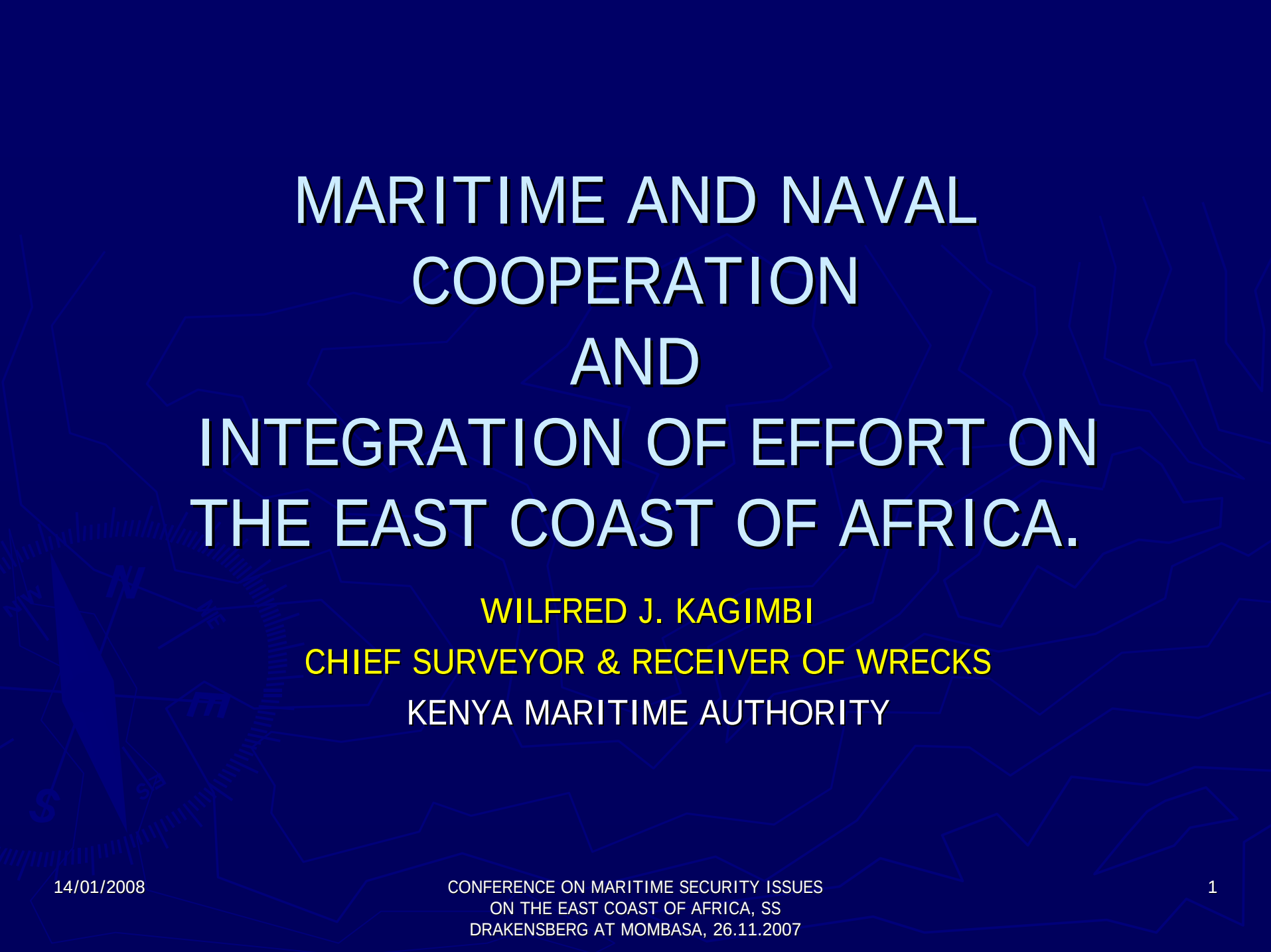




MARITIME AND NAVAL COOPERATION AND INTEGRATION OF EFFORT ON THE EAST COAST OF AFRICA.

