



IUU Risk Intelligence

Putting Compliance First

GLOBAL EVALUATION OF FISHERIES MONITORING CONTROL AND SURVEILLANCE IN 84 COUNTRIES

KENYA - COUNTRY REPORT

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IUU RISK INTELLIGENCE

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SUMMARY

*This evaluation of Fisheries Monitoring Control and Surveillance report for **Kenya** is one of 84 such country evaluations that covers nations landing 92% of world's fish catch. Using a wide range of interviews and in-country consultations with both military and civilian agencies, the report exemplifies the best attempt by the author(s) at evaluation of MCS compliance using 12 questions derived from international fisheries laws. The twelve questions are divided into two evaluation fields, (MCS Infrastructure and Inspections). Complete details of the methods and results of this global evaluation would be published shortly through IUU Risk Intelligence website.*

Over a five-year period, this global assessment has been subjected to several cross-checks from both regional and global MCS experts familiar with compliance aspects in the country concerned. Uncertainty in assigning each score is depicted explicitly through score range. However, the author(s) are aware that gaps may remain for some aspects. The lead author remains open at any time to comments, and revisions will be made upon submission of evidence where necessary. Throughout the report, extreme precaution has been taken to maintain confidentiality of individuals who were willing to share information but expressed an inclination to remain anonymous out of concern for their job security, and information from such sources was cited as 'anonymous' throughout the report.

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KENYA – COUNTRY REPORT



FAO landings (2013): 8933 tonnes

Fisheries contribution to GDP (2013): 0.6%

Law of the Sea (Ratification / Accession): 2nd March 1989

Coastline: 536 km

RFMO Membership: IOTC

Patrolling Agencies: Kenya Coast Guard Service



Rank	Priority for maritime security tasks
1.	Arms & Wildlife Trafficking
2.	Narcotics Trafficking
3.	Illegal Vessel Traffic

SECTION 1: MCS INFRASTRUCTURE

1. Does the country have adequate surveillance infrastructure (patrol aircraft, sea based patrol vessels and coastal patrols) to effectively patrol fisheries resources within its EEZ?

Score: 5

Score Range: 5-7

Kenya Coast Guard and Kenya Navy are well equipped with patrol assets and trained personnel and are ranked superior for capabilities in the East African Region, but they currently lack adequate capacity to control fishing activities within the entire EEZ as majority of the assets are engaged along maritime border (with Somalia). Patrol vessels have limited presence in offshore waters where illegal fishing and unreported transshipments are rampant (Anon, pers. comm., 2017).

Kenya launched its first offshore patrol vessel KCGS Doria on 19 November 2018 (Jane 2018b). In 2018, Kenyan navy also received 10 metal-shark patrol boats from USA (Jane 2018a). Patrol vessels “Nyayo” and “Umoja” were refurbished in 2011 and used by Kenyan navy to curtail smuggling, illegal fishing and piracy in coastal waters (Anon 2011). KNS “Shujaa” recently returned after a 21-month refit in Netherlands (Jane 2018c). Mombasa, Kwale, Kilifi and Tana River districts have one patrol vessel each, while Lamu has three vessels with limited operational capability. According to regional maritime security experts, several patrol vessels are not used efficiently due to budget caps. See IISS (2013); World Bank (2013); Anon (2016); Kenyan Govt (2016); FAO (2016); Hamad (2016) reports for more information.

2. Does the country have adequate trained officers to conduct MCS operations?

Score: 4.5

Score Range: 3-5

Data Deficient. Available information suggests that there is shortage of manpower in Kenyan Navy and Ministry of Fisheries. 96 officers are entrusted with MCS related work in the fisheries sector and are spread across six coastal districts. Staff are not trained adequately or equipped for the MCS tasks (World Bank 2013). See EU (2011); Anon (2016a) reports for more information.

No information is available on compliance or enforcement competence of these authorities in the marine fisheries sector.

3. Does the country have adequate management plans to monitor their fishing vessels on the high seas?

Score: 5

Score Range: 2-5

Existing information suggests that the country does not possess such capabilities (Anon 2016a). However, Kenyan flagged vessels have not been reported to fish on the high seas. Further, Kenya is capable of monitoring the vessels operating outside its EEZ as it has installed a Fisheries Monitoring Center with capability to track registered fishing vessels equipped with onboard transponders.

