Dowlad Goboleedka Koonfur Galbeed Somaliya
Xafiiska Madaxweyanaha

ولا ية جنوب غرب الصوما ل
مكتب الرئيس

South West State of Somalia
Office of the President

Tix: 00380/ KGS-XM-10-22

Baidoa, 10th February, 2022

PRESIDENTIAL DECREE: NO:05. 10, FEBRUARY 2022, REGARDING THE APPROVAL OF THE URBAN LAND LAW OF SOUTH WEST STATE OF SOMALIA.

THE PRESIDENT OF THE SOUTH WEST STATE OF SOMALIA

Having Seen: The Constitution of South West State of Somalia, Article 48 Paragraph 1 and Paragraph 6.

Having Seen: The letter of the Speaker of the House of Representatives of the South West State of Somalia REF:GW-DGKGS/ XG-008/2022, Dated: 02/ February/ 2022, regarding the passing of the Urban Land Bill of the SWS.

Having Seen: The need to enact this law governing the Urban Land of the South West State of Somalia.

HAS ISSUED THIS DECREE

Article 1
Approval of a bill

As of today, 10 February 2022, the President has officially approved the Urban Land Bill of South West State of Somalia that was enacted by the House of Representatives of the South West State.

Article 2
Implementation of the law

This law shall take effect after the signature of the President of the South West State of Somalia.

Abdiaziz Hassan Mohamed (Laftagareen)
President of South State of Somalia

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Jamhuuriyadda Federaalka Soomaliya
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Golaha Wakiilada
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Somali Federal Republic
Southwest State of Somalia
House of Representatives
Office of the Speaker

جمهورية الصومال الفدرالية
ولاية جنوب غرب الصومال
مجلس النواب
مكتب رئيس المجلس

REF: GW-DGKGS/XG-008/2022 **Date:** 02/February/2022

To: President of the South West State of Somalia **=Baidoa=**
Cc: Ministry of Public Works, Reconstruction & Housing of SWS **=Baidoa=**
Cc: Office of the Auditor General of SWS **=Baidoa=**
Cc: Office of the Attorney General of SWS **=Baidoa=**
Cc: Secretary General of the House of Representatives of SWS **=Baidoa=**
Cc: Director of the Legislation Department of the House of Representatives **=Baidoa=**

Objective: Passing of the South West State Urban Land Bill.

Mr. President; After Greetings and Appreciation,

I am hereby submitting to you the Resolution of the SWS House of Representatives No. 001, which passed the Urban Land Bill of SWS on January 31, 2022, and is enclosed herein. The Assembly on its 4th Session, 3rd sitting on January 31 2022 with the participation of 52 Members of Parliament which took place at the SWS interim capital in Baidoa has passed the bill by an open vote as described below:

- Agreed to MPs	52 (Fifty two)
- Negatived MPs	0 (Zero)
- Abstained MPs	0 (Zero)

Therefore, Mr. President, in accordance with the Article 48, Paragraph 6 of the Constitution of the SWS, I request you to approve the decision of the Assembly in a Presidential Decree, so that the Urban Land Bill of the SWS can take effect.

I am sure that you will fulfill your constitutional duty. On behalf of the SWS House of Representatives, we send you warm greetings and special appreciation.

Mr. Prof. Dr. Ali Said Faqi
Speaker of the SWS House of Representatives

TEL: +252 (0) 61 2487788/+3249710769, Email: issrali2013@gmail.com/ speaker@parliament.sw.so Baidoa,Somalia

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ولا ية جنوب غرب الصوما ل
مكتب الرئيس

South West State of Somalia
Office of the President

Tix: 00326/KGS/XM/30/21

Baidoa, 30th October, 2021

To: **Speaker of the House of Representatives of the South West State of Somalia.**

Objectives: **Submission of the Urban Land Bill of the South West State of Somalia.**

Mr. Speaker,

Greetings, after receiving the letter **Ref: XW/WHGDG/0011/21**, **Dated: 21/08/2021**, for the purpose of submitting the Urban Land Bill of SWS, I am hereby submitting to you the Urban Land Bill of the South West State of Somalia which encourages all the verification and protection of rights of public property, individuals, groups, companies, and communities of the State.

This bill shall greatly deal with the system and the application of the laws that are the basis of the government. The bill is clear, well-structured and interprets itself, and is consistent with SWS Constitution and its objectives are clearly stipulated within.

Therefore, Mr. Speaker, I am instructing you all to fulfill your obligation towards the above-mentioned bill, as there is a great need for its acquisition and implementation.

Best Cooperation.

GOLAHA WAKIILADA DGKGS
DIIWAAN NO: XX/001
TAARIIKH: 30/10/2021
SAXIIX:

Abdiaziz Hassan Mohamed (Laftagareen)
President of South State of Somalia

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Baidoa - Somalia

DOWLAD GOBOLEEDKA KOONFUR GALBEED SOOMAALIYA
WASAARADDA HOWLAHA GUUD
DIB-U-DHISKA IYO GURIYEYNTA
XAFIISKA WASIIRKA

ولاية جنوب غرب الصومال
وزارة الأشغال العامة وإعادة الإعمار والإسكان
مكتب الوزير

SOUTHWEST STATE OF SOMALIA
MINISTRY OF PUBLIC WORKS, RECONSTRUCTION AND HOUSING
Office of the Minister

Ref: XW/WHGDG/0011/21 **Date: 21/08/2021**

To: Office of the President of South West State of Somalia.

Objective: Request for the Submission of the Urban Land Bill of the South West State of Somalia

Mr. President,

With respect, we request your office to facilitate and submit the Urban Land Bill of South West State of Somalia which your government has recently approved, and which we need to submit to the House of Representatives of South West State of Somalia for discussion and approval.

