

# THE REPUBLIC OF SOMALILAND HOUSE OF REPRESENTATIVES

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## Public Accounts Committee

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Workshop Report  
On  
Establishment of Good Governance and Anti Corruption Commission bill

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## Introduction

Somaliland House of Representatives was elected on the late 2005; the House has eight sub committees each committee has specific sector to consider.

The Public Account Committee is among the House sub committees, the role and responsibility of this committee are:

- ✓ To oversight national asset spending.
- ✓ To consider and ensure whether there is an effective and efficiency laws to combat against corruption.
- ✓ To receive and review the Auditor General Reports and summon anybody who is suspected of any misuse of public funds and public money.

## Corruption Overview

Corruption is one of the bad practices that causes misappropriation of public funds, public money, and Somaliland government is eager to combat corruption practices and for this reason the House of Representatives passed Law No: 38/2007 to combat against corruption and its influence in both public and private sector. The Government of Somaliland also established the a new Commission for Good Management and Ant Corruption, bearing in mind that corruption and mismanagement have cause and effect relationship. The House of Representative also have a separate Committee to address and oversight corruption practices in Somaliland, for this reason the Cabinet of Ministers passed a new law to establish an independent Commission for Good Governance and Ant Corruption, this law must be passed by the House of Representatives in order to be enacted as a law, this workshop was to evaluate, comment, analyze the establishment of the Commission , thus the Public Accounts Committee of the House hold this workshop with for the main stakeholders.



## 1. Specific Objectives:

The following specific objectives:

1. To discuss the bill for the establishing of Good Governance and anti Corruption Commission “GGACC”.
2. To make comparison of the both bills which from first GGACC and consisted 54 articles and the other one is from the cabinet “*second draft*” and consisted 18 articles.

## 2. Workshop Participants

Seventy members from the both Houses of Parliament “House of elders and House of Representatives”, members from the Good Governance and Anti-Corruption Commission , house legal advisers, UNDP Officer, civil societies, University students , business companies, women lawyers, women organizations, Auditor General, officers from Ministry of Finance, attended this three days workshop held in Maansoor hotel Hargeisa Somaliland.

### OPENING REMARKS

Recitation of Quran Honorable *Ahmed Mohamed* “ Waysocade”

**Mr. Hussein Abdilahi Jama**

“Deputy of Good Governance and Anti Corruption Commission”

As the members of the Good Governance and Anti Corruption Commission (*hereafter referred as GGACC*) we were setting the chairs by nomination of the president but the parliament was elected independently by the People, we hope you will produce an effective bill.

**Rt. Hon. Abdirahman Mohamed Abdillahi,**  
“Speaker of the House of representatives”



He said I am greeting all honorable MPs, UNDP Officer, and the respectable Participants Today here, we invited to you as stakeholders to discuss the establishment bill for good governance and Anti-corruption Commission , it's our house “Representatives” culture to invite the stakeholders on every draft before it go to the Chamber.

I hope, you will contribute this bill a major legal issues during this three days discussion and we hope as the house of representatives to approve this bill inside this session, we are seriously need your contributions.

I thankful the public account committee and UNDP office.

**Mr. Hassan Mohamed Farah**  
“House legal Adviser”

Today here we come to discuss GGACC bill, the establishment bill for good governance and anti-corruption committee, during the three days debate we will explain the power for GGACC and the limitation of its power.



- This draft here on the table was from the cabinet, they approved this bill which the GGACC submitted before them.

- The GGACC submitted the cabinet a draft of bill which consists 54 articles but after the cabinet was re-arrange and submitted the House of Parliament a draft which consists 18 articles and has not more sense, that is

why we hold this three days stake holders workshop, we want to read both drafts and make comparison.

- Keep in mind during the discussion, the different functions and mandates of the Auditor General and the GGACC.
- There are two types that Auditor General works.

Auditor general is different in common law legal system and civil law legal system, in Somaliland we are mainly influenced by the Magistrate of Accounts from Somalia which were based on Italian form of Audit called Magistrate of Accounts with powers to arrest, prosecute and search and seize of public books, stores, funds and money. in our system though we are common law legal system but still the Auditor General today is hybrid system which have some of the powers that are vested to Auditor General's in Civil law legal system.

The Legal Advisor mentioned that at the current the only the Auditor General combats against corruption and submits to the prosecution their first information in accordance with Article 167&168 of Somaliland Criminal Procedure code. all the laws that applicable including the Penal Code, Ant-Corruption Act, The Prosecution of Financial Violation Act, are not mentioned any type of institution like the GGACC, thus all those laws needs to be reviewed back in order to specify the functions of the GGACC within those laws.

