A REVIEW OF SOMALIA’S (& SEMI-AUTONOMOUS REGIONS) FISHERIES LEGISLATION & MANAGEMENT

November 2011
Implementation of a Regional Fisheries Strategy For
The Eastern-Southern Africa
And Indian Ocean Region

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Implementation of a Regional Fisheries Strategy
For The Eastern-Southern Africa and India Ocean Region

Programme pour la mise en oeuvre d'une stratégie de pêche pour la
region Afrique orientale-australe et Océan indien

A Review of Somalia’s
(& Semi-Autonomous Regions)
Fisheries Legislation & Management

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EXECUTIVE SUMMARY

This is a review of Somalia’s fisheries legislation and management including that of its semi-autonomous regions, with the objective to identify the barriers that prevent implementation of an effective MCS system in Somalia, and to make recommendations on the areas of the Somali fisheries legislation which need to be harmonised. Particular attention is paid to the regulation regarding fisheries management; the entities that utilise marine resources in Somalia; the administrative systems of fisheries management in Somalia, and how this interacts in Somalia and its semi-autonomous regions. The specific issues that are discussed include:

a) Somalia’s application to establish an Exclusive Economic Zone (EEZ) in the waters under its jurisdiction; and
b) The areas of fisheries management that may be required to enhance the effectiveness of and complement the current Somali legislation.

Résumé Exécutif

Le présent document est une revue de la législation et de la gestion des pêches en Somalie, y compris dans les régions semi-autonomes, ayant pour objectif d’identifier les barrières à la mise en œuvre d’un système de SCS efficace en Somalie, et de formuler des recommandations sur les zones de la législation en vigueur nécessitant d’être harmonisées. Ce rapport se penche en particulier sur les réglementations et le système administratif liés à la gestion des pêches somaliennes, et sur la manière dont ce dernier s’articule entre la Somalie et ses régions semi-autonome. Par ailleurs, outre les entités somaliennes traitant de l’utilisation des ressources marines, le rapport se penche sur d’autres problématiques spécifiques dont :

a) La demande de la Somalie d’établir une Zone Economique Exclusive (ZEE) dans les eaux sous sa juridiction ; et
b) Les progrès dans certains aspects de la gestion des pêches pouvant être nécessaires pour compléter l’actuelle législation somalienne et améliorer son efficacité.
INTRODUCTION

Somalia’s coastline is the longest in Africa and it extends over 3,330 km. Somali coastal waters have abundant and significant biodiversity of marine life; however, after decades of environmental degradation many indigenous marine species and their critical habitats are now gravely endangered or threatened. The environmental issues pertaining to Somali fisheries primarily arise from a lack of governance and law enforcement capability in Somalia. Notwithstanding, Somali authorities have made claims of foreign vessels performing IUU activities and illegally dumping toxic waste in Somalia’s territorial waters. FAO reported that the Somali territorial waters were degraded by the illegal cleaning of tanks and fishing mostly by foreign fleets (AQUASTAT Survey 2005, at pg. 8). But, in 1998, after a six week mission to Somalia, IMO reported that it found no evidence to support claims that foreign fleets were engaged in illegal toxic dumping in Somalia. IMO also asserted that many environmental hazards emanated from the local unsustainable use of natural and marine resources in Somalia. Some of the local environmental issues which IMO identified that damage the Somali fisheries sector include:

1) Lack of waste management: over 1.5 million people live on the Somali coast without any public services as a result: refuse, raw sewage, and solid waste are dumped or discharged directly in the sea or the beach.
2) Several livestock slaughter houses are located on the coast and animal waste is dumped directly in the sea or on the beach.
3) Fishing practices form another source of local marine pollution; for example, local fishers often catch sharks cut their fins and dump the remaining parts back in the sea.
4) Agricultural waste dumped into Juba River that flows directly into the sea.
5) Coastal and quarrying pits dug out near beaches.
6) Lack of adequate port reception facilities to collect and process ship waste which causes illegal cleaning of tanks; and
7) Abandoned ships litter the beaches (note. over the last few years Somali maritime piracy has also contributed to pollution from vessels being held near the Somali coast for several months).

Undoubtedly, Somalia is presently an ideal location for IUU activities due to the lack of fisheries management controls and law enforcement capacity. However, it is important to note that there are no confirmed statistics concerning IUU activities in Somalia. A 2005 FAO estimate, was approximately 700 foreign flagged trawlers were engaged in illegal, unreported and unregulated fishing in and around Somali waters. In 2011, the estimates reported by the UN Secretary General are as high as 50% of annual overall catch is fished illegally in the Western Indian Ocean, and potentially a higher percentage in Somalia’s unmonitored waters.

The Somali state ultimately bears the primary legal duty to protect, manage, and conserve fish and marine resources within its territorial waters. On the 15th September, 1968, the Somali state signed the African Convention on the Conservation of Nature and Natural Resources (herein referred to as the “African Convention”), and thereby made an undertaking “to adopt the measures necessary to ensure conservation, utilization and development of soil, water, flora and faunal resources in accordance with scientific principles and with due regard to the best interests of the people”, Art (2). As well as, to “manage aquatic environments, whether in fresh, brackish or coastal water, with a view to minimise deleterious effects of any water and land use practice which might adversely affect aquatic habitats”, Art. (7).

The African Convention prohibits certain fishing methods and the Somali state as a result is obliged to pass fisheries legislation that specifically prohibits fishing methods or practices which will cause a mass destruction of wild animals; or the use of drugs; poisons, poisoned weapons or poisoned baits or the use of explosives to capture or hunt fish. The protection of species is extended to “Pisces” (fish) and “Caecobarbus, Cacoastacembelus” (blind fish) under class A, Art 8 (1) (a) of the African Convention, as follows: “species in Class A shall be totally protected throughout the entire territory of the Contracting States; the hunting, killing, capture or collection of specimens shall be permitted only on the authorization in each case of the highest competent authority and only if required in the national interest or for...
scientific purposes”. The Somali state also has an obligation to establish conservation areas for protected species, Art. 10, African Convention.

Fish Market, Mogadishu, Somalia (2011). Source: Ministry of Fishers & Marine Resources (TFG)
METHODOLOGY

This report was prepared by extensive research and review of primary and secondary sources on Somali fisheries legislation and management. It is noted with regret that research on primary sources was limited due to the lack of reliable Somali archives; nevertheless, this limitation was slightly mitigated by the inclusion of questionnaires in the research process to acquire more current information from the relevant Somali fishing authorities.
PERFORMANCE IN RELATION TO TOR

The Consultant’s performance in relation to the TOR is as follows:

• The Consultant has provided a comprehensive review that outlines the past and current legislation regarding fisheries in Somalia and its semi-autonomous regions.

• The Consultant paid attention to the administrative system of fisheries management in Somalia and how this interacts in its semi-autonomous regions, by seeking information directly from Somali authorities.

• The Consultant obtained the latest developments on the establishment of the Somali EEZ and the extended Somali Continental Shelf, from the UN plenary meeting to the CGPCS, on the 17thNovember, 2011.

• The Consultant contributed to the effectiveness of fisheries legislation by drafting the Somali Maritime Security Bill (2011) for the consideration of the Somali TFG and TFP. The Consultant has also assisted INTERPOL re-establish its NCB in Mogadishu which will hopefully enable the Somali regional authorities to share information with the international law enforcement community through INTERPOL’s channels on maritime offences, such as: IUU and marine pollution.

• The Consultant made recommendations on how to improve fisheries management in order to enhance the effectiveness of and complement the current Somali legislation.

• The Consultant sought feedback on this report from the relevant Somali authorities; namely, the Ministry responsible for fisheries at the TFG, Somaliland, Puntland and Galmudug. But, the Consultant only obtained feedback on this report from the Ministry responsible for fisheries at the TFG and Galmudug region.
DEFINING THE SOMALI STATE

In 1960, the Somali state called “the Somali Republic” was created out of the amalgamation of two territories; namely, British Somaliland declared independent on 26th June, 1960, and Italian Somalia declared independent a few days later, on 1st July, 1960. The Somali Constitution (1960) was ratified by popular referendum and it stated that Somalia’s “territorial sovereignty shall extend to the continental territory, the islands, the territorial sea, the subsoil, the air space above and the continental shelf”, Art (4). Further, that “any modification of the national territory must be authorized by a law approved by a four-fifth majority of the members of the National Assembly” Art (3). On the 20th September, 1960, Somalia joined the United Nations.

In actuality, Somalia’s territorial claims extended further to Djibouti, the north eastern parts of Kenya, and the Ogaden region in the Ethiopia which led to conflicts in these areas in 1963. This extended territorial claim is otherwise known as “the Greater Somalia”, and it encompasses regions in the Horn of Africa wherein ethnic Somalis reside and have historically represented the predominant population. However, in June 1967, the Somali government under the premiership of Prime Minister Muhammad Haji Ibraham Egal pursued a détente with Kenya and Ethiopia, muting the Pan-Somali campaign (R. Lee Hadden, 2007).

On the 15th October, 1969, President Abdirashid Ali Sharmake, the country’s second president was assassinated by one of his own bodyguards, and the Somali government went into a crisis which the military took advantage of and after a bloodless coup d’état the President of Somalia Major General Mohamed Siyad Barre (“Barre”) came to power. His political party the Supreme Revolutionary Council (“SRC”) renamed the Somali state “The Somali Democratic Republic”, whilst ironically dissolving the Somali parliament and the Somali Supreme Court, as well as suspending the Somali Constitution (1960). The country in spite of its new name became a communist regime and Barre’s invented version of scientific socialism which comprised of Marxist, Islamic and Somali nationalistic ideals was implemented. In 1974, due to Somalia’s religious links to the Arab world the country joined the Arab League of Nations.

