



Nahodha

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Kenya joins Action against Wildlife Trafficking in Shipping

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Editorial Team

Michelle Wanga - Editor
Ellah Kiyangu
Victoria Tuva
Margaret Zighe
Gilbert Kulali
Lauretta Nafula






Contributors

Elijah Agak
Katherine Kithikii
Josephine Nthia

Contact us

info@kma.go.ke
Website: www.kma.go.ke

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Message from the Director General's desk



As we begin the New Year 2023, it is noteworthy that with the support of the Government, existing regulatory frameworks and your valuable participation as stakeholders in the maritime industry, the nation has already started the transition towards a sustainable future. This is evident in the measures Kenya continues to develop to improve maritime safety and security, strengthen maritime education and training, improve the efficiency of shipping through the electronic exchange of information, meet the challenges of the digitalization of shipping, cut greenhouse gas emissions, reduce the sulphur content of ships' fuel oil, implement the Ballast Water Management Convention, protect the marine environment, reduce marine litter, improve seafarers' welfare and enhance the participation of women in the maritime community.

Kenya Maritime Authority (KMA) recognizes and appreciates the integral role you play as a stakeholder in shaping the nation's maritime industry and blue economy agenda. The Authority reaffirms its commitment to continue working with you to progress the sector further and collectively seek feasible solutions to address existing challenges. KMA believes that collective efforts and partnerships will be crucial in transforming the sector to the next level of success.

The Authority remains optimistic, and looks forward to achieving greater milestones for the industry together with you in 2023. KMA wishes you a prosperous 2023!

John Oming'o
Ag. DIRECTOR GENERAL



Kenya Maritime Authority signs MOU with Turkana University

By Michelle Wanga



Mr. Hamisi Mashobo Mwanguya, Chairman, KMA, Board of Directors (right) and Prof. Cheminingwa (left) shake hands after the signing of the MOU between Kenya Maritime Authority and Turkana University College. John Omingo, Ag. Director General, Kenya Maritime Authority, KMA Board members, Roselyn Amadi and Stephen Kiarie together with the Dr. Munyua, Chairman, Turkana University also witness the signing event.

The Kenya Maritime Authority (KMA) signed a Memorandum of Understanding (MOU) with Turkana University College on 13th December, 2022, at the KMA Headquarters to enhance the provision of quality Maritime Education and Training. The signing of the MOU was presided by Mr. Hamisi Mwanguya, KMA's Chairman and Mr. John Omingo, KMA's Acting Director General.

"We are happy that we have begun to unlock Kenya's potential to benefit from the Maritime and Blue economy," Mr. Hamisi Mwanguya, KMA's Chairman said, "we look forward to building synergies with Turkana University to develop human capacity for the maritime industry through training."

The signing of the MOU is expected to support the growth of the nation's Maritime and Blue Economy through provision of skilled professionals to the sector. It is also expected to equip residents of Turkana with increased maritime knowledge and skills to invest in Lake Turkana and harness its full potential for the Blue economy.

"We see a lot of potential in the Blue economy in Turkana, especially with the Lake Turkana and fishing activities on the Lake," Dr. Munyua, the Chairman, Turkana University emphasized, "we are also interested in seeing our youth trained in the maintenance and repair of boats, including fiber boats and tap into the sector."

The Turkana University College intends to develop a seafarer's

curriculum in line with the Merchant Shipping (Training and Certification) Regulations, 2016 and (STCW) 1978 (as amended), enhance maritime professional skills of students; provide marine engineering, nautical and maritime studies in order to support national and international shipping and the nation's blue economy as well as collaborate in facilitating shipboard training. As a maritime regulator, KMA will provide the required guidance to Turkana University to ensure compliance with the required standards of maritime education and training. Kenya Maritime Authority has been on an intensive awareness programme to increase the uptake of the maritime curricula, both sea and land-based, in middle level colleges and at the Universities.

"Let us find solutions together," urges maritime PS

By Michelle Wanga

EE It is exciting to be here. I look forward to having a major impact in this sector. I bring glad tidings," he said, "I want us to work together as a team, surmount problems and find solutions together. Is it possible? Yes, it is."

The Kenya Maritime Authority (KMA) Board of Directors, Management and Staff welcomed Shadrack Mwadime, the newly appointed Principal Secretary (PS), State Department for Shipping & Maritime Affairs at the KMA Headquarters on 13th December, 2022.

"It is exciting to be here. I look forward to having a major impact in this sector. I bring glad tidings," he said, "I want us to work together as a team, surmount problems and find solutions together. Is it possible? Yes, it is."

Mr. Mwadime was familiarized with the Authority's mandate, functions and challenges within the maritime

sector by Mr. Hamisi Mwanguya, KMA's Chairman and Mr. John Omingo, KMA's Acting Director General.

"KMA needs to play its rightful role as an enabler of the nation's Maritime and Blue economy," Hamisi Mwanguya, KMA's Chairman said, "We look forward to new heights of achievement for KMA. We are happy, in the right feet to move forward."

During his visit to KMA, Mr. Mwadime shared his vision for the Kenya Maritime Authority. He noted that Kenyans were tired of listening to the same rhetoric and wanted results. He urged KMA employees to put the needs of the country and citizens



first. Mr. Mwadime also emphasized that building capacity in the maritime sector was key.

"We need to work towards the recruitment of 200,000 Kenyan seafarers by the year 2027. This means a target of 40,000 seafarers annually," he envisioned.

Mr. Mwadime also highlighted that one of his strategies was to bring all stakeholders in the Shipping, Maritime and Blue economy sector together. He also noted that he was eager to work with KMA and stakeholders to plan for the employment of more Kenyan seafarers on merchant ships. At the moment, Kenya has about 6,289 registered seafarers with about 4,200 employed aboard ships. Out of the 4200 employed seafarers, about 1000 Kenyan seafarers have been employed by Mediterranean Shipping Company (MSC) and 2,000 recently recruited by the Royal Caribbean Cruises. The Principal Secretary, Shipping and Maritime affairs also implored on Kenyan financial institutions to assist and support the sector by giving scholarships to seafarers.



