

Law No. 37 on the Territorial Sea and Ports, of 10 September 1972

...

Article 1
The territorial sea

1. The Somali territorial sea includes the portion of the sea to the extent of 200 nautical miles within the continental and insular coasts, delimited according to the provisions of articles 2 and 3 of this Law.
2. The Somali Territorial Sea is under the sovereignty of the Somali Democratic Republic. Offences committed within the limits of the territorial sea on board a vessel relating to penal health and public security shall be governed by Somali law.

Article 2
Measurement of the territorial sea

1. The normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast.
2. In localities where the coastline is deeply indented or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured.
3. Waters on the landward side of the baseline of the Territorial Sea form part of the internal waters of the State within the meaning of Article 4 below.

Article 3
Territorial sea for islands and archipelagos

1. Where an island is situated within the 200-mile limit the belt of waters around it will constitute territorial waters. This belt will be 200 miles wide and will be measured from the low-water mark following the sinuosities of the island.
2. A group of islands forming part of an archipelago shall be considered as a unit and its territorial waters shall be measured from the centre of the archipelago.

Article 4
Internal Waters and Maritime Ports

1. The internal maritime waters include all navigable waters in Somali rivers open for maritime vessels and maritime ports with the areas as delimited by the table annexed herewith.
2. The internal Somali waters are subject to the sovereignty of the Republic according to Somali Laws and the provision of this Law.

Article 5
Fishing and coastal navigation

1. Fishing in the territorial sea and regular transportation of persons and goods between Somali ports are reserved for vessels flying the Somali flag, and other authorized vessels.
2. Any infringement of the above provision shall be punished with a fine from 5,000/- to 10,000/- Somali shillings, and in case of repetition of the infringement by the vessel or the operator, the punishment may be doubled and the captain shall be liable for offences prescribed by the Somali penal laws and the vessel may be confiscated.
3. Any contract of transportation made in violation of paragraph 1 above is void and without effect and the vessel executing or intending to execute the contract shall be subject to a fine equal to 5 times the freight or the fare stipulated or fixed by the usage for similar operation.

Article 6
Innocent passage through the territorial sea

Subject to the provisions of the Law merchant ships of all nationalities are allowed to the right of innocent passage through the territorial sea within the limits laid down by this Law and the general principles of the international law of the sea.

Article 7
Meaning of innocent passage

1. Passage means navigation through the territorial sea for the purpose of either traversing that sea without entering internal waters or of proceeding to internal waters or of making for the high sea from internal waters.
2. Passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by force majeure or by distress, but not for loading or unloading goods or passengers.

Article 8
Limits of innocent passage

Passage is innocent so long as it is not prejudicial to the peace, good order, health or security of the Republic. Such passage shall take place in conformity with the provisions of this Law, and with the general rules and principles of international law.

Article 9
Prohibited passage

1. Passage in the territorial sea and internal waters is not allowed to vessels having the nationality of States not recognized by the Somali Democratic Republic.
2. In case of violation of the above paragraph the Somali authorities may take any measures necessary to ensure its.

Article 10
Warships

1. Foreign warships are not allowed to pass through the territorial sea unless they are authorized by the Somali Government.

Article 11
Respect of Somali laws in the territorial sea

1. All Ships exercising the right of innocent passage shall comply with Somali Laws and regulations.
2. Each vessel while passing through the territorial sea shall hoist its national flag and comply with the orders made according Somali laws by the competent Authorities.
3. In case of infringement of any of the two above paragraphs the vessel shall be punished with a fine from 1,000/- to 100,000/- Somali shillings unless the fact or the omission constitutes a more grave crime.

Article 12
Entering into internal waters

1. All Ships proceeding to internal waters or ports shall comply with the provisions set by the Maritime Code for this purpose.
2. Subject to the limitation laid down by article 5 of this Law all merchant ships except those mentioned in article 9, paragraph 1, above are granted the rights to enter in Somali ports for any commercial operation, especially to load, unload, unload cargoes embark or disembark passengers.

Article 13
Defence zones

The Somali competent authorities may take the necessary measures to suspend temporarily innocent passage of all foreign ships, in specified areas of the territorial sea, if this becomes necessary for the protection of the security of the State.

Article 14
Charges for services rendered

Charges levied on ships in internal waters are also levied upon foreign ships passing through the territorial sea for services rendered or measures taken regarding the vessels for their security and the implementation of rules of the navigation police.

Article 15
Criminal jurisdiction on foreign ships

1. The criminal jurisdiction of the Republic shall be exercised on board foreign ships passing through the territorial sea or anchoring in the ports with respect to the arrest of any person or conduct of any investigation in connection with any crime committed on board the ship during its passage. Criminal jurisdiction is confined to the following cases:
 - (a) If the consequences of the crime extend to the territory of the Republic;
 - (b) If the crime is of a kind to disturb the peace of the country or the order of the territorial sea of the port;
 - (c) If the assistance of the local authorities has been requested by the captain of the ship or by the counsel of the country whose flag the ship flies;
 - (d) If it is necessary for the suspension of illicit traffic in narcotic drugs.

2. The authorities may take any step authorized by the Somali laws and regulations for the purpose of any arrest or investigation on board a foreign ship while it is passing through the territorial sea after leaving the internal waters or the port.
3. In the cases provided for in paragraphs 1 and 2 of this article the authorities shall, if the captain so requests, advise the consular authority of the flag State before taking any steps, and shall facilitate contact between such authorities and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.
4. Local authorities shall not take any steps on board a ship passing through the territorial sea to arrest any person or conduct any investigation in connection with any crime committed before the ship enters into the territorial sea and it is only passing through the territorial sea without entering internal waters.

Article 16
Civil jurisdiction of foreign ships

The authorities may not levy execution against, or arrest, the ship for the purpose of any civil proceeding, save only:

- (a) In respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the territorial sea or internal waters;
- (b) In the cases provided for by the maritime Code.

Article 17
Government ships

1. The rules provided for in the preceding article shall apply also to foreign Government ships operated for commercial purposes.
2. The above rules do not affect the immunities which Government ships operated for non-commercial purposes enjoy.

Article 18
Arrest of vessels by authorities

In case where a punishment is prescribed for infringement committed by a foreign vessel the Somali authorities may arrest the vessel until the said punishment is fulfilled or a sufficient security for this purpose is furnished.

Article 19

Any provision contrary to this Law or consistent with it is hereby abrogated.

Article 20
Entry into force of this Law

This Law shall come into force on the thirtieth day of its publication.

Mogadishu, 10 September 1972