Mr. President, this law will govern the Urban Land of the South West State in a fair manner, while protecting the rights of public property of the State, individuals, groups, companies, and local communities, to legally benefit, use, access, and own a land.

Mr. President, there are many projects that are stuck due to this law, and if this law is acquired, it would benefit the people of the South West State of Somalia

Therefore, Mr. President, we are once again requesting you to allow us and facilitate the submission of the Urban Land Bill to the House of Representatives of the SWS, as there is a great need for it, and to include it in the laws that are a priority to the House of Representatives.

Mr. Mohamed Ali Hassan

Minister of the Ministry of Public Works, Reconstruction, and Housing of SWS.

Tel: (+252) 615 554 773 / 617 776 777 | Email: minister@mopw.sw.so / hagi.kable@gmail.com
BAIDOA, SOMALIA

South West State of Somalia

Ministry of Public Works, Reconstruction & Housing

Urban Land Law

Law No. 05/2022

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This law is referred to as the Urban Land Law in the South West State of Somalia, Law No. 05/2022.

CHAPTER ONE
GENERAL PROVISIONS

Article 1: Definition of Terms

Unless defined otherwise by in this Law:

"Law" refers to the Urban Land Management Law of No: 05/2022;

“State Committee” refers to the Urban Land and Planning Committee of the State of South West of Somalia;

“Office” refers to the planning and urban land office of the Ministry of Public Works, Reconstruction and Housing;

“Land Registration” refers to the land registry of the Ministry of Public Works, Reconstruction and Housing;

“Federal Government” refers to the Federal Government of Somalia;

“Memorandum” refers to a memorandum of understanding between two government institutions related to land issues;

“Ministry” refers to the Ministry of Public Works, Reconstruction, and Housing;

"Minister" refers to the Minister of the Ministry of Public Works, Reconstruction, and Housing;

"Executive Committee" refers to the Mayor, his or her deputies, and the executive secretary of the Local Government;

“Grade A Districts” refers to the districts of (Baydhabo, Hudur, Marka, and Barawe);
“Grade B Districts” refers to the districts that are not the capital city with reference to Article 5 of the Local Government Law, Law No. 10/2017.

Article 2: Scope of the Law

1) Unless stated otherwise by the Law, this law shall be applied to the urban land of the towns, and districts of the South West State of Somalia.

Article 3: Objectives of the Law

The objective of this law is to manage the urban land of the towns and districts of the South West State in a fair manner. The law protects the rights of public property of the State, individuals, groups, companies, and the local community, to legally benefit, use, access, and own the land. This law shall grant the Ministry of Public Works, and local government authorities to exercise powers and responsibilities to manage urban land, and specifically to:

1) Facilitate access to a systematic approach to urban land management.
2) Develop an integrated approach to urban land planning, encourage of sustainable land use, and protect individual rights to land.
3) Regulate land rights and guarantee of land ownership and manage land-related transactions.
4) Manage and regulate property, public spaces, and prevent abuse of land use.
5) Harmonize the duties and powers of government institutions and reducte mismanagement related to urban land;
6) Facilitate land management procedures, writing of customary, coordinate cooperation, and maintain the rights of proper records;
7) Prevent and manage land disputes by establishing government mechanism to resolve land disputes and encourage of the customary method of resolving land disputes;
8) Manage of finding suitable empty land for displaced people and the regulation of their relocation; and enhance public confidence in land management and control of land grabbing.

Article 4: Consistency of the Law with the other Laws of the Country

1) This law will be consistent with the Constitution of the South West State, and other related laws.
2) Any article, text, objective, or interpretation, whether explicit or implicit, which violates the laws of the South West State, shall be considered void on the grounds of inconsistancy.

Article 5: Urban Land Boundary

1) The size of the urban land is marked in accordance with the definition of urban land, and each area of land shall have an approved plan showing the urban land and its boundaries. Any land located in or near the urban land and spatially designed, including the urban land with connected buildings, where basic infrastructure and services such as roads, electricity, and other services have been implemented or are planned to be implemented, are considered urban land.
2) If there is any kind of dispute over land or plot, the documents of original purchase, tax collection, fees and any payment receipt made by the local government will be used as an evidence.

Article 6: Principles of Land Managament

To ensure the provision and protection of the fundamental rights and freedoms of individuals, all executive and judicial bodies exercising these powers or applying or interpreting the purposes of this law shall have the duty to:

1) Protect and enforce the rights of individuals to land, housing and property, and protect against abuse of power, use of illegal power, abuse, prolonged displacement or forced relocation;
2) Engage the public in the development of urban plans and proposals related to this law by specifically consulting with the people about the plan, proposal or implementation of this law that is affecting them;
3) Facilitate local government procedures related to planning, registration, transfer and taxation of land rights;
4) Manage large-scale land-based investments by protecting them from abuse or things that may affect property rights, public spaces, environmental protection and people's use of their property,
5) Prevent the possibility of abuse of power and land management by government officials and employees and provide compensation to victims.
6) Conduct appropriate negotiations and consult the decisions with the people it affects, and allocate fair compensation.
7) Submit urban plans, initiatives and the decisions to be implemented for judicial review in order to protect individual rights.

