

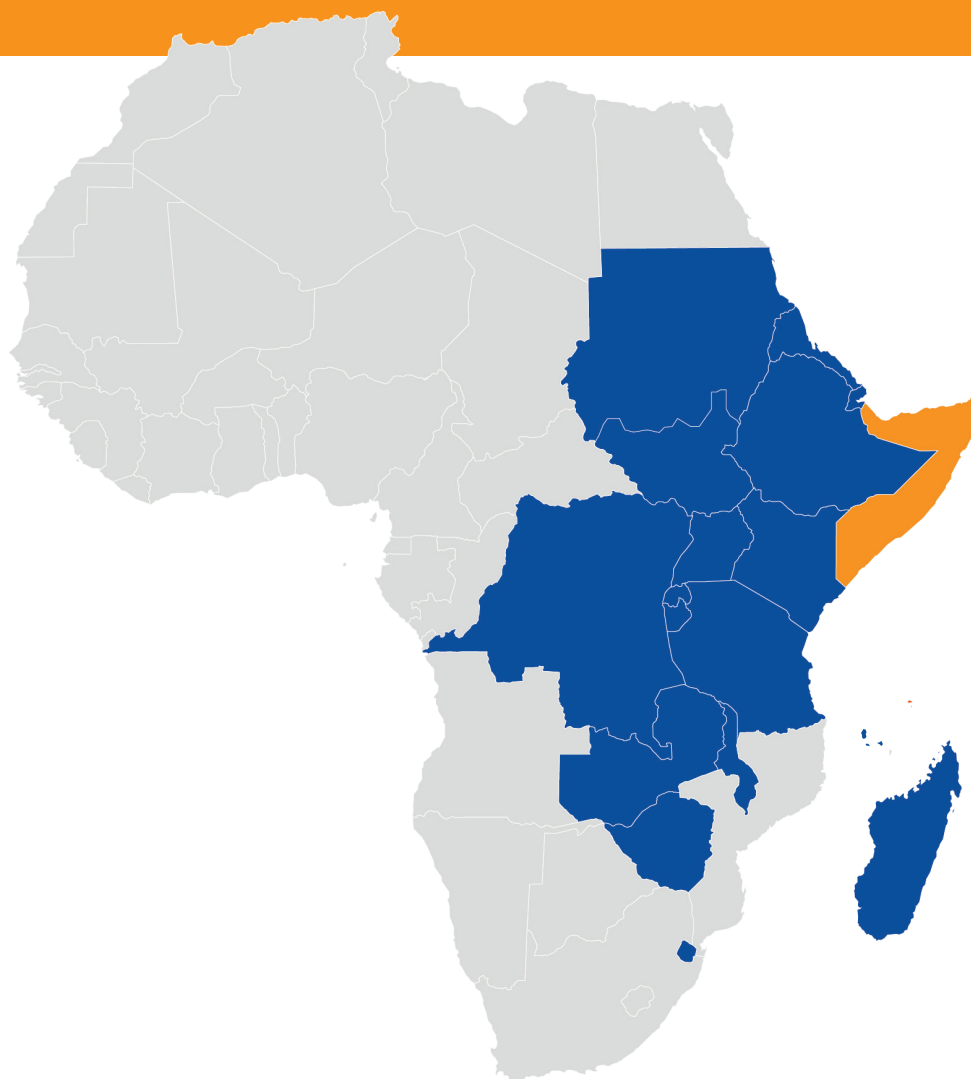


**Fisheries in the ESA-IO Region: Profile and Trends**

**COUNTRY REVIEW**

2014

# SOMALIA





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This document was prepared as part of the activities of the Indian Ocean Commission (IOC) SmartFish Programme, under the FAO Fisheries management component, in the monitoring and analysis of major issues with implications for fisheries and aquaculture in the twenty countries from the Eastern Southern Africa-IOC region participating in the Programme. This has resulted in the preparation of twenty country baselines whose purpose is to serve as easy-to-read and informative references for policy decision-makers, fishery managers, development partners and stakeholders. The baselines inventory and describe for each country the trends in status of fisheries, major social and economic dynamics of relevance to the fishery sector, policy, legal and administrative frameworks, and management regimes. The present document relates to the baseline for Somalia.

The preparation mainly involved Mr Christophe Breuil and Mr Damien Grima, FAO consultants, who made essential contribution in drafting the text and developing infographic for publication on the basis of the analysis of official and grey literature and vast field experience in the region. Much gratitude is due to all SmartFish experts who act as reviser. In particular, Ms Clotilde Bodiguel Chief Technical Adviser of IOC SmartFish activities implemented by FAO, who provided the initiative, was instrumental in the editing and Mrs Florence Wallemacq, Outreach Consultant, assisted in the formatting for publication. Lastly, the editor would like to thank National and Regional Focal Points of the IOC SmartFish Programme for providing complementary data and information.



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# BACKGROUND INFORMATION

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## 1 Brief on the National Economy

Somalia is situated in the Horn of Africa, at the junction of the Gulf of Aden and the Indian Ocean, and is bordered by Djibouti, Ethiopia and Kenya. Somalia has a surface area of about 637,700 km<sup>2</sup> and a very long coastline of approximately 3,300 km. The population of Somalia was estimated at about 10.2 million in 2012 with a growth rate close to 2.9 percent (World Bank).

Somalia has undergone a prolonged period of conflict and insecurity over the last 30 years, with intense fighting, population displacement, food insecurity, humanitarian crisis and generalized lack of centralized governance structures. Somalia has been fractionalized into three *de facto* spatial and political entities, mainly South Central Somalia where the official capital city (Mogadishu) is located, Puntland in the north-east, and Somaliland in the north (AfDB. 2013).

