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Scoping Study on Sustainable Use of Marine Resources and Blue Economy - Kenya

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Executive summary

The purpose of this report on sustainable use of marine resources and blue economy in Kenya is to inform the Embassy in Nairobi in its work on developing the portfolio for Sweden's Strategy for development cooperation with Kenya. The study's scope includes a review of the key issues around marine resources and blue economy in Kenya, including the national and international governing legal frameworks. The report also contains an inventory of key initiatives and actors. It concludes by giving a set of conclusions and recommendations for the Embassy to consider.

Noting that blue economy and sustainable use of marine resources is a very broad and comprehensive area, the report does not cover all aspects which otherwise could be regarded as being part of a blue economy. Thus, "hard" topics such as offshore extraction and maritime transport are not specifically addressed but the focus is rather on issues that have a strong poverty and socio-economic development perspective. In fact, Kenya's coastal and marine environment are of massive economic, social and cultural value to the coastal region inhabitants and the nation at large. The environment is however under stress due over-exploitation, population growth, industrial expansion, pollution, lack of proper waste management etc.

In so far as legal frameworks, Kenya is in a rather good position to address these challenges and to promote a sustainable use of its rich marine resources. The national ambitions of Kenya, its international commitments, and the already existing strategies and plans, can be good entry points for a dialogue with Kenyan stakeholders on a potential increased Swedish bilateral engagement. At the same time, a more inclusive public participation to achieve equitable benefits is still needed and Sweden can potentially play an important role in promoting an inclusive approach to blue economy that would include a strong gender and human rights perspective. The report also suggests that there is a need for better integration-, and coordination mechanisms to sustainable make use of the marine resources.

Our inventory shows that there is a large set of actors, as well as ongoing and planned initiatives in Kenya, that could be of interest to explore further. These include interventions where Sweden/Sida already is engaged and where synergies can be built. Examples of topics in which where Sweden/Sida could build on existing collaborations include, marine spatial planning, promotion of equitable value chains, strengthening of county government's capacities, or support to the implementation source-to-sea agenda.

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Acronyms

AU	African Union
BE	Blue Economy
BGI	FAO's Blue Growth Initiative
BMU	Beach Management Unit
CRCC	Coastal Resilience to Climate Change project by IUCN
CBO	Community Based Organisation
CORDIO	Coastal Oceans Research and Development – East Africa
DIHR	Danish Institute for Human Rights
EEZ	Exclusive Economic Zone
FAO	Food and Agriculture Organisation
GDP	Gross Domestic Product
GMA	Global Mangrove Alliance
GoK	Government of Kenya
ICZM	Integrated Coastal Zone Management
IOC-UNESCO	Inter-governmental Oceanographic Commission of UNESCO
IIED	International Institute for Environment and Development
IUCN	International Union for Conservation of Nature
JKP	Jumuiya ya Kaunti za Pwani
KEMFSED	Kenya Marine Fisheries and Socio-Economic Development Project
KFS	Kenya Forest Services
KMA	Kenya Maritime Authority
KMFRI	Kenya Marine and Fisheries Research Institute
KWS	Kenya Wildlife Services
LDCs	Least Developed Countries
LME	Large Marine Ecosystem
MARPLASTICCs	Marine Plastics and Coastal Communities project by IUCN
MARPOL	International Convention for Prevention of Pollution from Ships
MDTF	Multi-Donor Trust Fund
MSP	Marine Spatial Planning
NC	Nairobi Convention
NEMA	National Environment Management Authority
NLC	National Land Commission
OIC	UNDP Ocean Innovation Challenge
SAPPHIRE	Western Indian Ocean Large Marine Ecosystems Strategic Action Programme Policy Harmonisation and Institutional Reforms
SDFA&BE	State Department for Fisheries, Aquaculture and the Blue Economy
SDG 14	Sustainable Development Goal 14: Life below water
SSF Guidelines	Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication
SIDS	Small Islands Developing States
SSNC	Swedish Society for Nature Conservation

SwAM	Swedish Agency for Marine and Water Management
SWIOFC	Southwest Indian Ocean Fisheries Commission
UNCLOS	United Nations Convention on the Law of the Sea
WIO	Western Indian Ocean
WIOMSA	Western Indian Ocean Marine Science Association
WIOSAP	Implementation of the Strategic Action Programme for the protection of the Western Indian Ocean from land-based sources and activities

1. Introduction and objective

In December 2020, the Swedish Government's decided on a new Development Cooperation Strategy for Kenya for the period 2021-2025¹. Within the strategy, one of the areas of cooperation is sustainable use of land-based and marine natural resources. Since the inclusion of marine issues is a potential new area of engagement for the Swedish bilateral development cooperation with Kenya, the Swedish Embassy in Nairobi commissioned Sida's Helpdesk for Environment and Climate Change to summarize the current status, challenges and opportunities, and ongoing efforts to support sustainable use of marine resources and Blue Economy in the Kenyan context. It should however be noted that not all aspects of coastal and marine resources and blue economy is covered within this report. For instance, topics relating to offshore extraction, renewable energy, and maritime transport are not addressed.

The assessment was carried out as a desk study, and by reviewing already available information. The Helpdesk got additional clarifications and insights through online calls with selected stakeholders and experts.

2. Issues relating to Blue Economy² and Sustainable use of Marine Resources in Kenya

Kenya's coastal and marine environment is endowed with rich natural resources, which are of immense economic, social and cultural value to the coastal region inhabitants and the nation at large. A prominent feature of Kenya's rich heritage is its over 600 km of coastline on the Indian Ocean, with productive ecosystems, which play a highly significant role in the economic and social wellbeing of the people. During 2019, it is estimated that the six coastal counties contributed 9% of national GDP³. Nevertheless, there is reason for concern. Over-exploitation, continued population growth, expansion of industry, and increased waste generation coupled with a lack of proper waste management have led to extensive marine pollution, causing a significant threat to sensitive coastal and marine ecosystems. Untreated sewage water and solid waste containing heavy metals injure marine wildlife and pose a risk to human health. Effluents from agriculture and sewage end up in rivers, lakes, and eventually the ocean, leading to eutrophication, which has both adverse direct and indirect effects on the health of marine resources.

