The Federal Republic of Somalia

Ministry of Fisheries and Marine Resources

A Review of the Somali Fisheries Law (Law No.: 23 of November 30, 1985), in accordance with Article 79, paragraph (d) of the Federal Constitution of Somalia.

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PART 1

Article 1
QUOTES

This document may refer to 'Fishery Law of Somalia.'

Article 2
GLOSSARY

The purpose of this rule, every word has a meaning in the following:

2) The Minister is the Minister of Fisheries and Marine Resources in Somalia.
3) Lively water: Means plants and animals that live in water, (except birds), including fish, shellfish, reef and reptiles living in water, eggs Mollusks or Mammals host in water and other natural living in water sources.
4) Fishing: Means taking, hunting or capture fish and high seas biodiversity any other type caught.
5) Fish License: Means any license granted to applicants from fishermen, the Employment, trade or do any research on the production of marine resources of Somalia meets the requirements of fishing.
6) Fishing vessel: Means canoe, boat, ship or boat which can be used for fishing transport.
7) License release: It is a permission released by the Ministry of Natural Resources to the applicant to be provided of fishing license.
8) Inspector: Means is the person designated to check and control.
9) Owner: Means any associated or related to shipping and fishing license any ship or the owner or tenant ship of maritime transport.
10) **Protection of marine habitats:** Means Mammals Sea, lively combination of risk factors and water creature, which are protected to be hunted.

11) **Biodiversity targets:** Means living which are allowed to be fished and license has been given.

12) **Log of Ship:** Means a book called (Log) of the vessel which is required to be conserved in the board of the Vessel which have the license.

13) **National Flag:** The national flag of the ship means to be recognized as registered which is in accordance with international law.

14) **Foreign fishing vessel:** Means any vessel used for fishing or used for economical purposes or scientific researches of foreign marine resources.

15) **Catch:** This is a resource held fishing gear equipment net caravans, angle and equipment net round.

16) **Hold-event:** Means any creature to have the event and targets.

17) **Land Settlement:** Refers to caught products which are taken to the down ground.

18) **Storage Settlement:** Means fishing gear stored in the vessel, and Taken to the normally fishing used.

19) **Inland waters:** The rivers and water catchments where are living lively water.

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**PART 2**

**Article 3**

**LENGTH SEA OF SOMALIA**

A- The length of the Somali coast is 3.333 kilometers wide and 200 nautical miles.

B- Area specific and restricted to the fishermen in the coastal area of the ban to any other fishermen is 12 miles.

C- Zone security is up to 24 miles on sea and coastal fishing zone to protect unauthorized access to fishing ships. It can be a fish living in coastal fishing.

D- Zone allowed ships licensed to fish with are beyond 24 miles from the sea height sea Somali pirates 200 miles, Indian Ocean and Red Sea. Ministry of Fisheries and Marine Resources
Article 4

RESPONSIBILITY OF THE MINISTRY

1. The Ministry shall be responsible for the management and development of the marine resources in Somalia and the execution of this law.

2. The Ministry shall gather information of marine resources and other information's concerning on fisheries, coordinating, managing, conserving and publishing relevant data concerning fisheries activities and conservation of resources.

3. The Ministry shall also be responsible for developing the fisheries sector of the country; it will increase the development and promote local and modern fishing and all other aspects including foreign investments that would gain benefits to the coastal communities.

Article 5th

PRINCIPLES OF FISHERIES MANAGEMENT

1. The Ministry shall ensure that the lively water and coastal resources of Somalia are conserved and managed properly as:-
   a) To ensure that the lively resources are not endangered, and should be protected and their zone gaining benefits from them.
   b) To ensure that those resources create optimum and sustainable production, and taking into account of suitable environment, economic, and social factors.

2. The Ministry shall ensure the participation of other States to the living resources in Somali Waters shall be effectively controlled and managed to ensure the jointly exploitation of the resources, specially national vessels, and foreign fisheries vessels both of them should not to be exceeded in general the limitation of fishing during the authorized period of the Ministry, considering the right scientific way that are available to the Ministry, and the other issues connected to it, like the problems of crop damaged organism rely on.