CHAPTER TWO
INSTITUTIONAL MANDATES AND FRAMEWORKS

Article 7: Establishment of the State Urban Land & Planning Committee

This Law establishes the State Committee in charge of Urban Land and Planning

Article 8: Members of the State Urban Land & Planning Committee

The committee consists of the following permanent members:

1) The Minister of Public Works who shall be the chairman of the Committee;
2) Minister of Agriculture;
3) Minister of Justice;
4) Minister of Environment;
5) Minister of Planning;
6) Minister of Interior Affairs;
7) Member of Civil Society that advocate for human rights;
8) The Director of the Office of the Ministry of Public Works for land and planning who shall be the secretary of the Committee.

Article 9: Functions of the State Urban Land & Planning Committee

1) The functions of the State Urban Land & Planning Committee shall be:

a) To approve all plans and legalization of urban land that are proposed to them after they review the complaints and appeals;
b) To advise the cabinet and the President in general on policies and standards regarding urban planning, urban land, the positive and negative consequences and economic benefits of planning or re-planning in urban land;
c) To commission further study and give guidance and recommendations on issues relating to urban planning which transcend more than one (1) local government for purposes of coordination and integration of the State development;
d) To ensure compliance of local governments in the implementation of the urban plan;
e) To enforce land governance procedures and administrative practices and ensure standardization throughout all cities and local governments of the State.
f) To listen and decide on any appeal from a person or government institution that complains about an urban plan proposed by the planning office of the State, which has been requested by the local government or the community;

2) Any decision issued by the State Committee regarding the approval of the urban plan or the appeal from a person or government institution shall be written and filed, and the decision shall be delivered to the concerned applicants within 3 working days.

Article 10: Committee Meetings and Records Procedure

1. In every meeting of the State Committee, the presence of five (5) members including the chairman shall constitute, and all decisions of the Committee shall be made by a simple majority. When the votes of the sitting members of the meeting are tied, the chairman shall have an additional vote.
2. The committee shall have quarterly meetings.
3. The records of the Committee's procedures and decisions on urban planning issues are kept in the Office of the Secretary of the State Committee and can be tracked, with the copies accessible to those who request them.
4. The Secretary of the State Committee is responsible for preparing the agenda and distributing the minutes of all meetings;
5. Any member of the State Committee is prohibited from participating in a meeting to discuss a land issue that concerns those who are close relatives to him or her or have direct interests between them.

Article 11: Office of Urban Land and Planning of the Ministry of Public Works

1) There shall be an Office of Urban Land and Planning in the Ministry of Public Works, which shall be the secretariat and operational office of the State Committee, but under the Director General of the Ministry as deemed necessary as stipulated in this law.
2) If necessary, the Office of Urban Land and Planning can request skilled workers in Urban Planning through the civil service recruitment process.
3) The office shall be an advisory office on all matters related to urban land planning, and will also carry out other functions as stipulated in this law.

Article 12: Functions of the Office of Urban Land and Planning of the Ministry

The office shall:

1) Contribute to the development of district plans in accordance with the urban procedures of the State Committee;
2) Conduct and direct, occasionally, studies and research on issues related to urban land planning;
3) Advise the State Committee and the Cabinet on issues related to land, the path to be followed and the plan to work to deal with issues related to urban land;
4) Advise the local government and local council on the most appropriate way to use the land, including the land allocation process, urban planning, allocation of public land, control of urban expansion as well as spatial planning;
5) Monitor compliance with the approved urban plans and how they are implemented by the local governments, and ensure the smooth implementation of growth and conservation directives and reporting to the State Committee.

Article 13: Appeal to the State Committee

1) Anyone who has aggrieved by the decision of the State Committee as stipulated in Articles 9 and 10 or the office as mentioned in Article 13 related to an urban or area plan development or matters connected herewith, has the right to appeal in writing with the same State Committee which is contrary to the decision of the Committee, after receiving or being notified of the decision of the Committee.
2) When the Committee receives the appeal in accordance with provision 1, the State Committee may revoke or review the decision appealed from, and shall confirm that it will then implement the latter decision adopted by the Committee.

Article 14: Appeal to the Court

1) Any person aggrieved by the final decision of the State Committee or the office may, within sixty days of receipt of the notice of the final decision of the State Committee after the appeal to the State Committee, appeal to the State Regional Court in writing against the decision in accordance with the procedure applicable to the court, and such a decision shall be final.
2) No government authority shall give effect of the decision during the appeal process against the decision.

CHAPTER THREE
MANDATE OF THE MINISTRY OF PUBLIC WORKS

Article 15
Ministrial Functions on Land and Urban Planning

1) The Ministry of Public Works, as the chair of the Land and Urban Planning Committee of the State, shall oversee the Land and Urban Planning Office.
2) Without prejudice to the articles dealing with specific functions and mandates vested in another institution, the mandates of the Ministry are as follows:
   a) Coordinate and closely monitor the implementation of the decisions of the State Committee related to urban planning and reconstruction;
   b) Lead the State Committee on the formulation and implementation of the land policy and standards for urban and construction issues;
   c) Monitor, on behalf of the State Committee, the land programs, and the urban planning office;
   d) Represent the State Committee in matters related to handling and resolving complaints and appeals, responding to court cases, and compensating individuals who are harmed by the effects of the urban plan or their land confiscated as stipulated in this law.
   e) Keep the original copy of the approved urban plan, and distribute it to all local governments and relevant government institutions, and ensure and supervise to the extent that the local governments comply with the implementation of the approved urban plan.
   f) Register documents, and reserve 30% of the land allocated for public interest and service, which is deducted from the agricultural land where the urban plan reached. A deduction of 30% is made for each farm measuring 1 square kilometer or more.
   g) If additional government land is needed, further consultations shall be held with the land owners. It can be discussed to give compensation to those people or to change the land that the government needed to another land, but it is necessary to fully consult and convince them about the matter.
   h) Protect public land, and cooperate with other government institutions to obtain land when needed to build new facilities or expand, depending on the level of the need.
   i) Provide report to the President of South West State of Somalia on urban land and planning issues and any abuse of office or corrupt behavior by local government officials by proposing administrative measures to be taken against them.
   j) Challenge/accuse, and if necessary, sue the executive heads of the local governments in relation to the violation of the approved urban plan or deviation from the implementation of the decisions made by the State Committee.

