



Kenya Marine Fisheries Socioeconomic Development (KEMFSED) Project
P.O. Box 58187-00200
NAIROBI

MINISTRY OF MINING, BLUE ECONOMY AND MARITIME AFFAIRS
STATE DEPARTMENT FOR BLUE ECONOMY AND FISHERIES

TERMS OF REFERENCE FOR INDIVIDUAL CONSULTANCY SERVICES TO
DEVELOP TWO (2) NATIONAL PLANS OF ACTION FOR THE
CONSERVATION AND MANAGEMENT OF SEA TURTLES AND SEABIRDS
IN KENYA'S MARINE FISHERY WATERS

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1. BACKGROUND

Fisheries in Kenya can be categorized into wild capture and aquaculture fisheries. Capture fisheries include those in freshwater (lakes, rivers and dams), coastal impoundments and marine fisheries (Indian Ocean). Aquaculture may include those that are entirely freshwater, marine (mariculture) or a combination of both. In addition to the inland freshwater systems, Kenya has a jurisdiction including a coastline of approximately 640 km (1040 Km including the rugged coastline and islands) on the Western Indian Ocean that includes an Exclusive Economic Zone (EEZ) out to 200 nautical miles and territorial waters (12nm). The EEZ area approximates 230,000 km² with significant economic potential for development and attraction of investors. The marine and freshwater fisheries are therefore important social and economic activities that generate a variety of benefits, including nutrition, food security, employment and trade. Fisheries also contribute to the development of the maritime trade sector through value addition and exports providing foreign currency. In total, fisheries contribute about 0.5% to the country's Gross Domestic Product (GDP). This contribution to GDP of marine waters of the Indian Ocean as a whole is considered proportionately low given the extent of the Kenyan coastline and EEZ. Underpinning fisheries is their management which aims for optimal exploitation while simultaneously conserving fish stocks and maintaining their long-term sustainability.

With support from the World Bank, the Government of Kenya (GoK) is currently implementing the Kenya Marine Fisheries and Socioeconomic Development Project (KEMFSED). The KEMFSED project covers a period from October 2020 to March 2025, and the Project Development Objective (PDO) is to improve management of priority fisheries and mariculture and increase access to complimentary livelihood activities in coastal communities. The implementing agency will be the State Department for Blue Economy and Fisheries (SDBE&E) on behalf of the Government of Kenya. The project area includes the coastal sub-counties of Kenya's five (5) counties along the coast, namely Kwale, Mombasa, Kilifi, Tana River and Lamu.

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. Fisheries governance interventions will be promoted through preparation of governance instruments to manage protected and threatened species, strengthen 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 sub-projects, as well as through scholarship grants and complementary capacity-building and mentoring of beneficiaries;
- c) **Component 3: Project Management** - this Component will provide the finance and capacity to support the management of the project at both national and county levels to

ensure coordinated and timely execution of project activities.

1,1 Rationale for The Consultancy

The Food and Agriculture Organization (FAO) Code of Conduct for Responsible Fisheries (CCRF) calls for the sustainable use of aquatic ecosystems and requires that fishing be conducted with due regard for the environment. The CCRF addresses, amongst others, the conservation of endangered species, protection of habitat and the reduction of bycatch or non-target species in fisheries. In 1999 the International Plan of Action for the conservation and management of sharks (IPOA-sharks) and the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries (IPOA–Seabirds) were developed and adopted by the FAO. IPOAs, such as for sharks and sea birds are, however, voluntary instruments as elaborated in Article 2(d) of the FAO Code of Conduct for Responsible Fisheries. The objective for sharks and seabirds was *“to ensure the conservation and management of sharks and their long-term sustainable use”* and to reduce incidental capture of sea birds in the longline fisheries. Similarly, in 2004 the guidelines to Reduce Sea Turtle Mortality in Fishing Operations" were developed and endorsed at the 26th session of the FAO Committee on Fisheries (COFI). The key objectives included (i) presenting measures for avoiding or minimizing sea turtle interactions in marine capture fisheries; and (ii) consolidating existing handling and release guidelines. Under the Indian Ocean Tuna Commission (IOTC) of which Kenya is a full member, several resolutions have been passed to ensure effective conservation and management of the tuna and tuna like fisheries to ensure reduction of incidental capture of sea birds and sea turtles.

The KEMFSED is supporting the development of National Plans of Action (NPOAs) for sea turtles and seabirds, and therefore, provision has been made to engage and facilitate a consultant. The consultant will work with a technical committee and fishery experts in the KEMFSED team during the final phase of the preparation of the NPOAs to ensure conformity with FAO guidelines and international best practice.