The “Republic of Somaliland” was declared independent in May 1991 and its capital city is Hargeisa. The Constitution of the Somaliland Republic (2001) was approved by popular referendum; however, to date this self-declared Somali state is unrecognized by any country or international organization. The “Puntland State of Somalia” was self-declared in 1998; however, unlike Somaliland, which declared independence from Somalia, Puntland’s secession was aimed at reconstituting Somalia as a federation of semi-autonomous states (Khadija Hassan. 2012).

The Transitional Federal Government of Somalia (TFG) was formed pursuant to the terms under the Transitional Federal Charter (2004). The TFG is the only recognized 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. The Draft Somali Constitution for the Federal Republic of Somalia was provisionally adopted in April 2012 (Khadija Hassan. 2012).

Somalia is still characterized by a severe lack of basic economic and social statistics. The situation has been worsened by the two-decade conflict and the resulting collapse of the country’s institutions. The existence of *de facto* spatial and political entities results in complex economic realities and exacerbates the issue of data reliability and consistency for Somalia as a whole (AfDB. 2013).

Though difficult to quantify, the GDP of Somalia was estimated at close to US \$5.8 billion in 2010, with a per capita GDP of US \$600 (various sources, including the UN, the World Bank and the CIA World Fact Book).

Despite the lack of effective national governance, Somalia has maintained a healthy informal economy, largely based on livestock, remittance/money transfer companies, and telecommunications. Agriculture is the most important sector with livestock accounting for about 40 percent of GDP and more than 50 percent of export earnings. Nomads and semi pastoralists, who are dependent upon livestock for their livelihood, make up a large portion of the population (Index Mundi - Somalia Economy Profile 2013). The agriculture sector (including livestock and fisheries) accounts for about 65 percent of the GDP and employment of the workforce (AfDB. 2013). The economy of Somaliland is also heavily dependent on remittances from diaspora, estimated at US \$500 million per year and Foreign Direct Investment (FDI) from Kuwait, China and France in the transport and service sectors (AfDB. 2013).

With the collapse of the central government, the private sector has demonstrated resilience and vitality in areas such as telecommunications, livestock and fisheries. In this context, the extensive Somali diaspora has played a major role, by injecting a significant inflow of funds through a somewhat sophisticated banking system. The majority of services are offered by individual suppliers including



a dynamic financial sector, water, electricity and other vital services in stable areas (AfDB. 2013).

Inflation is estimated to remain in the range of 300 percent (AfDB. 2013).

According to the Central Bank of Somalia, aggregate imports of goods averages about US \$460 million per year and exports average about US \$270 million annually, showing a net trade account deficit of approximately US \$190 million per year (AfDB. Country Brief 2013 -2015, Somalia). Livestock, hides, fish, charcoal, and bananas are Somalia's principal exports, whilst sugar, sorghum, corn, qat, petroleum products and machined goods are the principal imports (Index Mundi - Somalia Economy Profile 2013).

The prolonged conflict, protracted crisis and insecurity in Somalia over more than two decades have caused enormous damage to the population. Somalia has some of the worst human development indicators in Africa. The provision of social services such as health, education, water, sanitation, food and nutrition has considerably deteriorated and the majority of the population survives at a basic subsistence level (AfDB. 2013). Food insecurity and poverty remain acute.

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## 2. Policy and Planning Framework

### 2.1. General Framework

The Somali Reconstruction and Development Programme (RDP), 2008-2012, is the overarching framework to orient development interventions in Somalia, including Somaliland and Puntland. The RDP presents a shared strategy for deepening peace and reducing poverty in a post-conflict setting. The RDP was prepared with assistance from the UN and the World Bank and bilateral development partners and regional institutions such as the African Union (AU), the Intergovernmental Authority on Development (IGAD) and the League of Arab States (LAS) were also consulted and involved in the process.

The RDP is a pro-poor instrument premised on three pillars of priority needs: (i) Deepening peace, improving security, and establishing good governance; (ii) Strengthening essential basic services and social protection; and (iii) Creating an enabling environment for private sector-led growth to expand employment and reduce poverty.

The implementation of the RDP and donor alignment with the programme seems to have been partial. The RDP is currently out of date and its analysis needs to be based on the new realities on the ground (AfDB. 2013).

### 2.2. Fisheries in Public Policies and Food Security

Kurien and López Ríos, IOC-SmartFish, 2013, assessed the extent of integration of fisheries and aquaculture in the food security policies and plans of Somali by examining several documents including the UN-World Bank Somali Reconstruction and Development Programme, 2008-2012. In this document, fisheries are listed as one of the key areas of private sector activity. References to fisheries fall under three driving concepts: the creation of an environment fit for private investment that allows sector growth, expands employment and reduces poverty; the sustainable use of resources, through the establishment of a legal framework and enforcement capabilities; and the reconstruction of infrastructure for business operations and trade, including the rehabilitation of ports, and the extension of a network for secondary ports and jetties to facilitate the development of local fisheries. Moreover, in the section dedicated to "Improving Livelihood and Food Security", there is special reference to the impact of illegal fishing on artisanal fishermen's livelihoods.

