

**FEDERAL REPUBLIC OF SOMALIA**

**FEDERAL GOVERNMENT OF  
SOMALIYA**

**MINISTRY OF POST,  
TELECOMMUNICATION AND  
TECKNOLOGY**

**NATIONAL TELECOMMUNICATION  
LAW 2017**

## PART 1

### DEFINATIONS AND OBJECTIVES OF THE LAW

#### ARTICLE 1

##### Definition of Terms

1. **Telecommunication Agency:** - refers National Telecommunication Agency.
2. **General Manager:** refers General Manager of National telecommunication Agency.
3. **Decision:** - refers a written decision produced by The National Telecommunication Agency.
4. **Conduct:** refers to regulations which regulate various permits that issued by the telecommunication Agency.
5. **License:** refers permits (License) issued by the National Telecommunication Agency, that allows providing the telecommunication services in accordance with this law.
6. **General License:** refers the permission with broad power of the telecommunication, like the network waves and national numbers.
7. **Licensee:** refers any Agency (entity) that has a permit issued by the national telecommunication Agency.
8. **National Code:** refers 252 (National Code).
9. **National Domain:** refers Dot.so (National Domain).
10. **Fibre Optic:** refers wires that carry internet and telecommunication waves.
11. **Telecommunication Radio Waves:** refers a part of radio waves that the Agency allocated for the telecommunication services.
12. **Strategy of National Numbers:** refers the chart of the telecommunication Agency which demonstrates the amount of telephone numbers.

- 13. Service Provider:** refers an organization authorized by the telecommunication Agency to supply telecommunication services.
- 14. Public Consultation:** refers the structure of consultation that based upon a transparent procedure that telecommunication Agency collects information related to the improvement of the telecommunication.
- 15. The public:** refers intellectual people like scholars, religious scholars, and civil society.
- 16. General Accessibility of Telecommunication Service:** refers accessibility of Telecommunication services to all customers of the Telecommunication, regardless of any environment whether it's far or close.

## **ARTICLE 2**

### **OBJECTS AND THE NAME OF THE LAW**

1. This Law is called the National Telecommunication Law, it's objective is:
  - a. To develop the National Telecommunication policy.
  - b. To introduce the regulation of Telecommunication Law that governs all existing sectors of Telecommunication in the Country.
  - c. To establish National Telecommunication Agency.
2. The specific purpose of this law is the regulation of the law, facilitating the technology and the telecommunication services includes: -
  - a. Facilitating and unifying the services associated with Telecommunication.
  - b. Enhancement of the Modern Telecommunication as to raise awareness of the society and usage internet services.
  - c. Keeping and protecting of personal privacy.
  - d. Facilitating the enhancement and utilizing all waves.
  - e. Facilitating and creating the modern sales related with the telecommunication service.

- f. Managing free-market of telecommunication services with fair competition.
  - g. Issuing Licenses and introducing implementing regulation of the Telecommunication.
  - h. Promoting the Open-Market, effective and fair in all telecommunications sections of Somalia, that to promote the freedom of speech and exchange of ideas.
  - i. Facilitating and encouraging the investment of Telecommunication Services in consideration of National Companies.
3. The Ministry and Agency shall recognize all prior agreements of this law entered by National Telecommunication Companies in accordance with the National Laws.

### ARTICLE 3

#### POWER OF LAW

1. This law will regulate all sections of telecommunication located in the territory of Somalia except telecommunications that is used by the army.
2. This law will protect the enhancement of telecommunication services considering public and economic needs of Somalia.
3. This law will apply and protect the rights of the telecommunication companies and related services.

## **PART 2**

### **ESTABLISHMENT OF NATIONAL TELECOMMUNICATION AGENCY**

#### **ARTICLE 4**

##### **FOUNDATION OF THE AGENCY**

To achieve the objectives mentioned in the article 2 of this law, this Law is enacted for the National Telecommunication Agency that will be responsible for administration and regulations of the National Telecommunication.

#### **ARTICLE 5**

##### **HEADQUARTER OF THE AGENCY**

The headquarter of the Agency will be in the Somali capital city of Mogadishu, however the Agency may have other branches in the regional governments, if necessary.

#### **ARTICLE 6**

##### **DUTIES AND POWERS OF AGENCY**

1. The Agency shall have authority to control National Telecommunication like issuing licenses and regulating all Telecommunication Services in the Somali territory in accordance with this law.
2. Not violating issues mentioned in the Para 1, the Agency shall have power to enforce the following issues:

