

The impact of piracy on the tropical tuna fishery in Kenya

By

Ndegwa Stephen

State Department of Fisheries, P.O. Box 90423, Mombasa, Kenya

Abstract

Yellowfin tuna (*Thunnus albacares*), Skipjack tuna (*Katsuwonus pelamis*) and Bigeye tuna (*Thunnus obesus*) are target species by Kenyan flagged longliners, foreign fishing vessels licensed to fish in Kenyan EEZ, sports fishers and artisanal fishers. This reports looks at the fishery situation for the 8 critical years beginning 2005 before the onset of the piracy up to 2012 when the situation seems to have been put under control. The fishery was affected by piracy with the deliveries to the cannery dropping from 23,500 tons to 6,557 and later increasing with the reduction of the piracy. The number of foreign licensed longliners dropped from 59 in 2005 to none by the year 2009. Sports fishing was also affected with the tropical tuna catches plummeting from 13 tons to 1.4 tons annually as well as the artisanal landings which also dropped from 336 to 139 tons. The country previously had two flagged longline vessels which after experiencing the challenge left the country. Before the departure, one of them was hijacked for several months before eventual release. This report looks at background of the piracy, the international interventions that led to reduction and the impacts of the piracy on the Kenyan tuna industry considering the proximity of our country to the piracy hotbed.

BACKGROUND INFORMATION ON SOMALI PIRACY

Piracy in the Somali region and the Gulf of Aden area was fuelled by the lack of governance in the Republic of Somali. This followed the ouster of Said Barre in 1991 where the lack of government led to subdivision of different areas by the warlords. As a means of earning from the sea, the warlords started the art of hijacking vessels for ransom payments. The upsurge of piracy started in 2005 with attacks near Somalia and was at the peak in 2010 with the eastern most attack on 5th December 2010 (Figure 1 courtesy of EUNAVFOR/IMB).

