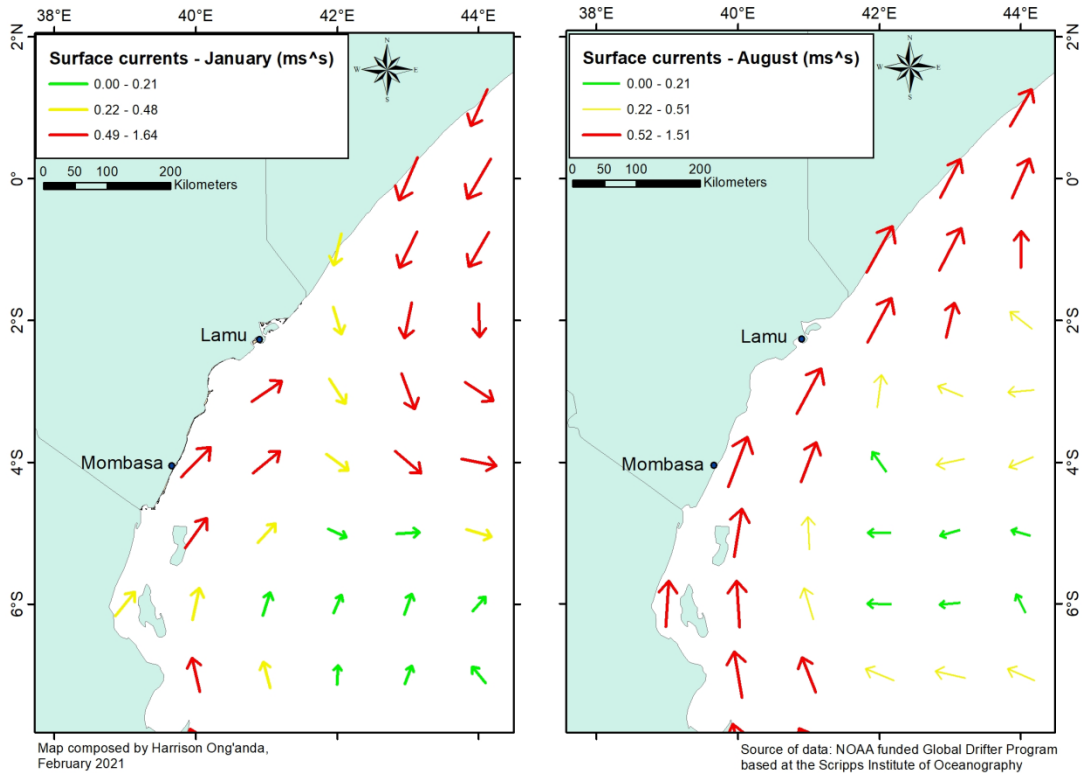


Figure 4: Map of the North East and South East Monsoonal Currents

Annex 3. Documentation to be shared with the consultant

The consultant will be given relevant information for this consultancy

- Relevant drawings
- Maps
- The Consultant can consult the SESA publication by the World Bank as guidelines or any agreed SESA guideline.
- Technical reports:
 - Scoping report from Julian Roberts
 - KEMFSED PAD
 - Metadata from KMFRI
 - KCDP reports for stakeholder mapping purposes