Furthermore, Hassan, IOC-SmartFish, 2012, made an in-depth analysis to define the Somali State

whilst focusing on the responsibilities of each political and legal entity regarding the management of coastal and marine resources in the country. The main elements from this analysis are given below:

- Elaborating 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. The international community does not recognize the Somali EEZ for following reasons: i) Somalia has not satisfactorily proclaimed an EEZ in accordance with Law of the Sea; ii) Somalia's national legislation, Somali Law No. 37, provides for a 200nm territorial sea but this pre-dates the Law of the Sea, thus, it has been superseded; and iii) A lack of harmonization between Somalia's national legislation and the Law of the Sea has created a legal ambiguity that results in a lack of recognition of the Somali EEZ.
- Somaliland has a coastline of 850 km, and claims an EEZ of 70,000 km<sup>2</sup>. 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).
- Since Somalia's semi-autonomous regions are not a party to Law of the Sea, it is legally impossible for these regions to make maritime territorial claims in accordance to the provisions of the United Nations Convention on the Law of the Sea (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.
- 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.

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### 3. Fisheries Resources

Somalia has the longest coastline in Africa, measuring 3,330 km and claims an EEZ of some 830,389 km<sup>2</sup> (Per Erik Bergh. 2011). Its fishery resources are significant, with an estimated sustainable potential in the order of 200,000 MT per year for pelagic fish stocks, based on several fish surveys conducted in the 1970s and 1980s (FAO Fishery Country Profile. 2005).

Large pelagic species include mainly yellowfin tuna (*Thunnus albacares*), bigeye tuna (*T. obesus*), longtail tuna (*T. tonggol*), bonito (*Sarda orientalis*), skipjack tuna (*Katsuwonus pelamis*), and Spanish mackerel (*Scomberomorus commerson*); the seasonal variations in abundance are considerable, confirming the oceanic migratory pattern of these species (FAO. 2005).

With regards to small pelagics, the dominant species are the Indian oil sardinella (*Sardinella longiceps*), rainbow sardine (*Dussumieria acuta*), Scads (*Decaptrus spp*), chub mackerel (*Scomber japonicus*), horse mackerel (*Trachurus indicus*), and lesser quantities of anchovies (*Engraulis japonicus*, *Stolephorus spp*). The main distribution area of these species is along the northeast coast. The small pelagic fish are scattered and there is no basis for fishery. However, their migrations, and that of straddling stocks, in and out of the national EEZ are unknown (FAO. 2005).

Accessible stocks, for the artisanal fishing sector, along the coast are estimated at about 40,000 MT of large demersal species, and 30,000 MT of sharks and rays (FAO Fishery Country Profile). Demersal species make important contributions to the artisanal fisheries all along the Somali coast. Sharks and rays are caught mainly off the north coast, although in the southern part of the east coast they often represent 40 percent of the catch of artisanal fisheries (FAO. 2005).



Demersal fish species exploited in Somali waters comprise several hundred species, with the greatest concentrations in the coral reef region from Adale to the Kenyan border. The main commercial species groups include scavengers (*Lethrinidae*), groupers (*Serranidae*), snappers (*Lutjanidae*), grunts (*Pomadasyidae*), and seabreams (*Nemipteridae*), lizard fishes (*Synodontidae*), and goatfishes (*Mullidae*) (FAO. 2005).

The principal shark species groups are hammerheads (*Sphyrnidae*), grey sharks (*Carcharhidae*), mako shark (*Lamnidae*), houndsharks (*Triakidae*) and dogfish (*Squalidae*). They are highly migratory and their migration patterns in the region are unknown (FAO. 2005).

According to the FAO, spiny lobsters of the genus *Panulirus* are exploited all along the coastline. They are mainly caught by divers in shallow waters, and occasionally by fishermen using large mesh nets. There is also a shrimp stock in the northern part of the coast (*Penaeus monodon*), which is currently exploited by two Djiboutian shrimp trawlers operating under a fishery agreement between Somaliland and Djibouti, amongst others.

There are two fleets operating in Somali waters: an inshore fleet of nationally registered artisanal vessels and an offshore industrial fleet. In 2004, the artisanal fishery was producing up to 6,000 MT annually (Per Erik Bergh. 2011). The industrial fleet used to be licensed by the government but has all but ceased operations in the current climate. This sector was mostly composed of foreign vessels and produced about 13,000 MT annually in the mid-2000's (Per Erik Bergh. 2011). It is also reported that illegal, unreported and unregulated (IUU) fishing in Somali waters is carried out on a large scale, primarily due to the complete lack of MCS caused by the lack of an established state.

Furthermore, it is believed that many international vessels were dumping toxic and nuclear waste in Somali waters in the 1990s. This may have resulted in radiation sickness within the population and reports of shoals of dead fish found at sea and washed up on beaches (Per Erik Bergh. 2011)

Somalia's marine fishery dominates the fishery sector. There is no history of aquaculture but there is small inland fishery sector mostly based on riverine systems. According to FAO FishStat data, total inland production has stagnated at 200 MT per year over the last decade.



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# KEY INFORMATION AND FIGURES ON THE FISHERY AND AQUACULTURE SECTOR

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## 4. Fishery Sector

### 4.1. Status of Resources

There is little scientific evidence available on the status of marine fishery resources due to the lack of data and research capacities. However, it is widely accepted that the large pelagic species (tuna and big mackerels) are lightly exploited by the artisanal fishery sector, but are heavily exploited by the industrial fishery sector, mainly by Distant Water Fishing Nations (DWFN) fleets, and it is possible that they are overexploited. Demersal fish stocks have been lightly exploited by the artisanal fishery sector. The current status of shark species is unknown, but they are considered to be overexploited, as catches have declined over the past few years (FAO Fishery Country Profile. 2005).