Mr. Shadrack Mwadime, EBS, MBS, Principal Secretary, State Department for Shipping & Maritime Affairs (centre), Mr. Hamisi Mashobo Mwanguya, Chairman, KMA, Board of Directors (right) and Mr. John Omingo, Ag. Director General, Kenya Maritime Authority (left) during a meeting at the KMA Headquarters.

Kenya Maritime Authority receives new Chairman

By Michelle Wanga



The Kenya Maritime Authority (KMA) Board of Directors and Management, welcomed the Authority's newly appointed Chairman, Mr. Hamisi Mashobo Mwangya at the KMA Headquarters. Mr. Hamisi Mwangya was received by KMA's Board of Directors, Salaah Balala and Rev. Joseph Gatimu and familiarized with the mandate and functions of the Authority by John Omingo, KMA's Acting Director General.

"The Kenya Maritime Authority has a great mandate. We need to work together in synergy to deliver results," Mr Hamisi Mwangya, KMA's Chairman said in his address to the Authority's Board of Directors and Management, "I am here to work as a partner and support you."

During his visit to the Authority, Mr. Mwangya also interacted with KMA employees.

"Let us compare ourselves with the best in the world. We need to get there. This is the journey we need to walk together," he encouraged.

Mr. Hamisi Mashobo Mwangya was appointed as the Chairman of Kenya Maritime Authority (KMA) for a period of three years with effect from 18th November, 2022. His appointment was conferred by H. E, William Ruto, President of the Republic of Kenya and Commander-in-Chief of the Defence Forces through Special Issue Gazette Notice No. 14228 in accordance with the Kenya Maritime Authority Act, No 5 of 2006.

“Let us compare ourselves with the best in the world. We need to get there. This is the journey we need to walk together.**”**



Understanding Aids to Navigation

By Elijah Agak

1. What are Aids to Navigation (AtoN)?

Unlike the roads and highways that we drive on, waterways do not have road signs that tell us our location, the route or distance to a destination, or of hazards along the way. Instead, waterways have AtoN, which are important tools of navigation that enhance safety. AtoN are used by mariners to determine positions, safe courses or to warn mariners of dangers to navigation while on move. AtoN also assist mariners in making a safe landfall (arrival/ docking), mark isolated dangers, enable pilots to follow channels and provide a continuous chain of charted marks for precise piloting in coastal waters.

2. What constitutes Aids to Navigation?

For hundreds of years, maritime authorities have marked safe water with buoys and beacons. Lighthouses, buoys and beacons are some of the maritime physical traditional AtoNs. AtoN also include day beacons, lights, lightships, radio beacons, fog signals, marks and other devices used to provide "street" signs on the water. They include all the visible,

audible and electronic symbols that are established by Government and private authorities for piloting purposes. In maritime travel, AtoN System is intended for use with nautical charts, which provide valuable information regarding water depths, hazards, and other features that are not found in an atlas or road map.

3. What is the importance of Aids to Navigation?

Any sort of marker that guides by demarcation safe water routes and helps mariners determine their position with respect to land or any navigational hazard or hidden danger is crucial in water transport. Besides supporting commerce, these buoys and beacons help ship navigating officers safely navigate even a narrow channel in a wide expanse of water. They also provide efficient economic and comfortable travel of vessels in rivers, channels, harbours, lakes and ocean shores.

4. What are the requirements of construction of Aids to Navigation?

In order to construct AtoN, risk assessment approach is used to identify and rank hazards in:

- Position Fixing;
 - Hazard identification and warning; and
 - Indication of traffic arrangements. Additionally, relevant matters considered when carrying out the risk assessment to determine the AtoN requirement would include:-
- a) Geographical features and foreshore structures: Headlands, Points, Low Coastlines, Islands, rocks, outcrops, piers, jetties, quays, locks, bridges, marine farms, future development in the area, etc;
 - b) Hydrographical Features: Shoals, depth of water, Harbour approaches, Wrecks, fairways (Shoaling) etc;
 - c) Traffic Conditions: Volume, Size and mix of shipping (dry cargo, passenger, high speed vessels, Fishing, hazardous cargoes, inland waterway crafts, Traffic separation schemes, etc;
 - d) Weather Conditions: Frequency and direction of storms, gales, fog and other factors causing reduced visibility;
 - e) Environmental Factors: Areas of high population density, Number



of vessels carrying hazardous cargoes, number of vessels carrying the hazardous cargoes etc; and

- f) Traffic Management Resources: Availability and limitations of all present traffic management resources, including routing measures, anchorages, pilotage, availability of tugs, local rules and ship reporting requirements, etc.

5. Roles & Responsibilities of Kenya Maritime Authority as it relates to Aids to Navigation

The relevant statutory provisions with regard to AtoN are drawn from the Kenya Maritime Authority Act, 2006 which mandates the Kenya Maritime Authority (KMA) to administer and enforce the provisions of the Merchant Shipping Act, 2009, and any other legislation relating to the maritime sector. The Merchant Shipping Act, 2009, empowers the KMA Director General to exercise general supervision over all AtoN. The Act notes that AtoN's may be constructed, established and maintained privately.

To enhance regulation in the construction, establishment, alteration, discontinuance and maintenance of AtoN, the Merchant Shipping Act, 2009 provides that the KMA Director General shall provide prior written consent to ensure that they conform to prescribed specifications.

