

**Role Played by Kenya in the Fight Against Piracy and armed robbery
against ships in Waters off the Coast of Somalia**

**Abstract of Presentation to be made at the Ninth Meeting of the
Consultative Process on Oceans and the Law of the Sea, “Overview of
Threats to Maritime Security, their Impacts and Responses Thereto with a
Focus on Piracy and Armed Robbery Against Ships”**

The world's economy is interconnected and regional challenges sometimes have global impact, especially when it comes to piracy, transnational crime and human trafficking. As the major component of the world's trade is carried on board ships, global commerce is inexorably linked to maritime security.

As a maritime nation Kenya has faced major challenges from its geographical proximity to Somalia a country without an army, police, navy or coast guard since 1991, a permanent national government or national legal system.

Kenya has always worked hard to prevent the clan and militia fighting in Somalia from spreading across her border. The Government of Kenya played a key role and was involved in efforts to find lasting peace in Somalia leading to the formation of a Transitional Federal Government of Somalia and indeed hosted the same for some time in Nairobi. In recent years however, the insecurity in Somalia has escalated resulting in creeping of piracy and armed robbery against ships in waters off the coastline with a spiralling effect over into the waters of other countries in the region. Kenya has borne the brunt of this phenomenon, leading to a reduction in cruise industry, slow down in the distribution of food aid to Somalia, as well as increased the costs of such operations. Due to several of their ships being attacked the U.N. World Food Program has increasingly been opting to transport relief on roads, leading to not only wear and tear of such roads but also going through dangerous terrain.

As a country with significant interest in regional maritime security, the Government of Kenya has taken keen interest in the regional and international efforts made in the fight against piracy. Some initiatives have included the deployment of the Kenya Navy to escort the merchant ships passing through and also the collaboration with the CJTF 150. In January 2006 the U.S. sailors boarded a ship in January in waters off the Somali capital Mogadishu carrying 10 Somalis along with 16 Indians, believed to be pirates and hostages respectively. The rescued Indian vessel was brought to Mombasa, being the nearest port. Kenya availed its courts and legal system to fill the judicial void in Somalia, and tried the pirates.

The men were charged with attacking, detaining and putting the crew members aboard *MV Safina Al Bisrat* in fear while demanding Sh3.5 million as ransom. The men denied the charges and put up a spirited defence, arguing that being foreigners seized by US sailors in international waters, Kenya had no jurisdiction to try them.

The court found that the case for piracy was proved under Kenyan law and indeed proceeded to convict and sentence the perpetrators. The case however, served as a stark reminder of the need to strengthen anti piracy legislation in Kenya. A new Merchant shipping Bill seeks to strengthen the law and has taken on board the provisions for piracy in the relevant conventions

In reaction to Resolution A 979/24, the Government of Kenya invited a meeting of regional Governments which was held at Mombasa (Kenya) on 23rd and 24th February, 2006.

The meeting was attended by delegates from Kenya, Mozambique, United Republic of Tanzania and the Transitional Federal Government of Somalia all of whom released a joint communiqué on Acts of Piracy and Armed Sea Robbery and proposed the establishment of a joint task force to conduct anti-piracy and collective reporting.

A Maritime Police force has been established and ISPS Code is being vigorously implemented.

Kenya continues to engage with regional and international organisations to find a lasting solution to the problem.

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