

DRAFT

THE REPUBLIC OF SOMALILAND

BROADCASTING LAW

**Based on
Law No. 27/2004 concepts**

THE REPUBLIC OF SOMALILAND

BROADCASTING LAW

Preamble

The Somaliland House of Representatives:

Having seen: Article 32 of the Constitution which guarantees freedom of expression, specifically by stating:

(1) Every citizen shall have the freedom, in accordance with the law, to express his opinions orally, visually, artistically or in writing or in any other way.

(2) The press and other media are part of the fundamental freedoms of expression and are independent. All acts to subjugate them are prohibited, and a law shall determine their regulation.

Recognising: That a free, independent and pluralistic broadcast media plays a key role in realising the right to freedom of expression and democracy;

Having considered: That broadcasting provides a vehicle for citizens to express their views and opinions, as well as for ensuring the dissemination of information to all citizens, including those who are illiterate;

Has passed this Law:

Part I

DEFINITIONS AND TITLE

Article 1: Title

This Law shall be known as the “Broadcasting Law”.

Article 2: Definitions

For the purposes of the application of this Law the terms set out below shall have the meanings appearing opposite them:

- (a) “Advertisement”: Means any public announcement intended to promote the sale, purchase or rental of a product or service, to

advance a cause or idea or to bring about some other effect desired by the advertiser, for which broadcasting time has been given up to the advertiser for remuneration or similar consideration.

- (b) "Advertising Code": Means a set of standards governing broadcast content which constitutes an advertisement.
- (c) "Basic Service": Means the minimum package of television and/or radio channels which subscribers to a satellite or cable service are required to purchase.
- (d) "Board": Means the National Media Board established by the Media and Access to Information Law.
- (e) "Broadcaster": Means an organisation that engages in broadcasting, be it a public service broadcaster, a private broadcaster or a community broadcaster.
- (f) "Broadcasting": Means the dissemination of broadcast programming, including through terrestrial transmitters, cable, satellite or any other medium, for public consumption and for simultaneous reception, whether or not by subscription, through a radio and/or television broadcast receiver or other related electronic equipment, but does not include communications internal to a private organisation or government body, such as closed circuit television or internal address systems, or Internet communications.
- (g) "Broadcasting Frequency Plan": Means a plan for the allocation of the broadcasting frequency spectrum among the various uses such as television and radio, national and local licences, and public, private and community broadcasters.
- (h) "Broadcasting Frequency Spectrum": Means that part of the electromagnetic wave spectrum which is from time to time assigned to be used for broadcasting uses, but does not include other frequencies, such as those used for telecommunications purposes.
- (i) "Broadcasting Service": Means a defined service which consists of the broadcasting of television or sound material to the public, sections of the public or subscribers to such service.
- (j) "Cable Broadcasting": Means the transmission by cables of broadcasting services, including re-transmission by cables of broadcast signals.
- (k) "Community Broadcaster": Means a broadcaster which is controlled by a non-profit entity and operates on a non-profit basis, carries programming serving a particular community including by reflecting the special interests and needs of that community, and is managed and operated primarily by members of that community.
- (l) "Free-to-air": Means the provision of terrestrial broadcasting without a direct charge for reception to the recipient.

