

Indian Ocean Piracy : 1990-2001 *By Andrew Mwangura, Mombasa, Kenya ; September 2001*

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In the struggle for a better future for people and nature, it s my hope that this dossier will be useful and interesting to all.

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Six piracy attacks along the Somali coast involving five Kenyan registered fishing vessels have, since 1990, been documented. Regrettably, not all the confrontations between local militias and trawlers have been resolved peacefully. Quite a number have ended in violence, claiming loss of lives, serious physical and psychological injuries to a dozen-odd people on both sides as well as leading to the loss of property worth millions of dollars.

The breakdown of law and order in Somalia as well as the easy access to sophisticated weaponry in the open market has complicated the situation further. Deplorable acts such as piracy and hostage taking have undoubtedly outraged Somalia's friends and foes alike and further dented its already battered image as a nation.

How, such a reaction begs a number of questions :

1. What was a Kenya-flagged trawler fishing within Somalia territorial waters when she was licenced to conduct her business within Kenyan waters only ?
2. Who ordered or authorised the ship to fish in Somalia territorial waters ?
3. Were Kenyan authorities aware of the ship's covert activities ?
4. Why are so many seafarers unable to resist fishing in Somali waters despite the terrible security risks ?
5. Why do Somalia fishermen arm themselves in the first place?

The answers to these questions are to be found in the rich fishing grounds off the 3,300 km coastline of Somalia. Conservative estimates have put the country's yearly sustainable marine production at between 300,000 and 500,000 metric tonnes.

Prior to the break out of civil war following the ouster of dictator Mohammed Siad Barre in 1991, available fisheries statistics show that the official annual marine output stood at 20,000 metric tonnes, a mere 4% of the potential production. Half of this catch was landed by the country's estimated artisanal fishermen and the rest by licenced foreign fishing vessels. If fully exploited, the fisheries output could indeed contribute substantially to the country's gross national product.

Illegal fishing activities in the west Indian Ocean region have been aided and abetted by rich distant-water fishing nations to placate their disgruntled fishermen who have been rendered jobless due to the limited entry fishery policies enforced in those countries.

The collapse of the Somali government in 1991 heralded the opening of fishing floodgates and foreign fishing vessels from all corners of the world invaded the

area with the sole aim of plundering Somalia's marine resources. Indifferent to both the short and long term impact of their activities on the environment, they used a range of internationally banned methods and equipment.

Although the entire coastline has been invaded, the bulk of incursions are off the northeastern coast where most of the country's troubled areas are concentrated. It is said that about 300 foreign-owned vessels – neither reported, regulated nor paid for – are conducting pirate fishing off the breakaway Republic of Puntland coast alone and in 700 other parts of the Somalia coastline.

The trawlers are no ordinary ships ; they are intimidatingly big, menacingly powerful and are capable of not only towing smaller trawlers but capacious enough to comfortably accommodate a medium sized aeroplane apiece. They also process tonnes and tonnes of marine products on board in a single six-hour shift.

They target only high-grade marine products such as shrimps, lobsters and demersal fish that fetch high prices in international sea food markets.

The trawler nets don't discriminate between the expensive target species and the unwanted, low-value fish called 'by-catch' but sweep up anything and everything on their path. The majority of the netted organisms are, needless to say, dumped over-board dead or dying.

In addition, they trawl over highly sensitive biotopes in the near-shore ecosystem that many marine organisms use as nursery and breeding grounds. Apart from these destructive practices, Somalia's marine waters have also become dumping grounds for all sorts of toxic industrial waste mostly toxic and radioactive in nature.

Truly, by any standards, there is an environmental time-bomb waiting to explode in Somalia. And if the bomb explodes it will not bring down Somalia alone, but will sweep across the region like wildfire. Neighbouring nations such as Djibouti, Kenya and Tanzania which share wind and ocean current regimes with Somalia will suffer the most.

Although a United Nations Development Programme (UNDP) funded study carried out recently by international agencies such as UNCTAD, IMO, FAO, UNEP and IUCN to explore all the possible ways of toxic dumping and pollution was unable to find specific evidence, this does not mean that it is not happening.

Given that Somalia has a 3,300 km of coastline, the claims cannot be ignored and need to be looked into very keenly.