Expansion of pirate operations

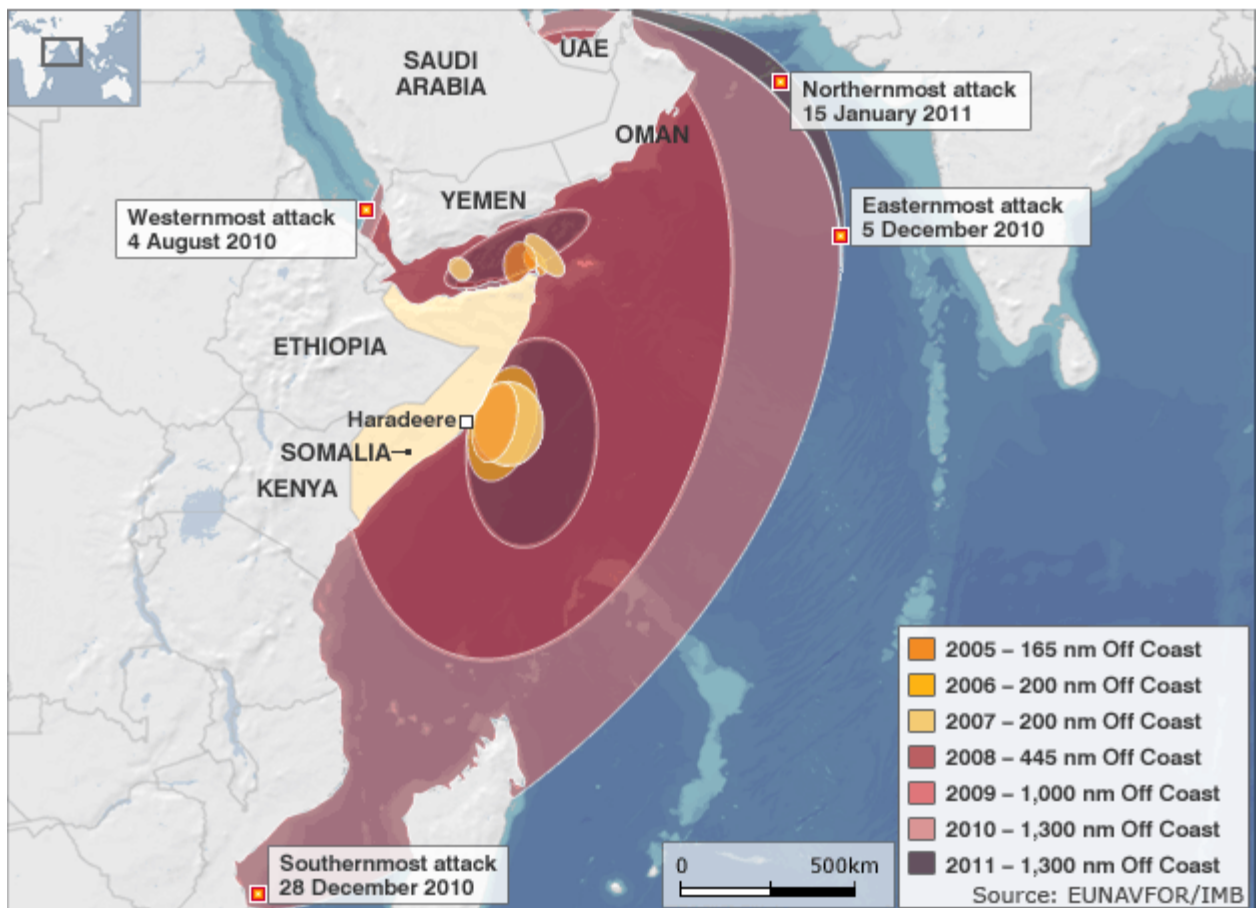


Figure 1: Expansion of Somali piracy activities from 2005 to 2011

The number of actual hijackings of vessels in Somali waters increased as the incidences of attempts rose. According to the international maritime bureau, in 2005, there were 5 hijacked vessels with the number increasing to 49 in 2010. The number of incidences of actual hijacks and reported incidences can be noted as shown by the US navy information office (Figure 2). The peak piracy period was in 2010 when 182 incidences were reported and 51 of which ended as hijacks. This situation however changed for the better with no hijack reported in 2013 despite two reported incidences. The entry of the Kenyan defence forces in late 2011 led to pirates land base stations being broken down leading to securing both land and sea. The capture of the last port still under the command of the pirates was in 2012 and led to complete disruption of the pirates' activities. The hijackings reduced from the year 2011 to 27 and have since then been on the decline with no hijackings in 2013 and only two reported incidences.

