

## IOTC Agreement – Article X

### Report of Implementation for the year 2016

**DEADLINE FOR SUBMISSION OF THE REPORT 17 MARCH 2017**

Reporting CPC: KENYA

Date of submission: 24/04/17

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*Please NOTE: this document is composed of 3 sections to report on the implementation of IOTC Resolutions*

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**Part A.** *Describe the actions taken, under national legislation, in the previous year to implement conservation and management measures adopted by the Commission at its Twentieth Session.*

- Resolution 16/01 On an Interim Plan for Rebuilding the Indian Ocean Yellowfin tuna Stock in the IOTC area of competence

Kenya has not yet provided a report to the IOTC Secretariat on methods for achieving the Yellow Fin Tuna catch reductions

**The report on methods for achieving the YFT catch reductions has already been provided to the IOTC Secretariat:**

Yes       Date of reporting (DD/MM/YYYY): No report yet  
No

Additional information:

Catch reduction does not apply for Kenya

- Resolution 16/02 On harvest control rules for Skipjack tuna in the IOTC area of competence.

Currently Kenya does not have a purse seine fleet.

- Resolution 16/03 On the second performance review follow-up

Kenya supports the provisions of this resolution, and welcomes the formation of an ad hoc Technical Committee to improve the functions of the IOTC, and any further reviews to further enhance the objectives of the resolution.

- Resolution 16/04 On the implementation of a Pilot project in view of promoting the Regional observer scheme of IOTC

Kenya fully supports the implementation of the Pilot project and in anticipation awaits the draft project proposal from the IOTC Executive Secretary to give her inputs once presented.

- Resolution 16/05 On vessels without nationality

Kenya's legislation recognizes that vessels fishing without nationality are IUU fishing vessels, and supports the provisions of Resolution 16/05 in toto. Kenya would also welcome any further stringent measures adopted to stop the IUU fishing activities of these vessels.

- Resolution 16/06 On measures applicable in case of non fulfilment of reporting obligations in the IOTC

*“NOTING that incomplete reporting or no data reporting and that, despite the adoption of numerous measures intended to address the matter, lack of compliance with reporting obligations is still a problem for the Scientific Committee and for the Commission;”*

Actions taken to implement their reporting obligations for all IOTC fisheries (in terms of Resolutions 15/01 and 15/02), including shark species caught in association with IOTC fisheries, and in particular the steps taken to improve their data collection for direct and incidental catches.

*Note: where applicable, please report actions separately for artisanal (coastal), and industrial IOTC fisheries:*

- **Action(s) to improve data collection that facilitate improvements in compliance in terms of IOTC mandatory reporting obligations (e.g. development or improvements in the implementation of logbooks, port-based sampling or related fisheries surveys, national observer scheme, vessel registry, electronic data capture, VMS, or on-board electronic monitoring):**

To improve on data collection that facilitates improvements in compliance in line with the IOTC mandatory reporting obligations, Kenya has done the following:

1. The Catch Assessment Survey data that was ongoing since 2013 for the artisanal fishery is being prepared
2. 100% compliance and scientific observer coverage on flagged industrial vessels
3. Installed a new VMS for compliance monitoring, data cross-checking and verification
4. Restructuring the institutions responsible for fisheries management in Kenya.

- **Action(s) to improve data processing and reporting systems that facilitate submission of data to the IOTC Secretariat (e.g., development of fisheries databases and data dissemination systems, development of automated routines to process and extract IOTC data submissions, steps to minimise data entry errors):**

Kenya is in the process of developing a database to make it more versatile and responsive to data entry and analysis requirements and has requested for assistance from the IOTC in ensuring that the improvement of data processing and reporting is attained as per the IOTC requirements. The database is under preparation has already been contracted under the world bank funded Kenya Coastal Development Program

➤ **Action(s) to improve the quality and accuracy of data submitted to the IOTC Secretariat (e.g., steps to improvedata validation, improvements in sampling coverage, frame surveys, etc.; coherence of data with alternative fisheries datasets, comparability of data from previous years):**

1. Since 2004 Kenya has been conducting a biennial marine frame survey.
2. In 2013, a Catch Assessment Survey for the artisanal fishery was initiated and it is expected that much accurate information will be derived upon its analysis.
3. Kenya is in the process of developing a National Observer Scheme to abide with the provisions of the new Fisheries Act and also bring her implementation actions in line with IOTC requirements and the Regional Observer Scheme.

