

FINAL VERSION

SOMALI MARITIME RESOURCE AND SECURITY STRATEGY

SEPTEMBER 2013



We, the Somali people are blessed with more than 3300 km of striking coastline, the longest and perhaps the most geographically significant in the Horn of Africa. Within and below our waters and coastal regions are abundant resources. These resources belong to the Somali people and will contribute to our national prosperity. This strategy will lay out how we intend to provide security for our resources to protect them for the prosperity of our future generations. We are grateful to the International Community and ask for your continued assistance with this courageous endeavour.

The Somali people thank the following for their participation:

IMO
UN
FAO
UNDP
UNPOS
UNODC
UNSOM
INTERPOL
IOC
CGPCS
IOM
EU NAVFOR
EU CAPNESTOR
EUEAS
EU Commission
IGAD
CBCG
OBP

UK
Turkey
Australia
Norway
Seychelles
Netherlands
USA
Denmark

Introduction:

Years of civil war and lack of governance have left the Somali people unable to secure and derive prosperity from our renewable and non-renewable maritime resources. Resource revenue cannot be exploited without a secure maritime domain; the maritime domain cannot be secured without capability; and capability will not be forthcoming without a clear strategy. This strategy seeks to ensure prosperity derived for the Somali people from the resources owned by the Somali people.

In devising this strategy, the Somali authorities hope to achieve a state of being where maritime trade, fishing, exploration, transit and other lawful acts can take place within our waters in a safe and secure manner and that we have the ability to mitigate risks to this state of being.

Process:

As part of the Kampala Process, delegates from the Federal Government of Somalia, Galmudug, Puntland, and Somaliland have come together to agree on a single strategy with agreed objectives for the collective benefit of the Somali people. Recognising the different stages of development between the Regions, this strategy presents a common vision and goals to the International Community (IC).

This document is authored by Somali technical experts engaged in a technical process, with the task of identifying problems and challenges, and proposing solutions. In essence the strategy was derived through drawing deductions from four questions:

1. What are the Somali Maritime Resources?
2. What is our long-term vision?
3. What are the risks/threats to prosperity derived from the resources?
4. What are our strategic goals?

The document is laid out in this format with subjects appropriately grouped together under sub-headings.

Assumptions:

1. A legal mandate will be developed to protect Somali maritime resources in accordance with international norms. This will help underpin Somali policing of our waters and ensure our ability to maximize the economic benefits of the Somali maritime resources. In proposing solutions on jurisdiction, it is better to propose updates to existing law rather than to propose entirely new laws.
2. The IC, nations and donors will continue to provide the necessary support until we - in terms of capacity-building and other development - are ready to stand on our own feet.

Somali Maritime Resources:

Somali maritime resources are, on initial inspection, difficult to quantify. Much of the survey data is outdated and firsthand accounts are anecdotal in nature. Nonetheless, even the most conservative estimates suggest these resources represent significant economic opportunities. Although there may be others, those resources specifically identified in this strategy are:

- Renewable marine living resources such as fish, crustaceans, mollusks, algae.
- Non-renewable resources such as minerals, gas and oil.
- Port infrastructure.
- Human capital/resources.
- The maritime environment.
- Business and trade.
- Maritime fleet.
- Potential travel and tourism.
- Renewable energy.

Visions for the Future



Although maritime crime still represents a significant threat to Somali development and normalisation, effective organised piracy as a problem has reduced. As Somalis look to the future, this progress presents the opportunity for us to cultivate and protect our maritime domain.



Resource Security:

Short-term – Legal ambiguity over Somali owned maritime resources resolved. Theft of Somali maritime resources ended through the introduction of effective licensing, registration, monitoring, control, surveillance and enforcement, supported by the IC and industry. Somali officials conducting maritime law enforcement, fisheries monitoring and prosecutions, supported by the IC.

Medium-term – Domestic training of teams and pockets of key maritime areas secured by Somali forces, with a plan for expansion in place. A coastal monitoring system in place utilising communications technology and integrating coastal communities, community fisheries management leading to territorial use rights in fisheries (TURFS). Small-scale and localised patrol bases established along the coast.