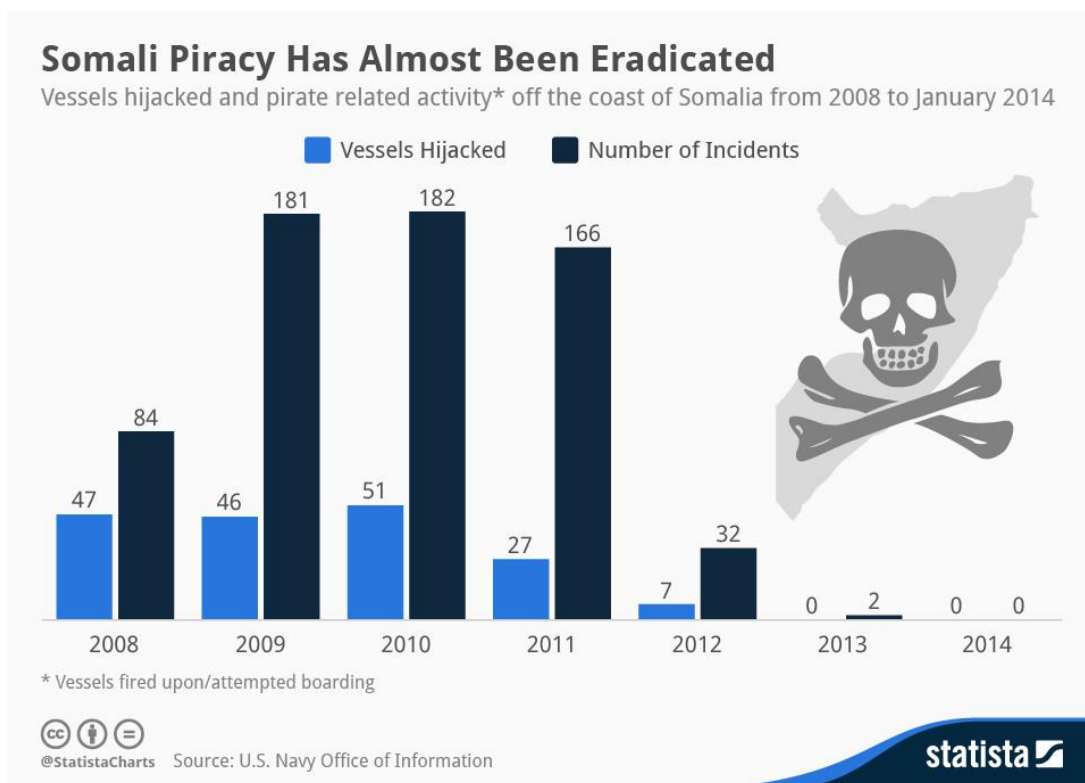


Figure 2: Somali piracy incidences and hijacks on vessels between 2008 and 2014

KEY INTERNATIONAL INTERVENTIONS AGAINST THE PIRACY MENACE

The fall of the Muhammad Siad Barre's government in 1991 led to anarchy in Somalia that eventually brought the piracy challenge within the horn of Africa. In late 2004, a Transitional Federal Government (TFG) was formed and governed from neighbouring Kenya until June 2005. Despite forming the government, the parliament did not convene on Somalia soil until February 2006. On January 8, 2007, the Somali president Abdullahi Yusuf Ahmed set foot in the city of Mogadishu for the first time since taking office in 2004.

On 19th of January 2007, the African Union through the African Union's Peace and Security Council created a peace keeping mission, the African Union Mission in Somalia (AMISON) replacing and subsuming the Inter-Governmental Authority on Development (IGAD) Peace Support Mission (IGASOM) with a protection and training mission in Somalia. On 20th February 2007, and through the adoption of resolution 1744 of 2007, the United Nations Security Council authorised the African Union to deploy a peace keeping mission with a mandate of six months. The aim of the peace keeping mission was to support a national reconciliation congress and to report on a possible United Nations Peacekeeping Mission.

On 2nd June 2008 UNSCR 1816 urged States whose naval vessels and military aircraft operated on the high seas and airspace off the coast of Somalia to be vigilant to acts of piracy and armed robbery and, in this context, encouraged, in particular, States interested in the use of commercial maritime routes off the coast of Somalia, to increase and coordinate their efforts to deter acts of piracy and armed robbery at sea in cooperation with the TFG. The resolution also decided that for a period of six months from 2nd June, States cooperating with the TFG in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the TFG to the Secretary-General, may:

(a) Enter the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and

(b) Use, within the territorial waters of Somalia, in a manner consistent with action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery;

In May 2008 and through UNSCR 1814 welcomed Secretary-Generals report on relocation of UNPOS offices from Nairobi to Mogadishu and deployment of United Nations peace keeping operation to succeed the African Mission to Somalia.

On 9th June 2008, the Djibouti Agreement between the Transitional Federal Government of Somalia (TFG) and the Alliance for the Re-liberation of Somalia (ARS) that called for cessation of armed confrontation between the two and allowed the deployment of an international stabilisation force from countries that are friends of Somalia excluding the neighbouring states.

Due to the escalation of ransom payments on arrested vessels, the UNSCR 1846 of 2nd December 2008 welcomed initiatives by Canada, Denmark, France, India, the Netherlands, the Russian Federation, Spain, the United Kingdom, the United States of America, and by regional and international organizations to counter piracy off the coast of Somalia, the decision by the North Atlantic Treaty Organization (NATO) to counter piracy

off the Somalia coast, including by escorting vessels of the WFP, and in particular the decision by the EU on 10th November 2008 to launch, for a period of 12 months from December 2008, a naval operation to protect WFP maritime convoys bringing humanitarian assistance to Somalia and other vulnerable ships, and to repress acts of piracy and armed robbery at sea off the coast of Somalia.

Following these concerted interventions by various States and faced with the challenge of the land based operations of the pirates, the UNSCR on 16th December 2008 passed resolution 1851 which authorized states cooperating with the Somali Transitional Federal Government (TFG) to extend counter-piracy efforts to include potential operations in Somali territorial land and airspace, to suppress acts of piracy and armed robbery at sea. The resolution urged countries to establish an international cooperation mechanism as a common point of contact for counter-piracy activities near Somalia, and to efforts to enhance the judicial capacity of regional states to combat piracy, including the judicial capacity to prosecute pirates.

With the increased arrests and prosecution of the pirates, the UNSCR on 30th November 2009 passed resolution 1897 which commended the Republic of Kenya's efforts to prosecute suspected pirates in its national courts, and noting with appreciation the assistance being provided by the United Nations Office of Drugs and Crime (UNODC) and other international organizations and donors, in coordination with the Contact Group on Piracy off the Coast of Somalia ("CGPCS"), to support Kenya, Somalia and other States in the region, including Seychelles and Yemen, to take steps to prosecute or incarcerate in a third state after prosecution elsewhere captured pirates consistent with applicable international human rights law. The resolution also and urged States parties to the Convention and the SUA Convention

to fully implement their relevant obligations under these Conventions and customary international law and cooperate with the UNODC, IMO, and other States and other international organizations to build judicial capacity for the successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia.

