



THE UNIVERSITY OF NAIROBI
THE AFRICAN WOMEN STUDIES CENTRE (AWSC) - THE UNIVERSITY OF NAIROBI
RECOMMENDATIONS ON
PUBLIC PARTICIPATION & SUBMISSION OF MEMORANDA
DATE: FEBRUARY 25TH, 2022

The African Women Studies Research Centre (AWSRC) - University of Nairobi has reviewed **THE MARINE FISHERIES (ACCESS AND DEVELOPMENT) REGULATIONS, 2021** from a gender perspective, with the aim of ensuring women's access to fish, for economic gain and particularly for personal and household consumption. This will guarantee sustainable food security for local communities. The following are our recommendations:

	Section	Provision	Comments	Justification	Recommendations
1	Objects and purpose of Regulations	3. (1) The purpose of these Regulations is to—	The draft gives 5 objectives and purpose of the regulation see a - e	Many rural men and women go fishing to provide food for their families, Therefore, there should be an objective for enhancing livelihoods to cater for the locals	Add a new objective after (b) to read (b(a)) To enhance food security for local communities
2	Determination of total allowable catch	(4) In preparing the list referred to in paragraph (1), the Council shall consider—	The factors for consideration listed a – d, do not take into	Women who normally provide food for their families should have regular access to fish to ensure access to sufficient and	Add (a) to read, <i>the nutritional needs of the local community</i>

			considerations the interests of the local community	nutritious food for their households	
Registration as a fisher to the County Government	7. (1) A person who wishes to fish in Kenya’s marine fishery waters as— (1) a subsistence fisher; shall apply for a fisher registration certificate to the County Executive Committee Member of the respective County in Form 1 set out in the First Schedule	Many Kenyan communities living along the lake or Indian Ocean shores rely on fish for personal or family consumption i.e. fish as a major source of food. Therefore, asking them to seek a certificate to get fish for the subsistence is injustice	The regulation should have a sunset clause that exempts communities living along the marine bodies and for whom fish is their main subsistence food from having to get a certificate to fish	Rephrase 7(1) to read as follows: With the exception of local subsistence fishermen and fisherwomen, anyone who wishes to fish.....	
Qualification of subsistence fishers.	12. A subsistence fisher who wishes to undertake subsistence fishing shall— (a) be citizen of Kenya; (b) be a member of a beach management unit; and (c) be in possession of a valid fisher registration certificate.	This clause does not recognize the local men and women as subsistence fishermen/ fisherwomen	The local communities rely on fish as a major source of food and their right to access fish and ensure food security should be protected	Amend (a) to read as follows; (a) Be a local citizen of Kenya;	
First Schedule:	FISHER REGISTRATION CERTIFICATE (a) a subsistence fisher	Local men and women who rely on fish as part of their subsistence living should be exempted from applying for a applying for a fishing certificate	Local men and women rely on fish as a major source of food. Therefore, limiting their access to fish will exacerbate food insecurity at the household and community levels	FORM 1 r.7 (1), FORM 2 (r.10 (1) the provision should read; Local fishermen and fisherwomen fishing for personal or personal and	

					household subsistence are exempted from applying for a fishing certificate
	SECOND SCHEDULE FEES Fishing Rights Fees	Licence: Subsistence fisher registration certificate annual fees (Ksh) 0	Its good not to charge the subsistence fishermen and fisherwomen for the fishing licence, however, they should just be exempted from the requirement of a licence/certificate	To sustainably protect the subsistence fishermen's and fisherwomen's fishing rights, they should be exempted from applying for a licence. Secondly, given the widespread corruption in Kenya, in addition to depriving the local communities from access to fish as a main source of food and thereby exacerbating food insecurity, they will be subjected to harassment and giving bribes to the beach managers thereby impoverishing the communities	Under section on Licence; Delete row on: 1 Subsistence fisher registration certificate



For:

Signed Prof Wanjiku Mukabi Kabira
Director