2,0 OBJECTIVE OF THE ASSIGNMENT

The objective of this assignment is to support and guide the development of the two (2) NPOAs that reflect and promote best practice in the conservation and management of sea turtles and seabirds.

3,0 SCOPE OF THE ASSIGNMENT

The consultant will undertake the assigned tasks as follows:

- a) Review, collate and collect information and conduct assessment to determine the extent and status of incidental catch of seabirds in longline and other interacting fisheries. The assessment may include, but is not limited to the analysis of the following:
 - i) Fishing fleet data (numbers of vessels and sizes);
 - ii) Fishing techniques/ methods data (demersal, pelagic, etc.);
 - iii) Fishing areas;
 - iv) Longline and other fisheries effort (seasons, species, catch, number of hooks/year/fisheries etc.);
 - v) Status of seabird populations in the fishing areas, if known;

- vi) Total annual catch of seabirds (numbers per 1000 hooks set/species/longline fishery));
 - vii) Existing mitigation measures in use and their effectiveness in reducing incidental catch of seabirds;
 - viii) Incidental catch of sea turtles and seabirds monitoring (observer program, etc.).
- b) Review and synthesize relevant data and information with respect to fisheries interaction with sea turtles and other human induced activities and climate change risks, review existing National strategy for conservation and management of sea turtles, taking into consideration the policy and legal frameworks at national, regional and international level and prepare baseline and risk assessment reports and provide an overview of national measures to be put in place to conserve and manage fisheries sea turtles and sea birds interactions;
 - c) Engage, support and facilitate the national process of stakeholders' consultation as necessary, including regional and international obligations e.g. FAO, Indian Ocean Tuna Commission (IOTC), etc.;
 - d) Develop and draft the two (2) NPOAs- Sea turtles and Seabirds ready for adoption and approval, consistent with the following aims:
 - i) To assess threats to sea turtles and seabirds' populations, and recommend ways to assess and protect critical habitats;
 - ii) To improve or develop effective consultation involving all stakeholders in research, management, conservation, organization and communities;
 - iii) To minimize incidental catches of sea turtles and sea birds while targeting other species, e.g. tuna, swordfish, etc. as per the FAO Code of Conduct for Responsible Fisheries, the IOTC Conservation and Management Measures (CMMs);
 - iv) To provide for capacity building in fisheries monitoring, data collection and management, and awareness training in the conservation of sea turtles and seabirds as vulnerable marine species;
 - v) To identify the roles of and promote collaboration among relevant government agencies and other organizations to deliver efficient and sustainable outcomes in the conservation and management of sea turtles and seabirds;
 - e) Review the draft NPOAs and revise as needed, providing recommendations and action/implementation plans with regards to the long-term implementation of each NPOA
 - f) Submit the final draft NPOAs sea turtles and sea birds and technical report including reports of meetings held during consultations

4,0 DURATION OF THE ASSIGNMENT

The duration of the assignment is 4 months, cumulatively. The two (2) NPOAs will be systematically developed, starting with the development of National Sea Turtles Management and Conservation strategy (NPOA Sea turtles), then the NPOA seabirds consecutively. The

consultancy will be awarded under one contract for the 2 NPOAs, and shall be subject to deliverable of an acceptable product for each NPOA, as though each were a separate consultancy.

5,0 REPORTING REQUIREMENTS AND TIMELINES FOR DELIVERABLES

The following timing and reporting requirements shall apply: The timeframe for delivery is as follows:-

Table 1: Deliverables, Timelines and Reporting requirements

S/No.	Deliverables/Reports	Timelines after contract commencement date	Format of submission
1.	Inception report detailing the strategy and approach to develop the NPOA for sea turtles and sea birds;	0.47 months	3 hard copies and a soft copy
2.	Baseline Assessment and risk assessment report for Sea Turtles and including summary of the items mentioned in Scope of Work	1.5 months	2 hard copies and a soft copy
3.	Baseline Assessment and risk assessment reports for Sea birds and including summary of the items mentioned in Scope of Work	2 months	2 hard copies and a soft copy
4.	Draft NPOA sea turtles	2.5 months	Soft copies
5.	Draft NPOA sea birds	3months	Soft copies
6.	Final NPOA sea turtles and sea birds,	4 months	6 hard copies and a soft copy of each
7.	Final technical report and other deliverables as guided in the scope of work for each assignment	4 months	2 NPOAs and the technical reports