Long-term – Somali resources secured from external exploitation and providing prosperity for the Somali people. Somali capability to monitor and prevent illegal activities in Somali waters is functioning well, since the wealth of resources is not unlimited.



Sustainable Fisheries (fish and marine life):

Short-term – Stocks assessed and local experts appointed to lead development of fishing policy. Training and equipment available to local fishermen. IOTC (Indian Ocean Tuna Commission) joined to the benefit of the Somali people alongside the rest of East Africa.

Medium-term – Fleet, port, processing and export infrastructure developed. Fishing sector personnel appropriately trained. Local fish markets with some regional and global export potential developed. Establishment of fisheries institution for the management of the industrial fisheries and revenue from licensing.

Long-term – Full value chain in the fishing sector is developed, with the ability to trade domestically as well as to export. Somali capability to effectively manage the fisheries sector, including adequate monitoring, control and surveillance, as well as enforcement capacities and the ability to prevent IUU fishing and respond fully to fisheries crime.



Non-renewable Resources (oil, gas, minerals):

Short-term – Legal ambiguity over Somali owned maritime resources resolved, including clarification of the Somali Continental Shelf. Current plans by others to exploit Somali resources understood, managed and monitored. Regulatory authorities established.

Medium-term – Sufficient security in place to enable survey and investment by international commerce.

Long-term – Somali non-renewable resources measured, managed and extracted for the prosperity of the Somali people.



Managing the Maritime Domain:

Short-term – Focal Points and coordination offices established. Maritime law enforcement agencies reformed and able to police the maritime domain with IC support. Education, training and recruiting opportunities established. Reinstatement and administration of seafarer book/mariner licensing in place.

Medium-term – Effective maritime security in place with activities being coordinated in line with that plan. Interim Search and Rescue (SAR) capability established with Somali oversight and IC support. Accountability & oversight arrangements in place. Maritime environment is protected. Developing coastal observation capability for monitoring and reporting shipping.

Long-term - Somali maritime domain governed, safely managed, and controlled for the benefit of mariners. Somali Navy, Coast Guard, Maritime Police fully operational.



Maritime Economy:

Short-term - Maritime crime reduced to a level where Somali ports are safe and financially viable for seafarers and industry. Somali ports have sufficient capability to support flow of trade and to conduct port state control functions (in relation to safety, security, customs, fishing, etc.) and vessel registering. Improved opportunities for training of port personnel. Plans to protect ports from urban encroachment in place.

Medium-term - Port infrastructure developed. Port managers, workers and customs officials trained. Functioning resource management mechanisms in place. A system to generate revenue (tariffs, taxes) in place. Port procedures in accordance with international standards and conventions established.

Long-term - Developed, efficient, modern port system providing world class port infrastructure and services, amongst the most economically competitive in the region. A Somali flagged commercial fleet is established. Tourism and travel in the region is commonplace.