In addition to the above, KMA as an institution responsible for safety of navigation shall ensure:-

- that all AtoN's that have been established are maintained;
- that AtoN's are established in compliance with the prescribed conditions and specifications and are in proper working order;
- that inspection and audits are carried out in respect of all AtoN's;
- to approve the establishment, removal, or alteration of all AtoN's;
- to notify the public on changes or deficiencies of AtoN's; and,
- receive reports of AtoN outages

6. Aids to Navigation and Buildings

AtoN's are built in places which do not favor other building constructions. Building constructions should be such that they don't obstruct the visibility of the AtoN and also not interfere with the flashing characteristics of the AtoN, e.g. colour of the AtoN and its corresponding flashing light.

7. Why is it important that buildings be constructed away from Aids to Navigation?

If buildings or constructions do not comply with the requirements of building or constructing away from AtoN, the AtoN's will be obstructed which eventually endangers the safe passage of vessels around these points and may result in incidences or accidents.

8. What are the dangers of building structures obstructing Aids to Navigation?

Obstructing AtoN could lead to vessel incidences or accidents due to

obstruction and confusion since the vessels will not be able:

- avoid dangerous zones;
- follow the proper harbour approaches;
- locate ports, piers, jetties, etc. during night and bad weather conditions;
- locate channels and entrance demarcation buoys; and
- identify the beaconing lights coming from the AtoN at night.

9. Any other important information on Aids to Navigation/ obstruction to Aids to Navigation?

- Fishermen or any vessel should not be allowed to be fastened at any AtoN, especially, for the floating type, as this act may shift the position of the AtoN. Additionally, the fastened vessel may obstruct an on-coming vessel which may need to use the AtoN at the time.
- An AtoN should be operational at all times.
- The AtoN paint should not fade and for clarity, it should be maintained regularly.
- Any anomaly detected with the AtoN should be reported to the Authority immediately



Frequently Asked Questions on Seafarers Employment and Welfare

By Josephine Nthia



1. Continuous Discharge books (CDC)

Question

What are the requirements for obtaining a CDC?

Answer:

- Copy of National Identity Card
- 2 passport size photographs taken on a white background
- Copy and Original valid Basic STCW Certificates
- In case the STCW certificate is not issued by the Kenyan Maritime Administration, then verification will be done with the issuing Authority before application is processed.

Question

What about CDC replacement in case of loss or damage

Answer

- The original CDC (in case of damage)
- In case of loss (police abstract)
- Copy of the CDC upto the last endorsement
- Copy of National Identity Card
- 2 passport size photographs on a white background
- Original and a copy of valid basic STCW certificates.

Question

What is the cost of a new CDC, replacement of a CDC, lost CDC and renewal of CDC

Answer

- New and replacement of CDC = USD 20.00
- Loss of CDC = USD 25.00
- Renewal of CDC = USD 2.00

Question

How many days will it take to process the CDC

Answer

Three (3) working days

2. Payment of wages

Question

Must a monthly payment of the wages be available to the seafarer?

Answer

Yes, Seafarers shall be paid at interval of not greater than a month and given a monthly account of the payments due and the amounts paid, including wages,

additional payments and the rate of exchange used where payment has been made in a currency or at a rate different from the one agreed to. It can be in electronic or hard copy.

Question:

What happens if I sign off without being paid?

Answer:

Report to The Seafarers Union of Kenya, local ITF agent or KMA offices

3. Employment agreements

Question:

Must seafarers' employment agreements be in English?

Answer

No, Where the language of the seafarers' employment agreement and any applicable collective bargaining agreement is not in English, then it follows that English translation of the same will be available (except for ships engaged only in domestic voyages):

Question

What if I do not understand what my employment agreement says?

Answer

You should be given the opportunity to seek advice from KMA office or any other person who can assist.

Question

Must seafarers' employment agreements be in paper format?

Answer

No, they can be available electronically, but such electronic versions must have been signed by both parties and copies deposited with the Registrar of Seafarers in line with the requirement of the Merchant Shipping Act, Cap. 389

Question

What should a seafarer do after receiving a new contract?

Answer

The seafarer must have a chance of going through the employment contract, if the seafarer does not understand terms of the contract, seek advice about the terms before signing it. The seafarer can visit KMA for advice.

Question

Must seafarers' original employment agreements be available on board?

Answer

A copy of seafarers employment agreement should be kept on board, signed by both parties.

Question

Must the collective agreements be available on board?

Answer

Only , if a collective agreement constitutes the seafarer's employment agreement in part or full, the shipowner must ensure that either a standard copy of the collective agreement or an electronic version is available on board. It can be in the any other language, in such a case English translation should be available.

Question

Must the collective agreement have been signed by the two parties?

Answer

Yes.

Question

Must collective agreements be in paper format?

Answer

No, they can be available electronically.

Question

what should be included in the content of the employment agreement?

Answer

*the seafarer's full name, date of birth or age, and birthplace; *the ship owner's name and address; * the place where and date when the seafarers' employment agreement is entered into; * the capacity in which the seafarer is to be employed; * the amount of the seafarer's wages or, where applicable, the formula used for calculating them; * the amount of paid annual leave or, where applicable, the formula used for calculating it; * termination of the agreement and the conditions thereof, including: * if the agreement has been made for an indefinite period, the conditions entitling either party to terminate it, as well as the required notice period *if the agreement has been made for a definite period, the date fixed for its expiry; and * if the agreement has been made for a voyage, the port of destination and the time which has to expire after arrival before the seafarer should be discharged * the health and social security protection benefits to be provided to the seafarer by the ship owner.

Question

We have seafarers who were employed before 20 August 2013. Must these seafarers have new employment agreements that meet the MLC requirements?

Answer

Yes. Employment agreements are to be renewed atmost after one year.

Question

What will happen if a valid collective agreement has expired?

Answer

Most collective agreements concluded with Seafarers Union stipulate that the collective agreement applies either beyond the agreed duration or until the collective agreement has been replaced by a new collective agreement. Should a collective agreement to which reference is made in a seafarer's employment contract be terminated or cancelled during the service, the conditions and terms of the terminated collective agreement must automatically apply as individually agreed conditions and terms for the employment for the remainder of the service. This is automatic and as regards expressions – minor change of the contractual basis will not normally require a new employment contract.