In 1977, President Siyad Barre invaded the Ogaden regions in Ethiopia, seeking to establish “the Greater Somalia”; but his strong communist stance did not prevent the Soviet Union choosing to support Ethiopia instead, and in 1978 Somalia lost the Ogaden War. In response to which Barre cut all ties with the Soviet Union and sought to create relations with the West. Due to the country’s important geographical location, in the 1980’s, the US and Italy provided Barre’s government with hundreds of millions of dollars in economic and military aid.

Barre’s government perpetrated grave human rights abuses that on the Somali citizenry, he passed laws which granted the National Security Service (“NSS”) the powers to: arrest and detain indefinitely critics of the government without ever being brought to trial; arrest without a warrant anyone suspected of a crime involving “national security”; and capital punishment was mandatory for anyone convicted of “acts against the independence, unity or security of the State”. From the 1970s onwards, Barre’s government began to lose control over the Somali population, and in order to regain his unrivalled dominance his elite unit, the Red Berets (DuubCas), and the paramilitary unit called the Victory Pioneers carried out systematic terror against the Majeerteen, Hawiye, and Isaaq clans.

In 1979, another Somali Constitution (1979) was promulgated under which elections were held; and President Siyad Barre’s Somali Revolutionary Socialist Party (SRSP) a politburo which had replaced SRC in 1976 continued to rule. In the early 1980’s, Somalia was officially divided into 18 administrative regions (singular “gobolka”; plural is “gobollada”), which were further subdivided into districts. The administrative regions are: Awdal; Bakool; Banaadir; Bari; Bay; Galguduud; Gedo; Hiiraan; Jubbada Dhexe (Middle Jubba); Jubbada Hoose (Lower Jubba); Mudug; Nugaal; Sanaag; Shabeellaha Dhexe (Middle Shabelle); Shabeellaha Hoose (Lower Shabelle); Sool; Togdheer; and Woqooyi Galbeed.

In 1986, after recovering from a car accident Barre presented himself again as the sole presidential candidate for re-election; and to ensure the future of his dictatorship he promulgated the Somali Constitution...
(1990) which provided that the incumbent President term of office was to last for a period seven years from the date he was sworn in (IV Transitional Provisions). The 1990 constitution prescribed that Somalia’s “Territorial sovereignty shall extend to continental territory, islands, territorial waters, the subsoil, the airspace above and the coasts.” Art (6). There was no proviso on amending the territorial jurisdiction of the Somali state by a majority vote of the National Assembly as was the case in the Somali Constitution (1960). Notwithstanding, the critical omission in the Somali Constitutions of 1960, 1979 and 1990 was the lack of equal and fair clan representation in the Somali National Assembly; and thereby resulting in a legal framework for social injustice which arguably contributed to calamitous results for the country. The Somali Constitution (1990) was to be confirmed by popular referendum in October 1991; but Somalia descended into civil war on the 26th January, 1991, and the referendum never took place. Whereas, in the past Barre had outlawed Somali “clanism” which threatened the peace and prosperity of the Somali state since its inception; he reintroduced this potent factor into Somalia to maintain his power by terrorizing and massacring dissident Somali clans which posed him the most threat; without such unjust actions arguably the Somali Civil War may have been obviated and may not have endured for so many years.

**Somaliland**

On the 18th May of 1991, the major northern Somali clan “the Isasq” declared an independent “The Republic of Somaliland” and its capital city as Hargeisa. The Constitution of the Somaliland Republic (2001) was approved by popular referendum; however, to date this self-declared Somali state is unrecognised by any country or international organisation. Somaliland’s self-proclaimed sovereignty under Art.2 of the constitution is “the same area as that of the former Somaliland Protectorate and is located between Latitude 8° to 11° 30’ north of the equator and Longitude 42° 45’ to 49° East; and consists of the land, islands, and territorial waters, above and below the surface, the airspace and the continental shelf.” The territorial claim of Somaliland covers a total land mass area of 137,600 sq. km, and it has fourteen administrative regions with capitals, which are further subdivided into districts; the regions are: Awdal; Cayn; Gabiley; Gaaroodi; Hawd; Maakhir; MaroodiJeex; Odweyne; Sahil; Sanaag; Sarar; Sool; and Togdheer. The capital city of Somaliland is Hargeisa.

Somaliland in comparison to the rest of Somalia has maintained some semblance of stability and security. This relative peace has enabled Somaliland to have informal ties with some governments which have sent delegates to the self-declared state, and Ethiopia reportedly has a consulate office in the region. The political system in Somaliland is constitutionally restricted to three political parties, and it unlawful for any political party to be formed on religious or clan ties, as per Art. 9. In actuality, Somaliland has three political parties with some clan affiliations, these are: United People’s Democratic Party, the Peace, Unity, and Development Party, and the Justice and Development Party. Moreover, a separatist movement, called the “Awdalland Republic”, sought independence in 1995; and in 2010, the declared the formation of a new autonomous region within a federal Somalia, namely, as Awdalland or the Adal State; the local administration does not recognize the secessionist Somaliland government’s claim to sovereignty or to its territory.

**Puntland**

In 1998, an autonomous state called the “Puntland State of Somalia” was self-declared; however, unlike Somaliland, which declared independence from Somalia, Puntland’s secession was aimed at reconstituting Somalia as a federation of semi-autonomous states. Notwithstanding, Puntland promulgated the Transitional Constitution of Puntland Regional Government (2001) that prescribed for an executive (President and Council of Ministers), a judiciary and a legislative (House of Representatives); hence, in practicality establishing the legal framework for an independent self-declared state. Puntland’s capital is Garowe, in the Nugaal Gobolka. The autonomous state claims territorial sovereignty over “East Region of Bari, Nugal, Sool, South Togdher (Buhodle District), Mudug except the Districts of Hobyo and Haradhere and Sanag Region except the District of El-Afweyn and Northeast of Engavo District”, and that “the Puntland Regional State borders are those they had previously with the regions and districts of Somali Republic before the Somali Civil War. The unity of Puntland is sacred and inviolable; land territory, territorial sea and the air space”, Art. 3 of the Puntland Constitution (2001). Therefore, Puntland disputes its border with Somaliland as its territorial claims portions of eastern Sool and Sanaag administrative regions. For a period of time, the part of the
disputed areas of western Sanaag & Bari regions in 2007 became an autonomous state called “Maakhir”, it was never wholly recognised by the TFG and in 2009, the state was incorporated into Puntland.

Galmudug

Galmudug is an autonomous state in central Somalia established in August, 2006, which is bordered to its north by the Puntland autonomous region. The region has not tried to claim independence as a separate country, but has sought to remain as a federal state within a federal Somalia as per Art. 11 of the Transitional Federal Charter (2004) which established the TFG, it comprises of two regions of Mudug and Hobyo federated out of their own will. Unfortunately, the region has been partly marred by the Somali maritime piracy problem and media reports have emerged that elements of militant Islamist groups are present in the region. The latter, has been repudiated by the Galmudug authorities which have denied the presence of militant Islamist groups.

Jubaland

Jubaland comprises of Somalia’s administrative regions of Gedo, Lower Juba and Middle Juba. In 1926, Jubaland was ceded from British East Africa to Italian Somaliland which later formed the Somali Republic. In 1998, a brief declaration of independence was made in order to establish Jubaland as a Somali state, with its main city as Kismayo. But in 2001, an inter-clan council decided to associate Jubaland with newly forming TFG, but unfortunately, militant Islamists took control over the region and imposed Sharia law. In the past, a Southwestern State of Somalia had also declared autonomy over Bay, Bakool, Middle Juba, Lower Shabelle, Gedo and Lower Juba, in 2002; but eventually abandoned that claim and joined the TFG. In 2010, the residents of Jubaland sought to establish a secular regional administration in order produce local stability, in a similar manner as Somaliland and Puntland.

Transitional Federal Government of Somalia

After many years of civil war and political strife, the TFG was formed pursuant to the terms under the Transitional Federal Charter (2004). Table (A) herein at pg.13 lists the Somali Constitutions to date. The TFG is the only recognised government in Somalia, and it is backed by the African Union, the United States, and the United Nations; but has no control or actual authority over most of Somalia. In September, 2011, the “Roadmap for Somalia” was agreed to as part of the Kampala Accord; it stipulates bold and ambitious measures to end the transitional period for Somalia and to establish “the Federal Republic of Somalia”. The Draft Somali Constitution for the Federal Republic of Somalia is to be amended and provisionally adopted by April, 2012. UNPOS is working closely with the TFG to ensure that the roadmap is implemented within the specified timeframe, which is by August 2012. The on-going conflict in south central Somalia and the widespread famine will undoubtedly negatively impact the capacity for the country to have elections. Nonetheless, the ambitious deadlines set have to be achieved despite very challenging setbacks, as the transitional period in Somalia has already been protracted for over five years.

