

FISH POLICIES

The sector is regulated and controlled by the Fisheries Department, which falls under the Ministry of Agriculture, Livestock and Fisheries. Following are some regulation related issues:

Legal and regulatory framework

The government policy for the fisheries sub-sector has been to maximize production by proper utilisation of resources. The policy encourages fish filleting for export, rationalisation of tariff structures on inputs of fish processing machinery and support of programmes that provide boats and gear (engines and nets) to fishermen. The government has named processing, which includes fish processing, as a priority area for investment promotion as outlined in the KV 2030.

The Fisheries Department is the national institution mandated to manage the fisheries sector and currently operates under the Ministry of Agriculture, Livestock & Fisheries. Basic fisheries legislation is set out in six parts and 26 sections of the Fisheries Act (cap378) .The Act applies to both marine and inland fisheries, and broadly empowers the Director of Fisheries, with the approval of the Minister, to issue regulations to promote the development of fisheries and aquaculture and to ensure the proper management of specific fisheries, including the possibility of declaring closed seasons and/or areas, access limitations, and restrictions on fishing methods, gear, and the characteristics of fish that may be caught.

The Act further establishes bases for:

- i) Registration of fishing vessels (obligation of registration of fishing vessels and definitions of governing conditions).
- ii) Licensing (Fisher folk, Traders)
 - Section 8 of the Fisheries Act (Cap 378 of 1991) provides that no person other than persons fishing for their own consumption shall catch or assist in catching fish in Kenya fishery waters otherwise than in accordance with the terms and conditions of a valid license issued to him under the above Act.

- The Fisheries (General) Regulations 15 (1) provides that no person shall trade in fish or fish products unless he is in lawful possession of a fish traders license issued under this regulation and is operating on conformity with the terms and conditions of the license.
- Obligation to be in possession of a valid license to fish Kenya waters.
- Local fishing vessel requirements.
- Foreign fishing vessel requirements.
- Other licenses (requirements for any other fisheries activity including sport fishing).

iii) Offences and enforcement (defines specific offences and penalties):

- Prohibited methods of fishing.
- Trade and commerce of fish illegally caught.
- Obstruction of officers
- Powers of officers.
- Procedure of forfeiture

iv) General provisions (miscellaneous):

- Prohibition on fishing for marine mammals in Kenyan waters.
- Specification of Minister's powers to make regulations (e.g. to organise and regulate marketing and distribution of fish; establishment of credit schemes, etc.).

v) Kenya Fishing Bans (Omena)

- The ban on fishing and trading omena (*Rastrineobola argentea*) was implemented in 2001 in order to conserve vulnerable stocks during the peak breeding period and reduce the overall effort on this fishery. The ban was published in the Kenya Gazette Notice No.7565-The Fisheries Act (Cap 378) – Imposition of Management Measures- gave notice that fishing *Rastrineobola argentea* (Omena) in Kenya waters of Lake Victoria during the period from 1st April to 31st July each year is prohibited and the respective periods wherever specified, shall be closed seasons or areas for purposes of this notice.

Beaches along Lake Victoria shoreline and Kenya Coast

The Lake Victoria basin has approximately 307 gazetted fish landing beaches in Kenya while the marine coastline has 141 fish landing sites. A beach is a place along the lakeshore where boats anchor or land to discharge fish catches. There are fish landing beaches that are not recognized by the Government but could be well known to the communities for social activities. Gazettement of a beach follows a procedure where inspection for the minimum requirements of social amenities is carried out. Those that qualify to be gazetted are listed in the official government newsletter —The Kenya Gazette¹ and become recognized places for landing fish and subject to all requirements as contained in the legal provisions. Those beaches that do not meet the minimum requirements may remain social beaches but the government operations will not recognize them and any infrastructure developments cannot take place in such fish landing sites.