Additional information:

Kenya has since February this year been evaluating the Catch Assessment Survey data with the IOTC data staff to ensure quality and accuracy of the sampling program. The results from this consultation will be included in the 2017 Country data reporting

- Resolution 16/07 On the use of artificial lights to attract fish

Kenya does not yet have a fishery that uses FADs or artificial light attraction

- Resolution 16/08 On the prohibition of the use of aircrafts and unmanned aerial vehicles as fishing aids

Kenya does not have a fishery that operates aircrafts and unmanned aerial vehicles, and fully supports the implementation of this Resolution. As per Kenya's new Fisheries Act 2016, the use of such equipment and technologies in the fishery have to be authorized by the Director-General of the Kenya Fisheries Service.

- Resolution 16/09 On establishing a Technical Committee on Management Procedures

Kenya fully supports the provisions of the Resolution 16/09, and the formation of the Technical Committee on Management Procedures (TCMP). We further support all the processes required to further enhance the functions of that committee in order to achieve its objectives as per the TORs, by evaluation date of 2019.

- Resolution 16/10 To promote implementation of IOTC Conservation and Management Measures

Kenya fully supports the principal tenets of Resolution 16/10, and will put it in to practice in the coming future in order to improve on her data collection, and her capacity in the implementation of the IOTC CMMs. The guidance provided by the Resolution on proposals for new CMMs or revision of existing CMMs is also supported, subject to any future revisions as agreed in subsequent IOTC Commission Sessions.

- Resolution 16/11 On Port state measures to prevent, deter and eliminate illegal, unreported and unregulated fishing

Since 2011, Kenya has fully been implementing the Port State Measures based on IOTC Resolution 10/11. The new Fisheries Act also domesticates almost all parts of the PSM statute. In addition, Kenya is in the process of ratifying the PSM Agreement. Kenya fully supports the new IOTC Resolution 16/11 that now supersedes Resolution 10/11.

- Resolution 16/12 Working Party on the Implementation of Conservation and Management Measures (WPICMM)

Kenya supports the formation of a Working Party on the Implementation of Conservation and Management Measures (WPICMM), and any subsequent decisions on the same in subsequent Commission Sessions.

Note: <sup>a</sup> indicate that a template report exists for some of the requirements and can be downloaded at <http://www.iotc.org/compliance/reporting-templates>



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**Part B.** *Describe the actions taken, under national legislation, to implement conservation and management measures adopted by the Commission in previous Sessions, and which have not been reported previously.*

Kenya enacted the Fisheries Management and Development Act No. 35 in September 2016. The Act contains a raft of provisions that fully provide for the adoption of the current and future IOTC resolutions and CMMs, through enactment of regulations and subsidiary legislations.



**Part C.** Data and information reporting requirements for CPCs to be included in this report (please refer to the section “Implementation Report due by 17 March 2016” of the *Guide on data and information reporting requirements for Members and Cooperating Non-contracting Parties*, available for download at <http://www.iotc.org/compliance/reporting-templates>).

- Resolution 01/06 Concerning the IOTC bigeye tuna statistical document programme

CPCs which export bigeye tuna shall examine export data upon receiving the import data from the Secretary, and report the results to the Commission annually [A template report exists].

**Nil report, specify the reason:**  XXX No large scale longline vessels on the IOTC RAV  
 Do not export frozen big eye tuna

**The report has already been provided to the IOTC Secretariat:**

Yes  Date of reporting (DD/MM/YYYY): N/A  
No  XXX

**The report is attached to the implementation report:**

Yes  No  XXX

Additional information:

Since Kenyas vessel was active in 2016, the statistical document will be reported next year upon receiving import data from the Secretary

- Recommendation 05/07 Concerning a management standard for the tuna fishing vessels

The CPC flag States which issues licenses to their AFVs should report annually to the Commission all measures taken to meet the minimum management standards when they issue fishing licenses to their “authorised fishing vessels”.

a. Management in the fishing grounds (of flag vessels).

	<i>Scientific Observer boarding</i>	<i>Satellite-based vessel monitoring system</i>	<i>Daily or required periodic catch report</i>	<i>Entry/Exit report</i>
<b>Yes, No?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Note</b>	% 100%	% or number of vessels No VMS was available in 2016	Method Logbook data	Method Logbook data

b. Management of transshipment (from the fishing grounds to the landing ports; of flag vessels)

	<i>Transshipment report</i>	<i>Port inspection</i>	<i>Statistical document program</i>
<b>Yes, No?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>



<b>Note</b>	Method Transhipment Report	Method Inspection Report	Click here to enter text.
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c. Management at landing ports (of flag vessels).