3. The Ministry will develop the policies of fishing marine, rivers, water catchments, and plans that will form a basis for this Law.
Article 6th

FISHERIES DEVELOPMENT

1. The Ministry shall have cooperation and consultation with International Organizations, and with Non-Governmental Organizations (NGOs) and other departments of the Country, to promote the development of marine fisheries, and industrial and other items related to industries through taking the following steps:
   a) Providing job-executive of training services
   b) Conducting scientific researches.
   c) Promotion cooperation between the Ministry and fishermen.
   d) Promotion market products marine Resources.
   e) The Provision of equipment and infrastructure and.
   f) Promoting skills of fishing and their creation.

Article 7th

FISHERIES MANAGEMENT

1. The Ministry will prepare a management plan and development of fisheries in Somali Waters, based on the development of fisheries program plans.
2. Each plan must:
   a) Clarified inquiry of researches of fishing resources and the assessment of the benefit condition.
   b) To clarify the objectives to be achieved and the management of fisheries; and
   c) To declare the program me of releasing fishing license and the assessment of suitable time for benefitting.
3. To prepare every fisheries management and plan for a development as following:
   a) To consider and guided by the principles set out in Article 4 hereof of this law;
   b) Consult with persons engaged in fisheries, regional administrations and all those affected by the government’s plans; and
c) Present a draft plan concerning the management of fisheries in all regions of the country.

4. The Ministry shall consult wherever feasible such as the Governments, Fisheries administrations, management authorities of other states in the region, and in particular, with those sharing with boundaries or related to living, with a view to harmonizing and improving fisheries management in the region as a whole.

5. The Ministry shall publish newsletters of plans in a regularly issued journal, and Website where will be written all the official plans and information.

Article 8th
MANAGEMENT OF FISHERIES
1) The Ministry shall set up regulations for the right management of fisheries.
2.) Prescribed management regulations will include, but not limited to:
   a) Seasonal closure of areas designated for specific species of fish or limitation of the methods of fishing vessel.
   b) Limitations on the fishing methods and eye size, and other methods of fishing, landed or traded.
3) Regulate the landing of fish and provide management frameworks for fish landing areas.
4) Control of the production of fisheries, taking out any lively water or a plant arrived from Somali fisheries waters.
5) The Ministry shall regulate and prescribe management measures which will prohibit the possession, purchase and sale of any fishing equipments or lively water unless have been permitted by the Ministry.

Article 9th
FISHERIES INFORMATION AND PUBLISHING IT
1) The Ministry collects statistics information and management information to the public about the movement activities of the Somali fishing.
2) The Ministry will perform analysis and product statistics and other information on fishing.
3) The Ministry would apply to anyone engaged in fishing and related activities to submit information about their jobs as the best to the officer assigned.

4) The Ministry will consult and cooperate with the branches of the Republics, fishing authorities in other countries considering harmonization and guide management, and exchange information on fishing.

**Article 10**

**SCIENTIFIC RESEARCHS**

1. The vessel cannot be used in Somali water in scientific researches related to living resources, except with regard to the consent of the Ministry or holding fishing license.

2. The Ministry may permit with a written permission to any one or a vessel to fish that he aims to make scientific research with respect to the conditions set by the Ministry, and involving Somali intellectuals when it is not mentioned in this law.

3. The Ministry provides assistance and encourages the capacity of scientific research to Somali citizens to achieve top production.

**Article 11**

**LIMITATION OF FISHING**

Where proper management of fisheries requires limitations on the number of persons or of vessels, nets, areas or other conditions employed in fishing activities, The Ministry may announce notice in the official bulletin of the Republic or other means of announcement limits such number and the limitation may include:-

a) Issuing permits or new license;

b) Imposing a special license or paying tax; and

c) Preferential issuing license of other fishing.
PART 3
Article 12th
REGISTRATION OF FISHING VESSELS

1) The Ministry releases fishing licenses to Fishing vessels operating in Somali Waters while Considering the Regional States in which the vessels are operating.

2) The Ministry releases to the applicants licenses they are in need where they will get valid registration for their fishing vessels.

3) No one can use any vessel for fishing in Somali Waters unless there is a valid permission certificate of registration for the vessel.

4) A certificate of registration released in the prescribed way may be used on payment of taxes allowed to the Owner or to the Vessel.

5) Any person who uses a vessel for fishing in Somali Waters without a valid license of registration of it is vessel, shall be considered guilty and will be presented to Court facing his offence.