4. What proportion of fishing vessels above are equipped with vessel monitoring system (VMS) to monitor their movements on a continuous basis?

Score: 5

Score Range: 3-5

Fishery Monitoring Center infrastructure has been established at the Kenya Fisheries Service (KeFS) office in Mombasa and 44 licensed vessels (38 foreign & 6 national) have already installed onboard tracking transponders (World Bank 2017; Roberts et al., 2017). The Vessel Tracking and Monitoring System (VTMS) at Kenyan Ports Authority (KPA) is not working since 2017 leading to lack of monitoring of vessels entering and exiting Mombasa port (Oketch 2017).

5. What percentage of fishing vessels (>20 m OAL) are monitored through onboard observers at sea (for major commercial fish stocks)?

Score: 0

Score Range: 0-0

Available information suggests that observer was not deployed on the lone tuna longliner that operated in the IOTC area in 2017 year (IOTC 2018).

SECTION 2: INSPECTIONS

6. How often fishing vessels are inspected at sea (Identification by sight and boarding for inspections)?

Score: 3.5

Score Range: 2-4

Limited capacity to conduct regular patrols at sea. Sea based patrols are only reported 1-8 times each year (World Bank 2013; EU 2014; AU-IBAR 2015). See Anon (2016a); FAO (2016); Hamad (2016) reports for more information.

7. How often fishing vessels are scrutinized through aerial patrols?

Score: 2

Score Range: 1-4

Flight Global (2018) report suggests that Kenyan Air Force (KAF) has four maritime patrol aircraft (DHC-5 Buffalo) with at least one aircraft equipped with cameras “enabling the KAF to take high quality photographs of contacts at sea and pass them back to Kenya HQ and also to the EU NAVFOR OHQ” (EU-NAVFOR 2009); however, exact number of maritime patrol aircraft and surveillance hours for fisheries surveillance remain unspecified.

Maritime patrol aircraft are not deployed for monitoring Kenyan and foreign fishing vessels operating in the EEZ. Fisheries Department and Coast Guard receive regular reports of illegal fishing activities but are unable to apprehend poachers due to lack of sufficient surveillance planes on call. Foreign tuna vessels are routinely identified operating without permits for up to five months every year using digital land-based surveillance platforms (Anon, *pers. comm.*, 2017).

8. How often are fishing vessels inspected at landing centers and docks for foreign and domestic vessels (Dockside monitoring)?

Score: 5

Score Range: 3-5

Weak port inspection capacity (EU 2011). Two fisheries officers received training for port inspections at Mombasa port (Roberts *et al.*, 2017). See Anon (2016b) report for other information on corruption allegations within Customs and port authorities.

Limited intervention through IOC and Fish-i Africa programs for tracking vessel activities in the EEZ, but imperfect authority at quayside. Artisanal fisheries hardly receive any inspections at Beach Landing Sites due to poor inter-agency collaboration and weak deployment. Current port verification procedures are still weak, and the main port of Mombasa was considered a ‘port of convenience’ until recently. There are only two officers for port inspections at Mombasa port and only one is available for inspection duties during weekdays that too for a few hours. In the past, around 30 vessels used make port calls at Mombasa port. Such vessels also entered and offloaded

catches at night without reporting to the relevant agencies. The port authority and the fisheries officials lack a formal process to exchange information on inspections as well as entry and exit of fishing vessels at Mombasa port (Anon, *pers. comm.*, 2016).

9. Are there adequate plans to monitor catches in coastal areas through coastal patrols (beach patrols, small-scale fishing gear and catches inspections) on a regular basis?

Score: 2.5

Score Range: 2-4

Use of illegal fishing gear is a widespread issue in coastal fisheries. Breaches range from fishing in closed areas, use of spear guns & monofilament gillnets, beach seining and use of undersized fishing gear to catch berried and juvenile lobsters. Destructive fishing practices are also a problem in coastal reef fisheries (Anon, *pers. comm.*, 2017).

