



IOTC-2024-CoC21-sCR11-KEN [E] 2024 Summary Compliance Report for: Kenya Report date: 11 April 2024 - 16:37

Note: Acronyms and definitions can be consulted last page of the Compliance Report.

Req. nº	Source (para nº) (year)	Information required	ous	ous	 Current status	Observations	CPC remarks

1. Implementation obligations

1.1	Art. X Agreement (2023)	Report of Implementation	14/3/2024	С	С	N/C	N/C2	Failed to submit the Implementation Report.	
1.2	Rules of Proc. (4.1) (2023)	Compliance Questionnaire	24/2/2024	L	С	L		Received 25.02.2024. One 20 day after the deadline. Failed to meet a submission deadline by less than 15 days. STD: YES – All section(s)/question(s) applicable completed.	

1.4	sion (S17 p. 52) (2023)		14/3/2024		С	N/C	N/C1	No response to FL submitted. Failed to implement, ensure compliance with the obligation.	
1.5		Transposition of CMMs into national legislation	14/3/2024	-/-	-/-	N/C		Received 25.08.2017. <u>LEG:</u> YES – Fisheries Management and Development Act (FMDA) 2016. <u>STD:</u> Not applicable. <u>SP:</u> NO – Not provided for "a", "b" and "c".	

2. Management Standards

2.1	(11.c & 17.c)	Certificates of registration & valid authorisation to fish/tranship on board (2)	14/3/2024	С	С	С	P/C	Received 23.02.2024. LEG: submitted - Fisheries Management and Development Act (FDMA) 2016. Secretariat unable to identify vessels obligation for registration certificate. STD: Not applicable. SP: YES - Provided for "a" "b" and "c".
2.4	(20) (2023)	Fishing logbook on board, bound, consecutive num- bered pages, 12 months recording (2)	14/3/2024	С	С	С	P/C	Received 23.02.2024. LEG: Submitted - Fisheries Management and Development Act (FMDA) 2016 - Section 100 (1). Submitted legislation without all provisions identified for fishing logbook requirements. STD: NO - Has provision for logbook onboard. Provision not identified in legislation for: logbook bound, with consecutively numbered pages, original recordings for at least 12 months. SP: YES - Provided & described for i) ii) & iii), based on legisla- tion.
2.7b		Coastal data recording sys- tem	31/12/2023 (Since 15.02.2016)	-/-	-/-	С	P/C	Received 23.02.2024. Coastal catch recording system based on Catch Assessment Surveys and Simplified catch recording forms used by field samplers at landing site/port, implemented for Coastal LL, GN, HL, Ringnet. LEG: Submitted - Fisheries Management and Development Act 2016 - Section 75. STD: NO - Information provided according to R15/01 (4, 11), Partial - Not all costal fisheries / fishing gears / vessels below 24m fishing EEZ are covered. SP: YES - Provided & described for i) ii) & iii), based on legisla- tion.

2.8	Res. 17/07 (2) (2023)	Ban on large-scale driftnets in IOTC Area (2)	14/3/2024	С	P/C	N/C	N/C2	Failed to implement, ensure compliance with the obligation. Mandatory information, system / procedures not provided.
2.9	Res. 17/07 (6) (2023)	MCS actions related to large-scale driftnets in IOTC Area	14/3/2024	С	С	N/C	N/C1	Failed to implement, ensure compliance with the obligation. Mandatory information, system / procedures not provided.
	Res. 23/01 (4) (2024)		1/1/2024	-/-	-/-	N/C	N/C1	No information provided on AFADs fisheries for 2024. Failed to implement, ensure compliance with the obligation.
2.15	Res. 21/01 (15) (2022)	CPC subject to catch re- ductions, over-catch: report corrective actions taken to adhere to prescribed catch levels	14/3/2024		N/A	N/C	N/C1	Failed to implement, ensure compliance with the obligation. Mandatory information, system / procedures not provided.
2.16	Res. 21/01 (12) (2023) (2023)	Report methods for achiev- ing YFT catch reductions	14/3/2024	N/A	N/A	N/C	N/C1	Failed to implement, ensure compliance with the obligation. Mandatory information, system / procedures not provided.
2.21	Res. 18/07 (1) (2023)	Report actions taken to im- plement reporting obliga- tions & improve data col- lection of catches	14/3/2024	С	С	N/C	N/C1	Failed to implement, ensure compliance with the obligation. Mandatory information, system / procedures not provided.
2.22	Res 11/02 (6) (2023)	Reports observations of damaged data buoys	14/3/2024	С	С	N/C	N/C1	Failed to implement, ensure compliance with the obligation. Mandatory information, system / procedures not provided.
2.23	Res 11/02 (2) (2023)	Prohibition from intention- ally fishing within 1 nautical mile of or interacting with data buoy	4/1/2024 (Since 2011)	С	P/C	С	N/C2	LEG: Submitted – declares it is banned by the "Fisheries Management and Development Act No.35 of 2016". Legal reference provided does not include any specific provision for data buoys. STD: YES. SP: YES – Provided/described for a),b) and c). Description based in legal reference provided, which does not contain any reference to data buoys.