Table (A) Somali Constitutions

<table>
<thead>
<tr>
<th>Constitution</th>
<th>Date of Constitution</th>
<th>Date of Entry into Force</th>
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<tr>
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<td></td>
<td>1st July 1961 (date for Constitution to be submitted to popular referendum for voters to approve or disapprove)</td>
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<tr>
<td></td>
<td></td>
<td>31st December, 1963 (amended version)</td>
</tr>
<tr>
<td>Constitution</td>
<td>Date of Adoption</td>
<td>Remarks</td>
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<td>-----------------------------------------</td>
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<tr>
<td>The Constitution of the Somali Republic</td>
<td>1979</td>
<td>1979</td>
</tr>
<tr>
<td>The Constitution of the Somali Republic</td>
<td>12th October, 1990</td>
<td>12th October, 1990 (provisionally came into force)</td>
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<td></td>
<td></td>
<td>12th October, 1991 (date for Constitution to be submitted to popular referendum for voters to approve or disapprove)</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transitional Constitution of Puntland Regional Government</td>
<td>5th June, 2001 (approved by House of Representatives)</td>
<td>1st July, 2001</td>
</tr>
<tr>
<td>Draft Somali Constitution for the Somalia</td>
<td>To be amended and provisionally adopted in April (2012)</td>
<td></td>
</tr>
</tbody>
</table>
SOMALIA’S FISHERIES LAW

Somali fisheries law is mainly derived from Somali civil law, international law, and the relevant ministerial regulations or guidelines; other sources of Somali law, such as, sharia law (Islamic), and Somali customary law (“Xeer”) are not directly applicable. A list of the relevant Somali laws and international laws are provided in Tables (B) and (C) herein at pg. 23& 24.

Prior to the establishment of the Somali Republic in 1960, the Somaliland Maritime Code (1959) prohibited a number of “Maritime Crimes” punishable by fine or imprisonment, including: 1) “Fishing, use of explosives, and lighting fires in areas which are prohibited”, (Art. 218); 2) “Abusive fishing”, which is fishing without a licence or concession (Art. 234); and 3) “Fishing with prohibited means”, such as, fishing by means of dynamite or similar materials, or with electric current as direct killing or stunning means, or by throwing or dissolving substances in water to enervate, stun or kill fish and other aquatic animals (Art. 235). However, the latter law was superseded; in particular, by the Somali Democratic Republic Fishery Law No. 23 of 30 (1985) (hereinafter referred to as “Fishery Law (1985)

The Somali Law No. 37 on the Territorial Sea and Ports (1972) (hereinafter “Law No.37”), provided that fishing in Somalia’s territorial sea and regular transportation of persons and goods between Somali ports was restricted to vessels flying the Somali flag and authorised vessels. Any breach of latter provision was punishable by fine; and on a repeat offence the captain was liable for offences under Somali penal laws and the vessel could also be confiscated, Art. 5.

During Barre’s regime, the development of cooperatives farms were promoted further to his ideals of scientific socialism, and the Somali Law No.40 of 1973, on Cooperative Development in the Somali Democratic Republic (hereinafter “Law No. 40”) was promulgated and it covered various sectors of the economy including fisheries. Law No. 40 promoted the establishment of Fishery Service and Marketing Cooperatives and Fishery Production Cooperatives, Art. 9. The concept essentially was for fishermen to combine their labour and equipment for collective fishing; and the income was to be shared among the members of the cooperative according to the work done by each member. The purchase of inputs and marketing the catches was to be done collectively via a state organisation or cooperative shop. Furthermore, the accumulation of funds by the members for purposes of making joint investments into, for example, cooperatives shops, storage and cooling facilities and maintenance workshops. All cooperatives had to be registered under the relevant ministry in order to acquire a legal status. The minimum number of members for a fishery cooperative was twenty. Regional and District Cooperative Councils were tasked with responsibility of supervising the cooperatives.

On the 1st April 1985, the Ministry of Fisheries and Marine Resources published “Guidelines for Fisheries Joint Venture with Foreign Partners” (hereinafter “Fisheries Guidelines”), to regulate joint ventures between Somali fishers and foreign investors. Annexed to the guidelines are the Somali fisheries catch statistics for 1985, the licensing fees and information on local and foreign fishing companies. “Fish” is defined as “any aquatic animal whether piscine or not and including mollusc, crustacean, shellfish, sponge coral and the young and eggs thereof”. A “fishing vessel” is defined as “a vessel used for fishing and operated for financial reward to other material gain, scientific research or processing, storage or carriage of fish, and includes any vessel used in support of or ancillary to fishing operations but does not include a vessel transporting fish of fish products as part of its general cargo”.

The Fisheries Guidelines detailed the requirements for an application to establish a fisheries joint venture which had to be submitted to the ministry for approval. The ministry had to be satisfied that joint venture “plan is economically sound and practicable, beneficial for the country’s economy and its operation is not harmful to the marine resources protection and will not conflict with the Somali traditional fishermen, a letter of intent may be given to allow the licence to initiate the preparatory work”. 

The Fisheries Guidelines also made limitations on the quantity of fish which joint venture fishing operations could catch as illustrated by the chart below. “Optimum utilization” was defined as “with respect to the field from any fishery, the amounts of fish that will be produced from the fishery the maximum sustainable yield as qualified by any relevant biological, economic, environmental or social factors, and taking into account fishing patterns, the interdependence of stocks of fish, the need to avoid over-fishing and any generally accepted sub-regional, regional or global fishing standard”. Any joint fishing operation which reached the optimum utilisation limit set or overfished its new joint venture application was prohibited from being accepted. The status of the Fishery Guidelines (1985) is at present unclear, but presumably as regulations which are outdated the transitional fishery authorities are unlikely to implement them in Somalia.

![Chart showing limitations for optimum utilisation](chart.png)

**Note**: UN IMO Report (1998) – Estimated fisheries potential figures are higher, a total of 100,000 to 200,000 tons per annum. For 2011, the UN fish landings estimate is 18,000 tons per annum.

The Fishery Law (1985) is the principal legislation in Somalia that applies to commercial fishing at sea and in inland waters within the territory of Somalia, and supersedes provisions stipulated by Law No.37, to the extent that its provisions are inconsistent with the Fisheries Law (1985). Under the definitions section of the law, “inland water” is defined as “river water and reservoirs in which aquatic animals can live”, “Aquatic animals” are defined as “all animals living in the sea water and inland water including oyster, crustacean, plankton & algae”. In regards to aquaculture and mariculture activities, there remains a lacuna in the law. “Fishing” is defined “as the art or practice of catching aquatic animals”. Further, the law distinguishes between two types of commercial fishing, these are: i) “traditional fishing”, which is, “fishing in the coastal areas by using small boats, dhows, etc.”; and ii) “modern fishing”, which is, “fishing in the high seas by using ships and modern technology such as trawlers”. Fishing licence fees are unspecified, “licence” is defined as “permission granted to somebody for fishing, processing or merchandising”; and “royalty” is defined as “the part of the fees or goods paid by the owner of the ship for fishing in Somali waters”. The definition of royalty reflects the aspect of barter trade in the traditional Somali fishing industry.

### Somaliland’s Fisheries Law

In September 1995, the Somaliland promulgated its own fishing laws, the **“Somaliland Fisheries Law No.24 (1995)”**, which is reportedly largely based on Fishery Law (1985). In order to improve the fisheries law, Somaliland also approved the **“Coastal and Marine Resource Policy of Somaliland (2000)”**. The Somaliland Constitution (2001) also prescribes obligations which are relevant to fisheries, these are:
1) “The state is responsible for the natural resources of the country and shall take all possible steps to explore and exploit all these resources which are available in the nation’s land or sea. The protection and the best means of the exploitation of these natural resources shall be determined by law”, Art 12 (4);
2) “The state shall encourage indigenous economic production such as agriculture, livestock, fisheries, minerals, production of frankincense and myrrh and gum etc., and manufacture based on indigenous products” Art. 12 (6);
3) “The state shall give a special priority to the protection and safeguarding of the environment, which is essential for the wellbeing of the society, and to the care of the natural resources. Therefore, the care of and (the combating of) the damage to the environment shall be determined by law” Art. 18 (1);
4) “The most important objectives and duties of the Parliament are as follows: a) the protection of the peace and security of the Republic and Republic’s sovereign rule over its land, sea and air…” Art. 38 (4); and
5) That “every person shall have the duty to care for, protect and save the environment” Art. 34.

**Puntland Fisheries Law**

The Government of Puntland, Ministry of Fisheries, Ports and Transport, published “Fisheries Regulations from Somali Republic Fisheries Law No.23” (hereinafter “Puntland Fisheries Regulations”) dated April 2004. The Puntland Constitution (2001) also provides for environmental protection which is relevant to fisheries, Art. 85 states that “the Council of Districts shall have the responsibility of implementing the plans in the fields of social services, education, intermediate and elementary school, livestock, agriculture, security, water, electricity, communication, health care, water, environmental safeguard and development according to their resources”; further Art. 96 states that “deforestation, erosion and of (sea, air and land) and the environmental pollution of sea, air and land charcoal exportation, trading of plants and firewood are prohibited”.

The Puntland Fisheries Regulations are relatively extensive, and even seek to protect endangered marine species and to regulate aquaculture activities. The regulations distinguish between fishing licenses for national vessels and foreign fishing licences and access agreements foreign vessels.
SOMALIA’S MARITIME BORDERS

Elaborating on Somalia’s maritime borders is a critical aspect in determining the maritime jurisdiction of the Somali state, and to what extent it can enforce Somali fishing laws.

Somalia’s Territorial Sea

Somalia’s territorial sea was defined as “the portion of sea to the extent of 200 nautical miles within the continental and insular coasts, delimited according to the provisions of articles 2 and 3 of this law”, Art. 1 (1), Somali Law No. 37. The sovereignty of Somali territorial sea was under the Somali Democratic Republic, and any offences committed therein were governed by Somali law, Art. 1 (2), Somali Law No.37.

