



Somalia Non-State Actors (SONSA)

[Tell:252612008723](tel:252612008723), info@sonsaplatform.org, executivedirector@soscensa.org, www.sonsaplatform.org

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Commentary Reflection Analysis: Somali House of the People Passed 140 in Favor After the Third Reading of the Anti-Piracy and Anti-Kidnapping Law (Law No. 36 of April 30, 1975).

A Reflective Analysis of the Third Reading Passage of Somalia's Revised Anti-Piracy and Anti-Kidnapping Law (Law No. 36 of 1975)

1. Introduction

The passage of the revised **Anti-Piracy and Anti-Kidnapping Bill (Law No. 36 of April 30, 1975)** by the House of the People of the Federal Parliament of Somalia on **10 November 2025** marks a pivotal moment in Somalia's effort to restore maritime security and consolidate state authority over its coastal and marine domains. The original 1975 statute was enacted in a very different political and security environment; decades of instability and evolving transnational maritime threats made comprehensive reform essential. The updated law seeks to address contemporary forms of piracy, hostage-taking, illegal fishing, and related crimes that have undermined Somalia's economy and coastal communities.

The legislative review culminated during the 13th session of the 7th plenary sitting of the 11th of the parliament of Somalia, chaired by the Second Deputy Speaker, **H.E. Hon. Abdullahi Omar Abshirow**. Hon. Mohamed Abdullahi Burale Guled presented the committee report and the amended draft of the Anti-Piracy and Anti-Kidnapping Bill, and **140 Members of Parliament** quorum opened and voted unanimously in favor of the revisions. While the unanimous vote signals a rare consensus on maritime security, the attendance figure also highlights broader institutional challenges most notably inconsistent MP participation which bear on the representativeness and resilience of Somalia's parliamentary processes.

This reflection provides an independent, civil-society perspective on the substance and significance of the amendments, situating the revised law within Somali domestic needs and the framework of international maritime law. It examines the legal changes, the role of parliamentary committees and civil society oversight, and the expected impact of the reform on long-term maritime governance and security.

2. Somalia and UNCLOS 1982

Somalia's engagement with the international maritime legal order dates back more than three decades. The country **signed the United Nations Convention on the Law of the Sea (UNCLOS)** in **1982** and **ratified it in July 1989**, formally committing itself to the global framework that governs territorial seas, exclusive economic zones (EEZs), continental shelves, and international cooperation against piracy. Importantly, Somalia made **no reservations** upon ratification, meaning it accepted the Convention's provisions in full including the critical **Articles 100–107**, which outline the international community's shared responsibility to suppress piracy and define the legal basis for arrest, prosecution, and jurisdiction on the high seas.

Despite this early international commitment, Somalia's prolonged state collapse limited its capacity to enforce UNCLOS obligations domestically. Weak maritime institutions, the absence of a functioning navy, and insufficient judicial infrastructure left the country unable to protect its territorial waters or prosecute complex maritime crimes. As a result, Somalia became one of the regions most associated with piracy during the 2008–2012 crisis, despite having the legal right and standing under UNCLOS to police its waters.

The 10th, November 2025 revision of the Anti-Piracy and Anti-Kidnapping Bill made the House of the People represents a major step toward reversing this gap between international obligations and national enforcement capacity but still faces couple of challenges. By redefining piracy, expanding jurisdiction, and incorporating phrases and concepts consistent with UNCLOS, Somalia is now better positioned to operationalize the Convention within its domestic legal framework. This alignment strengthens Somalia's international credibility and ensures that its legal architecture reflects globally recognized maritime standards.

3. International Maritime Cooperation and Regional Obligations

Somalia's maritime governance does not operate in isolation. Its strategic location along one of the world's busiest shipping routes the Gulf of Aden and the Western Indian Ocean means that its security challenges have regional and global implications. Over the past two decades, Somalia has entered or cooperated with several international and regional frameworks aimed at combating piracy, strengthening maritime governance, and protecting marine resources.

One of the most significant is the **Djibouti Code of Conduct (2009)**, a regional framework that promotes cooperation among East African and Indian Ocean states in countering piracy and armed robbery at sea. Somalia's participation in this mechanism has enhanced information sharing, coordinated patrols, and cross-border operational planning. Somalia has also been engaged with the **International Maritime Organization (IMO)**, which provides technical support, training, and legislative guidance to improve maritime safety and enforcement capacity.

In the fisheries sector, Somalia works with the **Food and Agriculture Organization (FAO)** and the **South West Indian Ocean Fisheries Commission (SWIOFC)** to address illegal, unreported, and unregulated (IUU) fishing, a persistent problem affecting national revenue and coastal

livelihoods. Additionally, Somalia has collaborated with **EU NAVFOR Operation Atalanta**, **Combined Maritime Forces (CMF)**, and **UNODC's Maritime Crime Program**, which support the prosecution and confinement of piracy suspects.