2.24	Res 11/02 (3) (2023)	Prohibition from taking on board data buoys	4/1/2024 (Since 2011)	С	P/C	C	N/C2	LEG: NO - Declares it is banned by the Fisheries Management and Development Act No.35 of 2016. The legal reference provided does not include any specific provision for data buoys. STD: YES. SP: Provided/described for a),b) and c). Description based in legal reference provided, which does not contain any reference to data buoys.
2.28	Res. 19/04 (11&12) (2023)	Report on review of flag State internal actions & measures, punitive actions and sanctions on flag ves- sels on the RAV	14/3/2024	L	С	N/C	N/C1	Failed to implement, ensure compliance with the obligation. Mandatory information, system / procedures not provided.

3.Reporting on Vessels

3.2	Res. 19/07 (8) (2023)	Particulars of charter agreements, catches, effort, observer coverage (Char- tering CP)	28/2/2024	N/A	N/A	N/C	N/C1	Failed to implement, ensure compliance with the obligation. Mandatory information, system / procedures not provided.	
3.6	Res. 19/04 (3) (2023)	List of Authorized vessels 24 metres in length overall or more (3)	11/4/2024 (Since 01.07.2003)	С	P/C	С	N/C2	Received 23.02.2024. Last update received 26.06.2023. Vessels ≥ 24m: 6. Failed to ensure compliance of the same obligation for two or more consecutive years. LEG: Submitted - " Fisheries Management and Development Act (FMDA) 2016" STD: NO - Missing information for 3 vessels [Photographs: 2 bow, 3 starboard, 2 portside]. SP: YES - Provided & described for i) ii) iii).	
3.10	Res. 14/05 (3&5) (2023)		14/3/2024 (Since 26.02.2015)	N/A	N/A	N/C	N/C1	Failed to implement, ensure compliance with the obligation. Mandatory information, legislation, system / procedures not provided.	
3.12	Res. 21/01 (26) (2023)	List of vessels fishing for yellowfin tuna	15/2/2024	С	P/C	L	N/C2	Failed to ensure compliance for two or more consecutive years. Received 23.02.2024. 7 days after deadline. LEG: YES – Fisheries Management and Development Act (FDMA) 2016, Article 81 (6). STD: NO - Report not submitted. SP: YES – Provided for "a", "b" and "c".	