- (m) "Independent Producer": Means an individual or company who produces programmes for radio or television and who is independent of any particular broadcaster.
- (n) "Licence": Means a licence issued by the Board for purposes of providing a broadcasting service to the public.
- (o) "Licensee": Means an individual or organisation who has been granted a licence under this Law to provide a broadcasting service to the public.
- (p) "Local Content": Means broadcast material produced by a licensee, by a permanent resident of Somaliland or by a company the majority of whose shareholdings are held by permanent residents, or a co-production in which the above mentioned persons have at least a 50% financial interest but does not include advertisements.
- (q) "Private Broadcaster": Means a broadcasting organisation that is neither a public broadcaster nor a community broadcaster.
- (r) "Programme Schedule": Means a plan indicating the general types of programmes proposed to be broadcast, along with the proportion of broadcasting time to be devoted to such programmes and to advertising, and the target audience but for cable or satellite services the Programme Schedule means a description of the basic service and of all other services provided.
- (s) "Public Broadcaster": Means a broadcaster subject to public ownership which has a mandate to broadcast in the public interest.
- (t) "Satellite Broadcasting": Means the dissemination of a broadcasting service by means of satellite transmission.
- (u) "Sponsorship": Means the participation of a natural or legal person who is not engaged in broadcasting activities or the production of audiovisual works in the direct or indirect financing of a programme with a view to promoting the name, trademark or image of that person.
- (v) "Subscriber": Means a person who receives a broadcasting service at a specific location in exchange for a prescribed fee, without further transmitting that service to any other person.
- (w) "Technical Code": Means a set of standards relating to general technical matters.
- (x) "Terrestrial Broadcasting": Means the dissemination of a broadcasting service via the electromagnetic wave spectrum for direct reception by homes or businesses without needing equipment other than radio or television equipment.

Part II **BROADCASTING POLICY**

Article 3: Broadcasting Policy

Broadcast regulation in Somaliland shall seek to promote the following policy goals:

- (a) to uphold the Constitution of Somaliland, as well as human rights, democracy and the rule of law;
- (b) to protect and promote freedom of expression;
- (c) to encourage creative national broadcasting, including by licensing all three types of broadcaster, namely public, private and community;
- (d) to promote a diverse range of quality broadcasting services;
- (e) to enhance the public's right to know through promoting pluralism and a wide variety of programming on matters of public interest;
- (f) to prevent monopolisation of ownership and promote fair competition in the broadcasting sector;
- (g) to promote accurate, informative and balanced programming;
- (h) to encourage the provision of quality educational programming;
- (i) to promote the widest possible geographic distribution of broadcasting services, including by licensing national and local broadcasters;
- (j) to develop and promote broadcasting reflecting national and regional culture and identity;
- (k) to promote the appropriate use of new technology; and
- (l) to enhance the overall financial and competitive viability of broadcasting in Somaliland.

Part III **FUNCTIONS, DUTIES AND POWERS OF THE NATIONAL MEDIA BOARD REGARDING BROADCAST REGULATION**

Article 4: Functions of the Board

1. The Board is charged with the oversight of broadcasting in Somaliland and with promoting the public interest in the broadcasting sector, consistently with constitutional and international guarantees of freedom of expression.

2. The functions of the Board are:

- (a) to develop and implement a Broadcasting Frequency Plan to ensure orderly and optimal use of the broadcasting frequency spectrum;
- (b) to issue licences to provide broadcasting services to the public;
- (c) to oversee the development and implementation of the Technical Code; and

- (d) to ensure that licence conditions are respected by licensees.
- 3. In discharging its responsibilities, the Board shall endeavour to promote broadcasting policy as set out in Article 3.
- 4. The Board shall, subject to the provisions of this Law, have exclusive power in relation to its functions as set out in sub-Articles 2(a)-(d).
- 5. This Article shall not imply that the government does not have the power to set policy in relation to broadcasting, including in relation to the number of broadcasting services that shall, for any particular type of broadcaster, be operative at any one time.

Article 5: Powers of the Board

- 1. The Board shall have all such powers as may be reasonably necessary for the purpose of carrying out its functions under this Law and of regulating its own procedure.
- 2. The Board shall have the power to conduct investigations and hold hearings as necessary to discharge its responsibilities under this Law.

Article 6: Limitation of Liability

- 1. No proceedings, civil or criminal, shall lie against the Board for anything it may do or fail to do in the course of the exercise or intended exercise of its functions, unless it is shown that it did not act in good faith or with reasonable care.
- 2. No proceedings, civil or criminal, shall lie against any member, officer or employee of the Board for anything done or said, or any failure to do or say anything in the course of the discharge of his or her duties as a member, officer or employee of the Board, unless it is shown that the person did not act in good faith or with reasonable care.