See Samoilys *et al.*, (2017); Bush *et al.*, (2017); Munga *et al.*, (2013); Munga *et al.*, (2012); Aloo *et al.*, (2014); Ndegwa and Kiilu (2013); Mangi *et al.*, (2007) reports for more information.

10. Are all the catches that are caught in this jurisdiction at sea accounted for (i.e., unreported Trans-shipments at sea)?

Score: 5

Score Range: 3-5

No tuna transshipments have been reported at Mombasa port in 2017 (IOTC 2018a,b). Limited intervention through IOC and i-fish Africa programs via tracking of AIS signals for vessels transiting the Kenyan EEZ. The proposed Fisheries Management Bill has provisions for banning transshipments at sea. It is essential to state in this backdrop that transshipments at both sea and ports are rarely monitored due to shortage of officers and organizational red tape with multiple agencies involved in clearance of cargo landed or transshipped at Mombasa port. Transshipments at sea also occur in the absence of surveillance at sea. Internal investigation reports suggest that up to 25,000 tonnes of seafood is landed in foreign ports by nationally registered fishing vessels. A few boarding's have been conducted through EU funded Indian Ocean Commission regional missions. Illegal transshipments also take place between foreign fishing vessels and local boats in the territorial waters that largely remains unresolved due to involvement of organized crime gangs. Often such illegal transfers can be witnessed on landing beaches and anchorage at Mombasa (Anon, *pers. comm.*, 2016).

Anon (2016) report states that Kenya requires licensed fishing vessels to specify the quantities of cargo onboard and time of entry and exit into the EEZ. The report further states that “*Kenya also requires licensed foreign vessels to submit weekly catch data reports, but there are concerns that the reporting is not done accurately, purposefully concealing any illegal activities in its waters*”.

11. Are vessels required to undergo inspection of equipment and fishing gear for every fishing trip?

Score: 2

Score Range: 1-2

Several problems are noted in coastal fisheries (Anon 2016; Bush *et al.*, 2017; Samoily *et al.*, 2017).

Inspections are not performed frequently in industrial fisheries either. Nevertheless, in small-scale fisheries district fisheries officers conduct inspections at both landing beaches and markets. These operations are restricted to few times each season due to limited capital, operational snags and lack of access to coastal landing beaches. Operational controls to tackle use of illegal fishing gear also differ by each coastal district, as few are equipped well while some have virtually no inspections; owing to lack of vehicles or enforcement equipment. Seafood caught using illegal spear guns, gillnets and beach seines account for a significant portion of the total catch in artisanal fisheries sector (Anon, *pers. comm.*, 2017).

12. Has the country taken adequate measures to revise and implement national fisheries laws to curtail illegal fishing practices; and does it comply with national and international laws signed?

Score: 5

Score Range: 3-5

Fisheries Management and Development Act 2016 that replaced Fisheries Act (Cap. 378) of 15 August 1989, is the main national legislation for fisheries management in Kenyan waters. Kenya’s performance is also constrained by limited at sea enforcement in its EEZ waters. See Roberts *et al.*, (2017); Anon (2016a); Kenyan Govt (2016); FAO (2016); Hamad (2016); AU-IBAR (2015) EU (2014); Japp (2012); Hosch (2011); Mbendo (2011); World Bank (2013); NFDS (2011) reports for more information. The country has not reported an NPOA on IUU Fishing to fight and eliminate illegal fishing. Kenya is not a party to the FAO Compliance Agreement. Kenya has ratified the UN Fish Stocks



Agreement on 13 July 2004 and the UN Port State Measures Agreement on 23 August 2017.

CCAMLR has written to CITES to report that Kenya (CITES member) has failed to participate in CCAMLR catch documentation scheme regulating illegal trade of toothfish (TRAFFIC 2016).

Flag of Convenience	No
Vessels on the RFMO - IUU vessel list	No

RFMO	Year of the assessment	Compliant	Partially Compliant	Not Compliant	Source
IOTC	2017		Yes		IOTC (2018a,b)

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Note:

Bibliography and other notes relevant to this country report including methods, results and discussion for the global evaluation of 84 countries would be released shortly through IUU Risk Intelligence website (<http://iuriskintelligence.com/>). (The author can be contacted at prammod.raju@gmail.com to provide any feedback).

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