

Law 41 of 13 September 1973

Urban Land Distribution

The Chairman of the Supreme Revolutionary Council, having seen the first draft of the 21st October 1969 and Law no. I of 21st October 1969; and considering the need for unification of the law on land distribution to the urban development of the Republic, has approved the following Law:

Part I: Introduction

Article 1: Definitions

- (1) "Ministry" in this Law means the Ministry of Public Works.
- (2) "Secretary" means the Secretary of State for Public Works.

Article 2: Public Property

- (1) Public property is of two kinds: the public domain and the private domain of the state.
- (2) The public domain is national property or property of municipalities particularly designed for social services. The private domain is all other national property that is specifically owned by the nation.

Article 3: Public Domain

- (1) The public domain includes the following:
 - a) Seashores, beaches, ports, rivers, ponds, and any water catchment areas that are not privately developed;
 - b) Roads of all kinds unless privately developed;
 - c) All town and city airports;
 - d) All telephone and radio facilities and other telecommunication services;
 - e) All cemeteries and mosques; and
 - f) All historical landmarks, Somali art and music, and other historical artifacts.

Article 4: Private Domain of the State

- (1) Public property that is not public domain is the private domain of the state.
- (2) This private domain includes:
 - a) Properties not owned by anyone else;
 - b) All mineral sites; and
 - c) Military headquarters, facilities of all kinds, and national defense equipment.

Article 5: Private Property of Autonomous National Agency

There also exist public properties that are privately owned by municipal governments and central government autonomous agencies.

Article 6: Provisions of the Law on Public Property

(1) The public domain and the property of municipalities cannot be sold commercially and their titles cannot be transferred to anyone else, regardless of who used it or who is currently using it. It cannot be rented out unless this is authorized by special regulations.

(2) The administration and supervision of the public domain lies with the Agencies for Preservation of Public Properties which have the authority to either keep it or distribute it.

Part II: General Orders

Article 7: Land Ownership

Land in the Democratic Republic of Somalia, regardless of who uses it, is public property.

Article 8: Limitation of Land Use for National Security Reasons

The President of the nation can limit the use of any land for national security purposes by presidential decree.

Article 9: Repossession of Land for Public Purposes

Any land that is found to be required for a national use can be nationalized with compensation to the holders.

Article 10: Ways of Issuing Land Use Permits in Urban Areas

Special laws will be formulated for land use in urban areas.

Part III

Article 11: Land Distribution without Sale

The Secretary of State for Public Works has the authority to issue land use permits for anyone who fulfills the land use permit provisions of the Law.

Article 12: Land Distribution with Sale

'1) Land in the urban areas can be bought and the price is per square meter.

(2) The price per meter of the land given to individuals and national agencies will be explained in a government decree.

Article 13: The Responsibilities of the Person to Whom Land Is Given Without Paying for It

(1) His/her responsibilities are a-, follows:

- a) The land should be used as designated unless exceptions are made by the Ministers of Public Works.
- b) All taxes levied on the land, on buildings or on other properties associated with the land should be paid.
- c) Construction on the land should start and continue consistently as required by Law.
- d) Construction and land use should be in perfect accordance with the requirements set out in city and town ordinances.
- e) Holders that do not respect the above requirements and restrictions will have their land nationalized. Buildings that violate the above laws will be demolished at the expense of the owner.

Article 14: Suspension of Work or Change of Construction Plan

- (1) Ongoing construction can be suspended by the appropriate authorities for investigation of compliance for a period of not more than a year.
- (2) The appropriate authorities can also suspend ongoing construction work for realignment of buildings.

Article 15: Length of Use Permits

- (1) In the urban areas, land use by Somali nationals is permanent provided that all responsibilities are fulfilled by the users. Foreign nationals can use a piece of urban land for a period from 50 years to 99 years.
- (2) Foreign nationals can renew their right of use for less than or equal to the previous use period.
- (3) Any land that is expected to have any natural resources will be controlled with special laws.

Article 16: Recognition of Use Permit and Receipt of the Permit

When the land user fulfills all the provisions of this Law in using the land, the user deserves special recognition for having completed his/her responsibilities.

Article 17: Previous Ownership

Previous users of urban land should comply with this Law within a year from the date of its implementation. Article 18: Land Distribution Procedure

- (1) Special land use permit application forms should be filled out and filed with a Land Administration Office, either in the headquarters or with a representative at the regional and district offices.
- (2) Land description certificates with a photo of the land (if possible) should be enclosed.