Article 7: Annual Report

The Board shall include in the Annual Report it is required to produce pursuant to the Media and Access to Information Law the following information:

- (a) information relating to licensing, complaints and research relevant to broadcasting;
- (b) a description of any sanctions applied by the Board pursuant to this Law and the decisions relating thereto;
- (c) information relating to the Broadcasting Frequency Plan; and
- (d) any recommendations in the area of broadcasting.

Part IV

FREQUENCY PLANNING

Article 8: Broadcasting Frequencies

1. The Board shall, in consultation with relevant stakeholders, ascertain which part of the electromagnetic wave spectrum is to be used for broadcasting uses
2. The Board shall, in consultation with interested stakeholders and the government, develop and from time to time revise a Broadcasting Frequency Plan, which shall include a locator map, in order to promote the optimal use of these frequencies and the widest possible broadcasting diversity.
3. The Broadcasting Frequency Plan shall ensure that, in accordance with broadcasting policy as set out in Article 3, the broadcasting frequency spectrum is shared equitably and in the public interest among the three tiers of broadcasting – public, private and community – the two types of broadcasters – radio and television – and broadcasters of different geographic reach – national and local.
4. The Broadcasting Frequency Plan, along with any revisions to it, shall be published and disseminated widely.
5. The Broadcasting Frequency Plan may reserve certain frequencies for future use for specific categories of broadcasters in order to ensure diversity and equitable access to frequencies over time.

Part V

LICENSING

Article 9: Broadcast Licence Requirement

1. It is prohibited to provide a broadcasting service except in accordance with a valid broadcasting licence.
2. The Board shall have exclusive responsibility in relation to issuing and renewing licences.
3. The Board shall maintain a register of licences, which shall be available for public inspection.

Article 10: Licence Applications

1. The Board shall receive applications on a rolling basis by those interested in providing a broadcasting service. Where appropriate, the Board may also issue a call for tenders to provide a broadcasting service as defined by the Board.

2. The Board shall adopt regulations in advance setting out the process to be followed in submitting an application for a broadcasting licence and a description of what information must be provided, as well as a schedule of the annual licence fees. The information to be provided must, at a minimum, include the following information:

- (a) the ownership structure;
- (b) the sources of finance and the proposed financial plan over the period of the licence;
- (c) the organisation and management structure, including the personnel and expertise available to deliver the service;
- (d) the programme schedule or, in the case of a cable or satellite service, information about the channels proposed to be provided within the basic service, as well as any other channels which may be purchased; and
- (e) the technical facilities for delivery of the service.

Article 11: Assessing Licence Applications

1. The process for assessing licences shall be fair, non-discriminatory and transparent.

2. The process shall include consideration of the application by the Board at a public hearing and an opportunity for anyone to provide written comments on the application.

3. The Board shall cause any applications for a broadcasting licence to be published in the *Official Bulletin* prior to the hearing referred to in sub-Article (2), provided that such publication shall not involve sensitive commercial or other information provided by the applicant.

4. The Board shall take the following factors into account in deciding whether or not to issue a broadcasting licence to an applicant:

- (a) the technical capacity of the applicant to deliver a quality service, taking into account the nature of the proposed service;
- (b) the nature and extent of the financial resources of the applicant and the financial viability of the proposal;
- (c) the effect of licensing the proposed service in terms of concentration of ownership, cross ownership and fair competition;
- (d) the promotion of the widest possible diversity of programming, taking into account the proposed programme schedule, the demand and the need for that service, and the broadcasting services already being provided in that area; and
- (e) the need to promote locally produced programming which serves the needs and interests of the people of Somaliland.

5. The Board shall provide written notice of its decision to all applicants for broadcasting service licences. Where an application is refused, this notice shall include the reasons for the refusal, as well as information regarding the applicant's right of appeal.

6. A licence shall not be issued to a political party or to a body which is substantially owned or controlled by someone with a senior post in a political party.

7. A licence shall not be issued to an individual who is not a resident or citizen of Somaliland, or to an entity which does not have recognised legal status in Somaliland, or which is subject to majority control by non-residents or non-citizens.

8. Upon the grant by the Board of an application under sub-Article (5), it shall cause notification of that decision to be published in the *Official Bulletin*.

