

## **Report of Implementation for the year 2013**

**DEADLINE FOR SUBMISSION OF THE REPORT 2 APRIL 2014**

Reporting CPC: KENYA

Date: 27/03/14

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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 sixteenth Session.*

1. Resolution 13/01 On the removal of obsolete Conservation and Management Measures

The specific conservation and management measures that need to be revoked as directed by resolution 13/01 are not currently part of the current Kenyan law. It takes a while in our national jurisdiction to get the conservation and management measures to be gazetted. It is therefore not necessary to revoke the obsolete measures since they are not part of Kenyan law at the moment. Care shall be taken when reviewing our laws so that these obsolete Conservation and Management measures are not included.

2. Resolution 13/02 Concerning the IOTC record of vessels authorised to operate in the IOTC Area of Competence<sup>a</sup>

This resolution at the moment does not apply to Kenya because the current Kenyan fishing fleet is wholly artisanal with vessels size less than 15 metres LOA and fishing within the Kenyan EEZ. However, the current national legislation is under review and having incorporated provisions under resolution 13/02. This resolution shall be given effect under our national laws when and as the Fisheries Bill is passed by the National Assembly

3. Resolution 13/03 On the recording of catch and effort data by fishing vessels in the IOTC Area of Competence<sup>a</sup>

The current fishing fleet is wholly artisanal consisting vessels of length less than 15 meters LOA and fishing within the Kenyan EEZ. There is no possibility of implementing a logbook system for this kind of artisanal fleet. Nonetheless Kenyan has introduced a catch/effort sampling program for the various fishing effort units and working progressively to meet the requirements of this resolution.

4. Resolution 13/04 On the conservation of cetaceans

Kenya does not have any purse seine vessel on its registry; the entire fishing fleet is exclusively artisanal and thus exempt from the requirements of this resolution. Therefore due to the current operating fleet on its registry Kenya has not developed legislative measures to implement resolution 13/04 on the conservation of cetaceans.

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

Kenya does not have any purse seine vessel on its registry; the entire fishing fleet is exclusively artisanal and thus exempt from the requirements of this resolution. Therefore due to the current operating fleet on its registry Kenya has not developed legislative measures to implement resolution 13/05 on the conservation of whale sharks.

6. Resolution 13/06 On a scientific and management framework on the conservation of shark species caught in association with IOTC managed Fisheries

The resolution shall not apply to Kenya as its fleet is artisanal and fishing entirely within the EEZ. However, considering that Kenya's fleet catch and retain species of sharks especially from its line and gillnet fisheries, it is the intention of Kenya to address the conservation requirements of this resolution through a comprehensive National Plan of Action (NPOA) on sharks, a process which shall start this year and shall therefore accord the conservation of oceanic white tip sharks protection in the national laws in the coming days.

7. Resolution 13/07 Concerning a record of licensed foreign vessels fishing for IOTC species in the IOTC Area of Competence and access agreement information <sup>a</sup>

Kenya issues licenses to foreign fishing vessels and is compliant with the requirements of this resolution. Implementation of this resolution does not require any additional legislative measures under the current law

8. Resolution 13/08 Procedures on a fish aggregating devices (FADs) management plan, including 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

Kenya does not have a purse seine bait boat fishery and thus this resolution is not at all applicable to Kenya due the current fleet composition. No Kenyan fishing vessels targeting tuna species deploy or fish around Fish Aggregating Devices

9. Resolution 13/09 On the conservation of albacore caught in the IOTC Area of Competence  
Not Applicable to Kenya

10. Resolution 13/10 On interim target and limit reference points and a decision framework  
Implementation of this resolution does not require a legislative measure in Kenya

11. Resolution 13/11 On a ban on discards of bigeye tuna, skipjack tuna, yellowfin tuna, and a recommendation for non-targeted species caught by purse seine vessels in the IOTC Area of Competence

At the moment this resolution is not applicable to Kenya because it does not have purse seine on its registry.