Following the successful suppression of piracy operations in the Somali waters and with increased activities now occurring on land, the UNSCR through resolution 1976 of 11th April 2011 requested States, UNODC, the United Nations Development Programme, the United Nations Political Office for Somalia (UNPOS) and regional organizations to assist the TFG and regional authorities in Somalia in establishing a system of governance, rule of law and police control in lawless areas where land-based activities related to piracy are taking place and also requested the TFG and regional authorities in Somalia to increase their own efforts in this regard.

The intervention by Kenya and the world on the piracy menace led to the development of an Al-Qaida supported militia grouping that coalesced under the Al-shabaab terrorist network that specifically targeted Kenya and Uganda for being in the forefront in combating terrorism. On 11th July 2010 and during the world cup match the Al-shabaab executed bombings in Kampala that killed 85 civilians and injured dozens more. Faced with a refugee crisis with over 500,000 Somali refugees in Daadab refugee camp in Kenya and unable to create a buffer zone between the Al-shabaab controlled territories in Somalia, Kenya was forced to act to stop the crisis. The matter was even worsened by kidnappings of tourists in the coastal areas of Kenya and when two Spanish aid workers with Médecins Sans Frontières (MSF) were kidnapped in a Dadaab refugee camp, near the Kenya-Somalia border on 13th October 2011. The entry of the Kenya defence force in Somalia led to the ouster of the Al-shabaab

controlled ports and brought the complete control of both land and sea which was a major boost for the TFG. This has led to the collapse of the piracy activities in the Somali waters.

However, to date, Kenya is heavily paying for the intervention with sporadic terrorist attacks aimed at the Kenyan citizens and other establishments which has led to a decline in the tourism industry and more so the sports fishing industry that relies heavily on tourists. Travel advisories from USA and Western countries have also heavily impacted on the tourism industry.

IMPACT OF PIRACY ON THE KENYAN TUNA INDUSTRY

a) The tuna canning Industry

The immediate casualty of the piracy menace in Kenya was the tuna cannery in Mombasa. The landings of fish at the cannery in Mombasa has witnessed a shift in the Number of vessels arriving to the port in mode of delivery and also in quantities of fish landed. Before the onset of piracy, the landings were well over 20,000 tons with the peak in 2006 at 23.5 thousand tons (Figure 3). A considerable decline started in 2007, with the landings declining to the lowest level in 2010 at 6.6 thousand tons. This coincided with the peak of the piracy incidences in the Somali waters. The situation has however been improving with the landings increasing to 12.2 thousand tons by 2012.