For a long time now, the wronged Somali fishermen have been demanding compensation for their destroyed gear from the ship operators as well as a total stop to all illegal fishing activities in the Somali waters. This, they correctly argue, will save their gear and protect their environment from further damage.

The fishermen's demands have not gone down well with the looters of Somalia's rich marine resources who regard the country as a no-man's land free for all ; and they treat any interference with the smooth running of their looting spree as tantamount to a declaration of war.

It is said that when the fishermen try to talk to the trawler captains to solve the problem in an amicable, civilised manner, they invariably meet resistance from hostile crew who spray them with pressurised water, sometimes capsizing the fishermen's small boats.

Such provocations have angered the fishermen so much to begin arming themselves with deadly weapons and even acquire speed boats in preparation for bloody confrontation in such face-offs.

To counter this new threat, the looters have devised ways to protect their fishing interests in Somalia. One such way is to hire sections of local militiamen to guard ships while they are within Somali territorial waters.

Despite the presence of the 'guards' aboard the vessels the fishermen have managed to arrest a number of vessels (trawlers) that plunder the country's resources.

Another trick is to conceal the true identity of the real owners by registering vessels using dummy or shell companies in Kenya, turning Kenyan seaports into conduits from which shipping expeditions to the rich fishing grounds of Somalia are organised.

The war purportedly being waged by the Somali fishermen against foreign trawlers is not making a few dollars in ransom money, rather, it is about protecting what patriotic Somalis regard as their country's rightful resources from being depleted and destroyed on Somali's waters like so many sharks in a feeding frenzy.

The proliferation of the fishing vessels is the root cause of the whole problem for their was not a single hijacking incident reported in Somalia before these uninvited guests visited the area.

It is indeed the responsibility of everyone to protect and jealously defend his or her resources from depletion in order to leave behind a legacy for future generations. This is important at a time when the UN Food and Agriculture Organisation (FAO) estimates that 60% to 70% of the world's major fisheries are fully exploited, overexploited or depleted.

Let us be fair to both sides of the coin and ask ourselves who is a pirate? Is a pirate the poor fisherman who is trying to save whatever remains of his once plentiful but now endangered resources? Or is a pirate the thieving sea captain who is bent on depleting Somalia's resources to enrich himself and his fishing company at the expense of the poor fisherman?

Suffice it to say, it is high time this issue was taken more seriously. Although Kenya earns thousands of dollars (a total of US\$ 168,835) annually in the registered tonnage fees from these foreign owned fishing trawlers, there is a need to reconsider this matter.

For, as I have mentioned earlier in this document, there is an environmental time bomb waiting to explode in Somalia and in addition to that this is contrary the UNCLOS International Laws of the Sea.

Why don't they use Kenyan fishing grounds? The 640 km-long Kenyan coastline stretches from Vanga in the south to Kiunga in the north-east with access to 200 nautical miles of the Economic Exclusive Zone (EEZ) which is a high potential fishing ground.

The off-shore fisheries which include EEZ have a potential of up to 200,000 tonnes in Tuna and Tuna-like species of which is yet to be exploited by Kenya.

Kenyan-registered fishing vessels held captive in Somalia (1990-2001):

Name of the Vessel	Crew Size	Crew Nationality	Place /Date of Detention	Ship-Owner
1. Bahari Kubwa (Ex-Airone)	Twenty-five	Italian, Somali, Senegalese and Kenyan	Kismayo, 1990	Copesca, Italy
2. Bahari Hindi (Ex-Antonietta Madre)	Thirty-six	Italian, Polish, Romanian, Tanzanian, Kenyan and Senegalese	Eil, 1997 and Garaad, 1998	Meridional Pesca, of Bari, Italy
3. Bahari Kenya (Ex-DeGiosa Giuseppe)	Thirty-three	Italian, Spaniard, Kenyan, Romanian and Somali	Eil, 2001	Meridional Pesca, of Bari, Italy

4. Gorizont I	Eleven	Russian and Kenyan	Kismayo, 2000	Transeuropa Inc., Austria
5. Gorizont II	Eleven	Russian, Kenyan, Tanzanian, Ethiopian and Somali	Kismayo, 2001	Transeuropa Inc., Austria

Please note: Trawlers involved in prawn fishing are restricted to 25 metres with steering power not exceeding 500 hp and weighing 500 GRT tonnes. Trawling is a prohibited fishing method within 5 nautical miles off the shore (coast).

