

# Impact of piracy on fisheries In the Indian Ocean

## Author

P. P. Pillai

Tuna Fisheries Consultant  
XXV/1907-2  
Meleveedu  
Trivandrum - 695001  
Kerala

## Focal Points at a Glance

Piracy in the Indian Ocean is a scourge that should unanimously be condemned in view of its negative impacts on all fishing activities and on economic and developmental sectors. During the Working Party Meetings on Tropical Tunas (2011), held at the 15<sup>th</sup> Session of IOTC (2011), and 14<sup>th</sup> Session of the Scientific Committee (2011), IOTC recognised and documented the piracy activities in the Western Indian Ocean, their consequences on the fishing fleets, impacts on Longline and Purse seine Fisheries, catch rate of tunas and on the observer coverage in the area. European Union Naval Force in Somalia (EUNAVFOR - Operation ATLANTA), recently concluded the Indian Ocean Naval Symposium which held at Cape Town, South Africa (IONS, 2012). The International Workshop was also held at Mahe, Seychelles on the "Impacts of piracy on Fisheries in the Indian Ocean (Feb, 2012). There was the Introduction of Piracy Bill in Indian LokSobha by the Ministry of External Affairs (MEA, Govt. of India) (24<sup>th</sup> April, 2012). All these point to the gravity of the situation, as the pirates have been shifting their area of operations eastwards and southwards close to the EEZ of India, due mainly to the enhanced naval presence in the Area near the Gulf of Aden.

## General Impacts of Piracy

Piracy in the Indian Ocean has become a critical issue during the last decade, with impacts on the economics of the countries bordering Indian Ocean, regional research activities, livelihoods including fisheries and food security in the region. It has severely impacted the fishery sector, and affected the tuna fishing industry, which is the major source of income for the northern Indian Ocean Rim countries and the Island States. The maritime piracy, spreading outwards in the Western Indian Ocean has been attributed as a response to poverty, unemployment, adverse climatic changes, low income, reduction of marine resources due to draught, volatile security and political situation and poor governance structure.

It has been reported that tuna catches in the Indian Ocean depleted by 30% in 2008. The Republic of Seychelles, which relies on the fishing industry up to 40% of its earnings, has been deeply affected. Kenya and Tanzania have witnessed a significant drop in port calls of vessels, and in the number of licences issued to vessels to fish in their waters. The area between Tanzania and Seychelles is becoming a prime hunting ground, and piracy attacks are taking place further south in the Mozambique channel. The major countries affected, and operating in the Western Indian Ocean and the Islands States include Comoros, France, Kenya, Madagascar, Maldives, Mauritius, Mozambique, Seychelles, Somalia, South Africa, Tanzania, Yemen etc. (Fig 1).

The International Maritime Organization (IMO) stated that the piracy in the waters off the horn of Africa and Gulf of Aden is symptomatic of the wider instability that has plagued the region since early 1990s. Building up of a strong Government in Somalia is a pre-requisite to fight piracy in the region. Considerable efforts were made at the national level by the Transitional Federal

Government of Somalia, but it was not enough to control the instability and ineffective governance there.

## Resolutions of UNSCR, UNCLOS, IMO and UNSCR

During the 15<sup>th</sup> Session of the IOTC Meeting (IOTC-S15-2011) held at Colombo, Sri Lanka, it was observed that the cases of piracy against humanitarian, commercial and fishing vessels of the coast of Somalia have not declined. The Commission was deeply concerned with the resurgence of piracy, which affects merchant shipping and legitimate tuna fishing activities, and also puts at risk the delivery of humanitarian assistance (food, medicine ec.) to the population of Somalia. The IOTC welcomed the adoption of UN Security Council Resolutions (UNSCR) 1814 -1950 on piracy off the Coast of Somalia, and urged their effective implementation which would ensure protection of fisheries of various nationalities from piracy and to undertake tuna fishing and other fisheries in the areas unabated. The United Nations Convention on the Law of the Sea (UNCLOS) included provisions for the states fight to acts of