- a. Can enter contracts, collect a debt, in accordance with the financial rules of the country.
  - b. Can have, possess, purchase, lease movable or immovable properties in accordance with the National Finance Law.
3. Shall give advise, drawing up subordinate Laws related to different sections of telecommunication and to participate its enforcement in consultation with relevant stakeholders (The Ministry and Service Providers).
4. Shall issue necessary regulations and decisions for enforcing its responsibilities and this law including technical regulations of the Agency.
5. Shall issue licenses and propose taxation on waves, sorting financial records, linking, monitoring networks, and telecommunication services.
6. Shall advise tariffs, numbers, and upgrading telecommunication competition.
7. Shall resolve conflicts among the companies by setting up a technical committee to mediate.
8. Shall protect customer rights with special consideration to:
  - a. Protect customer confidentiality and service information.
  - b. Tariff charges.
  - c. Facilitate accessibility of the service.
  - d. Quality and level of service.
9. The Agency shall take necessary steps in order to prevent whoever breaks and infringes this law in accordance with this law.
10. Drawing up rules and regulations, measurements, and the process of licensing networking, telecommunication service and usage of waves without any effect of the requirements laid down by this law.

## ARTICLE 7

### INDEPENDENCY OF THE AGENCY

1. The National Telecommunication Agency in an independence Agency when fulfilling its obligation in accordance with this Law, and no other governmental agencies can interfere. It has legal personality to sue or to be sued in its name in line with litigation procedure of other government agencies.
2. This Agency, like any other agencies of the country shall report to the Ministry of Telecommunication, however It is free to implement its duties as laid down by this law.

## ARTICLE 8

### BUDGET OF THE AGENCY

The budget of the Agency will be part of the overall budget of the government; however the Agency staff may be paid incentives from the Agency revenue credited to central bank of the government, that incentive not includes salaries and other remunerations.

1. The Agency is independent in managing its budget in compliance with government budgeting policies and procedures.

## ARTICLE 9

### STRUCTURE OF THE NATIONAL TELECOMMUNICATION AGENCY

The structure of the National Telecommunication Agency shall be as follows: -

1. Board of Directors (Golaha Maamulka).
2. General Manager.

3. Deputy Manager.
4. The Agency may have other departments which each assigned a particular task.

## ARTICLE 10

### THE BOARD OF DIRECTORS

1. The board of directors consist of nine (9) members : -
  - a. 2 members from the Ministry of post and telecommunication.
  - b. 4 members from telecommunication companies.
  - c. 1 lawyer from the office of the Attorney General.
  - d. Manager and his deputy.
2. The head of administration department of the Agency will be the Secretary of Board, and he will be responsible for minutes and communication of the board, information circulation to all members of the board, however he is not a member of the Board.
3. The minister shall appoint the chairperson from the members of the board in every four years.

## ARTICLE 11

### THE TERM OF THE OFFICE

Except the Manager and his Deputy, Members of the board shall hold position for four years, which can be renewed once.

## ARTICLE 12

### MEETINGS OF THE NATIONAL TELECOMMUNICATION BOARD



The board may have ordinary and emergency meetings, and may occur as follows:

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1. The ordinary meetings of the board shall take place one in every three months, if the board does not decide longer or shorter than three months.
2. The General Manager can request the Board an emergency meeting, if necessary, same as if two-third of the board agree to hold an emergency meeting.
3. The meeting is conveyed if five (5) members of the National Telecommunication Board and the General Manager are present, their decisions shall be taken (50+1) of the total members of the board and every member has the right to receive the meeting agenda at least 24 hours before the meeting time.
4. The Board can invite the minister and everybody who they might find is important for the meeting. No one is allowed to vote except members of the National Telecommunication Board.

## ARTICLE 13

### RESPONSIBILITY OF THE BOARD

The board is responsible for the following matters: -

1. To approve the budget and activity plan of the Agency after the General Manager proposes to the board.
2. To oversee the implementation of this law and the action plan that already approved.
3. To approve staff recruitments of the Agency when the Agency needs considering the qualification of the staff as well as the budget of the Agency.

4. To report to the ministry the management of the Agency if requested or so deems to be necessary by the board.

#### ARTICLE 14

##### MEMBERSHIP REQUIREMENTS OF BOARD

Anyone who is becoming a member of the Board of Directors is required to comply same requirements as the Board of the Agency Council, and they also lose their membership same as the Board members loss their membership.

#### ARTICLE 15

##### INCENTIVES OF THE MEMBERS OF THE BOARD

The job commitment of the Board is a part-time job and shall be recruited for it persons who have other jobs, and they shall be entitled incentives per meetings which shall be specified by regulations of the Agency for their entitlements per meeting.

#### ARTICLE 16

##### INFORMATION REQUEST

1. The National Telecommunication Agency can request the licensee who provides telecommunication services to assist information that is necessary for the performance of duties, and that is not disturbing any right of personal privacy in accordance with this law.
2. The Telecommunication Agency protects business secrets and other secret facts that are received from the companies in accordance with this Law and other laws of the Country.

