

**BALANCING ACT: ANALYZING THE LAPSSSET CORRIDOR PROGRAM AND ITS  
ROLE IN ACHIEVING SUSTAINABLE BLUE ECONOMY IN KENYA**

Submitted in partial fulfillment of the requirements of the Bachelor of Laws Degree, Strathmore University

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## DECLARATION

I, KANG'ETHE NATASHA NYANDIA , do hereby declare that this research is my original work and that to the best of my knowledge and belief, it has not previously, in its entirety or in part, been submitted to any other university for a degree or diploma. Other works cited or referred to are accordingly acknowledged.

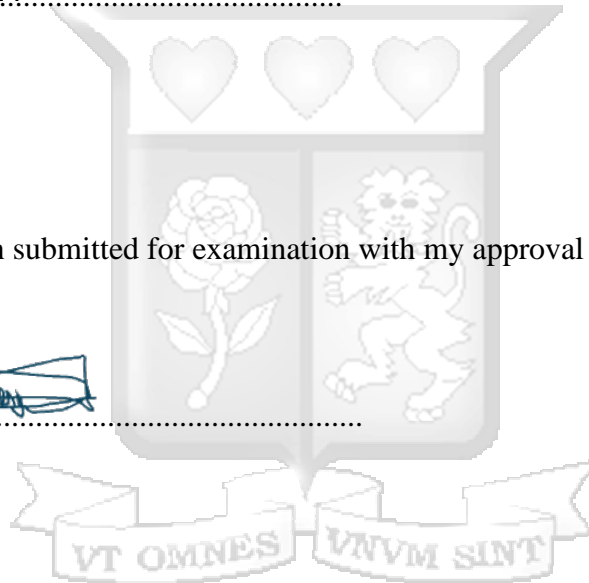
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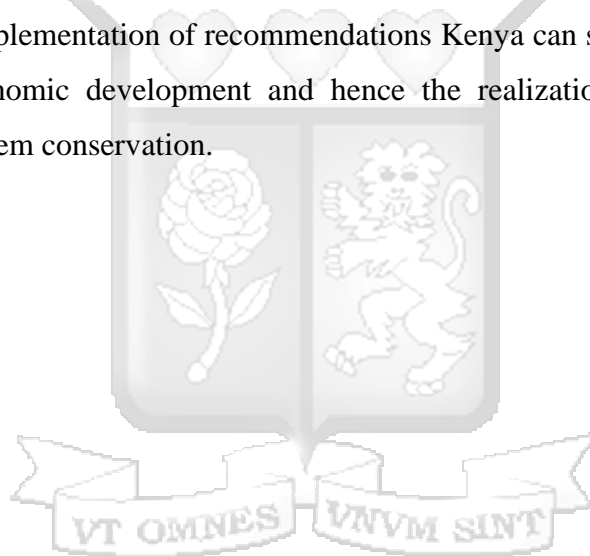
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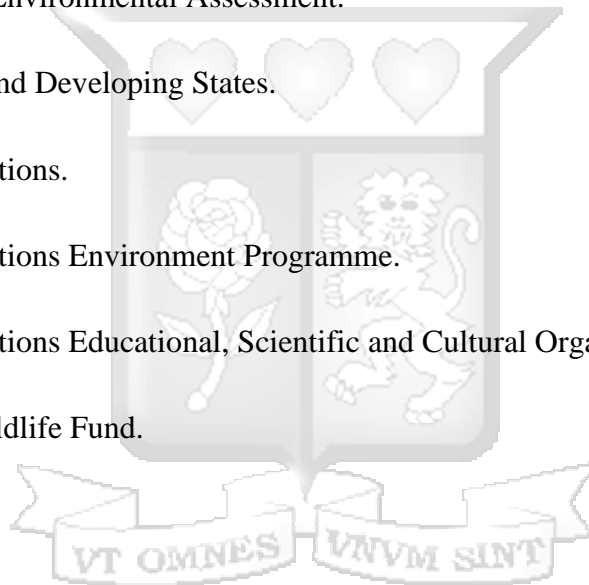
## ABSTRACT

This research is critically assessing the alignment of the LAPSSET Corridor project with the sustainable development goals emphasizing economic growth, social equity, and environmental conservation framed within the perspective of the blue economy. It explores the conflicts that emerge between achieving social equity, sustainable environment, and economic growth. The results, however, show that it has prioritized economic development and paid less attention to environmental and social issues. This approach, the research concludes, leads to ecological damage, precipitating a failure of blue economy projects in balancing all the crucial elements. To overcome these challenges, it is argued, balancing of economic gains with attendant ecological and social aspects of the blue economy is a condition precedent to a sustainable blue economy. In the end, Through the implementation of recommendations Kenya can seek a more equitable and sustainable way of economic development and hence the realizations of the well-being of communities and ecosystem conservation.



## LIST OF ABBREVIATIONS

EAI	Environmental Impact Assessment.
LAPSSET	Lamu Port, South Sudan, Ethiopia Transport Corridor.
LCDA	LAPSSET Corridor Development Authority.
NEMA	National Environment Management Authority.
SDG	Sustainable Development Goals.
SEA	Strategic Environmental Assessment.
SIDS	Small Island Developing States.
UN	United Nations.
UNEP	United Nations Environment Programme.
UNESCO	United Nations Educational, Scientific and Cultural Organization.
WWF	World Wildlife Fund.



## LIST OF CASES

*Mohamed Ali Baadi and others v Attorney General and eleven others*, High Court of Kenya,  
Judgment of 2018.



## **LIST OF LEGAL INSTRUMENTS**

### **INTERNATIONAL INSTRUMENTS**

Convention on the Law of the Sea, 10 December 1982, 1833 UNTS 397.

Convention on Biological Diversity, 5 June 1992, 1760 UNTS 69.

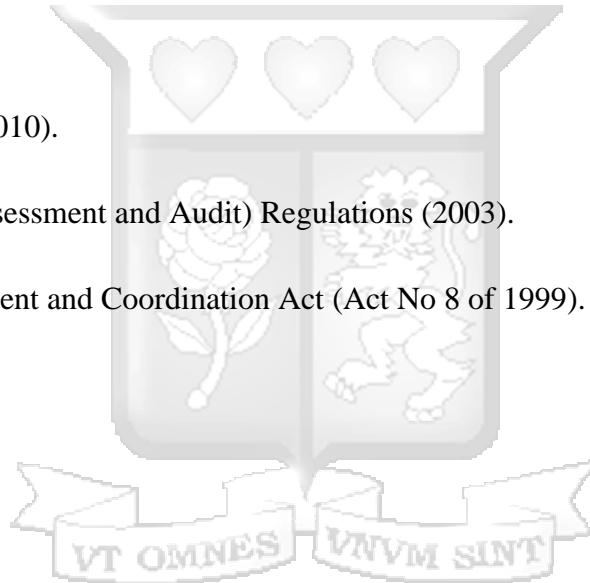
United Nations Declaration on the Rights of Indigenous Peoples, 13 September 2007, A/RES/61/295.

### **DOMESTIC LAWS**

Constitution of Kenya (2010).

Environment (Impact Assessment and Audit) Regulations (2003).

Environmental Management and Coordination Act (Act No 8 of 1999).



# CHAPTER 1

## INTRODUCTION

### 1.1 BACKGROUND

The blue economy<sup>1</sup> is a rapidly growing sector concerned with the utilization of ocean resources for social inclusion, economic benefit, and livelihood preservation while also preserving the oceans' and coastal regions' environmental sustainability.<sup>2</sup> Its recent expansion within Africa can partly be attributed to the United Nations 2030 Agenda for Sustainable Development Goals (SDGs), which encapsulate Goal 14, 'Life below Water', whose aim is to protect and responsibly utilize marine resources, the oceans, and seas for sustainable development.<sup>3</sup> Ocean industries are therefore expected to be key drivers underpinning the expansion of the global economy over the next ten years, with the ocean economy itself predicted to double in size by 2030.<sup>4</sup> In Africa the blue economy is set to be a major contributor to continental transformation<sup>5</sup> and growth with many nations inclined to adopt a sustainable blue economy as a way to help alleviate poverty.<sup>6</sup>

The concept of blue economy has gained traction in Kenya, with various stakeholders recognizing its potential in developing a more sustainable market with emphasis on efficient management of ocean and marine related resources.<sup>7</sup> It is expected that this focus could potentially create more jobs and open up new markets, resulting in greater economic opportunities. Moreover, this

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<sup>1</sup> According to Rasowo J, Orina P, Nyonje B, Awuor S and Olendi R, Harnessing Kenya's Blue Economy: prospects and challenges, 16 (3), *Journal of the Indian Ocean Region*, 2020, 1, The idea of BE first surfaced in the 2012 Rio+20 summit, which was organized by the United Nations (UN) on Sustainable Development. Small Island Developing States (SIDS) and coastal Least Developed Countries (LCDs) had expressed doubts about the 'Green Economy's' focus and application to them before the summit because of their reliance on the marine sector and the ocean. After that, the BE idea was promoted, and ever since, it has gained more acceptance on a global scale.

<sup>2</sup> United Nations Regional Information Center for Western Europe, Blue Economy: Oceans as the next great Economic Frontier - < <https://unric.org/en/blue-economy-oceans-as-the-next-great-economic-frontier/> > on 27 December 2022.

<sup>3</sup> United Nations, 'Transforming Our World: The 2030 Agenda for Sustainable Development' 2018, 28

<sup>4</sup> OECD, 'The Ocean Economy in 2030', OECD Publishing, Paris, - < <https://doi.org/10.1787/9789264251724-en> > on 27 December 2022.

<sup>5</sup> African Union Commission, *Agenda 2063: The Africa we want*, 2014.

<sup>6</sup> United Nations Development Programme 'A vehicle to articulate development issues and foster dialogue: Leveraging the Blue economy for Inclusive and sustainable growth,' 2018, 5.

<sup>7</sup> UNEP, New Programme to Support Kenya's Coast And Blue Economy, 30 March 2021 -< <https://www.unep.org/news-and-stories/story/new-programme-support-kenyas-coast-and-blue-economy> > on 18 February 2024.

increased attention to the blue economy could have further implications for domestic economic policies and resource management. Thus, the blue economy has the potential to reveal a more positive outlook for the Kenyan market.

However this excessive emphasis on economic expansion—especially on paper, which is intended to help Kenya achieve its goal of becoming a middle-income nation—has raised concerns about damaging environmental effects and depleting the nation's natural resources.<sup>8</sup> The Constitution of Kenya, 2010 (the “Constitution”) in article 42 recognizes the inherent right to a clean and healthy environment. This right works to ensure the overall well-being of the people of Kenya, upholding the dignity of a person and the quality of their environment. Article 10 of the Constitution also stipulates that sustainable development is a national value and principle to be embedded in all decisions made by or on behalf of the state. This means that the state must work to promote the conservation and sustainable use of natural resources.<sup>9</sup>

The Lamu Port, South Sudan, Ethiopia Transport Corridor (LAPSSET) program is an infrastructure development project established in 2012 as a key project aimed at spurring Kenya’s economy. The project is one aspect of the larger land bridge that would link the coasts of East Africa and West Africa at Lamu Port and Douala Port. It is no surprise then that the LAPSSET Corridor Program was envisaged within the blue economy objectives of economic growth, social equity, and environmental sustainability.<sup>10</sup> The success in merging economic growth, social inclusion, and protection of environmental diversity will determine the dreams that the country has for the vibrant blue economy. The program is however primarily hinged on spurring economic development by developing an effective transport system that will stimulate economic activities across the region.

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<sup>8</sup> Benkenstein A, ‘Prospects for the Kenyan Blue Economy’ South African Institute of International Affairs, Policy Insight Number 62, 2018, 3 -< <https://saiia.org.za/research/prospects-for-the-kenyan-blue-economy/>> on 1 March 2023.

<sup>9</sup> According to Section 2 of the Environmental Management and Coordination Act (No. 8 of 1999), sustainable use means present use of the environment or natural resources which does not compromise the ability to use the same by future generations or degrade the carrying capacity of supporting ecosystems: see also Article 69, Constitution of Kenya (2010).

<sup>10</sup> University of Nairobi Maritime Center, *Sector Report on Ports, Harbors and Maritime Transport to Kenya’s GDP: A Blue Economy Perspective*, February 2023, 33.

This paper thus considers issues associated with successful implementation of blue economy projects such as the LAPSSET Corridor Program, with specific focus on its success in balancing economic progress, and two blue economy principles of social equity and environmental sustainability.

## **1.2 STATEMENT OF PROBLEM**

Despite Kenya's aspirations for economic development through the blue economy, the development of the blue economy is crippled by the difficulties, and contradictions in balancing the economic growth goals with the pillars of social equity and environmental sustainability principles. Using LAPSSET Corridor Project, a blueprint blue economy project, this study demonstrates that there are imbalances of priorities in exploiting the blue economy. Is the compatibility of the Kenyan blue economy practices and sustainable development.

## **1.3 RESEARCH OBJECTIVES**

1. To understand how a sustainable blue economy is implemented in order to balance economic growth, environmental conservation, and social equity.
2. To assess how the LAPSSET Corridor project balances the components of a sustainable blue economy - economic growth, social equity, and environmental conservation.
3. To investigate how the emphasis on economic growth in the LAPSSET Project may compromise social equity and environmental conservation within the sustainable blue economy framework.

## **1.4 RESEARCH QUESTIONS**

1. How should a blue economy framework be optimized to concurrently balance economic growth, social equity, and environmental conservation in a manner that ensures sustainable utilization of resources as well as offers an inclusive approach to development?

2. How does the LAPSSET Corridor project address the objectives of sustainable development, particularly in terms of economic growth, social equity, and environmental conservation, and what challenges emerge in its implementation?
3. To what extent does the overemphasis on economic growth in the LAPSSET Project compromise social equity and environmental conservation within the broader framework of the sustainable blue economy?