4.Vessel Monitoring System

5.Mandatory statistical requirement – Flag State CPCs

5.1		Nominal Catches – Costal Fisheries	30/6/2023	L	N/C	N/C	N/C2	Failed to ensure compliance of the same obligation for two or more consecutive years. LEG: Submitted FISHERIES MANAGEMENT DEVELOPMENT ACT_No 35 of 2016; Gazette_Notices_Vol.CXXII-No83_1. STD: NO - No data provided. SP: YES - Provided & described for i) ii) iii). Obs: Legislation and System/procedure assessments are applic- able for 5.1 to 5.20.
5.3		Nominal Catch – Longline fisheries	30/6/2023	L	P/C	С	N/C2	Received: 30.06.2023. Failed to ensure compliance of the same obligation for two or more consecutive years. <u>Standard:</u> NO - Data not available for all IOTC species.
5.4	Res. 15/02 (1 to 7), 18/05 (8), 18/07 (4), 19/02 (4, 22 & 24) (2022)	Nominal catch – Discards	30/6/2023	N/C	N/C	С	N/C2	Received: 30.06.2023. Failed to ensure compliance of the same obligation for two or more consecutive years. <u>Standard:</u> NO - Blank form provided.
5.5		Nominal catch – Report on zero catches matrix	30/6/2023	L	P/C	С	N/C2	Received: 30.06.2023. Failed to ensure compliance of the same obligation for two or more consecutive years. <u>Standard:</u> NO - Inconsistencies in species between DR and RC.
5.6		Catch & Effort – Coastal fisheries	30/6/2023	L	N/C	С	N/C2	Received: 30.06.2023. Failed to ensure compliance of the same obligation for two or more consecutive years. <u>Standard:</u> NO - Data not provided for all IOTC species, aggregated for elasmobranch species.

5.8	Res. 15/02 (1 to 7), 18/05 (8), 18/07 (4), 19/02 (4, 22 & 24) (2022)	Catch & Effort – Longline fisheries	30/6/2023	L	P/C	С	N/C2	Received: 30.06.2023. Failed to ensure compliance of the same obligation for two or more consecutive years. <u>Standard:</u> NO - Incomplete form provided. Data for billfish species provided separately.
5.9	Res. 15/02 (1 to 7), 18/05 (8), 18/07 (4), 19/02 (4, 22 & 24) (2022)	Size Frequency – Coastal fisheries	30/6/2023	N/C	N/C	С	N/C2	Received: 30.06.2023. Failed to ensure compliance of the same obligation for two or more consecutive years. <u>Standard:</u> NO - Variation in species between SF and RC.
5.11	Res. 15/02 (1 to 7), 18/05 (8), 18/07 (4), 19/02 (4, 22 & 24) (2022)	Size Frequency – Longline fisheries	30/6/2023	L	N/C	С	N/C2	Received: 30.06.2023. Failed to ensure compliance of the same obligation for two or more consecutive years. <u>Standard:</u> NO - Data not provided.
	Res. 12/04 (3) (2022)	Data on interactions with marine turtles	30/6/2023	L	С	N/C	N/C1	Failed to ensure compliance of the obligation. Standard: NO - Data not provided.
5.17	Res. 12/06 (1 & 2) (2022)	Data on seabirds interac- tions (2)	30/6/2023	L	C	N/C	N/C1	Failed to ensure compliance of the obligation. Standard: NO - Data not provided.
5.18	Res. 13/04 (7) (2022)	Data on interactions with Cetaceans	30/6/2023	L	С	N/C	N/C1	Failed to ensure compliance of the obligation. Standard: NO - Data not provided.
5.19	Res 13/05 (7) (N/A)	Data on interactions with Whale Sharks	30/6/2023	L	С	N/C	N/C1	Failed to ensure compliance of the obligation. Standard: NO - Data not provided.
5.20	Res 19/03 (8) (2022)	Data on interactions with mobulid rays	30/6/2023	L	P/C	N/C	N/C2	Failed to ensure compliance of the obligation. Standard: NO - Data not provided.