It is this context the concept of Blue Economy (BE) has attracted more attention during the last years in Kenya. While blue economy as such is not a new phenomenon, the political adoption of a blue

¹ Strategi för svenskt utvecklingssamarbete med Kenya, 2021-25. Available in Swedish at: <https://www.regeringen.se/land--och-regionsstrategier/2021/01/strategi-for-sveriges-utvecklingssamarbete-med-kenya-2021-2025/>

² While there is no universal definition of what comprises a Blue Economy, it can be understood as a subset of the more established concept Green Economy ("embeds the principles of green economy in a blue world"). Blue Economy (BE) can thus be defined as an economy that promotes economic growth, social inclusion, and improvement of livelihoods while ensuring environmental sustainability. Further, a Blue Economy promotes conservation of aquatic and marine ecosystems and sustainable use and management of associated resources, and builds on principles of equity, low carbon development, resource efficiency, and social inclusion. Thematically, BE can be said to include including traditional ocean industries such as fisheries, aquaculture, tourism, ports, and maritime transport, but new and emerging industries, such as offshore renewable energy, seabed extractive activities, and marine biotechnology and bio prospecting.

³ <https://jumuiya.org/>

economy in the country is a relatively new undertaking. Kenya adopted the blue economy as its eight sector of the country's economic development in the year 2017. In addition to this, the government introduced the big four agenda in order to support the already existing economic development plans and put more emphasis on the blue economy sector and create opportunities for the country's economic growth. Kenya's blue economy comprises an array of maritime resources including the living resources (capture fisheries, aquaculture, mangroves, corals, seagrasses, seaweeds, and Artemia), the non-living resources (marine minerals including salt, offshore oil, and gas), the renewable resources (wind energy, tidal energy, solar energy, and blue biotechnology), and trade and commerce (tourism, shipping, maritime transport, and ports).

The marine fisheries can be classified into two subsectors: the coastal artisanal fishery, and the Exclusive Economic Zone (EEZ) fishery. A basic feature of the coastal fishery is the largely subsistence and artisanal nature of the fishers who operate small craft propelled by wind sails and manual paddles. The EEZ fishery, on the other hand, is characterized by foreign distant-water fishing vessels. Kenya's marine fishing area in the territorial waters and the EEZ, spans approximately 230,000 km² and the maximum sustainable yield of Kenya's marine and coastal waters is estimated at between 150 000 and 300 000 metric tonnes⁴. Fisheries are one of the few economic activities practised along the entire coast and are the lifeline of most of the coastal communities, taking into account the fishers, their families and dependants. The coastal fishing capacity comprises about 3,000 small-scale fishing crafts and approximately 14,000 fishers that are critical to the provision of food and nutrition security, livelihoods and economic development for coastal communities⁵. However, issues such as infrastructural limitations, inappropriate fishing craft and gear, and poor value-chain systems, hinder optimal harnessing of fishing resources.

Other key living blue economy resources include coral reefs and mangroves. Mangrove forests occur along the coast between Kiunga at the Kenya-Somalia border to the north and Vanga at the Kenya-Tanzania boundary to the south. The forests provide a range of goods and ecosystem services and offer diverse livelihood options to the local communities. The coral reef coverage in Kenya is expansive with over 250 species of hard and soft corals identified to date. This rich and diverse reef ecosystem is of great importance to the country, both ecologically and socioeconomically as they provide important fish habitat and support coastal fisheries.⁶

In economic terms, tourism is the main driving sector of the blue economy in Kenya, constituting some 45% of economic activities along the coast and it contributes to some 60% of the total revenues generated by the tourism sector in the country⁷. Tourism also provide a main employment opportunity for a large share of the coastal population. As such, it is a vital developmental aspect that occur on the land-sea interface and in the offshore coastal waters. However, poorly planned and regulated tourism activities within land and sea interface have led to degradation of environmentally

⁴ FAO, Fishery and Aquaculture Country Profile, Kenya, 2016

⁵ Ibid.

⁶ Harnessing Kenya's Blue Economy: prospects and challenges, Article in Journal of the Indian Ocean Region · October 2020

⁷ Nairobi Convention: <https://www.nairobiconvention.org/kenya-country-profile/ocean-economy-kenya-country-profile/>

sensitive marine areas, encroachment of public beaches, erosion of the shoreline, blockage of public access points to the beaches and discharge of effluent into the sea⁸.

Non-living resources within the blue economy has up to date mainly been focused on extraction and processing of chemical elements dissolved in seawater (e.g. sea salt). Large offshore gas deposits discovered in Tanzania and Mozambique along with recent terrestrial finds in Kenya's Turkana region have stimulated interest in exploration for oil and gas resources in Kenya's offshore waters of the Western Indian Ocean (WIO). Despite limited results to date, it is still widely believed that the waters around Kenya and Somalia's maritime boundary contain significant deposits of oil and gas. The Indian Ocean also contains several of the world's largest shipping lanes, catering for about 30% of global shipping movement, providing opportunities for the Kenyan ports industry, notably the major harbour in Mombasa⁹.

3. Legal frameworks, institutions and stakeholders

The institutional and legal landscape relating to blue economy and marine resources in Kenya is complex involving multilateral frameworks and partners, national institutions and laws, and local level stakeholders, regulations and practices.

On the global and regional levels, Kenya is a signatory to the main international conventions regulating marine resources and ocean governance (a list of international laws and agreements in which Kenya is a party is presented in Annex X). These include for example:

- United Nations Convention on the Law of the Sea (1982)¹⁰: Popularly known as UNCLOS, the Law of the Sea Convention or the Law of the Sea treaty, this international agreement defines the rights and responsibilities of nations with respect to their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources.
- The Ramsar Convention on Wetlands of International Importance (1971)¹¹: The objective of the Convention is to stem the progressive encroachment on and loss of wetlands.
- International Convention for Prevention of Pollution from Ships (MARPOL)¹²: MARPOL is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes.
- The Nairobi Convention (NC)¹³: NC is part of UNEP's Regional Seas Programme and is a partnership between governments, civil society and the private sector, working towards a prosperous Western Indian Ocean Region with healthy rivers, coasts and oceans. It pursues

⁸ Olale, Utility of Spatial Planning as a tool for regulating tourism activities in Kenya's land-sea interface for sustainable Blue Economy, 2019

⁹ Harnessing Kenya's Blue Economy: prospects and challenges: Article in Journal of the Indian Ocean Region · October 2020

¹⁰ [https://www.ecolex.org/details/treaty/united-nations-convention-on-the-law-of-the-sea-tre-](https://www.ecolex.org/details/treaty/united-nations-convention-on-the-law-of-the-sea-tre-000753/?q=The+United+Nations+Convention+on+the+Law+of+the+Sea+%28UNCLOS%29%2C+%&xdate_min=&xdate_max=)

[000753/?q=The+United+Nations+Convention+on+the+Law+of+the+Sea+%28UNCLOS%29%2C+%&xdate_min=&xdate_max=](http://www2.ecolex.org/server2neu.php/libcat/docs/TRE/Full/En/TRE-000531.txt)

¹¹ <http://www2.ecolex.org/server2neu.php/libcat/docs/TRE/Full/En/TRE-000531.txt>

¹² [https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-\(MARPOL\).aspx](https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-(MARPOL).aspx)

¹³ <https://nairobi-convention.org/clearinghouse/node/206>

this vision by providing a mechanism for regional cooperation, coordination and collaborative actions.

