

Indirect Election of the House of Elders Bill 2003

The 82 members of the current Somaliland House of Elders were selected on the basis of representation from the various Somaliland communities. The following Bill relating to the “indirect elections” of the House of Elders members was considered by the House of Representatives during the last week of March 2003. The Representatives decided to postpone the discussion of the Bill, but considered the more pressing issue of the fast approaching end of the 5 year term of office of the current House of. The Representatives decided that they will pass Article 19 of the Bill only, which deals with “exceptional circumstances” when the indirect elections of the House of Elders cannot take place. The Article states that:

“if the indirect elections of the House of Elders cannot take place because of dire circumstances or because of practical problems, the President shall declare propose, in a reasoned way, the existence of such circumstances and the decision on how long such circumstances can be overcome shall be made by the House of Representatives”.

41 of the 42 members present at the House of Representatives approved the motion on Article 19, which later became law after approval by the Elders and signature by the President.

The rest of this Bill was therefore not passed. The Bill proposed a highly controversial seven member Committee appointed by the President, which would have been responsible for reaching final decisions about the candidates proposed by the traditional leaders of the Somaliland communities.

The original Bill submitted to the House of Representatives by the President on 16 February 2003 was shorter (see below) and included an article (Article 7) which laid down that the term of office of the House of Elders will always end a year after that of the House of Representatives and, consequently, any extensions made to the term of the latter will automatically increase that of the former. This Article became Article 19 of the longer Bill (below) and which was passed by the House on its own as a single article law.

The newly elected House of Representatives will be considering the Bill (and any amendments made to it) as the indirect elections of the House of Representatives must take place before the end of their extended term of office, which is now September 2006.

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JAMHUURIYADD SOMALILAND

GOLAHA WAKIILADA GUDDIGA SHURUUCDA & GARSOORKA

XEERKA DOORASHADA-DADBAN EE XUBNAHA GOLAHA GUURTIDA

Markuu Arkay: Qodobada 58aad, 59aad, 60aad, 72aad ee Dastuurka Qaranka.

Markuu Darsay: Mashruuc-sharciga doorashada Golaha Guurtida ee Xukuumaddu soo jeedisay.

WUXUU SOO JEEDINAYAA XEERKAN:

Qodobka 1aad
Tafsiirka Erey-bixinta

- Xulasho:** waxa loola jeedaa Habka doorashada dadban ee ay ku imanayaan xubnaha Golaha Guurtidu.
- Guddiga:** waxa loola jeedaa Guddiga Qaran ee Madaxweynuhu u magacaabo hawsha doorashada dadban ee lagu soo xulayo xubnaha Golaha Guurtida.
- Madax-dhaqameed:** waxa loola jeedaa Cuqaasha, Suldaanada, Garaaadada, Ugaasyada, Boqorada Beelaha ee soo sharaxaya xubnaha beelhoodu ku yeelanayaan Golaha Guurtida.
- Murashax:** waxa loola jeedaa xubinta u taagan xubinimada Golaha Guurtida ee ay soo xuleen madax-dhaqameedyadu ee ansixinta Guddiga sugaya.
- Degaan:** waxa loola jeedaa qaybta bulshada (Beesha) ee uu metelayo xubinta Golaha Guurtidu.

Qodobka 2aad
Tirada Golaha Guurtida

Tirada Golaha Guurtidu waa 82 xubnood, sida uu tilmaamayo qodobka 60aad ee Dastuurku.

Qodobka 3aad
Habka Doorashada G/Guurtida

- 1) Xubnaha Golaha Guurtida waxa lagu soo dooranayaa Hab-doorasho dadban oo ah xulasho.
- 2) Habka xulista xubnaha Golaha Guurtida waxa lagu salaynayaa saamiyada degaanada ee Golaha hadda jiraa ka kooban yahay, iyadoo degaan walba laga soo xulayo tirada xubnihiisa.