On 10th December, 1982, the Somali state signed the United Nations Convention and Law of the Sea (herein referred to as “Law of the Sea”); and on the 24th July, 1989, the Somali State ratified the said convention. The Somali territorial sea is defined “as the area of sea which extends up to twelve (12) nautical miles measured from the baselines”, Arts 3 to 6, Law of the Sea. Somalia’s “sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil”, Art. 2(2), Law of the Sea. The Somali state must exercise its sovereignty over Somalia’s territorial sea in compliance with the provisions of the Law of the Sea and international law, Art. 2 (3) of Law of the Sea.

Somalia is a coastal state party under the Law of the Sea, which grants the Somali state with certain obligations and duties. The Somali state has an obligation to pass legislation which is in compliance with the provisions of Law of the Sea and other international laws of the sea. The Somali State must not hamper, deny or impair the innocent passage of foreignships through Somalia’s territorial sea except in accordance with the provisions of the Law of the Sea. The Somali State must not discriminate against any ships of any State or against ships carrying cargoes to, from or on behalf of any State within its territorial sea, Art.24 (1), Law of the Sea. The Somali State must also give “appropriate publicity to any danger to navigation, of which it has knowledge, within its territorial sea”, Art.24 (2), Law of the Sea.

The on-going maritime security crisis in Somalia which involves maritime piracy, hostage taking and terrorist groups in control of some Somali maritime ports, has been well publicised; and these maritime security issues amongst many others have hampered, denied and impaired the right of innocent passage of foreign ships in Somalia’s territorial sea. The right of innocent passage, however, does not apply to vessels fishing in Somalia’s territorial sea, Art. 18 (1), Law of the Sea; and the latter restriction does not distinguish between legal or illegal fishing. Further, the Somali state has a right to pass legislation and regulations to prevent, reduce, and control pollution from foreign vessels passing through its territorial sea, including foreign vessels exercising the right of innocent passage, Art. 211, Law of the Sea.

Somalia’s Contiguous Zone

Somalia’s contiguous zone extends up to twenty four (24) nautical miles from the baselines, from which the breadth of Somalia’s Territorial Sea is measured, Art. 33 (2), Law of the Sea. Within the contiguous zone the Somali State “may exercise the control necessary to: (a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea;(b) punish infringement of the above laws and regulations committed within its territory or territorial sea is measure”, Art.33 (1), Law of the Sea.

Somalia’s Exclusive Economic Zone

The Somali EEZ is the area of sea that extends up to two hundred (200) nautical miles from the baselines from which the breadth of Somalia’s Territorial Sea is measured, Art. 57, Law of the Sea. Within the Somali EEZ, the Somali State has “(a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of these seabed and its subsoil, and with regard
Somalia's Maritime Borders

The Somali state must exercise its rights and perform its duties in the Somali EEZ with due regard to the rights of other states and in manner that is compliant with the provisions of the Law of the Sea. On the other hand, the international community has not recognised the Somali EEZ for the following reasons: i) Somalia has not satisfactorily proclaimed an EEZ in accordance with the Law of the Sea; ii) Somalia's national legislation, Somali Law No. 37, provides for a 200 nm territorial sea but it pre-dates the Law of the Sea, thus, it has been superseded; and iii) the lack of harmonization between Somalia's national legislation and the Law of the Sea has created a legal ambiguity which results in a lack of recognition of the Somali EEZ.

In view of the aforesaid, the Somali Maritime Security Bill (2011) was drafted by the legal advisor to the Somali Anti-Piracy Taskforce TFG and submitted to the international community for review and consideration in order to establish a Somali EEZ. The Bill was revised by INTERPOL's Anti-Maritime Piracy Taskforce. It was planned that once the final draft of the said Bill had received sufficient feedback from Somalia's semi-autonomous regional administrations and the international community, the Council of Ministers would approve the Bill and submit it to the Somali TFG for consideration.

In processing the delimitation of the Somali EEZ, the Somali state will have to enter into agreements with states with opposite or adjacent coasts; such as; Yemen, Djibouti, and Kenya, in accordance with Art. 74, Law of the Sea. Additionally, the Somali state must submit a copy of charts & lists of geographical coordinates of the outer limit lines of the Somali EEZ and the lines of delimitation under Art. 74 to the Secretary General of the UN as well as publicise the information, Art. 75, Law of the Sea. To date the DOALOS public database has not published any such submissions made by the Somali State, except for an MOU entered into between Kenya and the TFG to grant to each other no-objection in respect of submissions on the outer limits of the continental shelf beyond 200nm to the Commission on the Limits of the Continental Shelf.

Rights & Duties of Other States

The Somali state must exercise its rights and perform its duties under the Law of the Sea with due regard to the rights and duties of other States, and act in a manner that is compatible with provisions of convention, Art. 56 (2), Law of the Sea.

Other states whether coastal or landlocked also have rights and duties in the Somali EEZ, as per Arts. 58 (1) & (2) of the Law of the Sea; including the freedoms of navigation, over flight, laying of submarine cables and pipelines, and other internationally lawful uses of the sea which are compatible with the Law of the Sea. Other states must exercise their rights and perform their duties in the Somali EEZ with due regard to the rights and duties of the Somali state; and must comply with the laws and regulations adopted by the Somali state which are in accordance with the Law of the Sea. As well as, other rules of international law in so far as they are not incompatible with the provisions of the convention, Art. 58 (3), Law of the Sea.

A potential conflict may arise under Art. 58 (3), Law of the Sea, between the Somali state and other states, if Somalia seeks to enforce its current fishing laws on other states fishing in the Somali EEZ. As discussed earlier, the Somali EEZ is currently unrecognised, and the Somali state has not yet passed national legislation in compliance with its rights and obligations under the Law of the Sea. In the event, that such a dispute arises in the Somali EEZ, Art. 59, Law of the Sea states that in cases where this Convention does not attribute rights or jurisdiction to the coastal State or to other States within the exclusive economic zone, and a conflict arises between the interests of the coastal State and any other state.

to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds; (b) jurisdiction as provided for in the relevant provisions of this Convention with regard to: (i) the establishment and use of artificial islands, installations and structures; (ii) marine scientific research; (iii) the protection and preservation of the marine environment; (c) other rights and duties provided for in this Convention, Art. 56 (1), Law of the Sea. The Somali State also has the exclusive right in the Somali EEZ to construct, authorize and regulate the construction, operation and use of: (i) Artificial islands; (ii) Installations and structures for economic purposes; (iii) Installations and structures which may interfere with the exercise of the rights of the Somalia, Art. 60, Law of the Sea.
State or States, the conflict should be resolved on the basis of equity and in the light of all the relevant circumstances, taking into account the respective importance of the interests involved to the parties as well as to the international community as a whole”.

Another area of potential conflict concerns the rights of the landlocked countries and geographically disadvantaged countries in same the region as the Somali state to fish surplus stocks in the Somali EEZ under Arts. 69 and 70, Law of the Sea; such as; Burundi, Ethiopia, Rwanda, and Uganda which are also signatories to the convention. Nevertheless, the Somali state can circumvent the rights of such counties if its economy becomes heavily dependent on fisheries, Art. 71, Law of the Sea. Furthermore, Uganda is the only landlocked state in close proximity to Somalia which has both signed and ratified the Law of the Sea.

**Somalia’s Continental Shelf**

The continental shelf of a coastal state is prescribed by Art. 76 of the Law of Sea. On the 8th April, 2009, the TFG made a submission to the Secretary General of the United Nations preliminary information indicative that the outer limits of Somali continental shelf exceeded 200nm, and further submitted its intention to make declarations in the same regard pursuant to Art. 76 of the Convention, (the application& figuresare herein attached as Annex 5). Consequently, the Somali Continental Shelf if it were established would not exceed 350nm from the baselines from which the breath of the territorial sea is measured (or that it would not exceed 100 nm from 2,500 metre isobaths), as per Art. 76 (5), Law of the sea.

The Somali state’s attempt to establish the Somali Continental Shelf is slightly more advanced than its claim for the Somali EE. Notwithstanding, similar issues arise, in that the claim over the extended Somali Continental Shelf is not officially recognised by the international community. The UN Commission on the Limits of the Continental Shelf is obligated to make recommendations to the Somali state on matters relating to the establishment of the Somali Continental Shelf, but it is unclear what has been done to date to assist the Somali state progress with this claim. It is worth considering, that the coastal state exercises sovereign rights over the continental shelf for the purposes of exploring and exploiting its natural resources, Art.77, Law of Sea. Thus, establishing a Somali Continental Shelf ought to have a positive impact on Somali fisheries; and the Somali State would not have to make payments or contributions for exploiting its natural resources within the Somali Continental Shelf under Art 82, Law of the Sea. The Somali state would also have to take cognisance of the rights of other states within the Somali continental shelf, Art.78 & 79, Law of the Sea.

**Maritime Territorial Claims of Somalia’s Semi-Autonomous Regions**

Somaliland has a coastline of 850 km, and claims its own EEZ of 70,000 sq. km. Puntland has a 1,600 km coastline; and under the Puntland’s Fisheries Regulations (2004), the semi-autonomous regional state claims its own: territorial sea (12nm), contiguous zone (24nm) and EEZ (200nm), under the provisions of Law of the Sea, as per Puntland Fisheries Regulations.

It’s important to note that Somalia’s semi-autonomous regions are not a party to Law of the Sea. Hence, it is illegally impossible for these regions to make maritime territorial claims in accordance to the provisions of UNCLOS. In order for such maritime territorial claims to be legally valid the regions must first obtain recognition as independent states as the Somali EEZ cannot be sub-divided into semi-autonomous regions. This would also require amongst many other conditions for Somaliland and Puntland to resolve their land border disputes.