- The draft which the GGACC submitted the government has well effective articles which describes clear duties and responsibilities of GGACC.
- there are main **principles** that applies Commission like this one those principles needs to be reflected within this Commission in order to be effective and efficient in doing its business, those ground principles are:
  - ✓ *Independent of the Commission , which we mean the financial independence, institutional independence, security of tenure;*
  - ✓ *transparency in performing its functions and duties;*
  - ✓ *accountability;*
  - ✓ *integrity a*

The next coming couple days we are divided into several groups and each group will debate specific article.



## DAY ONE

### Discussion: Comments and Questions

#### Mr. Mohamed Yousuf

“From the Chief state lawyer office”

- It's wrong to write the cover page of this bill (Act) because it's not approved by the House of parliament, yet it's a draft.
- It's important to mention the tasks of the members of the Commission and who is responsible for issuing regulations.
- Articles 5<sup>th</sup> – talks about the function of the GGACC, My Question is how the Auditor General and GGACC with cooperate?
- How GGACC and Courts with cooperate?
- Articles 8<sup>th</sup> – how is the Regulations of the GGACC, its very important to define.
- How is GGACC scope?

#### Mrs. Fardus Mohamed Deeq

“Nagaad Network”

Article 4<sup>th</sup> – talking about the selections of the GGACC members, its saying, he/she is 30<sup>th</sup> years old, and has minimum 7<sup>th</sup> years experience, its contrary the age and experience because it very difficult to have 7 years of experience at the age of 30<sup>th</sup> years.

#### Mr. Boobe Yousuf Ducale

“Academy of Peace Development”

I can say we can finish the comments from participants in one day, it's good to use a well Somali words. My suggestion is to reduce the age for 7<sup>th</sup> year's experience.

Inside this bill is mentioned; keeping the public assets are responsible the Auditor General and GGACC. If the GGACC and Auditor general are both of them make use wrongly the public assets, who make investigation to them?

**Mr. Haddis Mohamed Haddis**

“Baadiye News Network”

The biggest problems this country has its waste of time, the most people who lost their time unnecessary things are the government officers, corruption is not only money waste its time waste. Most of the people are not feel time waste.

**Mr. Hamse Mohamed Ibrahim**

“SONYO umbrella”

When I see this bill, in my view it seems to me poor bill, because these draft only talking about some functions of the Commission.

Age is not minimum standards, but it’s very important thing how the person can do his/her work effectively.

This bill saying the nomination of the members of the Commission is from the president but the approval is House of Representatives, but it’s also important to accept or reject by the House of Representatives firing of the members of the Commission.

**Mr. Mohamed Hassan**

“Director of GGACC”

Really I am thankful for the all participants, it seems to me that you are reading the bill well and I see your best feedbacks.

I suggesting you to explain and make comments article by articles according to your experience.

This Commission is not only establishing for the government but its establishing for the state and you are one of them, so you can add your best view and suggestion in the draft of the bill.

## DAY TWO

### Group Discussion:

Day two the participants divided into three parts and each group take specific articles in the bill; they look deeply article by article in the both bill which the GGACC submitted to the cabinet and the other bill which cabinet summated to the House of Representatives. The two bill are different the original draft which from the Commission has consisted 54 Articles and the other one which the cabinet submitted to the House of Representatives has consisted 18 articles.

Therefore, the reason why we invited with the stakeholders is to contribute their experience into bill.





## Group One

### Power and Mandate for the Commission.

1. The Commission must have its all powers like rule and money to do his work effective and efficiency.
2. The Commission must have its power to touch reality of the good administration for the public and private when suspect occurred.
3. The Commission has power to write the investigation gaps for the small cases.
4. The Commission will submit the criminal reports to the attorney general and the parliament.( house of elders and house of representatives)
5. The Commission must issue mandate with clear objectives, to ensure how public and private organizations use their powers.
6. The Commission will have a research department that work what caused for the mismanagement and the corruption. And then cure
7. The Commission is one of the state agencies and has its own independent for the work.
8. The Commission must come up with work plans, to correct the management and fight against corruption practices.
9. The Commission will have a power to make follow up and investigation of their job for anywhere.
10. The Commission must specify in writing what kind of violations can be prosecuted and what cannot be prosecuted.
11. The Commissioners must have immunity for the staying period in the office.
12. The Commission shall issue and bring to the Parliament any gaps and amendments to the current legal framework.