6,0 PAYMENT SCHEDULE / REMUNERATION

The proposed payment schedules based on satisfactory performance of the contract which will be negotiated with the successful consultant will be as presented in Table 4 below. The acceptance of the report shall be recorded in the minutes of the meeting, and thus payment made with respect to the delivery as follows:

S/No.	Deliverables/Reports	Timelines after contract commencement date	Payment % contract
1.	Inception report detailing the strategy and approach to develop the NPOA for sea turtles and sea birds;	0.47 months	10%
2.	Baseline Assessment and risk assessment reports for sea turtles and including summary of the items mentioned in Scope of Work	1.5 months	20%
3.	Baseline Assessment and risk assessment reports for sea turtles and sea birds and including summary of the items mentioned in Scope of Work	2 months	15%
4.	Draft NPOA sea turtles and stakeholder consultation report	2.5 months	25%
5.	Draft NPOA sea birds and stakeholder consultation report	3 months	20%
6.	Final NPOA sea turtles and sea birds, and	4 months	10%
7.	Final technical report of the assignment including National stakeholder's validation meeting minutes		

7.0 MINIMUM QUALIFICATIONS FOR CONSULTANTS QUALIFICATION AND EXPERIENCE

The Consultant should have the following minimum qualifications and experience:

1. Minimum of a master's degree or equivalent level of qualification in Marine fisheries science, Fisheries management, Marine biology and ecology or similar qualifications from a university recognized in Kenya.
2. At least 10 years of general experience in marine fisheries resources management including marine fish stock status assessments, and specific experience in marine ecosystem assessments, ecological risk assessments, fisheries management planning and standards, or equivalent;
3. Proven/ demonstrable ability to collect, verify and analyse information, and to finish and present work with a high degree of accuracy and technical quality, in relatively short time;
4. Ability to communicate effectively orally and in writing, in order to communicate complex, technical information to both technical and general audiences, including strong science-to-policy advice skills.

5. Demonstrated evidence of similar assignments towards development of NPOAs, action plans or similar policy documents' development processes.

The Consultant shall provide all appropriate support teams and facilities/equipment necessary to undertake the assignment within the stipulated contract period of 4 months, inclusive of staff days.

8,0 MANAGEMENT AND ACCOUNTABILITY OF THE ASSIGNMENT

The State Department for Blue Economy and Fisheries is the Client for these services. The Principal Secretary, State Department Blue Economy and Fisheries has appointed a National Project Coordinator (for KEMFSED Project) to whom the Consultant will report on all contractual matters.

The consultant will work with fishery experts overseeing the consultancy and report to the National Project Coordinator and Component 1 Coordinator on all matters pertaining to the assignment. He/she is expected to work closely with the technical team working on the development of the National Plan of Actions, in Component 1 of KEMFSED. The Client will assign relevant staff to work with the consultant for purposes of capacity building and knowledge transfer.

9,0 OBLIGATIONS OF THE CLIENT:

The Client will provide the following support to the Consultant:

- a) Office space, office equipment (shared printer, copier, scanner), stationery, internet access, and transport services for official use in delivery of the services.
- b) All available relevant documentation to the consultant, such as the Project Appraisal Document, Periodic reports, Implementation Manual, etc.
- c) Contacts of key stakeholders.
- d) Introductory letters to key stakeholders to facilitate communication.
- e) Facilitate review and dissemination meetings with key stakeholders; and
- f) Facilitate liaison with other program implementing partners.

10,0 OBLIGATIONS OF THE CONSULTANT:

- i. The Consultant shall be responsible for the provision of own staff, computer with requisite software to perform the assigned duties.
- ii. The consultant will be answerable to the National PCU Coordinator, Component 1 Lead Blue Economy & Fisheries directorate, SDBE&F and will work closely with project staff in the execution and delivery of this consultancy.
- iii. The consultant will be required to make his own travel and accommodation arrangements during consultations with different stakeholders to ensure the assignment is carried on smoothly and seamlessly within the timeframe provided.
- iv. The consultant will consult and include inputs from the stakeholders and is responsible for organizing and achieving the evaluation and delivering the final report.

11,0 CONFIDENTIALITY, PROPRIETY RIGHTS OF CLIENT IN REPORTS AND RECORDS.

All the reports, data, and information developed, collected, or obtained from the Client, implementing agencies, and other Institutions during this exercise shall belong to the Client. No use shall be made of them without prior written authorization from the Client.

At the end of the consultancy, the Consultant shall relinquish all data, manuals, reports and information (including the database, codes, and related documentation) to the Client and shall make no use of them in any other assignment without prior written authority from the Client.