No information is available on the status of small pelagics. It should be noted that in the mid-2000's, small pelagics were exploited by a great number of DWFN vessels, as well as by national deep-water vessels (FAO Fishery Country Profile. 2005).

### 4.2. Major Dynamics in the Fishery Sector

#### Artisanal fisheries

In the mid-2000's, the artisanal fishing fleet was estimated at about 650 motorized fiberglass boats of 6.5 to 8.5 m, approximately 380 traditional sail boats, and about 800 houris (5m canoes). Most motorized boats (about 60 percent) however were not in working condition due to lack of spare or replacement parts and other equipment (FAO Fishery Country Profile. 2005).

The fishing gears used by fishers consist of hand lines, gill nets and longlines. Longlines are also used for shark, tuna and other big fish species such as king mackerel, which are the most popular and most favoured species in the country. Gillnets are used as drifts or bottom-set nets, with mesh sizes in the 150–200 mm range and are mainly used for shark species (FAO Fishery Country Profile. 2005).

The main fishing areas are divided into seven main zones, based on Somalia's major cities and towns: Kismayo, Mogadishu, Eil, Bargal, Bolimog, Las Korey and Berbera. Fisher communities are largely made up of traditional fishermen, living in about 50 fishing villages and towns along the coast from the Kenyan border to Djibouti. An estimated 30,000 fishermen are thought to be fully engaged in fisheries (primary sector); in addition, part-time fishermen, seasonally engaged in the fishery sector, are estimated at about 60,000 (FAO Fishery Country Profile. 2005).

During a UNDP feasibility study on Somaliland fisheries in 2004, it was reported that about 500 artisanal fishing units were operating along the coastline of Somaliland (850 km of coastline on the Gulf of Aden) and that fish harvested in some parts of Somaliland were sold to Djibouti through informal arrangements (Khadija Hassan. 2012).

#### Industrial fisheries

The domestic industrial fishing fleet is no longer operational.

Besides IUU fishing by DWFN operating further offshore in Somali waters, other information indicates that some foreign vessels operate legally in coastal waters. During a UNDP feasibility



study on Somaliland fisheries in 2004, it was found that 36 medium-sized Egyptian trawlers were operating along the coast west of Berbera and that the Somaliland Ministry of Fisheries and Coastal Development had issued fishing licenses to do so (Khadija Hassan. 2012).

Currently, a Djiboutian fishing company is managing two shrimp trawlers (21m length/350 HP, and 24m length/455 HP) operating in Somaliland waters under a fishing agreement between Djibouti and Somaliland. The vessels are active for about 7 months a year (from September to May-June). The fishing zone for the trawlers is located 5 to 6 nm from the shoreline. Trawling operations usually occur at night. During the daytime, vessels use long lines to target tuna and tuna like species. The by-catch from shrimp fishing is used as bait. It is estimated that the annual production of the two trawlers is approximately 15-20 MT of shrimp and 500-550 MT of tuna and tuna-like species.

### 4.3. Fishery Production

There is a severe lack of fishery statistics in Somalia. A recent FAO report, The Third Working Party on Fisheries Data and Statistics (2012), states that there has been no change in the status of fisheries data collection in Somalia and there is no data collection going on. The FAO meeting also noted that Somalia is still facing enormous challenges due to the lack of a central government and piracy. Puntland has been functioning and most data comes from this area but there is a need to establish a common database with the other regions in Somalia.

According to FAO FishStat, the total domestic fish production in Somalia would have been close to 30,000 MT per year since 2001. Catch composition is unknown.

### 4.4. Fish Utilization

Somalis are not traditional fish-eaters and most fish is sold to export markets.

In local markets, fish is preferred fresh. However, with the exception of bigger cities and towns, where cold storage facilities are being rehabilitated, the general lack of processing, storage and transportation means throughout the country has hampered the development of fresh fish marketing on local markets.

In the past, unsold fish was dried and salted for the dhow trade, mainly to east African countries, and prices were usually low due to the poor processing methods and resultant poor product quality (FAO Fishery Country profile. 2005).

In Las Korey, the Las Korey canning factory has been completely rehabilitated by the private sector with the support of UNDP. According to the FAO Fishery Country Profile, 2005, the factory was fully operational in the mid-2000's and canned fish products were exported to east Africa, Europe, Canada and the USA. Some fish products (frozen fillets or whole gutted frozen fish) and high quality lobster (processed as whole or frozen tails) used to be exported to the Arabian Gulf States and to Saudi Arabia.

With regard to the use of sharks, which represent about 40 percent of total artisanal fisheries in certain areas, most of the current dry shark meat is well processed, and although there are still some low quality, poorly processed lots, there have been some improvements in the last decade or so (FAO Fishery Country profile. 2005). Transportation has also improved substantially through the use of cargo boats, usually from Mombasa, Kenya, which bring tea to Somalia and return with dried shark meat. Shark fins are also well processed, and are exported by air to the Arabian Gulf, mainly to the United Arab Emirates, and fetch high prices, between US \$90 - \$100 per kg (FAO Fishery Country Profile. 2005).