- The Southwest Indian Ocean Fisheries Commission (SWIOFC)¹⁴: SWIOFC is one of FAOs Regional Fishery Bodies and with main objective to promote the sustainable utilization of the living marine resources of the Southwest Indian Ocean region. SWIOFC promotes the application of the provisions of the FAO Code of Conduct on Responsible Fisheries, including an ecosystem approach to fisheries management.

It can also be noted that one of the Sustainable Development Goals, adopted by all UN members, is SDG 14: Life below water, which aims to sustainably manage, use and protect marine and coastal ecosystems from pollution, as well as address the impacts of ocean acidification. For instance, and of relevance to sustainable use of marine resources, target 5 of the SDG 14 is to conserve at least 10 per cent of coastal and marine areas. More on the Kenyan process in creating and managing Marine Protected Areas (MPAs) below.

As member of the African Union (AU), Kenya has signed on to the Africa Blue Economy Strategy¹⁵, which was launched in 2019, with a consequent implementation planned for the years 2021-2025¹⁶. The strategy focusses on five blue economy thematic areas, namely; Fisheries, aquaculture and ecosystems conservation; Shipping, transportation and trade; Sustainable energy, extractive minerals, gas, innovative industries; Environmental sustainability, climate change and coastal infrastructure; Governance, Institutions and social actions.

Kenya has during the last few years also showed high ambition on the global level as regards blue economy. Having hosted the first-ever global 'Sustainable Blue Economy' conference in 2018, which resulted in the Nairobi Statement of Intent on Advancing a Sustainable Blue Economy¹⁷. Key political messages in the statement include the need to mobilize financing for the blue economy; create blue economy and people-centred strategies on sustainable development; promote access to gender equality; and strengthen science and research. Kenya has continued taking political leadership on the global level by being one of the 14 countries on the High-Level Panel for a Sustainable Ocean Economy¹⁸. Building on the "Ocean Panel's" work in pushing the global agenda for sustainable oceans, the leaders of the 14 countries have now put forward a new ocean action agenda underpinned by a target of sustainably managing 100% of national waters¹⁹.

The responsibility for management of marine coastal resources and blue economy on the national level equally complex and partly overlapping. These include for example²⁰:

¹⁴ <http://www.fao.org/fishery/rfb/swiofc/en>

¹⁵ African Union, Africa Blue Economy Strategy, October 2019.

¹⁶ Africa Blue Economy Strategy Implementation Plan 2021-2025, December 2020.

¹⁷ <http://www.blueeconomyconference.go.ke/wp-content/uploads/2018/12/Nairobi-Statement-of-Intent-Advancing-Global-Sustainable-Blue-Economy.pdf>

¹⁸ <https://www.oceanpanel.org/>

¹⁹ <https://www.oceanpanel.org/news/ocean-panel-global-launch-national-events>

²⁰ Olale, 2020.

- National Land Commission (NLC) - with the responsibility to monitor and have oversight responsibility over land use planning throughout the country.
- National Environment Management Authority (NEMA) - charged with general supervision and co-ordination over all matters relating to the environment.
- Kenya Wildlife Services (KWS) - which manages marine parks and reserves.
- Kenya Forest Service (KFS) - who is mandated to conserve, protect and manage all public forests including mangrove forests.
- Kenya Maritime Authority (KMA) – which is in charge of regulating, coordinating as well as overseeing all maritime affairs throughout the country
- State Department of Fisheries, Aquaculture and the Blue Economy - which is mandated to develop and implement appropriate legislative measures as well as to enforce the guidelines for sustainable economic development, including mariculture and fisheries.
- Beach Management Units (BMUs) - manage fisheries at the local level.

In terms of research, the Kenya Marine and Fisheries Research Institute (KMFRI)²¹ is responsible for all aspects of aquatic research including biological, physical and chemical oceanography, pollution, fisheries, aquaculture, fishing technology and fish processing. Additional research capacity exists in several of the Universities, including the University of Nairobi and the Technical University of Mombasa.

Importantly, the County Governments, through their County Integrated Development Plans, also have an overall responsibility for planning and development control within their area of jurisdiction. The six coastal counties have recently come together through the creation of the coastal counties economic bloc, “Jumuiya ya Kaunti za Pwani” (JKP)²². The mission of the JKP is catalyse economic growth in the coastal counties by developing regional partnerships and creating a harmonized regional policy framework across the member counties. The JKP have outlined ten sectors for common engagement aimed at supporting improved economic and social well-being along the coast.

Equally significant is the role of CBOs and grass-root organisations that play a key role in giving a voice to coastal communities as well as being local change-agents and partners for bottom-up planning.

A list of national laws and regulations is presented in Annex 2 but some of the key legal frameworks include:

- Environmental Management and Coordination Act, 2015²³: It provides for the establishment of an appropriate legal and institutional framework for the management of the environment. The act restricts the carrying out of certain activities without an EIA being undertaken. It also empowers the Minister to declare any part of a coastal zone to be a protected area.

²¹ <http://www.kmfri.co.ke/>

²² <https://jumuiya.org/>

²³ <https://www.nema.go.ke/images/Docs/Legislation%20and%20Policies/emca%20am%20act%202015.pdf>

- Fisheries Management and Development Act, 2016²⁴: This act provide for the conservation, management and development of fisheries and other aquatic resources to enhance the livelihood of communities dependent on fishing and to establish the Kenya Fisheries Services.
- Wildlife (Conservation & Management) Act²⁵: Marine protected areas are areas of coastal waters designated as marine parks or marine reserves that are protected under this Act. In marine parks, no form of resource exploitation or extraction is allowed whereas in marine reserves, limited human activity including exploitation of resources is allowed.
- National Oceans and Fisheries Policy²⁶: This policy seeks to address, among other issues, unsustainable utilization of fisheries resources, resource use conflicts, inadequate infrastructure, and lack of a comprehensive legal and institutional framework for effective fisheries management.
- Coast Development Authority Act²⁷: This act provides for the establishment of the Coast Development Authority and defines its powers, functions and internal organization. By the act, the Authority gets responsibility to plan and co-ordinate the implementation of development projects along the coast.