These international partnerships underscore the importance of a strong domestic legal foundation. The newly revised Anti-Piracy and Anti-Kidnapping Bill provide Somalia with the legislative authority required to interact more effectively with regional partners, extradite offenders, receive evidence collected at sea, and bring suspect pirates or illegal fishers to trial. Without such a modernized law, Somalia would remain dependent on external enforcement rather than asserting its own jurisdiction and maritime sovereignty.

4. Legislative Amendments – Structure and Substance

The **10, Nov, 2025 amendments** to the Anti-Piracy and Anti-Kidnapping Bill represent a comprehensive modernization of Somalia's maritime legal framework. The original 1975 law lacked the precision, scope, and procedural clarity needed to confront today's complex maritime crimes. The revised version introduces substantial improvements in definitions, jurisdiction, penalties, and procedural safeguards, bringing the law closer in line with international standards, particularly **UNCLOS 1982**.

One of the most important updates is found in **Article 2 (Objectives)**, which now clearly differentiates between piracy committed on the high seas and kidnapping crimes occurring on Somali territory or in its airspace. This division aligns Somalia's national law with **UNCLOS Article 101**, which defines piracy as an international crime subject to universal jurisdiction. The revision removes ambiguity and enables prosecutors to categorize offenses accurately.

Article 3 (Definitions) has been thoroughly refined to eliminate outdated terminology. New definitions were added for *complicity*, *facilitation*, and *participation*, addressing gaps previously exploited by maritime criminal networks. These additions bring Somalia's legal language in line with international maritime criminal law and strengthen the basis for prosecuting organized piracy groups.

The scope of crimes covered under **Articles 4 and 5** has been expanded. In addition to traditional pirate attacks, the revised law now explicitly addresses **illegal foreign fishing**, a longstanding threat to Somalia's marine economy. It also covers hijacking, violent robbery at sea, hostage-taking, and other maritime offenses affecting commercial shipping routes.

The **penalty framework** has been reinforced, introducing imprisonment terms ranging from **5 to 20 years**, depending on the severity of the crime. These penalties serve as a warning and reflect the seriousness of maritime offenses. Procedural articles were updated to align with Somalia's Criminal Procedure Code (1963), ensuring that investigations and trials meet modern evidence and due-process standards, including the rights of the accused and protections for victims.

5. Parliamentary Committee Role and Institutional Dynamics

The revision of the Anti-Piracy and Anti-Kidnapping Bill was driven by the work of the **Judiciary, Religious Sites, and Religious Affairs Committee**, which played a central role in bridging the gap between the outdated 1975 statute and Somalia's contemporary legal and security needs. Under the responsible of the committee's leadership, members undertook a detailed review of the bill, assessed its weaknesses, and incorporated contributions from legislators, legal experts, and relevant stakeholders. Their work ensured that the revised law aligns with Somalia's **Provisional Constitution**, international legal standards, and the practical realities faced by law enforcement agencies.

Hon. Mohamed Abdullahi Burale Guled, a member of the committee, presented the final report and the amended provisions during the **13th session of the 7th plenary sitting** of the House of the People. Of the 11th parliament of Somalia. The report highlighted the committee's commitment to improving legal clarity, expanding jurisdiction, and ensuring enforceability within Somalia's judicial system. Importantly, the committee emphasized the urgent need to modernize into law, given the resurgence of piracy incidents and increased illegal fishing in Somali waters.

While the legislative review process was considered successful, the session also exposed underlying structural challenges within Parliament. Only **140 out of 275 Members of Parliament** attended the session, reflecting persistent issues of absenteeism and quorum instability. Such attendance patterns have been observed throughout the 7th plenary, resulting in multiple suspended sessions lack enough quorum. These institutional shortcomings undermine the inclusivity and legitimacy of the legislative process, even when the final vote shows overwhelming consensus endorsement of those attended the session.

The committee's work however reflects an improving degree of institutional capability within Somalia's governance structure. Their effective coordination, the incorporation of member contributions, and the structured approach to amending the law demonstrate a gradual strengthening of parliamentary functions. However, sustained improvements in attendance, internal discipline, and legislative accountability remain essential for ensuring that important legal reforms.

6. Civil Society Oversight and Democratic Accountability

Civil society played a pivotal and constructive role throughout the deliberation of the revised Anti-Piracy and Anti-Kidnapping Law. Observers from the **Somalia Non-State Actors (SONSA)**, participating under the **Gole-Kaab Project**, attended the key parliamentary sessions—including the extraordinary sittings and the third reading—ensuring that the process remained transparent, accountable, and well-documented. Their presence provided an independent monitoring function at a time when parliamentary attendance inconsistencies risked weakening procedural integrity.