(3) The Land Administration Office will then carry out an investigation to confirm the information in the application.

Article 19: Land Distribution to International Bodies, ie. United Nations Agencies, Embassies, Etc.

Land can be distributed to foreign agencies under agreements between the governments or international agencies which those agencies represent and the Government of Somalia. -41-

Article 20: Land Improvement Expenditure

Any previous land improvement expenditure that came from the national account should be paid for by the new holder.

Article 21: Distribution

Land can be given out permanently or temporarily.

Permanent use of urban land can be authorized by the Office of Administration, Ministry of Public Works, or its representatives in the regions and districts.

Temporary use of urban land can be issued by local government authorities. Temporary users of urban land are not allowed to build durable houses on the land.

Article 22: Revocation of Permit

(1) Violation of any of the land regulations by the user may prompt revocation of the use permit.

(2) On land repossession, all investments by the previous holder will be paid for by either the State or a new holder.

Article 23: Prohibition of Buying and Selling Land for Commercial Purposes

(1) A user of urban land whether permanent or temporary is prohibited to sell. Urban land should only be used for the purposes for which it was given.

(2) In the case where a holder is unable to build on his land, he should return it to the proper authority and claim compensation for any investments made.

Article 24: Settlement Plan

All settlements (cities, towns, villages, etc.) should follow the proper zoning rules issued by the Ministry of Public Works.

Article 25: Violation of Zoning System

Buildings that do not comply with the zoning system may be dismantled unless they are saved by previous laws.

Article 26: Construction Cooperatives

The State encourages construction cooperatives that are composed of workers. The land application process will be facilitated for them and they will have access to materials on credit.

Part IV: Registering the Land

Article 27: Land Registration

All land has to be registered; this is the responsibility of the Land Administration Department and its district and regional representatives.

Article 28: Use of the Register

The land register is open for public examination during office hours. It is only open to those who pay land taxation.

Part V: Final Provisions

Article 29: Delegation of Authority

The Minister of Public Works can delegate his authority with respect to land distribution and land ownership to his representatives in the districts and regions.

Article 30: Issuance of a Decree

The President of the Somali Democratic Republic will, upon the advice of the Minister of Public Works, issue the final order implementing this Law.

Article 31: Penalty

Violators of this Law will be punished as follows:

- (1) Repossession of the land (as explained in Article 22);
- (2) A fine of 500 to 5,000 Somali shillings;
- (3) Demolition of construction (as explained in Article 25).

Article 32: Repeals

All prior legislation on this topic is repealed.

Article 33: Implementation

This law will be implemented soon and it will be issued in a general circular.

Mogadishu, 13 September 1973

Jaalle Mohamed Siad Barre

Chairman

Supreme Revolution Council

Somali Democratic Republic

Ministry of Public Works, Department of Lands and Construction

Decree 31 / December 1973 / N.WHA 3.23.1198

Subject: Nomination of Chairpersons of Regions and Districts

The Minister of Public Works, having seen the first and the second policy documents and the first Law of 21 October 1969; having seen Articles 12 and 29 of Law 41 issued on 13 September 1973, concerning Land Distribution; and recognizing that it is necessary to delegate responsibility to party chairpersons of the regions and districts, has ruled that:

(1) Based on Law 41 of 13 September 1973, the Minister of Public Works has delegated his authority of land distribution and management to committees in the regions and districts as follows:

- a) Regions: regional party chairperson--chair; director of Ministry of Public Works--member; the engineer of the Ministry of Public Works--member; party chairperson of the district-- member; secretary of the municipality--member.
- b) Districts: district party chairperson--chair; secretary of municipality--member; a technician representing the Ministry of Public Works--member. (2) The City of Mogadishu does not follow the above plan of committee management.

Article 2

(1) The permanent document of land distribution will be signed by the party chairperson and the general director of the Ministry of Public Works.

(2) Any documents associated with land distribution will be administered by one of the regional offices of the Ministry of Public Works.

The previous paragraph would appear to be Article 1, though it is not so designated in the Somali original.

Article 3

This law is to be implemented soon and issued as a circular of the Democratic Republic of Somalia.

Mogadishu, 31 December 1973

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Secretary of State
For the
Ministry of Public Works

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Reg. I Foglio N.4

Mogadishu, Li 5 Gen. 1974

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