6.Implementation of mitigation measures and bycatch of non-IOTC species

6.1	Res. 17/05 (3) (2023)	Prohibition on shark finning	31/12/2023 (Since 03.10.2017)	С	С	N/A	P/C	Received 29.06.2023. <u>LEG:</u> OUI – <i>The Kenya Gazette Vol. CXXII-No. 83, Notice No. 3409.</i> <u>STD:</u> Not applicable. <u>SP:</u> NO – Not provided for "a" "b" and "c".
6.2	Res. 12/09 (2) (2023)	Prohibition on thresher sharks - all species of family Alopiidae	31/12/2023 (Since 07.07.2010)	С	C	C	P/C	Received 29.06.2023. <u>LEG:</u> OUI – <i>The Kenya Gazette Vol. CXXII-No. 83, Notice No. 3411.</i> <u>STD:</u> Not applicable. <u>SP:</u> NO – Not provided for "a" "b" and "c".
6.3	Res. 13/06 (3) (2023)	Prohibition on oceanic whitetip sharks	31/12/2023 (Since 14.08.2013)		N/C	N/A	N/C2	Failed to ensure compliance for two or more consecutive years. Received 24.02.2024. LEG: NO – Not transposed in Kenyan legislation. STD: Not applicable. SP: YES – Provided for "a", "b" and "c".
6.8	Res. 12/06 (5) (2023)	Implementation of mitiga- tion measures south of 25°S	14/3/2024 (Since 01.11.2010)	С	С	С	N/C1	LEG: YES – Provided. Implemented by Fisheries \Management and Development Act 2016, Gazette Notice No. Vol. CXXII–No. 83 <u>STD</u> : NO. Section 2 incomplete. <u>SP</u> : NO – Not provided / described for a), b) and c).
6.9	Res. 12/04 (5) (2023)	Report on progress of im- plementation of Res. 12/04 (2)	14/3/2024	С	С	С	N/C1	LEG: NO - Not provided. STD: YES. SP: NON – Not provided & described for a), b) and c).
6.16	Res 18/05 (9) (2022)	Information on actions taken domestically to monitor catches & manage fisheries of Striped Mar- lin, Black Marlin, Blue Marlin and Indo-pacific Sailfish	19/11/2023 (SC)	L	С	L	P/C	NR Received 19.11.2023; E-MARIS 24.02.2024. More than 3 months after the deadline. LEG: Submitted GAZETTE NOTICE NO. 3408 THE FISH- ERIES MANAGEMENT AND DEVELOPMENT ACT (No. 35 of 2016) RECOGNITION OF INTERNATIONAL CONSERVATION AND MANAGEMENT MEASURES. STD: YES - Monitoring and management actions reported in NR to SC. Monitoring actions: Paper Fishing Logbook; Implementa- tion of landing declaration; Observer on board; Field sampler in port. Management actions: Releasing any specimen brought alive on-board; Adopting spatial/temporal management measures to reduce fishing in nursery grounds. SP: Yes - Provided & described for i) ii) iii).

7.Illegal, Unreported and Unregulated (IUU) Vessels

8.Transhipments

9.Observers

9.1	Res. 11/04 (9) (2022)	Regional Observer Scheme (2) (No. of vessels moni- tored and coverage by gear type)	19/11/2023	-/-	-/-	N/C	N/C1	Mandatory information not provided. <u>LEG:</u> NO - Not submitted. <u>STD:</u> NO - Protocols description supporting ROS (at sea/coastal) NOT provided. <u>SP:</u> NO - Not provided & not described for i) ii) & iii).
9.2	Res. 11/04 (2) (2022)	5% Mandatory, at sea (All vessels) (2)	19/11/2023 (Since 2013)	-/-	-/-	С	N/C1	Received 24.02.2024. <u>LEG:</u> Submitted – For ROS sea: Fisheries Management and De- velopment Act 2016 - 99 & 144. Conditions for industrial fishing vessels. <u>STD:</u> NO – No observer data submitted for industrial vessels. <u>SP:</u> YES – Provided & described for i) ii) & iii).
9.3	Res. 11/04 (4) (2022)	5 % Artisanal landings (2)	19/11/2023 (Since 2013)	-/-	-/-	С	N/C1	Received 24.02.2024. LEG: Submitted – For ROS coastal: Fisheries Management and Development Act 2016 - 75. Information, data and records. STD: NO – No information on coverage of port sample for coastal fisheries. Has delared: Catch Assessment Report will be shared once ready. SP: YES – Provided & described for i) ii) & iii).
9.4	Res. 11/04 (11) (2022)	Observer reports	19/11/2023 (150 days after trip)	-/-	-/-	С	N/C1	Received 24.02.2024. LEG: Submitted – Fisheries Management and Development Act 2016 - 99 & 144. Conditions for industrial fishing vessels. STD: NON –No observer data submitted for industrial vessels. SP: YES – Provided & described for i) ii) & iii).

10. Statistical document programme

10.3	Res. 01/06 (6) (2022)	Annual report (2021) (2)	14/3/2024	С	С	N/C	Failed to implement, ensure compliance with the obligation. Mandatory information, system / procedures not provided.	