Notwithstanding, the maritime territorial claims of Somalia’s semi-autonomous regions have jeopardised the establishment of Somalia’s EEZ and claim over the extended Somali Continental Shelf, as questions have been raised as to whether the Somali state has any rights under the Law of the Sea as its circumstances are materially different from 1982 when it signed and ratified the convention. In other words, the Somali state and its semi-autonomous regions must ideally be united as one country in order to establish a Somali EEZ and the rights over the extended Somali Continental Shelf; but the political rivalries and realities of the day suggest this will be improbable especially in
the case of Somaliland which has more or less been self-governing for the last twenty years. In any event, whether or not Somalia’s semi-autonomous regions achieve independence as separate nations from Somalia, it remains apparent that each region intends to manage the coastal and marine resources in their own territorial waters with limited or no intervention from the Somali federal government. Therefore, any future plan for fisheries management in Somalia must take this vital factor into consideration.

Table (B) - Somali Fisheries Legislation or Regulations

<table>
<thead>
<tr>
<th>Somali Fisheries Legislation or Regulations</th>
<th>Date of Somali Fisheries Legislation or Regulations</th>
<th>Date of Entry into Force</th>
</tr>
</thead>
<tbody>
<tr>
<td>Somaliland Maritime Code (1959)</td>
<td>21st February, 1959</td>
<td>1st April, 1959</td>
</tr>
<tr>
<td>Somali Law No. 37 on the Territorial Sea and Ports (1972)</td>
<td>10th September, 1972</td>
<td>13 days from date of publication (note. records of date of publication unavailable)</td>
</tr>
<tr>
<td>Somali Law No. 40 on Cooperative Development in the Somali Democratic Republic (1973)</td>
<td>4th October, 1973</td>
<td>4th October, 1973</td>
</tr>
<tr>
<td>Somali Democratic Republic, Ministry Somali Fisheries and Marine Resources, Joint Venture Guidelines (1985)</td>
<td>1st April, 1985</td>
<td>1st April, 1985</td>
</tr>
<tr>
<td>Somali Democratic Republic Fishery Law No. 23 of 30 (1985)</td>
<td>30th November, 1985</td>
<td>15 days from date of publication in the official bulletin (note. records of date of publication unavailable)</td>
</tr>
<tr>
<td>Puntland Fisheries Regulations from Somali Republic Fisheries Law No. 23</td>
<td>April 2004</td>
<td>Date published in official gazette (note. record of date of publication unavailable)</td>
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<tr>
<td>Somaliland Fisheries Law No. 24</td>
<td>September 1995</td>
<td>Copy not available. It is based largely on the Fishery Law (1985)</td>
</tr>
<tr>
<td>Draft Somali Maritime Security Bill 2011</td>
<td>Being drafted and revised by the Somali Prime Minister’s office (TFG)</td>
<td>Not yet in force.</td>
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</table>

Table (C) Status of International Treaties relevant to Fisheries for the Somali State

<table>
<thead>
<tr>
<th>Convention</th>
<th>Date of Signature</th>
<th>Date of Approval (AA), Acceptance (A), Accession(a), Succession (s), Ratification (r)</th>
<th>Date of Entry into Force</th>
</tr>
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<tbody>
<tr>
<td>Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982</td>
<td>-</td>
<td>-</td>
<td>28th July 1996, as per Art. 6(1)</td>
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<tr>
<td>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal</td>
<td>-</td>
<td>26th July, 2010 (a)</td>
<td>5th May, 1992, as per Art. 25 (1)</td>
</tr>
<tr>
<td>Cartagena Protocol on Biosafety on the Convention of Biological Diversity</td>
<td>-</td>
<td>26th July, 2010 (a)</td>
<td>11th September, 2003, as per Art.37(2).</td>
</tr>
<tr>
<td>Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters</td>
<td>-</td>
<td>-</td>
<td>30th October 2001, as per Art. 20(1)</td>
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<tr>
<td>Convention on Biological Diversity</td>
<td>-</td>
<td>11th September, 2009 (a)</td>
<td>29th December 1993, as per Art. 36(1).</td>
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<tr>
<td>Convention on the Continental Shelf</td>
<td>-</td>
<td>-</td>
<td>10th September 1964, as per Art. 29</td>
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<tr>
<td>Convention on the High Seas</td>
<td>-</td>
<td>-</td>
<td>30th September 1962, as per Art. 34</td>
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<td>Convention on the Territorial Sea and the Contiguous Zone</td>
<td>-</td>
<td>-</td>
<td>10th September 1964, as per Art. 29</td>
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<td>Treaty/Convention</td>
<td>Date/Signatory/Status</td>
<td>Date/Signatory/Status</td>
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<tr>
<td>Dumping of Wastes and Other Matter, 1972 (the London Convention)</td>
<td>-</td>
<td>1975</td>
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<tr>
<td>East African Action Plan</td>
<td>2003 (joined)</td>
<td>1996</td>
<td></td>
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<tr>
<td>International Convention on Arrests of Ships</td>
<td>-</td>
<td>14th September 2011, as per Art. 14(1)</td>
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<tr>
<td>as modified by the Protocol of 1978 relating thereto (MARPOL 73/78)</td>
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<tr>
<td>International Convention for Safety for the Safety of Life at Sea (SOLAS)</td>
<td>-</td>
<td>1974</td>
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<td>Kyoto Protocol to the United Nations Framework Convention on Climate Change</td>
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<td>26th July, 2010 (a)</td>
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<td></td>
<td></td>
<td>16th February, 2005, as per Arts. 25(1) &amp; (3)</td>
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<tr>
<td>Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade</td>
<td>-</td>
<td>10 December 1996, as per Art. 13(1)</td>
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<tr>
<td>in Wild Fauna and Flora</td>
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<tr>
<td>Nagoya Protocol on Access to Genetic Resources &amp; the Fair &amp; Equitable Sharing of</td>
<td>-</td>
<td>Not in force, as per Art. 33 (1)</td>
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<tr>
<td>their Utilization to the Convention on Biological Diversity</td>
<td>-</td>
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<tr>
<td>Protocol concerning Co-operation on Combating Marine Pollution in cases of</td>
<td>1985 (adopted)</td>
<td>30th May, 1996</td>
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<tr>
<td>Emergency in the Eastern African region</td>
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<td>Protocol concerning the Conservation of Biological Diversity and the Establishment</td>
<td>12th December, 2005</td>
<td>September, 1995</td>
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<td>of Network of Protected Areas in the Red Sea and Gulf of Aden (PERGSA)</td>
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<td>Environment</td>
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<tr>
<td>Treaty Establishing the African Economic Community</td>
<td>3rd June, 1991</td>
<td></td>
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<tr>
<td>The Ramsar Convention, The Convention of Wetlands of International Importance,</td>
<td>-</td>
<td>21st December, 1975</td>
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<tr>
<td>especially as Waterfowl Habitat</td>
<td>-</td>
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<tr>
<td></td>
<td>16th November, 1994, as per Art. 308 (1)</td>
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<td>Agreement/Movement/Act</td>
<td>Date of Entry</td>
<td>Approval/Adoption</td>
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<tr>
<td>UN Port State Measures Agreement</td>
<td>22nd November 2009</td>
<td>through Resolution No 12/2009, under Art. XIV, para.1 of FAO Constitution (approved)</td>
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<td>Vienna Convention on the Law of Treaties</td>
<td>27th January, 1980</td>
<td>as per Art. 84(1)</td>
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<tr>
<td>Vienna Convention on succession of States in respect of treaties</td>
<td>6th November, 1996</td>
<td>as per Art. 49(1)</td>
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</tr>
</tbody>
</table>
SOMALIA'S FISHERIES MANAGEMENT

In the past, the Somaliland Maritime Code (1959) granted the Minister of Economics the power to prohibit fishing in sea areas or zones for reasons connected with the public’s needs, sailing or maritime signal requirements (Art. 70). The said law also distinguished between “Major Fishing” and “Minor Fishing”. The designated authority for fisheries development and management in Somalia is now the Ministry of Fisheries and Marine Resources of the TFG (“TFG Fisheries Ministry”), this designation is derived from the definition of minister under the Fishery Law (1985). To date the TFG Fisheries Ministry has not publicised regulations which supplement the Fishery Law (1985). Furthermore, the ministry has not issued any fishing licences, and is not receiving any fishing licence fees. Although, the TFG Fisheries Ministry lacks fishing revenue, the ministry bears the responsibility to promote, manage, and develop fishing activities. In particular, under Fishery Law (1985), the ministry has the following responsibilities and powers to:

1) Implement the general control and administration of the law, Art. 2;
2) Compile statistical data and other related information on Somali fisheries, Art. 3;
3) Publish information on Somali fisheries activities, Art. 3;
4) Give a written order closing the fishing season, indicating the area, the type of fishing equipment and the fish or aquatic animals, Art. 6;
5) May grant fishing licences for the sea and inland waters, Art. 7;
6) Must keep a register of any fishing licence granted under the law, Art. 7;
7) May permit in writing any person or ship that possesses an entrance permit to conduct research on fisheries and related activities regarding marine resources, Art. 9;
8) To ensure that “modern fishing” does not hamper the development of “traditional fishing”, Art. 11; and
9) Make regulations regarding the proper management and development of fishery activities, Art. 16.