Article 12: Licence Frequency

1. Prior to deciding whether or not to issue a new broadcasting licence, the Board shall ensure that appropriate frequencies for the proposed service are available.

2. A licence shall stipulate any frequency or frequencies to be used for dissemination of the licensed service.

Article 13: Licence Renewals

1. An application for the renewal of a licence shall be made in accordance with conditions set out in the licence, provided that in the absence of such conditions, the application shall be made before the beginning of the last six months before the date of expiry of the existing licence.

2. A licensee shall be entitled to have a broadcasting service licence renewed, provided that the Board may refuse to renew a licence where the licensee has operated in significant breach of its licence conditions, or where this is clearly in the public interest, based on broadcasting policy as set out in Article 3.

3. At the time of renewal, either a licensee or the Board may propose amendments to the licence conditions and the Board may accept or reject these amendments, provided that any amendments imposed by the Board must meet the conditions set out in Article 22.

4. The Board may, when considering an application for the renewal of a licence, require such new or additional information as it may deem necessary.

5. If at the date of expiry of a licence the Board has not yet reached a decision in respect of an application to renew it, the licence shall continue in effect until the application for its renewal is granted or refused by the Board.

6. The Board shall provide a licensee with written reasons, in advance of a final decision, of any proposed decision not to renew a licence and shall give the licensee an opportunity to make oral and/or written representations.

7. Where the Board does not renew a licence, it shall provide written reasons for its decision.

Part VI **GENERAL LICENCE CONDITIONS**

Article 14: General Licence Conditions

1. Licences are not transferable without the prior approval of the Board.
2. Compliance with all matters specified in the licence application, including the programme schedule, is deemed to be a licence condition.
3. If a service has not been initiated within six (6) months after the date specified in the licence for the commencement of the service, that licence shall lapse.
4. Licences shall be valid for the following period of time:
 - (a) 3 years for a community broadcasting licence;
 - (b) 7 years for a commercial radio broadcasting licence; and
 - (c) 10 years for a commercial television broadcasting licence.
5. Licensees are required to report annually to the Board on their activities, including the observance of licence conditions.

Article 15: Copyright

1. Broadcasters may only broadcast programmes which they produced or for which they hold broadcasting rights, and copyright must be clearly indicated as part of the credits displayed with each programme.
2. The name of the producer of every programme shall be displayed or read out at the end of the programme.

Article 16: Undue Concentration of Ownership

1. No legal or natural person shall exercise direct or indirect control over more than one national free-to-air television service.
2. No legal or natural person shall exercise direct or indirect control over a national free-to-air broadcasting service and a national newspaper.
3. No legal or natural person shall exercise direct or indirect control over a national free-to-air television service and a national free-to-air radio service.

4. For purposes of this Article, financial or voting interests of 20% or more shall be deemed to constitute control.

Article 17: Local Content Requirements

1. Every licensed broadcaster shall be required to include within each broadcasting service the following minimum quotas of local programming:
 - (a) 10% within 6 months of the coming into force of this Law;
 - (b) 15% within 2 years of the coming into force of this Law; and
 - (c) 25% within 5 years of the coming into force of this Law.

2. In exceptional circumstances, the Board may agree to delay or waive the above requirements for a particular broadcasting service.

Article 18: Licence Fees

1. The Board shall, from time to time as it deems necessary, in consultation with interested parties and taking into account market considerations, produce a schedule of the applicable annual licence fees, setting out the rates for various types of broadcasting services.

2. For purposes of sub-Article (1), the Board may classify licensed services by:

- (a) tier (public, private or community);
- (b) type (radio or television, terrestrial, satellite or cable); and
- (c) scope (national or local, or number of subscribers).

3. This schedule shall come into force after it has been approved by the government, provided that it shall, prior to approval, be placed before Parliament for 30 days and be published by notification in the *Official Bulletin*.

4. Licensees shall be required to pay the applicable annual licence fee for each broadcasting service they operate and these funds shall go into the Fund established by the Board pursuant to the Media and Access to Information law.