6) The Application of fishery certificate shall be submitted in writing, and shall briefly states of the following:-

   a) Name, description of vessel, flag and country of registration;
   b) Name of the owner, lease, if any, master captain of the vessel;
   c) Address of the owner or lessee tenant
   d) Length and width of the vessel.
   e) Place and date of the manufactory.
   f) Approximately weight and real weight of the vessel
   g) Engine capacity and type of engine.
   h) The number of the personnel and their Degrees.
   i) Record book for the production must be on board of the vessel
   j) Signals for calling, instruments for maritime and other fixed tools in the vessel.
   k) Details of fishery activities as requested and the signature of the applicant.
   l) The type of fishing requested for fishery.
   m) Indication of fishing technique/methods;
   n) Fishing methods and equipment.
o) Production methods to be used, description of marketing strategies, destination and utilization of the product.

p) Description of fishing location;

q) The number of fish or other livestock seas that may be caught;

r) Period of validity of the license;

s) Details of the assistant captain; name, qualifications, degrees, and the country of origin.

t) Submission to the Ministry any information requested.

u) They must have an office in the country.

**Article 13th**

**FISHING PERMIT AGREEMENT**

The Ministry may undertake consultations if needed, and enter into agreements with other Governments and International Organizations when they have mandate to negotiate of fishing agreements.

**PART 4**

**Article 14th**

**PROVISIONS OF ISSUING LICENSE IN GENERAL**

1) Without any distinguish, a fishing license can be given to anyone who fulfills the requirements specified in this law.

2) Somali fishermen shall have special privileges in having access of fishing and obtaining fishing permits.

**Article 15th**

**FISHING AND PERMITS OF ENTRY INTO SOMALI TERRITORIAL WATERS**

1. Foreign fishing vessel cannot fish, attempt to fish or participate in fishing operations in Somali waters without a valid license issued under this Law.

2. Any fishing vessel that enters Somali waters without having a valid license shall be presented to the Courts and will be subject to Somalia fisheries law.

3. Any fishing vessel that enters Somali waters and founded him violating Article 11 of this Law shall be considered guilty and will be prosecuted under this Law.
4. All foreign fishing vessels seeking legitimacy of fishing rights in Somali waters should have a permit released from the Ministry of fishing and natural resources.

**Article 16th**

**RELEASING FOREIGN FISHING LICENSE**

1) All fishing licenses issued between January 1991 and before the ratification of the Somalia fisheries law by Regional Administrations or subsequent interim governments shall be invalid with effect from the date of coming into force of this law.

2) The applicant for licensing a foreign fishing vessel shall be submitted to the Ministry as it is prescribed in fulfilled.

3) The Ministry may issue licenses to foreign fishing vessels if:
   a) It has been decided that there are surplus fishery resources special to Somali people; and;
   b) It has decided the quantity of the surplus that may be harvested and indicates this quantity as a condition for issuing the license.

4) A foreign fishing vessel license shall be subject to licensing conditions stipulated in this Law.

**Article 17th**

**ISSUING FISHING LICENSE TO SOMALI CITIZENS**

1) The following types of fishing boats shall be exempted from licenses:
   a) Non-motorized;
   b) Motorized, but with an overall length of not more than 4 meters; or
   c) Used exclusively for enjoyment fishing.

2) Every applicant citizen requesting for a license of fishing vessel shall have to present to the Ministry application mentioning on it the conditions required as the form of this law.

3) Every citizen seeking to obtain a foreign fishing vessel license must comply with the set conditions including the management and the payment established, the amount paid to the Republic or on the production.
Article 18
CHARGES
1. The fees payable in respect of a citizen requesting of license of national fishing vessel, shall be printed and will be decided by the Minister and published in a Ministerial circular distributed to all current license holders and other interested parties.
2. No national fishing vessel can be used for fishing, unless exempted under Article (11) of this law.
3. The Ministry may make exemption to any categories of local vessel from the requirements of this law, subject to such as the Ministry may prescribe conditions.
4. An application deemed to comply with the requirements and considering the existing circumstances and considering the citizen fishing vessels shall be approved if the officer issuing the license is reasonably satisfied that applicant, can be exempted from fees accumulated..

Article 19
FOREIGN FISHING LICENSE
A fishing license under this Law shall be valid for such period not exceeding one year.