The obligations on fishers granted fishing licences are: to obey the laws of Somalia and the regulations of the TFG Fisheries Ministry; and to submit reports regarding their fishing activities. The reports must have details on the fish caught (including by-catch), such as, amount, types, products, location, method of fishing, the fish and other aquatic animals which are merchandised or processed, Art. 8, Fishery Law No. 23.

Fish Market, Mogadishu (2011)
Source: Ministry of Fishers & Marine Resources (TFG)
The Somali state has the right to determine the allowable catch of the living resources in the Somali EEZ, Art. 61(1), Law of the Sea; and so doing it must take into account "the best scientific evidence available to it shall ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not endangered by over-exploitation", Art 61(2), Law of the Sea. As appropriate, the Somali State and competent international organizations, whether sub-regional, regional or global, must cooperate to this end. The Somali state is obliged to adopt measures "designed to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors, including the economic needs of coastal fishing communities and the special requirements of developing States, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether sub-regional, regional or global", Art 61(3), Law of the Sea. In taking such measures the Somali State must also "take into consideration the effects on species associated with or dependent upon harvested species with a view to maintaining or restoring populations of such associated or dependent species above levels at which their reproduction may become seriously threatened", Art 61(4) Law of the Sea.

Notwithstanding, Somalia is hampered by a lack of up-to-date scientific information on catch and fishing effort statistics, and other data relevant for the management and conservation of fish stock and marine mammals in Somali territorial waters. This incapacity negatively impacts on role of the TFG Fisheries Ministry’s obligations to promulgate fisheries conservation and management regulations as prescribed by Art. 62, Law of the Sea. Somalia also has an obligation to take measures agreed on through sub-regional and regional organizations to conserve fish stocks and associated species of fish stocks which occur in the Somali EEZ and in the EEZ of neighbouring states, Art. 63, Law of the Sea. But, the Somali State has neither signed nor ratified the Agreement for the Implementation of the Provisions of the Law of the Sea, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. Somalia is also not a party to the UN Port State Measures treaty and the regional MOU on Port State Control for the Indian Ocean, dated 5th February, 2011.

Fish Market, Mogadishu (2011)
Source: Ministry of Fishers & Marine Resources (TFG)
Somaliland’s Fisheries Management

The Ministry of Fisheries & Coastal Development is the designated authority in Somaliland with the mandate to promote, develop, and manage fisheries in Somaliland. The ministry has received technical assistance from PERGSA, through its Strategic Action Programme (SAP), in areas of capacity building and conservation strategies. Fisheries management in Somaliland is largely undeveloped; but there is an active fisheries sector in the region. During a UNDP Feasibility study on Somaliland Fisheries in 2004, it was reported that artisan fishing is the predominant type of fishing activity, operating from ten coastal regions and comprises of about five hundred vessels. Fish harvested in some parts of Somaliland are sold to Djibouti through informal arrangements. Thirty six medium-sized Egyptian trawlers operated on the coast west of Berbera for which the Somaliland Ministry of Fisheries and Coastal Development had issued fishing licenses in November (2003). The UNDP report also estimated that average monthly catch per vessel of the Egyptian fleet was around 30 metric tons; and predicted that the total landing of the fleet would reach 6,480 metric tons by June 2004. The income and employment generated from the Somaliland fishing sector for the region in 2004, was approximately US$ 200,000 in fishing royalty fees, and thirty six fishing inspectors at the ministry. Nonetheless, the overall capacity of fisheries management in Somaliland remains poor, the bottlenecks include amongst many others: the absence of freezing and storage facilities and poor knowledge of the fishers on quality control standards.

Puntland’s Fisheries Management

The Ministry of Fisheries, Ports, and Marine Transport of Puntland State of Somalia is responsible for management and development of the fisheries resources in Puntland’s territorial waters, as per Art. 3 of Puntland’s Fisheries Regulations. Some of the fishing management principles are borrowed from the Fisheries Guidelines (1985), reference is made to aquatic and coastal “resources producing optimum sustainable yield taking into account relevant environmental, economic, and social factors including the development need of Puntland and of the region, fishing patterns, the interdependence of stocks, and the interests of the other states in shared, straddling and migratory stocks and generally recommended international minimum standards”.

The Puntland Fisheries Marine Policy and Strategy (April 2004) also outlines the principles and objectives for fisheries management in Puntland. The ministry has the responsibilities or powers, amongst others, to:

1) Develop a marine policy and strategy which for an integral part of the regulations, Art. 4(3). Thus, the Fisheries or Marine Policy Strategy, dated April, 2004, is to be considered as part of Puntland’s Fisheries Regulations (2004);
2) Develop traditional and industrial fisheries, Art. 5;
3) Prepare and review plans for management and development of fisheries, Art 6;
4) Consult with the “fisheries management authorities with other states in the region, in particular with those sharing the same or related fish stock, with a view to harmonising and improving fisheries management in the region as a whole”, Art 6 (4);
5) Prescribe fisheries management measures, Art. 7;
6) Collate and publish fisheries, Art 8;
7) Place a limit of TAC, Art. 10;
8) Grant a licence for scientific research in Puntland waters of Somalia, Art. 9;
9) Grant fishing licence for the seawaters in Puntland, Art 11;
10) Negotiate and enter into fisheries access agreements with foreign fishing vessels, states, international organisations, or associations, Art.12;
11) Appoint public office for the purpose of the regulations, Art.27; and
12) May make official regulations regarding the proper management and development of any fishing activities, Art.36.

Puntland’s Fisheries Regulations (2004) seek to limit and control access of other states in Puntland’s waters to ensure that TAC is not exceeded. It is unclear whether the latter applies to Somali vessels from other regions as “national fishing vessel” is undefined and “foreign fishing vessel” is defined as “any vessel used for fishing and operated for financial and non-financial rewards, i.e. scientific research, processing, storing and carriage of fish, also include any vessel used in support of auxiliary fishing operations including vessel transporting fish or fish products”. In any case,
fishing in Puntland’s territorial waters without a licence from the ministry is prohibited, Arts. 13, & 14; in particular, fishing marine or endangered species or mammals is prohibited, Art 29 (1). However, collecting shells, or damaging coral reefs and mangroves is not prohibited if the ministry grants written permission, Art. 29 (3). A foreign vessel may be granted a licence to fish if there is a surplus of fish which may be harvested, Art. 15. The licence fees for foreign and national fishing vessels are not provided.

Fishers are obliged to comply with the regulations and laws of Puntland; additionally, submit reports on fishing activities, with details of quantity of fish catch and by-catch, location and method of fishing, type of fish and aquatic animals merchandised or processed, Art. 26.

**Somalia’s Fisheries Law Enforcement**

The Somali Navy Force bears the responsibility and the powers to enforce the provisions of the Fishery Law (1985). The said law prohibits some activities these are: 1) “any activity or use of material or equipment which may cause death, pollution, injury etc. to aquatic animals”; 2) “to possess equipment or materials which can cause damage to aquatic animals in the fishing area”; and 3) “to sell or exchange fish or other aquatic animals caught” in a prohibited manner, Art. 5. The Somali Navy was re-established in 2009, with five hundred marines trained but incapacitated with a lack of resources.

The Somali state may adopt laws and regulations, in conformity with the provisions of the Law of the Sea and other rules of international law, relating to innocent passage through the territorial sea, “ in respect of all or any of the following the safety of navigation and the regulation of maritime traffic; b) the protection of navigational aids and facilities and other facilities or installations; c) the protection of cables and pipelines; d) the conservation of the living resources of the sea; e) the prevention of infringement of the fisheries laws and regulations of the coastal State; f) the preservation of the environment of the coastal State and the prevention, reduction and control of pollution thereof; g) marine scientific research and hydrographic surveys; h) the prevention of infringement of the customs, fiscal, immigration or sanitary laws and regulations of the coastal state”, Art. 21.

The Somali state also has a right to take the necessary steps in its territorial sea to prevent passage which is not innocent, Art. 25, Law of the Sea. In practical terms, this begs the question what kinds of necessary steps can the Somali State take against vessels fishing illegally in its territorial sea? Penalties for violations of fisheries laws and regulations in the Somali EEZ must not include imprisonment, in absence of agreements to the contrary by the states concerned or any other form of corporal punishment, as per Art. 73 (3), Law of the Sea. Further, arrested vessels and their crews should promptly be released upon the posting of reasonable bond or other security. The Somali state may also in the exercise of its sovereign rights in the Somali EEZ take such measures, including boarding, inspection, arrest and judicial proceedings as may be necessary to ensure compliance with the laws and regulations adopted by it in conformity with the Law of the Sea, Art. 73(1). In cases of arrest or detention of foreign vessels the coastal State shall promptly notify the flag State, through appropriate channels, of the action taken and of any penalties subsequently imposed, Art. 73 (4), Law of the Sea. Further, any seizure of illicit property such as illegal fish stocks must be seized in accordance with the relevant constitutional laws.

In October, 2011, the TFG Somali Anti-Piracy Taskforce in alliance with the Anti-Piracy Maritime Taskforce of INTERPOL re-established the INTERPOL’s NCB in Mogadishu which had been disconnected since 2006. This should assist all law enforcement agencies in Somalia and its semi-autonomous regions to report any IUU activities or other maritime offences or any other criminal offence being committed in Somalia and its territorial waters to other states through INTERPOL’s channels. The semi-autonomous regions of Somalia must also be encouraged to share law enforcement information with INTERPOL’s NCB in Mogadishu.