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CHIEF SURVEYOR & RECEIVER OF WRECKS
KENYA MARITIME AUTHORITY

KENYA MARITIME AUTHORITY (KMA)

- ▶ KMA WAS ESTABLISHED BY HIS EXCELLENCY, PRESIDENT MWAI KIBAKI ON 21 JUNE 2004, BY LEGAL NOTICE NO 79
- ▶ THIS WAS IN EXERCISE OF POWERS CONFERRED BY SECTION 3(1) OF STATE CORPORATION ACT CAP.446 LAWS OF KENYA.

KMA IS NOW ENTRENCHED BY THE KMA ACT NO.5 OF 2006 WHICH ALSO REPEALED THE EARLIER ORDER.

- ▶ THE ACT CAME INTO EFFECT ON 1ST JANUARY 2007.
- ▶ THE MANDATE OF KMA IS TO REGULATE, CO-ORDINATE AND OVERSEE ALL MARITIME AFFAIRS IN KENYA.

IS THERE A NEED FOR MARITIME AND NAVAL COOPERATION

AND INTEGRATION OF EFFORT ON THE EAST COAST OF AFRICA?

TO ANSWER THE ABOVE QUESTION, WE NEED FIRST TO OUTLINE THE THREATS FACING THE EAST COAST OF AFRICA

CURRENTLY THESE ARE:

- ▶ Terrorism
- ▶ Maritime piracy and armed robbery
- ▶ Arms trafficking
- ▶ Narcotics trafficking
- ▶ Human trafficking
- ▶ Illegal, Unreported and unregulated (IUU) fishing
- ▶ Illegal immigration
- ▶ Marine pollution

IT WILL BE SHOWN LATER THAT, IF THE SITUATION IS NOT PUT UNDER CONTROL, OTHER CRIMES MAY FLOURISH AND UNDERMINE POLITICAL STABILITY AND ECONOMIC DEVELOPMENT OF THE REGION.

THIS IS THE TIME FOR THE MARITIME ORGANISATIONS AND NAVIES TO COOPERATE AND INTEGRATE THEIR EFFORT

BECAUSE SOME OF THE THREATS MENTIONED ABOVE ARE GETTING OUT OF HAND ESPECIALLY PIRACY AND ARMED ROBBERY OFF THE COAST OF SOMALIA

CONSIDER THIS:

- ▶ 21.10.2007- An attempt was made by pirates off the coast of Somalia to board a WFP chartered ship.
- ▶ 22.10. 2007- A ship was hijacked by Somali pirates
- ▶ Early November 2007- Two Fishing boats Mavuno I and Mavuno II (Tanzanian) were released.
- ▶ 29.10.2007 – North Korea crew members fought off 6 hijackers and re-took control of their vessel
- ▶ 14.11.2007 Taiwanese fishing vessel, Cheng Fong Hwa 168 docked at the Port of Mombasa with 1 dead Chinese crew member, having been short by pirates.

IMB reports indicate that at the end of October 2007, there were 29 incidents of hijacking compared to 8 same time last year.

OTHER ACTS OF PIRACY THAT SHOULD CAUSE CONCERN

- ▶ PIRATES ARE OPERATING FURTHER INTO THE SEA OVER 200 nM WITH ASSISTANCE OF MOTHER SHIPS OR HIJACKED SHIPS.
- ▶ PIRATES ARE BECOMING MORE SOPHISTICATED AND RUTHLESS AND ARE REPORTED TO HAVE MISSILES WITH BETTER CAPABILITY THAN THE ONES THEY WERE USING INITIALLY.
- ▶ SOME PIRATE GROUPS ARE KNOWN TO EXIST IN EAST AFRICA, ESPECIALLY IN SOMALIA.
- ▶ THERE ARE SEVERAL CASES OF PIRACY AND ARMED ROBBERY THAT ARE NOT REPORTED

INTERNATIONAL INITIATIVES (UN SECURITY COUNCIL)

POLICY ON TERRORISM:

► UN RESOLUTION 1373 (2001)

WAS ADOPTED AFTER 11 SEPTEMBER 2001 ATTACK OF US.