#### **13. Article 4<sup>th</sup>**

- Section 5<sup>th</sup>, the experience of the members of the Commission must be 3<sup>rd</sup> years.
- Section 8<sup>th</sup> he/she has mentally and physical fit.
- Section 9<sup>th</sup> he/she has not used all drugs like, (Khad, Alcohol, Cocaine and Cigarette etc.)

#### **14. Article 6<sup>th</sup>**

- Section 7<sup>th</sup> (a) the president of Somaliland will nominate the members of the Commission then the house of representative will approve simply majority vote.
- (b) Somaliland president can firing the members of the Commission and the House of Representatives can accept or reject the dismissal of the members.
- The House of Representatives can suggest the firing of the members of the GGACC.

- Section 3<sup>rd</sup>, the period of the Commission must be 5<sup>th</sup> years starting the day of inauguration.
- Section 4<sup>th</sup>, the Commission will have Director/ Secretary that the members of the Commission choice independently.



## Group Two

1. Article 16<sup>th</sup> section 1<sup>st</sup>, nomination and firing of the Commissioners, as group two we are suggesting the firing of the Commissioners will accept or reject the House of Representatives.
2. Articles 12<sup>th</sup>, here we added role and responsibility of deputy of the GGACC, the deputy is the second responsibility person of the GGACC.
3. Article 15<sup>th</sup>, investigating and confirming the mismanagements reports.
4. As group two; we added the current bill the articles 35<sup>th</sup> – 43<sup>rd</sup> which we taken the original draft from the GGACC.

### Our Suggestion:

- General provision and the preamble must be put in the bill.
- The bill must be included an objectives.
- The Commissioners must be making a national plan for all regions and town in the entire country.
- The Commission must be submitted annual reports to the House of Representatives.
- The Commission must make a preamble that mentioning the role and the structure of the staff.
- The Commissioner will make the salary and wages of the staff.

- have seen the legal gaps of this bill we are recommending to establish a technical committee which consist;
  1. Lawyers.
  2. Members of Parliament.
  3. Members of the GGACC.

Have seen the importance of this bill to mention the cooperation's with.

1. House of Representatives.
2. Auditor General.
3. Attorney General.

### Group Three

#### ***1. Article 5<sup>th</sup>***

- Section 2<sup>nd</sup>, study and evaluation of effective mechanisms and standards for good governance and its correction.
- Section 9<sup>th</sup>, When the Commission receives a report for corruption cases they must make an investigation with coordination to the Accountant General of the state.
- Section 10<sup>th</sup>, the Commission must ensure the working time hours in coordination with the civil services institute.
- Section 11<sup>th</sup>, the Commission must submit any crimes found because of their investigation to the Prosecution General.

#### ***2. Article 15<sup>th</sup>***

- Section 5<sup>th</sup> – if the House is not satisfied with the results of the Auditor General they can submit a report reasoning why they are not satisfied with the results to the Auditor General, to the president and to the House of Representatives.

Hiring and firing of the Commission members.

#### ***3. Article 6<sup>th</sup>***

-section 2<sup>nd</sup> the members of the Commission are nominating by the:-

- Somaliland president and the House of Representatives will approved by simply majority, also president can firing the members of the Commission.
- After the president firing for the members of the Commission the House of Representatives will accept/reject.

**4. Article 9<sup>th</sup>**

- Section 5<sup>th</sup>, if one of the Commissioners are proof a guilty in front of a court he/she will dismissal the job.
- Sections 6<sup>th</sup>, if he/she is not come to the office in two weeks series without permission he/she wills dismissal the job.
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- If any member of the Commission makes propaganda against the Commission or receives a promise for money he/she shall be fired from the job.
- If he is sentenced to an imprisonment for three years and fine of 20 million he/she shall fired from the job.
- If the member of the Commission receives a bribe he/she will lose the membership.

**5. Article 10<sup>th</sup>**

- Section 1<sup>st</sup>, the Commission will submit the annual reports both president and the House of parliament.

**6. Article 11<sup>th</sup>**

- Section 2<sup>nd</sup>, with the help of the Commission members.

**7. Article 11<sup>th</sup>**

- Section 7<sup>th</sup>, deciding, coordinating, implementing, the national strategy policy and laws to combat against corruption in consultation with the members of the Commission.

**8. Article 13<sup>th</sup>**

- Section 3<sup>rd</sup>, the director general is under the chairman of the Commission.

**Workshop outcome**

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The following points were agreed;

- The Public Account Committee of the House of Representatives and the participants are agreed to create a technical committee which will work the completion of the bill.
  - The suggestions that the participants highlighted must be added the bill before it submitted to the chamber.
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**THE END**

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