## **PART 3**

### **RECRUITMENT AUTHORITY OF THE AGENCY**

#### **ARTICLE 17**

##### **AUTHORITY TO RECRUITMENT**

1. As stipulated in the law, the Agency has power to recruit any staff that is necessary for the activity of the Agency in accordance with civil servant law.
2. The Telecommunication Agency will draw up, implement human resource policies and procedures of the Agency; especially salaries, pension wages and other bonuses.
3. The Agency can review and consider wages and bonuses paid to staff members in accordance with the general policy of the government.
4. The conflicts of interest that mentioned in article 30 of this law should apply to all members of staff including top management executives of the Agency.

#### **ARTICLE 18**

##### **RIGHTS OF STAFF OF THE AGENCY**

All the rights and duties of the staff of the Agency shall be regulated by the civil servant law.

## ARTICLE 19

### THE PROCESS OF RECRUITMENT OF THE MANAGEMENT OF THE AGENCY

Members of the National Telecommunication Agency will be recruited in the same way of the senior officers of the government in accordance with the constitution and this law.

## ARTICLE 20

### REQUIREMENTS OF MEMBERSHIP OF THE AGENCY

1. Any member of the top management of Agency shall be Somali citizen.
2. Must reside in the Country and must be 30 years of age or above.
3. Must be physically and mentally sound and capable of fulfilling his duties.
4. Must not be convicted a crime against sate and must be regarded a good manner person.
5. Must be a university graduate and minimum experience of five years.
6. Has to have one or two of the following educational backgrounds: -
  - a. Legal .
  - b. Customer Care.
  - c. Telecommunication.
  - d. Information Technology .
  - e. Business administrative .

## ARTICLE 21

### REQUIREMENTS OF THE GENERAL MANAGER

Not violating requirements stated in article 12, the General Manager shall have master degree of one of the following fields: -

1. Telecommunication, Technology and related matters.
2. Business Administration (BA).
3. Sharia / Law.
4. Finance.

## ARTICLE 22

### RESPONSIBILITY OF THE MANAGER

1. Manager is the highest officer of the National Telecommunication Agency.
2. He is responsible for guiding and implementing daily-work of the Agency, maintaining that the Agency remains intact for achieving its objectives and implementing the Law and other subordinate regulations of the Agency .
3. He is responsible for the relationship between the Agency and other governmental institutions or private Agencies, to represent and speak on behalf of the National Telecommunication Agency.
4. He is responsible for supervising and monitoring the operational management of the Agency.
5. He proposes the budget of the Agency to the board to be discussed and approved before forwarding to the Ministry of Finance through Ministry of Telecommunication.
6. He proposes the work plan and short/long term strategy of the Agency to enhance technology sector.

## ARTICLE 23

### RESPONSIBILITY OF DEPUTY MANAGER

1. Represents the Manager while away or has circumstances that prevents to perform his duties.
2. Performs other tasks that the Manager delegates him.

## ARTICLE 24

### RESPONSIBILITY OF THE SECRETARY

1. Communicate to the members of the Board after the manager orders him.
2. Acts the Manager and Deputy for office operations as well as coordinate the office with other Agencies in accordance with this law.
3. Prepares meetings agenda of the Board of Directors after consultation with the manager and records the minutes of the meeting as well as coordinates and communicates to other members of board.
4. Records and protects board documents and the secrets of the Agency.
5. He's the officer of the Agency office when Manager and his Deputy are out of office, if no one else is temporarily delegated.

## ARTICLE 25

### LOSS OF RESPONSIBILITY

1. All senior managers and other members of the Agency can lose their positions in the same manner as they have selected or in the manner which compatible with the government Civil Servant law.
2. Apart from the matter prescribed in Para(1) of this article , the following circumstances can make their positions vacant: -
  - a) Death.
  - b) Resignation of member with acceptance of the Agency.
  - c) Permanent resides in another country.
  - d) In a poor condition which prevents performing his duties.
  - e) Failure to perform and abuses his authorities.

- f) Infringement of telecommunication Laws, regulations of the Agency as well as other laws of the Country.
- g) Dismissal of the senior members of the Agency shall take place in the same manner they have been initially selected.



## **PARAT 4**

### **DUTIES AND COLLABORATIONS**

#### **ARTICLE 27:**

##### **OBLIGATIONS OF THE MINISTRY**

Duties of the ministry in consultation with, which consulting with ministry of post and telecommunications of federal members states are:

1. To prepare, exhibit public policy and design national plan of telecommunication in consultation with other stakeholders.
2. To develop strategic policy of the telecommunication to enlarge the scale of telecommunication service as well to encourage socio-economic development of the country.
3. To encourage domestic telecommunication companies to be provided an education opportunities including higher education of telecommunication and information technology.
4. To oversight and hold the national telecommunication companies accountable.
5. To raise awareness of the public about the knowledge telecommunication and modern technology in order to contribute economic growth, social development and raising awareness about civilization of the society.
6. To preserve the availability of the telecommunication and internet.
7. To supervise national telecommunication companies.

