

(Please see the 2012 Ministerial Regulations on the Registration & Licensing of Fishing Vessels)

FISHERIES REGULATIONS OF SOMALILAND

Introduction:

The Somaliland government recognized the potential economic significance of the country's fisheries resources. The government has shown its determination and commitment to utilize these marginally exploited natural assets as a means of improving the nutritional standards of the population, providing employment, generating foreign exchange and diversifying the national economic from its total dependence on agriculture and pastoral production.

Since 1994 the Ministry of Fisheries and Coastal Development has effectively exercised the fishing law passed by the parliament of Somaliland and signed by the president.

Somaliland's present fisheries by-law or regulation is contained in the fisheries law stated above. The fisheries regulation is providing explicitly management and licensing and containing adequate provisions for enforcement. In Somaliland, the policy on fisheries is to expand total production to the maximum level possible consistent with sound resources management principles. It is considered that catches can safely be increased without endangering the stocks.

At present, the government policy is directed at creating an environment encouraging production and to this end desirable policy changes including:

1. Liberization of trade in marine products.
2. Encouragement of active private sector participation in the industry.
3. Introduction of prepaid license system by all three categories of license for fishing vessels.

Taking as reference to the Somaliland constitution (article 12) and the Somaliland fisheries law, (article 14) the Ministry of Fisheries and Coastal Development recognize the necessity to pass new regulations for the proper conservation, management and optimum utilization of living marine resources, considering this recognition and the importance of fisheries development objectives and realizing that some legislation changes are indispensable, new regulations for the licensing of local, joint venture and foreign fishing vessels, are proposed.

In actual application, however these provisions should probably be interpreted in light of the goals of economic development and increased production, in particular the role of the state in fisheries should be defined as a function of state's ability to assume a vanguard role and to use that position to achieve developmental and other economic goals.

These regulations or as may be called new procedures could come into force on 1st day the president signs by a degree to be issued by the then Minister of fisheries. License forms and catch reports are attached, as annexes

Article 1

Law on the Somaliland territorial sea & exclusive economic zone (EEZ).

1. The fisheries law establishes that the territorial sea of Somaliland is 12 nautical miles (article2A). The exclusive economic zone (EEZ) of Somaliland is 100 miles (article2B). where the sea (the gulf of Aden) with yemen republic is less than 200 miles the matter of economic zone between the two states would be equally divided
2. The law governing licensed fishing vessels would apply to all waters of Somaliland's jurisdiction, weather territorial or the exclusive economic zone. At present, the regulation would continue to apply to the EEZ of fishing zone or more precisely to a defined territorial sea.
3. Fishing in both the territorial sea and the exclusive economic zone are reserved to Somaliland and other authorized vessels. Violation of this provision is punishable with a fine of US\$ 500 – 100,000 and on repetition by the same vessel or operator the fine may be doubled, the vessel confiscated and the master liable to prosecution under penal laws.
4. Three categories of fishing vessels shall be given access to conduct fishing in the exclusive economic zone (EEZ) or fishing zone or more precisely defined territorial sea of Somaliland, subject to Somaliland conservation and management regulations and other conditions. These may include licensing, payment of fees and royalties. The three categories of fishing vessels would be classified in to those
 - (1) owned by nationals
 - (2) joint venture with nationals
 - (3) owned by foreign nationals.
5. Major fishing activities, weather conducting by Somaliland, joint venture or foreign nationals, May only are conducted pursuant to a concession. The concession is a non-exclusive permission to fish in a specified area (which must be beyond 5000m from shore). It is subject to the payment of “rent” which is determined case by case. The duration of concession can extend up to two years. It may be subject to conditions, and must be subject to “express reservation” for conventional fishing and renewal of annual license
6. Concessions may also be granted for aquaculture purpose as well as for the shore facilities required for large scale fishery.
7.
 - a) fishing without concession or license is punishable with a fine of US \$ 5000 – 100,000 depending to the horse power of the fishing vessels and US\$ 2000 – 80,000 for aquaculture
 - b) unauthorized fishing in ports and related areas is punishable with a fine ranging up to 40,000\$ Dollars
 - C) fishing with prohibited means is subject to penalties of a fine of US \$5000to 50,000 (article11, part2).
 - d) catching and selling the product of illegal means is punishable with a fine of US \$ 2,000 to 20,000.

Article 2

General data of all licensed fishing vessels.

1. Every licensed fishing vessel shall maintain a fishing log book containing the following information.

a) Vessels engaged in trawling shall report the number, duration, location and depth of the trawls, the species and weight of the total catch, including the by catch and the retained catch.

b) Vessels fishing by other methods shall report the descriptions and number of sets or other operations, their location, and the species and the weight of the total catch, including by catch, and the retained catch.

2. The information required under Para. 1 shall be reported by radio daily and shall be confirmed in writing on each occasion that the vessel is in port.