4. Recruitment and placement Services

Question

Is license needed in order to run recruitment and placement services?

Answer

Yes. One has to have a license before starting the business of recruitment and placement, it is issued from KMA upon application and meeting all the requirements as recruitment and placement agent in accordance to the Merchant Shipping Act, . 389

Question

Should RPS be certified as a shipowner?

Answer

An RPS license may be issued to a ship-owner if all the requirements of recruitment and placement agents are met

Question

We use a recruitment and placement service in another country that has ratified the MLC. What must we be aware of in that connection?

Answer

Shipowners using private recruitment and placement services for seafarers in countries that have ratified the MLC – or ILO Convention no. 179 on the recruitment and placement of seafarers (1996) – must ensure that the relevant services have a certificate or a license or a document showing that they are operated in accordance with the Convention requirements.

Question

We use a recruitment and placement service in another country that has not ratified the MLC. What must we be aware of in that connection?

Answer

Ship Owners using private recruitment and placement services for seafarers in countries that have not ratified the MLC – or ILO Convention no. 179 on the recruitment and placement of seafarers (1996) – must be able to document that the relevant services meet the requirements for recruitment and placement services following from the Convention.

5. Hours of rest

Question

Should hours of rest be agreed upon in the employment agreement?

Answer

Yes, it may be. However, **hours** of work and **rest** should be stipulated in the national laws of the flag state where the ship is registered. In accordance with **MLC 2006** the minimum **hours** of rest for all seafarers are: 10 hours in any 24 **hour** period; and. 77 **hours** in any 7 day period. **Hours** of rest may be divided into no more than 2 periods one of which shall be at least 6 **hours** in length.

Question

Can information on hours of rest be kept on board in electronic form?

Answer

Yes. If the system for recording hours of rest is electronic

Question

Must the seafarer always receive the overview of hours of rest in paper format?

Answer

It is a required that records of seafarers' daily hours of work or of their daily hours of rest be maintained to allow monitoring of compliance in accordance to ILO Standard. The seafarers shall receive a copy of the records pertaining to them which shall be endorsed by the master, or a person authorized by the master, and by the seafarers.

Question

Are seafarers permitted to work on "public holidays"?

Answer

collective agreements will state that compensation be done of work performed on public holidays by at least equivalent time off duty and off the ship or additional leave in lieu of remuneration or any other compensation so provided. Seafarers should rest on public holidays as provided for in the MLC, 2006.

For further enquiry please contact:

Registrar of Seafarers, Kenya Maritime Authority, Moi Avenue, Whitehouse
P. O. Box 95076-80104 MOMBASA - KENYA

+254 41 2318398 / 9 / 0724319344 info@kma.go.ke

6. Food

Question

Must the food be free?

Answer

Yes. Seafarers on board a ship shall be provided with food free of charge during the period of engagement. The food should be of good quality and quantity

7. Complaint procedure

Question

Who do I present a complaint onboard ship

Answer

Report to the immediate supervisor, if non responsive, escalate the complaint a higher level (Master)

8. Complaint Procedure at Port

Question

How to I report persistent violation in (wage payment, conditions of work, violation of seafarers' rights, hours of rest) to shore authorities.

Answer

Report to Port State Control Officers, ITF, Seafarer's Union, and Maritime Authority



Kenya joins Action against Wildlife Trafficking in Shipping

By Katherine Kithikii



Participants in the Thailand Maritime Stakeholders Workshop watching a documentary on combating illegal wildlife trade at the Port of Mombasa, Kenya.

Kenya participated in a workshop aimed at helping maritime stakeholders detect and investigate wildlife trafficking organized by the Royal Thai Government, through its Marine Department held on 6th and 7th December, 2022, in Bangkok. The theme for the workshop was “ALL HANDS ON DECK: Thailand Maritime Stakeholder Workshop to Detect and Investigate Wildlife Trafficking in International Maritime Supply Chains”. The workshop yielded multiple tangible public-private partnership commitments and actions that will be implemented in support of the new International Maritime Organization (IMO) Guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic.

Kenya's Amb. Nancy W Karigithu, Special Envoy to the Blue Economy and Maritime Affairs and Ms. Katherine

M Kithikii, Principal Legal Officer at the Kenya Maritime Authority (KMA) presented the International Maritime Organization (IMO) Guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic and Kenya's perspective of the same.

Around 90 government regulators and leaders from the maritime industry in Thailand attended the workshop. Thailand is the first South East Asia country to host and launch such an event to facilitate the implementation of the International Maritime Organization (IMO) Guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic. The governments of Kenya, Vietnam, the United States of America, the Asia Pacific Regional Intelligence Liaison Office of the World Customs Organization (RILO

ALL HANDS ON DECK: Thailand Maritime Stakeholder Workshop to Detect and Investigate Wildlife Trafficking in International Maritime Supply Chains.

AP), and various United Nations (UN) agencies participated and contributed to strategic and tactical actions to implement the new IMO guidelines in Thailand. Representatives from the International Maritime Organization were in attendance and provided insightful guidance on implementation.

The event was also graced by the participation of Global industry representatives from the World Shipping Council (WSC) and the United for Wildlife of the Royal Foundation of the Prince and Princess of Wales who were also present to lend expert support on industry updates and commitments. Partners from the industry and civil society sectors also contributed to the event including the Environmental Intelligence Agency (EIA), TRAFFIC, the Wildlife Justice Commission, Compagnie Maritime d'Affrètement and Compagnie Générale Maritime



Participants during the Thailand Maritime Stakeholder Workshop to Detect and Investigate Wildlife Trafficking in International Maritime Supply Chains.