Article 19: Additional Terms and Conditions

1. The Board may, from time to time, by notification published in the *Official Bulletin*, adopt regulations setting out additional general licence terms and conditions either of general application for all licensees or for different types of licensees.

2. Such terms and conditions may, among other things:

- (a) specify the minimum amount of programming to be commissioned from local independent producers; or
- (b) stipulate the categories of information that must be provided by licensees in their annual reports to the Board, pursuant to sub-Article 14(5).

Part VII **SPECIFIC LICENCE CONDITIONS**

Article 20: Specific Licence Conditions

1. The Board may attach such reasonable conditions to a broadcasting service licence as it deems necessary to promote broadcasting policy as set out in Article 3.
2. Such conditions may, in particular:
 - (a) set the minimum number of hours to be broadcast on a daily, weekly or annual basis;
 - (b) set minimum local content requirements over and above the minimum specified in this Law; or
 - (c) specify maximum amounts of repeat programming.

Article 21: Licence Condition Amendments

1. Broadcasters may propose amendments to their licences to the Board, which may approve or refuse such amendments, provided that if the Board fails to respond to a proposal within 30 working days after receiving it, the Board shall be deemed to have accepted it.
2. The Board may, in respect of any particular broadcasting service licence, and after giving the licence holder an opportunity to make written representations, amend of its own motion any of the prescribed conditions, including adding further conditions if the Board is of the opinion that this is necessary to promote broadcasting policy as set out in Article 3.

Article 22: General Restriction on Specific Licence Conditions

No licence conditions shall be imposed under Articles 19, 20 or 21 unless they:

- (a) are relevant to broadcasting;
- (b) further broadcasting policy as set out in Article 3; and
- (c) are reasonable and realistic, given the licensee.

Part VIII **THE TECHNICAL CODE**

Article 23: The Technical Code

1. The Board shall, in consultation with broadcasters, journalists and other interested stakeholders, draw up, and from time to time review and amend, a Technical Code for broadcasters.

2. The Technical Code shall address a range of issues relating to general technical broadcast standards and formats.
3. The Technical Code shall be published and every licensee shall be provided with a copy.
4. Compliance with the Technical Code is deemed to be a licence condition.

Part IX **BREACH OF LICENCE CONDITIONS**

Article 24: Monitoring

It shall be the duty of the Board to ensure that all licensees comply with their licence conditions and, to this end, the Board may monitor licensees and undertake an investigation where it believes there may have been a breach of a licence condition.

Article 25: Sanctions

1. Where a licensee has operated in breach of its licence conditions, the Board may impose on it any appropriate sanction that might be imposed on a media outlet for breach of the Code of Conduct pursuant to the Media and Access to Information Law.
2. Where any body deliberately carries on an unlicensed broadcasting activity in contravention of sub-Article 9(1), or deliberately transfers a broadcasting licence in contravention of sub-Article 14(1), the Board may order the termination of that broadcasting activity, impose a fine and/or confiscate the equipment used in the illegal activity.
3. Failure to comply with an order of the Board under this Article shall be deemed to be contempt of court and, where a licensee fails within a reasonable time to comply with such an order, the Board may request the prosecutor to institute contempt proceedings.

Part X **APPEALS**

Article 26: Appeals

Any person aggrieved by a decision of the Board granting or refusing to grant a licence, renewing or refusing to renew a licence, imposing conditions as part of a licence, or imposing or refusing to impose a sanction on a licensee may appeal to the courts for a review of that decision.

Part XI **ESTABLISHMENT OF THE PUBLIC BROADCASTER**

Article 27: Establishment

1. The Somaliland Broadcasting Corporation of (SBC) is hereby established as a body corporate with perpetual succession and a common seal, which is tasked with undertaking public service broadcasting in Somaliland. SBC is a public institution which is accountable to the public through Parliament.
2. SBC shall enjoy operational and administrative autonomy, and editorial independence, from any other person or entity, including the government and any of its agencies, and no person or entity shall seek to influence the directors or staff of SBC in the discharge of their duties, or to interfere with the activities of SBC, except as specifically provided for by law.
3. SBC shall have all powers, direct or incidental, as are necessary to undertake its functions as provided for in this Law. In particular, it shall have the power to sue and be sued in its corporate name, and have full legal personality, including the power to acquire, hold and dispose of property.
4. All of the property currently vested in Somaliland National Television and Radio Hargeisa, including all rights to use frequencies and other intangible property, shall vest in SBC.