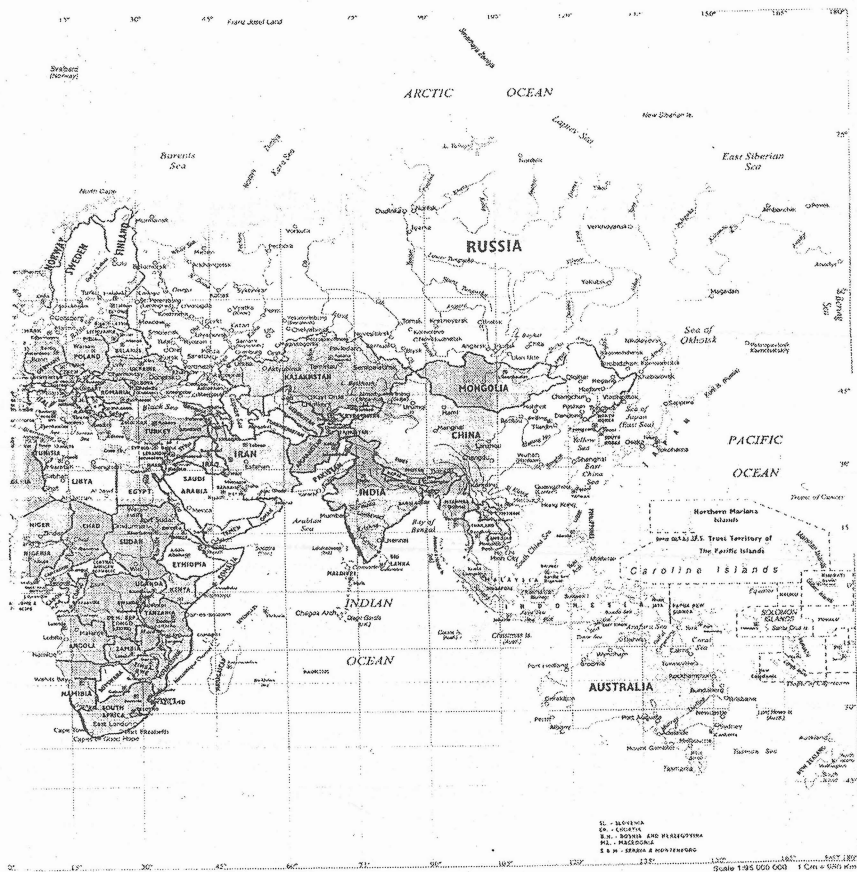


Fig 1

piracy, and take necessary action in the National Legislations to make full use of these provisions. The efforts by International Maritime Organisation (IMO), with its robust Code of Conduct on Marine Security, Piracy and Armed robbery against ships for States from the WIO and Gulf of Aden areas (2009-Djibouti Code of Conduct) which opined that sharing of relevant information with coastal States and other States, potentially affected by such incidents is crucial for addressing the issue. The UN Security Council Resolution (UNSCR) 1918/2010 calls on all States to criminalise piracy under their Domestic Law, consider the prosecution of the suspected and imprisonment of convicted pirates apprehended in Western Indian Ocean.

**Impacts of Maritime Piracy on Tuna Fisheries in the Indian Ocean**

The IOTC Working Party on Tropical Tunas (WPTT-13, 2011) and the Fourteenth Session of the IOTC Scientific Committee (IOTC- SC-14, 2011) have discussed at large the impact of piracy on fishing operations in the WIO. The impacts appear to have been very high on the Longline Fleets, with efforts

having declined to negligible levels in the recent years by longline fleets of Taiwan, Japan and Korea.

Ten numbers of Taiwanese longliners have moved to the Atlantic Ocean. They originally targeted big eye tuna; some of the remaining vessels moved to Southern Indian Ocean, targeting albacore tuna. Japan reported a reduction of 90 vessels since 2006, with 85 numbers remaining in 2010. This corresponds to a decrease of total catch by about 75-80% from the Area. Republic of Korea reported that one longline vessel was hijacked by pirates in 2006, and this had resulted in a 50% reduction in active tuna longline vessels of ROK i.e., 26 in 2006 to 13 in 2010, and the remaining vessels moved to the Southern Indian Ocean.

The number of the European Union (EU) and associated purse seiners declined from 51 in 2006 to 35 in 2010 (30% reduction). The proportion of purse seine sets made on "drifting FADs" by the EU fleets increased from 53% to 77%, and the sets made on "free schools" declined. Due mainly to the security reasons, fishing effort of the EU purse seine fleet initially shifted east by 100

miles from Somali basin; but, proportionately returned to the traditional fishing area, whilst military forces were set on board the vessels. EU's Observer Programme was terminated, but it was resumed on Board EU and French vessels in 2011. Overall, the piracy situation did not significantly decrease the catch and catch rate of tunas by the EU purse seine fleet.

**EUNAVFOR – Operation Atlanta**

The European Union's Naval Force Somalia (EUNAVFOR-Operation ATLANTA) was launched in 2008, to curb and repress the enhancing act of piracy and armed robbery off the Somali Coast and in the Indian Ocean. (Vinay Kumar, 23/4/2012. The HINDU, P.11) Rear Admiral Duncan Potts, operating Commander of EU Naval Force commented that operation ATLANTA provided protection to the vessels of the World Food Programme (WFP) delivering food and medicines to Somalians. EUNAVFOR – Operation ATLANTA also gather strength from organisations such as Combined Maritime Force (CMF), the NATO and Independent National Units such as China, India, Japan and Russia. He stated that permanent liaison in being kept with these forces, and India remains a prime player in the counter of Piracy. He explained about the extent of HIGH RISK AREA (covering Red Sea, Gulf of Aden, large parts of Arabian Sea, Seychelles and Somalia Coastal Waters as well as their Territorial and Internal waters) which is about 40,00,000 sq. km. EU has decided to extend operation ATLANTA until December, 2012. Funding for EUNAVFOR-Operation ATLANTA (8.05 million Euros for 2011) are shared among the EU members based on their GDP.