3) Keep the State registry of the features of private and public lands, and any real estate property. Be it under the local government or the State.

Article 16: Procedure of Land Allocation to Government Institutions

1) Any government institution, requesting a land to serve the public interest or national work, shall submit to the Ministry of Public Works:
   a) A written request;
   b) The plan intended for the land.
   c) The type, area of the land and the specified purpose of the land; and
   d) Place and environment where it will be implemented.
2) Public interest or public service includes roads, bridges, bus stations, parks, airports, environmentally vulnerable or sensitive areas, communication and power lines, wells, offices and public service centers, government buildings and anything else that is considered indispensable.
3) The requirements mentioned in provision 1, letters (b) and (c) of the same article are exempted from the request from the Government of Southwest Somalia.
4) The Ministry, through a written agreement, allocates a land from the State land registry to the institution or company that submitted the land request, based on the plan and type of the project, and this type of procedure must be specified in the land registry of the Ministry of Public Works.

Article 17: State Land Registry, Functions and Responsibilities

1) Pursuant to Article 17(4), the Ministry of Public Works shall establish the State Land Registry, which shall have the following functions and responsibilities:
2) Registration of all planned land transactions in towns and districts provided by local governments, and includes land:
   a) Allocated to a person or government institution;
   b) Registered for a person or government institution;
   c) Traded by people;
   d) Transferred between people or government institutions;
   e) Allocated for public interest when the urban was planned;
   f) Expropriated from a person or government institution;
   g) Public land leased for more than three years;
   h) Inherited or bequeathed to a person by means of a legal will;
   i) Donated or gifted to a person or government institution;;
   j) Given as an endowment(Waqf) to perform religious activities or for public interest;
3) The Ministry's registry takes the responsibility of the protection mentioned in Article 1, letter (a), after the responsible local governments perform their duties related to land management.
4) This type of land registry serves to complete and be a full proof of the transaction related to the land, unless there is a reason to deny it and a court decides it.

Article 18: Process of sharing land information between Local Governments and the State Land Registry of the Ministry of Public Works

1) The local governments of the towns and districts shall submit copies of the transactions related to urban land to the State Land Registry of the Ministry of Public Works as soon as they register them, they will send them to the State Land Registry of the Ministry of Public Works;
2) The Registry of the Ministry informs the local governments to submit such copies as soon as it gives them to the citizen to send them to the State Land Registry Office of the Ministry of Public Works, and it is the responsibility of the Ministry of Interior Affairs to ensure that those copies are submitted to the registry of the Ministry of Public Works;
3) Every person on his/her own accord shall submit a copy of his/her land transaction to the registry of the Ministry of Public Works, but it is a condition that the State registry review/check the copies submitted by the local government for verification;
4) If a person submits such a copy to be entered in the registry of the Ministry of Public Works, upon verification, it shall be marked with a stamp "received with date and signature" affixed to the original copy submitted by the person.

Article 19: Information to be Stored in the State Land Registry

1) The registry of land information of the State in the offices of the Ministry of Public Works in the towns and districts:
   a) Shall have the form determined by the Ministry of Public Works which will be issued in a decree;
   b) Without prejudice to the rules of provision (1), letter (a), the land register shall contain the following information:
      i. Full four names, identity card number, address, or details of the applicant or owner as mentioned in the land transaction file;
      ii. Full four names, identity card number, and address details of every person previously involved in the land transaction as mentioned in the land transaction file;
      iii. List, date, and reference number of all texts or documents showing the record entered in the land registry;
      iv. Land use including changes in the land use;
      v. If it is a company, it will be recorded the name, postal and real address, copy of the company's certificate of incorporation, personal identification numbers, and photos of passports of the individuals who are legalized for it, and the seal to be affixed;
      vi. Size, location address, directions, and other information related to the map of the land; and the drawing of the size and area of the land.
      vii. Number of letters written in alphabetical or numerical order.
   c) The register maintains the different categories of land transactions such as private, public, leased, allocated, expropriated, transferred, inherited, endowed, and similar transactions.
2) The registrars, upon receiving a written request, shall allow the browsing of the land registry.

Article 20: Seal of the Registry

Every record shall have an official seal, and each seal shall have:

1) A serial number;
2) Name of the location (District and Region) of the record; and
3) Name of the officer in charge of the location.

Article 21: Appointment of the Head of the Land Registry and his or her Deputies

1) The head of the registry and his/her deputies who are based in the towns and districts are appointed by the Minister of the Ministry of Public Works, taking into consideration the best way to carry out the activities mentioned in this law.
2) The registrars shall not:
   a) Register any land that is not first registered with the local government;
   b) Unplanned land shall never be registered, which has not been allocated to someone in accordance with the specified urban plan.

Article 22: Knowledge and Competence Required for the Appointment of the Head of the Registry and his or her Deputies

1) No person is eligible to be appointed as the head of the registry or deputy unless that person:
   a) Has competence and personal integrity, such as not using all kinds of drugs and being a person known for good values and morals;
   b) Possesses a recognized first-level university degree in law;
   c) Has, at least, five years of experience related to land management;
   d) Has advanced skills in conflict resolution, data analysis, research, and presentation;
   e) Is a lawyer who has worked in a court for at least two years.
2) A person is not eligible and cannot be appointed if:
   a) Previously convicted by a court;
   b) Previously dismissed from office due to irregularities or disciplinary action taken against him/her;
   c) Previously benefited or facilitated land or government property that was obtained or given illegally.