Risks and Threats to Prosperity Derived from Maritime Resources

1. **Information Management:** Current responsibilities and authorities are perceived to be unclear, and information flow internally within administrations is poor. The lack of a recognised single point of contact on issues such as maritime crime is both confusing and problematic when we are attempting to match donors to requirements. The maritime domain by its very nature involves functional areas across governance and cross-government coordination is paramount to link stakeholders.
2. **Security:** An inability to physically secure the maritime domain threatens all aspects of potential revenue exploitation. Without security, confidence, and reduced levels and opportunities for maritime crime, it is difficult to enter the maritime domain and even harder to exploit our resources. The lack of security, both perceived and real, costs millions of dollars each year and prevents potentially lucrative travel and tourism in the region. Additionally transnational terrorist groups, narcotics and human trafficking smugglers, and transnational criminals can all exploit the current situation to their advantage.
3. **Knowledge, Experience and Education:** Human capital is a valuable resource and its improvement is an essential aspect of development. Somalis are not traditionally fishermen and fish is still not a popular food amongst the Somali population, particularly away from the coast. There is a lack of skills and understanding of how to maximize the catch and most fishermen only know how to catch a limited range of species. Corporate experience is lacking across a range of competences such as port management, seamanship, maritime law enforcement and modern technological management of trade procedures. A lack of alternate livelihoods exacerbates both maritime and terrestrial crime. Poor situational awareness makes asset tracking and management either impossible or unrealistic with our existing Somali capacities.
4. **Poor and Decrepit Infrastructure:** Much of the Somali port infrastructure is inadequate and port handling equipment is either missing or in a poor state of repair. This lack of infrastructure makes import/export untenable, slow, or expensive in comparison to competitors. Additionally poor procedures, a lack of audit/accounting processes, corruption and inefficiency all contribute to the problem. Urban encroachment competes with our ability to further develop port infrastructure.
5. **Inadequate Resource Management:** IUU fishing represents a disproportionate share of catches in Somali waters. The effect of IUU fishing on resources is not known, but there is evidence of reduced availability of specific species in certain areas, which raises concerns. Understanding current stocks is a crucial precondition to sustainable resource management, but is a complex process. IUU fishing also represents a missed opportunity to raise revenue for Somalis and to support our economic development.
6. **Environmental Threats:** The fragile environment and marine ecosystem is particularly vulnerable to climate change, marine pollution and the impacts of shore-based industry and polluted run-off. The extent of the illegal maritime dumping problem is unclear, but a perception exists that the problem is significant. As an example evidence suggests that large quantities of dumped and leaking barrels have previously washed up along the coast in storms. Enforcement is almost impossible in the absence of maritime security.
7. **Reliance on External, Commercial, and Non-Somali Support:** The lack of Somali capability has led to a reliance on external donors, industry and the IC. Although much of this support has been in the regions' best interests, controlling our own destiny is preferable. Oil and gas development must be regulated to ensure prosperity ends up back with Somalis. Additionally there is inadequate transparency regarding public-private partnerships.
8. **Trade Routes and Internal Communication Infrastructure:** Inadequate internal communication presents a significant challenge to competitive trade. Bureaucratic and dysfunctional border and customs mechanisms further exacerbate this issue, making competitors more attractive propositions for trade. A majority of our terrestrial industries, such as livestock export, are heavily reliant on this very inadequate infrastructure.

Strategic Goals by Functional Area



1. Maritime Governance:

Responsibility for maritime resources is shared across a number of ministries (fisheries, resources, tourism, trade, etc.). Thus a number of functional areas are competing for limited maritime security assets to protect these different maritime resources. To ensure that the correct priorities are established and monitored, we need to quickly create a Maritime Coordination Committee to provide leadership and bring all the interested parties together to prioritize and 'task' the maritime security forces. This Committee will be the Focal Point for maritime matters and will be chaired by a senior government official (e.g. Minister of Foreign Affairs, Chef d' Cabinet of Prime Minister's Office – appointment to be confirmed) who can call the ministries together and oversee the process. The single point of contact for the Focal Point will be nominated from within this senior Ministry and be responsible for:

- Prioritizing the resource management protection plan.
- Agreeing with the maritime security agency that it has the resources (including the legal basis) and funds to carry out the functions requested by ministries, and tasking it accordingly.
- Agreeing maritime security budgets and apportioning the share that individual ministries will pay towards the protection of maritime resources.
- Advising on any new legal requirements should new resources be found and new tasking required for the security forces.
- Any other matters regarding the governance or security of the maritime domain.

As a matter of priority this new committee will take forward work on:

- Developing a training proposal for maritime professionals and nominating attendees at training and higher education courses.
- Developing a training and certification need for Somali fishermen and seafarers.
- Developing policies for the fishing sector.
- Seeking support of institutions.