- CRIMINALIZES ASSISTANCE FOR TERRORIST ACTIVITIES
- DENIES FINANCIAL SUPPORT AND SAFE HAVEN TO TERRORISTS
- ENCOURAGES SHARING OF INFORMATION ABOUT GROUPS PLANNING TERRORIST ATTACK.

TO IMPLEMENT THE RESOLUTION A 15-MEMBER COUNTER -TERRORISM COMMITTEE (CTC) WAS FORMED

► UN RESOLUTION 1535 (2004)

- ADOPTED TO CREATE COUNTER-TERRORISM COMMITTEE EXECUTIVE DIRECTORATE (CTED) TO PROVIDE CTC WITH EXPERT ADVICE ON ALL AREAS COVERED BY RESOLUTION 1373

THIS IS BECAUSE CTC WAS NOT A SANCTION BODY AND DOES NOT MAINTAIN A LIST OF TERRORIST ORGANIZATIONS OR INDIVIDUALS

CTED FACILITATES TECHNICAL ASSISTANCE TO COUNTRIES AND PROMOTES CLOSER COOPERATION AND COORDINATION BETWEEN UN AND REGIONAL AND INTERGOVERNMENTAL BODIES

► RESOLUTION 1624 (2005)

- ADOPTED DURING THE 2005
SUMMIT

- THIS RESOLUTION REAFFIRMS FREEDOM OF
EXPRESSION AND HUMAN RIGHTS LAWS WHILE
CODEMNING IN THE STRONGEST TERMS INCITEMENT TO
COMMIT ACTS OF TERRORISM EITHER BY:

- GLORIFICATION
 - JUSTIFICATION
- OF EXTREMISM AND INTOLERANCE.

CTC 5TH MEETING IN UN HQ, NAIROBI 29-31 OCTOBER 2007.

THIS MEETING WHICH WAS ATTENDED BY

- ▶ INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)
- ▶ INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL)
- ▶ INTERNATIONAL MARITIME ORGANIZATION (IMO)
- ▶ OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)
- ▶ WORLD CUSTOMS ORGANIZATION (WCO)

THE MEETING WAS ALSO ATTENDED BY OTHER INTERNATIONAL, REGIONAL AND SUB-REGIONAL ORGANIZATIONS AND RESOLVED TO:

- SHARE INFORMATION ON BORDER CONTROL AND SECURITY
- PROVIDE MATERIAL ON REGIONAL POLICIES, LEGAL INSTRUMENTS AND BEST PRACTICES AND COORDINATE THEIR ACTIVITIES

REGIONAL POLICY TO ADDRESS SECURITY

AFRICA UNION

**COMMON AFRICAN DEFENCE AND SECURITY
POLICY OF 28.2.2004**

**THE NEED TO FORM AN AFRICAN STANDBY
FORCE (ASF) TO DEAL WITH SECURITY MATTERS
(MAINLY ON LAND).**

MEASURES TO COMBAT PIRACY AND ARMED ROBBERY AGAINST SHIPS IN WATERS OFF THE COAST OF SOMALIA

INTERNATIONAL MARITIME
ORGANIZATION (IMO) HAS BEEN ON
THE FOREFRONT IN BRINGING THIS
ISSUE TO THE ATTENTION OF THE
INTERNATIONAL COMMUNITY

Msc.1/Circ.1233 of 15 June 2007

noting that, as a result of IMO bringing the issue to the attention of the United Nations Security Council, its

President, in a statement issued on 15 March 2006, included the following:

"The Security Council takes note of resolution A.979(24) adopted on 23 November 2005 at the twenty-fourth

session of the International Maritime Organization biennial Assembly, concerning the increasing incidents of

piracy and armed robbery against ships in waters off the coast of Somalia. The Council encourages Member

States whose naval vessels and military aircraft operate in international waters and airspace adjacent to the

coast of Somalia to be vigilant to any incident of piracy therein and to take appropriate action to protect

merchant shipping, in particular the transportation of humanitarian aid, against any such act, in line with

relevant international law. ... The Council further urges co operation among all States, particularly regional

States, and active prosecution of piracy offences."

83RD SESSION OF THE IMO MARITIME SAFETY COMMITTEE, COPENHAGEN DENMARK 3RD -12TH OCTOBER 2007

ASSEMBLY RESOLUTION , A.979(24) HAD REQUESTED THE SG TO CONTINUE MONITORING THE SITUATION IN RELATION TO SHIPS SAILING OFF THE SOMALI COAST.

DUE TO DETERIORATING SITUATION, THE SECRETARY GENERAL HAS BEEN AUTHORISED BY THE IMO COUNCIL TO COMMUNICATE WITH THE SECRETARY GENERAL OF THE UN, SO THAT THE SECURITY COUNCIL CAN REQUEST THE INTERNATIONAL COMMUNITY, PARTICULARLY THOSE WITH NAVAL ASSETS IN THE REGION TO COMBAT ACTS OF PIRACY AND ARMED ROBBERY.

ALSO TO REQUEST THE TRANSITIONAL FEDERAL GOVERNMENT OF SOMALIA TO SUPPRESS ACTS OF PIRACY INCLUDING CONSENTING TO SHIPS ENTERING ITS TERRITORIAL WATERS WHILE IN PURSUIT OF PIRATES OR SUSPECTED PIRATES, AS DEFINED IN ARTICLE 107 OF UNCLOS

REGIONAL MEETING ON PIRACY AND ARMED ROBBERY MOMBASA 23RD TO 24 TH FEBRUARY 2006

**JOINT COMMUNIQUE BY THE DELEGATIONS OF THE
GOVERNMENT OF THE REPUBLIC OF KENYA,
UNITED REPUBLIC OF TANZANIA, THE REPUBLIC OF
MOZAMBIQUE AND THE TRANSITIONAL FEDERAL
GOVERNMENT OF SOMALIA ON ACTS OF PIRACY
AND ARMED ROBBERY AGAINST SHIPS IN THE
WATERS OFF THE COAST OF SOMALIA**

**ADVOCATED REGIONAL APPROACH BUT NO ACTION
PLAN AS YET.**

NATIONAL EFFORT

KENYA NAVY HAS KEPT THE KENYAN COAST RELATIVELY SECURE INSPITE OF HAVING LIMITED RESOURCES.

WHILE IUU FISHING IN OUR EEZ IS STILL GOING ON, IT IS MAINLY DUE TO LACK OF COORDINATION AND COOPERATION WITH THE AUTHORITIES IN CHARGE OF THESE RESOURCES.

ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING

Despite the efforts by global organisations, by many regional bodies and States, IUU fishing continues to persist and is in fact increasing in some areas. IUU fishing has been identified as a major threat to fisheries conservation and marine biodiversity. It can lead to collapse of a fishery, which in turn may cause adverse consequences for the livelihood of people depending on them. IUU fishing occurs in all fisheries.