## **1.5 HYPOTHESIS**

Implementation of the LAPSSET Corridor Program as part of the blue economy strategy suggests an inclination in prioritizing economic development above social equity and environmental sustainability. This insistent prioritization may culminate into different forms of conflicts, including the destruction of Kenya's natural environment and uneven economic distribution, among others, thus challenging Kenya's efforts to achieve its intergenerational environment and bio-diversity conservation goals as encapsulated in Article 42. These conflicts are anticipated to unveil the inherent problems of juggling between the three cornerstones of the blue economy, where economic growth will trump both social and environmental concerns during efforts aimed at achieving Kenya's middle-income position.

## **1.6 JUSTIFICATION**

Pursuing economic development within Kenya's blue economy approach involves the task of pushing forward whilst balancing the pillars of social justice and environmental stability. The study focuses on the scrutiny of the LAPSSET Corridor Program, which is one of the major infrastructural initiatives linked to the country's blue economy objectives. Exploring whether it meets the trajectory of sustainable development associated with the ethos of equitable socialism and environmental conservation, this research intends to bring to light the probable impacts of such imbalance. The inquiry seeks to provide some understanding of the trade-offs implied in Kenya's blue economy and their implications for informed policies and frameworks that balance the aspirations on economic development, social equity, and sustainable environmental practices.

## 1.7 CONCEPTUAL FRAMEWORK: BLUE ECONOMY AS SUSTAINABLE

The notion that a blue economy is capable of being sustainable is centered on the encompassing idea of sustainable development, which includes the economic, social, and environmental pillars of sustainability.<sup>11</sup> Beyond that, decisions that are sustainable are made by taking into account and evaluating their economic, social, and environmental merits.<sup>12</sup> The active and successful involvement of all stakeholders is essential for a sustainable blue economy.<sup>13</sup> They are supposed to constantly be searching for the best and most economical solutions to satisfy the needs of the present and upcoming generations without endangering the capacity of ecosystems to sustain human prosperity and economic activity.

For the purposes of this paper, the concept of sustainability of the blue economy LAPSET corridor project will be tethered to the Systems Theory<sup>14</sup> as applicable to the attainment of a sustainable balance between the economic, social, and environmental objectives. The Systems theory<sup>15</sup> It has been related to the requirement to elucidate dynamic interactions and interdependence between system components.<sup>16</sup> A system is best defined as a collection of connected entities or pieces that form a complicated whole. A system is thus constructed based on the structure and patterns of the relationships emerging from interactions among components, and as a result of these emergent patterns and relationships, one system differs from another.<sup>17</sup> In Easton's systems theory application, there is an emphasis on the link between a system and its environment. Two variables are thus requirements for his conception; inputs which are demands

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<sup>11</sup> Waas T, Hoge J, Verbruggen A and Wright T, 'Sustainable Development: A Bird's Eye View' 3 *Sustainability*, 10, 2011, 1638.

<sup>12</sup> Bartelmus P, 'Environmental Accounting: A Framework for Assessment and Policy Integration' in Gandhi VP (eds), *Macroeconomics and the Environment*, International Monetary Fund, 1996, 109.

<sup>13</sup> -< [https://wwfint.awsassets.panda.org/downloads/15\\_1471\\_blue\\_economy\\_6\\_pages\\_final.pdf](https://wwfint.awsassets.panda.org/downloads/15_1471_blue_economy_6_pages_final.pdf)> On 2 March 2023.

<sup>14</sup> Is an interdisciplinary theory regarding the nature of complex systems in nature, society, and science. It is a framework by which one can explore and/or explain any group of items that operate together to achieve some effect. -< <http://environment-ecology.com/general-systems-theory/137-what-is-systems-theory.html>> on 1 March 2023.

<sup>15</sup> Systems is often used to describe the assembly of organizations to be found in a given policy field, and to suggest their interconnectedness - Stewart J and Ayres R, 'Systems Theory and Policy Practice: An Exploration' 34 *Policy Sciences* 1, 2001, 82.

<sup>16</sup> Lai CH and Huili LS, 'Systems Theory' In Scott C.R., Lewis L, Barker J.R, Keyton J, Kuhn T and Turner P.K (eds) *The International Encyclopedia of Organizational Communication*, John Wiley, and Sons, 2017, 2.

<sup>17</sup> Lai CH and Huili LS, 'Systems Theory' 2.

and support<sup>18</sup> from society flow into the political system and are converted into outputs which constitute the policy decisions and actions.<sup>19</sup>

Feedback loops are used to exchange information between a system and its surroundings (input and output). These notify the system about how or what to modify to keep the system's homeostasis.<sup>20</sup> Examining a system's operation and individual parts can frequently enhance knowledge of the reasons for system failures. Systems theory considers both positive and negative feedback, which are required to initiate change in the system through growth or improvement and to remedy faults in order to maintain the existing state of the system.<sup>21</sup> When the environment changes and the conditions become more complicated, a system gains the ability to adapt to the new surroundings. As a result, a system's entirety is greater than the sum of its parts due to these feedback processes.<sup>22</sup> This gives rise to the concept of holism as highlighted in Bertalanffy's idea behind systems theory. In his application of the theory, isolating a system's component does not help explain anything.<sup>23</sup> Since the parts relate with each other, they give meaning to one another leading to the emergence of the whole. Hence it can be concluded that the only way to completely comprehend a system is by understanding its parts in their relationship with the entire body. *Holism* therefore stresses that the structure of each system's components ensures that they are so dependent on one another that no system can function without the assistance of other components.<sup>24</sup>

Systems approach therefore provides a viable tool for exploring and analyzing the linkages between the topics of social justice, environmental preservation, and economic growth under the umbrella of Kenya's sustainable blue economy. The LAPSSET Corridor Program is a key economic development driver anticipated to support trade, infrastructure, and promote national growth on a large scale. Although system theory suggests that economic development is exclusive,

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<sup>18</sup> Easton D, 'Systems Analysis of Political Life' in Buckley W (ed) *Systems Research for Behavioral Science: A Sourcebook*, Routledge, 1968, 428 - 436.

<sup>19</sup> Easton D, 'Systems Analysis of Political Life,' 433.

<sup>20</sup> Heil A, 'Systems Theory' - < <https://www.siue.edu/~adheil/Systems%20Theory%20Paper.pdf> > on 15 November 2023, 4.

<sup>21</sup> -< [https://saylordotorg.github.io/text\\_mastering-public-relations/s07-02-systems-theory-approach.html](https://saylordotorg.github.io/text_mastering-public-relations/s07-02-systems-theory-approach.html) > on 15 November 2023.

<sup>22</sup> Von Bertalanffy L, *General System Theory: Foundations, Development, Applications*, George Braziller, New York, 1968, 18.

<sup>23</sup> Von Bertalanffy L, *General System Theory: Foundations, Development, Applications*, 18.

<sup>24</sup> Musheke M.M and Phiri J, The Effects of Effective Communication on Organizational Performance Based on the Systems Theory, 9 *Open Journal of Business and Management* 2, 2021, 664.

it is inseparable from society as well as the environment within which it operates. Moreover, shifts in one of the directions may substantially affect other directions within systems.

It is important to also note that social equity plays a significant role in the overall blue economy framework. Social equity encompasses fair and equitable distribution of economic growth, as well as the tackling of social inequality in the establishment of an inclusive society. Social equity is, therefore, a prerequisite for ensuring a system's stability and adaptability in the Systems theory perspective. The disparities in terms of income, education, and access to basic services tend to interfere with social cohesion which negatively affects economic productivity and biodiversity protection.

The third vital aspect of the blue economy system is environmental sustainability, which emphasizes using the existing nature-generated wealth cautiously with a view towards preservation for future generations to draw upon. The system's approach recognizes the complex connection between environmental health, society's welfare, and the strength of economies. The overall system is disturbed by the proliferation of various unsustainable practices such as unrestrained resource utilization or degradation of the environment. These practices jeopardize human health, livelihoods and even economic activities that ultimately lead to instability within the system. One notable example in this system's perspective is the LAPSSSET Corridor Program, which is a fundamental part of Kenya's blue economy goals. The achievements and aftermath of the project clearly demonstrates that any policy focusing on economic growth and regional integration simultaneously affects economic development, social equity, and environmental sustainability. These elements can potentially form a challenge if they are misaligned or contradict one another within the entire system. In this study, system theory is used as a tool with the aim to unravel these complex issues on the possible impacts of mismatch between the economic development, social equity, as well as sustainable environment within the LAPSSSET corridor program. Additionally, it makes an attempt to clarify how these inconsistencies can affect the constitutional right to a clean, healthy, and sustainable environment as guaranteed by Article 42.

## **1.8 LITERATURE REVIEW**

### **1.8.1 On the sustainability of the blue economy**

A sustainable blue economy is typically understood to be hinged on the notion of promoting economic growth, preserving, and improving livelihoods within several sectors, while ensuring the sustainable use of marine resources.<sup>25</sup> A correlation between the economic strength and environmental sustainability of the concept is evident stemming from the work of Dartey-Baah and Amponsah-Tawiah.<sup>26</sup> Given sustainability is a complicated concept, it has been challenging to make progress in that regard.<sup>27</sup> The concept of sustainability in the blue economy has also faced criticism, much to what happened to the Green Economy and its guiding principle of sustainable development.<sup>28</sup> Österblom, Wabnitz and Tladi<sup>29</sup> outline multiple ways in which inequalities are manifested in the ocean domain. With a tendency of the concept to prioritize economic growth over the ecological, social, and political dimensions of sustainability, Andriamahefazafy, Bailey, Sinan, and Kull<sup>30</sup> are of the view that the blue economy has been cast as a route for growth driven by exploitation of natural resources.

Additionally, Strong actors may stand to gain from the paradox of achieving sustainable development through aggressive exploitation tactics motivated by the pursuit of economic expansion.<sup>31</sup> An unsuccessful implementation of the blue economy concept in line with its matched objectives has resulted in an uneven distribution of technical and financial capacity to engage in

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<sup>25</sup> UNEP Finance Initiative, Sustainable Blue Economy Finance Initiative: A leadership community accelerating the transition towards the sustainable use of the world's ocean, seas and marine resources - <<https://www.unepfi.org/wordpress/wp-content/uploads/2020/06/Sustainable-Blue-Economy-Brochure.pdf>> on 21 February 2023.

<sup>26</sup> Dartey-Baah K and Amponsah-Tawiah, 'Exploring the limits of Western Corporate Social Responsibility Theories in Africa' 2(18), *International Journal of Business and Social Science*, 2011, 128.

<sup>27</sup> Brown K and Rasmussen K, 'The Sustainable Development Goals in 2019: People, Planet. Prosperity, in Focus' United Nations Foundation Centre, 9 July 2019 -< <https://unfoundation.org/blog/post/the-sustainable-development-goals-in-2019-people-planet-prosperity-in-focus/>> on 1 March 2023

<sup>28</sup> Bina O, 'The Green Economy and Sustainable Development: An Uneasy Balance?' 31(6), *Environment and Planning C: Government and Policy*, 2013, 1024.

<sup>29</sup> Österblom H, Wabnitz CCC and Tladi D, 'Towards Ocean Equity' World Resources Institute, 2020, 3 -< <https://fish.cgiar.org/wp-content/uploads/2021/12/71d48a67e55853a80e461c0ba5529caf.pdf>> on 21 February 2023.

<sup>30</sup> Andriamahefazafy M, Bailey M, Sinan H and Kull CA, 'The paradox of sustainable tuna fisheries in the Western Indian Ocean: between visions of blue economy and realities of accumulation,' 15 *Sustainability Science* 1, 2019,

<sup>31</sup> Niner HJ, Barut NC, Baum T, Diz D, Laínez del Pozo D, Laing S, Lancaster AMSN, McQuaid KA, Mendo T, Morgera E, Maharaj PN, Okafor-Yarwood I, Ortega-Cisneros K, Warikandwa TV and Rees S, 'Issues of Context, Capacity, and Scale: Essential conditions and missing links for a Sustainable Blue Economy' *Environmental Science, and Policy*, 2022, 33 -< <https://researchportal.hw.ac.uk/en/publications/issues-of-context-capacity-and-scale-essential-conditions-and-mis>> on 15 February 2023.

oceanic sectors, an unequal flow of benefits from the blue economy to economically powerful states and corporations, and harm primarily affecting local communities and developing nations.

### **1.8.2 On the blue economy LAPSSET Corridor project**

Once more, infrastructure is at the center of discussions and actions related to global development. The prevailing narrative today is that in order for African states to be more capable of delivering economic and social development, infrastructure must be constructed, modernized, and made more effective.<sup>32</sup> The Kenyan government's attempt towards attaining a blue economy through sustainable development is exemplified with the LAPSSET corridor initiative in the East Africa region. The LAPSSET Corridor Project is a milestone project that aims at fostering the region's integration into the global economy.<sup>33</sup> This program is a standout part of Vision 2030, which seeks to reduce over-reliance on Mombasa as Kenya's primary port and to open up Kenya's still undeveloped northern frontier. The Lamu mega project intends to construct a transportation corridor connecting South Sudan, Ethiopia, and Kenya via several infrastructure developments such as ports, roads, railways, and pipelines.<sup>34</sup>

In essence, the LAPSSET corridor project is intended to improve trade between East African nations through transportation networks that work to increase regional economic activity. It is a certainty that the project's completion will pave the way for new avenues for collaboration and business.<sup>35</sup> According to official government sources in Kenya, the LAPSSET project might result in GDP growth rates ranging from 6% to 10%, which would add 2% to 3% to the country's GDP.<sup>36</sup> The Lamu port, which is a core element, will be a vital marine entry point in Eastern Africa

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<sup>32</sup> Schindler S and Kanai JM, 'Getting the territory right: infrastructure-led development and the re-emergence of spatial planning strategies,' 55 *Regional Studies* 1, 2021, 41.