## 5. Fish Import and Export

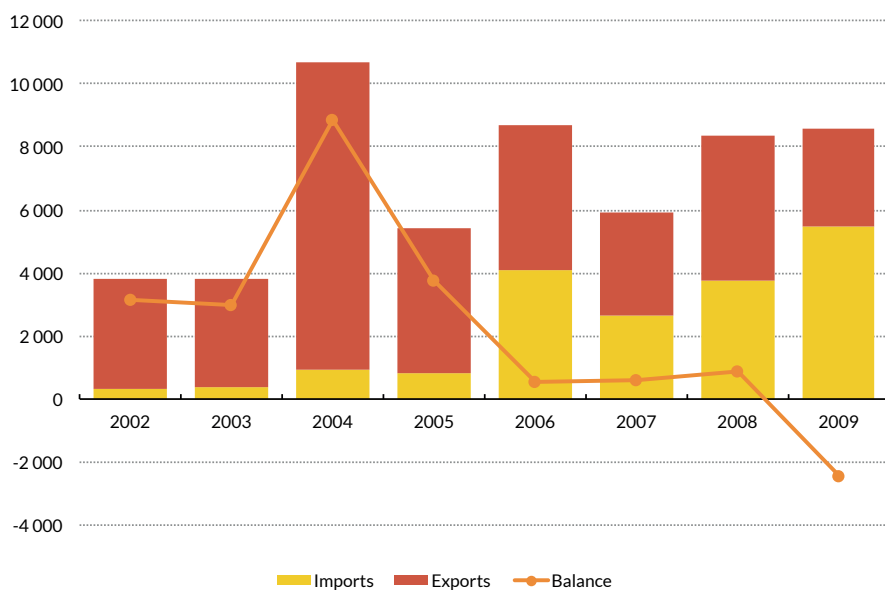
Until very recently, Somalia was a net exporter of fish and fish products both in terms of volume and value. In 2009, according to FAO FishStat data, Somalia became a net importer in value: imports represented 1,430 MT valued at approximately US \$5.5 million; and exports represented 4,160 MT, valued at approximately US \$3.1 million. These figures however, do not take into consideration significant informal fish trade with neighbouring countries including Djibouti, United Arab Emirates and Yemen.

Imports are mostly composed of canned tuna. The FAO Fishery Country Profile, 2005, highlighted that in-country fish demand appeared to exceed the supply of domestic fish and fishery products and as a direct consequence, canned fish products were imported, mainly from the Taiwan Province of China and Japan, with local production from the Las Korey canning factory.

### Fishtrade balance in Somalia in value (in '000 US \$)

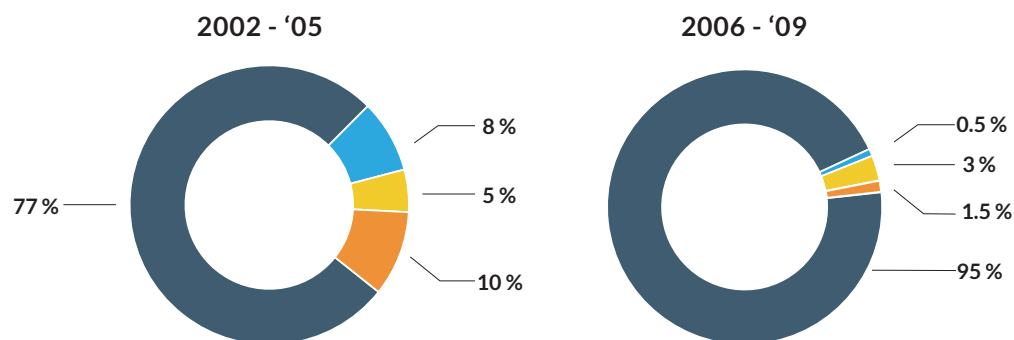


2014 - Figure 1 - Source FAO FISHTAT J (2002-2009)



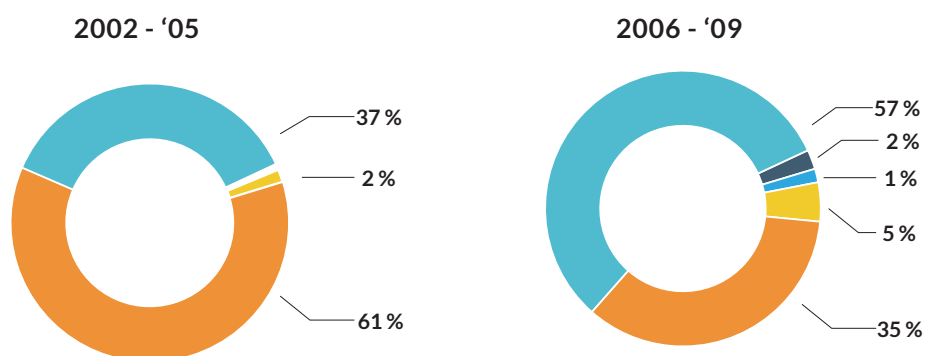
## Fish Imports by category in Somalia in value (% of \$)

2014 - Figure 2 - Source FAO FISHTAT J (2002-2009) - Average period



## Fish Exports by category in Somalia in value (% of \$)

2014 - Figure 3 - Source FAO FISHTAT J (2002-2009) - Average period



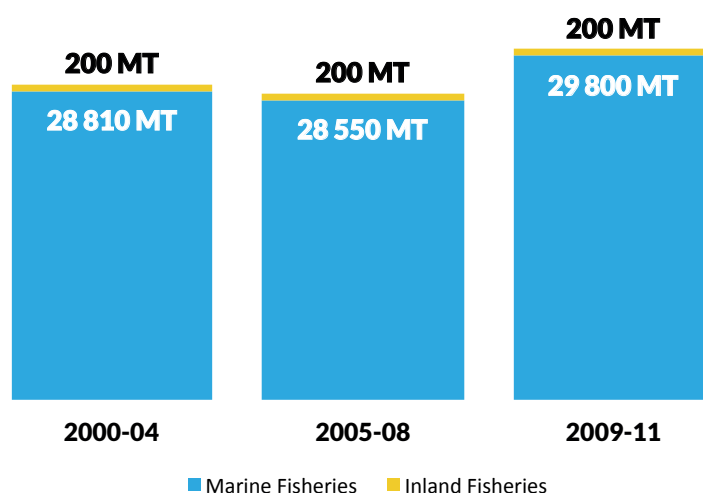
## 6. Contribution of the Fishery and Aquaculture Sector to the Economy

The fishery (and aquaculture) sector can be considered a marginal sector in terms of aggregated economic output in Somalia although it is gaining importance. The contribution of the sector to the **national GDP** ranges between 1 and 2 percent. Despite this low contribution at the aggregated level, the fishery sector in Somalia is very much appreciated in coastal economies, providing employment, income and food.