3. Every fishing cooperative shall maintain records listing every boat owned by the cooperative or its members and recording all catches and landings made by such boats and purchased by the cooperative. Reports summarizing the foregoing information shall be sent to the Ministry monthly. Other private companies shall follow the same requirements.

4. Every licensed fishing vessel shall furnish to the Ministry of fisheries a statement of capital investment and costs and revenues of operations subject to license. The statement shall be furnished annually and supplementary statements shall be furnished from time to time as the director or the minister may require. The director of fisheries department is directly responsible for the day to day operations of the fishing vessels.

5. Copies of all shipping and sales documents relating to the export sales or other disposal of catches by licensed vessels shall be submitted to the ministry as soon as they are issued.

Article 3

Local fishing vessel license.

1. An application for the local fishing vessel under the Somaliland fisheries law shall be filed with the ministry of fisheries and shall contain the following information.

a) The name and description of the vessel

b) The name and residence of the owner/operator of the vessel

c) A description of the proposed fishing operation including the species to be fished, and the place or places where the catch is to be landed.

d) Any other information requested by the ministry in clarification or amplification of the foregoing activities.

2. Every local fishing vessel license shall be in the form set out in annex 3 to these regulations.

3. Every local fishing vessel license shall be valid for a period of one year from the date of issue.

Article 4.

Conditions applicable to local fishing vessels.

1. Local fishing vessels are those entirely owned by Somaliland citizens, the Government or entirely Somaliland owned companies. Any vessel that did not meet the requirements, may be treated as joint venture or foreign or otherwise would be disqualified to conduct fishing in the waters of Somaliland.

2. Documents declaring the ownership of the vessels is required.

Article 5.

Local fishing vessel license fee and royalty.

1. Every licensed local fishing vessel is required to obtain an annual license subject to the payment of license fee and relative duty according to the horse powers and fishing activities to be conducted. Accordingly, the license fee and royalty are set to be paid as follows:

- a) license: an annual license fee is obtained in accordance with The local tariffs royalty:
- b) fish royalty is obtained in the form of 1USD per one kg of 10% of the net catch.
- II). Crustaceans: in the form of the five percent (5%) of its estimated Catch to be delivered to the ministry of fisheries or the equivalent value in US Dollar.

2. The ministry of fisheries reserves the right to increase or decrease both the license fee and the percentages of the royalty at any time it deems necessary.

Article 6.

Joint venture fishing vessel license.

1. An application for joint venture fishing vessels license under the Somaliland fisheries law shall be filed with the ministry of fisheries and shall contain the same information for foreign fishing vessels set below in these regulations.

2. Every joint venture fishing license shall be set out in annex 4 to these regulation.

Article 7

Conditions applicable to joint venture fishing vessels.

1. Every license in respect of a joint venture fishing vessel shall follow suit the same conditions set for foreign fishing vessels in these regulations except in paying the license fees and royalties to be set out in the article concerned in these regulations.

2. One important requirement from a joint venture fishing vessel is that it must show high proportion of Somaliland ownership.

3. in agreements to enter with joint venture fishing vessels, the ministry considers mainly the following two issues:

- a) big issues such as national development strategy economic policy and foreign relations. They are seen as sources of capital, technology, profits, employment, market access and management training.
- b) less tangible values such as prestige of owning a share in the fleet, or reassurance of having an experienced partner.

Article 8

Joint venture fishing vessel license fee and royalty

1. Every license joint venture fishing vessel shall pay the license fee and the royalty set below in these regulations when declared to meet the requirement.

2. An annual license fee written in the fisheries tariffs to be paid to the ministry of fisheries in advance or upon the delivery time of the license and upon signing the agreement between the two parties.

3. Every joint venture fishing vessel shall pay ten percent (10%) of its estimated fish catch

and fifteen percent (15%) of its estimated crustaceans catch. Both royalty payments shall be the equivalent value of the mentioned percentages and shall be delivered to the ministry of fisheries in United States Dollars.

4. The ministry of fisheries reserves the right to increase or decrease both the license fee and the percentages of the royalty at any time it deems necessary.

Article 9.

Foreign fishing vessel license.

1. An application for foreign fishing vessel license under the Somaliland fisheries law shall be filed with the ministry of fisheries and shall contain the following information:

- a) The name, description, state flag and home port of the vessel.
- b) The name of the owner and/or operator, if any and master of the vessel
- c) The sides number of the vessel its radio frequencies and call sign.
- d) A description of the proposed fishing operation including where applicable:
 - I) the species to be fished
 - II) the method of fishing and type of gear to be used
 - III) the areas to be fished
 - IV) The quantity of fish or other marine organisms to be caught.
 - V) The period of time for which a license is sought
 - VI) The place where the catch is to be landed and description of the marketing arrangements, ultimate destination and use of the catch.
 - VII) A description of support, handling and processing operations and the name and license number of any other fishing vessels involved.
- e) A description of any joint venture or other arrangements with Somaliland interests in connection with the fishing operation
- f) Any other information requested by the Minister in clarification or amplification of the foregoing activities.