#### **ARTICLE 28:**

##### **COLLABORATIONS OF THE MINISTRY AND THE AGENCY**

1. The telecommunication Agency shall plan the development of the telecommunication of a country in line with the policies of the ministry of post, telecommunication and technology.
2. The minister and council of ministries shall respect the outcome of public consultation in setting, formulating and amendment of the strategic policies of the telecommunication as indicated in the article 27 of this law.
3. When delivering its duties concerning the telecommunication, the ministry shall safeguard the independence of the telecommunication Agency to perform its duties implement this law.

#### ARTICLE 29:

#### THE RESPONSIBILITY OF MINISTER

The minister or his representatives with full respect of articles 27 and 28 of this law, shall the following responsibilities:-

1. Formulate, review and take general decisions on national telecommunication aiming to enhance revenues, consumption of the telecommunication service and promotion and development of the social service.
2. To negotiate and enforce telecommunication treaties entered between Somalia and other states or international organizations.
3. To represent Somalia in international forums concerning telecommunication agreements.
4. To assist the Agency to have its existence and to get fund to develop the sector, to get qualified staff of the telecommunication, training materials and to have a conducive office to operate fully.

## **PART V**

### **CONSULTATION WITH TELETELECOMMUNICATION COMPANIES**

#### **ARTICLE 30:**

##### **CONSULTATION PROCEDURES**

1. The Agency may organize:
  - a. Consultation between the Agency and companies is baseline of collaboration between the two to achieve the ambitions and goals towards obtaining a reliable telecommunication service and to satisfy public needs as well as to have joint collaboration for the purpose of developing the sector.
  - b. The Agency may hold general consultations concerning recommendations from the ministry to formulate a general policy of the government relating to telecommunication, if the Agency deems it necessary for the companies to contribute.
2. The consultation with the companies shall be transparent for the purpose of promoting public interest and building confidence between the government and companies operate in sector.
3. It is prohibited during consultation to discuss personal information of a customer save only between service provider and the Agency and if only public safety at stake, and first priority should be given to the privacy of the customer.
4. The Agency shall record in writing all ideas and recommendations from consultation and share with the companies. A copy of consultation recommendations may be given If any particular person interests it and charge a fee equivalent to printing expenses which is not profit in nature.

#### **ARTICLE 31:**

## CONSULTATION REQUIRMENTS

1. The Agency may receive only written consultation or fully or partially.
2. The Agency may hold consultation meeting notifying the companies in writing which contains the following components:
  - a. Commencement time of the consultation
  - b. Objectives of the consultation and agendas to be discussed
  - c. Time line for receiving recommendations and all the relevant attachments.
  - d. To attach all written supporting documents if any interested to send a recommendation.
  - e. To attach any report which the Agency seems necessary to be discussed
  - f. The Agency shall insure the notice is served to the companies within the appropriate time.
  - g. The Agency shall consider the recommendations from the consultation with the companies considering the agreed needs in accordance with legal procedure of this law.

## ARTICLE 32:

### THE WEBSITE OF THE AGENCY

1. The Agency shall create the official website to publish all its progress and activities.
2. The Agency shall periodically publish all records, official publications, and non-private records and publication as regulated in this law.

3. A copy shall be given to anyone who interests but shall pay a reasonable service charge as decided by the Agency within the framework of this law.

#### ARTICLE 33:

##### THE DECISION MAKING OF AGENCY

1. The Agency shall ensure that all its decisions taken in transparent manner.
2. The Agency shall allow to the companies to participate in the consultation and listen to anyone who interested such customers and public and to respond effectively safeguarding public interest and the implementation of the Telecommunication law.
3. Every matter brought before the Agency, the Agency shall respond in writing detailing steps taken and in manner consistence with the information available to it.
4. The decisions of the Agency can be taken in accordance with existing circumstances and this law.
5. The Agency can refuse any action or application not in accordance with this law with reason.

#### ARTICLE 34:

##### REVIEW OF THE AGENCY'S DECISIONS

1. Anyone who is affected decisions made by the Telecommunications Agency, may request from the Agency to review its decision.
2. With regard to all revision requests applied , the Agency shall notify to all interested parties concerning decisions previously referred to the Agency for review, in consideration all relevant parties

3. Anyone who is affected decisions made by the Agency can appeal to the competent court.
4. The Court shall have the authority to affirm, amend, or refuse decisions of the Agency in accordance with this Law and other laws of the country.

ARTICLE 35:  
CONFLICT OF INTEREST

The officials of the Agency and any of its employees are prohibited to involve any action contrary or affects decision making of the current agendas or affects his overall responsibilities of the Agency such as :

1. Special economic interests
2. Financial interests related to their spouses, any member of their family or relatives.
3. Financial interests of their business associates or partnership individuals.
4. Financial interest of any organization which he is a shareholder, owner, or a representative.
5. Any financial interests or employment or promise of employment or agreement with any organization. Two options are available if the following circumstances arises:
  - a. No to participate in the discussion of the agenda concerned which is tabled before the agency.
  - b. To resign from the current conflict of interest position with reasons.