According to FAO FishStat data, **total fish production** has stagnated around 30,000 MT per year over the last decade.

### Total production of fisheries in Somalia in volume (in tons)

2014 - Figure 4 - Source FAO Fishstat J (2000 -2011)



The low participation of fisheries in economic activity is also reflected in **foreign trade** figures. According to Kurien John and Lopez Rios Javier (2013), fish imports accounted for 1.1 percent of the bill of food and agriculture imports in 2009. In terms of total exports, participation of fish in food and agriculture exports was about 0.7 percent in 2009.

**Contribution to employment** is difficult to estimate due to the lack of data. In 2005, it was estimated that there were about 30,000 full-time and 60,000 part-time people directly involved in fishing (FAO Fishery Country Profile. 2005). Bergh (2011) stated that less than 1 percent of the Somali people are involved in the fisheries sector, and most of these are involved in small-scale or subsistence fishing.




According to FAO estimates, per capita **fish consumption** was estimated at 3.1 kg for 2009, which places the country in the lower end of fish consumers among African countries (where the average is 9.4 kg). Domestic products account for the main supply of fishery products and Somalia is a net exporter in volume. Imports complement supply, but since 2006 imports have decreased dramatically. Nevertheless, it should be noted that these figures are estimates, and undeclared fishing in Somalia is significant, for which apparent supply figures might underestimate the importance of fish in dietary habits (Kurien, J and J. López Ríos. 2013).

The importance of fisheries for **food security** in Somalia is relatively minor at a national aggregated level. However, fisheries is a key sector for livelihoods in the coastal regions of Somalia and fishing towns along the Somali coast. In 2009, FAO estimated that fishery products account for 3.1 percent of animal protein intake, well below the African average (19.1 percent). On the other hand, the daily per capita protein intake from fish is growing steadily, and it was estimated at 0.9 grams per day in 2009.

During consultations carried out under the framework of the IOC-SmartFish Programme, fisheries were considered an important activity for foreign trade, playing an important role in national food security (Kurien, J and J. López Ríos. 2013). Some of the factors that would contribute to increasing the role of fisheries in food security are: rebuilding storage and marketing facilities; improving transportation infrastructure and equipment; and the training of fisher folks on fish processing and handling. The promotion of fish consumption was also considered of importance, along with the development of adequate legislation and policies.

### Fish consumption in Somalia (in live weight)

2014 - Figure 5 - Source FAO Fish and fishery product, world apparent consumption FAO STAT (2000 - 2009)

	 <b>Total fish supply quantity</b>	 <b>Fish supply per capita</b>	 <b>Fish protein per capita</b>
<b>2008 - 09</b>	27,569 MT	3.05 kg/y	0.9 g/day
<b>2004 - 07</b>	26,776 MT	3.18 kg/y	0.9 g/day
<b>2000 - 03</b>	24,636 MT	3.23 kg/y	0.9 g/day



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# POLICY, INSTITUTIONAL AND LEGAL FRAMEWORK OF RELEVANCE FOR THE FISHERY SECTOR

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## 7. Fishery Policy and Planning

There is no national fisheries policy in Somalia.

On the other hand, in 2004 the Government of Puntland, through the Ministry of Fisheries, Ports, Marine Transport and Marine Resources, prepared a Marine Fisheries Policy and Strategy for their own coastline (Snijman Phil. 2011). The Puntland Fisheries Marine Policy and Strategy (2004) outlines the principles and objectives for fisheries management in Puntland.

The Ministry of Fisheries and Marine Resources (MFMR) of Somaliland has also prepared its own fisheries policy, namely the Coastal and Marine Resource Policy of Somaliland (2000). A review of this fisheries policy will be undertaken within the context of a project entitled 'Value Chain Development Project for Fisheries' (VCDPF). The purpose of this evaluation is "to help the Ministry facilitate and respond more effectively to the needs of the private sector, which is the main driver of the fishing industry" (draft Terms of Reference - Consultant for Functional review of Ministry toward completion of its mandate and Fisheries Policy Review, VCDPF, July 2013).

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## 8. Institutional Framework

### 8.1. Fisheries Administration

The designated authority for fisheries development and management in Somalia is the Ministry of Fisheries and Marine Resources (MoFMR) of the Transitional Federal Government (TFG). To date the TFG Fisheries Ministry has not publicized any regulations that supplement the Fishery Law (1985) and has not issued any fishing licences (Khadija, Hassan, 2012). Although, the TFG Fisheries Ministry lacks fishing revenue, the ministry bears the responsibility to promote, manage, and develop fishing activities.

In the semi-autonomous region of Puntland, the Ministry of Fisheries, Ports, and Marine Transport of Puntland State of Somalia is responsible for the management and development of fisheries resources in Puntland's territorial waters, in line with Puntland's Fisheries Regulations (Khadija Hassan. 2012.). The Puntland Ministry has developed close collaborative linkages with the TFG Fisheries Ministry.