Article 23: Functions of the Head of the Registry and his or her Deputies

1) The head of the land registry and his/her deputies, in addition to the functions, responsibilities and procedures provided by this law in relation to the land registration of the State,:
   a) Require everyone to bring an agreement or notarized document or other document related to the land, in addition to bringing the required documents;
   b) Can refuse to make a land registration if any of the agreement, notary letter or other document related to the land, information, or explanation required from the person is not provided.
2) Any decision by the registrar to refuse land registration must be in writing and delivered to the applicant.

3) Everyone has the right to file a written appeal with the Regional Court while attaching the decision within sixty (60) days of receiving the registrar's decision in accordance with the court's procedure;
4) Any registrar who violates the articles related to land registration set out in this law shall compensate the cost or loss of the person who suffers from that violation, while also adding the appropriate penalty mentioned in the criminal law or the disciplinary of the government labor law.

Article 24: Investigation of the Land Registry work and the Resulting Consequences

1) The State Committee can investigate and follow up when a person or group requests:
   a) Accuracy, consistency, and completeness of the land register;
   b) Inspection of the location where the record is checked;
   c) The efficiency and conduct of the registrar;
   d) Implementation of the rules of this law.
2) The State Committee will issue the report of the investigation and recommend:
   a) The dismissal from the employment of any registrar who has been involved in an offense contrary to this law;
   b) To refer the issue to the prosecutor to investigate and determine if there is any criminal action that can be charged;
   c) To review the way that the land registry works.

CHAPTER FOUR
MANDATE OF LOCAL GOVERNMENTS ON LAND

Article 25: Allocation and Distribution Functions

1) The authority to grant land to a private person rests with the local government, and no other government institution can claim the authority to grant land to a person or group.
2) Without prejudice to the provisions mentioned in Article 18 (Responsibilities of the Local Council), Article 19 (Powers of the Local Council), and Article 20 (Functions of the Local Council) mentioned in Law no. 10/2017, local governments in charge of towns and districts have the following functions when it comes to land:
   a) To allocate and provide land pursuant to the design plan issued by the ministry;
   b) To register and maintain all ownership of a privately owned land:
      i. Provision and allocation of land in residential and commercial areas;
      ii. Sale of a legally owned land;
      iii. Mediation (judgment) of a disputed land through the process of mediation, decision-making (tribunal), or a decision made by a competent court.
      iv. Long-term retention without being claimed by a private person or government;
      v. Settlement programs;
      vi. Inherited, or bequeathed, or given or acquired by other legal means; and
      vii. Any other means that is stated by the law of the State regarding urban land.

c) Establishment of a reliable system to systematically store information related to urban land and real estate, including private and public lands, and to implement an appropriate method of counting or numbering land and houses that are privately owned, or owned by the government;
d) Submitting periodically to the registrar of the State for transactions related to the allocation, registration, and transfer of land,
e) Proposing a plan to the Ministry to develop a land or a long-term plan to reset a land along with:
   i. The purpose of the new plan;;
   ii. The land in which the planning initiative covers (potentially affects);
   iii. The reason behind determining the scope of the initiative; and
   iv. The overall vision for the development.
f) Issuance of permits for buildings and real estate of private land by implementing the standards, survey methods, and regulations of the Ministry of Public Works.
g) Expeditiously correcting and resolving technical disputes arising from the land, and taking government and disciplinary measures against the workers involved in the dispute and reporting the nature of the dispute, and introducing corrective measures to improve any gaps seen or reported. And
h) Implementation and maintenance of numbering of privately owned land and houses and the buildings owned by the local government.

3) Any interference in the matters of allocation and provision of land by a government institution other than the local government is illegal.

Article 26: Efficient Distribution of Land Plots

1. Land plots are distributed in an equitable and fair manner in the spirit of the equality of citizens.
2. When the local government is allocating empty spaces (plots) for building permanent residences, it must consider the following issues:
   a) That the person who is to be given a plot of land does not have a previously undeveloped land.
   b) That the person requesting the land is a person who has a family or is responsible for a family or is financially able to build or invest.

3. The local government, taking into consideration certain proven circumstances, has the power to legally grant land to a person with special needs or a minor.

Article 27: Allocation of Land for Special Projects

Any public or government that wants land to implement special projects that are technically complex or environmentally sensitive or that may affect the public interest needs the permission of the local government, along with the permission of the ministry in charge which has the right to refer the matter to the State Committee for a decision.

Article 28: Power Control of the Local Government in relation to Land

1) Local Governments cannot allocate or provide unplanned land;
2) The local government while declaring any land that is cut off from the planned land that is owned by a public person is reserved for the interest and services of the public only;
3) The Land Registry Office, after planning, is responsible for recording the cut-off land in the register of the Ministry of Public Works.

Article 29: Power Restriction of the Local Government in relation to Land

1) The local government cannot allocate land designated for activities related to mining, aviation, military camps, cultural and historical sites, farms, grazing land, beaches, and any land that by nature or law comes under the jurisdiction of the State and Federal Government;
2) In order to reduce disasters and prevent flooding in other areas, natural streams or drains should not be used for construction or other activities such as blocking water or diverting it to new roads.
3) It is prohibited for buildings or other activities to be implemented along the banks of rivers and streams.