6. It is prohibited from the General manager or members of the Board to have direct ownership of company under the authority of the Telecommunication Agency.

**PARTVI:**  
**MANAGEMENT OF FREQUENCIES**

ARTICLE 36  
ALLOCATION AND LICENSING OF FREQUENCIES

1. The minister can delegate to the Agency to represent meeting with international organizations and organizations from neighboring states.
2. The Telecommunication Agency is responsible in planning, managing, allocating and supervising the usage of waves and internet of the country.
3. The Telecommunication Agency will have a power to implement this law, telecommunication agreements committed with the region and the globe in compliance with this law.

ARTICLE 37:  
MANAGEMENT OF RADIO FREQUENCIES

With exception to the powers given by media law-the Minister of Information- the Telecommunication Agency by carrying out its duties towards managing radio frequencies, it is responsible the following matters:

1. Promotes usage of waves of radio frequencies in systematic and scientific manner in order to satisfy service provider waves of frequencies allocated to, and use it in accordance with distribution of the Agency.
2. Issues license of radio frequencies and view of the TV.



3. Develops latest service by using radio frequencies.
4. Formulates competitive trade based on fair and transparent upon advertisement and providing radio frequency service in accordance with this law.
5. Implements and plans current and potential needs, and other issues that are considered necessary.

## ARTICLE 38

### VERIFICATION OF DATA ALLOCATED AND ISSUING FREQUENCIES

The Agency shall respect all data relating allocating and issuing radio frequencies and all information that the Agency deems necessary in managing radio frequencies except information relating to national security. The Agency shall make all information mentioned in this article available in public domain, and all information have to be published on the website of the Agency.

## ARTILCE 39

### ALLOCATION AND ISSUING FREQUENCIES SCHEDULE

- 1 .The Agency shall plan and manage allocation and issuing national frequencies in accordance with this law.
2. The Agency shall recognize telecommunication frequencies that the current companies were already using in compliance with this law.
3. The Agency shall allocate and issue frequencies to the following users:
  - a. National security institutions
  - b. Fire-fighting and public safety institutions.

- c. Media Houses
  - d. Telecommunication companies
4. The minister may request from the Agency to provide a detailed allocation schedule.
  5. The allocation schedule shall take effect upon approval of the Agency, and it should be published on the website of the Agency for the public to see it if any wants.
  6. with regard to Para2 of this article and article 33, the Agency shall respect matters related waves frequencies of the national telecommunication already in use in compliance with this law.

## ARTICLE 40

### PROCEDURES TO USE WAVES

1. The Agency is managing the radio waves and their allocation as indicated in the article 5 of this law, for the purpose of protecting the practice and ensuring that any service provider uses the purpose provided and included in the designated category.
2. The Agency may undertake open consultation under this law, and its purpose is to make regulation on licensing and use of the waves.

## ARTICLE 41

### CHARGES THE USE OF FREQUENCIES

1. Anyone who wants to use the radio frequency, TV, telecommunications, and the same thing that needs to be used in specific waves, is to take the

Licensing waves, and telecommunications license. For those who already in use for such services, they must adapt its service to this law.

2. The National Telecommunication Agency shall limit the fees for issuing License, in consultation with the Ministry of Postal, Telecommunications and Technology and the Ministry of Finance, and consideration shall be given the status of the service providers.
3. The Agency's fees are as set out in paragraph 1 of this law and confirms;
  - a. The telecommunications service providers shall contribute the country's economic development and the development of telecommunications, ensuring that the community is benefiting from its economic revenue.
  - b. Fees paid by the service providers are deposited in the government treasury account in accordance with the public finance law of the country.

## **PARTVII**

### **LICENSES**

#### **ARTICLE 42**

##### **LICENSE**

1. No one is allowed to work for a Network of telecommunication using the radio waves of the media station, or providing a telecommunication service in Somalia without the license of a telecommunication service provider.
2. The Agency shall issue telecommunication license that authorizes the delivery of telecommunication services in accordance with a special license and general license in accordance with the licensing requirements and the institutional arrangements.
3. The Agency shall publish on its website a list of qualified service providers that are eligible for public and private licenses.
4. When the Agency decides who is eligible for general or specific licenses, shall also insure that will be no effect to anyone who has previously received a license for providing such service at the time of decision.
5. The licensee who has not been used the license that he has been granted for providing service for a period of six months, his license shall expire without compensation.

#### **ARTICLE 43**

##### **LICENSE PERMIT PROCEDURE**

1. The Agency shall issue general license for telecommunication service in a certain period under this law.

2. The telecommunication licenses application procedure shall be written and addressed to the Agency in the manner provided by the Agency for issuing licenses and to attach required information and receipt of payment of fees pursuant to this law.
3. The Agency shall give a written response to the applicant concerning his application within 14 working days from the date of the application received.
4. If the Agency decides not to grant license to the applicant shall notify the applicant in writing within 14 days and explain the reasons for the decision in detail in accordance with this law and other laws of the country.
5. The general license issued under this law, if not revoked in writing, shall be valid until it expires.
6. The license is issued by the Agency pursuant to this law cannot be transferred or sold to any person or company without written permission from the Agency.