Article 28: Guiding Principles of SBC

1. SBC has an overall mandate to provide a wide range of programming for the whole territory of Somaliland that informs, enlightens and entertains, and that serves all the people of Somaliland.
2. SBC shall provide innovative, quality broadcasting, which reflects the range of views and perspectives held in society, and satisfies the needs and interests of the general public in relation to informative broadcasting.
3. To fulfil its public service broadcasting role, SBC shall strive to provide a broadcasting service that:
 - (a) is independent of governmental, political or economic control, reflects editorial integrity and does not present the views or opinions of SBC;
 - (b) includes comprehensive, impartial and balanced news and current affairs programming, including during prime time, covering national and international events of general public interest;
 - (c) provides equitable coverage of all political parties during elections and when covering matters of national interest;
 - (d) contributes to a sense of national identity;
 - (e) strikes a balance between programming of wide appeal and specialised programmes that serve the needs of different audiences;

- (f) provides appropriate coverage of the proceedings of key decision-making bodies, including the Parliament;
- (g) ensures the diffusion of important public announcements;
- (h) provides a reasonable proportion of educational programmes and programmes oriented towards children;
- (i) promotes programme production within Somaliland; and
- (j) contributes to informed debate and critical thought.

Part XII **STRUCTURE AND GOVERNANCE OF SBC**

Article 29: Board of Directors

1. SBC shall be governed by a Board of Directors with overall responsibility for SBC's accountability, through the Parliament, to the people of Somaliland.
2. The Board shall be composed of nine directors who shall have some relevant expertise, by virtue of their education or experience, including in the fields of broadcasting, policy, law, technology, journalism and/or business.
3. The directors shall be nominated as follows:
 - (a) two distinguished scholars nominated by the Minister of Information;
 - (b) two members of the public nominated by the Parliament who are persons of proven integrity and good repute;
 - (c) one lawyer nominated by the Somaliland law Society;
 - (d) one prominent writer or poet nominated by the Writers Union;
 - (e) one religious scholar nominated by the Minister of Religious Affairs;
 - (f) one journalist nominated by journalist unions; and
 - (g) one academic nominated by the Somaliland Union of Universities.
4. At least one of each of the individuals nominated under sub-Articles (2)(a) and (b) shall be women, and other nominating bodies shall advert to the importance of having equitable representation of women among the directors.
5. No-one may be appointed as a director if he or she:
 - (a) holds an official office in, or is an employee of a political party, or holds an elected or appointed position in central or local government, or is employed in the civil service or any other branch of government;
 - (b) has been convicted, after due process in accordance with internationally accepted legal principles, of a violent crime and/or a crime of dishonesty or theft, for which he or she has not been pardoned; or

- (c) holds interests in, or has relationships with, media or other interests which represent a conflict of interest with his or her duties as a director.
6. The directors nominated in accordance with sub-Article (3) shall be formally appointed by the Parliament, provided that the Parliament shall have no discretion to refuse to appoint individuals who are validly nominated in accordance with this Article.

Article 30: Independence of Directors

1. All directors shall be independent and impartial in the exercise of their functions and shall, at all times, seek to promote the Guiding Principles of SBC set out in Article 28.
2. Directors shall neither seek nor accept instruction in the performance of their duties from any authority, except as provided by law.
3. Directors shall act at all times in the overall public interest and shall not use their appointment to advance their personal interests, or the personal interests of any other party or entity.

