

# **Somali Fishery Law N° 23 of 30 November 1985**

## **Article 1 - Definitions -**

For the purpose of this law, unless the context indicates otherwise:

“aquatic animals” shall mean all animals living in the sea water and inland water including Oyster, Crustacean, Plankton & Algae.

“licence” shall mean a permission granted somebody for fishing, processing or merchandising.

“fishing” shall mean the art or practice of catching aquatic animals.

“traditional fishing” shall mean fishing in the coastal areas by using small boats, dhows, etc.

“modern fishing” shall mean fishing in the high seas by using ships and modern technology such as trawlers.

“administrative decision” shall mean any administrative resolution or decision taken by the Ministry for solving a problem or correcting a default.

“Minister” shall mean the Minister of the Ministry of Fisheries and Marine Resources.

“royalty” shall mean the part of the fees or goods paid by the owner of the ship for fishing in Somali waters.

“inland water” shall mean river water and reservoirs in which the aquatic animals can live as mentioned in the first para of this Article.

## **Article 2 - Management -**

- (1) The Ministry shall be responsible for the necessary safeguarding and development of the fishery and the proper implementation of the general control and administration of this law.
- (2) The Minister may delegate in writing his powers under this law to any officer or any employee of the Ministry.

## **Article 3 - Fishing Datas -**

The Ministry shall compile statistical data and other related information regarding fishing and coordinate and administer and publish information regarding Somali fishery activities.

## **Article 4 - Fishery Development -**

The Ministry is responsible for implementing the development of fishery activities in the country.

## **Article 5 - Prohibitions -**

- (1) It is forbidden to anybody to carry out any activity or use material or equipment which may cause death, pollution, injury etc. to the aquatic animals.
- (2) It is also forbidden to anybody to possess equipment or materials which can cause damage to aquatic animals in the fishing area.
- (3) It is also forbidden to sell or exchange fish or other aquatic animals caught as stated in paragraph 1 of this article.

## **Article 6 - Seasonal Closing Period -**

The Minister may give a written order closing the fishing season, indicating the area, type of fishing equipment and the fish or aquatic animals. The order shall state the starting period and closing period. The Minister may also decrease or increase the limitation period when it becomes necessary.

## **Article 7 - Fishing Licence General Provisions -**

- (1) The Ministry may grant fishing licences for the country sea water and inland water.
- (2) Anyone who is interested in fishing or in rearing fish in inland water shall have a fishing licence and entrance permit for the country. This licence shall not concern persons who are not using marine transport.
- (3) The Ministry shall grant the applicant the necessary fishing licence and shall make a separate register for the licence granted by this law.
- (4) The application for a fishing licence may be submitted and shall state briefly the following:
  - (a) name, description of the ship, flag and country of registry;
  - (b) name of the owner, leaseholder, if any, and captain of the ship;
  - (c) number of the ship;
  - (d) description of the fishing activities requested by the applicant;
    - (i) the type of fishing;
    - (ii) the method of fishing and the equipment;
    - (iii) location where the production is to be landed and the description of the marketing; the final processing of the products and the utilization of the products;
    - (iv) location for fishing;
    - (v) the number of the fish or other aquatic animals which may be caught;
    - (vi) the period in which the licence is to be valid;
    - (vii) a description of the Assistant Captain, the management, the name and the licence of other auxiliary ships;
    - (viii) a description of Somali cooperation or other interest in the venture;
    - (ix) any other information requested by the Ministry;
    - (x) bank guarantee.
- (5) The licensed ship shall within 30 days notify the Ministry of any changes occurring such as the transfer of ownership, lease, etc.
- (6) The number of the licence, the name of the ship and the registered port shall be clearly written and shown on the ship and on the sides of the ship.

## **Article 8 - Obligations of the fisherman -**

Any person granted a fishing licence shall:

- (a) obey the laws of the country and the regulations of the Ministry;
- (b) submit permanent reports regarding fishing activities: amount, types including by-catch, products, the location and the method of fishing, the fish and other aquatic animals which can be merchandised or processed.

## **Article 9 - Research -**

The Minister may, in writing permit any person or any ship that possesses an entrance permit to conduct research on fisheries and other related activities regarding marine resources.

## **Article 10 - Control and Inspection -**

- (1) Anybody practising fishing may be inspected or searched when necessary. Apart from the specialised agencies, the regional and district authorities or any other authorised person may, with the prior approval of the Ministry, inspect or search any person conducting fishing activities.
- (2) Anybody who violates the provisions of this law shall be taken to the nearest port of the country.
- (3) If a ship commits an offence in Somali waters and crosses the boundary to another country, the matter will be discussed with the concerned authorities according to International Law.

## **Article 11 - Traditional and modern fishing -**

The Ministry shall promote the development of traditional and modern fishing activities and all related matters, with the assistance of the competent government agencies. It will ensure that modern fishing does not harm or impede the development of traditional fishing.

## **Article 12 - Penalties -**

- 1) The infringers of Articles 8 and 10 of this law shall be punished:
  - (a) with a fine of So. Sh. 1,000 to So. Sh. 10,000 in the case of small boats (without engines);
  - (b) (1) with a fine of So. Sh. 10,000 to So. Sh. 15,000 in the case of small boats with engines of HP 6 to HP 30;  
(2) with a fine of So. Sh. 16,000 to So. Sh. 30,000 in the case of small boats with engines of HP 31 to HP 60;  
(3) with a fine of So. Sh. 31,000 to So. Sh. 50,000 in the case of small boats with engines of HP 61 to HP 100;
  - (c) with a fine of So. Sh. 1,700,000 to So. Sh. 4,000,000 or equivalent in foreign currency in the case of ships of HP 101 and above.

If the offence is more serious or the offender commits again the same offence, the matter shall be dealt with under Criminal Procedure Code.
- (2) Anybody who does any of the following, shall be punished with imprisonment from 3 years to 10 years or a fine of So. Sh. 5,000,000 to So. Sh. 50,000,000 or both:
  - (a) uses explosive material;
  - (b) fishes or possesses materials or equipment in prohibited areas;
  - (c) fishes in the closed period;
  - (d) fishes prohibited type of fish or other aquatic animals;
  - (e) fishes with prohibited materials or equipment.
- (3) Anybody who fails to submit the required reports or fails to fulfill the provisions of this law shall be punished with a fine of So. Sh. 20,000 to So. Sh. 50,000.
- (4) Anybody who fails to perform his duties and fails to fulfill the terms and conditions of the contracts with the Ministry shall lose his licence.

## **Article 13 - Powers -**

The Somali Navy Force shall have the powers and the responsibility for the enforcement of this law.

## **Article 14 - Confiscation of Property -**

- (1) If a person commits an offence under this law, his equipment, engine and any other materials used during the commission of the offence may be forfeited.
- (2) All fish and other aquatic animals found in the ship may also be seized.
- (3) All offences under this law shall come under the competence of the National Security Court.

## **Article 15 - Administrative Resolutions -**

Unless the offence constitutes a crime punishable with a more serious penalty, the Ministry shall discuss the matter with the authorities concerned.

## **Article 16 - Regulations -**

- (1) The President of the Somali Democratic Republic having heard the proposal of the Minister of Fisheries and Marine Resources, may make regulations for the proper implementation of this law.
- (2) The Minister of Fisheries & Marine Resources may make regulations regarding the proper management and development of Fishery activities.

**Article 17 - Repeal and coming into force -**

- (1) All provisions inconsistent with the present law shall be repealed.
- (2) This law shall come into force after 15 days from the date of its publication on the official bulletin.