(CMA-CGM), Ocean Network Express Holdings (ONE), Hutchinson Ports, World Animal Health Organization (WOAH), Grace Farms Foundation, Standard Chartered Bank and Swire Shipping.

The workshop follows Kenya's work and participation in the 127th International Maritime Organization (IMO) Council session held from 11th – 15th July, 2022, where the IMO together with the Royal Government of Thailand organized a side event on 12th July 2022 to facilitate the presentations on “IMO action against wildlife trafficking in international maritime supply chains”.

The Government of Kenya at the 44th session of the IMO Facilitation (FAL) Committee presented a document FAL 44/18/1 proposing a new output in the work programme on “developing guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic”. The proposed guidelines were approved for development with a completion target year for 2023. Following the approval of the Committee the proposal was endorsed by the IMO Council and Assembly.

A Working Group led by Kenya, and including United Nations Development Programme (UNDP), Worldwide Fund For Nature (WWF), Environmental Investigation Agency (EIA) TRAFFIC and United for Wildlife Transport Taskforce, over a series of virtual meetings, developed



Kenya's Amb. Nancy W Karigithu, Special Envoy to the Blue Economy and Maritime Affairs and Ms. Katherine M Kithikii, Principal Legal Officer at the Kenya Maritime Authority (KMA) together with other delegates during the 127th International Maritime Organization (IMO) Council session. They made a presentation on “Guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic” and shared Kenya's perspective.

and reviewed the thematic areas of the guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic, using various resources including publications, journals, comparable national best practices and relevant international instruments including the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

The proposed guidelines underwent progressive review entailing participation of both the public and private sectors globally. The proposed guidelines are to serve as an additional tool to prevent and combat wildlife trafficking, and other forms of illicit activities, by enhancing awareness of the measures and procedures seeking the involvement of maritime transport operators, shippers and others from the private sector and competent government agencies in international shipping.

The International Maritime Organization Guidelines for the Prevention and Suppression of the Smuggling of Wildlife on Ships Engaged in International Maritime Traffic

By Katherine Kithikii



Kenya's Amb. Nancy Karigithu, Special Envoy to the Blue Economy and Maritime Affairs and Ms. Katherine M Kithikii, Principal Legal Officer at the Kenya Maritime Authority(KMA) during the 127th International Maritime Organization (IMO) Council session. They made a presentation on "Guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic" and shared Kenya's perspective.

Background

Kenya has suffered the scourge of illegal wildlife trade, previously as a source State and over the years a transit State. Kenya has over the years embarked on preventive measures as a nation through cooperation and collaboration at the national, regional and international level. These measures have progressively assisted and continue to assist Kenya. It is therefore on this basis that these IMO Guidelines are at the heart of the People and Kenya's Flora and Fauna. The Government of Kenya at the 44th session of the FAL Committee, presented document FAL 44/18/1 proposing a new output in the work programme on "developing guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic". The proposed guidelines were approved for development

with a completion target year for 2023. Following the approval of the Committee the proposal was endorsed by the International Maritime Organization (IMO) Council and the Assembly.

A Working Group led by Kenya, and including United Nations Development Programme (UNDP), Worldwide Fund For Nature (WWF), Environmental Investigation Agency (EIA) TRAFFIC and United for Wildlife Transport Taskforce, over a series of virtual meetings, developed and reviewed the thematic areas of the guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic, using various resources including publications, journals, comparable national best practices and relevant international instruments including: -

- a. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1975;
- b. International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended (and the International Ship and Port Facility (ISPS) Code);
- c. United Nations Convention on the Law of the Sea (UNCLOS), 1982;
- d. Convention on Facilitation of International Maritime Traffic (FAL), 1965, as amended;
- e. United Nations Convention on Transnational Organized Crime (Palermo Convention or UNTOC), 2000;
- f. United Nations Convention against Corruption (UNCAC), 2005;

- g. World Customs Organization SAFE Framework of Standards to Secure and Facilitate Global Trade, 2005 as amended;
- h. Jeddah Amendment to the Djibouti Code of Conduct 2017; and,
- i. Resolution A/RES/69/314 on Tackling the Illicit Trafficking in Wildlife.

At this juncture, we take this opportunity to recognize, thank and appreciate the individual officers who formed the Kenyan team and worked tirelessly to provide technical expertise in the development of the IMO guidelines. These include: -

1. Ms. Joyce Awino, Director Enforcement and Emergency Response, Kenya Coast Guard Service;
2. Ms Florence J Magoma, Senior Legal Officer, Kenya Wildlife Service;
3. Mr. Dadley K Tsiganyiu, Senior Warden, Kenya Wildlife Service;
4. Ms. Annette W Muriithi, Advisor – Maritime Policies, Law & Shipping Climate Change, State Department for Shipping and Maritime; and,

5. Ms. Katherine M Kithikii, Maritime Law Expert, Principal Legal Officer, Kenya Maritime Authority.

The Kenyan team was under the leadership of Ambassador Nancy W Karigithu, the Special Envoy for the Blue Economy and Maritime Affairs.

The proposed Guidelines underwent progressive review entailing participation of both the public and private sector.

The Government of Kenya with the support through co-sponsorship of Brazil, Colombia, Germany, Tanzania, ISCOS, ICS, WWF, IFAW and INTERPOLPOLICE at the 46th FAL Committee session under paper FAL 46/15, requested the Committee among other aspects:

- a. To adopt the guidelines for the prevention and suppression of the smuggling of wildlife on ships engaged in international maritime traffic, as set out in the annex; and
- b. consider the revised text of Recommended Practice 7.11, with the view to including the combat of illicit activities as

part of the national maritime transport facilitation programme.