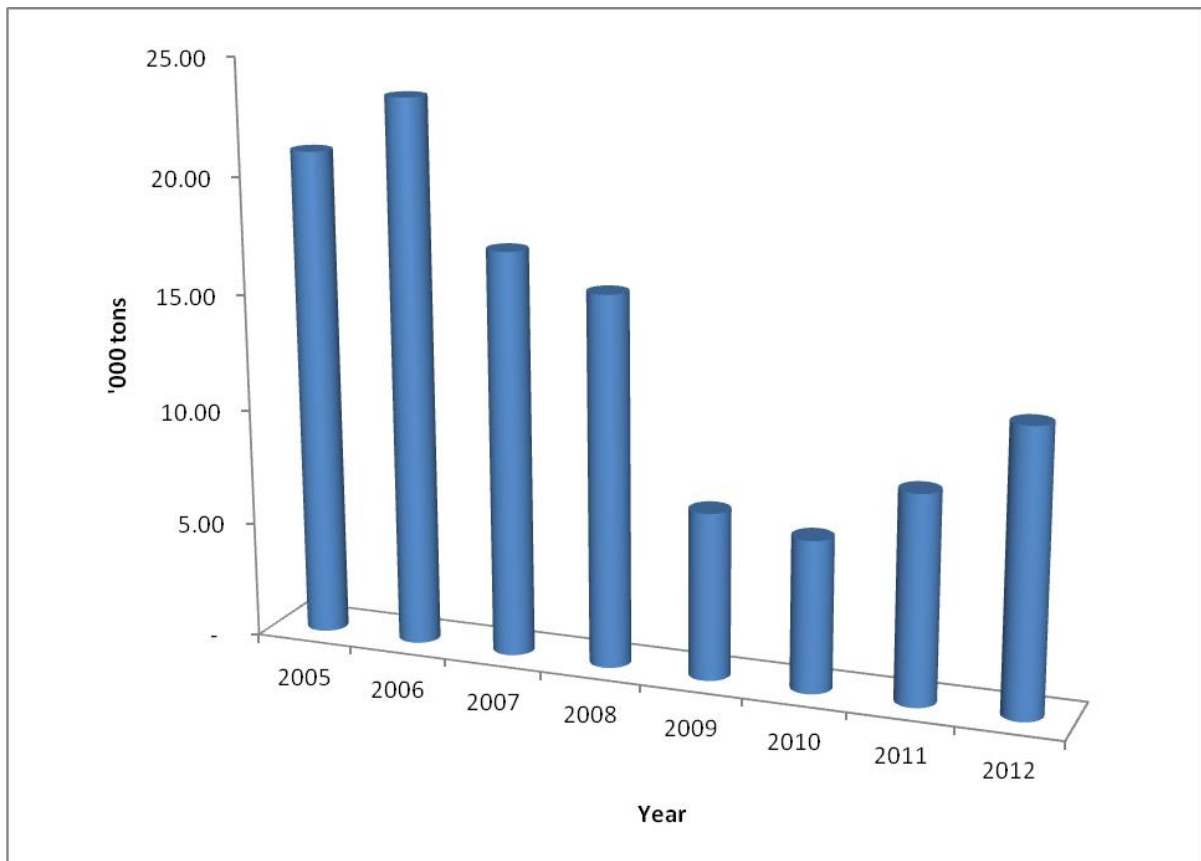


Figure 3: Landings at the Kenyan tuna cannery between 2005 and 2012

The size of the landed catch also seemed to have been affected by the piracy. Before 2007, and while piracy was starting to increase, the small sized yellowfin tuna and bigeye together with skipjack tuna which are recorded as mixed species at the cannery made up 40% of the landings while the large sized tuna composed 60% of the landings. In 2008, the small sized landings dropped to 20% while the large sized landings increased to 80%. The situation however reversed and by 2010 when piracy was at the peak, there was a drastic reduction in the large yellowfin tuna landings to 50%. At the same time, there was a noted increase in the large bigeye and small sized mixed catch which both accounted for 50% of the total landings at the cannery. With the decline in the piracy menace, the large yellowfin tuna landings have increased to 67% of the landings while the mixed species landings had declined to 30% by 2012 (Figure 4).