Article 30: Allocation of Private Land, Land Use Permit, Registration and Transfer Process

1) Any land to be allocated must be in accordance with the approved town plan, but if it doesn't exist or there is no approved town plan, the land allocation must be in accordance with the developmental objectives of the local government for the area.
2) All local governments in the South West State must have the same standard operating procedure to operate and manage the allocation, registration, use, and transfer of private land using charts and tables issued in a decree or a ministerial order.

CHAPTER FIVE
URBAN PLANNING

Article 31: Responsibilities of the Owner of the Plot

The owner of plot must:

1) Respect this law and other laws of the country.
2) Fulfill the required conditions related to the land.
3) Follow the plan for the area where the plot is located.
4) Use the land only for the purpose he/she requested and allocated it for, if otherwise he/she uses it for a new purpose, he/she must get permission from the local government.
5) If he/she is using the plot for a special project, the owner must cover the land within the given time in accordance with the purpose given stated in the allotment letter, and that
6) Pay all taxes due, fees, and other charges owed.

Article 32: Objective of Urban Planning

The objective of urban planning is oriented to address social and environmental needs through a joint approach with sustainable development along with land use design and management.

Article 33: Urban Planning Authority

The institutions that are responsible and have the authority to initiate and set urban plans are as follows:

1) Local Government Executive Committee
2) Ministry of Public Works
3) Urban Land and Planning Committee of the State.

Article 34: Mandate of the Ministry of Public Works for Urban Planning

1. In addition to the other responsibilities given to the Ministry of Public Works by this law, the Ministry is responsible for the following issues on urban planning:
   a) Coordination of all plans and constructions going on in the State
   b) Determining the structure and management of urban land planning and buildings.
   c) Regulation and overseeing of urban planning and building standards.
2. Urban planning is implemented in advance and in compliance with the following documents:
   a) The master plan of the State and urban land planning.
   b) Urban land development plan.
   c) Land sub-division plans/zoning.
3. Any plan that has not been approved by the Ministry of Public Works and the State Committee, and does not comply with the procedure set forth in this law, cannot be implemented.

Article 35: Process of Setting and Approving the Urban Plan

1) Towns and districts shall have a land management plan, and plan the urban in accordance with the principles and policies of land use.
2) Local governments implement the procedures and plans for urban land and buildings.
3) Any plan that does not comply with the following procedure will be considered null and void:
   a) The urban plan or the zonal development plan must be requested by the Local Council of the city in accordance with law No. 10/2017;
   b) The request of the Local Government shall be submitted in writing to the Ministry's office.
   c) The State Committee shall forward the request to the Office of Urban Land and Planning of the Ministry;
   d) The Office of Urban Land and Planning of the Ministry assists in the technical process of planning by working closely with the local government officials, other related ministries, and the community affected by the plan, and it shall be submitted to the local government for approval before submitting it to the State Committee for final approval;
   e) Upon receiving the plan, and due considerations are given, and a decision is made on the complaints related to the proposed plan, the State Committee shall proceed with the

approval of the plan if it does not reject it.

4) The decision made on the complaints that are contrary to the plan shall be issued in writing by the State Committee.

Article 36: Requirements for the Master Plan

1) Every master plan that covers the whole urban or part of it shall be based on the long-term land use and development strategy (5 years or more) and policies that are compatible with the development planning tools at the national level, State and district, and State development principles, investment, procedures, and implementation techniques.
2) Urban Master Plans will show the types of architecture and land use patterns as well as the main characteristics of urban patterns such as roads, built-up areas, open and public spaces, and sensitive areas, new residential areas, economic and social activities areas; as well as areas that are expected to be improved, modified or re-developed.
3) The document of the master plan shall constitute the following issues 1) Section of analysis or report of the studied situation; 2) Development proposals including maps, guiding principles, and rationale; 3) Implementation strategy including milestones, funding strategy, and monitoring and evaluation plan.
4) The Minister, in consultation with the State Committee, may issue detailed guidelines and instructions during the implementation of the planning standards and guidelines of the State.
5) In unbuilt areas that are planned for public housing, the master plan allocates 30% of the total of that land for public services and social affairs.

Article 37: Participation in Urban Planning

1) The urban development plan will be inclusive with the participation of local government officials, relevant institutions, and the active engagement of the public that can be affected. Details are stated in the guidelines and the detailed instructions of the State.
2) Before the submission of the urban plan to the State Committee for final approval, the local government must notify the public and the community that the plan may affect through radio, TV, and social media.
3) During the development of the urban plan, the State Committee must take into consideration all the factors that may affect the population, the environment, peace, security, and economic impact.
4) The approval of an urban plan shall be published. The Secretariat of the Urban Land and Planning Committee of the State and the concerned Local Government shall make the interested people understand the planning documents.

Article 38: Suspension of Constructions and their Consequences

1) When there are important reasons, and consulted with the State Committee and approved in writing, the local government can order the suspension of land construction for a period not exceeding thirty (30) days. This period will not be counted towards the time to complete the construction.
2) The local government must deliver to the land owner and the contractor a written reasoned notice and attach it with the approval of the State Committee for the suspension of the construction.

3) The local government can order the suspension of in-progress construction work in the same notice mentioned in the previous provision to re-plan the land area or for reasons of violation of the conditions of allocation or violation of the urban plan.
4) If the reason for the suspension does not come from the suspended party of the construction, the contractor, or the owner of the suspended construction for re-planning, they can request compensation from the local government for the affected period. The amount of the compensation must be negotiated between the owner or the contractor and the Local Government. If the negotiations are unsuccessful, the applicant can take his/her case to the Regional Court. The court will decide fairly within 30 days.
5) The rules of this article cannot be applied to the land where there is a reasonable dispute until the fate of the land is finally decided by a tribunal or court.