<sup>33</sup> LAPSSET Corridor Development Authority - <<https://www.lapsset.go.ke/>> on 15 November 2023.

<sup>34</sup> LAPSSET Corridor Development Authority, *Brief on LAPSSET Corridor Project*, July 2016, 1.

<sup>35</sup> Onditi F, 'The balance between resource development and environmental protection is "Social Contracting": The case of LAPSSET project in Kenya', 3 *Environment and Social Psychology* 1, 2018, 1.

<sup>36</sup> Onditi F, 'The balance between resource development and environmental protection is "Social Contracting, 1.

providing links to the landlocked nations of South Sudan and Ethiopia<sup>37</sup> thus providing faster and cheaper transit times. Additionally, other than increasing accessibility and connectivity across east and west Africa, the project is seen as an enablement to other major drivers of the economy including green energy initiatives, private sector investment in tourism and agriculture.<sup>38</sup>

Nonetheless, the transport corridors are established for more than just boosting commerce. It was expected that the project would revitalize the economy and speed up social development too.<sup>39</sup> Creation of employment and improved living standards are among the social goals underpinning the LAPSSET corridor projects. Through the creation of numerous job opportunities in extensive sectors such as construction, transport, logistics among others, local community participation would be enhanced. According to the LAPSSET Corridor Development Authority, this model of development will create regional capacities in infrastructure leading to opening up of 70% of the areas that were previously regarded as remote since independence 50 years ago. Therefore, the project aims at capacity building by emphasizing on improving the socio – economic status in the area.

As a blue economy project, a crucial aspect of the LAPSSET corridor project lies in its recognition of environmental sustainability and the preservation of marine ecosystems. The project's blueprints emphasize the importance of minimizing adverse environmental impacts through measures such as eco-friendly infrastructure development, biodiversity conservation, and sustainable resource management<sup>40</sup>. Additionally, it aims to promote alternative energy sources and efficient resource utilization<sup>41</sup>, aligning with the principles of the blue economy to ensure the long-term health and resilience of ocean ecosystems.

### **1.8.3 On the right to a clean, healthy, and sustainable environment**

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<sup>37</sup> -<<https://www.nepadaprkenya.go.ke/lapsset-event-on-the-margins-of-sustainable-blue-economy-conference/> > on 15 November 2023.

<sup>38</sup> LAPSSET Corridor Development Authority, *Brief on LAPSSET Corridor Project, July 2016*, 1.

<sup>39</sup> LAPSSET Corridor Development Authority, *Brief on LAPSSET Corridor Project*, 1.

<sup>40</sup> LAPSSET Corridor Development Authority, *Strategic Environmental Assessment in the LAPSSET Corridor Infrastructure Development Project Draft Report, 2017*, 31.

<sup>41</sup> LCDA, *Strategic Environmental Assessment Draft Report*, 54.

Academic literature on the right to a clean, healthy, and sustainable environment endorses its inherent appropriateness. Seemingly, the human right to a clean, healthy, and sustainable environment perceives that nature is a keystone of a dignified human life.<sup>42</sup> A report prepared in cooperation with the Vance Center for International Justice, identified States that legally recognize the right to a safe, clean, healthy, and sustainable environment.<sup>43</sup> The recognition of the right in constitutions across the globe exhibits its importance. In Kenya for instance, Mwanza stipulates that the constitutionalizing of the right to a clean and healthy environment and the principle of sustainable development under the 2010 Constitution of Kenya has been hailed as an important development in environmental law in Kenya, representing environmental constitutionalism and sustainability constitutionalism.<sup>44</sup>

In spite of the advancement, there is a continuous discussion about the degree and expected utility of the right being ratified in constitutions. Boyd avers that those pro the constitutionalizing of the right argue that the potential benefits include stronger environmental laws and policies, improved implementation and enforcement, increased accountability and a level playing field with social and economic rights among other benefits.<sup>45</sup> He also makes mention of those against the constitutionalizing of the right. The critics argue that constitutional environmental rights are too vague, redundant, not enforceable and are likely to be ineffective.<sup>46</sup>

Additionally, despite the initiative of constitutionalizing the right to a clean, healthy, and sustainable environment, there is still contention over its status under the international legal framework on human rights. Few intercontinental agreements, however, explicitly refer to environmental human rights. Kariuki Muigua, in his paper, *'Recognizing a Human Right to Safe,*

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<sup>42</sup> Zimmer K, 'The Human Right That Benefits Nature' BBC Future, 17 March 2021 - <<https://www.bbc.com/future/article/20210316-how-the-human-right-to-a-healthy-environment-helps-nature>> on 17 February 2023.

<sup>43</sup> United Nations Human Rights Special Procedures, Right to a Healthy Environment: Good Practices, -< <https://wedocs.unep.org/bitstream/handle/20.500.11822/32450/RHE.pdf?sequence=1&isAllowed=y> -> On 21 February 2023.

<sup>44</sup> Mwanza R, The Relationship between the Principle of Sustainable Development, and the Human Right to a Clean and Healthy Environment in Kenya's Legal Context: An Appraisal, 22 *Environmental Law Review* 3, 2020, 185.

<sup>45</sup> Boyd DR, 'The Effectiveness of Constitutional Environmental Rights,' *Yale UNITAR Workshop*, 2013, 5.

<sup>46</sup> Boyd DR, 'The Effectiveness of Constitutional Environmental Rights,' 5.

*Healthy, and Sustainable Environment,*<sup>47</sup> makes a case for the need to express recognition of the human right to a safe, healthy, and sustainable environment as an independent right under international law. More so without necessarily anchoring it to the rest of the human rights for ease of enforcement and accountability from states by both the international community and citizens.<sup>48</sup> Promoting the inclusion of an enforceable right to a healthy, and sustainable environment corresponds with the core precepts of the concept of sustainable blue economy.

As a sustainable blue economy aims at balancing economic development with conservation of the environment and social equality, incorporating the enforceable right within the framework of the sustainable blue economy would serve as a catalyst for achieving its overarching objectives.<sup>49</sup> The right would necessitate the adoption of policies and practices that prioritize ecosystem health and resilience, and would ensure that the social element of a sustainable blue economy remains intact by guaranteeing the rights of local communities that rely on coastal waters for their subsistence. Acknowledging and supporting these rights may improve active involvement of locals in decision-making related blue economy projects,<sup>50</sup> hence, in line with the blue economy imperative that demands that environmental considerations become fully integrated into economic decision-making.<sup>51</sup>

## 1.9 CONTRIBUTION

While criticisms have been raised regarding the LAPSSET corridor project, my work diverges by embracing the blue economy approach, accentuating the necessity to harmonize the three fundamental tenets of the concept: growth in the economy, achieving social equality, preservation of the environment. The primary issue taken in this research is the emphasis placed on economic

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<sup>47</sup> Muigua K, 'Recognizing a Human Right to Safe, Healthy, and Sustainable Environment,' 6 *Journal of cmsd* 3, 2021, 4.

<sup>48</sup> Muigua K, 'Recognizing a Human Right to Safe, Healthy and Sustainable Environment,' 4.

<sup>49</sup> Cisneros-Montemayor AM, Moreno-Báez M, Reygondeau G, Cheung WWL, Crosman KM, Gonzalez-Espinosa PC, Lam VWY, Oyinlola MA, Singh GG, Swartz W, Zheng C and Ota Y, 'Enabling Conditions for An Equitable and Sustainable Blue Economy,' 591 *Nature*, 398, 2021.

<sup>50</sup> 'Way Forward in Fostering the Blue Economy for Sustainability' *The Lawyer Africa*, 23 March 2024 -< <https://thelawyer.africa/2024/03/23/way-forward-in-fostering-blue-economy/> > on 28 March 2024.

<sup>51</sup> Purvis B, Mao Y and Robinson D, 'Three pillars of Sustainability: in search of conceptual origins' *Sustainability Science*, 14, 2019, 1,6,8.

growth and its adjoining objectives while ignoring the goals related to sustainability and the success of implementation of the blue economy. This research becomes one of its kind in using a holistic approach to assess the LAPSSET corridor project.

## **1.10 METHODOLOGY**

This study adopts desk-based qualitative research that relies heavily on qualitative evidence, mostly from secondary sources, such as books, articles, reports, hard copies, and online journals. It will also use a few primary sources such as the Constitution of Kenya. Qualitative research is of immense importance, as it offers an opportunity for an in-depth examination of information.

## **1.11 CHAPTER BREAKDOWN**

The first chapter of this research will give a brief introduction with the inclusion of the problem statement, research objectives, and hypothesis.

Chapter two will explore relevant literature on the sustainable blue economy concept, and how a well-balanced blue economy achieves economic growth, while maintaining social equity and environmental sustainability.

Chapter three will be a discussion on the LAPSSET Corridor Project and how the Project incorporates economic growth, social equity and environmental conservation in its plans and execution.

Chapter four will in turn discuss the research outcomes based on the LAPSSET project's unbalanced approach on economic growth, social equity, and environment conservation.

Lastly, chapter five will provide recommendations and the conclusion to the research.

## CHAPTER 2

### GROWTH, SOCIAL EQUITY, AND ENVIRONMENTAL CONSERVATION

#### 2.1 Introduction

This chapter explores the inclusive pillars comprising the notion of sustainable development - economic growth, social equity and environmental conservation and explores the binding nature of this concept to Kenya.

#### 2.2 Sustainable Blue Economy

The concept of the blue economy stems from the realization that, with the extensive marine areas with which many Small Island Developing states are endowed, and a large portion of the resources is believed to have remained untapped or unexplored, there is a widespread conviction that the future source of growth is probably contingent upon the efficient utilization of those rich ocean resources.<sup>52</sup> As land-based resources become depleted attention has again turned to the oceans, leading to the emergence of the concept of the blue economy.<sup>53</sup> Ultimately, while there is no universally accepted definition for the blue economy, well-managed blue economy initiatives have been perceived to contribute to sustained economic prosperity, as well as social, cultural, and environmental wellbeing.<sup>54</sup> At the core of the blue economy lies the principle of sustainable development which considers the harmonious integration of economic growth, socio-economic inclusion, as well as environmental stability in utilizing marine resources.<sup>55</sup> The concept of a blue economy as sustainable is based on the holistic principle of sustainable development which encompasses the three pillars of sustainability: economic, social, and environmental.<sup>56</sup>

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<sup>52</sup> Commonwealth Secretariat, *Blue Economy, and Small Island States: Commonwealth Blue Economy Series, No. 1*, 2016, 12.

<sup>53</sup> Techera EJ and Gundula W, 'The Science, Social Science, and Governance of Marine Extremes' in Techera EJ and Gundula W (eds) *Marine Extremes Ocean Safety, Marine Health and the Blue Economy*, Routledge, 2019, 16.

<sup>54</sup> United Nations Environment Programme, *Blue Economy: Sharing Success Stories to Inspire Change*, 2015, 16.

<sup>55</sup> World Bank and United Nations Department of Economic and Social Affairs, *The Potential of the Blue Economy: Increasing Long-term Benefits of the Sustainable Use of Marine Resources for Small Island Developing States and Coastal Least Developed Countries*, 2017, 1.

<sup>56</sup> Waas T, Hoge J, Verbruggen A and Wright T, 'Sustainable Development: A Bird's Eye View' 3 *Sustainability*, 10, 2011, 1638.

Owing to the fundamental functions of marine resources in sustaining livelihoods, and alleviating poverty, good governance becomes an essential component of the achievement of the objectives of the blue economy. Acknowledging this imperative, the World-Wide Fund for Nature (WWF) has put forth a set of principles delineating the contours of a sustainable blue economy. These principles emphasize the dual imperatives of maximizing social and economic benefits while safeguarding marine ecosystems' health and integrity.<sup>57</sup> They advocate for the adoption of clean technologies, stakeholder engagement, informed decision-making processes, accountability mechanisms, and long-term planning strategies. The practical implementation of these principles necessitates several key actions.

The blue economy and renewable energies share a strategic relationship which is of the essence in ensuring the development of sustainability in the maritime sector. Through the utilization of renewables, such as wind, solar, and hydro, we can significantly decrease the usage of fossil fuels and hence limit the carbon footprint in the marine industry.<sup>58</sup> Offshore wind turbines being driven by ocean winds, and solar power, which can be used for ship navigation and communication systems on floating platforms, are among the viable solutions. Moreover, the insertion of renewable energies in the blue economy not only brings environmental benefits but also boosts the economic development and employment in the coastal areas and developing countries.<sup>59</sup> More so, it requires the establishment of clear, measurable goals and targets, spanning economic, social, and ecological dimensions, to provide a coherent direction for policy formulation and implementation.<sup>60</sup> It calls for the regular monitoring and transparent communication of progress towards these goals, ensuring accountability and fostering stakeholder engagement.

Ultimately, achieving a sustainable blue economy hinges on collective action and international cooperation. As a sustainable blue economy is based on active and effective stakeholder

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<sup>57</sup> World Wildlife Fund Baltic Ecoregion Programme, *Principles for a Sustainable Blue Economy*, 2015, 3 - 4.

<sup>58</sup> Economic Research Institute for ASEAN and East Asia, *Blue Economy Initiatives in South-East Asia: Challenges and Opportunities*, November 2023, 27.

<sup>59</sup> International Renewable Energy Agency, *Fostering a Blue Economy: Offshore Renewable Energy*, 2020, 33.

<sup>60</sup> Bartelmus P, 'Environmental Accounting: A Framework for Assessment and Policy Integration' in Gandhi V.P (eds), *Macroeconomics and the Environment*, International Monetary Fund, 1996, 109.

engagement and participation,<sup>61</sup> all actors are presumed to be continually searching for the most effective and efficient ways of addressing the needs of the present and future generations without undermining the capacity of nature to support human economic activities and wellbeing. Collectively, therefore, the government, private sector bodies, civil society, and other stakeholders will need to cooperate and bridge the national and sectoral divides in order to responsibly steer the shared marine resources. The usage of the mentioned principles and the continuous support of the collaboration mechanism, a blue economy that supports current and future generations' prosperity and resilience will be developed.