The 46th FAL Committee approved the proposed guidelines for implementation following issuance of the circular and approved the revision of Recommended Practice 7.11 for implementation post 2024. The guidelines were issued under **FAL.5/ Circ.50 on 1 June 2022.**

Purpose of the IMO Guidelines

The guidelines are intended to complement international instruments and recommendations issued by various bodies including the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Secretariat, the United Nations and the International Tropical Timber Organization in order to assist those engaged in the facilitation of international maritime traffic to prevent and suppress smuggling of wildlife on ships.

The guidelines are to serve as an additional tool to prevent and combat wildlife trafficking, and other forms of illicit activities, by enhancing awareness on measures and procedures to prevent and/or combat illegal wildlife



trade. They encourage collaboration and coordination at international, regional, and national levels, port level, and between competent government agencies, maritime transport operators, shippers, seafarers and other stakeholders in the prevention and suppression of wildlife trafficking

trafficking as a criminal offence that may lead to prosecution, to enhance information-sharing and to encourage them to report suspicious activities.

Structure of the Guidelines

The Guidelines have been structured in the following manner: -

The Guidelines will assist: -

- a. maritime administrations to coordinate activities related to the prevention and suppression of smuggling of wildlife on board ships between the public and private sectors together with the lead agency in illegal wildlife trade matters;
- b. competent government agencies to execute their mandate in terms of prevention, detection, interception and investigation of smuggling of wildlife cases; these agencies include revenue/customs officers, port policing authorities, CITES management authorities and scientific authorities (wildlife, fisheries, forestry), law enforcement officers (coastguard service, national intelligence, criminal investigations) and immigration officers;
- c. shipowners and shipping lines to consider adopting or improving procedures aimed at enhancing due diligence over shipping operations, and at preventing smuggling of wildlife on board ships; such procedures may vary from one ship to another, depending on the type of ship, their cargo and the routes they serve; and
- d. seafarers, shippers and other maritime transport operators to gain more knowledge on wildlife

Part I – Introduction to Illegal Wildlife Trade in International Maritime Transport. This part entails an overview of the illegal wildlife trade. It includes information on the different wildlife species subject to trafficking, the different techniques used by traffickers to conceal illegally traded wildlife with a particular focus on ships and the various forms of transportation including as containerized cargo, on a passenger vessel either on the person or on their luggage, ferry, roll-on/roll –off (ro-ro) vessel, bulk cargo or at times on crew members either in person or on their luggage.

Part 2 – Measures to Prevent, Detect and Report Wildlife Trafficking on Ships. Here you will find information in terms of actions competent government agencies and companies may undertake to prevent and suppress illegal wildlife trade.

For component government agencies include implementation of enforcement measures based on jurisdiction in declared maritime zones, undertaking ship assessment including risk profiling, implementation of security measures at ports including free trade zones, establishment and use of electronic/ automated systems such as custom clearance systems, maritime single window systems, systems for issuance of CITES permits and/or licences and their integration, use of wildlife crime

Intelligence, measures in respect of inspection of vessel or cargo under suspicion, establishment of a national joint port control unit to facilitate inspections, measures related to inspection of cargo, passengers and baggage, search and seizures including in relation to vessels with transit status, Inter-agency, cross-sectoral and international collaboration, Investigation and prosecution among other aspects.

For companies including maritime transport operators and shippers, some of the measures recommended include the establishment and implementation of supply chain security programmes, use of standard operating procedures, set up of reporting mechanism, enhanced collaboration with competent government agencies, establishment of networks for cooperation and information sharing, training and awareness for employees among other aspects.

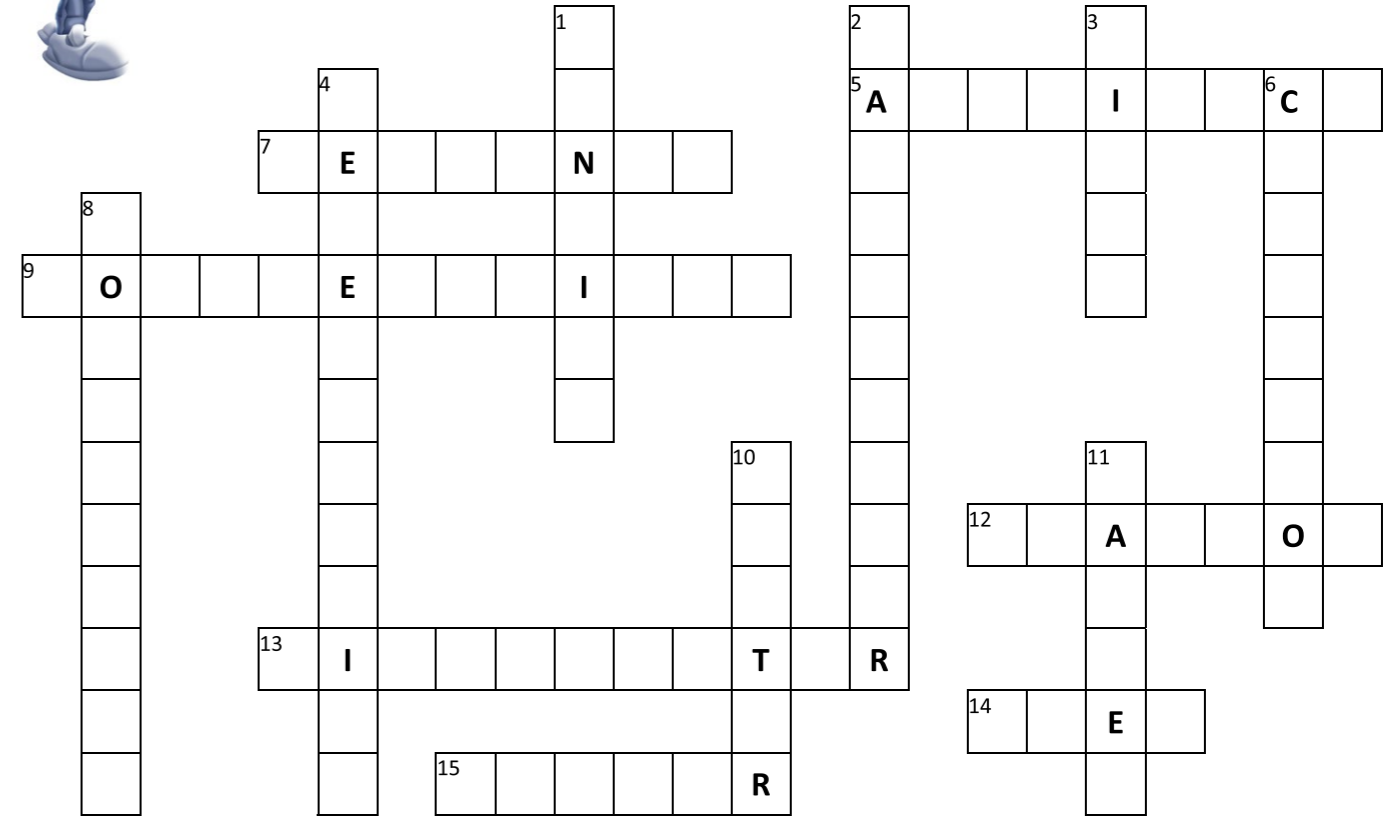
The guidelines also have Annexes which entails a number of resource materials for research and information in respect of illegal wildlife trade. These include Information on CITES and its appendices, some examples of smuggling techniques, Red flags among other resource materials including from national, regional and international initiatives and/or organizations on illegal wildlife trade.