4. Ongoing initiatives

This section aims to describe some of the key interventions within the area of sustainable use of marine resources and blue economy in the Kenyan context. As can be seen from the initiatives presented below, there are some themes that are re-occurring and where the Kenyan government and stakeholders in the country have embarked on strengthening processes of importance to sustainable use of marine resources and blue economy:

- Marine spatial planning (MSP) which aims at fostering integrated management practices to protect and restore marine and coastal ecosystems, strengthen resilience and promote a healthy and productive ocean.
- Implementation of the Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (the SSF Guidelines)²⁸
- Combating plastic pollution
- Protection and restoration of coral reefs
- Promotion of an ecosystem-based approach to fisheries

The below list is not complete and there might be other projects or programmes that would be relevant to include. For instance, projects specifically targeting the tourism sector are not included and nor are interventions with a pure land-based focus. Also, and as can be seen, some of the projects in the mapping are in fact not active in Kenya, but they are still assessed to be relevant as

²⁴ http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/FisheriesManagementandDevelopmentAct_No35of2016.pdf

²⁵ http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/WildlifeConservationandManagementActCap376_2_.pdf

²⁶ <http://www.fao.org/faolex/results/details/fr/c/LEX-FAOC147947/>

²⁷ <http://extwprlegs1.fao.org/docs/pdf/ken63891.pdf>

²⁸ <http://www.fao.org/voluntary-guidelines-small-scale-fisheries/guidelines/en/>

they potentially could be replicated or modified as to include actions in Kenya. For easier reference, the mapping categorizes the interventions according to if they are Swedish funded or not.

4.1. Interventions and organisations supported by Sweden/ Sida

- Marine Spatial Planning/IOC-UNESCO²⁹

The current MSP-process in Kenya is supported by UNESCO's Intergovernmental Oceanographic Commission (IOC-UNESCO) and build on its global engagement and the established roadmap for MSP. The activities in Kenya follows this process and its five priority areas to develop new guidelines and build capacity on MSP: i) Transboundary MSP ii) Sustainable Blue Economy iii) Ecosystem-based MSP iv) Capacity building v) Building mutual understanding and communicating MSP. In Kenya, and with the support of Sweden, workshops took place in October to build collective capacities to respond to emerging ocean issues, facilitate exchanges among public and private stakeholders, and formulate recommendations for the development of MSP and the Sustainable Blue Economy³⁰. The efforts by IOC-UNESCO are closely linked to other interventions and partners, such as the Swedish Agency for Marine and Water Management, and the Nairobi Convention.

- Swedish Agency for Marine and Water Management (SwAM) - SwAM Ocean³¹

The SwAM Ocean programme is implemented by SwAM and is being financed by Sida, currently between the years 2019-2022. SwAM Ocean is supporting holistic marine management and blue growth. The programme does not per se include Kenya but focus on LDCs and SIDS³². Of relevance for Kenya is however SwAMs engagement on MSP, especially the rollout of "Symphony", which is a tool/application for eco-system based MSP. This work is being in done in collaboration with the Nairobi Convention and its ten Member States in East Africa, including Kenya.

- SwedBio³³

The current SwedBio programme, based at the Stockholm Resilience Centre, is implemented over the years 2021-2024³⁴. The programme aims to contribute to the development of increased biodiversity, resilient ecosystems and communities in addition to poverty reduction and respected human rights. Specifically on marine resources, SwedBio supports the theme of Small-Scale Fisheries and aim to contribute to more sustainable and equitable governance and management of social-ecological aquatic systems that uplifts small-scale fishers/farmers, fish-workers and people involved in the value chain. One important aspect of the work is on promoting the SSF Guidelines.

²⁹ <https://www.mspglobal2030.org/msp-global/>

³⁰ Presentations from the workshops can be found here: https://www.mspglobal2030.org/wp-content/uploads/2020/11/MSProadmap_Presentation_Kenya_20201014-1.pdf

https://www.mspglobal2030.org/wp-content/uploads/2020/11/MSProadmap_Presentation_Kenya_20201014-2.pdf

³¹ <https://www.havochvatten.se/en/eu-and-international/international-cooperation/swam-ocean/wio-symphony---assess-the-impacts-of-your-planning-decision.html>

³² Small Island Developing States

³³ <https://swed.bio/focal-areas/themes/small-scale-fisheries/>

³⁴ <https://openaid.se/en/activities/SE-0-SE-6-6105019501-GGG-41030>

- Partnership for Marine Coastal Governance and Fisheries - FAO/SWIOFC and UN Environment/NC

The project's main objective is to strengthen cooperation around fisheries management and marine environment in the WIO-region. Through the two participating organizations, the project works at both regional and national levels. The implementation is carried out jointly by the respective institutions of SWIOFC and NC. This Swedish/Sida supported project is scheduled to last between 2018-2023. By strengthening cooperation between the fisheries sector and the environmental sector, the project is expected to contribute to improve food security, increase resilience, and reduce poverty of youth, women and men in coastal communities, and particularly fishing communities. The project is organized into 3 components: i) Resilience of livelihoods based on WIO marine and coastal ecosystem and habitats enhanced, ii) Coastal fisheries are sustainably managed using the Ecosystem Approach to Fisheries and livelihoods options enhanced, iii) Cooperation and coordination between fisheries and environmental management institutions and field interventions enhanced. While on the ground pilot activities are not implemented in Kenya, the project is supporting an ongoing assessment of the blue economy sectors in Kenya. Future potential Kenya specific activities might include support to improved coordination efforts between fisheries and environment institutions, and support to the establishment of a possible transboundary conservation area in Kenya and Tanzania.

- Swedish Society for Nature Conservation (SSNC)³⁵

Sweden/Sida support SSNCs global work through a 4-year framework agreement. The objective for the SSNC's global marine work includes fair and sustainable use and management of marine and coastal ecosystems and fisheries, including inland fisheries. An important element is the support to the implementation of the SSF Guidelines. In Kenya SSNC works through its Kenyan partner organisation, Community for Action for Nature Conservation (CANCO).