Qodobka 4aad
Shuruudaha Murashaxa Golaha Guurtida

Xubinta loo soo sharaxayo Golaha Guurtida waa inuu buuxiyo dhamaan shuruudaha ku qeexan qodobada 42aad iyo 59aad ee Dastuurka iyo waliba shuruudahan:

- 1) Waa inuu keeno caddeyn shaqo ka tegis, haddii uu yahay shaqaale dawladeed, ciidamada qalabka sida, iwm.
- 2) Waa inuu keeno caddeyn inuu bixiyey deebaaji dhan SL.Sh 100,000/ oo aan celis lahayn.
- 3) Waa inuu keeno 4 sawir oo ah kuwa baasaboorada.

Qodobka 5aad
Waxyaabaha ka reebban Murashaxa G/Guurtida

Ma banaana in xubinimada Golaha Guurtida loo sharaxo Xubin ka tirsan axsaabta Qaranka ama xil u haysa, sida: Guddi fulineed, Gole dhexe, Guddi Gobol, Degmo, laan iwm.

Qodobka 6aad
Fadhiga ugu Horeeya Golaha Guurtida

Fadhiga ugu horeeya ee Golaha Guurtidu wuxuu qabsoomayaa 30 maalmood gudahood, laga bilaabo maalinta si rasmi ah loogu dhawaaqo xulistooda, sida ku cad qodobka 62aad ee Dastuurka.

Qodobka 7aad
Habka soo buuxinta Jagada Banaanaata

Haddii ay banaanaato Xubin ka mid ah Golaha Guurtida geeri, is casilaad ama asbaabo kale awgood, waxa loo soo buuxinayaa sida ay ku timi xubintii jagadaas banaysay, sida ay tilmaamayaan qodobada 72aad iyo 130(3)aad ee Dastuurku.

Qaybta 2aad
Guddiga Qaranka ee Xulista Xubnaha G/Guurtida

Qodobka 8aad
Guddiga Qaran ee Xulista G/Guurtida

- 1) Xubnaha Golaha Guurtida waxa soo xulaya Guddi Qaran oo ka kooban 7 xubnood oo Madaxweynuhu magacaabay.
- 2) Xubnaha Guddiga Qaran ee Madaxweynahu magacaabay, waxa cod hal-dheeri ah ku ansixinaya Golaha Wakiilada, Markuu hubiyo inay shuruudaha u dhigan buuxiyeen.
- 3) Xil-ka-qaadista Guddiga waxaa soo jeedinaya Madaxweynaha, waxana cod hal-dheeri ah ku ogolaanaya Golaha Wakiilada.

Qodobka 9aad
Shuruudaha Xubinimada Guddiga

Qof kasta oo loo magacaabay xubinimada Guddiga waa inuu buuxiyo shuruudahan:

- 1) Waa inuu yahay muwaadin Somaliland u dhashay.
- 2) Waa in aan da'diisu ka yarayn 40 jir, kana waynayn 60 jir.
- 3) Waa inuu muslin yahay, kuna dhaqmaa diinta Islaamka.
- 4) Waa inuu leeyahay aqoon maamul.
- 5) Waa inaanu ka mid ahayn Xisbiyada Siyaasadeed, kana madax-banaan yahay.
- 6) Waa inuu ku caan baxay dhawrsanaan, sharaf iyo cadaalad bulshada dhexdeeda.
- 7) Waa inuu jidh ahaan iyo maskax ahaanba Xilka gudan karaa.

Qodobka 10aad
Dhaarta Guddiga

Xubnaha Guddigu waxay Gudoomiyaha Maxkamadda Sare hortiisa ku marayaan dhaarta Dastuuriga, ka dib marka Golaha Wakiiladu ansixiyo.

Qodobka 11aad
Qaab-dhismeedka iyo Xarunta Guddiga

- 1) Guddigu mudada ay Xilka hayaan waxay xaruntooda ka dhiganayaan oo shaqadooda ku fulinayaan xarunta Wasaaradda Arrimaha Gudaha ee Caasimada.
- 2) Guddigu waxay fadhigooda u horeeya iska dhex dooranayaan Gudoomiye, Gudoomiye xigeen iyo Xoghaye, waxanay samaysanayaan xeer-hoosaad ay ku maamulaan gudashada xilkooda.

