



Ministry of Agriculture, Livestock and Fisheries,



RATIFICATION OF PORTS STATE MEASURES AGREEMENT, A GREAT STEP FOR KENYA TOWARDS BLUEING THE NATIONAL ECONOMY

Fisheries play an important role in the national economy of most countries, Kenya included. For instance about 200 million Africans rely on fish as an affordable source of proteins and mineral and employing over 10 million people. In Kenya, the fisheries sector contributes about 0.8% to the Gross Domestic Product (GDP) at farm gate price, providing direct employment opportunities to over 500,000 people and supporting over 2 m people indirectly. A total of 167,000 Mt of fish was landed from capture fishery and aquaculture. It is estimated that Kenya's marine fishery has the potential to produce of 150,000 – 300,000 Mt of fish annually, but only 9,000 Mt was produced in 2015.. Kenya earned US\$ 13M from the fish exports.

Over the years, the world is experiencing a high demand for fish and fisheries products. We are already experiencing shortage of fish and fishery products across the globe. This is now putting pressure on our fisheries resources to meet the increasing demand for the seafood products. World fish stocks are being rapidly depleted, and valuable species are nearing extinction. Because fish are valuable commodity, the last decade has seen an escalation of transnational and organized criminal networks engaged in illegal, unregulated and unreported (IUU) fishing. There is increasing evidence of IUU fishing activities in our waters. IUU fishing is a serious problem affecting countries worldwide and Kenya is not exceptional. IUU fishing is causing economic losses to global economies. It is estimated that catches representing some 11-26 million tons of seafood valued at some US\$ 10 – 23.5 billion are being lost annually due to IUU related fishing. In Kenya, it is estimated that the country is losing Ksh 10 billion annually. IUU fishing undermines resource conservation; threatens food security and livelihoods; destabilizes vulnerable coastal regions and ecosystems due to limited law enforcement capabilities; and is linked to other serious crimes including labor associated crimes, money laundering, fraud, human trafficking, drugs and arms dealing.

Concerned that IUU fishing is increasingly threatening global fisheries and economy, the international community in 2009 FAO Conference adopted the Agreement on Ports States Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement). Kenya signed the PSMA on 19th November 2010 expressing its intent of ratifying the agreement, but has not yet ratified the instrument as required. The Agreement entered into force on 5th June 2016, the 30 days after the UN Depository received the mandatory twenty-fifth (25th) instrument of ratification among the African Countries that have ratified include Mozambique, Mauritius, South Africa, Sudan, Seychelles, Gabon, Guinea and Somalia. The 2009 FAO Port State Measures Agreement is binding. It seeks to prevent, deter

and eliminate IUU fishing through the implementation of ports state measures in an effective manner to foreign vessels when seeking entry to ports or while they are in port. Kenya subscribes to the FAO and other regional fisheries management initiatives, including the South West Indian Ocean Fisheries Commission (SWIOFC) and the Indian Ocean Tuna Fisheries Commission (IOTC).

Ratification of this Agreement will not be a burden to Kenyans as already the government has directed some efforts towards sustainable development and improving governance of our marine fishery resources, including fighting IUU. We have constructed a Monitoring, Control and Surveillance (MCS) center in Mombasa and are in the process of installing the vessel monitoring system (VMS) and have established an Inter-agency Committee which is already implementing the regional and national obligations using the Standard Operating Procedures for inspection and boarding. We are now in the process of purchasing an offshore patrol vessel and a number of compliance inspectors have been trained. However we note that that curbing IUU fishing requires international efforts and collaboration. To this end, Kenya has initiated the process of ratifying the PSMA. The State Department of Fisheries and Blue Economy has put together an Inter-Agency committee to spearhead this process. This is in line with the National Oceans and Fisheries Policy, the Fisheries Act and the Fisheries Management and Development Bill, 2015 legal instrument and indeed the Ministerial mandate of the Ministry of Agriculture, Livestock and Fisheries.

As we embark on this journey of PSMA ratification and implementation of the same, my Ministry would like to recognize and commend WWF for their continued support in promoting sustainable marine fisheries management and development in Kenya, including the PSMA process. With the support of WWF and other partners and stakeholders, my Ministry has been able to develop the national tuna fisheries management and development strategy which provides a framework for the management and development of tuna and other highly migratory fishery resources in Kenya's EEZ. The Ministry of Agriculture, Livestock and Fisheries with the support of WWF convened an inter-agency consultative meeting in Mombasa in which a roadmap to the PSMA ratification process in Kenya was developed. The outcome of the consultative meeting informed Kenya's position at the 32nd Session of the FAO Committee on Fisheries (COFI) held in Rome on 11th to 15th July, 2016.

This important Agreement that will enable Kenya join the global initiative in fighting IUU fishing has been principally domesticated in the Fisheries Management and Development Bill, which has passed through the National Parliament. The PSMA provides a unique opportunity to harmonize and strengthen port State controls in Kenya and around the globe. These regional and international efforts will deny vessels engaged in IUU fishing from using ports and landing their catches, thereby reducing the incentive of such vessels to continue to operate and blocking the fishery products derived from IUU fishing from reaching national and international markets. Most importantly by implementing the PSMA, financial gains that today flow to illegal actors could be recaptured by the Kenya Government and local fishing communities hence spur economic development with a view to meeting Vision 2030.

The full version of the PSMA can be found on the link (this should be on the Ministry website) provided below and we would be happy to have your feedback and contribution.

For more information on the PSMA ratification process in Kenya, kindly contact;

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