In Somaliland, the Ministry of Fisheries and Coastal Development is the designated authority with a mandate to promote, develop, and manage fisheries in Somaliland. The Ministry has received technical assistance from PERSGA, a regional organisation for the conservation of the environment of the Red Sea and the Gulf of Aden, in areas of capacity building and conservation strategies (Khadija Hassan. 2012). Fisheries management in Somaliland is however, largely undeveloped.

### 8.2. Fisheries Research and Training

According to the FAO Fishery Country Profile, 2005, there are no governmental research capacities in Somalia, but 'scientific' work has been carried out on a case-by-case basis through various development initiatives. The Centre for Research and Dialogue (CRD), a local NGO, conducted a limited survey of the fishery sector in central and southern Somalia in 2002. The UN Development Operations Office (UNDOS) supported several research activities on the country's fishery profiles by region in 1994-1995. In 2004, UNDP carried out a thorough review of the fishery sector in the





central and southern parts of Somalia.

Apart from these activities, no tangible research activities have been conducted since the major fish stock assessments conducted with the support of FAO/UNDP in the 1970s and 1980s, and other bilateral research assistance provided by various governments and agencies (FAO Fishery Country Profile. 2005).

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## 9. Legal Framework

### 9.1. Fisheries Legislation

The Fishery Law of 1985 (Somali Fishery Law No. 23 of 30 November 1985) is the principal legislation in Somalia that applies to commercial fishing at sea and in inland waters within the territory of Somalia (Khadija Hassan. 2012). The law distinguishes between two types of commercial fishing, namely 'traditional fishing' (coastal fisheries involving small boats, dhows, etc.) and 'modern fishing' which refers to industrial fisheries. Fishing licence fees are unspecified, a 'licence' is defined as "permission granted to somebody for fishing, processing or merchandising"; and "royalties" are defined as "the part of the fees or goods paid by the owner of the ship for fishing in Somali waters". This definition of royalty reflects the aspect of barter trade in the traditional Somali fishing industry (Khadija Hassan. 2012).

The Government of Puntland published "Fisheries Regulations from Somali Republic Fisheries Law No.23" (hereinafter referred to as "Puntland Fisheries Regulations") dated April 2004. The Puntland Fisheries Regulations are relatively extensive, and even seek to protect endangered marine species and regulate aquaculture activities. The regulations distinguish between fishing licences for national vessels and foreign fishing licences and access agreements foreign vessels. Puntland's Fisheries Regulations of 2004 also seek to limit and control access of other states in Puntland's waters to ensure that Total Allowable Catch (TAC) is not exceeded (Khadija Hassan. 2012). The regulations also establish a Puntland Fisheries Advisory Council whose role is to provide advice for the management and development of fisheries.

The semi-autonomous region of Somaliland promulgated its own fishing laws, namely the Somaliland Fisheries Law No.24 of 1995. This Law is reportedly largely based on the Fishery Law of 1985.

In short, fisheries legislation in Somalia is outdated and not compliant with international laws and standards and it is no longer an effective tool for fisheries management. The ability to implement and enforce any fisheries legislation is a serious concern at present (Snijman, Phil, 2013). In terms of enforceability, Somalia's semi-autonomous regions promulgating their own set of fishing laws and or regulations further complicate the situation. There is however some harmony in the Somali fishing laws, as Somaliland, Puntland, and Galmudug use the Fisheries Law of 1985 as the basis of their regional fishing laws instead of international law, perhaps this is an indication of the fact that Somalia's semi-autonomous regions still prefer to retain a national Somali influence over their fisheries laws (Khadija Hassan. 2012).

It should be stressed however that a Maritime Security Bill, which intends to establish an EEZ, and incorporate some IUU aspects, is under development (Snijman Phil. 2011).

### 9.2. Other Elements in relation to Legal Aspects

#### Participation in Regional Fishery Bodies

Somalia is a member state of the PERSGA, a regional organisation for the conservation of the environment of the Red Sea and Gulf of Aden. PERSGA is an intergovernmental body dedicated to

the conservation of coastal and marine environments found in the Red Sea, the Gulf of Aqaba, the Gulf of Suez, the Suez Canal, and the Gulf of Aden surrounding the Socotra Archipelago and nearby waters. PERSGA's member states include Djibouti, Egypt, Jordan, Saudi Arabia, Somalia, Sudan and Yemen. PERSGA has promoted the establishment of network of Marine Protected Areas (MPAs) in the Red Sea and the Gulf of Aden.

Furthermore, it was reported that Somalia should join the Indian Ocean Tuna Commission (IOTC) in 2011 (Snijman Phil. 2011). The IOTC is an intergovernmental organization mandated to manage tuna and tuna-like species in the Indian Ocean and adjacent seas. Its objective is to promote cooperation among its members with a view to ensuring, through appropriate management, the conservation and optimum utilization of stocks and encourage the sustainable development of fisheries based on such stocks. The IOTC was established by an Agreement under Article XIV of the FAO Constitution in 1993. The Agreement entered into force on 27 March 1996. Under Article XIV of the FAO Constitution, bodies established by such agreements may have full management powers.

Somalia is also a member of the Southwest Indian Ocean Fisheries Commission (SWIOFC) and the Committee for Inland Fisheries and Aquaculture of Africa (CIFAA).

The SWIOFC was established in 2004 by a Resolution of the FAO Council as an Article VI FAO Regional Fishery Body. The SWIOFC is an advisory body with a mandate to promote the sustainable development and use of coastal fishery resources off the shores of East Africa and several island States of the region, as well as responsible management and regional cooperation on fisheries policy. The SWIOFC does not have a mandate in relation to areas beyond national jurisdiction.