**Initiatives by IONS**

According to the Maritime Domain Awareness (MDA) and the Humanitarian Assistance and Disaster Relief (HADR), the coastal countries and seafaring nations in the Indian Ocean have decided collectively to fight against the maritime piracy the region (K.V.Prasad, 23/4/2012, THE HINDU P.11). In the recent meeting of the 33 member Indian Ocean Nava Symposium (IONS) at Cape Town, South Africa (March, 2012), India was authorised to prepare the Concept Paper on HADR. The paper will be considered by IONS, and will work toward evolving Standard Operational Procedures (SOP). In the absence of a UN

led force that India advocates, the Indian Navy operates under its own flag in the problem area, and co-ordinate patrolling schedules with China and Japan from 2012. India is concerned that the waters closer to Indian shores in the Arabian Sea continues to be identified as a HIGH RISK AREA for piracy (Eg: Arabian Sea as Red Alert Area). Indian Navy and Coast Guards are actively patrolling the region, besides maintaining Naval Warship in the Gulf of Aden region, and increased the Warship Deployment by 80% and Aerial Surveillance by 100%.

### **Workshop on Impacts of piracy on Fisheries in the Indian Ocean**

In the meantime, an International Workshop on the Impacts of piracy on Fisheries in the Indian Ocean" was held at Mahe, Seychelles during 28 and 29 February, 2012. The Workshop was organised by the European Bureau for Conservation and Development (EBCD), with the support of the Govt. of Kingdom of Norway (NORAD), Republic of Seychelles and Indian Ocean Commission (IOC), in collaboration with the Southwest Indian Ocean Fisheries Project (SWIOFP). High level representatives from all countries of the Indian Ocean Commission and other coastal States, EU, IOTC, IMO and FAO also participated in the workshop along with scientists, academicians, fishermen, fishing boat owners associations, processors, exporters and the fishing industry.

The workshop was conducted under seven sessions: the global challenges of piracy; the impact of piracy on the fishing sector in the Indian Ocean; case studies (Mauritius, Pakistan, Madagascar); regional co-operation, and improved fisheries management; operational response to piracy (International Co-ordinated Approach), and

Recommendations and Conclusions. The workshop discussed the economic cost of piracy on States, impacts at enterprises level, impacts on fishing practices, research and fisheries management, and its overall impact on livelihood and food security. While tracking the financial trail of piracy, its extended networks and supply chains were also considered as a central issue.

The participants agreed on the need to deepen Regional Co-operation in their strategy to fight piracy. It was decided to urgently implement the "ESA/IOC Regional Plan" against piracy, and to examine the "London Conference on Somalia", in order to identify deliverables which could be achieved in the regional context, and to strengthen bilateral agreements on the fight against piracy.

### **"Piracy Bill" (Ministry of External Affairs, Govt. of India, April 2012)**

The Government of India, Ministry of External Affairs (MEA) on 24 April, 2012, introduced "PIRACY BILL" in the Lok Sabha that provides for piracy as a crime, and lays down prosecution of pirates apprehended by the Indian Authorities, running up to life term (THE HINDU, 25<sup>th</sup> April, 2012, p. 20). The Piracy Bill (2012) was introduced as India does not have a separate domestic legislation on piracy. The Bill, brought in the background of rising incidents of piracy, including those WITHIN INDIAN EXCLUSIVE ECONOMIC ZONE, is aimed at bringing certainty and clarity in the law, and provides a sound basis for effective prosecution of the pirates held by the Indian Authorities, irrespective of their nationalities. It confers authority on any gazetted officer of Central or State Government, with powers of arrest of any person,

investigation and prosecution, exercisable by a police officer under the code of Criminal Procedure.

The Bill provides for setting up designated courts for speedy trial of offence of piracy, and territorial jurisdiction of each such court. It provides for application of Code of Criminal Procedures in the proceedings before a designated court, and also has provisions relating to bail of accused. It stipulates whoever commits an act of piracy, shall be punished with imprisonment for life, except where the accused has caused death in committing the act of piracy or attempt thereof, in which case he may be punished with death, according to the Bill.

Since 2008, major spurt in the attacks by pirates, particularly in the Gulf of Aden and off the coast of Somalia has seriously affected the safety and security of the maritime traffic and personnel plying between Asia and Europe and the East Coast of Africa. As stated earlier, due to the increased naval presence and surveillance in the Gulf of Aden and South-Western Indian Ocean, the pirates have been shifting their area of operation eastwards and southwards, and some piracy incidents have already taken place in India's Exclusive Economic Zone.

### **References**

Report of the Working Party of Tropical Tunas. IOTC-2011-WPTT-13-R [E], pp.59-61.2011.

Report of the Fifteenth Session of the Indian Ocean Tuna Commission. IOTC-2011-S 15- R [E], Colombo, Srilanka, 18-22 March, 2011, p.110.2011.

Report of the Fourteenth Session of the IOTC Scientific Committee. IOTC-2011-SC 14-R [E], Mahe', Seychelles, 12-17 December, 2011, pp.28,29.