In the medium term a Maritime Administration will be required to manage Somali shipping and maritime affairs; this will be created using Somali professionals trained at World Maritime University (WMU) and the International Maritime Law Institute (IMLI). There is thus a short-term high priority to establish scholarships for Somalis to attend the World Maritime University (WMU) and the International Maritime Law Institute (IMLI) in order to start this process.

In the longer-term there is a requirement to rehabilitate/establish Somali maritime research centres. In the meantime, where possible, relevant training courses should be conducted locally.



2. Maritime Law Enforcement:

Somalia signed the the United Nations Convention on the Law of the Sea on 10 December 1982 and ratified it on 24 July 1989. It is considered that Somalia gave it effect in Somali law in 1989. The next

steps in taking firm control of the Somali maritime domain include awareness raising amongst our politicians and amongst other Somali stakeholders so that we all understand what we have claimed and why it has to be in accordance with international law. Another part of this process includes communicating our specific claims (EEZ, extended Continental shelf, etc.) to the United Nations and the International Community. In the short-term we need to complete these tasks.

However, now that there is clarity regarding the Somali maritime domain, we call upon international naval forces, in accordance with relevant United Nations Security Council Resolutions, to assist us in the protection of our maritime domain as we build our own capabilities to undertake this task.

We also recognise that that there are many places in our law where issues of maritime jurisdiction are addressed, and that we must progress our work on a number of related jurisdictional issues. We need to establish in the very short-term what laws are affected by, or relate to, our maritime jurisdiction and to ensure that the jurisdictional reach of our Courts and our Maritime Police/Coastguards are established or updated.

We also need to ensure that our fisheries laws (including Fisheries Law #23 of 1985) are developed and amended to support the following: The establishment of a fisheries regulatory authority, identifying its mandate/functions; licensing and authorization of fishing boats (local or foreign); and fisheries management planning processes.

Once we have the legal framework in place, the enforcement of Somali jurisdiction over our Internal Waters, Territorial Seas and Exclusive Economic Zone, which would be the fifth largest in Africa, will require maritime law enforcement forces with the appropriate skills, equipment and shore based infrastructure. Whether the responsibility for maritime law enforcement rests with our Maritime Police, Coastguard or Navies, they will need assistance from the International Community to extend their reach from our ports, through our territorial sea to our Exclusive Economic Zone.



3. Maritime Security:

We will establish a common framework for maritime security and defense, collaboration and information sharing. This will include, but not be limited to:

- The establishment of appropriate focal points.
- Within the next 12 months establishing command and control structures for maritime law enforcement agencies to link with each other and with other maritime security agencies. [link to Maritime Law Enforcement above]
- Once focal points are established, build communications links to regional information sharing centers and international naval forces.
- Developing a functioning MCS plan to combat IUU fishing, making use of the current presence of the enforcement capacity of the IC, but in the longer-term relying on our own capacities.
- Request IC support to rehabilitate and maintain our existing equipment.
- Build capacity for maritime law enforcement including and focusing on:
 - i. Prevention of maritime crime
 - ii. Fisheries protection
 - iii. Protection of maritime resources and environment

On an interim basis, we will establish bilateral or multilateral cooperation for ensuring law enforcement and protection of maritime resources using third party vessels with Somali officers embarked.

We will also seek donor support for procurement of Maritime Police / Coast Guard and Navy equipment and training. Whenever practicable, vessels should be built by Somalis, and training take place where our forces are located.

We will establish a coastal monitoring system incorporating observation and engaging with coastal communities.



4. **Maritime Safety:**

We have agreed that we require assistance with the training of seafarers and fishermen to international standards, and that we need to re-establish our own schools to continue delivering this training into the future. In addition, there is a need for hydrographic survey in some areas of our maritime domain to ensure the safety of navigation; the IC is requested to assist with this assessment. Rehabilitation of the light house network for coastal navigation is required in all areas. As a matter of priority we want to develop a logging in and out system for Somali boats operating from Somali fishing ports, and incorporating the Dhow project on reporting dhow movements (and other movements) and details to the international naval forces so as to reduce the likelihood of mistaken identity.