- The Danish Institute for Human Rights (DIHR) - Sustainable Oceans, Pursuing a human rights based approach to fisheries and aquaculture³⁶

Supported by Sweden/Sida³⁷, this global project documents human rights implications and impacts pertaining to fisheries and aquaculture and aims to address some of these impacts through national and global dialogues, policies and strategies for sustainable development and responsible business conduct. DIHR is also facilitating the conduct of Sector Wide Impact Assessments (SWIAs), and develops guidance on how companies in the fisheries and aquaculture sectors can assess their human rights impacts. The project provides recommendations and tools for stakeholders to hold

³⁵ <https://www.naturskyddsforeningen.se/node/58343>

³⁶

https://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/udgivelser/hrd_2019/one_pager_sustainable_fisheries_and_aquaculture_cannot_be_achieved_without_human_rights_2019.pdf

³⁷ <https://openaid.se/en/activities/SE-0-SE-6-10880A0201-GGG-25040>

governments and the private sector accountable for the human rights impacts and for ensuring the implementation of SDG 14.b.

- International Union for Conservation of Nature (IUCN)³⁸

The projects listed under IUCN are not all project-funded by Sweden but are included as Sida provide core-funding to IUCN.

*Enhancing coastal and marine socio-ecological resilience and biodiversity*³⁹

This project, implemented in Mozambique, Seychelles, Kenya and Tanzania, builds on existing experiences and knowledge to enhance socio-ecological resilience and biodiversity conservation by strengthening governance and management of marine and coastal resources. The project is engaged at multiple levels in order to: i) Deliver tangible benefits through direct action at the local level, ii) Strengthen the enabling institutional environment through policy influencing, advocacy, awareness and capacity building at national levels, iii) Promote regional collaboration and cross-sharing of knowledge to enhance uptake across multiple countries in the WIO region.

*Marine Plastics and Coastal Communities - MARPLASTICCS*⁴⁰

This project is project-funded by Sida and the overall goal of the initiative is that governments and regional bodies within the WIO region promote, enact and enforce legislation and other effective measures that contain and reduce marine plastic pollution. To do so, IUCN invest efforts in equipping governments, industry and society in the WIO region with knowledge, capacity, policy options and plans of action to control plastic pollution. Except for Kenya, the project is also active in Mozambique and South Africa.

*Save Our Mangroves Now!*⁴²

Save Our Mangroves Now! aims to upscale and focus global efforts to stop and reverse the decrease and degradation of mangrove habitats, and supports the target of the Global Mangrove Alliance (GMA) to increase the global area of mangrove habitat by 20% over the current extent by 2030. Save Our Mangroves Now!, together with the GMA, provides a platform for knowledge sharing and the exchange of experience in order to encourage collaborations and to foster synergies. It focuses on supporting the Western Indian Ocean region in becoming a mangrove conservation champion by

³⁸ <https://www.iucn.org/about>

³⁹ <https://www.iucn.org/regions/eastern-and-southern-africa/our-work/coastal-and-ocean-resilience/enhancing-coastal-and-marine-socio-ecological-resilience-and-biodiversity>

⁴⁰ <https://www.iucn.org/regions/eastern-and-southern-africa/our-work/coastal-and-ocean-resilience/marine-plastics-and-coastal-communities-marplasticcs>

⁴¹ https://www.iucn.org/sites/dev/files/content/documents/kenya_infographic.pdf

⁴² <https://www.iucn.org/regions/eastern-and-southern-africa/our-work/coastal-and-ocean-resilience/save-our-mangroves-now>

aiming at achieving the ambitious goal of no-net loss of mangroves by 2030. The project is implemented in Kenya, Madagascar, Mozambique and Tanzania.

Coastal Resilience to Climate change – CRCC⁴³⁴⁴

The CRCC initiative aimed at improving the contribution of ecosystem services to addressing societal challenges arising as a result of climate variability in Mozambique. CRCC is doing this by promoting the use of nature as a solution to support integrated approaches to issues such as economic and social development, climate change adaptation, food security, water security, human health and disaster risk reduction.

- International Institute for Environment and Development (IIED)⁴⁵

IIEDs work on oceans and blue economy is included as Sida provide core-funding to IIED.

Sweden/Sida's current support to IIED covers the period 2019/20-2023/24 with a total contribution of SEK 175 000 000⁴⁶. The overall mission of IIED is to build a fairer, more sustainable world, using evidence, action and influence in partnerships with others. IIED focuses its work on the following thematic issues: climate change, natural resources management, sustainable markets and urban development. At national level, IIED is highlighting the economic value of small-scale fisheries and ways of mainstreaming them in national accounts, to encourage the development of policy instruments that support sustainable fisheries, and researching inclusive fiscal reforms. At a global level, IIED is working with national governments to establish an international, legally binding instrument on the conservation and sustainable use of marine biodiversity in the high seas. Researchers are also building understanding of how to monitor and evaluate progress towards achieving SDG14.

- Western Indian Ocean Marine Science Association (WIOMSA)⁴⁷

As a research organisation, the main objective of WIOMSA is to advance regional co-operation in all aspects of coastal and marine sciences (including socio-economic and management sciences) and management, and to support sustainable development in the Western Indian Ocean Region, while promoting interdisciplinary and multi-disciplinary approaches. Sweden/Sida is supporting the association, currently for the period 2018-2022⁴⁸. The Swedish contribution aims at supporting research and research training in marine sciences, strengthening of governance and maintenance of coastal areas and marine protected areas, supporting the dialogue between scientists and society and the implementation of research results and finally at communication and dissemination of research results for a sustainable development. A special initiative is included in the contribution on

⁴³ While not implemented in Kenya the CRCC is included here as it has been funded by Sida/Swedish Embassy in Mozambique

⁴⁴ <https://www.iucn.org/regions/eastern-and-southern-africa/our-work/coastal-and-ocean-resilience/coastal-resilience-climate-change-crcc>

⁴⁵ <https://www.iied.org/inclusive-blue-economy>

⁴⁶ <https://openaid.se/en/activities/SE-0-SE-6-6105015701-GGG-41010>

⁴⁷ <https://www.wiomsa.org/>

⁴⁸ <https://openaid.se/en/activities/SE-0-SE-6-5100019703-AFR-41082>

"Cities and Coasts", the influence of large coastal cities on coasts and oceans. Other initiatives include for example research on marine litter and micro-plastics, regional ocean governance, and urban planning and its effects the ocean environment.