### **2.2.1 Economic Growth**

Promoting economic growth within the blue economy is the catalyst for progress, innovation, and wealth creation.<sup>62</sup> Blue economy encompasses a paradigm which emphasizes the sustainable utilization of marine resources for development but conserving the ecological nature of our oceans. It entails a complex framework for exploiting the rich economic opportunities in oceans, seas, and coastal zones that can spur development, employment, and general wealth creation.

Strategic diversification of resource utilization is a key principle in attaining economic growth towards the blue economy. The trend toward establishing blue economy strategies at the level of many countries around the world underlines even more clearly that much attention now goes towards coastal resources to support an array of different fields within a vast concept.<sup>63</sup> This means moving out of the normal economic sectors including fish, minerals, sea, and shipping energy. Combined, these sectors and policies determine whether oceanic resources are being utilized in a sustainable way or not. The blue economy also aims at exploiting new grounds such as marine biotechnology and ocean-based renewable energy. It anticipates creating new ventures that will

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<sup>61</sup> World Wildlife Fund Baltic Ecoregion Programme, *Principles for a Sustainable Blue Economy*, 2015, 4.

<sup>62</sup>United Nations Regional Information Centre for Western Europe, 14 March 2022 <https://unric.org/en/blue-economy-oceans-as-the-next-great-economic-frontier/> on 30 November 2023.

<sup>63</sup>Bax N, Novaglio C, Maxwell KH, Meyers K, McCann J, Jennings S, Frusher S, Fulton EA, Nursey-Bray M, Fischer M, Anderson K, Layton C, Emad GR, Alexander KA, Rousseau Y, Lunn Z, and Carter CG, 'Ocean Resource Use: Building the Coastal Blue Economy,' 32 *Rev Fish Biol Fisheries* 1, 2022, 190.

promote innovations<sup>64</sup> to move away from relying mainly on natural resources as well as developing a stronger, vibrant economy.

Another significant factor in the blue economy framework is the substantial job creation and improved livelihoods that will serve as a pillar for economic growth. Blue economy is expected to create thousands of jobs in various areas such as fishing, tourism, marine transport, and renewable energy. Its emphasis on strengthening disadvantaged communities as well as coastal areas where they can access sustainable livelihoods is particularly significant. It is not enough to just reduce poverty; there should be job creation for socio-economic inclusivity with social security nets supported by economic participation of the local community.

Also, the blue economy expects economic growth associated with investments and infrastructure development. It is essential to motivate private and public investments for such programs. The investment drive seeks to build important infrastructures i.e., port, marine transport network, research centers and sustainable aquaculture systems. The proposed infrastructure will promote trade as well as connectivity and support activities based on development of renewable marine-based sources to enhance economic growth.

Finally, in relation to the blue economy, the vision is centered at sustainable exploitation and use of modern technology as key considerations towards economic growth. The sustainability of economic livelihoods for coastal people and the economy at large are closely correlated with the health of the oceans under the blue economy.<sup>65</sup> However, there is a temptation to ignore the environmental effects of resource extraction activities in favor of concentrating just on the financial gains from extracting tangible ocean resources.<sup>66</sup> Unsustainable resource-based economies, deteriorated environments, and/or social instability are the inevitable results of this.

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<sup>64</sup> Pace LA, Saritas O and Deidun A, 'Exploring Future Research and Innovation Directions for A Sustainable Blue Economy,' 148 *Marine Policy*, 2023, 2.

<sup>65</sup> Government of Virgin Islands, Virgin Islands : Strategic Blue Economy Roadmap 2022-2025, 2022, 15.

<sup>66</sup> Urban Jr. ER , Ittekkot V , and Attri VN, 'Blue Economy, and Ocean Science: Introduction' in Urban Jr. ER and Ittekkot V (eds) *Blue Economy: An Ocean Science Perspective*, Springer, Singapore, 2022, 9.

Furthermore, potential gains will be undermined by intersecting challenges like climate change, which are caused by unsustainable anthropogenic activity.<sup>67</sup>

Against such a backdrop, one needs to acknowledge that the ocean is already under unsustainable stress. Thus, instead of economization of the ocean, ocean health needs to come first.<sup>68</sup> It requires a change of the existing paradigm – from exploitation to sustainable use of resources. This is the prospect of promoting economic development in various areas such as marine fisheries, aquaculture, renewable, and clean technologies, with minimal to no threats to ecological biodiversity. Therefore, innovations under the concept ought to be accompanied by strategic investments in the research and development schemes in order to promote environmentally friendly production that contributes to the growth of productive capabilities. Ignoring research can result in unsustainable resource exploitation, harming the environment, human civilization, and resources in ways that could drastically diminish the advantages that are accessible.<sup>69</sup>

### **2.2.2 Social Equity**

At the same time, the search for a fair and sustainable blue economy highlights the importance of social justice as from an evolutionary, cultural, and sociological standpoint, people are inexorably linked to the ocean.<sup>70</sup> Social equity is a dedication to making the community more livable for all of its members and to bolstering its social, economic, and environmental viability for all future residents.<sup>71</sup> For that reason, the blue economy has not only considered the social aspect of justice, but also paid attention to the need to ensure that those who depend on marine resources are able to access their rights and enjoy other benefits. This aligns with the United Nations Sustainable Development Goal (SDG) 14, life below water which delineates the need to preserve and sensibly use oceanic resources alongside economic growth and the promotion of inclusivity and poverty reduction.

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<sup>67</sup> Techera and Gundula, 'The Science, Social Science, and Governance of Marine Extremes,' 17.

<sup>68</sup> Islam S, 'The Blue Economy Diplomacy of Bangladesh: Concepts, Contexts and Practices' 1 *Journal of Bangladesh, and Global Affairs* 2, 2022, 40.

<sup>69</sup> Urban Jr. and Ittekkot, 'Blue Economy, and Ocean Science: Introduction,' ix.

<sup>70</sup> Techera and Gundula, 'The Science, Social Science, and Governance of Marine Extremes' 17.

<sup>71</sup> Svava WT and Takai K, 'Advancing Social Equity as an Integral Dimension of Sustainability in Local Communities' 17 *Cityscape* 2, 2015,165.

Establishing sustainable blue economies therefore pertains to guaranteeing social justice among the groups that government policies and actions may benefit or damage. Consequently, social justice within the blue economy, *blue justice* is a three-pronged approach; recognitional justice, procedural justice, and distributional justice. Recognitional justice means that differences in rights, knowledge, needs or livelihoods among groups should be taken into account when making decisions; Procedural justice refers to the degree of inclusivity and participation in decision-making, as well as its openness. Distributional Justice is about how benefits derived from economic activities are distributed fairly between the diverse groups in a society.<sup>72</sup> Sustainable practice may undergo a radical change as a result of meaningful interaction with the ideas underlying the distributive, procedural, and recognitional aspects of social justice.

The social equity dimension thus heavily focuses on and calls for the inclusion and participation of the local community.<sup>73</sup> When applying social justice to environmental decision-making, consideration must be given to the conceptualization of justice and potential operationalization of it during the planning and management stages.<sup>74</sup> Many of these communities are found along the coast and their links with marine resources run even deeper. In order to achieve social justice, these communities have to be included in any policy related to exploitation and management of maritime resources. It is about acknowledging their traditional knowledge and giving them room to participate in policy making regarding coastal activities that affect their fisheries among other vital natural resources.

Given the reality of pluralism, meaningful participation, and inclusion within maritime resource management demand that the move towards more democratic, and inclusive processes.<sup>75</sup> In addition, being truly inclusive means not only establishing contextually appropriate governance

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<sup>72</sup> Velasquez M, Andre C, Shanks T, SJ and Meyer MJ, 'Justice and Fairness' Markkula Center for Applied Ethics, 1 August 2014 <https://www.scu.edu/ethics/ethics-resources/ethical-decision-making/justice-and-fairness/> on 15 November 2023.

<sup>73</sup> United Nations, Promotion and Strengthening of Sustainable Ocean-Based Economies: Sustainable Development Goal 14, 2021, 25.

<sup>74</sup> Bennett NJ, Blythe J, Cisneros-Montemayor AM, Singh GG and Sumaila UR, 'Just Transformations to sustainability' 11 *Sustainability* 14, 2019, 2.

<sup>75</sup> Cinner JE, Daw TM, McClanahan TR, Muthiga N, Abunge C, Hamed S, Mwaka B, Rabearisoa A, Wamukota A, Fisher E, and Jiddawi N, 'Transitions Toward Co-management: The Process of Marine Resource Management Devolution in three East African Countries,' 22 *Global Environmental Change* 3, 2012, 651.

and collaborative management systems. It also involves developing information sharing protocols, or at least understanding where to look for the locus of dialogue between the diverse stakeholders involved.<sup>76</sup> With this in mind, co- management policies and initiatives can encourage a sense of belonging and may also strengthen social cohesion as wells harness sustainable practices that protect both the marine environment and these communities' livelihoods.

Social equity is also concerned with the just distribution of benefits accrued from maritime activity<sup>77</sup> whether directly or indirectly. The support of small-scale fisheries, and job creation among the locals living along the coast are key factors for facilitating the actualization of the economic benefits to the local population. Ninety (90) percent of the employed in many coastal towns in developing nations and SIDs still have somewhat conventional lives, with small-scale fishing being their primary source of income.<sup>78</sup>

Moreover, the idea of sustainability is intricately linked to the acknowledgment, defense, and upholding of the rights of Indigenous communities.<sup>79</sup> It is critical to recognize and protect the rights and knowledge of Indigenous and ancestral communities in order to preserve the people's cultural history, since their reliance on the ocean extends beyond their needs for commodities, food, and livelihoods. The ocean draws people for recreational and cultural reasons in practically all coastal regions.<sup>80</sup> These demonstrate the diverse connections people and communities have with the oceans and marine resources justifying the need for the blue economy concept to be based on the pillar of social justice. Ensuring that the coastal Indigenous communities possess the right of access to, and sustainable use of marine resources enables protection of their Indigenous culture for posterity. A proper blue economy framework ought to acknowledge a peoples' cultural practices as well as their ancestral knowledge about marine resources. Ensuring this is upheld not only

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<sup>76</sup> Bennett NJ *et al*, 'Just Transformations to sustainability,' 6.

<sup>77</sup> Svava WT and Takai K, 'Advancing Social Equity as an Integral Dimension of Sustainability in Local Communities' 161.

<sup>78</sup> Food and Agriculture Organization, 'The State of World Fisheries and Aquaculture: Contributing to Food Security and Nutrition for All,' 2016, iii.

<sup>79</sup> Talaat WIAW, Tahir NM, and Husain ML, 'Traditional Knowledge on Genetic Resources: Safeguarding the Cultural Sustainance of Indigenous Communities,' 8 *Asian Social Science* 7, 2012, 184.

<sup>80</sup> Neumann B, Ott K and Kenchington R, 'Strong Sustainability in Coastal Areas: A Conceptual Interpretation of SDG 14,' 12 *Sustainable Science*, 2017, 1020.

protects these cultures, but also enables their involvement in making decisions about how the marine environments are used, making the process fair and equitable.

### **2.2.3 Environmental Conservation**

At the nucleus of the sustainable blue economy discourse is the essential issue of environmental protection. Marine ecosystems must be protected and restored as an essential element of environmental conservation in the blue economy. It is vital to conserve important habitats such as coral reefs, mangroves, and seagrass beds. Such habitats are important sites of refuge for many marine species in promoting biodiversity and performing necessary ecological function. The restoration of degraded ecosystems is key to building-up resilience and the effectiveness of an already damaged ocean.

Given the delicate nature of the maritime environment, the blue economy approach emphasizes the necessity for the blue economy to be sustainable and to take potential environmental concerns into consideration.<sup>81</sup> Given that the ocean and coastal regions are interrelated, the exploitation of one kind of marine resource could potentially have an effect on other types of marine resources as well as the larger marine ecosystem.<sup>82</sup> Environmental conservation in this context, therefore, calls for climate change mitigation, protection of life in aquatic ecosystems, and clean-up activities against ocean degradation.<sup>83</sup> The prudent use of maritime resources including fishing, aquaculture, and other marine industries is one of them. For this reason, measures should be taken to limit human exploitation of marine resources within sustainable levels to allow marine ecosystems to thrive and regenerate themselves. Such an approach aims at curbing over-fishing, ensuring protection of rare species, and preserving the delicate balance that makes up healthy marine biodiversity.

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<sup>81</sup> Ariciog˘lu E and Biçer Uçar E, ‘Blue Economy Policies in the European Union: The Case of French Maritime Clusters’ in Heidkamp P.C, Morrissey J.E and Germond-Duret C (eds) *Blue Economy: People and Regions in Transitions*, Routledge, 2022, 179.

<sup>82</sup> Commonwealth Secretariat, *Blue Economy, and Small Island States: Commonwealth Blue Economy Series Number 1*, 2016, 35.

<sup>83</sup> Spalding MD, Ruffo S, Lacambra C, Meliane I, Hale LZ, Shepard CC, and Beck MW, ‘The Role of Ecosystems in Coastal Protection: Adapting to climate change and coastal hazards,’ 90 *Ocean and Coastal Management*, 2013, 54.

Additionally, environmental conservation involves the development and implementation of an effective marine spatial planning<sup>84</sup> which is a practical way that includes the creation of marine protected areas aimed at safeguarding vital habitats and vulnerable species while balancing demands for development to deliver social and economic outcomes.<sup>85</sup> Part of the blue economy is concerned with adaptation to climate change and building resilience in marine settings for the purpose of environmental conservation. Specifically, conservation efforts aim to increase the adaptability of marine sites and populations which would ultimately strengthen marines' ability to withstand disturbances due shifting environmental patterns. As the blue economy's environmental conservation strategy is highly dependent on integrated coastal zone management, the approach aims at integrating environmental protection, management, and sustainable development in coastal zones. Integrated approaches consider that activities on both land and sea should be complemented and balanced in order to preserve the coastal ecosystems and their biodiversity.