Article 20
LICENSES ARE NOT TRANSFERABLE
Fishing license issued under this Law is not transferable to a second party if it is not approved by the Ministry of Natural Resources.

Article 21
KEEPING LICENSE
The fishing license shall be kept on board of the vessel and be available to any request of authorized officer.
Article 22

USING THE LICENSE

Any use of the fishing license under this law, shall be in accordance with the systems and procedures set out herein.

Article 23

AUTHORITY OF ISSUING FISHING LICENSES

1) The Federal Government of Somalia has the authority to issue license having consultation with the Regional Governments who are interested.

2) As stipulated in Article 54 of the Constitution of the Federal Somalia, until stipulating a law specifying political and resource sharing, relating to fisheries resources shall be deliberated by the Federal Government and Regional Administrations how it will be managed.

Article 24

OBLIGATION OF FISHERMEN

Any person granted fishing license shall:

a. Abide by the laws of the country and regulations of the Ministry; and

b. Submit regular reports regarding fishery activities, quantities, and types of sea-creature caught accidentally.

Article 25

PROTECTION OF LIVING MARINE (LIVING RISK)

1) No one shall be permitted to fish endangered aquatic animals living in Somali waters.

2) Endangered marine animals caught accidentally must be released and taken back into the waters.

3) No one shall be allowed to collect or destroy corals reefs, mangrove trees and sea shells, with the exception of the Ministry's written permission.
Article 26
CONTROL AND INSPECTION

1) Whoever is practicing fishing activities may be subjected to inspection or control whenever it may be necessary. The inspection and control will be carried out by entities authorized by the Ministry of Fisheries and Marine Resources.

2) Anyone who violates the provisions of the regulations set out in this Law shall be taken to the nearest port of the country.

3) If any vessel or any entity whether holding a license or not commits an offence in Somali Waters, and crosses the boundaries of the country, the vessel will be sued in accordance with the relevant international law.

Article 27
ASSIGNED OFFICER

The Ministry shall assign any of its staff to serve as the officer/s responsible for the implementation of this law.

Article 28
POWERS OF THE ASSIGNED INSPECTOR

1) For the purpose of enforcing the regulations set out in this Law, any assigned inspector may enter, inspect, and control any premises in which the inspector has responsible grounds to suspect that illegally acquired marine products may be found.

2) The inspector has the right to inspect places where fishery products are being reared, prepared, processed, landed or stored.

3) The inspector have the right to take samples of any fishery product is engaged.

4) Any fishing product that is unfit for human consumption, diseased or contaminated shall be directly confiscated.
5) The inspector has the power to stop and over-ride a vessel in Somali waters to inspect its cargo, supplies, fishing gear and equipment.

6) Anyone found guilty of an offense shall be taken before a Court at the soonest as possible.

7) Any officer assigned to inspect shall carry his full identification and produce such identification as be requested or needed.

**PART 5**

Article 29

**OFFENSES**

The personnel and the crew of any vessel that contravenes the prohibited things and others provisions of this law shall be deemed guilty and the following penalties will be applicable to them:

1. The personnel or the crew of any vessel that commits an offense inside Somali waters shall be presented before a Court.

2. Any person citizen or foreigner who commits an offense in Somali waters shall be taken to a court and prosecuted for the offenses committed.

3. Any person using explosives poison to kill or disable fish, lively water shall be prosecuted before a Court.

4. Any fishermen violating the instruction of the management of the Ministry mentioned in this law shall be brought before a Court.

5. Fishermen who hunts or damages Mammals Sea or other living victims of risk shall be brought before a Court.

6. Fishermen who exports or destroys beautiful Stones sea of the reef sea (Corals), grown plants reach the seashore (Mangrove tree), or shellfish bay (Shell) without having a written permission from the Ministry, Shall be brought before a Court.

7. Any Vessel who has not the requested license or is not registered in the Ministry shall be brought before a Court.

8. Anyone who refuses to provide required information or misleads the officers of the Ministry shall be brought before a Court.

9. Any vessel or aircraft that commits the offense of dumping industrial or nuclear waste thrown in Somali Waters shall be prosecuted for their crimes.
Article 30

PENALTIES

1) Anyone found guilty of an offense related to Article 29 (1) shall be liable to a fine ranging from US$50,000 - $500,000 (Fifty thousand US dollars to five hundred thousand US dollars).