CHAPTER SIX
ADMINISTRATION OF PUBLIC LAND

Article 39: Separation of Public and Private Lands

1) Urban land is classified into public and private land.
2) In this law:
   a) Public urban land is the land lawfully owned, used, or occupied by a Federal institution, State, or local government, including any land that is leased to a person who is non-governmental or any land purchased or expropriated by the government; or any land whose lawful owner or heir is unknown; or any land where facilities of public services are located or used for the public interest; or any land in the city that does not belong to anyone.
   b) Private urban land is any land that has been legally allocated, purchased, seized by the government, inhabited, transferred, or occupied by individuals or families for a long time without any interference.

Article 40: Public Lands Management

1) The State Committee for urban land planning, using the land registry of the Ministry of Public Works, will:
   a) Identify public lands, and order the preparation of a database of all public lands, which must be verified by surveyors or engineers;
   b) Assess public land units based on the current land value, land resources, mapping consideration, overall land use and resource assessment data, land use and planning;
   c) Share information with the public and other relevant institutions to avoid misuse of public land;
   d) Stipulate to use the land for specified purposes in accordance with the requirements, priorities, and size.
2) With regards to the real need and the priority of the national security interest or the public interest, private land can be converted to public land through:
   a) The government expropriation of the land
   b) The expiry of the lease period; and
   c) The voluntary renouncement of the land by the person.

3) The State Committee assigns the urban land and planning office of the Ministry and the State Land Registry to register the public lands under the following requirements:
   a) Location, size, and full address;
   b) Reference and the origin of the land;
   c) Purpose to be used; and
   d) Any additional remarks about the land.

Article 41: Transferring Public Lands into Private Property

1) State-level sales procedures are followed through for all matters relating to the transfer of public land.
2) Without prejudice to the sales procedure of national property, if deemed necessary, public land can be transferred to private property, only through the following procedure:
   a) Open public auction presented at the highest market price and not less than the lowest market price;
   b) Tender advertisement
3) Without prejudice to the articles of this law, the Federal Government may allocate a reasonable portion of land in the South West State to a foreign government or the United Nations in accordance with the Federal Government's legislations on diplomatic relations.
4) Any land in the following areas is prohibited to be transferred:
   a) Forests and government farms;
   b) Drainages, water reservoirs, and areas for the protection of groundwater resources;
   c) Coastal lands up to one kilometer from the coast and the fish breeding grounds;
   d) Cemeteries, and religious or historical landmarks.
   e) Public recreational areas, hazardous places, public roads, schools, and health centers; and
   f) Any other public land that provides services to the public
5) Any procedure contrary to the 3rd and 4th provisions of this article shall not be considered legal and shall be deemed null and void.
6) The legitimacy of the land transfer and its procedures can be reviewed by the competent court at any time.

Article 42: Leasing the use of Public Lands

1) Using the tendering process, the State Committee may lease the use of public land to a person for a period not exceeding more than two (2) years, by entering into a lease agreement in accordance with the relevant laws. The same tender process is applied every two years..
2) The land lease award shall be given to the successful bidder, provided that:
   a) The tender is advertised publicly;
   b) The tender procedure is used;
   c) No person is leased for a period of more than four (4) years in total;
3) The State Committee may issue a notice to a person to vacate the land at any time after the expiry of the two-year lease period.

4) The lease fee, payment period, lease agreement, and requirements are set forth by the Ministry of Public Works in accordance with this law.
5) Upon the approval of the Ministry, the lessee may sublease or transfer the lease benefits in accordance with this law. The transfer of the land benefits and permission shall be approved in a new lease agreement.
6) The same tender procedure shall be applicable every two years, and it shall be applicable to all the use or benefits of the land assets of the State and the local governments.

Article 43: Renovation of a Government Building on a Leased Public Land

1) The lessee may demolish a building or renovate the nature of the land or building when he/she has the official permission from the Ministry of Public Works, and the Ministry shall reject the proposal for renovating the land if it:
    a) Affects the sustainable use of land;
    b) Affects the public order, safety or health; or
    c) Negatively changes the nature of the land.
2) At any time before the lease agreement expires, the lessee of public land must demolish any building or any other structure he/she has erected on the land unless otherwise agreed upon with the Ministry of Public Works.

Article 44: Additional terms between the Lessor and the Lessee

1) The public land lease agreement shall be entered into by the Ministry of Public Works on behalf of the government, and shall be recorded in the State Land Registry.
2) Public land leasing shall be managed by the Urban Land Planning Office on behalf of the Ministry.
3) Any lease of public land:
    a) The lessor has the right to oversee and inspect the leased land, after notifying the lessee;
    b) The lessee shall pay in advance the annual lease fee stipulated in the agreement in the first month of each year;
    c) The lessee by paying the lease and complying with the lease terms, shall be in full possession of the premises, and there shall not be any hamper by the lessee or any other claimant from the lessor.
    d) In addition to that, the lessee shall pay all taxes, fees, and other charges levied by the law of the Federal, State, or local government, or any other service provider.

Article 45: Development of Leased Public Land

1) Unless otherwise expressly stated in the lease agreement anything contrary to it, all investments to be made in the leased public land shall:
    a) Be owned by the government without any compensation;
    b) The lessee shall, within a period of three months at the end of the lease, vacate the land provided that the investment made to it is mobile or technically or mechanically mobile at all times.
2) If the lease agreement is terminated due to a penalty, the Ministry shall sell the investment to another lessee at a reasonable price with the presence of the terminated lessee;
3) Any disagreements related to the value of the investment shall be decided by the competent court.

