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Somalia: Analysis of draft Telecommunication Law

CLD recently published an analysis of the draft Somali Communications Act of 2012. The draft, which was prepared by the African Union/United Nations Information Support Team, at the request of the Minister of Information, Posts and Telecommunications, provides only a very framework set of rules for broadcasting, focusing instead largely on telecommunications. We understand that the idea is to adopt a full broadcasting law later on.

"We welcome the fact that the Government of Somalia has demonstrated an interest in developing a proper legal framework for telecommunications and broadcast regulation," said Toby Mendel, Executive Director of the Centre for Law and Democracy. *"They now need to translate that interest into concrete action by adopting laws which are in line with international standards."*

The draft Act has some positive features, including strong rules on openness and a recognition that regulation should be undertaken by an independent body. At the same time, it could still be improved. The practical guarantees for the independence of the oversight body should be strengthened, and Internet service providers should not be subjected to the same rules as more traditional telecommunications providers. Some of the rules on broadcasting in the draft Communications Act need to be clarified, and it is important to move beyond these, at least in due course, and to create a proper framework for broadcasting.

CLD calls on the Government of Somalia to make the adoption of progressive communications and broadcasting laws a priority.

The Analysis and a translation of the draft Law are available at: <http://www.law-democracy.org/?p=1975>.

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