2) Anyone found guilty of committing criminal acts stipulated in Article 12/3/5 shall be liable to a fine of: US$ 50,000 - $100,000 (Fifty thousand US dollars to a hundred thousand US dollars).

3) Anyone found using explosive substances, illegal fishing equipment, fishing during monsoon seasons, destroying coral reefs or mangrove trees or sea shells, shall be liable to a fine of: US$ 500,000 - $5,000,000 (Five hundred thousand US dollars to five million US dollars).

4) Anyone who commits criminal acts stipulated in Article 29/2/8 shall be punishable by a fine of: US$ 100,000 - $500,000 (Hundred thousand US dollars to five hundred thousand US dollars).

5) Any person or organization that commits the offenses stipulated in Article 29/9 shall be liable to a fine of: US$ 100,000,000 - $500,000,000 (Hundred million US dollars to five hundred million US dollars) as well clean-up of the affected environment.

6) Penalties for small boats (such as dhows) that violate the fisheries law shall be fined as follows:-

A. A fine of US$ 200 - $400 (two hundred US dollars to four hundred US dollars), for small non-motorized boats.

B. A fine of US$ 700 - $1,000 (Seven hundred US dollars to one thousand US dollars), for small motorized boats with an engine power of 6-30 horsepower (HP).

C. A fine of US $1,100 - $1,500 (One thousand and one hundred US dollars to one thousand five hundred US dollars), for small boats with an engine power of 31 - 60 horsepower (HP).

D. A fine of US$ 1,000,000 - $10,000,000 (One million US dollars to ten million US dollars), for large boats with an engine power of 101 Horsepower (HP) and above.
E. Where the offense is very serious or the offender repeats committing the crime, they shall be presented before a competent court.

F. Anyone who refuses to provide required information or fails to fulfill the provisions of this Law shall be fined US$ 1,000 - $5,000 (One thousand US dollars to five thousand US dollars)

G. A person who fails to perform his duties and fails does not fulfill any of the terms and conditions of the contract entered into, shall risk their licenses being revoked.

H. Collection of the above fines shall be in accordance with the financial regulations set out by the Ministry of Finance of the Federal Government of Somalia.

**Article 31**

**CONFISCATION OF PROPERTY**

1) Whoever commits a serious offence shall have their vessel and equipment confiscated upon the court's judgment.

2) All fishes or aquatic animals found on board of the vessels shall be confiscated.

3) All the offences under this Law shall come under a competent Somali court that has right jurisdiction.

**PART 6**

**Article 32**

**SOLUTIONS**

Unless an offense not constitutes hard fine, the Ministry shall resolve it in negotiation way.
PART 7

ISSUES PROHIBITED

Article 33
ILLEGAL FISHING METHODS
1) Fishing vessels that pull drift nets are not permitted in Somali Federal Republic waters.
2) Use of fishing nets with mesh size less than 50mm is prohibited.
3) Use of harvesting technique with hooks that affect fish breeding zones at the bottom of the ocean is prohibited.
4) Use of explosives, electric gadgets etc. is prohibited.
5) The Minister will provide details of regulations of illegal fishing methods and equipment.

Article 34
HUNTING SEA MAMMAL AND TURTLES
1) No one shall kill, run after or affect sea mammals and turtles.
2) No one shall be able to carry, or use for commercial purposes any living or Dead Sea mammals or turtles.
3) Fishermen and coastal communities shall have the duty to take back sea mammals and turtles that may be trapped inside the water or coastal areas.
4) Use of turtle shells and eggs for commercial purposes is prohibited.
5) No one shall settle or operate in the breeding zones for sea mammals and turtles.
6) In the event that sea mammals and turtles inadvertently get trapped in fishing nets or other equipment, they shall be released immediately and taken back to the water.
7) The Ministry shall issue a circular on the types of sea mammals and turtles that needs protection.
Article 35
FISHING WATER POLLUTION

1) No one shall deliberately or unwittingly deposit any substance or wastes into the fishing waters of the Federal Republic of Somalia, which may:
   a. Affect the marine resources, birds, environment and human beings.
   b. Disrupt fishing.
   c. Endanger sea immigration.