Qodobka 12aad
Xilka Guddiga

Guddigu wuxuu xil ka saaran yahay:

- 1) inuu hubiyo, go'aana ka gaadho in murashaxiinta madax-dhaqameedyadu u soo gudbiyaan buuxinayaan shuruudaha u dhigan iyo in tirada murashaxiinta degaan walba aanay dhaafsiisnayn saamigooda ay ku leeyihiin Golaha Guurtida ee hadda jira.
- 2) Murashaxa buuxin waaya shuruudaha ama muran ka taagan yahay wuxuu Guddigu xaq u leeyahay inuu ku celiyo madax-dhaqameedkii u soo gudbiyey, go'aanna ka gaadho arrintiisa.

- 3) Inay go'aan ka gaadhaan muranada iyo khilaafyada dhex-yimaada madax-dhaqameedyada degaan gaar ah ee la xidhiidha Magacaabista murashaxiinta degaanka, si waafaqsan xeerkan.
- 4) Inay cayimaan, warbaahintana ka sheegaan taariikhda ay bilaabmayso iyo taariikhda ay ku eg tahay ee madax-dhaqameedyadu ku soo gudbinayaan magacyada iyo caddaymaha murashaxiintooda.
- 5) Inay si rasmi ah ugu dhawaaqaan xubnaha ku guulaystay xubinimada Golaha Guurtida.

Qodobka 13aad
Mudada Xilka Guddiga

- 1) mudada Xilka guddigu waa saddex bilood oo ka bilmaamaysa maalinta Golaha Wakiiladu ansixiyo.
- 2) Marka mudada xilkoodu dhamaato waxay dhokomentiga shaqada ee ay hayeen ku wareejinayaan xafiiska Golaha Guurtida, si tixraac ahaan loogu kaydiyo.

Qodobka 14aad
Gunada & Dhawrsanaanta Guddiga

- 1) Xubnaha Guddigu mudada ay Xilka hayaan waxay yeelanayaan gunno la mid ah tan Guddiga Doorashooyinka iyo kharashka Socodsiinta hawsha xafiiska.
- 2) Xubnaha Guddigu mudada ay Xilka hayaan waxay leeyihiin dhawrsanaan la mid ah tan Guddiga Doorashooyinka.

Qaybta 3aad
Habka Xulista

Qodobka 15aad
Habka soo gudbinta murashaxiinta

- 1) Marka Guddigu warbaahinta ka sheegto mudada la qabanayo xulista xubnaha Golaha Guurtida, waxay madax-dhaqameedyada degaan kasta Guddiga u soo gudbinayaan liiska magacyada murashaxiintooda oo afarar oo ay ku lifaaqan yihiin waraaqaha caddaymaha ee ku tilmaaman qodobka 4aad ee xeerkan.
- 2) Waxa waajib ah in Liiska la soo gudbiyey ay ku saxeexanaadaan dhamaan madax-dhaqameedyada sharciyeysan ee degaanka (Beesha) ay khusayso, kuna sar go'an tahay saamigooda ay ku leeyihiin Golaha Guurtida.
- 3) Haddii ay ku soo gudbin waayaan mudada guddigu u cayintey ama isku khilaafaan, guddigu waxay xaq u leedahay inay u xusho degaankaa xubno buuxin kara si waafaqsan xeerkan.

Qodobka 16aad
Mudada Xulista

Madaxweynaha ayaa Dekreeto ku soo saarayaa mudada xulista xubnaha Golaha Guurtida, Markuu helo soo jeedinta Guddiga.

Qodobka 17aad
Ku dhawaaqista Natiijada

Guddigu markay hubiyaan in wax waliba waafaqsan yihiin sida Xeerku tilmaamay, waxay si rasmi ah ugu dhawaaqayaan magacyada murashaxiinta ku guuleystay xubinimada Golaha Guurtida oo afarar.

Qodobka 18aad
Dacwadaha

Muran iyo dacwad kasta oo la xidhiidha Habka xulista Xubin ama xubno, waxa dhagaysiga dacwadaas awood u leh Maxkamadda Dastuuriga ah oo go'aan kaga gaadhaysa muddo bil gudaheed ah.

Qodobka 19aad
Duruufo Gaar ah

Haddii doorashada dadban ee Golaha Guurtidu qabsoomi waydo duruufo adag ama Farsamo awgood, waxa soo jeedinaya iyadoo sababaysan Madaxweynaha JSL, waxana qiimaynaya mudada duruufaha lagaga bixi karo, go'aan ka gaadhaya Golaha Wakiilada.