The contribution of civil society extends beyond observation. By publicly reporting session attendance, voting patterns, procedural adherence, and the quality of debate, civil society

organizations help strengthen public confidence in the legislative process. Their work ensures that citizens remain informed about the conduct of their elected representatives and the manner in which laws affecting national security are enacted.

Importantly, civil society oversight also helps address broader governance issues. The 7th plenary session has experienced several quorum challenges, with multiple sittings suspended due to insufficient attendance. Continuous monitoring by civil society groups brings attention to these institutional weaknesses, encouraging parliamentary leadership to improve discipline, attendance enforcement, and accountability mechanisms.

Although civil society does not influence the substance of legislation directly, its watchdog role reinforces democratic norms and complements state institutions in promoting transparency. In the context of the Anti-Piracy Law—a piece of legislation central to national security—such oversight ensures that the process remains open, legitimate, and reflective of the broader public interest. This cooperation between Parliament and civil society marks a positive trajectory for Somalia’s democratic governance.

7. Maritime Security Impact and Somalia’s Long-Term Challenges

Somalia’s maritime domain has long been vulnerable to a combination of piracy, illegal fishing, smuggling, human trafficking, and cross-border criminal networks. These threats have historically been fueled by weak state institutions, lack of naval capacity, and vast gives of unmonitored coastline. The revised Anti-Piracy and Anti-Kidnapping Bill arrive at a time when criminal groups have shown signs of resurgence including the **recently, in November 2025 hijacking of an international cargo vessel near Somali Indian ocean**, signaling that piracy remains an active, evolving security risk rather than a resolved chapter.

The strengthened legal framework enhances Somalia’s ability to prevent, detect, and prosecute maritime crimes, providing clearer jurisdiction and more comprehensive definitions. By expanding the scope of punishable offenses to include **illegal foreign fishing**, the law addresses an issue that has economically exploited Somalia’s maritime resources for decades and contributed to the original emergence of piracy as an economic response by marginalized coastal communities.

Stronger penalties, ranging from **5 to 20 years of imprisonment**, aim to deter criminal networks and reflect the seriousness of maritime offenses. The law also empowers Somali law enforcement to cooperate more effectively with international naval forces, maritime patrols, and regional actors operating in the Western Indian Ocean. With improved clarity in definitions and jurisdiction, foreign partners can hand over suspects to Somali authorities with greater legal assurance.

The revised law plays a crucial role in restoring investor confidence in Somalia’s maritime economy, particularly in the fisheries sector and coastal trade. It also reinforces state legitimacy, signaling that Somalia is taking meaningful steps to reclaim and protect its maritime sovereignty after years of institutional fragility. However, the law alone cannot eliminate maritime crime; its

success will depend on state capacity, interagency coordination, coastal community engagement, and sustained investment in maritime enforcement infrastructure.

8. Conclusion – Toward Sustainable Maritime Governance

The revision and approval of the **Anti-Piracy and Anti-Kidnapping Bill (Law No. 36 of April 30, 1975)** mark an important step toward restoring Somalia's maritime security, reinforcing national sovereignty, and aligning domestic law with international legal obligations. By modernizing outdated provisions and harmonizing the law with **UNCLOS 1982** and other regional frameworks, Somalia has strengthened its legal foundation to confront longstanding maritime threats that have undermined economic development and governance for decades.

Despite its legislative significance, the law's effectiveness will depend on practical implementation. Somalia must address structural challenges—including limited maritime enforcement capacity, inadequate judicial resources, and inconsistent parliamentary attendance—to ensure that the law achieves its intended outcomes. Improving the operational capability of coastal police, enhancing interagency coordination, and building prosecutorial expertise will be essential components of successful enforcement.

Furthermore, civil society oversight, particularly through mechanisms such as **Somalia Non-State Actors (SONSA)** and the **Gole-Kaab Project**, will remain critical in holding institutions accountable, monitoring implementation, and promoting transparency as the law transitions from legislation to practice. Continued public engagement will reinforce institutional credibility and support Somalia's broader democratic governance agenda.

While the updated law alone cannot eradicate piracy or resolve all maritime security concerns, it establishes the necessary legal architecture to support long-term maritime governance. If coupled with political commitment, sustained investment, and regional cooperation, the revised Anti-Piracy and Anti-Kidnapping Law Bil the potential to fundamentally improve Somalia's ability to protect its waters, safeguard maritime commerce, and uphold the rule of law for future generations if the follow suitable ways and the government benefit the civil society engagement.

Prepared by: Civil Society Working Groups_Under Gole-Kaab Project.

Summarized by: Mohamed Aded Ali, SONSA Executive Director & Director of Somali CSOs.

Office Address:

Small Street (Laami Yare) Road @ KM5.

Safari apartment @ KM5, Hodan District

Website: www.sonsaplatform.com/info@golekaab.so

Mogadishu - Somalia