2. Every foreign fishing vessel license shall be in the form set out in Annex 4 to this regulation.

Article 10

Foreign fishing license fee and royalty.

1. An annual license fee as written in the fisheries tariffs to be paid in advance or upon the delivery time of the license.
2. every foreign fishing vessel shall pay fifteen percent(15%) of its estimated fish catch and 20% of its estimated crustacean catch Both royalty payments shall be the equivalent value of the mentioned percentages and shall be delivered to the Ministry of fisheries in united states dollars.
3. The ministry of fisheries reserves the right to increase or decrease both the license fee and the percentages of the royalty at any time it deems necessary.

Article 11

Conditions applicable to foreign fishing vessels.

Every license in respect to a foreign vessel shall be subject to the following general conditions,

- a) at least 24 hours prior to the entry of the vessel into Somaliland water notice on its behalf shall be given to the ministry of the location and time of such entry, the approximate fishing plan or schedule of activities to be carried out, the port to which the

vessel will proceed for initial inspection unless exempted from inspection, and the quantity and condition, by species, of any fish and other marine organisms on board the vessel.

b) The vessel shall at all times while in Somaliland waters fly the state flag and display clearly visible both from sea and from the air. The letters and numbers assigned to the vessel shall be marked and legibly painted in a size appropriate to the size of the craft.

c) Every fishing vessel is required to carry observers, assuring the accuracy of reporting. The fisheries law empowers the ministry of fisheries to place observers on licensed vessels from time to time, so that trained personal, including staff of the fisheries department could observe the fishing as needs and means dictated by the concerned directorate.

d) The vessel shall provide a monthly incentive, adequate food, and accommodation and working facilities for the observer and training when so required by the ministry.

e) No fish or other marine organisms shall be landed or transshipped except in such place as may be designated by the ministry for that purpose.

f) The master shall bring the vessel into a Somaliland port whenever so required by the ministry.

g) Whenever the vessel is in any area of Somaliland waters where it is not authorized by its license to fish, all fishing gear shall be stored as prescribed by the regulation.

h) At least forty hours prior to the departure of the vessel from Somaliland waters notice on its behalf shall be given to the ministry of the estimated time and location of such departure, the port to which the vessel will proceed for final inspection unless exempted from such inspection, and quantity and conditions species of any fish and other marine organisms aboard the vessel.

i) Every licensed vessel except one only used for transport of catch and supplies shall carry a crew of whom at least 30% are Somaliland nationals or license shall arrange a training program or a combination of training and employment.

j) Any records, reports or notifications required to be maintained or made under these orders shall be maintained or made in English or Somali language.

Article 12

Stowage of gear.

1. Every fishing vessel prohibited by the Somaliland fisheries law or by the terms of its licensed from fishing in any area from Somaliland water shall while within such area, stow its fishing gear in accordance with the following provisions:

a) All fishing gear shall be carried wholly on board and shall be stowed below deck or otherwise removed from the place where it lies normally used for fishing and placed where it cannot be readily used for fishing.

b) All nets trawl boards and weighs shall be disconnected from their towing or hauling wires, ropes or rigid frames.

c) All fishing gear carried on deck shall be secured to some part of the superstructure of the vessel.

d) Drift nets, which are internationally forbidden is not allowed to be used in the waters of Somaliland.

Article 13

Fish factory ships.

Fish factory ships and other vessels supporting their fishing operations are prohibited to

fish in the territorial sea and economic exclusive zone of Somaliland.

Article 14

Fish facilities

Fishery facilities owned by the Somaliland Government, particularly those in the hands of the Ministry of Fisheries & Coastal Development can be:

1. leased and/or rented
2. wholly privatized
3. Partially privatized by selling shares.

The above three options can only be processed after the concerned facility is completely assessed (coast of land, machinery and buildings)

Article 15

Standard.

- a) No fishing or other marine organisms or products thereof may be exported from Somaliland if it will fail to comply with the health and quality standards of the importing country.
- b) The marketing section shall be directly responsible for quality control of the products to be exported. So that the products should be hygienically fit for human consumption and free from harmful microorganisms such as salmonella.

Article 16.

Management.

1. No person shall use a vessel over 12 meters long for trawling in waters less than 60 meters deep lying within ten nautical miles of any restored cooperative or settlement
2. No person shall catch and retain, land, sell, buy, receive or possess any lobster of the genus *penuloides* which measures less than 8cm from the base of the rostrum to the rear of the carapace, or which is a female bearing external eggs.
3. No person shall operate a net of which the central third is made of netting having a wet stretched mesh measurement of less than 76 millimeter.
4. Turtles, whales and other mammals are not allowed to be hunted and commercially used.
5. Corals and shells whether living or non-living are not allowed to be collected.
6. Extraction of all minerals and other precious stones are not allowed, without prior concern from the Ministry of fisheries.
7. Pearl containing moll uses such as oysters and clams are not allowed to be hunted, unless otherwise a prior concern is obtained from the Ministry of Fisheries.