

## IOTC Agreement – Article X

### Report of Implementation for the year 2015

**DEADLINE FOR SUBMISSION OF THE REPORT 16 MARCH 2016**

Reporting CPC: Kenya

Date of submission: 16 March

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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 Nineteenth Session.*

- Resolution 15/11 On the implementation of a limitation of fishing capacity of Contracting Parties and Cooperating Non-Contracting Parties.<sup>a</sup>

Kenya has provided a fleet development plan on [16th March 2016].

Kenya has already confirmed that it did not have vessels targeting tropical tunas in 2006.

Kenya has already confirmed its baseline capacity for vessels targeting swordfish and albacore in 2007.

- Resolution 15/10 On target and limit reference points and a decision framework.

Kenya is participating in the process to determine the most suitable exploitation regime of the resources.

- Resolution 15/09 On a fish aggregating devices (FADs) working group.

Kenya is prepared to join this Working Group. Kenya has already introduced in her national legislation the concept of controlling the number of FADs that can be deployed in her waters.

- Resolution 15/08 Procedures on 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.<sup>a</sup>

Kenya has already introduced in her national legislation the concept of controlling the number of FADs that can be deployed in her waters.

- Resolution 15/07 On the use of artificial lights to attract fish to drifting fish aggregating devices.

Kenya has already introduced in her national legislation the concept of controlling the number of FADs that can be deployed in her waters, including the possibility of banning the use of artificial lights on FADs in Fisheries Regulations.

- Resolution 15/06 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.  
Kenya is very supportive of the ban of discards of bigeye tuna, skipjack tuna and yellowfin tuna. The ban of discards of the above-mentioned species is being articulated in the draft Fisheries Regulations.
- Resolution 15/05 On conservation measures for striped marlin, black marlin and blue marlin.  
Kenya does not currently have a commercial fishery for striped marlin, black marlin and blue marlin. The Government and the sports fishing industry have been supporting the tag and release of these three species. Kenya provide statistics from the sports fishery on an annual basis to the IOTC Secretariat and contribute papers to the IOTC Working Party on Billfish, c.f. IOTC-2015-WPB13-15. The average number of billfishes that were caught and released in the sports fishery for the period 2009 - 2014 is 127 p.a.
- Resolution 15/04 Concerning the IOTC record of vessels authorised to operate in the IOTC Area of Competence.<sup>a</sup>

Kenya does not currently have any vessel listed in the IOTC Record of Authorised Vessels.

Reporting on IMO number:

To allow the necessary time for CPCs to obtain an IMO number for eligible vessels that do not already have one, paragraph 2.b on IMO number is effective as of 1 January 2016. As of this date, CPCs shall ensure that all their fishing vessels that are registered on the IOTC Record of fishing vessels have IMO numbers issued to them. Paragraph 2.b on IMO number does not apply to vessels which are not eligible to receive IMO numbers.

In assessing compliance with the paragraph above, the Commission shall take into account exceptional circumstances in which a vessel owner is not able to obtain an IMO number despite following the appropriate procedures. **Flag CPCs shall report any such exceptional situations** to the IOTC Secretariat.

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

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

No  ; if no report exceptional situations below:

[Click here to enter text](#)

- Resolution 15/03 On the vessel monitoring system (VMS) Programme.<sup>a</sup>

Kenya does not currently have any vessel listed in the IOTC Record of Authorised Vessels. Kenya is currently in the process of procuring a VMS to monitor the foreign fleets licensed to operate inside the Kenyan EEZ.

- Resolution 15/02 On mandatory statistical reporting requirements for IOTC Contracting Parties and Cooperating Non-Contracting Parties (CPCs).

In order to improve the capture of data from the artisanal fishery, Kenya has made a request to the IOTC Secretariat for support, geared towards improving the data collection system and species identifications, especially with regards to the difficulties to identify juvenile yellowfin tuna and bigeye tuna. Due to the remoteness of some landing stations, Kenya's request was with regards to the use of development in information technology; use of PDA.

- Resolution 15/01 On the recording of catch and effort data by fishing vessels in the IOTC Area of Competence.