Note: <sup>a</sup> indicate that a template report exists for some of the requirements and can be requested at [secretariat@iotc.org](mailto:secretariat@iotc.org)

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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.*

NONE

**Part C.** Data and information reporting requirements for CPCs to be included in this report (please refer to the *section April 2014 of the Guide on data and information reporting requirements for Members and Cooperating Non-contracting Parties*).

- 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]*.

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

Yes ☐

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

No ☒

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

Yes ☐

No ☐

Additional information:

[Click here to enter text.](#)

- 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”.

The current fleet is wholly artisanal and therefore this resolution does not currently apply to Kenya because it does not have any flagged vessel on its registry

- Resolution 10/06 *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.

Kenya does not have a long liner vessels on its fishing vessel registry and therefore this resolution is not applicable to Kenya as a Coastal State. Incidental bycatch of sea birds by is not reported by Kenyan artisanal line fisheries.

- 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]*.

**The report on import, landing or transshipment of tuna and tuna-like fish products landed or transhipped in port in 2013 have already been provided to the IOTC Secretariat:**

Yes ☐

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

No ☒

**The report on import, landing or transshipment of tuna and tuna-like fish products landed or transhipped in port in 2013 is attached to the implementation report:**

Yes ☒

No ☐

Additional information:

[Click here to enter text.](#)

- 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.

Kenya fishing fleet is artisanal operating within the Territorial waters. The sampling program for artisanal fishing fleet commenced in the last half of 2013 and the data and information collected shall be send to the IOTC secretariat

- 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.

Kenya continues to implement the national sea turtle conservation strategy and action plan for sea turtles 2010- 2014. The implementation involves multiple agencies including Government agencies, Civil society and Community based organisations. The strategy is very comprehensive with the aim of reducing and mitigating threats reverse declining sea turtle populations and enhance ecological, social, and cultural benefits of sea turtles.

Through community initiatives turtle nesting sites have been protected and enforced by the relevant state agency.

Data on turtles caught by local artisanal fishing vessels involved in tuna fishing is unavailable due to the difficulty of enforcing a logbook system for an artisanal fishing fleet.

- Resolution 12/05 On establishing a programme for transshipment by large-scale fishing vessels

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]*.

**The details on transshipment in ports for 2013 have already been provided to the IOTC Secretariat:**

Yes ☐

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

No ☐

**The details on transshipment in ports for 2013 are attached to the implementation report:**

Yes ☐

No ☐

Additional information:

This resolution is not applicable to Kenya as it does not have such vessels on its registry

- 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 Reports a summary of monitoring, control, and surveillance actions related to large-scale driftnet fishing on the high seas in the IOTC area of competence.

Large scale drifting nets are not in use by the Kenyan fishing fleet, besides Kenya does not have any vessel fishing on the high seas

- Resolution 12/13 For the Conservation and Management of Tropical Tunas Stocks in the IOTC Area of Competence

CPCs flag states shall monitor the compliance of their vessels with this Resolution through VMS, and will provide a summary of VMS records related to their fleet operation in the previous year for the consideration of the Compliance Committee. *[A template report exists]*.

**The summary of VMS records has already been provided to the IOTC Secretariat for:**

Longline vessels ☐

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

Purse seine vessels ☐

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

**The summary of VMS records is attached to the implementation report:**

Yes ☐

No ☐

Additional information:

This resolution does not apply to current Kenyan fishing fleet. It is not possible implement a vessel monitoring system on the small fishing crafts that constitute the Kenyan fishing fleet

- 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.

Kenya does not have any purse seine vessel on its registry; the entire fishing fleet is exclusively artisanal and thus exempt from the requirements of this resolution. Therefore due to the current operating fleet on its registry Kenya has not developed legislative measures to implement resolution 13/04 on the conservation of cetaceans

- 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 cetaceans have been encircled by the purse seine nets of their flagged vessels.

Kenya does not have any purse seine vessel on its registry; the entire fishing fleet is exclusively artisanal and thus exempt from the requirements of this resolution. Therefore due to the current operating fleet on its registry Kenya has not developed legislative measures to implement resolution 13/05 on the conservation of whale sharks

- Resolution 13/07 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)*

The record of licensed fishing vessels granted access to fish in Kenyan EEZ was submitted to the secretariat in the set reporting template