Consequently, additional investing in research and ecologically friendly technologies is vitally important in ensuring that the wide range of human activities that have an impact on the ocean do not conflict with development goals, strategies, or projects.<sup>86</sup> Promoting sustainable practices and innovation forms a major driver of environmental conservation in the blue economy. It is essential to promote green fishery techniques, encouraging renewable energies, as well as adopting innovations in environmentally friendly resources utilization. They promote a culture of sustainability in efforts geared towards finding an equilibrium between environmental sustainability and an ocean-based economy.<sup>87</sup> Essentially, there is an integrated way of achieving environmental protection under the blue economy. It is designed to preserve and replenish the marine environment as well as achieving synergy between human endeavors and management of natural reserves.<sup>88</sup> The conservation of the environment in the blue economy is aimed towards

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<sup>84</sup> Techera and Gundula, 'The Science, Social Science, and Governance of Marine Extremes,' 32.

<sup>85</sup> Sakhuja V and Narula K, *Perspectives on Blue Economy*, Vij Books, New Delhi, 2017, 24.

<sup>86</sup> Urban Jr. and Ittekkot, 'Blue Economy, and Ocean Science: Introduction,' 8.

<sup>87</sup> Lee K, Noh J, Lee J and Khim JS, 'Blue Economy and The Total Environment: Mapping the Interface,' 157 *Environment International*, 2021, 5.

<sup>88</sup> United Nations Development Programme, *Blue Economy: Community Solutions*, 2018, 9.

ensuring sustainability for today and for tomorrow so as to preserve the invaluable natural asset embedded in the oceans.

### **2.3 Kenyan Perspective**

The basis of Kenya's commitment in the implementation of sustainable blue economy concept can be found both in international and domestic environmental legal framework that accentuate sustainable development. Kenya is a signatory to a number of multilateral environmental agreements at the international level that form part of law pursuant to Article 2(6) of the Constitution. The provision confers ratified international treaties the same title as domestic laws within Kenya's jurisdiction. International treaties such as United Nations Convention on the Law of the Seas (UNCLOS),<sup>89</sup> and the Convention on Biological Diversity,<sup>90</sup> constitute states' duty towards the conservation and sustainable use of marine resources; this is in line with the blue economy objectives. Article 192 supplemented by Article 193 of UNCLOS, for instance, requires states to use their natural resources in a way that complies with their obligation to safeguard and maintain the marine environment.

Moreover, the fundamental principles of sustainable development, environmental conservation, and equitable use of natural resources are all clearly provided for in the Constitution of Kenya. One of the important provisions under Article 69 of the Constitution is that the government must safeguard and sustain the exploitation, utilization, management and conservation of the environment, and natural resources including marine resources.<sup>91</sup> Moreso, the accruing benefits from such exploitation of natural resources ought to be shared equitably. The Constitution thus offers a legal foundation for Kenya to not only adopt but also implement policies and strategies for the purpose of developing a well - balanced sustainable blue economy.

### **2.4 Conclusion**

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<sup>89</sup> *Convention on the Law of the Sea*, 10 December 1982, 1833 UNTS 397.

<sup>90</sup> *Convention on Biological Diversity*, 5 June 1992, 1760 UNTS 69.

<sup>91</sup> Article 69(1)(a), *Constitution of Kenya* (2010).

In this regard, the blue economy, conceptually, is a holistic concept whose scope goes beyond simply economic utilization of marine resources. It is more all-encompassing, linking economic activities, social equity, and environmental sustainability in the marine context. In essence, the concept of blue economy demands inter-sectoral coordination for the development of integrated policies geared towards economic objectives that incorporate environmental sustainability as well as social equity initiatives. Since all parties engage in its implementation, good governance is crucial to ensuring ocean health and achieving the aims of the blue economy. The attainment of blue economy objectives and the sustainable use of marine resources and areas are made possible by the combination of sustainable development and good governance.

Ultimately, the underlying problem inherent in developing such an equitable framework is in balancing these dimensions in order to achieve optimal results while upholding the sanctity of marine systems and ensuring that such communities dependent on these resources do not feel marginalized. It is necessary for a country to be able to balance the social and environmental implications of developing numerous blue economy resources at the same time, as these effects may have an impact on diverse stakeholders.<sup>92</sup> Human well-being and environmental sustainability need to be given equal priority with economic gains in order to reduce social damages and enhance benefits.<sup>93</sup> As a result, acknowledging the necessity of striking a balance between the three objectives of the blue economy underpins all other facets of the concept, making this commitment to balance social equity, environmental preservation, and economic growth the first and perhaps most challenging step.<sup>94</sup>

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<sup>92</sup> Urban Jr. and Ittekkot, 'Blue Economy, and Ocean Science: Introduction,' 9.

<sup>93</sup> Bennett JN, Blythe J, White CS and Campreo C, Blue Growth, and blue justice: Ten risks and solutions for the ocean economy, 125 *Marine policy*, 2021, 7.

<sup>94</sup> Urban Jr. and Ittekkot, 'Blue Economy, and Ocean Science: Introduction,' 9.

## CHAPTER 3

# EVALUATING THE BALANCING OF ECONOMIC PROSPERITY, SOCIAL EQUITY AND ENVIRONMENTAL CONSERVATION

### 3.1 Introduction

This chapter will explore literature on the LAPSSET Corridor project specifically on how the project fulfills the objectives of sustainable development i.e., economic growth, social equity, and environmental conservation.

### 3.2 LAPSSET Corridor Project and Economic Growth

The Lamu Port-South Sudan-Ethiopia Transport (LAPSSET) Corridor project is an infrastructure plan for East Africa that is poised to increase transnational connectivity, stimulate trade, and promote economic prosperity in both Kenya and surrounding countries.<sup>95</sup> This complete plan envisages moving to a new deep-water port in Lamu, with roadway, railroad, and pipeline networks connecting Kenya with South Sudan and Ethiopia. Through the economies of scale offered by the integration of transportation facilities, transport costs can be lowered greatly while at the same time stimulating economic vitality throughout all areas traversed.<sup>96</sup> This mega-project will have far-reaching effects on Kenya's economic environment.

The proposed Lamu Port-South Sudan-Ethiopia Transport (LAPSSET) Corridor comprises two basic elements that would allow development and economic prosperity across the region to be strategically strengthened. The economic corridor is designed to serve two primary functions; to promote the expansion of current value-added industries and the creation of new ones, as well as to ease movement and logistics along the transportation corridor.<sup>97</sup> The first part is a 500-meter-

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<sup>95</sup> Gannon KE, Pettinotti L, Conway D, Surminski S, Ndilhana E and Nyumba T, 'Imaginations of Development Corridors: Delivering the Sustainable Development Goals through Development Corridors in East Africa' Centre for Climate Change Economics and Policy, Working Paper Number 383, 2020, 1.

<sup>96</sup> Isaac O, 'Transport Infrastructure Development in Kenya: How Connectivity Impacts Eastern Africa Regional Integration' 11 *Insight on Africa* 2, 2019, 208.

<sup>97</sup> Enns C and Bersaglio B, 'On the Coloniality of "New" Mega Infrastructure Projects in East Africa,' 52 *Antipode* 1, 2020, 106.

wide infrastructure corridor meant to house important trunk lines including highways, railroads, oil pipelines and utilities.<sup>98</sup> The second part is an area fifty kilometers in each direction from the infrastructure corridor itself where economic activities will be allowed to develop. Ultimately, bringing the entire area traversed by the LAPSET Corridor into active economic activities is expected to catapult economic growth as it is expected to generate at least 3% of Kenya's Gross Domestic Product upon completion.<sup>99</sup>

The LAPSET Corridor's economic growth influence lies in its intended function as a catalyst for reformative trading patterns.<sup>100</sup> The main objective of this ambitious infrastructure project is to remap the regional trade order by re-engineering cross border traffic across Kenya, South Sudan, Ethiopia, and the East African region at large. It is hoped that the strategic location of the LAPSET Corridor will rewrite East Africa's trade map and redraw it on the global stage. Kenya has long served as a gateway to her neighboring land locked countries traditionally served by the Mombasa Port linked with the Northern Corridor.<sup>101</sup> The region has typically used older routes, which while more secure are often too crowded therefore, by taking advantage of its location and increased accessibility, the LAPSET Corridor opens up various trade routes to supplement these existing trails. With the LAPSET Corridor now available as an alternative, some of that congestion could be eliminated and transit times reduced. Such diversification of trade routes will enhance the region's resilience to logistical bottlenecks and disruption, increasing its overall trade competitiveness.

In addition, the strategic importance of the LAPSET Corridor is expected to be beneficial as it can become a gateway between East Africa and international markets.<sup>102</sup> This is especially the case when one considers the expansive deep-water Lamu port, which will be able to manage bigger

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<sup>98</sup> The LAPSET Corridor Development Authority, *Strategic Environment Assessment in the LAPSET Corridor Infrastructure Development Project Final Report*, 2017, 18.

<sup>99</sup> Rift Valley Institute, *LAPSET: A Transformative Project or a Pipe Dream*, 4 October 2013 -< <https://riftvalley.net/publication/lapset-transformative-project-or-pipe-dream/> > 21 February 2024.

<sup>100</sup> Aalders JT, Bachmann J, Knutsson P and Musembi Kilaka B, 'The Making and Unmaking of a Megaproject: Contesting Temporalities along the LAPSET Corridor in Kenya' 53 *Antipode* 5, 2021, 1277.

<sup>101</sup> LAPSET Corridor Development Authority, *LAPSET Corridor Program*, 2017, 9.

<sup>102</sup> LAPSET Corridor Development Authority, *Brief on LAPSET Corridor Project*, 2016, 1.

ships and connect Kenya with international markets.<sup>103</sup> Access to wider markets means greater opportunities for regional exports and better access to imports for domestic consumption. Moreover, the improved transport infrastructure facilitates the seamless movement of goods, raw materials, and finished products, fostering a more efficient supply chain network.

Even more, the project also creates an environment ideal for trade. By improving trade facilitating measures and harmonizing custom laws, the network between Kenya, South Sudan and Ethiopia has the potential to unleash a new era of border trade by reducing trade barriers and lowering transaction costs thus encouraging more investments. The improved transport systems, combined with upgraded logistical capabilities, are set to bring more investment into the area stimulating economic growth through increasing industrial output as well as commercial activity. The LAPSET Project serves as a magnet to foreign direct investment (FDI),<sup>104</sup> helping industries and sectors develop.

Typically, investment in infrastructure has been a significant force leading to economic prosperity<sup>105</sup> as it provides employment opportunities and increases productivity while also stimulating investment opportunities. Taking into account the large-scale infrastructural development of the LAPSET project, new employment is expected to be a major by-product. It will come mostly in the construction and transport-related industries but will also directly or indirectly influence other sectors. With the employment rate increasing, not only is the Project giving a tremendous impetus to Kenya's human capital development, even more importantly, it is also offering livelihood opportunities for a large number of people.

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<sup>103</sup> Kenya's new Lamu Port Flounders, News Africa, 25 March 2022 <https://www.newsafrika.net/article/kenya-s-new-lamu-port-flounders> on 25 March 2022.

<sup>104</sup> Kitimo A, 'LAPSET Project adopted by AU in move to boost continent's free trade era' The East African, 19 January 2020 <https://www.theeastafrican.co.ke/tea/business/lapsset-project-adopted-by-au-in-move-to-boost-continent-s-free-trade-area-1435134> on 20 March 2024.

<sup>105</sup> Foster V and Lebrand M, 'How does infrastructure investment promote economic development in fragile regions of Africa?' World Bank Blogs, February 24 2022 <https://blogs.worldbank.org/ppps/how-does-infrastructure-investment-promote-economic-development-fragile-regions-africa> on 20 March 2024.

The economic impact of the project encompasses a wide range of industries and sectors that add onto Kenya's economy. Livestock production and processing has been perceived as one of the most promising industries for investment<sup>106</sup> stemming from the fruition of the LAPSSET Project. Just the inner corridor of LAPSSET in Kenya would cross nine counties,<sup>107</sup> those in Northern Kenyan included. Although mixed farming, pastoralism, and fishing are practiced in some of these places, the majority of settlements along LAPSSET's path are pastoralist in nature. With the majority of these profits being made in northern Kenya, estimates place pastoralism's current GDP contribution at around 13%.<sup>108</sup> Pastoralism's percentage of the country's GDP is expected to rise as LAPSSET increases connectivity as the network running through these remote areas promises to bring pastoralism into line with mainstream society.<sup>109</sup> The agricultural sector largely limited by infrastructure deficit,<sup>110</sup> is set to grow with the anticipated infrastructure development.<sup>111</sup> The advanced network lines will allow greater economic growth as the added convenience provides for access to both international and domestic markets. Additionally, the establishment of these better links enhances the seamless flow of information and innovations.

The LAPSSET project has also paid considerable interest in the development of resort cities, and the influence they can have over tourism.<sup>112</sup> In principle resort cities are destinations that integrate various kinds of travel activities. In the midst of this, along the LAPSSET transport corridor come resort cities to stimulate tourism development and economic diversification. These cities are intended to be open doors leading out into the natural scenery, historic cultural resources, and exotic landscapes of a project area. With resort cities as part of the LAPSSET concept, it is estimated to provide employment opportunities in these sectors. In addition, the development of

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<sup>106</sup> Enns and Bersaglio , 'On the Coloniality of "New" Mega Infrastructure Projects in East Africa,' 106.