## 1

### ARTICLE 44

#### ISSUING THE GENERAL LICENSE

1. General license telecommunication service is issued by general authorization license system.
2. Waves and numbers of telecommunications.

3. The general license shall be issued to the applicant when he fulfills the requirements set out in the issuing general license provided that the telecommunication Agency may request further information.
4. The applicant shall complete an application form of general license designed by the Agency.

#### ARTICLE 45

##### TIME LIMIT GENERAL LICENSE

The time limit of the general license shall be regulated by the Agency in consultation with the Ministry of Post, telecommunication and technology with a special consideration to the service providers.

#### ARTICLE 46

##### THE CHARGES OF GENERAL LICENSE

The charges of the general license shall be determined by the council of ministers after the proposal of the Minister of Postal, Telecommunication and Technology considering the international standards and special circumstances of the country with due regard to financial management of the country, and if required further information can be obtained from the National Telecommunication Agency.

#### ARTICLE 47

##### RENEWAL OF THE LICENSE

1. The Agency shall renew the license upon the request of the licensee and adhere to all the terms of previous conditions which the license is granted under this law and Agency regulations.
2. The licensee shall request for renewal before the previous license expires.
3. If the license exceeds the time limit for its renewal, the licensee shall be considered for his reasonable delays ,if otherwise , the licensee fails to provide a reason for the delay, he shall be subjected to a fine as stipulated in the regulation of the Agency .
4. In the event that the Agency fails to renew a license, the licensee can carry on his license in accordance with terms previously granted until the Agency decides otherwise .
5. Whenever the Agency rejects an application license or imposes fine on the licensee who violated the license requirements which has been granted under the terms of this law, the fine decision shall be in writing.
6. Renewal of the general license shall be made in accordance with the procedure laid down in this law.
7. The Agency shall consider the existence of National Telecommunication companies operating in the country before Telecommunication law until they are made comply with this law.

## ARTICLE 48

### WITHDRAWAL OF THE LICENSE

The licensee may withdraw his license to the Agency by submitting a written notice at any time in accordance with this law ,and his withdrawal shall not be valid until the Agency receives a written communication from the licensee.

## ARTICLE49

### REVOCAATION OF THE LICENSE

The Agency may suspend or revoke the license previously granted in writing if the followings so arise:

1. If the licensee fails pay a fine for a violation of the telecommunication law. His license may be revoked.
2. If he fails or does not comply with the restrictions imposed by the Agency in accordance with the provisions of this law, the Agency may revoke his license.
3. If he is not dissatisfied with the decision of the Agency to revoke the license, he can appeal to competent court in accordance with Somali law of the organization of the judiciary.
4. The Agency may also revoke the license if the licensee fails to pay the license fee.



**PART VIII:**  
**NETWORKING OF THE TELECOMMUNICATION SERVICE**  
**COMPANIES**

ARTICLE 50

NETWORK REQUEST

1. If a service provider with a telecommunication service license request network from another telecommunication service provider company shall be done in accordance with this telecommunication law and the agreement between the two companies.
2. The networking of telephone telecommunication service is considered a public interest and it's necessary to establish a network of various telephone service provider companies in order to facilitate the community to use one SIM card to communicate with telephone service provider companies in the country.

ARTICLE 51

CONDITIONS OF NETWORKING

1. All companies networking shall be in writing and comply with the provisions of this law and Agency's regulation.
2. Networking requirements of the telecommunication companies shall be decided by networking companies, but the Agency may intervene in consultation with the ministry and compliance within this law.

3. If the Agency finds the entire agreement or part of the agreement does not comply with the provisions of the law or regulation of the Agency it may compel the companies to comply the law and other laws of the country.
4. If the parties fail to agree or come to delay an agreement, the Agency may interfere and resolve the matter under dispute in accordance with the law.
5. If either party is not satisfied decision of the Agency, he may appeal to the competent court.
6. If a company fails to pay fee charge born by networking agreements it shall be applied to this law and the Somali Civil Code.

## ARTICLE 52

### REGISTRATION OF NETWORKING AGREEMENT

1. All service providers shall register at the telecommunication Agency any agreement connecting the companies for period of 30 days from the date of signing the agreement.
2. Contracting parties must submit network agreement to the Agency that the service providers entered.
3. After the Agency evaluate the terms of the contractual agreement and cost of the interconnected costs incompatible with law or regulation of the Agency may request to the parties to revise the agreement and arrange it.