- UNDP Ocean Innovation Challenge (OIC)⁴⁹

The OIC is a mechanism that has been designed to accelerate progress on SDG14 by identifying, financing, advising and mentoring innovative, entrepreneurial and creative approaches to ocean and coastal restoration and protection that sustains livelihoods and advances the blue economy. The OIC seeks innovations that are transferable, replicable and scalable in order to achieve maximum catalytic impact. The project will run during 2018-2022 and is co-financed by Sweden/Sida⁵⁰. OIC does currently not have a "Kenya window" for its activities but focus is on developing countries with a clear poverty focus throughout the whole process from launching a challenge to granting. Granting is aimed to amongst others private sector, NGOs, governments, development institutions etc. Partnership between actors for increased sustainability and results are promoted for OIC grants.

- ProBlue, World Bank⁵¹

ProBlue is a Multi-Donor Trust Fund (MDTF) housed at the World Bank, established to take a holistic approach on marine-related development issues, with the aim at supporting an integrated and sustainable economic development in healthy oceans. Sweden/Sida's contribution to the ProBlue Fund cover the years 2018 to 2021⁵². As of August 2020, ProBlue is not active in Kenya. The Fund's activities are implemented in four outcome areas: i) improving sustainable supply in the fisheries sector through an improved quantity and quality of the funding directed to the fishery and aquaculture sector, ii) prevent and reduce marine pollution and marine litter, as well as contribute to the restoration of marine and coastal ecosystems, iii) strengthen eco-friendly economic opportunities in traditional and new maritime-based activities, iv) contribute to promoting integrated and sustainable development in coastal and marine areas.

4.2. Other interventions and organisations of interest

- Go Blue^{53,54}

Go Blue is a newly launched 4-year programme focusing on coastal urban development financed by the EU. The main stakeholders for Go Blue are the six coastal counties, and it will be implemented in partnership with JKP. Go Blue is envisaged to work around three outcome areas: i) Sustained, and inclusive economic growth with job creation and employment impacting coastal urban centers, especially for young people and women ii) Developing and mainstreaming an integrated approach to

⁴⁹ <https://oceaninnovationchallenge.org/>

⁵⁰ <https://openaid.se/en/activities/SE-0-SE-6-12087A0101-GGG-41010>

⁵¹ <https://www.worldbank.org/en/programs/problue>

⁵² <https://openaid.se/en/activities/SE-0-SE-6-12107A0101-GGG-41010>

⁵³ <https://jumuiya.org/>

⁵⁴ <https://www.businessdailyafrica.com/bd/corporate/shipping-logistics/coast-counties-get-sh3-2bn-blue-economy-projects-3342454>

sea-land planning and management in coastal urban centers and their marine environment iii)
Enhancing maritime governance through effective and integrated maritime law enforcement.

- World Bank/Kenya Marine Fisheries and Socio-Economic Development Project (KEMFSED)⁵⁵

KEMFSED's objective is to improve management and increase value addition of priority fisheries and aquaculture, and to strengthen access to livelihoods for coastal communities in Kenya. The project will be implemented by the Government of Kenya (GoK) through the State Department for Fisheries, Aquaculture and the Blue Economy (SDFA&BE) in support by the World Bank. The KEMFSED project covers a period of five years with a total budget of USD 113 million and will target five counties namely Kwale, Mombasa, Kilifi, Tana River and Lamu. The project is structured around three components: i) Improve Governance and Management of Marine Fisheries, ii) Enable Sustainable Investment in Marine Fisheries and Aquaculture, iii) Coastal Community Empowerment and Livelihoods.

- Nairobi Convention

WIOSAP⁵⁶

The implementation of the "Strategic Action Programme for the protection of the Western Indian Ocean from land-based sources and activities" (WIOSAP) is intended to reduce impacts from land-based sources and activities and sustainably manage critical coastal-riverine ecosystems. The project contains the following components: i) Sustainable management of critical habitats, ii) Improved water quality, iii) Sustainable management of river flows, iv) Governance and regional collaboration.

SAPPHIRE⁵⁷

The NC's SAPPHIRE project promotes policy and institutional reform to help improve the management of the Western Indian Ocean Large Marine Ecosystems (LMEs). It builds capacity among governments, communities, partners, intergovernmental organizations and the private sector in sustainable resource management and ocean governance. SAPPHIRE has five components: i) Policy Harmonization and Management Reforms, ii) Community Engagement Component, iii) Private Sector Commitment, iv) Best practices and lessons.

- Coastal Oceans Research and Development – Indian Ocean (CORDIO) East Africa⁵⁸

CORDIO East Africa is a research and conservation organisation focused on marine and coastal ecosystems in the Western Indian Ocean. CORDIO focus on coral reefs, but in a broad context, which includes climate change, resilience, long-term monitoring, artisanal fisheries, community-based management approaches, mitigation of climate change impacts and endangered species protection. Among others, CORDIO implements the project "Innovating and Sharing Knowledge for Coastal

⁵⁵ <http://documents1.worldbank.org/curated/fr/791671561698737668/pdf/Process-Framework.pdf>

⁵⁶ <https://www.nairobiconvention.org/nairobi-convention-projects/implementation-of-the-strategic-action-programme-for-the-protection-of-the-western-indian-ocean-from-land-based-sources-and-activities-wiosap/>

⁵⁷ <https://www.nairobiconvention.org/nairobi-convention-projects/the-western-indian-ocean-large-marine-ecosystems-strategic-action-programme-policy-harmonisation-and-institutional-reforms-wio-lme-sapphire/about-sapphire/>

⁵⁸ <https://cordioea.net/about/>

Resilience in Eastern Africa” in Kenya (+ Tanzania and Mozambique) in order to generate and catalyse knowledge through high impact research that can help deliver on the countries’ “blue economy” aspirations for sustainable development. Activities have a particular sub-national focus on local government actions to sustain marine ecosystems and sustainable use⁵⁹.

- Mikoko Pamoja⁶⁰

Mikoko Pamoja is a community-led mangrove conservation and restoration project based in southern Kenya, and the world’s first blue carbon project. Its aim is to provide long-term incentives for mangrove protection and restoration through community involvement and benefit. Mikoko Pamoja was a winner of the Equator Prize 2017. The project is coordinated by the Association for Coastal Ecosystem Services (ACES)⁶¹.