<sup>107</sup> Browne AJ, 'LAPSSET: The History and Politics of an Eastern African Megaproject' *Rift Valley Institute*, 2015, 10.

<sup>108</sup> Bersaglio B, Enns C, Karmushu R, Luhula M and Awiti A, 'How development corridors interact with the Sustainable Development Goals in East Africa', *International Development Planning Review*, 2020, 7.

<sup>109</sup> Mtuku K, Anticipation, Participation and Contestation Along the LAPSSET Corridor in Kenya, BICC working paper 4, 7.

<sup>110</sup> Government of Kenya, *Agricultural Sector Development Strategy 2010 – 2020*, 2010.

<sup>111</sup> Lamu County Government, -<<https://lamu.go.ke/agriculture-irrigation-and-food-security/>> on 21 February 2024.

<sup>112</sup> LAPSSET Corridor Development Authority, *LAPSSET Corridor Program Status Report*, 2017, 7.

<sup>109</sup> LAPSSET Corridor Development Authority, *Brief on LAPSSET Corridor Project*, 2016, 1.

park facilities, cultural centers and convention centers would diversify sources for tourist generating units. The resulting varied gatherings make it more attractive to tourism.

### **3.3 LAPSSET Corridor Project and Social Equity**

The Lamu Port-South Sudan-Ethiopia Transport (LAPSSET) Corridor Project, while primarily recognized for its infrastructural and economic dimensions, LAPSSET also emphasizes the significance of social equity as a crucial pillar in its execution and overall impact. The commitment to social equity is manifested through various mechanisms, including inclusive decision-making processes and robust community engagement strategies, underscoring the project's commitment to equitable development.

At the crux of LAPSSET's social equity model is the participatory nature of decision making. This participatory model of decision making adopts the principles of social equality<sup>113</sup> as it aims at reducing power imbalances and achieving inclusivity in both planning for and conducting this project. Following this method, a wide range of stakeholders are expected to be involved-including government institutions, local residents' organizations, and civil society groups. Additionally, the project's social equity strategy emphasizes the need for community engagement.<sup>114</sup> The project understands the importance of involving local communities being most directly affected by their activities. LAPSSET plans a series of community engagement activities to guide meaningful dialogue, collect feedback and help understand the needs and aspirations of the affected communities.

Moreover, LAPSSET's social equity pillar is underscored by efforts to ensure that the project's benefits are distributed equitably among diverse populations.<sup>115</sup> The design plans for the project provide initiatives aimed at promoting inclusive economic development, such as job creation, skills development programs, and capacity-building opportunities targeted at marginalized groups

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<sup>113</sup> Mtuku K, *Anticipation, Participation and Contestation Along the LAPSSET Corridor in Kenya*, 7.

<sup>114</sup> WS Atkins International, *Preliminary Master Plan for Lamu Port City and Investment Framework*, 2017, 101.

<sup>115</sup> Ministry Of Devolution and Planning, *Implementation of the Agenda 2030 For Sustainable Development in Kenya*, June 2017, 14.

residing along the corridor.<sup>116</sup> By prioritizing inclusivity in economic opportunities, the LAPSSSET Project seeks to reduce socio-economic disparities and enhance the livelihoods of communities affected by the project. In light of this, offering scholarships to young people in Lamu who are interested in pursuing in technical courses that complement the LAPSSSET project's components is a crucial part of the project's Corporate Social Responsibility.<sup>117</sup>

Consequently, the project places emphasis on safeguarding the rights of Indigenous communities and vulnerable groups, recognizing their unique cultural heritage, land rights, and socio-economic vulnerabilities.<sup>118</sup> The implementation plans are made to protect these groups from potential adverse impacts of the project, ultimately ensuring that their interests are adequately addressed through appropriate mitigation measures and compensation frameworks. As the infrastructure along the Corridor improves, the population in Lamu Island as well as the previously remote areas is expected to swell<sup>119</sup> negatively affecting the social and cultural rights and needs for the communities there. This momentous change in the population living in Lamu is expected to put a lot of pressure on essential amenities such as healthcare facilities, educational establishments, transportation systems, and systems for water and sanitation, and public services. Issues related to accessibility, quality, and availability of essential services may emerge, posing substantial challenges in maintaining their standard and accessibility to the growing population.

### **3.4 LAPSSSET Corridor Project and Environmental Conservation.**

Global corridor development is accelerating, which makes it imperative to make sure that decisions on these developments are supported by evidence regarding their potential benefits and

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<sup>116</sup> WS Atkins International, Preliminary Master Plan for Lamu Port City and Investment Framework, 2017, 12.

<sup>117</sup> LAPSSSET Corridor Development Authority, -< <https://www.lapsset.go.ke/index.php/csr/> on 28 December 2023.

<sup>118</sup> LAPSSSET Corridor Development Authority, *Strategic Environment Assessment in the LAPSSSET Corridor Infrastructure Development Project Final Report*, 2017, xxxiv.

<sup>119</sup> Spatial Collective, 'Documenting Potential Impact of Development Projects on Communities in Lamu County' Community Development, Economic Development, Environment, GIS, Mapping, Mobility mapping, Monitoring and Evaluation, Public Services, Research, Spatial Collective, Survey, 17 April 2015, <https://spatialcollective.com/documenting-potential-impact-of-development-projects-on-communities-in-lamu-county/> on 28 December 2023.

drawbacks.<sup>120</sup> This will make it possible for infrastructure development to satisfy development requirements without negatively affecting human wellbeing or ecological systems. Thus the main part of the LAPSSET project trying to protect nature relies on Environmental Impact Assessments (EIAs) and Strategic Environmental Assessments (SEA).<sup>121</sup> These look at how changes might hurt the environment and biodiversity keeping our environment safe from harm that might arise with development projects. These assessments check and study how the environment might change across various stages of the actualization of a project from the planning stages to the implementation stages leading towards the completion of the project.<sup>122</sup>

At the unveiling of the LAPSSET Corridor plan in 2012 only a feasibility test had been done at the proposed site where the port is to be constructed. However, the LAPSSET Corridor Development initiated a Strategic Environmental Assessment in 2015 to determine the anticipated level of environmental impact and to create policies and programs that will reduce those effects and promote sustainable development. This was in compliance with Legal Notice 101 of June 2003 and the NEMA Guidelines for Strategic Environmental Assessment, both published in 2014. The SEAs' results caused the LAPSSET plan to incorporate some solutions designed at mitigating the project's harmful effects on the environment. These measures are instrumental in not only minimizing but also potentially averting the deleterious impact on the natural surroundings, thereby fostering sustainable development practices within the ambit of this expansive infrastructure project.

The Environmental Management and Coordination Act in Kenya mandates public participation in Environmental Impact Assessments (EIAs) for development projects.<sup>123</sup> and further backed by the Constitution in Article 232(1)(d) and (f).<sup>124</sup> The project's public participation is a continuous

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<sup>120</sup> Hobbs J and Juffe-Bignoli D, 'Executive Summary on the Impact Assessment for Corridors: From Infrastructure to Development Corridors,' in Hobbs J and Juffe-Bignoli D (eds) *Impact Assessment for Corridors: From Infrastructure to Development Corridors*, The Development Corridors Partnership, Cambridge, 2022, 7.

<sup>121</sup> Nyakachunga Victor, 'LAPSSET Strategic Environmental Assessment Nears Completion' LAPSSET Corridor Development Authority, October 30 2017 <https://www.lapsset.go.ke/index.php/2017/10/30/lapsset-strategic-environmental-assessment-nears-completion/> on 28 December 2023.

<sup>122</sup> [https://www.nema.go.ke/index.php?option=com\\_content&view=article&id=119&Itemid=144](https://www.nema.go.ke/index.php?option=com_content&view=article&id=119&Itemid=144) on 28 December 2023.

<sup>123</sup> Section 17, Environmental Management and Coordination Act ( Act No 8 of 1999).

<sup>124</sup> Constitution of Kenya (2010).

process being carried out at many levels, with the County executive meetings and the Community being crucial ones.<sup>125</sup>The LAPSSET Corridor project, in recognizing the statutory requirements and constitutional imperatives stipulating public engagement in environmental matters, has demonstrated a commendable commitment to fostering community involvement and stakeholder engagement. The project's acknowledgment and valuing of community participation align with the overarching legal framework and constitutional provisions aimed at ensuring inclusive and transparent processes in the evaluation and approval of development projects. By embracing community input, the project stands to benefit from diverse perspectives, local expertise, and the identification of potential environmental impacts that might otherwise be overlooked.

Additionally, a big part of the LAPSSET project's commitment to safeguarding the environment is adhering to international standards and regulations governing nature protection underscoring a conscientious effort to embrace global best practices. Ensuring compliance with established international benchmarks for environmental conservation and nature protection such as those coined by the United Nations Environmental Programme (UNEP), is paramount in fostering sustainable development while mitigating the potential adverse impacts on ecosystems. Global best practices measures encompass a range of facets, including but not limited to, habitat conservation, wildlife protection, waste management, and the implementation of technologies that reduce the project's ecological footprint.<sup>126</sup> The adherence to global best practices in environmental stewardship not only reflects a commitment to mitigating the project's detrimental effects but also contributes to enhancing the project's credibility and acceptability on the international stage.<sup>127</sup> Projects adhering to internationally acclaimed environmental standards tend to garner increased support, collaboration, and recognition from various stakeholders, including international organizations, governments, environmental groups, and the general public. Moreover, the

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<sup>125</sup> Kenya Engineer, 'LAPSSET Corridor Development Authority Actively Undertaking Stakeholder Engagement' January 30 2020 -<  
<https://www.kenyaengineer.co.ke/lapsset-corridor-development-authority-actively-undertaking-stakeholder-engagement/> > on 28 December 2023.

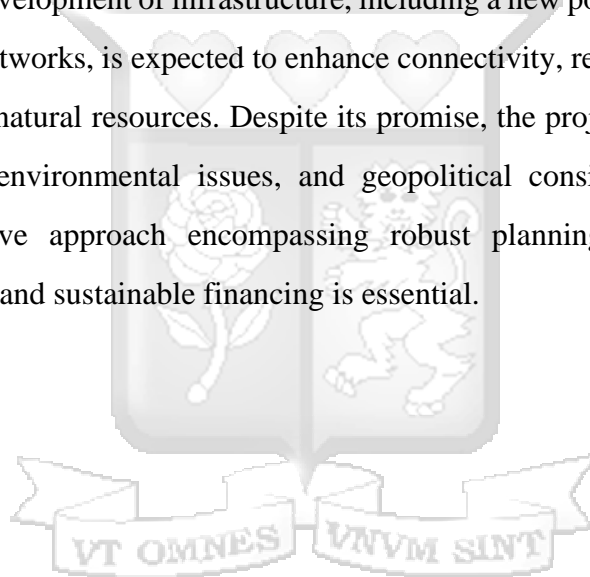
<sup>126</sup> MAPL World, 'Sustainable Project Management: Green Initiatives and Eco-Friendly Practices' 10 November 2023  
<https://www.linkedin.com/pulse/sustainable-project-management-green-initiatives-eco-friendly-wu1pf> on 28 December 2023.

<sup>127</sup> 'Environmental compliance management for renewable energy projects,' Utilities One, 18 July 2023  
<https://utilitiesone.com/environmental-compliance-management-for-renewable-energy-projects> on 28 December 2023.

augmentation of the LAPSSET plan with these reinforced environmental strategies showcases a recognition of the imperative to strike a balance between economic progress and environmental conservation.

### **3.5 Conclusion.**

The LAPSSET Corridor project which has been termed a promising initiative of infrastructure transformation that spans the East African region is an idea that opens prospects for reshaping the socio-economic fabric of this part of Africa. Designed to connect Ethiopia and South Sudan to the Kenyan coast, the project aims to boost trade, improve regional integration, and stimulate economic growth. The development of infrastructure, including a new port at Lamu and associated road, rail, and pipeline networks, is expected to enhance connectivity, reduce transportation costs, and tap into the region's natural resources. Despite its promise, the project faces challenges such as funding constraints, environmental issues, and geopolitical considerations. To ensure its success, a comprehensive approach encompassing robust planning, effective governance, stakeholder engagement, and sustainable financing is essential.



## CHAPTER 4

# LAPSSET PROJECT: UNRAVELING THE IMBALANCE – OVEREMPHASIS ON ECONOMIC GROWTH AND ITS IMPACTS ON SOCIAL EQUITY AND ENVIRONMENTAL CONSERVATION IN THE BLUE ECONOMY INITIATIVE

### 4.1 Introduction

This chapter will provide findings from the case study of the LAPSSET Project that point towards an imbalance in meeting the goals of a sustainable blue economy. The first part will highlight the over focus of economic growth in the Project. The subsequent parts will look at the effect of this imbalance on social equity and environmental conservation.

### 4.2 Over Focus on Economic Growth.

The age-old issue of giving primacy to the growth of the economy over ecological conservation and social equity has had great significance, especially for developing countries. The origins of this dilemma dates back to as far as the dawn of the Industrial Revolution, a ground-breaking stage of mass industrialization and urbanization, which spawned from the quest for better standards of living and technological development.<sup>128</sup> This period saw the emergence of capitalist economies, geared for a profit motive in which economic gains frequently took the upper hand over their concern for the environment.<sup>129</sup> Therefore, within the industrialized world, where the goal is economic growth and competitiveness, this obsession to attain national economic progress irrespective of its adverse global environmental consequences generated undesirable repercussions in the form of habitat loss.<sup>130</sup>

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<sup>128</sup> Onion A, Sullivan M, Mullen M and Zapata C, 'Industrial Revolution' History, October 29 2009 <https://www.history.com/topics/industrial-revolution/industrial-revolution#effects-of-the-industrial-revolution> on March 11 2024.

<sup>129</sup> Stephen Grove, 'Capitalism in 19th Century Europe: A Catalyst for Economic Growth and Social Transformation' 19<sup>th</sup> Century Events and Developments [Capitalism in 19th Century Europe: A Catalyst for Economic Growth and Social Transformation - 19th Century](#) on 11 March 2024.