Article 31: Tenure

1. Directors shall hold office for a period of four years, and shall be eligible to be re-appointed for a maximum of two consecutive terms.
2. A director may resign his or her office at any time by notice in writing to the Board.
3. A director may be removed by a two-thirds vote of Parliament where he or she:
 - (a) has failed, without a reasonable excuse, to attend three consecutive Board meetings;
 - (b) falls foul of the prohibitions in Article 29(5) and two months have passed without this being resolved;
 - (c) is no longer able to perform his or her duties effectively, whether due to physical or mental disability or any other cause; or
 - (d) acts in a manner which is clearly incompatible with the position of a director.
4. Where a director resigns or is removed in accordance with this Article more than six months before the expiry of his or her term, the authority which initially nominated him or her shall be promptly notified, and he or she shall be replaced in accordance with the process for appointing directors set out in Article 29.

Article 32: Remuneration of Directors

1. Directors shall receive such remuneration for their work as Parliament may approve through the process of approving the SBC budget.
2. Directors shall be compensated for actual expenses, including travel, accommodation and subsistence, incurred as a result of their duties as directors.

Article 33: Role of the Board of Directors

1. The Board of Directors has overall responsibility for the determination of internal policy, for ensuring compliance with all policies and the Guiding Principles of SBC set out in Article 28, for ensuring that SBC meets the highest standards of probity and value for money, for appointment of the managing directors of both Somaliland National Television and Radio Hargeisa, and for setting the overall strategy of SBC.
2. The Board of Directors shall not interfere with the day-to-day management of SBC or with the editorial independence of the managing directors and their staff, although it does have responsibility for ensuring that, overall, editorial policy respects the Guiding Principles of SBC set out in Article 28.
3. The Board of Directors shall, after consultation with the managing directors, approve the Statutes of Somaliland National Television and Radio Hargeisa, which shall, in accordance with this Law and other relevant legislation, establish policies, operational guidelines and procedures.
4. The Board of Directors shall, after consultation with the managing directors, prepare a consolidated Annual Report and consolidated budget for SBC, which shall be presented to the Parliament for its approval.

Article 34: Rules of Procedure

1. The Board of Directors shall appoint its own chairperson and vice-chairperson from among the directors, and shall adopt such rules, in relation to meetings and other matters, as it considers necessary and appropriate to enable it to perform its functions.
2. The Board of Directors shall meet as often as it deems necessary and shall, in any case, meet at least once every two months. Meetings of the Board of Directors shall be convened by the chairperson, provided that the chairperson shall be required to convene a meeting at the request of not less than three (3) directors. The time and place of the meeting shall be notified to the directors at least ten days before the meeting, provided that in case of an emergency, a shorter notice may be given. The quorum for meetings of the Board shall be five.
3. The managing directors of both Somaliland National Television and Radio Hargeisa shall attend Board of Directors meetings as non-voting members, except where the Board has specifically ruled otherwise.

4. Except as otherwise provided, the Board of Directors shall take decisions on the basis of a majority vote of the directors present, provided that in case of an equal vote, the chairman shall have a deciding vote.

5. Minutes of all meetings of the Board of Directors shall be recorded and kept in a form approved by the Board of Directors. The minutes shall be submitted to the Board of Directors for confirmation at its next meeting.

6. A director who is present at a meeting of the Board and who has, directly or indirectly, an interest in a matter under discussion by the Board shall disclose the fact and nature of his or her interest to the Board as soon as practicable after the commencement of the meeting, and he or she shall not take part in any consideration or discussion, or vote on any question relating to that matter. The disclosure of interest made by the director shall be recorded in the minutes of the meeting.

Article 35: Appointment of the Managing Directors

1. The Board of Directors shall, as soon as is practical after its establishment and by a vote of at least two-thirds of the directors present and voting, appoint managing directors for both Somaliland National Television and Radio Hargeisa and may, by a similar vote, remove a managing director from office, provided that it agrees at the same time on a replacement.

2. The provisions of Article 29(5) shall apply, mutatis mutandis, to the managing director.

3. The Board of Directors shall not exercise its power to remove a managing director from office under sub-Article (1) unless the managing director has breached the provisions of Article 29(5) or he or she has committed a serious violation of his or her responsibilities under this Law, including by failing to respect the Guiding Principles of SBC set out in Article 28, or to advance the interests of SBC.