Following the adoption of the guidelines, we encourage our maritime transport operators or service providers, shippers and seafarers to familiarize themselves with the guidelines which are also available on the Kenya Maritime Authority website and to continue to implement the recommendations and measures provided within the IMO guidelines.



CAREER CROSSWORD PUZZLE

Read the clue at the bottom to figure out the career that matches each description, and fill in the answers on the puzzle!



ACROSS

- 5 Designs buildings.
- 7 Fixes cars.
- 9 Enforces the laws and keeps you safe
- 12 Helps you buy a house.
- 13 Puts out fires.
- 14 Cooks meals at a restaurant.
- 15 Keeps your money safe.

DOWN

- 1 Cleans your teeth and keeps them healthy.
- 2 Cuts your hair.
- 3 Can fly a plane.
- 4 Doctor that helps animals.
- 6 You can talk to them about your problems.
- 8 Writes newspaper articles.
- 10 Helps you feel better when you are sick.
- 11 Grows fruits and vegetables.

Easy Sudoku

3	8		9	2				6
4		6			7		8	
							5	2
	3		7	4				
9				3	5		4	1
5							9	3
	7			6		5		
8							2	
6							3	





H.E Ms. Namgya Khampa, High Commissioner of India paid a courtesy call to Kenya Maritime Authority (KMA) to discuss mutual areas of cooperation in the maritime sector. She was received by KMA's Chairman Hamisi Mwanguya, Directors Charles Charo, Joshua Mwangemi & the Corporation Secretary, Jane Florence



Kenya Maritime Authority (KMA) Board of Directors Salaah Balala and Rev. Joseph Gatimu and Ag. DG John Oming'o welcomed KMA Chairman, Hamisi Mwanguya to the Authority. Mr. Mwanguya, who is passionate about the maritime sector, looks forward to support KMA and work with all stakeholders to propel the maritime sector to greater heights.



The Principal Secretary, Shipping and Maritime Affairs, Shadrack Mwadime, the Kenya Maritime Authority (KMA) Board Chairman, Hamisi Mwanguya, Ag. Dg, KMA, John Omingo, and the KMA Board of Directors held a meeting with seafarers to discuss issues pertaining their welfare.



Kenya Maritime Authority (KMA) Ag. DG, John Omingo paid a courtesy call to the Governor, Homabay County, H.E Gladys Wanga to discuss KMA's Maritime Safety Compliance campaigns in the county. The Governor lauded KMA's efforts in ensuring maritime safety and security. She emphasized on the need to have a Maritime institution in the County to promote maritime education and training for the youth in realization of the blue economy agenda.



Kenya Maritime Authority (KMA) Chairman, Mr. Hamisi Mwanguya visited the Authority's Regional Maritime Rescue Coordination. He was taken through the Centre's operations by the Manager, Capt. Peter Munga and the Ag. Dg, John Omingo. The centre covers the search and rescue operations of Kenya, Tanzania, Seychelles and Somalia and was commissioned by the International Maritime Organization (IMO) under the Djibouti Code of Conduct.



The Kenya Maritime Authority (KMA) Chairman, Hamisi Mwanguya, Board of Directors Roselyn Amadi and Stephen Kiarie, & KMA Ag. DG John Omingo welcome the Principal Secretary, Shipping and Maritime Affairs, Shadrack Mwadime to the Authority.



Maritime Stakeholders were all smiles during the World Maritime Day 2022 celebrations hosted by KMA.



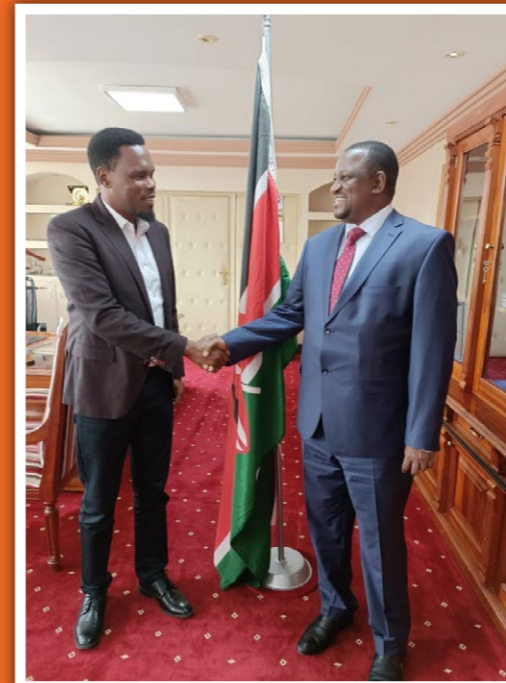
Kenya Maritime Authority (KMA) Chairman, Hamisi Mwanguya, alongside KMA's Board of Directors, Roselyn Amadi and Stephen Kiarie, and KMA's Ag. Dg. John Omingo, witnessed the signing of a Memorandum of Understanding (MOU) on Maritime Education between KMA and Turkana University College to enhance provision of quality Maritime Education & Training to support the growth of the Kenya's Maritime & Blue Economy through provision of skilled professionals to the sector.