<sup>130</sup> Saaida M, 'The Environmental Paradox: How National Interests Conflict with Global Sustainability' 2 *Science for all Publications* 1, 2023, 1-2.

Even more, in the current economies this pattern is exacerbated as developing states scramble to grow their economies face the need for ecological protection<sup>131</sup> and are in turn meant to achieve sustainable development. Against this backdrop, projects like the Lamu Port-South Sudan-Ethiopia Transport (LAPSSET) corridor exemplify the persistent challenge of achieving this balance between economic growth, environmental conservation, and social equity. Despite the need for infrastructural development and regional connectivity, the LAPSSET project has drawn criticism for its potential adverse environmental and social impacts. This underscores the ongoing tension between development aspirations, environmental preservation, and social equity, highlighting the imperative need for integrated approaches that prioritize sustainable development principles while addressing the infrastructure needs of growing economies.

The LAPSSET (Lamu Port-South Sudan-Ethiopia Transport) project, a crucial component of the broader blue economy initiative, has been primarily geared towards stimulating economic growth and development across the East African region. While the project aims to foster economic integration, trade facilitation, and infrastructural development, the central concern emerges from the observed imbalance wherein economic priorities overshadow environmental and social considerations within the project's execution. The focus on economic growth, trade facilitation, and industrial development, while crucial for regional prosperity, demands a more integrated approach. This approach should encompass rigorous environmental impact assessments, stakeholder consultations, and robust sustainability frameworks to ensure that economic pursuits are harmonized with environmental conservation and social inclusivity.<sup>132</sup>

The primary objectives of the LAPSSET project revolve around enhancing regional connectivity, promoting trade, and attracting investments through the development of ports, transport infrastructure, and associated industrial zones. These objectives inherently emphasize economic growth, trade facilitation, and industrial development as key priorities, aiming to bolster the region's economic prospects and global competitiveness. The project's concentration on transport infrastructure development primarily caters to economic objectives, potentially sidelining holistic

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<sup>131</sup> El-Ashry MT, 'Balancing Economic Development with Environmental Protection in Developing and Lesser Developed Countries,' 43 *Air and Waste* 1, 1993, 18.

<sup>132</sup> Muigua K, 'Nurturing Our Environment for Sustainable Development,' Glenwood Publishers, Nairobi, Kenya, 2016, 50.

assessments of its environmental and social impacts. The planning and execution of the LAPSSET project have predominantly centered on infrastructural development and economic aspects, with a notable emphasis on increasing connectivity and trade opportunities. The focus on port construction, transport networks, and associated industrial zones underscores the project's economic intent, aiming to stimulate economic activities, attract investments, and create employment opportunities within the region. However, this singular emphasis on economic growth may overshadow critical considerations related to environmental sustainability, social inclusivity, and sustainable development within the project's framework.

Moreover, the project's financing and resource allocation have been primarily directed towards infrastructure development, logistical enhancements, and industrial zones, indicating a notable emphasis on economic aspects.<sup>133</sup> While such investments are crucial for economic growth and connectivity, the allocation of resources predominantly to these domains might overshadow the importance of environmental conservation, social inclusivity, and sustainable development within the project's framework. Limited funding towards measures of social development, and livelihood enhancement programs for communities that have been affected by infrastructure development could make things worse by widening inequality as well as causing further marginalization.<sup>134</sup> This inequality in resource allocation is likely to retard efforts towards ensuring that the benefits of economic growth are distributed evenly among all stakeholders especially marginalized groups whose livelihoods depend on areas where projects such as this Africa powered internet become sited.

In addition, narrow myopic allocation strategies, where economic objectives are overly emphasized with minimal investments towards sustainable development solutions, may lead to difficulties in attaining long-term overall growth.<sup>135</sup> Sustainable practices, including community

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<sup>133</sup> Thuita B, 'LCDA Receives Grant of \$1.93M From The African Development Bank To Accelerate Development of Lamu Port' LAPSSET News 7 March 2017 <https://www.lapsset.go.ke/index.php/2017/03/07/lapsset-corridor-project-receives-a-grant-of-us-1-93-m-from-nepadippf-special-fund-to-accelerate-development-of-lamu-port/>

<sup>134</sup> Bajar S and Rajeev M, 'The Impact of Infrastructure Provisioning on Inequality in India: Does the Level of Development Matter?' 15 *Journal of Comparative Asian Development* 1, 2016, 122.

<sup>135</sup> Howarth RB, 'Sustainability, Well-being, and Economic Growth' *Human Nature*, 30 December 2015 <https://humansandnature.org/sustainability-well-being-and-economic-growth/> on 2 January 2024.

involvement and capacity-building efforts; the lack of proper resource allocation could hinder this project's potential to foster inclusive growth where economic ambitions can intertwine harmoniously with environmental protection and societal welfare. These imbalances need to be addressed, and that means rearranging how resources are allocated within the LAPSSSET project itself. It is essential to focus on investments in environmental conservation, and social inclusivity, in achieving sustainable development. This means setting aside resources to restore ecosystems, embarking on community-based development projects or programs, and building collaborations that ensure economic benefits translate into environment conservation and social justice.

Additionally, the planning and implementation of the LAPSSSET project might not adequately integrate comprehensive Environmental Impact Assessments or measures to mitigate potential ecological repercussions. The observed inadequacies in incorporating thorough EIAs within the LAPSSSET project raise pertinent concerns about the possible ecological ramifications of infrastructure development, logistical enhancements, and industrial zones. The infrastructure-intensive nature of the project, notably focused on constructing ports, railways, highways, and associated industrial hubs, amplifies apprehensions regarding its environmental impact. The absence of comprehensive assessments might lead to insufficient identification of potential risks to ecosystems, biodiversity, and natural resources along the project's corridor. Furthermore, the lack of robust mitigation measures is a cause for concern as it might leave ecosystems vulnerable to habitat degradation, pollution, and disturbances.

However, the LAPSSSET Project has faced criticism for the unprecedented lack of community participation when formulating policies and conducting the project's activities. Despite several sensitization meetings being held by the government and the subsequent creation of a committee with representatives from affected communities during the design and implementation stages,<sup>136</sup> much has yet to be done in recognition of Article 69 (1) (d) of the Constitution.<sup>137</sup> The aforementioned provision mandates that the Project to integrate public engagement into the processes of environmental management, conservation, and preservation. More so, the United

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<sup>136</sup> Mohamed Ali Baadi and others v Attorney General and 11 others (2018)eKLR.

<sup>137</sup> Constitution of Kenya (2010)

Nations Declaration on the Rights of Indigenous Peoples (which upholds the principle of free, prior, and informed consent (FPIC)) was called into doubt by the lack of thorough significant consultation and participation.<sup>138</sup> The civil group, Save Lamu,<sup>139</sup> recognizes the government's efforts to raise community awareness, even though a few sensitization events do not guarantee the Indigenous peoples' full and effective participation in decisions that impact their lives.<sup>140</sup>

### 4.3 Effect on Social Equity.

The overemphasis on economic growth within the framework of the LAPSSET project could potentially undermine the pillar of social equity in several significant ways. If there is no adequate inclusion of substantial community engagement and participation especially among the Indigenous groups and local communities within the LAPSSET project, social equity becomes compromised. One of the most severe consequences is that such communities might become disfranchised, not taking part in decision-making processes affecting their lives, lands, and livelihoods directly.<sup>141</sup> This can be interpreted that when these groups are not sufficiently consulted or involved when organizing and carrying out projects such as LAPSSET, their voices, concerns and needs may pass unheard or underrepresenting respectively contributing to feeling marginalized and disempowerment. The LAPSSET project has been plagued by poor stakeholder participation in its decision-making processes and limited access to information since its inception. This is a significant oversight, given that the region the project passes through is home to marginalized Indigenous communities, the majority of which depend on the natural environment and marine resources for their livelihoods.<sup>142</sup>

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<sup>138</sup> Article 19, United Nations Declaration on the Rights of Indigenous Peoples, 13 September 2007, A/RES/61/295.

<sup>139</sup> A community effort to bring together local organizations and private Lamu County citizens in support of the Lamu Archipelago's preservation gave rise to Save Lamu. Members of community-based organizations from Indigenous communities that are or will be impacted by the proposed infrastructure development known as the Lamu Port South Sudan-Ethiopia-Transport (LAPSSET) project make up this group, which has been registered as a community-based organization since 2011.

<sup>140</sup> Sena Kanyinke, 'Lamu Port-South Sudan-Ethiopia Transport Corridor (LAPSSET) and Indigenous Peoples in Kenya' *International Working Group on Indigenous Affairs*, 2012, 11.

<sup>141</sup> Kenya Human Rights Commission, *Forgotten in the Scramble for Lamu: A position paper on the LAPSSET Project In the case of the Aweer and the Fisherfolk*, 2014, 29.

<sup>142</sup> Heinrich Boll Stiftung Nairobi, 'Raising Awareness on LAPSSET Corridor Among Communities in Turkana County' 21 December 2013 <https://ke.boell.org/en/2013/12/22/raising-awareness-lapsset-corridor-among-communities-turkana-county> on 28 December 2023.

With this, in 2012 Lamu residents filed a case against the Attorney General and heads of various Ministries that approved the LAPSSET Port project,<sup>143</sup> claiming violations of their human rights in the implementation of the Project, a contravention of the Constitution as well as other statutes such as the Environmental Management and Conservation Act.<sup>144</sup> They feared that they would lose the pristine ecosystem found in Lamu Island, in addition to the economic and cultural destruction resulting from the sizable project. The Petitioners claimed that the Lamu County Government had not been sufficiently involved in the planning and execution phases of the project contrary to constitutional principles mandating consultation and cooperation.<sup>145</sup> Additionally, the Petitioners alleged deficiencies in public participation and access to information during the project's development, further claiming that the Project Proponents neglected to adequately consider the traditional fishing rights of local fishermen and the potential cultural impacts on the Lamu Island community.<sup>146</sup> The residents concluded that the government's method of planning and implementing the project was inconsistent with their constitutional rights to a clean, and healthy environment,<sup>147</sup> the right to have their cultural heritage protected, as well as the right to access information.<sup>148</sup>

The decision of the Court in the case alludes to an understating that development projects do affect, positively or adversely, the cultural heritages of the population. The Court observed the absence of interaction with the local Indigenous population regarding cultural impacts of the LAPSSET project as a violation of cultural rights stipulated in both Constitutional provisions and internationally recognized treaties.<sup>149</sup> Traditional fishing rights are enjoyed by more than 4,700 people from Lamu County and anchored in both domestic laws and international customary law.<sup>150</sup> The recognition of these rights is, therefore, a critical step in ensuring the protection of indigenous interests and abiding by principles concerning fairness and equality. Despite the assurance of these rights in the law, the LAPSSET Corridor proposers had failed to offer compensation for the violation of their rights, consequently, leading the Court to indubitably declare the rightful

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<sup>143</sup> Mohamed Ali Baadi and others v Attorney General and eleven others (2018) eKLR.

<sup>144</sup> Act No. 8 of 1999

<sup>145</sup> *Mohamed Ali Baadi, and others v Attorney General and 11 others* (2018) Paragraph 21.

<sup>146</sup> Mohamed Ali Baadi, and others v Attorney General and 11 others (2018) Paragraph 108 (iii).

<sup>147</sup> Article 42 Constitution of Kenya (2010.)

<sup>148</sup> Article 35 Constitution of Kenya (2010.)

<sup>149</sup> *Mohamed Ali Baadi, and others v Attorney General and 11 others* (2018), Paragraph 329 (a) and (b).

<sup>150</sup> *Mohamed Ali Baadi, and others v Attorney General and 11 others* (2018), Paragraph 304.

allocation of repayments to local fishers.<sup>151</sup> However, certain complexities arise with this somewhat ambiguous decision. The decision that local fishers should receive priority creates an open door for interpretation and potential conflicts. Furthermore, delays in distributing the funds, associated with lengthy administrative processes, or other bureaucratic barriers could arise.

The Court's imposition, in addition to a renewed public participation program, demanded an inclusion of specific consultation with Lamu Island inhabitants concerning how the LAPSSET Project would change their culture.<sup>152</sup> The decision adopted by the Court also required project proponents to develop a plan that could be measurable and actionable (within an year from judgment date) on how cultural heritage could be protected while meeting the development goals of the Project.<sup>153</sup> Despite this fact, the actual realization of such a program is a complicated process rife with complex dynamics, more so because cultural aspects are sensitive and need continuous consultations. Therefore, the timeframe set by the court may mistakenly bring forward an overview rather than a well thought of holistic approach to cultural recognition and preservation.

In addition, the LAPSSET corridor's growth resulted in the loss of property and the eviction of individuals and institutions to make room for its construction.<sup>154</sup> The Indigenous groups of Lamu County have historically faced threats to their territorial claims from outsiders as well as economic marginalization since Kenya's independence. These groups have a lot in common, including the loss of traditional lands since independence brought on by settlement plans, elite land grabbing both nationally and locally, and the growth of the oil and gas industry, which has attracted many immigrants to the county and exacerbated elite land grabbing.<sup>155</sup> The ensuing injustice with the construction of the LAPSSET Corridor is also seen in the lack of compensation for land acquisitions.

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<sup>151</sup> *Mohamed Ali Baadi, and others v Attorney General and 11 others (2018)*, Paragraph 304 (d).

<sup>152</sup> *Mohamed Ali Baadi, and others v Attorney General and 11 others (2018)*, Paragraph 329 (b).

<sup>153</sup> *Mohamed Ali Baadi, and others v Attorney General and 11 others (2018)*, 52.

<sup>154</sup> How LAPSSET is a Danger to all of East Africa <https://students4sc.org/2020/05/22/how-lapsset-is-a-danger-to-all-of-eastern-africa/> on 28 December 2023.