	<i>Landing inspection</i>	<i>Landing reporting</i>	<i>Cooperation with other Parties</i>
<b>Yes, No?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Note</b>	Method Inspection Report	Method Landing/Inspection Report	Exchange of Inspection Reports

Additional information:

Click here to enter text.

- Resolution 10/10 Concerning market related measures

For CPCs that import tuna and tuna-like fish products, or in whose ports those products are landed or transhipped, should report a range of information (e.g. information on vessels / owners, product data (species, weight), point of export) annually. [A template report exists].

**Nil report, specify the reason(s):**  XXX No landing from foreign vessels in national ports  
 No transhipment by foreign vessels in national ports  
 Do not import tuna and tuna-like fish products

**The report on import, landing or transhipment of tuna and tuna-like fish products landed or transhipped in port in 2016 have already been provided to the IOTC Secretariat:**

Yes  Date of reporting (DD/MM/YYYY): Click here to enter text.  
 No XXX

**The report on import, landing or transhipment of tuna and tuna-like fish products landed or transhipped in port in 2016 is attached to the implementation report:**

Yes  No XXX

Additional information:

Click here to enter text.

- Resolution 11/02 Prohibition of fishing on data buoys

CPCs are to notify the IOTC Secretariat of all reports of observations of damaged data buoys.

XXX Nil Report

**The report has already been provided to the IOTC Secretariat:**

Yes  Date of reporting (DD/MM/YYYY): Click here to enter text.

NoXXX

The report is attached to the implementation report:

Yes

No XXX

Additional information:

Kenya has no information or incident to report on this Resolution for the year 2016.

- Resolution 11/04 On a Regional observer scheme

CPCs shall provide to the Executive Secretary and the Scientific Committee annually a report of the number of vessels monitored and the coverage achieved by gear type in accordance with the provisions of this Resolution.

Type of gear	No of vessels monitored in 2015	Coverage in 2015 (%)
Purse seine	None	N/A
Longline	None	N/A
Gillnet	None	N/A
Bait Boat	None	N/A
Hand line	None	N/A
Insert other gear type Click here to enter text.	Click here to enter text.	Click here to enter text.
Insert other gear type Click here to enter text.	Click here to enter text.	Click here to enter text.
Insert other gear type Click here to enter text.	Click here to enter text.	Click here to enter text.
Insert other gear type Click here to enter text.	Click here to enter text.	Click here to enter text.

Additional information:

Click here to enter text.

- Resolution 12/04 On marine turtles

CPCs shall report to the Commission, in accordance with Article X of the IOTC Agreement, their progress of implementation of the FAO Guidelines and this Resolution.

In 2016, the one lonliner flagged to Kenya was on 100% compliance observer deployment. In addition, while not targeting species of IOTC competence, Kenya's Trawl fishing vessels where turtle by-catch is most expected were also on 100% compliance and scientific observer coverage.



- Resolution 12 /06 On Reducing the Incidental Bycatch of Seabirds in Longline Fisheries

CPCs shall provide to the Commission, as part of their annual reports, information on how they are implementing this measure and all available information on interactions with seabirds, including bycatch by fishing vessels carrying their flag or authorised to fish by them. This is to include details of species where available to enable the Scientific Committee to annually estimate seabird mortality in all fisheries within the IOTC Area of Competence.

The only longliner flagged to Kenya in 2016 was under 100% Compliance Observer coverage, and no incidents of seabirds bycatch were reported.

- Resolution 12/12 To Prohibit the use of large-scale driftnets on the high seas in the IOTC Area

CPCs shall include in their Annual Report a summary of monitoring, control, and surveillance actions related to large-scale driftnet fishing on the high seas in the IOTC area of competence.

Kenya has no fleet using large scale drift nets in the high seas in the IOTC area of competence.

- Resolution 13/04 On the conservation of cetaceans

CPCs shall report, in accordance with Article X of the IOTC Agreement, any instances in which cetaceans have been encircled by the purse seine nets of their flagged vessels.

XXX Not applicable (No PS vessels on the IOTC RAV in 2016);

No encirclement reported by flag vessels in 2016,

Encirclement reported by flag vessels in 2016 (Complete the table below):

Name of the species	Number of instances of encirclement
Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.
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Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.

Additional information:

Click here to enter text.

- Resolution 13/05 On the conservation of whale sharks (*Rhincodon typus*)

CPCs shall report, in accordance with Article X of the IOTC Agreement, any instances in which whale sharks have been encircled by the purse seine nets of their flagged vessels.

XXXX Not applicable (No PS vessels on the IOTC RAV in 2016);

No encirclement reported by flag vessels in 2016,

Encirclement reported by flag vessels in 2016 (Complete the table below):

Name of the species	Number of instances of encirclement
Whale sharks ( <i>Rhincodon typus</i> )	Click here to enter text.