Qodobka 20aad
Laalid

Waxa la laalay sharci kasta oo ka hor imanaya ama aan la socon Karin Xeerkan.

Qodobka 21aad
Dhaqangalka Xeerka

Xeerkani wuxuu dhaqangalayaa marka uu saxeexo Madaxweynaha JSL, Ansixinta Baarlamanka dabadeed.

Allah Mahad Leh,

Faysal Axmed Maxamed
Gudoomiyaha Guddiga Shuruucda

The Bill submitted to the House of Representatives by the President on 16 February 2003:

Qodobka 1aad: Tirada Xulaysa Xubnaha la soo doortay

Xubnaha la soo xulayo ee Golaha Guurtida tiradoodu waa sida ku cad qodobka 60-aad ee Dastuurka Qaranka.

Qodobka 2aad: Cida Xulaysa Xubnaha Golaha Guurtida

Xubnaha Golaha Guurtida waxa soo xulaaya Gudi qaran oo 7 xubnood ka kooban, Madaxweynuhuna magacaabo, lehna shuruudahan.

- A. In dadiisu ay ahaato ugu yaraan 50 sano
- B. Dhaqan hufan leh, kuna sifoobay ku dhaqanka diinta Islaamka
- C. Aqoon iyo waayo aragnimo dhaqan leh guud ahaan, gaar ahaana aqoonta bulshada
- D. Shakhsi ku sifoobay Somaliland-nimada
- E. Iyagoo la tashanaya hogaamiye dhaqameed- yada beelaha Somaliland.

Qodobka 3aad: Xiliga xulista Xubnaha

Madaxweynaha ayaa ku dhawaaqaya mudada xulista xubnaha cusub ka hor dhamaadka mudada golaha hore

Qodobka 4aad: Ku dhawaaqida natiijada xulashada xubnaha golaha Guurtida

- A. Gudi qaran ayaa soo saaraysa Liiska natiijada kama dambaysta ah ee xubnaha ku guulaysta xubinimada golaha guurtida
- B. Maxkamada sare oo ah maxkamad dastuuri ah ayaa si rasmi ah ugu dhawaaqaysa Liiska natiijada xubnaha ku guulaysta xubinimada golaha guurtida, buuxiyayna shuruudihii xulista.

Qodobka 5aad: Habka qaybsiga Kuraasta golaha Guurtida

Xiligan la galayo doorkii labaad ee dastuuriga ah, kuraasta Golaha Guurtidu waxaa lagu qaybsan doonaa Qaab Saamiyeedka uu Goluhu hada ku salaysan yahay iyadoo beelaha laga soo xuli doono tirada hada kaga jirta Golaha.

Qodobka 6aad: Shuruucda Qofka loo soo xulayo Xubin Gole Guurti

Marka laga yimaado labada farqadood ee ku cad dastuurka JSL, qodobka 59-aad waxaa lagu kordhinayaa qodobadan:

- A. Muwaadin Somalilander ah oo ku sifoobay dhaqan asluub xishood iyo daacadnimo.
- B. Qof aqoon iyo waayo aragnimo dhaqan leh
- C. Sumcad wanaagsan ku leh bulshada dhexdeeda laguna yaqaano waxtar iyo u samafalka bulshada, guud ahaana ka qayb qaatay hawlihii nabadaynta bulshada iyo dhismihii dalka.

Qodobka 7aad: Mudada Xilka Golaha

Mudada xilka Goluhu waa sida ku cad dastuurka waxaanu ka dambaynayaa Golaha Wakiilada mudo hal sano ah, wixii mudo kordhisiimo ah ee golaha wakiilada loo sameeyo in le'eg ayaa u kordhaysa Golaha Guurtidana.

Qodobka 8aad: Waxa la laalay dhamaan wixii xeerar kale ah ee ka hor imanaya ama aan waafaqsanayn xeerkan.

Qodobka 9aad: Xeerkani wuxuu dhaqan galayaa marka ay soo jeediyaan Golaha Wasiiradu, Baarlamaankuna ansixiyo, Madaxweynuhuna saxeeexo.