<sup>155</sup> Athman M and Ernst H, 'Supporting Diverse Communities to Respond to LAPSSET with One Voice in Kenya' in Booker S, Knight R and Brinkhurst M (eds), *Protecting community lands and Resources in Africa: Grassroots Advocates' Strategies and Lessons*, Natural Justice and Namati, 2015, 129.

The project is also a big threat to the traditions and social life of the local people as well as the UNESCO World Heritage site of Lamu Island's old Swahili town.<sup>156</sup> The increase in population, coupled with the alienation of the Indigenous communities encourage the encroaching of the Island's cultural lands, a major concern raised by the World Heritage Committee.<sup>157</sup> Inevitably, the communities end up losing much of their cultural value tied to their place of settlement. Urgent actions in the LAPSSET project strategies to reduce any impact on the cultural and traditional ways of living, as well as economic health, should be carefully arranged for Indigenous people while also making sure to respect and protect important cultural sites. Additionally, the development of the new port will have an effect on the abundant mangroves that the locals depend on for their traditional building and basket-weaving techniques, which are vital aspects of their cultural legacy.<sup>158</sup>

The LAPSSET project's inadequacies in instituting a transparent benefit-sharing mechanism has exacerbated social disparities and exclusionary practices. Although employment prospects are portrayed as some of the most immediate advantages that could result from the port, Indigenous peoples run the risk of being left out because of their low rates of literacy and lack of political relations.<sup>159</sup> Social data has shown from the beginning that rural farmers and the communities in these areas are excluded rather than included. For instance, some preliminary indicators from the livestock-rearing communities along the LAPSSET corridor demonstrate that the project improved pastoralists' economic situations and lifestyles because they could sell off their cattle to awaiting buyers fast and at substantially reduced costs through use of efficient transport connections.<sup>160</sup>

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<sup>156</sup> United Nations Educational, Scientific, and Cultural organization, <https://whc.unesco.org/en/list/1055/#:~:text=Lamu%20Old%20Town%20is%20the.and%20elaborately%20carved%20wooden%20doors> on 28 December 2023.

<sup>157</sup> United Nations Educational, Scientific and Cultural Organization, Convention Concerning the Protection of the World Cultural and Natural Heritage Decision 41 COM 7B.69 12 July 2017, 147 – 148.

<sup>158</sup> Davitti D, Omolo J, Thuo L and Wills L, Human Rights Implications from the Perspective of Marine Cultural Heritage: Framework and Guidelines for Training and Free, Prior and Informed Consent, Lamu Port Project, 14.

<sup>159</sup> Sena Kanyinke, 'Lamu Port-South Sudan-Ethiopia Transport Corridor (LAPSSET) and Indigenous Peoples in Kenya' 12.

<sup>160</sup> Nyumba TO and Waruingi L, 'Public Participation in the Environmental Impact Assessment Process for Development Corridors in Kenya' in Hobbs J and Juffe-Bignoli D (eds) *Impact Assessment for Corridors : From Infrastructure to Development Corridors*, Cambridge, 2022, 179.

Nevertheless the Corridor brought along with it new socio-political difficulties for pastoralists, like being left out of the planning phase consultations, and inadequate compensations for lost land.<sup>161</sup>

#### 4.4 Effect on Environmental Conservation

Primarily, an excessive focus on economic growth might lead to environmental degradation within ecosystems.<sup>162</sup> The pursuit of maximizing profits could incentivize unsustainable exploitation of resources, leading to habitat destruction, or pollution adversely impacting biodiversity and ecosystem health. This, in turn, can undermine the blue economy's sustainability throughout time by eroding the very resources upon which these initiatives rely. Moreover, the resulting environmental degradation may hinder the resilience of coastal communities, increasing their susceptibility to the effects of climate change, including rising sea levels and harsh weather. These activities have profound consequences on biodiversity and ecosystem health. Furthermore, the destruction of critical habitats like coral reefs or mangroves, which are essential breeding and feeding grounds for numerous marine species, exacerbates the loss of biodiversity and compromises the resilience of these ecosystems.

The government of Kenya has been fast tracking the commencement and completion of the greater LAPSSET project on the basis that they contend the initiative will improve the nation's economy.<sup>163</sup> The undertaking of the project has however come under heavy criticism for breach of provisions governing the undertaking of EIAs.<sup>164</sup> The judicial finding of a failure to propose appropriate environment mitigation measures in the LAPSSET Project, alongside the attention towards compliance with sustainable development goals, proves a praiseworthy reflection of environmental governance and conservation. The Court in the Mohammed Baadi case highlighted the failure of LAPSSET Project proponents to implement appropriate mitigating measures according to the fundamental ideas of sustainable development.<sup>165</sup> This represents a verifiable, impending threat to

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<sup>161</sup> Enns C, Infrastructure projects and rural politics in northern Kenya: The use of divergent expertise to negotiate the terms of land deals for transport infrastructure' *The Journal of Peasant Studies*, 2017, 16.

<sup>162</sup> Howarth RB, 'Sustainability, Well-being, and Economic Growth' *Human Nature*, 30 December 2015 <https://humansandnature.org/sustainability-well-being-and-economic-growth/> on 2 January 2024.

<sup>163</sup> The National Treasury and Planning, Draft 2022 Budget Policy Statement Accelerating Economic Recovery for Improved Livelihood, 11 November 2021, 34.

<sup>164</sup> *Mohamed Ali Baadi, and others v Attorney General and 11 others (2018)*, paragraph 125(ii) and (v).

<sup>165</sup> *Mohamed Ali Baadi, and others v Attorney General and 11 others (2018)*, paragraph 289.

the petitioners' right to a clean, healthy, and sustainable environment<sup>166</sup> that requires corrective actions. The court's turning to public participation as a tool of adjusting these measures emphasizes the interplay between public participation and environmental conservation.<sup>167</sup>

More so by highlighting the need to conduct a Strategic Environmental Assessment (SEA) the court revealed its commitment to ensuring that stringent environmental governance principles are enforced.<sup>168</sup> This strategic approach recognizes how ongoing projects may connote potential environmental impacts, highlighting the importance of comprehensive evaluation before embarking on individual components. To that effect, the Court correctly noted that the procedural element of an SEA is a strict precondition for implementing any component of the LAPSSET Project.<sup>169</sup> This procedural requirement is based on Section 42 of the Environmental (Impact Assessment and Audit) Regulations.<sup>170</sup> This review by the court in respect to LAPSSET's non-conformity with particular Environmental Impact Assessment guidelines is an incredibly positive move aimed at creating accountability. Nonetheless, a more thorough analysis ought to be conducted in order to assess the results and irredeemable effects that may arise as the implementation of the project progresses.

Focusing on compliance should not remain within the procedural complexities but dwell on the implications of what was discovered as deficit especially since Lamu is endowed with great biodiversity and is home to one of the richest marine ecologies on the Kenyan coastline. Given that Manda Bay, the proposed location for the Lamu port, is home to a variety of animals and coral reefs, it is anticipated that the project will have extremely detrimental effects on the ecosystem.<sup>171</sup> In addition to requiring Environmental Impact Assessments (EIAs), the Environmental Management and Coordination Act<sup>172</sup> forbids project proponents from moving forward with any

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<sup>166</sup> *Mohamed Ali Baadi, and others v Attorney General and 11 others (2018)*, paragraph 290. See also Article 42, *Constitution of Kenya* (2010).

<sup>167</sup> *Mohamed Ali Baadi, and others v Attorney General and 11 others (2018)*, paragraphs 224 – 230.

<sup>168</sup> *Mohamed Ali Baadi, and others v Attorney General and 11 others (2018)*, paragraph 197.

<sup>169</sup> *Mohamed Ali Baadi, and others v Attorney General and 11 others (2018)*, paragraph 195.

<sup>170</sup> Legal Notice 101 of 2003.

<sup>171</sup> Lesutis G, 'Kenya's Lamu Port was meant to deliver wonderful things. But, as the story of local fishermen shows, it has not' *The Conversation*, 7 September 2022

<https://theconversation.com/kenyas-lamu-port-was-meant-to-deliver-great-things-but-as-the-story-of-local-fishermen-shows-it-hasnt-189258> on 2 January 2024.

<sup>172</sup> Section 58, Environmental Management and Coordination Act (Act No 8 of 1999).

project that is expected to negatively affect the environment or for which an EIA is necessary unless the National Environment Management Authority (NEMA) has completed and approved the EIA. As these environmental resources are the bedrock of blue economy projects, their degradation poses a grave threat to the long-term sustainability of these initiatives. Diminished biodiversity and compromised ecosystem health directly impact the availability and productivity of marine resources essential for various economic activities within the blue economy. This perpetuates a cycle of declining resource availability, reducing the efficacy and viability of blue economy projects.

Moreover, the environmental degradation resulting from an excessive focus on economic gains further exacerbates Coastal communities' susceptibility to climate change's effects.<sup>173</sup> Diminished coastal resilience due to habitat destruction or altered ecosystem functions increases the susceptibility of these communities to occurrences linked to climate change, like storm surges, sea level rise, and harsh weather conditions.<sup>174</sup> This creates a compounding effect where environmental degradation not only undermines the success of blue economy projects but also directly imperils the well-being and livelihoods of coastal communities. Environmental deterioration has a number of detrimental effects on human health, including the development of infectious and air pollution-related respiratory illnesses, food instability, and a growing shortage of water.<sup>175</sup> It is evident that a myopic emphasis on economic growth within blue economy endeavors can create a self-defeating cycle by compromising the very resources essential for their sustenance. Mitigating these adverse effects necessitates a shift towards more sustainable and balanced approaches that prioritize the preservation and restoration of marine ecosystems while fostering economic development.

#### **4.5 Conclusion.**

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<sup>173</sup> Acheampong AO and Opoku EEO, 'Environmental Degradation and Economic Growth: Investigating Linkages and Potential Pathways,' 123 *Energy Economics*, 2023, 1.

<sup>174</sup> Griggs G and Reguero BG, 'Coastal Adaptation to Climate Change and Sea-Level Rise' 13 *Water* 16, 2021, 1-2.

<sup>175</sup> Nguyen TT, Grote U, Neubacher F, Rahut DB, Do MH and Paudel GP, 'Security Risks from Climate Change and Environmental Degradation: Implications for Sustainable Land Use Transformation in The Global South' 63 *Current Opinion in Environmental Sustainability*, 2023, 4.

The LAPSSET Project points to an overestimation of economic development with no attention paid to environmental and social issues. The wide gap of resources in the social development sector and environmental conservation creates more inequality especially among the Indigenous groups. Poor community engagement worsens social disparities and even poses threats to cultural heritage. This economic focus runs the risk of ecological damage, compromising coastal resilience and success in projects that seek to grow the blue economy. For sustainable development to be realized, there has been a need for such a shift towards ensuring that resources are directed on preserving the environment and inclusive social sustainability in the LAPSSET project. Genuine regional progress and community well-being require serious balancing of economic growth with environmental and social considerations.



## **CHAPTER 5**

### **RECOMMENDATIONS AND CONCLUSION**

#### **5.1 Introduction**

Based on the range of multidimensional obstacles outlined within the discourse surrounding the LAPSSET Project, this paper aims to provide a specific recommendation forming an equitable compromise between all economic, social, and environmental pillars. As discussed in the previous chapters, while one of LAPSSET's fundamental objectives has been economic development and consequently regional growth as a whole; this emphasis itself is explored to have created an imbalance that leaves out essential considerations pertaining to environmental sustainability coupled with social equity. There has been a noticeable lack of resources allocated to social development and environmental conservation, which have served only to reinforce differences especially affecting the Indigenous communities as well as vulnerable members of society.

At the same time, an insular focus on economic growth in this project has only served to intensify ecological degradation of coastal ecosystems necessary for the success of the blue economy. This then makes way for the ensuing recommendation with regard to an adjustment of the approach. Since the convergence of economic goals, environmental responsibility and social equity is sought after for a harmonious synergy, facilitating a more sustainable pathway in LAPSSET Projects will enhance viable blue economy initiatives.

#### **5.2 Recommendation: Holistic Impact Assessment**

One of the key recommendations for the LAPSSET corridor is Holistic Impact Assessment. The suggested evaluation framework must be considered not only from one of the pillars i.e., economic, or environmental factors, but also involves the use of a unified evaluation process incorporating environmental, social, cultural, and economic considerations. Using tools such Social Impact Assessments (SIAs), and Cultural Impact Assessments(CIAs), a well-rounded assessment framework can measure the wider effects of a project. This approach will conduct a systematic assessment of potential impacts on biodiversity, ecosystems, Indigenous communities, and their

social-cultural heritage. In addition, it fosters a more profound understanding of the complex interrelationships between various aspects thus facilitating realization of trade-offs encountered and eventually alternative strategies for sustainable development. The implementation of a comprehensive impact assessment plan helps the project identify potential negative effects, maximize favorable results, and ensure that all activities support overall sustainability aspirations.

### **5.3 Conclusion**

The recommendation brought out in this chapter emphasizes that unless a balanced and tactful approach is adopted during implementation of LAPSSET Project, the project will not become successful. In the course of outlining previous chapters' focus on economic development, it has become somewhat inadvertent that there is a significant imbalance as concerns are made over the quality life for Indigenous communities and the health of environments. This distorted focus contributes to internalizing existing inequality, impacting the most at-risk people in society, and aggravating environmental destruction of vital coastal ecosystems needed for the blossoming successes of a healthy blue economy. To address these gaps, the recommendation posited in this chapter, putting in practice an integrated impact assessment, provides a solution. This measure aims at installing transparency, and inclusivity to all aspects of economic, environmental, and social factors. Within this framework the LAPSSET Project can strive to take on a more balanced and sustainable path, fulfilling larger objectives in terms of equitable progress and environmental responsibility in its commitments towards economic growth.

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