## ARTICLE 53

### REGULATING OF NETWORK AGREEMENTS

1. The Agency shall introduce regulation related to networking companies.
2. The networking regulation of the Agency shall specify the following issues:
  - a. Time and negotiation of concluding the agreement.
  - b. Quality and service level.
  - c. Procedure of charging tariffs
  - d. Maintaining private ownership.
  - e. Maintaining business intelligence.
  - f. Facilitate the networking parties.
  - g. Limit networking charges of tariffs if the parties disagree.

#### ARTICLE 54

#### CANCELLATION REQUIREMENTS OF NETWORKING

1. Parties entered the agreement of networking shall not terminate their contract without the written permission of the Agency.
2. The Agency encourages cooperation of telecommunication service providers.
3. If the parties fail to agree on the matters mentioned above, the telecommunications Agency may intervene to resolve those matters and considering public interest.

**PART IX**  
**PROVISION OF NATIONAL CODE**  
**ARTICLE 55**  
**ALLOCATIONS AND DISTRIBUTION OF CODES**

1. It is forbidden to use the national codes without license by National Telecommunication Agency in accordance with the law.
2. National code 252 and national identification dot so (domain), is the Government property which National Telecommunication Agency is responsible and managed in accordance with the law with due regard to international and regional laws.
3. The National Telecommunication Agency shall define procedure to use National codes, therefore, any telecommunication company may request its need.
4. The National Telecommunication Agency shall have responsibility to protect and create regulations towards allocating and distributing National Codes as well as internet websites which will facilitate in providing telecommunication service.
5. All service providers which have telecommunication license shall have a right to be given a sufficient code fit for their needs in order to provide the telecommunication services, after application and satisfying all requirements as prescribed by the law.
6. This law defines the rejection procedure partially or completely towards applications related to use of codes and registration of names internet service providers if the following matters arise;
  - a) If the applicant does not have a license to provide telecommunication and internet services.
  - b) If the applicant does not comply the national coding policy.
  - c) If evident that the applicant license does not comply with the law and requirements of the National Telecommunication agency.
  - d) If the purpose of coding request is ganger to the existence of telecommunication companies and national security such as fraud.

- e) If the purpose of coding request is not explained in the application of the applicant company.

## ARTICLE 56 REJECTION OF THE APPLICATION

1. If the Agency rejects an application request or registration of internet service provider in accordance with regulations of the agency law, the decision of the Agency shall be in writing with reason of rejection.
2. The applicant may request from the Agency to revise the decision of rejection of his application.
3. The applicant can re-apply the codes or registration of internet service by re-adjusting the articles and reasons for rejection in a manner pursuant to the guidelines of the agency.
4. If the agency rejects the application again, the applicant will complain to the competent court.
5. It is forbidden to issue license relating to the codes and registration of internet providers with intention of fraud and corruption.
6. The Agency shall have a right to suspend use of codes and registration of internet due to fraud.
7. Anyone who uses the internet codes with purpose of fraud is subject to Somali Criminal Law.

## ARTICLE 57 CHARGES ON CODES REGULATION

The agency may introduce regulation which is to develop the objectives of this law and fee charges on numbers and internet service in collaboration with the Ministry with due regard to National Telecommunication Policy.

## ARTICLE 58 LIST OF NUMBERS OF SPECIFIC SERVICES

1. The agency has a power to make regulation on numbers of specific service which is required by service providers to implement it with due regard to public and private interest and any other necessary public matters.
2. If the Agency makes decisions towards the service providers to provide their customers general codes in emergency situations which can be used in

all Somalia in order to encourage the public order, the service providers should provide emergence numbers which can operate throughout the country.

3. The agency shall also take a necessary steps to encourage and speed up building the infrastructure plan for emergency numbers which simplifies to the society able to use throughout Somalia.

**PART X**  
**RIGHTS OF TELECOMMUNICATION COMPANIES AND CUSTOMERS**  
**ARTICLE 59**  
**PROTECTING THE RIGHTS OF THE NATIONAL TELECOMMUNICATION**  
**COMPANIES.**

1. It is encouraged to protect rights of National Telecommunication Companies and generally national investors and also to protect their rights and existence.
2. The agency shall protect from the National Telecommunication Companies to be destroyed because of illegal competition from foreign investment.

**ARTICLE 60**  
**PERMISSION OF TELECOMMUNICATION WAVES AND EQUIPMENTS**

1. The Agency may issue license to use Waves of frequencies.
2. The agency shall have right to advice and facilitate of the telecommunication equipment that are brought to the country by the Telecommunication service companies.
3. The Agency, through implementing this responsibility, shall conduct public consultations with the telecommunication companies to have common understanding the quality assurance of telecommunication equipments and recognized in Somalia.
4. The National Telecommunication Agency shall register companies with quality assured equipments. The national telecommunication companies can propose to change or include some amendment to the quality assurance company.
5. Any citizen can bring telecommunication equipment ,however, shall request license to deliver the telecommunication equipment in compliance with requirements in place, and shall pay charge fee limited by National Telecommunication Agency

**ARTICLE 61**  
**THE RIGHT TO PASSAGE OF THE SERVICE PROVIDER**

1. Licensed telecommunication service provider shall have a right in accordance with law to pass capable through land anywhere in the country

specially during the construction, repairing or operates in the areas where he has been obliged to deliver telecommunication service.