Additional information:

Click here to enter text.

- Resolution 14/05 Concerning A Record Of Licensed Foreign Vessels Fishing For IOTC Species In The IOTC Area Of Competence And Access Agreement Information

For Government to Government access agreement in existence prior to the entry into force of this resolution, where coastal CPCs allow foreign-flagged vessels to fish in waters in their EEZ in the IOTC Area for species managed by IOTC through a CPC-to-CPC agreement, CPCs involved in the referred agreement:

- Shall submit copy of the access agreement,
- Shall submit information concerning these agreements (paragraphs 3a, b, c, d, e, f, g),

*A report template exists and can be requested at [secretariat@iotc.org](mailto:secretariat@iotc.org)*

Additional information:

Kenya has no government or government agreement, or a private agreement existing with respect to her fisheries.

- Resolution 14/06 On establishing a programme for transshipment by large-scale fishing vessels (Report of flag vessels transshipping in foreign ports)

Each flag CPC of the LSTV shall include in its annual report each year to IOTC the details on the transshipments in ports by its vessels (Name of LSTV, IOTC Number, name of carrier vessel, species and quantity transhipped, date and location of transshipment). *[A template report exists].*

**Nil report, specify the reason(s):**  XXXX No LSTVs on the RAV

Flag LSTVs do not tranship in foreign ports

**The details on transshipment in ports for 2016 have already been provided to the IOTC Secretariat:**

Yes

Date of reporting (DD/MM/YYYY): N/A

No XXX

**The details on transshipment in ports for 2016 are attached to the implementation report:**

Yes

NoXXX

Additional information:

N/A

- Resolution 15/04 Concerning the IOTC record of vessels authorised to operate in the IOTC Area of Competence.

CPCs shall review their own internal actions and measures taken pursuant to paragraph 7, including punitive actions and sanctions and, in a manner consistent with domestic law as regards disclosure, report the results of the review to the Commission annually. In consideration of the results of such review, the Commission shall, if appropriate, request the flag CPCs of AFVs on the IOTC Record to take further action to enhance compliance by those vessels with IOTC Conservation and Management Measures.

The flag CPCs of the vessels on the record shall:

- take measures to ensure that their AFVs comply with all the relevant IOTC Conservation and Management Measures;

Describe the measures:

1. Kenya has installed a VMS to monitor compliance
2. Kenya has enacted a new law with adequate provisions to enhance compliance with the IOTC CMMs

- take measures to ensure that their AFVs on the IOTC Record keep on board valid certificates of vessel registration and valid authorisation to fish and/or tranship;

Describe the measures:

Kenya has enacted a new law with adequate provisions and deterrent penalties in case of non-compliance

- ensure that their AFVs on the IOTC Record have no history of IUU fishing activities or that, if those vessels have such a history, the new owners have provided sufficient evidence demonstrating that the previous owners and operators have no legal, beneficial or financial interest in, or control over those vessels; the parties of the IUU incident have officially resolved the matter and sanctions have been completed; or that having taken into account all relevant facts, their AFVs are not engaged in or associated with IUU fishing;

Describe the measures:

Kenya has taken adequate measures both in the law and in action.

- ensure, to the extent possible under domestic law, that the owners and operators of their AFVs on the IOTC Record are not engaged in or associated with tuna fishing activities conducted by vessels not entered into the IOTC Record in the IOTC area of competence;

Describe the measures:

The Fisheries Act 2016 has adequate provisions for all these.



- take measures to ensure, to the extent possible under domestic law, that the owners of the AFVs on the IOTC Record are citizens or legal entities within the flag CPCs so that any control or punitive actions can be effectively taken against them;

Describe the measures:

The Fisheries Act 2016 has adequate provisions on these.

- Resolution 15/08 Procedures on a fish aggregating devices (FADs) management plan, including a limitation on the number of FADs, more detailed specifications of catch reporting from FAD sets, and the development of improved FAD designs to reduce the incidence of entanglement of non-target species

From 2015 on, CPCs shall submit to the Commission, 60 days before the Annual Meeting, a report on the progress of the management plans of FADs, including reviews of the initially submitted Management Plans, and including reviews of the application of the principles set out in Annex III.

XXX Not applicable (No PS vessels on the IOTC RAV in 2016);

**The report has already been provided to the IOTC Secretariat:**

Yes

Date of reporting (DD/MM/YYYY): N/A

No XXX

**The report is attached to the implementation report:**

Yes

No XXX

Additional information:

N/A