The CIFAA was established by the FAO Council in 1971 as an Article VI FAO Regional Fishery Body. The CIFAA is an advisory body with a mandate to promote the development of inland fisheries and aquaculture in Africa.

### **Fishery agreement**

There is a Technical Cooperation Agreement in Fisheries between Somali and Djibouti dated 1986. In addition to this agreement, two distinct bilateral fisheries agreements were signed by the two semi-autonomous regions of Somaliland and Puntland with Djibouti in 2012. The objectives of these agreements are to enable the commercialization of fish and fishery products from Somaliland and Puntland, and allow Djiboutian fishing units access to waters under the jurisdiction of both semi-autonomous regions.

The agreement between Somaliland and Djibouti is effective. This is not the case for the agreement between Puntland and Djibouti mainly due to technological limitations faced by Djiboutian fishing units to access the waters under the jurisdiction of Puntland.



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## FOCUS ON FISHERIES MANAGEMENT AND RELATED ISSUES

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### 10. Fisheries Control, Surveillance and Enforcement

As a result of the restructuring and rehabilitation period that followed the 1991 civil war, there is no unified effort to monitor or control events in Somalian waters. Moreover, much of the previous infrastructure and control measures for monitoring waters were destroyed in the war (Per Erik Bergh. 2011). Therefore, there are several serious weaknesses in the Somali monitoring, control and surveillance (MCS) system, including the absence of any vessel monitoring system (VMS).

Snijman (2011) highlights that provisions in the Fisheries Law of 1985 are insufficient with regard to offences and the powers of inspectors. This results in an inadequate legal framework for effective MCS, both for the enforcement of domestic legislation as well as the enforcement of regional requirements.

Institutionally speaking, the Somali Navy Force bears the responsibility and has the power to enforce the provisions of the 1985 Fishery Law. The Somali Navy was re-established in 2009, with five hundred trained marines but incapacitated by a lack of resources (Khadija Hassan. 2012).

It should be stressed however that in October 2011, the TFG Somali Anti-Piracy Taskforce, in alliance with INTERPOL's Anti-Piracy Maritime Taskforce re-established the INTERPOL's National Central Bureau (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, maritime offences or any other criminal activity being committed in Somalia and its territorial waters to other states through various INTERPOL channels (Khadija, Hassan, 2012).

The draft Somali Maritime Security Bill (2011) seeks to prohibit a number of maritime offences, including illegal fishing. The Bill also seeks to establish the Somali Maritime Police, a national law enforcement agency, which is not a branch of the armed forces or navy. It also seeks to establish the Maritime Court of Somalia, which will have both a civil and criminal jurisdiction to hear cases relating to crimes of piracy and maritime offences prohibited by Somali law (Khadija Hassan. 2012).

With regards to Puntland, the Puntland Coast Guard is responsible for enforcing Puntland's Fisheries Regulations (2004). These regulations also state that Puntland's inspectors can inspect and search any people undertaking fishing activities in Puntland waters. This confirms that Puntland intends to uphold the responsibility for MCS in its territorial waters (Khadija Hassan. 2012). It should be noted that a representative from the Puntland Coast Guard must be presented at the Puntland Fisheries Advisory Council.

In Somaliland, the Somaliland Navy reportedly has vessels and highly trained officers, which patrol its self-declared territorial waters and operate under International Maritime Bureau regulations (Khadija Hassan. 2012). Bergh (2011) gives further precisions on the Somaliland MCS system: the system involves about 600 coast guards operating from 29 m boats which can be fitted with machine guns. They rely and operate mainly based on tip-offs and community reports. They receive an annual budget of US \$200,000 from the transitional government.

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### 11. Major Issues relating to IUU Fishing

IUU fishing in Somalia is thought to be carried out on a large scale, primarily due to the complete lack of fisheries reporting/monitoring caused by the lack of an established state. IUU fishing takes

place offshore, as well as in the inshore zone. For many years civil unrest led to disruptions of coastal security and monitoring methods and this has increased the threat to local fisheries from IUU fishing which has been carried out with impunity (Per Erik Bergh. 2011). Due to the absence of a functioning government with maritime surveillance and enforcement agencies and capabilities, the country's waters are essentially not policed (Snijman, Phil, 2011).

According to the High Seas Task Force (HSTF), an estimated 700 DWFN vessels were fully engaged in unlicensed fishing in Somali waters in 2005 (FAO Fishery Country Profile. 2005). Four years later, according to the HSTF, more than 800 DWFN vessels from over 17 nations were carrying out IUU fishing annually in Somali waters. DWFN vessels would appear to catch fish from Somali waters with an estimated value of more than US \$450 million per annum (Per Erik Bergh. 2011).

Some experts establish a link between Somali piracy and IUU fishing in Somali waters. Some European vessels captured by Somali pirates, such as the Alakrana in October 2009, were reportedly involved in illegal fishing. In "Violence at Sea: Piracy in the Age of Global Terrorism", Peter Lehr, of St Andrews University, describes the situation as a "resources swap", with Europeans and Asians poaching US \$300 million in fish annually and Somalis, in return, taking US \$100 million in ransoms (Snijman Phil. 2011).

Furthermore, in 2011, estimates of illegal fishing in the Western Indian Ocean reported by the UN Secretary General were as high as 50 percent of the annual overall catch, and potentially a higher percentage in Somalia's unmonitored waters (Khadija Hassan. 2012).

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