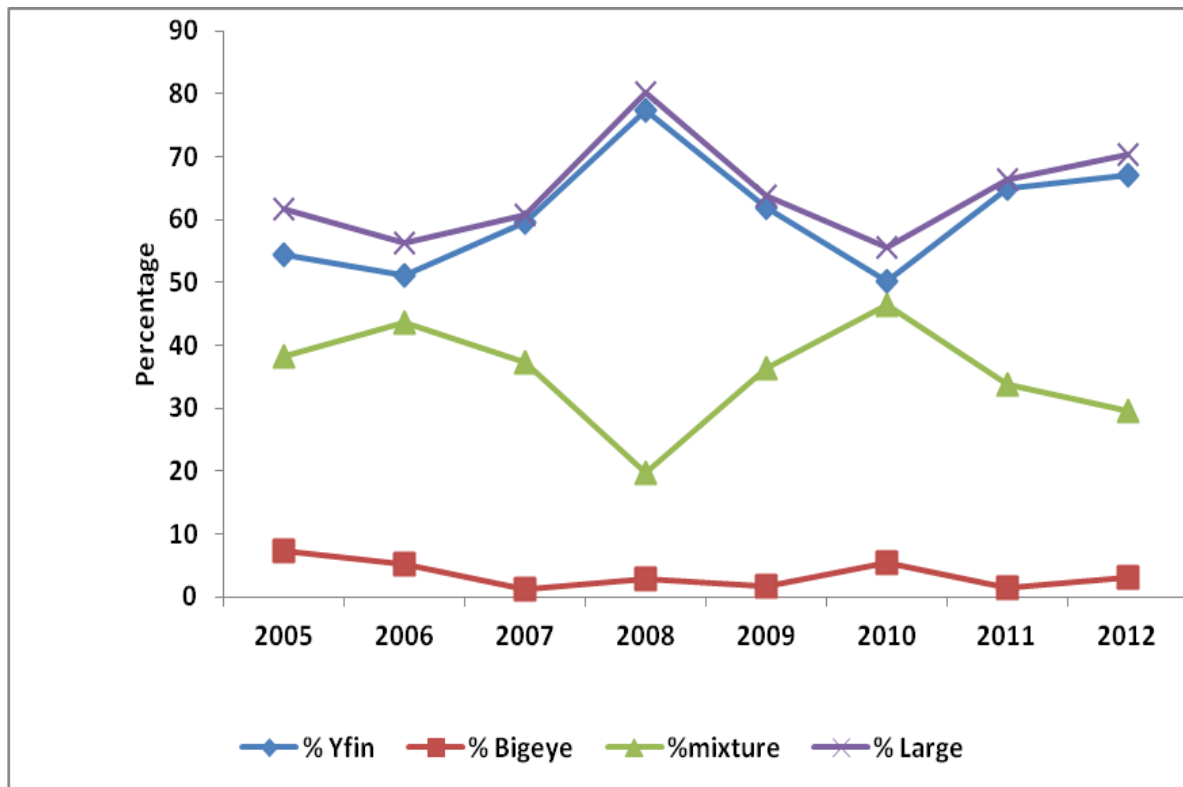


Figure 4: Size composition of the tuna landings at the Kenyan cannery

b) The sports fishing industry

The sports fishing industry has also been affected by the piracy though in another dimension. The landings from the northern part of the Kenyan coast which harbors most of the sports fishing tourism related activities had a considerable decline in tuna catches from 13.5 tons in 2006 to 6.4 tons in 2008. The catches increased later to 10.1 tons in 2010 and later dropped completely to 1.4 tons in 2012 (Figure 5). The sharp decline after 2010 could be attributed to the increase of the Al-shabaab militants attacks along the Kenyan coastline after the former pirates started terrorist activities within the region. Kenya being the nearest neighbour to Somali faces the highest threat from the terrorism activity leading to loss of sports fishing clients.

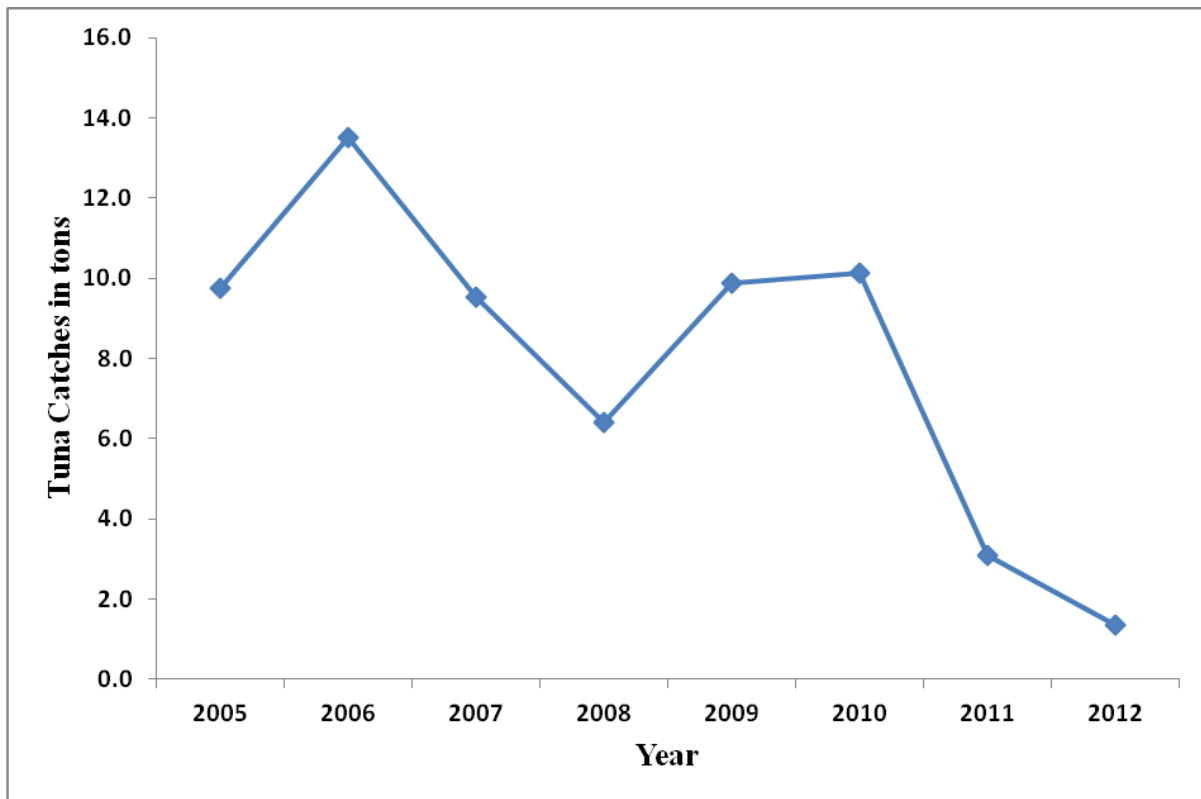


Figure 5: Sports fishing tuna catches from the main sports fishing area

c) The industrial fishery

The industrial fishery was affected in two ways. The first was on the Kenyan flagged vessels which were operating in the Indian Ocean waters. By 2009, there were 2 flagged longliners in Kenya landing 359 tons of fish, most of the catch being the swordfish though 26 tons of both yellowfin tuna and bigeye tuna were also landed (Table 1). The two flagged vessels were affected by the piracy with one of the vessels being held hostage which led to cessation of their activities in the Indian waters and eventual reflagging.