4. A managing director shall have the right to appeal any removal from office under this Article to the courts.

5. Managing directors shall be appointed for a five-year period and may be reappointed. If no successor has been appointed at the end of the tenure of a managing director, that person shall remain in office for up to an additional three (3) months until a new managing director has been appointed.

6. The managing director shall, subject to Article 33, be responsible for day-to-day management and, along with his or her editorial staff, editorial policy.

Article 36: Staff

1. The managing directors shall, in accordance with the approved budget, appoint such staff as may be required to enable SABC to fulfil its mandate.
2. The managing directors and staff shall neither seek nor accept instruction in the performance of their duties from any authority other than the Board of Directors, except as provided by law.
3. The managing director and staff shall not use their appointments for personal benefit, or for the benefit of any party or entity other than SBC.

Article 37: Funding

[NOT SURE WHAT TO PUT HERE – HOW IS IT FUNDED?]

- include reference to budget approval by Parliament

**Part XIII
ACCOUNTABILITY OF SBC**

Article 38: Annual Report and Audited Accounts

1. The Board of Directors shall submit the books and accounts of SBC to the Auditor General within three months after the end of each financial year, to be audited.
2. The Auditor General shall audit the accounts of the Board within three months of receiving them from the Board, and shall lay the audit report before Parliament.
3. The Board of Directors shall publish and distribute widely an Annual Report, along with externally audited accounts, for SBC. Each Annual Report shall include the following information:
 - (a) a summary of the audited accounts, along with an overview of income and expenditure for the previous year;
 - (b) the budget for the following year;
 - (c) information relating to finance and administration;
 - (d) the objectives of SBC for the previous year, the extent to which they have been met and its objectives for the upcoming year;
 - (e) a description of the editorial policy of SBC;
 - (f) a description of the activities undertaken by SBC during the previous year;
 - (g) the programme schedule and any planned changes to it;
 - (h) a list of programmes broadcast by SBC that were prepared by independent producers, including the names of the producers or production companies responsible for each independent production;
 - (i) recommendations concerning public broadcasting; and

- (j) information on complaints by viewers.
3. The Board of Directors shall formally place the Annual Report and externally audited accounts before the Parliament for its consideration.

Article 39: Annual Review

1. The Board of Directors shall conduct an annual review of the managing director with a view to assessing his or her performance and to providing feedback on it.
2. The annual review referred to in sub-Article (1) shall be published and widely disseminated.

Article 40: Public Review

In order to ensure transparency and to improve its service in the public interest, SBC shall make an effort to ensure that it remains under constant review by the public, including by holding public meetings and seminars to look at ways it might better serve the public interest.

Article 41: Archives

1. SBC shall establish a broadcasting archive, maintaining a store of material that is likely to be of historical interest to the people of Somaliland.
2. SBC shall, within its resources, endeavour to make as much of this archival material as possible available over the Internet.

**Part XIV
FINAL PROVISIONS**

Article 42: Institutional Arrangements

Broadcasters already in existence on the date this Law comes into force shall make any necessary adjustments to comply with the provisions of this Law within six months of that date, except as specifically provided for in this Law or pursuant to a decision of the Board.

Article 43: Rules and Regulations

1. The Board may, by notification published in the *Official Bulletin*, make rules and regulations for carrying out the purposes of this Law, provided that such rules and regulations may not be inconsistent with this Law.
2. In particular, the Board may make rules or regulations relating to:
 - (a) the process for assessing licence applications, pursuant to Article 11;

- (b) the schedule of licence fees, pursuant to sub-Article 18;
- (c) additional licence terms and conditions, pursuant to Article 19; or
- (d) the Technical Code, pursuant to Article 23.

Article 44: Repeals

Any law, decree, circular, or order which is in conflict with this Law shall, to the extent of that conflict, become deemed null and void when this Law comes into force.

Article 45: Coming Into Force

1. This Law shall come into force on the date of its signature by the President, after it has been approved by Parliament, and it shall be published in the *Official Bulletin*.
2. In any disputes about the interpretation and meaning of any provisions of this Law, the English language text shall be considered as the official one.