FOOD AND AGRICULTURE ORGANIZATION (FAO)

THE NAVAL ASSETS IN THE REGION

- ▶ COMBINED JOINT TASK FORCE (CJTF-HOA) OFF THE COAST OF DJIBOUTI
- ▶ NATO
- ▶ FRENCH
- ▶ INDIAN
- ▶ SOUTH AFRICA (SHOWING FLAG ELSEWHERE IN THE REGION EXCEPT INVOLVEMENT IN SOMALI CONFLICT)
- ▶ PROPOSED US AFRICA COMMAND (AFRICOM)
(established 6 February 2007 and expected to have full operational capability by 1 October 2008)

NEED FOR REGIONAL NAVAL INTERVENTION TO STABLISE THE SITUATION OFF SOMALIA COAST

IT HAS BEEN SHOWN BEYOND ANY DOUBT
THAT WITHOUT NAVAL INTERVENTION,
THE SITUATION OFF SOMALIA COAST CAN
ONLY GET WORSE AND MAY EVEN SPILL
OVER TO OTHER AREAS IN THE REGION

THERE IS NEED FOR REGIONAL NAVAL INTERVENTION AND WORKING CLOSELY WITH THE MARITIME AUTHORITIES TO CONTROL IUU FISHING, NARCOTIC TRAFFICKING, HUMAN TRAFFICKING, ILLEGAL IMMIGRATION, STOP MARINE POLLUTION, CONDUCT SAR BEFORE OTHER CRIMES TAKE ROOT AND DESTABLIZE THE REGION.

NAVAL ASSETS IN THE REGION-STATUS
NOT KNOWN TO MARITIME
AUTHORITIES WHO INCLUDE MARITIME
REGULATORS, PORT AUTHORITIES,
FISHERIES, FISHERIES RESEARCH
INSTITUTES, CUSTOMS AND
IMMIGRATION AND MARITIME POLICE

INFORMATION ON THEIR OPERATION IS NOT
READILY AVAILABLE AND THEREFORE MARITIME
AUTHORITIES MAY NOT KNOW WHEN AND HOW TO
CONTACT THEM AS PROCEDURES AND OFFICIAL
CHANNELS OF COMMUNICATIONS HAVE NOT BEEN
ESTABLISHED.

WAYFORWARD

REGIONAL COOPERATION NEED TO MOVE
FROM POLICY AND INTENT TO ACTION
AND AGREEMENTS BE DRAWN FOR
MUTUAL BENEFIT BASED ON A REGIONAL
MARITIME DOMAIN AWARENESS (RMDA)
AND THE TIME IS NOW