Principal Secretary, Shipping and Maritime Affairs, Shadrack Mwadime engaged Kenya Maritime Authority (KMA) management and stakeholders during his visit to KMA. He discussed KMA's role and the vision of Kenya's maritime industry.



Kenya Maritime Authority (KMA) officer, Jacob Odanga, demonstrates to the Governor, Siaya County, Hon. James Orengo, how to correctly wear a Life Jacket during the enhanced Maritime Safety Campaigns in Lake Victoria Region.



Kenya Maritime Authority (KMA) Chairman, Hamisi Mwanguya, paid a courtesy call on the Cabinet Secretary, Ministry of Mining, Blue Economy and Maritime Affairs, H. E, Salim Mvurya, and discussed about the Blue Economy and opportunities in the maritime sector.



The Kenya Maritime Authority (KMA) officers conducted safety patrols in Kisumu, Lamu, Kwale, Kilifi, Mombasa, Tana River, Homabay, Busia during the festive season to ensure a high level of maritime safety compliance. Boat users and passengers were sensitized on the importance of wearing life jackets on board vessels.



Kenya Maritime Authority (KMA) Officer Michael Mungai, issued Harriet Kadzo, her Certificate of Competency (COC). Harriet was the first female from Bandari Maritime Academy to obtain the certificate which is a seafarer's proof of competency to work on board ships. Harriet aims to work as 3rd Officer on ship.



Kenya Maritime Authority (KMA) Chairman Hamisi Mwanguya accompanied by KMA's Ag. Dg. John Omingo, joined stakeholders during the 4th Agribusiness & Blue Economy Investment Conference held in TanaRiver County.



Kenya Maritime Authority (KMA) officers sensitized the public about KMA operations and opportunities in maritime, shipping and blue economy, during the 4th Agribusiness & Blue Economy Investment Conference in Tana River County.



The Deputy Governor, Mombasa County Hon. Francis Thoya, accompanied by KCB, Director Retail, Ms Annastacia Kimtai paid a courtesy call to the AG. DG Kenya Maritime Authority Mr. John Omingo. The meeting focused on seafarer's welfare and the MOU entered between Kenya Maritime Authority and KCB Group to enable successful, needy & qualified Kenyan seafarers' access loans to cover ship embarkation costs & access jobs in the international maritime fleet as well as maritime education and training opportunities.



Kenya Maritime Authority (KMA) Chairman Hamisi Mwanguya with the Governor, Lamu County, Issa Timamy and other stakeholders, during the 4th Agribusiness & Blue Economy Investment Conference held in TanaRiver.



Kenya Maritime Authority (KMA) enthusiastic to serve customers during Customer Service Week.



Kenya Maritime Authority (KMA) Officers Victoria, Richard, Abygael, Lilian and Ellah were part of a successful exhibition of the Authority's mandate and the maritime sector during the Nairobi International Trade Fair.



Kenya Maritime Authority (KMA) Officers Abygael, Richard and Lilian are all smiles and ready to educate the public about the maritime sector during the Nairobi International Trade Fair.



Kenya Maritime Authority (KMA) Corporation Secretary and Head of Legal Services, Jane Florence and the Ag. Director for Maritime Safety, Luke Samba represented Kenya in the 106th meeting of the Maritime Safety Committee of the International Maritime Organization (IMO). Kenya presented a paper MSC 105/9/1 on the 'Whole of Government approach to Maritime Safety' encouraging the development of National Maritime Security Risk Register and Strategy. Kenya Maritime Authority continues to encourage the spirit of IMO in safety, security and environmental performance of international shipping.



Kenya Maritime Authority (KMA) Director Roselyn Amadi & Corporation Secretary Jane Florence made us proud during the Graduation day for the Women Directors Leadership Program at Strathmore University Business School. "When you empower women, you empower the whole world."



Participants after successful completion of a training workshop on Port Security and Safety of Navigation in Eastern and Southern Africa and Indian Ocean in Mombasa, Kenya. The training programme drew participants from Kenya, Seychelles, Mauritius, Tanzania, and Namibia.



Participants of the Port Security and Safety of Navigation in Eastern and Southern Africa and Indian Ocean Workshop held in Mombasa, undertook a Port State Inspection as part of their practical training in M.V Mearsk Boston.



In a bid to promote marine environment protection, Kenya Maritime Authority officers joined the Mkanyageni Beach Resources and Managent CBO in a beach clean-up exercise along the shores of the Old Town beach in Mombasa County and Malindi, Kilifi County. The clean-up exercises were aimed at creating awareness on the effects of marine litter to marine life.



KENYA MARITIME AUTHORITY

For safe and efficient water transport



Effectively regulate,
coordinate and oversee maritime
affairs in Kenya for sustainable
development.

FOR MORE INFORMATION

Contact us through:


THE DIRECTOR GENERAL, KENYA MARITIME AUTHORITY

P.O. Box 95076 - 80104, MOMBASA

Telephone: +254 41 2318398/9, +254 20 2381203/4, 0724319344, 0733221322

Fax: +254 41 2318397 E-mail: info@kma.go.ke; complaints@kma.go.ke Website: www.kma.go.ke

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