Table 1: Longline catches from the Kenyan flagged vessels

Catches in tons	2007	2008	2009	2010	2011	2012
Swordfish	210	277	288	0	0	0
Bigeye tuna	17	23	9	0	0	0
Yellowfin tuna	11	22	17	0	0	0
Sharks	205	71	44	0	0	0
Others	2	18	1	0	0	0
Total	445	411	359	0	0	0

The other area of the industrial fishery that was affected by the piracy was the distant water fishing nations' vessels that were licensed to fish in the Kenyan territorial waters. The number of licensed purse seiners ranged between 30 and 35 between 2005 and 2012. There was however a decline in the number of licensed purse seiners in 2009 and 2010 which coincided with the peak period of the piracy. The number of licensed vessels later increased in 2011 and was at the peak in 2012 with 35 licensed purse seiners. The licensed longline vessels declined from 59 in 2005 to none in 2009 (Figure 6). The longliners were the most affected as they did not have armed guards on board, a remedy that the purse seiners came up with after the increase in piracy attacks. The situation continued the same way till 2012 though after the 2013, the number of longliners seeking to have licences has been on the increase.

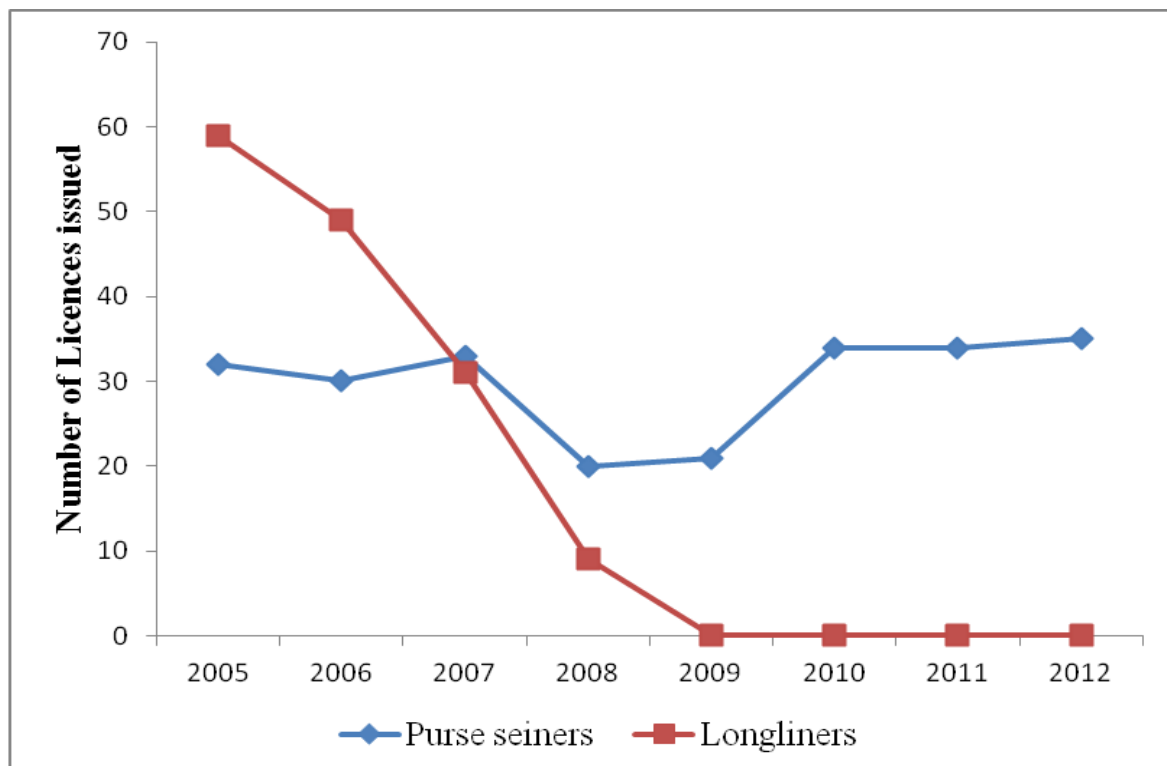


Figure 6: Number of licensed longliners and purse seiners between 2005 and 2012

d) The artisanal fishery