11. Port inspection

11.5	Res. 16/11 (13.1) (2023)		31/12/2023 (3 days after inspection)	N/A	N/A	P/C	P/C	Received 25.02.2024. One day after the deadline. Failed to meet reporting/submission deadlines by less than 15 days. LEG: Submitted - "Fisheries Management and Development Act No. 35 of 2016". Obligation not transposed. No specific provision on the obligation observed. STD: YES - Provided. Zero calls into port made by foreign vessels in 2023. SP: YES - Provided but not described for a), b) & c).
		LAN/TRX	31/12/2023 (Since 01.03.2011)	N/A	N/A	L	P/C	Received 25.02.2024. One day after the deadline. Failed to meet reporting/submission deadlines by less than 15 days. LEG: Submitted - "Fisheries Management and Development Act No. 35 of 2016". Obligation not transposed. No specific provision on the obligation observed. STD: YES - Provided. Zero calls into port made by foreign vessels in 2023. SP: YES - Provided but not described for a), b) & c).
	Res. 16/11 (9.3) (2023)	·	31/12/2023 (Since 01.03.2011)	C	С	L	P/C	Received 25.02.2024. 1 day beyond the deadline. Failed to comply with the deadline by less than 15 days. LEG: YES - Submitted. Implemented by the "Fisheries Management and Development Act No. 35 of 2016". STD: YES - Nil report. SP: YES - Provided & described for a) b) c).
		•	31/12/2023 (Since 01.03.2011)	C	С	L	P/C	Received 25.02.2024. Submitted 1 day after the deadline. Failed to comply with the deadline by less than 15 days. LEG: NO – Submitted "Fisheries Management and Development Act No. 35 of 2016". However, it does- not include specific provision on the obligation to notify the withdrawal of a denial of use of port. STD: YES – Nil report. SP: YES – Provided & described for a) b) c).

Current issues on the level of implementation by Kenya of IOTC Conservation and Management Measures identified for discussion in the CoC21 in 2024

Having reviewed the 2024 Draft Compliance Report for Kenya, the Chair of the Compliance Committee has identified the following significant repeated non-compliance issues for discussion.

Repeated non-compliance issues

Requirement	Observations	Current status (2024)	Previous status (2023)
2.8	Failed to implement, ensure compliance with the obligation. Mandatory information, system / procedures not provided.	N/C2	P/C
2.23	LEG: Submitted – declares it is banned by the "Fisheries Management and Development Act No.35 of 2016". Legal reference provided does not include any specific provision for data buoys. STD: YES. SP: YES – Provided/described for a),b) and c). Description based in legal reference provided, which does not contain any reference to data buoys.	N/C2	P/C
2.24	LEG: NO – Declares it is banned by the Fisheries Management and Development Act No.35 of 2016. The legal reference provided does not include any specific provision for data buoys. <u>STD:</u> YES. <u>SP:</u> Provided/described for a),b) and c). Description based in legal reference provided, which does not contain any reference to data buoys.	N/C2	P/C
3.6	Received 23.02.2024. Last update received 26.06.2023. Vessels ≥ 24m: 6. Failed to ensure compliance of the same obligation for two or more consecutive years. LEG: Submitted - "Fisheries Management and Development Act (FMDA) 2016" STD: NO - Missing information for 3 vessels [Photographs: 2 bow, 3 starboard, 2 portside]. SP: YES - Provided & described for i) ii) iii).	N/C2	P/C
3.12	Failed to ensure compliance for two or more consecutive years. Received 23.02.2024. 7 days after deadline. LEG: YES – Fisheries Management and Development Act (FDMA) 2016, Article 81 (6). STD: NO - Report not submitted. SP: YES – Provided for "a", "b" and "c".	N/C2	P/C