Kenya does not currently have any vessel listed in the IOTC Record of Authorised Vessels. Foreign vessels licensed to operate in the Kenyan EEZ are required to submit their flag State's logbook for the period in which they operate in the Kenyan EEZ. Kenya will monitor the conformity of these logbooks with regards to Annexes I and II of this Resolution, and where required Kenya will request that all mandatory species are included in these logbooks.

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>

**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.*

A new Fisheries Bill is currently under consideration by the Kenyan Parliament. In parallel, the Fisheries Regulations are being revised to incorporate IOTC CMMs that are required to be transposed in the national legal framework.

**Part C.** Data and information reporting requirements for CPCs to be included in this report (please refer to the section “Implementation Report due by 16 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:**     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):** [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”.

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 type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Note</b>	% <a href="#">Click here to enter text.</a>	% or number of vessels <a href="#">Click here to enter text.</a>	Method <a href="#">Click here to enter text.</a>	Method <a href="#">Click here to enter text.</a>

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 type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

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

	<b>Landing inspection</b>	<b>Landing reporting</b>	<b>Cooperation with other Parties</b>
<b>Yes, No?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Note</b>	Method Click here to enter text.	Method Click here to enter text.	Click here to enter text.

Additional information:

Kenya does not currently have any vessel in the IOTC Record of Authorised Vessels.

- 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):**  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 2015 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 transhipment of tuna and tuna-like fish products landed or transhipped in port in 2015 is attached to the implementation report:**

Yes  No

Additional information:

There needs to be consistency in the reporting timelines of Resolutions 10/10 and 05/03. Information included in the reporting template pertains to only landings and transhipments that have not been previously controlled in other ports. No irregularities have been found for the transhipments and landings being reported in the attached template.

- 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.

Nil Report

**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:

Kenya does not currently have any vessel in the IOTC Record of Authorised Vessels.

- 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 2014	Coverage in 2014 (%)
Purse seine	Not applicable	Not applicable
Longline	Not applicable	Not applicable
Gillnet	306	10-29
Bait Boat	Not applicable	Not applicable
Hand line	79	10-29
Insert other gear type Trolling	69	70
Insert other gear type Multigears (GIN/LL)	125	10-29
Insert other gear type <a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>
Insert other gear type <a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>	<a href="#">Click here to enter text.</a>

Additional information:

Overall there is a 197 fish landing sites used by the artisanal fisheries of which 25 (~ 13%) are covered by field samplers.

- 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.

Please refer to IOTC-SC18-2015-NR13, Section reporting on marine turtles.

- 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.

Kenya does not currently have any vessel in the IOTC Record of Authorised Vessels, and the bycatch of sea birds in the coastal/artisanal fishery is non-existent.

- 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 does not currently have any vessel in the IOTC Record of Authorised Vessels.

- 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.

**Not applicable (No PS vessels on the IOTC RAV in 2015);**

**No encirclement reported by flag vessels in 2015,**

**Encirclement reported by flag vessels in 2015 (Complete the table below):**

Name of the species	Number of instances of encirclement
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.

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.





**Not applicable (No PS vessels on the IOTC RAV in 2015);**

**No encirclement reported by flag vessels in 2015,**

**Encirclement reported by flag vessels in 2015 (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 does not have Government to Government fisheries access agreement.

- 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):**  **No LSTVs on the RAV**

**Flag LSTVs do not tranship in foreign ports**

**The details on transshipment in ports for 2015 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 2015 are attached to the implementation report:**

Yes

No

Additional information:

Click here to enter text.



- 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:  
Kenya does not currently have any vessel in the IOTC Record of Authorised Vessels.
- 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 does not currently have any vessel in the IOTC Record of Authorised Vessels.
- 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 does not currently have any vessel in the IOTC Record of Authorised Vessels.
- 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:  
Kenya does not currently have any vessel in the IOTC Record of Authorised Vessels.
- 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:  
Companies Act CAP 486 (Rev 2009), Laws of Kenya - only Kenyan citizens and legal entities registered/incorporated in Kenya can register fishing vessels in the Kenyan Register of Ships.



Indian Ocean Tuna Commission  
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