2. Licensed telecommunication service provider shall have a right in accordance with law to pass capable through private land with request and agreement with the owner at the same time the owner has to accept the request in a manner consistence with the National Telecommunication Law.
3. Licensed telecommunication service provider shall indemnify damages of private and public properties.
4. The Agency may introduce regulation to indemnify damages caused by right of passage permitted against land, air and public interest.
5. The agency shall listen, decide any disagreement concerning the right of passage by service provider.

## ARTICLE 62

### AVAILABILITY OF ADEQUATE TELECOMMUNICATION SERVICE

1. The service providers with help of national telecommunication agencies shall operate to reach people's need of the telecommunication especially, cities, villages, rural areas as well as anywhere that telecommunication needs exist.
2. The national telecommunication agency is responsible for facilitation and distribution of telecommunication services that community is need of to get the telecommunication service widely.

## ARTICLE 63

### COMPETITION FOR TELECOMMUNICATION MARKET

1. The Telecommunication service provider is allowed for competitive market which is free with due respect to the telecommunication law.
2. The agency shall supervise, take a decision and ensure that all service providers comply with the free competition and regulations and procedure that established by this law and code of conduct of the Agency with due respect to justice system.
3. The agency shall insure that telecommunication service providers comply free and open market competition, ownership right and management of telecommunication centers.

## ARTICLE 64

### MISUSE OF POWER OF THE MARKET



1. It is prohibited from every licensed telecommunication service provider by the Agency to act in a manner in compatible with free market telecommunication competition in the country.
2. It is prohibited from licensed telecommunication service provider by the Agency to enter agreements or promises in compatible with free market telecommunication competition in the country.
3. If the Agency finds , after a hearing and consultation with the public in accordance of this law, the telecommunications service provider has violated with the purpose of infringing loss of property in the telecommunications market, the Agency may take the following steps:-
  - a) Imposes fine limited by the Agency taking into account the damage caused to the market as stated in this law.
  - b) If the Agency finds that the damage caused by the incident can cause damage to another person, it might be referred to the competent court to determine the extent of the alleged offense, the appropriate punishment as well as to limit the compensation of the damage.

## ARTICLE 65

### CENSURSHIP

Companies shall be responsible for ethics of the service they provide and censure users who use un Islamic and against tradition.

1. The good discipline is a measure of good behavior in the society and the principles of Islamic sharia.
2. Anything that is opposing to the moral traditions of the Islamic Shari'ah and the principles of Islamic Sharia is a bad behavior, and companies can hold accountable anyone who violates a code of conduct that may impede the use of the service if violator fails to stop the use against the moral conduct.
3. The Companies shall notify their decisions or actions against the perpetrator in writing to the Agency.

## ARTICLE 66

### NATIONAL SECURITY

1. Each licensed is obliged to maintain national security, and shall comply with the requests of the agency in accordance with the laws of the country.
2. If there is investigation for national security reasons, it may be requested from the company number of customer provided that the National Telecommunication Agency or other security agencies request in writing, and if further information is required that shall be done through competent court. It is responsibility of the licensee to safeguard confidentiality of the information requested and not to be shared to someone else.
3. In case of national security investigation it shall be considered security situation in the country and protect private rights of citizen.

## ARTICLE 67

### SIMCARD REGISTRATION

1. The Telecommunication companies shall register all telephone SIM card holders and those who will be given to when this law comes into force, to insure ownership and rights of the client.
2. To implement terms set out in paragraph1 of this Article it is necessary for the client to have personal identification.

**PART XI**  
**ARTICLE 68**  
**IMPLEMENTATION OF THIS LAW**

1. The agency has the power to implement this law and regulating code of conduct of national telecommunication agencies, however, considering the special circumstances in the country, the agency and service providers are working together to fully implement this law.
2. The agency has the authority to monitor compliance of the regulation of the Agency.
3. The Agency shall operate in transparent manner and in accordance with this law.
4. The Agency has a power to impose fine on infringers of this law.
5. The Agency shall enforce international or regional telecommunication agreements which Somalia is a part

**ARTICLE 69**  
**TRANSITIONAL PROVISION OF THIS LAW**

No one may be subjected to any fines due to the actions that had been made in accordance with this law which happened before enactment of this but shall be aligned to this law after its enactment..

**ARTICLE 70**  
**REPEAL**

It has been repealed any law contravenes to this law or against this Law.

**ARTICLE 71**  
**ENFORCEMENT**

This law will enforce after the House of People approve s and the president sign it and publish it in the official bulletin of the federal republic of Somalia.

**END**