The artisanal catches of tuna were not greatly affected by the piracy except in 2010 when the pirates invaded the Kenyan territorial waters and held hostage some fishers. These incidences were mainly reported in the Northern Kenyan waters which neighbour Somalia. In most of the cases, the pirates were looking for food and water and did not hold the vessels hostage for long. This however led to a decline in the fishing activities targeting tuna and hence the reported decline in tuna catches in 2010 (Figure 7). Contrary to the assumptions that the artisanal catches were on the increase after the piracy, this didn't happen as most of the artisanal fishers in Kenya still fish near the coastline and are not able to exploit tuna outside the territorial waters where the distant water fishing nations' vessels operate.

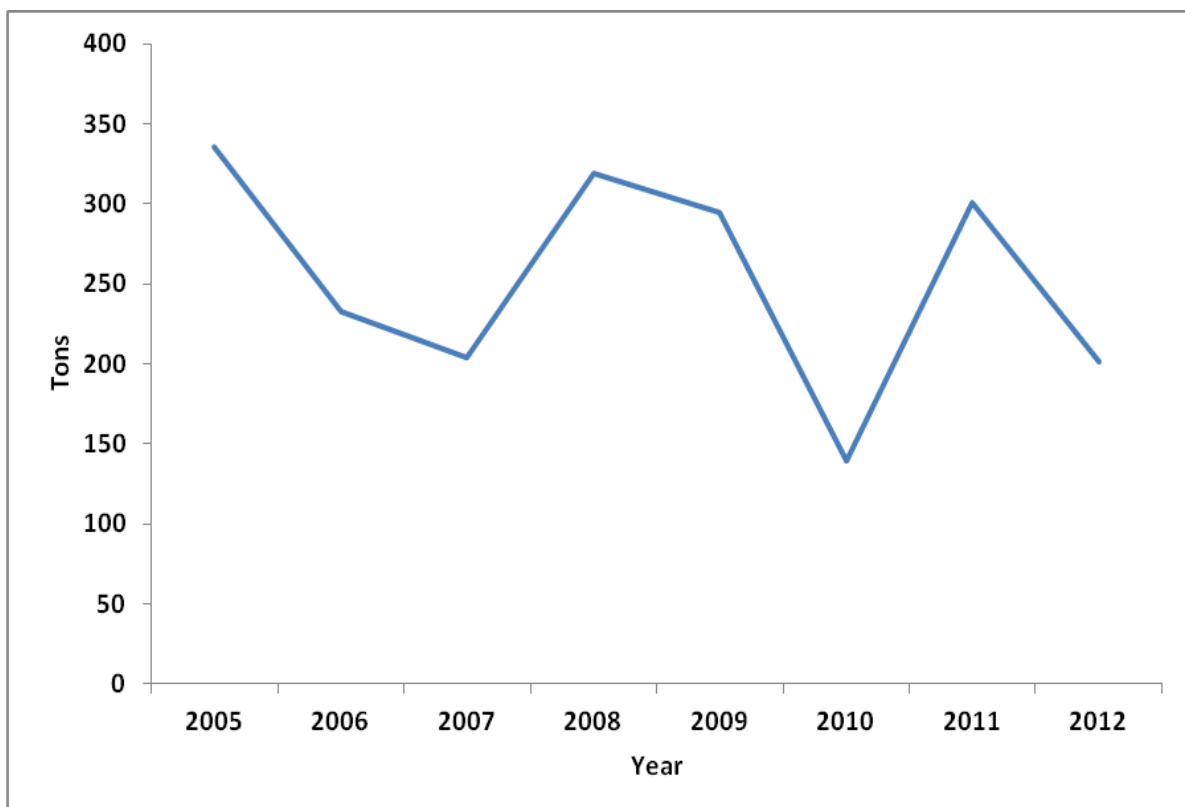


Figure 7: Artisanal tuna catches between 2005 and 2012

Conclusion

The Somali piracy incidence reached the peak in 2010 but has since declined. The various segments of Kenyan tuna industry were affected differently with the most affected being the longline and sports fishing industries. The sports fishing industry bears the challenge of the upsurge in terrorism activities. Although there has been a remarkable reduction of the piracy in the Somali waters, the problem has now spread to terrorist activities targeting the neighbouring countries with Kenya suffering the heaviest challenge. More concerted effort needs to be undertaken to stem the new challenge still affecting the new Somali government. The tuna industry in Kenya however seems to be recovering from the challenge of piracy in the Somali waters, save from the sports fishing industry.