5. **Maritime Response and Recovery:**

We have agreed that we need to coordinate our efforts to protect shipping in our waters. We have agreed that the size of our maritime domain means that considerable coordination is therefore required. We recognise that we would benefit from entering into a process for the creation of a Maritime Rescue Coordination Centre (MRCC) that could coordinate the response of the relevant maritime stakeholders to deliver search and rescue procedures and to give confidence to seafarers that Somali waters are regulated and safe.



6. **Maritime Economy:**

A supportive environment for the development of the fisheries sector and the protection of fisheries resources must be established. This includes:

- Strengthening state owned and private institutions, including a fisheries regulatory authority responsible for policy and the overall management of the fisheries sector.
- As noted previously, strengthening legal frameworks for fisheries, addressing among other issues: institutional structures; management tasks and responsibilities; setting out separation between compliance and enforcement; license systems; data collection; reporting, monitoring, control, surveillance (MCS); and enforcement.
- Supporting our own capacities for the collection of fisheries-related data (fishing activities, stock assessments, vessels present, etc.).
- Developing coastal infrastructure, including appropriate landing sites, and supporting capacities for building adequate fishing vessels.
- Setting up training facilities for fisheries-related professions, fisheries management, research, and fisheries-related skills such as marketing and fisheries commerce, hygiene and sanitation, and so on.

We ask for the support of the IC to establish an infrastructure development plan. The emphasis will initially lie with the maritime sector, and specifically the facilities at the 5 major ports (Berbera, Bosasso, Mogadishu, Kismayo, and Hobyo). Thereafter, wider Somali communications infrastructure should be developed to enable local, regional and ultimately international markets.

We recognize that there is potential for oil, gas and mineral exploration under our seas and we need to establish an administrative framework to manage this in a transparent manner in order to ensure that Somali resources are exploited for the benefit of Somalis. We will also need to be able

to provide off-shore security to allow exploration to take place in a safe and secure manner, and believe that our Maritime Coordination Committee should be closely involved in all negotiations with potential off-shore partners.

Conclusion:

The maritime environment represents to Somalis not only a life line to international markets and commerce, but also a major source of revenue from fishing and aquaculture, the extraction of non-renewable marine based resources and eventually, we hope tourism. Whilst we Somalis are not natural fish eaters, during times of famine and shortages of food the sea can be critical sources of food for our communities.

We have outlined in our strategy the vulnerability of our maritime space to threats including illegal, unreported and unregulated fishing; environmental degradation, smuggling; trafficking of people, narcotics and weapons; piracy; support to Al Shabaab from across the sea and other terrorist activities. These maritime threats all have significant land based dimensions either related to the origin of the threat, its effects on our people or the capabilities we require to counter them.

We hope that this maritime strategy, and how it is implemented throughout our region, will deliver improvements in governance, law enforcement and safety, that will have a positive impact on our citizens beyond the maritime area through livelihoods programmes, food security for our people, improved access to goods and services and an export route for our products.

Immediate next steps:

1. We will seek political endorsement of this Maritime Strategy.
2. We will raise awareness amongst our parliaments about our jurisdictions over the Somali maritime domain.
3. We will confirm that the 1988/1989 law on the Somali Sea is in force and therefore that our EEZ and other maritime zones are already in conformity with the Law of the Sea Convention 1982.
4. We will form a legal sub-working group of this Kampala Process to start work on updating our Fisheries and Maritime Police / Coast Guard laws, and on working out what updates we need to make to associated laws so as to ensure we can exercise Somali jurisdiction and powers at sea.
5. We will establish our Maritime Coordination Committee (MCC) within our government frameworks to facilitate decision making at the national and regional level.
6. We will confirm our Maritime Focal Points to coordinate the work of the MCC to structure the dialogue between sectorial interests and to provide a single point of contact to the International Community.
7. We will work with external partners from the IC to identify the resources and contributions needed to implement this strategy.
8. We believe that the Maritime Resource and Security Strategy must properly reflect the needs of local Somali maritime coastal communities.