- Ecofish⁶²

The Ecofish programme works to enhance equitable economic growth by promoting sustainable fisheries in East Africa-Sothern Africa-Indian Ocean regions. In Kenya Ecofish partners with WWF in implementing a project for small-scale fisheries for sustainable Blue Growth, improved food security and livelihoods (KECOFISH). The project specifically targets communities in Shimoni-Vanga and Lamu⁶³.

- FAO Coral Reefs Project in Kilifi County⁶⁴

The project is part of FAO’s Blue Growth Initiative (BGI) and aims at enhancing livelihoods, food security and maritime safety through increased resilience of fishing communities dependent on coral reef fisheries. The project also aims at empowering communities (in particular vulnerable communities engaged in small-scale production) to act, not only as resource users, but also as resource stewards.

5. Conclusions and recommendations

Based on this brief desk study, the Helpdesk presents the following conclusions and recommendations to the Embassy for further consideration.

⁵⁹ <https://cordioea.net/research-assessment/norad/>

⁶⁰ <https://www.planvivo.org/mikoko-pamoja>

⁶¹ <https://www.aces-org.co.uk/>

⁶² <https://www.ecofish-programme.org/about-us>

⁶³ <https://www.ecofish-programme.org/copy-of-igad>

⁶⁴ <https://www.kmfri.co.ke/index.php/fact-sheet/13-news-and-events/240-kenya-launches-a-coral-reef-fish-project-funded-by-japan-fao-to-improve-food-security-livelihoods-and-maritime-safety-through-increased-resilience-of-coastal-fishing-communities>

5.1. Conclusions

- In general, Kenya has rather well-established legal frameworks and structures that can protect the environment while at the same time promote a sustainable use of marine resources.
- Multi-stakeholder and inclusive public participation to achieve shared prosperity and equitable benefit sharing of marine resources, especially for local communities and to ensure that poor people's perspectives are taken into account, remains critical.
- More specifically, promotion of the inclusion of youth, women, and other underrepresented groups is important in all areas of blue economy "sectors". The development and implementation of national and local strategies should provide pathways to strengthen the role of youth, women, and underrepresented groups.
- There seems to be a need for better integration and coordination mechanisms among governmental/public sector agencies themselves, and between public sector and private sector and non- governmental actors, in order fully make sustainable use of marine resources and a stronger, and less sector-based blue economy.
- While many ongoing initiatives build on stakeholder participation, there are only a few projects that fully encompass an integrated human rights perspective. The same goes for the conflict perspective, which rarely features in the current blue economy discourse.
- Due to the devolution agenda in Kenya and the critical role of counties in the planning, and management of marine resources and the development of blue economy, the counties remain important actors for an effective development of the blue economy agenda. To this effect, the JKP (Jumuiya ya Kaunti za Pwani) constitutes an interesting entry point for future interventions.

5.2. Recommendations

- The national ambitions of Kenya, its international commitments, and the already existing strategies and plans, should be good entry points for a bilateral dialogue with Kenyan stakeholders on a potential increased Swedish bilateral engagement in the area of marine resources and blue economy.
- Making use of already active organisations and interventions should be an effective starting point, should Sweden/Sida want to strengthen its bilateral engagement in Kenya in the area of marine resources and blue economy.
- Sweden/Sida should in any future engagement use its added value around the use of a human rights and gender perspective. This could be done by supporting specific projects with such a focus, or by supporting additional activities within bigger ongoing/planned projects.
- As the MSP-process is high on the agenda for Kenya, and as Sweden already is involved through other ongoing initiatives, further support to this process could be considered.

- Building on the international commitments made by Kenya as part of the High-Level Panel for a Sustainable Ocean Economy and the ocean action agenda, Sweden could consider providing support to the further development and implementation of this agenda in Kenya.
- While there is quite some activity already ongoing on the source-to-sea agenda, most of the initiatives are specifically targeting plastic pollution. Support to a broader source-to-sea programme could be another avenue to pursue.
- Depending on the developments of joint marine protected areas, or other joint processes between Kenya and Tanzania, transboundary support could be feasible. This could be an innovative possibility that also responds to the priorities in the Swedish development cooperation strategies for the two countries.
- Promotion of equitable value chains and establishing new market linkages emerging from the blue economy could be another option. This would preferably entail work with small-scale producers in local communities, such as fishers, or with informal youth groups to promote local recycling/production.
- To strengthen county government's capacity in promoting an inclusive and sustainable use of marine resources would be an additional suggestion. This could potentially focus coastal urban centers and building capacity and integration of climate risks into coastal city planning,
- For any potential Swedish bilateral engagement in the area of sustainable use of marine resources and blue economy, it is highly recommended that Sweden make use of national and regional research capacity and knowledge hubs, to further define approaches for engagement.

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Annex 1: International laws and agreements

Below is a selection of international laws and agreements to which Kenya is Party.

United Nations Convention on the Law of the Sea (1982)

Popularly known as UNCLOS, the Law of the Sea Convention or the Law of the Sea treaty, this international agreement defines the rights and responsibilities of nations with respect to their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources.

Convention on the Conservation and Management Measures of High Seas Resources

This agreement promotes compliance with international conservation and management measures by fishing vessels on the high seas. The agreement applies to all fishing vessels used or intended for fishing in the high seas.

The African Convention for the Conservation of Nature & Natural Resources (Algiers, 1968)

This convention encourages conservation, utilization and development of soil, water, flora and fauna for the present and future welfare of mankind, from an economic, nutritional, scientific, educational, cultural and aesthetic point of view.

Convention on International Trade in Endangered species of Wild Fauna & Flora (Washington, 1973)

The Convention regulates international trade in endangered wild animals and plants. This Convention covers animals and plants, whether dead or alive, and any recognizable parts or derivatives thereof (art. 1).

Lusaka Agreement on Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna & Flora (1994)

The objective of this agreement is to support member states to reduce and ultimately eliminate illegal trade in wild fauna and flora. Parties have adopted and enforced measures with a view to investigating and prosecuting cases of illegal trade, to co-operate with one another and with the Task Force, to provide the latter with relevant information and scientific data, and to encourage reporting of illegal trade by the public.