5.1	Failed to ensure compliance of the same obligation for two or more consecutive years. LEG: Submitted FISHERIES MANAGEMENT DEVELOPMENT ACT_No 35 of 2016; Gazette_Notices_Vol.CXXII-No83_1. STD: NO - No data provided. SP: YES - Provided & described for i) ii) iii). Obs: Legislation and System/procedure assessments are applicable for 5.1 to 5.20.	N/C2	N/C
5.3	Received: 30.06.2023. Failed to ensure compliance of the same obligation for two or more consecutive years. Standard: NO - Data not available for all IOTC species.	N/C2	P/C
5.4	Received: 30.06.2023. Failed to ensure compliance of the same obligation for two or more consecutive years. Standard: NO - Blank form provided.	N/C2	N/C
5.5	Received: 30.06.2023. Failed to ensure compliance of the same obligation for two or more consecutive years. <u>Standard:</u> NO - Inconsistencies in species between DR and RC.	N/C2	P/C
5.6	Received: 30.06.2023. Failed to ensure compliance of the same obligation for two or more consecutive years. <u>Standard:</u> NO - Data not provided for all IOTC species, aggregated for elasmobranch species.	N/C2	N/C
5.8	Received: 30.06.2023. Failed to ensure compliance of the same obligation for two or more consecutive years. <u>Standard:</u> NO - Incomplete form provided. Data for billfish species provided separately.	N/C2	P/C
5.9	Received: 30.06.2023. Failed to ensure compliance of the same obligation for two or more consecutive years. <u>Standard:</u> NO - Variation in species between SF and RC.	N/C2	N/C
5.11	Received: 30.06.2023. Failed to ensure compliance of the same obligation for two or more consecutive years. <u>Standard:</u> NO - Data not provided.	N/C2	N/C
5.20	Failed to ensure compliance of the obligation. Standard: NO - Data not provided.	N/C2	P/C

6.3	Failed to ensure compliance for two or more consecutive years. Received 24.02.2024.	N/C2	N/C
	LEG: NO – Not transposed in Kenyan legislation.		
	STD: Not applicable. SP: YES – Provided for "a", "b" and "c".		

Note: if the table above is empty, it means there were no repeated compliance issues identified this year.

Reading instructions

(1) Information is to be provided in the Report of Implementation(2) 24 meters overall length and over, and under 24 meters if they fished outside their EEZ

- (Year) = year reporting on/year assessed.
- LEG: Legislation Transposition of Commission decisions, Legislation or administrative orders.

STD : Standard - Reporting format, IOTC standard

SP: System or procedures - Provision of information on system or procedures a) to monitor and ensure compliance of vessels and persons OR b) to prepare and submit information, data, report to the Commission. **i) ii) iii)** = a) b) c)

Assessment

Timeliness

- C: Compliant
- L: Late
- N/A: Not applicable
- N/C: Non compliant
- P/C: Partially compliant

• C: Compliant

Compliance

- C/B: Capacity building
- N/A: Not applicable
- N/C1: Not compliant 1
- N/C2: Not compliant 2
- P/C: Partially compliant

CoC/Commission recommendations

- Additional info or address the issue: Provide additional information or address the compliance issue within a given period of time, and at the latest before the following annual meeting.
- Actions proposed by the CPC: Actions proposed by the CPC and endorsed by the Commission.
- Investigation by the CPC: Completion of an investigation by the CPC regarding a compliance issue and reporting back to the Compliance Committee, where required.
- Enhanced monitoring of fleet: Enhanced monitoring of the fleet.
- Amendments to national rules: Amendments to domestic procedures, legislation or policy including penalties, where required.
- Detailed plan and timeline: Submit, within 3 months from the end of the Commission annual session, a detailed plan and timeline on how it intends to address the non-compliance of category 2 identified.
- Capacity building or assistance: Provision of capacity building or technical assistance for a specified amount of time.
- Other remedies: Other remedies.

"Missing" values:

- "-/-": no possible value (e.g.: no previous assessment possible because this is the first campaign in which the requirement is assessed);
- "None": no value provided by the Secretariat (e.g. requirement assessed as Compliant, no text provided in "Observations");
- "Not assessed": for timeliness and compliance when no assessment has been made yet or the requirement is not assessable;
- "-": no information provided by the CPC for this question (e.g. nothing entered in a text entry field, no boxes checked...);
- "Not Submitted": the value will only be available after submission of the report (e.g. the "Report date").