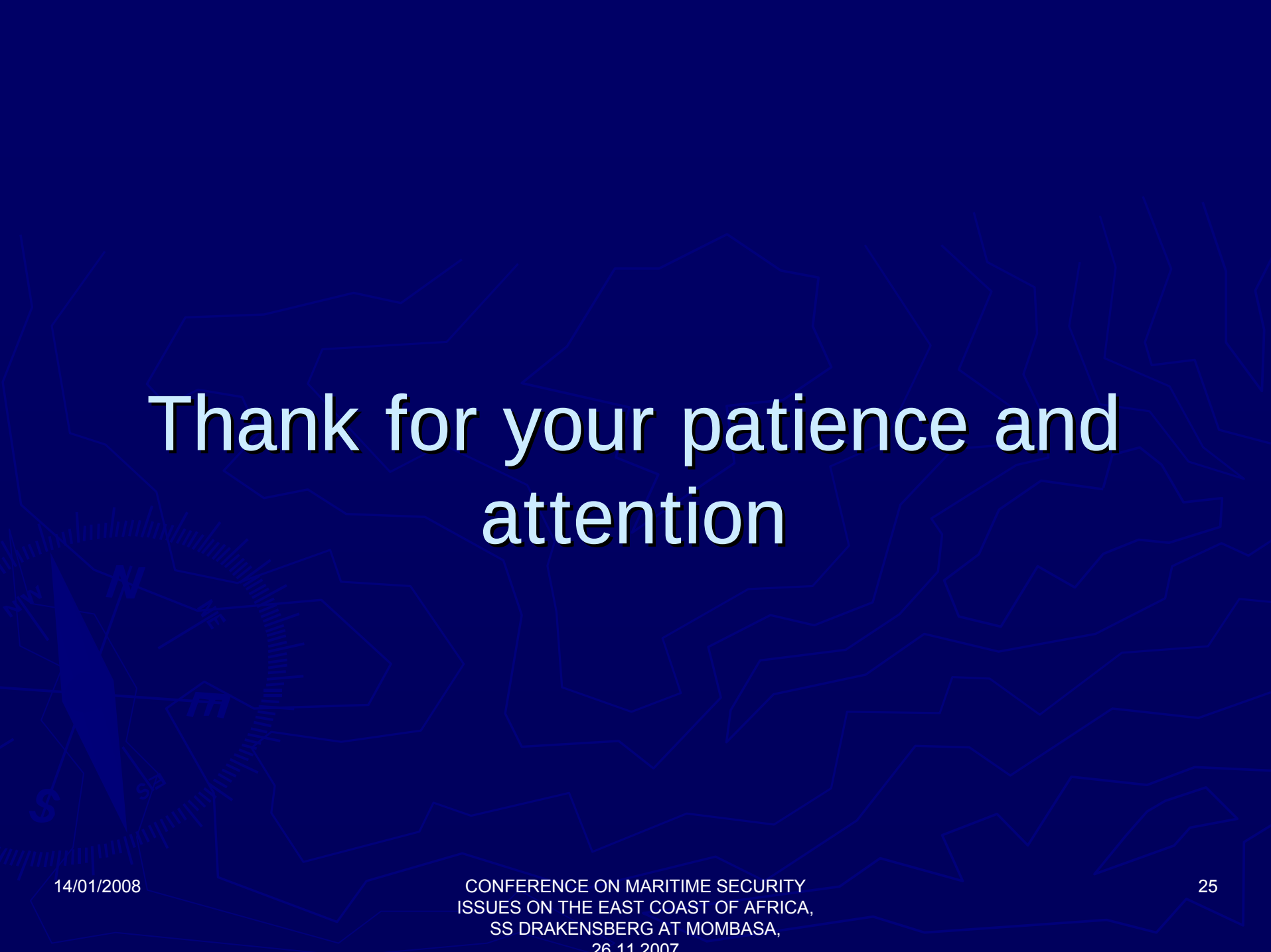
CHANNELS OF COMMUNICATION BETWEEN
THE TWO GROUPS NEED TO BE SET

MARITIME AUTHORITIES NEED TO ASSIST NAVAL FORCES BY:

- ▶ Providing prompt and accurate information on the registration of their ships and seafarers
- ▶ The legislation applicable.
- ▶ Information on the ETA of ships calling into their ports
- ▶ The nature of cargo on board vessel
- ▶ Implement SOLAS regulation XI-1/3
Ship Identification Number
- ▶ Implement SOLAS regulation XI-1/5
Continuous Synopsis Record
- ▶ Set regional identification data exchange (IDE) centres for the Long Range Identification and Tracking system (LRIT) for ships which enter into force on 1.1.2008
- ▶ Being aware of Resolution A.923(22) – Measures to prevent registration of phantom ships
- ▶ **EFFECTIVE IMPLEMENTATION OF SOLAS CHAPTER XI-2 AND ISPS CODE**

MARITIME AUTHORITIES INCLUDING FISHERIES, CUSTOMS AND IMMIGRATION, NEED TO ASSIST NAVAL FORCES BY GIVING INFORMATION :

- ▶ on licensed fishing vessels
- ▶ Coordinates of the allowed fishing ground
- ▶ Applicable legislation
- ▶ other relevant information which may be requested by the participating Navies.

The background of the slide is a dark blue map of the East Coast of Africa, showing the outlines of the Horn of Africa and the Indian Ocean. A compass rose is visible in the lower-left corner, with the letter 'N' indicating North. The text "Thank for your patience and attention" is centered in a large, white, serif font with a thin black outline.

Thank for your patience and attention