Convention on the Continental Shelf (Geneva 1958)

This convention supports Kenya in defining and delimiting her rights to explore and exploit the natural resources of the continental shelf. The convention gives Kenya sovereign and exclusive rights over the continental shelf for the purpose of exploration and exploitation (art. 1). Such exploration or exploitation must not cause unjustifiable interference with navigation, fishing or the conservation of the living resources of the sea, or with oceanographic or other scientific research (art. 5).

Convention of the High Seas (Geneva 1958)

States undertake to draw up regulations to prevent pollution of the sea by oil from ships and pipelines or resulting from the exploration and exploitation of the seabed (art. 24). They further agree to take measures to prevent pollution of the sea by dumping of radioactive waste and to

cooperate with international agencies in taking such measures to prevent pollution of the seas or airspace above them resulting from radioactive materials or other harmful agents (art. 25).

The Ramsar Convention on Wetlands of International Importance (1971)

The objective of the Convention is to stem the progressive encroachment on and loss of wetlands. Each Contracting Party agrees to designate at least one national wetland for inclusion in a List of Wetlands of International Importance (art.2.1), and to consider its international responsibility for the conservation, management, wise use of migratory stocks of wildfowl when modifying the content of the List (art.2.6). Contracting Parties undertake to establish nature reserves in order to conserve wetland resources and to increase waterfowl populations through management. Parties further agree to co-operate in the exchange of information as well as in the implementation of the Convention, especially in the case of wetland extending over the territories of more than one Contracting Party, and to train personnel competent in the fields of wetland management and research (art. 4 and 5).

International Convention for Prevention of Pollution from Ships (MARPOL)

MARPOL is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. The Convention includes regulations aimed at preventing and minimizing pollution from ships – both accidental pollution and that from routine operations – and currently includes six technical Annexes. Special Areas with strict controls on operational discharges are included in most Annexes.

The Paris Agreement - UNFCCC

The Paris Agreement's central aim is to strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius. Additionally, the agreement aims to strengthen the ability of countries to deal with the impacts of climate change.

Convention on Biological Diversity (1992)

This Convention supports Kenya to conserve biological diversity, promote the sustainable use of its components, and encourage equitable sharing of the benefits arising out of the utilization of genetic resources. Such equitable sharing includes appropriate access to genetic resources, as well as appropriate transfer of technology, considering existing rights over such resources and such technology.

2030 Agenda for Sustainable Development

The 2030 Agenda for Sustainable Development, adopted by all United Nations Member States in 2015, provides a shared blueprint for peace and prosperity for people and the planet, now and into the future. One of the Sustainable Development Goals adopted is Goal 14: Life below water, which aims to sustainably manage, use and protect marine and coastal ecosystems from pollution, as well as address the impacts of ocean acidification.

Annex 2: Domestic laws and regulations

Environmental Management and Coordination Act, 2015

This act commenced in 2000 and was later amended in 2015. It provides for the establishment of an appropriate legal and institutional framework for the management of the environment and for the connected sectors and underscores the need for integration in the management of the environment and its components in Kenya.

The act restricts the carrying out of certain activities in rivers, lakes and wetlands ecosystems without an Environmental Impact Assessment being undertaken and subsequently an approval by the National Environmental Management Authority being granted. Section 42(2) empowers the Minister to declare any part of, amongst others, a coastal zone to be a protected area.

Fisheries Management and Development Act, 2016

This is an Act of Parliament to provide for the conservation, management and development of fisheries and other aquatic resources to enhance the livelihood of communities dependent on fishing and to establish the Kenya Fisheries Services; and for connected purposes.

Wildlife (Conservation & Management) Act by the Kenya Wildlife Service

Marine protected areas are areas of coastal waters designated as marine parks or marine reserves that are protected under this Act. In marine parks, no form of resource exploitation or extraction is allowed whereas in marine reserves, limited human activity including exploitation of resources is allowed.

Merchant Shipping Act

The Merchant Shipping Act 2009 makes provision for, among other, the registration and licensing of Kenyan ships and ancillary matters; prevention of collisions and pollution; safety of navigation and cargoes; maritime security; the control, regulation and orderly development of merchant shipping and related services. The Merchant Shipping Act has a crucial role in regulating shipping activities in the inshore areas and extending to the EEZ, providing for maritime safety and security and pollution control and environmental conservation.

The Kenya Maritime Authority Act

This act commenced in 2007 and provides for the establishment of the Kenya Maritime Authority as a body with responsibility to monitor, regulate and coordinate activities in the maritime industry.

National Oceans and Fisheries Policy

The overall objective of the National Oceans and Fisheries policy of 2008 is “to enhance the fisheries sector’s contribution to wealth creation, increased employment for youth and women, food security, and revenue generation through effective private, public and community partnerships”. The policy seeks to address, among other issues, unsustainable utilization of fisheries resources, resource use conflicts, inadequate infrastructure, and lack of a comprehensive legal and institutional framework for effective fisheries management.

Maritime Zones Act (Cap. 371)

This act was adopted in 1989 and consolidates Act to consolidate the law relating to the territorial waters and continental shelf of Kenya, to provide for the establishment and delimitation of the exclusive economic zone and to provide for the exploration, exploitation, and management of maritime zone resources.

Territorial Waters Act Cap 371, 1972

Kenya has a coastline measuring 247 miles from the Somalia to the Tanzania border. It is along this coastline that the 1972 Act of Parliament extended the territorial jurisdiction outward from the old distance of three miles to twelve miles. This breadth is measured from a baseline along the low water mark, or where applicable from a straight line which closes the indentations of the coastline. This means that all waters within the base line or the straight line along the indentations are regarded as internal waters of the coastal state. As we shall see below, under international law the scope of jurisdiction of the coastal state over internal or inland waters is more comprehensive than that over the territorial waters. It is interesting to note in this regard that Section 4(2) of the Kenya legislation defines the territorial waters to include 'any part of the open sea' that the territorial- sea includes any Inland waters of Kenya.

The Continental Shelf Act Cap 312, 1975

The Kenya Continental Shelf Act (No, 3 of 1975) came into effect on 4 April 1975. It represents one of the many national efforts during the last three decades to declare and define a coastal state's territorial claims over the marine resources adjacent to its coast.

Coast Development Authority Act (Cap. 449)

This is an Act of Parliament to provide for the establishment of an Authority to plan and co-ordinate the implementation of development projects in the whole of the Coast Province and the exclusive economic zone and for connected purposes. The authority is the Coast Development Authority of Kenya and the Act defines its powers, functions and internal organization.