2) In the event that substances or wastes are thrown or deposited into the sea accidentally, the captain or the master of the vessel shall urgently send a report with the following information to the Ministry of Natural Resources:
   a. Name of the report’s sender;
   b. Name, call sign and label of the vessel;
   c. Type of substance and waste;
   d. Date and time; and
   e. Location.

Article 36
DESTRUCTION OF CORAL REEFS

1. No one shall be permitted to collect coral reefs that serve as habitat or source of food for the aquatic animals.

2. The use of large metal rods used for removing lobsters from the caves that damage the edges and the coral reefs is prohibited.

3. The uses of fishing tools to remove fish from the bottom of the sea are also prohibited as they may cause damage to the edges and shells of the sea.

4. Any use of fishing skills that may cause the destruction of coral reefs in Federal Republic of Somalia waters is prohibited.

5. This Article is not applicable to the aquaculture activities for sea shells that shall be implemented in areas designated by the Ministry.
Article 37
DESTRUCTION OF MANGROVE TREES

1. No one can permit to cut and use of coastal trees for commercial purposes as they serve as food for the aquatic life and protect the coastal lands from gullies or soil erosion and run-offs.

2. No one shall be allowed to settle, conduct commercial activities, undertake research or conduct other activities in the mangrove areas unless authorized by the Ministry of Natural Resources.

3. The Minister of Natural Resources shall issue a decree in regards to areas recognized as mangrove zones.

4. It is prohibited to pollute coastal environments including forested areas, water ways, and aquaculture facilities.

Article 38th
OPERATING IN A FOREIGN FISHING TRANSPORT

1) Any foreign fishing of Transport which has been authorized of fishing in Somali Federal Republic Water will be substituted by Somali citizen fishermen.

2) Considering the size of the fishing of transport, the Minister shall decide on the number of fishermen that can operate in that means of transport.

3) A citizen fisherman shall have the same rights as that of a foreign fisherman.

4) The shelter, food and healthcare services of the fisherman shall all be taken care of by the owner/s of transport.

5) The citizen fisherman shall be picked up from the port, and shall be returned to the same point.

Article 39th
WORKING INTERNAL THE COUNTRY

1) No person or company shall be allowed to hire foreign fishermen as long as there are local fishermen capable of performing the job.

2) No foreign fisherman shall be allowed to operate in Somali Federal Republic of Somalia waters unless they obtain a permit from the Ministry of Natural Resources.
3) Fishing companies shall announce through local Radios and Newspapers for the personnel they are in need.

4) In the event that the personnel required are not locally available, a foreign fishing company shall be allowed to get them from abroad, after getting the approval of the Ministry of Natural Resources.

5) Every foreign personnel shall apply for a permit issued by the Minister after the payment of a permit charges.

6) Every foreign fishing personnel shall go through the normal immigration procedures of the Federal Republic of Somalia, medical screening as well as good conduct inquiry.

**PART 9**

**Article 40th**

**SOLUTIONS**

The Ministry shall provide a circular concerning proper management and development of all kinds fishing activities.

**Article 41st**

**THE EXECUTION AUTHORITY OF THIS LAW**

The Somali Coast Guard shall have the authority of the execution of this law.

**Article 42nd**

**INTERNAL RULES**

This law will have internal Rules that will be published by a circular of the Minister concerning in particular details of fishing activities or the marine resources of the Federal Republic of Somalia, as following:

1) Regulation for registration and supervision of fishing transport.
2) Regulation for reptiles.
3) Regulation for shellfish.
4) Regulation for sea mammals.
5) Regulation for environmental protection of endangered species.
6) Regulation for protected zones of the ocean and setting up schedules for fishing.
7) Regulation for sea cucumber.
8) Regulation for fish marketing, hygiene and general health standards.
9) Regulation for the protection of mangrove trees, sea birds, and Reefs Sea.
10) Regulation governing types of fish for Trade purposes.
11) Regulation for fish industry, and marketing of exporting fish.
12) Regulation for implementation, participation, collaboration and financial exploitation profit provided for international conventions of ocean protection and conservation.

Article 43rd
REPEAL
Any Law that is against or incompatible to this Fisheries law of the Federal Republic of Somalia is hereby deemed repealed

Article 44th
EFFECTIVE
This law shall be effective after the approval of the federal parliament of Somalia and after the decree have been signed by the President of the Republic and published in the Official Gazette.