

**KENYA FISHERIES SERVICE**



**OFFICE OF THE DIRECTOR GENERAL**

Email: [kefs@kilimo.go.ke](mailto:kefs@kilimo.go.ke)  
Telephone: +2542716103

NHIF BUILDING  
RAGATI ROAD  
P.O. Box 48511-00100  
NAIROBI

When replying please quote;

**Ref. KEFS/GAM 1 VOL.I (35)**

**10<sup>th</sup> May, 2022**

The Executive Secretary  
Indian Ocean Tuna Commission (IOTC)  
P.O. Box 1011  
**VICTORIA, SEYCHELLES**

**RE: OUTSTANDING ISSUES COMPLIANCE**

Reference is made to letter Ref: IOTC2021-129 dated 17<sup>th</sup> June, 2021 on the Kenya's outstanding compliance issues highlighted by the Contracting Parties and Cooperating non-Contracting Parties (CPCs). The following suffice as response and clarifications on highlighted issues.

<b>CPC Kenya</b>	<b>Response/Clarification</b>
Has not prohibited fishing intentionally within 1 nautical mile of a data buoy as required by Resolution 11/02	Kenya has instituted the prohibitions of fishing within 1 nautical mile and taking on board a data buoy on development of legislations for implementation through preparation of a gazette notice awaiting official gazette
Has not prohibited taking on board a data buoy as required by Resolution 11/02	
Has not provided size frequency data for coastal fisheries as required by Resolution 15/02	Kenya has introduced a sampling program for artisanal fishers catch, enforcing reporting of catch and effort and is expected to improve on the reporting as per the standard
Has not submitted nominal catch data regarding sharks as required by Resolution 17/05	Concerning reporting of data on sharks at IOTC standard, aggregated for artisanal fisheries with regard to frequency, nominal catch, Catch and effort for coastal fisheries as required by Resolution 17/05, Kenya has introduced a sampling program for artisanal
Has not submitted catch & effort data regarding sharks as required by Resolution 17/05	

Has not submitted size frequency data regarding sharks as required by Resolution 17/05	fishers catch, enforcing reporting of frequency, catch and effort data set and this expected to improve on the reporting as per the standard
Has not implemented the Regional Observer Scheme as required by Resolution 11/04	Regarding submission of observer report at the IOTC standard, and that observer reports were incomplete and did not report all observer effort, as required by Resolution 11/04, the reports were submitted in 2019, however, the observer did not capture the data as required as they were untrained. In 2020 due to COVID 19 restrictions there were no observer deployments
Has not provided observer reports as required by Resolution 11/04	
Has not had 5% mandatory at-sea observers as required by Resolution 11/04	With regard to implementation of the 5% Mandatory coverage at sea (All vessels), observer coverage 86% not verifiable from the observer reports, and implementation of observer scheme in 2018 as required by Resolution 11/04, a clarification is that the 86% coverage was based on the number of trips with observer on board as % of the total trips and not as the % effort (number of hooks observed). The data was collected by untrained observers and most of them did not record number of hooks observed. Kenya has now 10 trained observers under IOTC ROS pilot project and the observer deployments have resumed
Has not marked FADs as required by Resolutions 19/02 and 19/04	With regard to the implementation Resolutions 19/02 & 19/04 concerning marking FADs, as provided in the Legal Framework Fisheries Management and Development Act 2016 – section 31, Kenya has prepared a gazette notice for publication of the CMMs that its currently awaiting gazettelement
Has not provided a FAD management plan with all information as required by Resolution 19/02	The FAD management plan will be reviewed accordingly. Currently Kenyan has no flagged purse seine vessels licensed to fish in IOTC area of competence
Has not prohibited setting a purse seine net around cetacean as required by Resolution 13/04	Kenya has prepared a gazette notice awaiting official gazettelement for legislation implementation
Has not prohibited setting a purse seine net around whale shark as required by Resolution 13/05	
Has not provided a list of authorized vessels 24 metres in length overall or more with all	The Vessels list was updated on 3 <sup>rd</sup> March, 2020

mandatory information as required by Resolution 19/04	
Has not reported a zero catches matrix as required by Resolution 18/07	The COVID 19 restrictions hampered reporting
Has not provided size frequency data for longline fisheries as required by Resolution 15/02	Observer deployment was hampered by COVID 19 restrictions and therefore size frequency data was not available for most of the months of the year
Has not prohibited fishing on oceanic whitetip sharks as required by Resolution 13/06	the Legal Framework Fisheries Management and Development Act 2016 section 31 on publication of CMMs a gazette notice no. Vol. CXXII-No 83-1.pdf pages 1854-1865 addressed the resolution
Has not inspected at least 5% of LAN/TRX as required by Resolution 16/11	There was no port call for LAN/TRX purpose in 2020 (e-PSM)



**Dr. Simon Macharia, PhD.**

**For: DIRECTOR GENERAL**

CC Principal Secretary

State Department for Fisheries, Aquaculture and Blue Economy

P.O. Box 58187 – 00200

**NAIROBI**