The Draft Somali Maritime Security Bill (2011), seeks to prohibit a number of maritime offences, these are: Illegal Fishing (s.20), Seizing, Destroying or Damaging a Ship (s.21), Endangering Safety of Maritime Navigation (s.22); Illicit traffic in narcotic drugs or psychotropic substances (S.23), Illegal Traffic of Arms (s.24), Illegal Trafficking of Persons (s.25); Marine Pollution (s.26); and Unauthorized Broadcasting (s.27). Section 20 of the bill provides that a person found illegally fishing in Somalia’s Maritime Zones shall be liable to pay a fine commensurate to the value of the illegal fish stock or to pay a fine of a punitive sum determined by the Maritime Court of Somalia; and the vessel may be arrested for up to 90 days. A “vessel” includes any ship, a boat and every other kind of vessel used in navigation either on sea or in inland waters.
and includes aircraft. In regards, to the offence of marine pollution s.27 of the Bill provides that “a person found guilty of causing type of marine pollution in such quantity or concentration which is likely to cause serious injury or damage, or death to any person in Somalia or Somalia’s Maritime zones shall be liable upon conviction to a term of imprisonment not exceeding twenty (20) years and to pay a fine for a sum to be determined by the Maritime Court of Somalia”; and that any “vessel used to commit, organize, attempt, or procure the offence stated in sections 27 (1) (2) and (3) hereinabove shall be arrested shall be arrested for a maximum period of ninety (90) days and its registered owner shall be liable to pay a fine of a punitive sum determined by the Maritime Court of Somalia”. Somalia has not signed or ratified MARPOL or SOLAS conventions; but, the bill still introduces special security measures for ships and port security measures that are in compliance with the international standards.

The Bill seeks to establish the Somali Maritime Police a national law enforcement agency which is nota branch of the armed forces or navy. Section 10 of the Bill envisages that the Somali Maritime Police will have the powers to “(a) Receive and consider any report regarding the commission of a maritime offence; (b) Stop, enter, board, inspect and search any place, structure, vessel or detain any vessel used in the commission of a maritime offence; (c) Demand the production of any licence, permit, record, certificate or any other document and to inspect such license, permit, record, certificate or other document or make copies of or take extracts from such license, permit, record, certificate or other document; (d) Investigate any maritime offence which it has reason to believe is being committed, or is about to be committed or has been committed; (e) Exercise the right of hot pursuit; (f) Examine, seize or forfeit any illegal fish stock, illegal article, illegal device, illegal goods, vessel, property, or any other item relating to a maritime offence which has been committed or it has reason to believe has been committed; (g) Seize or forfeit any criminal assets relating to a maritime offence which has been committed or it has reason to believe has been committed; (h) Arrest any person or vessel which it has reason to believe has committed a maritime offence prohibited under the provisions of this Act or any other national and or international law; and (i) Expel any vessel which it has reason to believe or is detrimental to the interest of or to endanger the order and safety in the Somalia’s Maritime Zones”.

The Bill also seeks to establish a Maritime Court of Somalia which will have both the civil and criminal jurisdiction to hear cases relating to the crime of piracy and maritime offences prohibited by Somali law. However, the Somali state may only exercise criminal and civil jurisdiction on board a foreign vessel in compliance with Arts. 27 & 28, Law of the Sea.

In respect to Somaliland, the Maritime Code (1959) provided that the supervision of fishing and enforcement of the rules were entrusted to the maritime authority, Art. 72; and referred to the establishment of the Somali Maritime Police, albeit without any detailed reference to its specific powers or structure. However, presently, the Somaliland Navy reportedly has vessels and highly trained officers which patrol its self-declared territorial waters and operate under International Maritime Bureau regulations.

The Puntland Coast Guard is the law enforcement agency empowered to enforce Puntland’s Fisheries Regulations (2004), Art. 37. The Puntland Fisheries Advisory Council role is to advise the management and development of fisheries, and it is important to note, that a representative from the Puntland coast guard must be represented on the council, Art.28 of Puntland’s Fisheries Regulations (2004). This also confirms that the semi-autonomous regional state of Puntland intends that its own coastguard as opposed to a Somali national maritime police force or navy will police Puntland’s territorial waters.

The Puntland’s Fisheries Regulations (2004), provide that Puntland’s inspectors can inspect and search any person doing fishing activities in Puntland waters, Art. 30. The inspectors may without a warrant enter, inspect, and search a premises where fish products are being cultivated, prepared, processed, landed or stored, Art.31. An inspector may take samples of fishing product; seize or destroy harmful fish product; control importation of any fish product, stop or board fishing vessel; require to be produced and inspect any fish and fishing gears; seize a fishing vessel (including, gear, cargo and crew), if the inspector has reasonable grounds to believe that an offence has been committed, Art.31. A fishing vessel in breach of the regulations is to be sued in accordance with international law, Art. 30(3). The regulations specify penalties for offences committed in some detail, fines ranging from US $500 to US $100,000 are listed, Art (33). The confiscation and forfeiture of equipment, vessel or other materials used to commit an offence; and confiscation of fish and aquatic animals, is permitted under Art.34. The competent court of Puntland has the jurisdiction to hear any offence prescribed by the regulations, Art. 34(3).
CONCLUSIONS & RECOMMENDATIONS

Somalia’s fishing laws and regulations are outdated, inadequate, unenforceable, and consequently not compliant with international laws and standards. In terms of enforceability, the situation is further complicated by Somalia’s semi-autonomous regions promulgating their own set of fishing laws and or regulations. There is however some harmony in the Somali fishing laws, as Somaliland, Puntland, and Galmudug use the Fisheries Law (1985) as basis of their regional fishing laws instead of international law, perhaps this is an indication of the fact Somalia’s semi-autonomous regions still prefer to retain national Somali influence or factor in their fisheries laws.

Nevertheless, the Somali fishing laws are particularly unenforceable in the case of Somalia’s semi-autonomous regions and the resultant issues pertaining to establishing exclusive sovereign rights over a Somali EEZ and the extended Somali Continental Shelf. The United Nations Arms Embargo on Somalia is worthy of note which provides that the TFG must declare to the UN Somalia & Eritrea Monitoring Group any military equipment purchased or training conducted for the development of capacity in security sector institutions. In the case of Somalia’s semi-autonomous regions due to their unrecognised status as separate nations, their ability to comply with the UN Arms Embargo on Somalia is limited in regards to developing MCS resources; such as, training and equipping a navy or coastguard. A case in point was the Puntland’s programme in early 2011 to train approximately 1000 coastguards with a private security contractor in an effort to stop Somali maritime piracy in the region was suspended after substantial pressure from the UN.

The on-going Somali maritime piracy security crisis is clear proof of the fact that the law enforcement capability in Somalia and its semi-autonomous regions is entirely inadequate. Other key law enforcement challenges in Somalia’s territorial waters include: stopping or preventing IUU and marine pollution; as well as, conserving and restoring overfished fish populations. The Special Representative of the UN Secretary General for Somalia, Mr. Augustine Mahiga, confirmed at the UN plenary meeting to the CGPS, on the 17th November, 2011; that the UN Counter Piracy Unit, OLA and the Norwegian government are working to assist the Somali government prepare their case to establish the Somali EEZ, which is expected to be presented before December 2011 to the UN. He asserted that dispute resolution mechanisms are provided for under Law of the Sea, and that any disputed areas should not detract from declaring and putting into place the Somali EEZ which will assist in protecting Somalia’s natural coastal and marine resources critical to the country’s economic development. Declaring the Somali EEZ would also position Somalia to claim its extended continental shelf which would provide for additional economic development opportunities. He reiterated the importance for Somalia to realize that declaration of the Somali EEZ and the extended Somali Continental Shelf are separate issues and processes, but that both claims were in the country’s best interest. He also recognised that the issue of the Somali EEZ, unfortunately, required further political consultations to develop a consensus in Somalia which is also part of a strategy to fight Somali maritime piracy; and that international community should assist Somalia develop a coastguard capacity. A key aspect to the solution to stop Somali maritime piracy is highly dependent on of developing alternative livelihoods in Somalia, and thus the full and proper recovery of the Somali fisheries sector plays a crucial role in stabilising the region. Somalia is a signatory to the Djibouti Code of Conduct, and IMO has plans to assist Somalia develop its maritime law enforcement capability, in order to perform a range of coast guard functions and in particular, to protect fisheries.

Henceforth, the Somali state will also require technical assistance in drafting fisheries legislation and regulations designed to conserve fish stocks and marine mammals within the Somali state’s territorial waters which will comply with the provisions of the FAO Code of Conduct for Responsible Fisheries, the Law of the Sea and other relevant international treaties. In regards, to IUU activities legislation should be drafted in compliance with the IPO-IUU provisions. The new Somali fisheries laws would need to be drafted with the consensus of Somalia’s semi-autonomous regions in order to achieve harmonised fisheries laws and standards as much as possible. This approach will also be necessary in designing a MCS fisheries system for Somalia and its semi-autonomous regions. The resources for MCS activities will require huge amounts of investment, and once acquired must also be distributed fairly and equitably amongst the semi-autonomous regions so as to prevent any grounds for conflict. For example, a region may be threatened if its neighbouring region develops a better equipped coastguard capability. A key challenge to having fisheries legislation enacted is ensuring that the Somali TFP actually passes the legislation; UNPOS has asserted that the Somali TFP has never passed any legislation since its inception but the reasons for this impasse are probably political and are otherwise unidentified.
As part of fisheries management, the Somali state will also have to introduce MPAs in order to protect the biodiversity within its territorial waters. This will require scientific and marine research to be conducted which the Somali authorities must facilitate as much as possible. As the current market for Somali fisheries is in the Middle East, perhaps the Gulf States may be potential donors to conduct the required scientific research. This cost could also be shared amongst other sub-regional and regional MCS initiatives.

Therefore, the regulations and policies for the fisheries sector in Somalia and its semi-autonomous regions will have to be drawn up anew with the view of creating an effective MCS system and compliance with international laws and standards.
## ANNEX 1: ABBREVIATION & ACRONYMS

<table>
<thead>
<tr>
<th>Art/s.</th>
<th>Article/s</th>
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<tbody>
<tr>
<td>CGPCS</td>
<td>UN Contact Group on Piracy</td>
</tr>
<tr>
<td>DOALOS</td>
<td>Division for Ocean Affairs and Law of the Sea of the United Nations</td>
</tr>
<tr>
<td>EEZ</td>
<td>Exclusive economic zone</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>FAO</td>
<td>Food &amp; Agricultural Organisation of the United Nations</td>
</tr>
<tr>
<td>IPOA-IUU</td>
<td>FAQ, International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing</td>
</tr>
<tr>
<td>IRFS</td>
<td>Implementation of the Regional Fisheries Strategy for Eastern–Southern and Indian Ocean Region</td>
</tr>
<tr>
<td>IUU</td>
<td>Illegal, Unreported and Unregulated Fishing</td>
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<tr>
<td>IUCN</td>
<td>The World Conservation Union</td>
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<tr>
<td>Km</td>
<td>kilometre/s</td>
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<tr>
<td>MARPOL 73/78</td>
<td>International Convention on the Prevention of Pollution from Ships</td>
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<tr>
<td>MPA/s</td>
<td>Marine Protected Area/s</td>
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<tr>
<td>MCS</td>
<td>Monitoring, Control and Surveillance</td>
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<tr>
<td>MOU</td>
<td>Memorandum of Understanding</td>
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<tr>
<td>NCB</td>
<td>National Central Bureau</td>
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<tr>
<td>nm</td>
<td>Nautical mile/s</td>
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<tr>
<td>OLA</td>
<td>Office of Legal Affairs for the United Nations</td>
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<tr>
<td>PERGSA</td>
<td>Regional Organization for the Conservation of the Environment of the Red Sea and Gulf of Aden</td>
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<tr>
<td>SOLAS</td>
<td>International Convention on Safety on Life at Sea</td>
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<tr>
<td>TFG</td>
<td>Transitional Federal Government of Somalia</td>
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<td>TFP</td>
<td>Transitional Federal Parliament of Somalia</td>
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<tr>
<td>TFIs</td>
<td>Transitional Federal Institutions of Somalia</td>
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<tr>
<td>TAC</td>
<td>Total Allowable Catch</td>
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<tr>
<td>TOR</td>
<td>Terms of Reference</td>
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<tr>
<td>UNEP</td>
<td>United Nations Environmental Programme</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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<tr>
<td>US</td>
<td>United States of America</td>
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<tr>
<td>VMS</td>
<td>Vessel Monitoring System</td>
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</table>
ANNEX 2: TERMS OF REFERENCE OF CONSULTANT

Position: Consultant on Somali Fisheries Legislation & Management
Base: Nairobi, Kenya
Period: 14 days
Assignment: Comprehensive review of fisheries legislation in Somalia and its semi-autonomous regions in order to determine areas to be updated and harmonised; and identify barriers to implementation of effective MCS.

In particular, the consultant was assigned the following tasks:

• To provide a comprehensive review that outlines what the current legislation regarding fisheries in Somalia, as well as its semi-autonomous region/s provide for in terms of management of fisheries and entities that utilise marine resources in Somalia’s waters. Particular, attention should be given to the administrative system of fisheries management in Somalia and how this interacts in Somalia and its semi-autonomous region/s; and

• To produce a written report in English demonstrating work done, namely: describing in general his/her actions to increase the effectiveness of the Fisheries legislation in Somalia and its semi-autonomous regions.
## ANNEX 3: SCHEDULE OF PEOPLE MET OR CONSULTED (WITH CONTACTS)

<table>
<thead>
<tr>
<th>Title</th>
<th>Contact Details</th>
</tr>
</thead>
</table>
| 1. Director of Coastal Development Departments, Ministry of Fisheries and Marine Resources, TFG | Abdiweli Nor Farah (Faglah)  
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Fax: +33 (0) 4 72 44 73 51 |
ANNEX 4: BIBLIOGRAPHY


ANNEX 5: TFG LETTER TO THE UN SECRETARY GENERAL (& FIGURES APPENDIX (1)) PURSUANT ART. 76 UNCLOS (ATTACHED)

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ANNEX6: TFG FISHERIES MANAGEMENT LICENSING DOCUMENTATION (ATTACHED)
ANNEX 7: QUESTIONNAIRE TO SOMALI FISHERIES MINISTRIES & AUTHORITIES (ANSWERS SHEETS ATTACHED)

1. Has the ministry issued any licences, permits, and or concessions for fishing? If so, please provide all the details, including but not limited to: 1) ownership or registration of the vessels; 2) dates of permits, licences, or concessions to fish; 3) the duration of the permits, licences, or concessions to fish; 4) what types of fishing are authorised under the permits, licences, or concessions to fish; 5) locations of fishing & landings; 6) the licence fees or royalty charged; and 7) any other relevant information.

2. Has the ministry refused to issue any licences, permits, and or concessions for fishing? If so, please provide all the details, including but not limited to: 1) ownership or registration of the vessels; 2) dates of permits, licences, or concessions to fish; 3) the duration of the permits, licences, or concessions to fish; 4) what type of fishing are authorised under the permits, licences, or concessions to fish.

3. Does the ministry ensure that health and safety standards in regards to fishing operations are maintained? If so please, provide all the details.

4. Does the ministry offer any education and training programmes for local fishers? If so please, provide all the details.

5. Has the ministry been involved in the prosecution of any vessels or persons charged, prosecuted or convicted for illegal fishing? If so please, provide all the details including but not limited to: 1) the ownership or vessels; 2) the offenders; 3) the dates of the offence; 4) the type of illegal fish caught; and 5) the sentences given to the offenders.

6. What type of fishing gear, methods and strategies are permitted by the ministry?

7. What type of fishing gear, methods, and strategies are not permitted by the ministry?

8. What type of fishing practices are prohibited by the ministry?

9. What measures or regulations does the ministry impose on fishing vessels in order to protect the marine environment?

10. Have there been any accidents involving fishing vessels? If so, please provide all the details.

11. How does the ministry regulate or monitor post-harvest trade practices?

12. What does the ministry do to promote the development and management of aquaculture and mariculture activities?

13. Are there any research facilities which provide appropriate training, staffing and institution building to conduct fisheries and marine research? If so, please provide all the details.
LIST OF PUBLICATIONS – LISTE DES PUBLICATIONS

SmartFish Programme


La bonne gouvernance et de la gestion des pêches et de l’aquaculture permettent d’améliorer la contribution du secteur à la sécurité alimentaire, au développement social, à la croissance économique et au commerce régional; ceci en assurant par ailleurs une protection renforcée des ressources halieutiques et de leurs écosystèmes.

La Commission de l’Océan Indien (COI) ainsi que la COMESA (Common Market for Eastern and Southern Africa), l’EAC (East African Community) et l’IGAD (Inter-Governmental Authority on Development) ont développé des stratégies à cette fin et se sont engagés à promouvoir la pêche et l’aquaculture responsable.

SmartFish supporte la mise en œuvre de ces stratégies régionales en mettant l’accent sur le renforcement des capacités et des interventions connexes visant à:
- mettre en place des mécanismes pour la gestion et le développement durable des pêches;
- développer un cadre de gouvernance des pêches au niveau régional;
- renforcer le suivi-contrôle-surveillance pour les pêcheries partagées;
- développer des stratégies et supporter des initiatives propres à accroître le commerce régional du poisson;
- contribuer à la sécurité alimentaire en particulier par la réduction des pertes après captures et la diversification de la production.

SmartFish est financé par l’Union Européenne dans le cadre du 10ème Fond Européen de Développement.

SmartFish est mis en œuvre par la COI en partenariat avec la COMESA, l’EAC et l’IGAD et en collaboration avec la SADC. Une collaboration étroite a également été développée avec les organisations régionales de pêche de la région. L’assistance technique est fournie par la FAO et le consortium Agrotec SpA.

By improving the governance and management of our fisheries and aquaculture development, we can also improve food security, social benefits, regional trade and increase economic growth, while also ensuring that we protect our fisheries resources and their ecosystems.

The Indian Ocean Commission (IOC), the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC) and the Inter-Governmental Authority on Development (IGAD) have developed strategies to that effect and committed to regional approaches to the promotion of responsible fisheries and aquaculture. SmartFish is supporting the implementation of these regional fisheries strategies, through capacity building and related interventions aimed specifically at:
- implementing sustainable regional fisheries management and development;
- initiating a governance framework for sustainable regional fisheries;
- developing effective monitoring, control and surveillance for transboundary fisheries resources;
- developing regional trade strategies and implementing regional trade initiatives;
- contributing to food security through the reduction of post harvest losses and diversification.

SmartFish is financed by the European Union under the 10th European Development Fund.

SmartFish is implemented by the IOC in partnership with the COMESA, EAC, and IGAD and in collaboration with SADC. An effective collaboration with all relevant regional fisheries organisations has also been established. Technical support is provided by Food and Agriculture Organization (FAO) and the Agrotec SpA consortium.

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