Article 46: Penalties for the non-compliance with the Lease Agreement

1) After a written warning, the Ministry may fine the lease if:
   a) The lease fees specified in the agreement are not paid one month after they became due and one month after the warning was given to the lessee;
   b) Any tax due on the investment or any other building erected on the land, which has not been paid for a period of two months after becoming due; or
   c) The lessee of the land fails to comply with the conditions of the lease.
2) Without prejudice to provision 1, letters a, b, and c of this article, the Ministry or any other institution may demand the payment of debts, bills, and arrears arising from the lease of the public land, incurred before the termination of the lease.

CHAPTER SEVEN
ADMINISTRATION OF PRIVATE LAND

Article 47: Private Land Acquisition and Ownership Process

1) Private urban land may be owned through:
   a) Local government allocation of towns and districts in accordance with this law.
   b) Purchase of legally registered urban land;
   c) The final judgment of land to a person through arbitration, or the competent court;
   d) The urbanization of a farm provided that the permit of the land is returned to the Ministry of Agriculture, which initially issued the license, to revoke.
   e) The long time ownership of land without any interference by the public or the government; such as agricultural land.
   f) Settlement programs;
   g) Land acquired by inheritance, bequest, gift, or any other legal process;
   h) Any other manner stipulated by a law that is consistent with this law.
2) Ownership or possession of the land shall be recognized and enforced by law, and land title deeds shall be issued upon request.
3) 3) The value of the land depends on the location and the decision to limit the value of the land rests with the district's local government.

Article 48: Ownership Period of Land

1) The period of land ownership shall be as follows:
   a) The ownership period of land for any Somali citizen who fulfills the conditions set forth in this law and builds real estate on the land shall be unlimited.
   b) Without prejudice to the Somalia citizenship law, foreigners with residence or legal status under the relevant legislations may own land similar to Somali citizens.
   c) Landowners shall receive the final title deeds after the completion of the construction.
2) Any temporary or permanent use of land that does not go through the legal process for issuing the title deeds and building permits or that does not conform to the urban plan, is considered illegal, unless its permission is issued by the local government, which shall pay the full compensation of assets recognized as illegal.
3) Any written documents issued by the local government including the tax collection documents shall be sufficient proof of the permission acquired from the local government.

Article 49: Demolition of Legal Buildings

When a legal building is marked for demolition for reasons regarding urban or area planning, after all the cases are settled or reviewed by a court, the owner of the building has the right to:

1) Receive the appropriate information at the desired time and with sufficient notice;
2) Receive fair compensation for the damaged land and property. The compensation must be received before any demolition is enforced;
3) Receive a plot that is not smaller in size or value than his/her previous plot and the title deeds shall be issued before any demolition is enforced.

Article 50: Demolition of Illegal Buildings

1) During the process of implementing the urban plan of a district, the local government has the power to demolish illegal buildings, whether they are permanently or temporarily built.
2) The relocation of the temporary building may occur due to the:
   a) Relocation of all the residents in the place, and this happens as a result of a need for the land, or when the land is one that was intended for a purpose other than residential in the initial plan.
   b) Residents of such land shall be provided with a suitable settlement, and the cost of the relocation shall be covered by the local government.
3) When the demolitions concern internally displaced people, the people shall have the right to be informed, proper counseling, and acquisition of residential land.

Article 51: Farms Adjacent to the Town

1) Irrigation farms that to with the Agricultural Law, and are integrated into the urban plan may be used as plots, provided that the land ownership remains with the people who originally owned the farms legally.
2) Rainfed farms that conform to the Agricultural Law, and which are integrated into the urban plan are used as plots, provided that the land ownership remains with the people who originally owned the farm legally.
3) 30% of the land planned for agricultural land shall be reserved for public services, and shall be:
   a) Exhibited in the urban plan.
   b) Recorded in the land registry.
4) Mountainous, rocky, and riverine lands in the urban plan shall not be recognized as agricultural land.

Article 52: Acquisition of Owned Land

In respect of the private land that has been acquired and transferred,

1) Acquisition of the land must be immediate unless otherwise specified in the transfer agreement.
2) The land or transfers agreement must be in writing and made by a licensed public notary, and then submitted to the local government transfers office.

Article 53: Building Permits Payments

1) Every person with legal title deeds of a registered land shall:
   a) Obtain a building permit from the local government when the development of the land is compatible with the urban plan and the land uses;
   b) Paying all due taxes and fees levied by the law.
2) Any condition of payment that is not set out by the law is illegal.

Article 54: Lease of Private Land

1) Unless otherwise specified in another law, the articles of this law shall apply to all leases of private land, other than leases governed by the articles relating to the lease of public land.
2) The owner of private land:
   a) May lease the land or part of it to any person for a specified period or for a period equal to the lifetime of the lessor or lessee or for an indefinite period, which may be terminated or invalidated by the lessor or lessee;
   b) If it is not a violation of this law or any other law, the conditions mentioned in the lease agreement are the reference in regard to the interpretation of the lease agreement or its adjudication.
   c) The interpretation or adjudication referred to in provision (b) shall not adversely affect the intention of the parties to the lease agreement.

Article 55: Lease Term

If a lease agreement is being established:

a) If the lease term is not specified in the agreement, and there is no article regarding the advance notice of the termination of the agreement, the lease term shall be for one year, and the renewal of the agreement shall be decided by the lessor.
b) The rent shall be paid on a monthly basis unless otherwise stated in the lease agreement.
c) The lessee remains on the premises and occupies the land with the consent of the lessor after the expiry of the lease term.
   i. Unless the lessor and lessee do not agree to expressly or impliedly terminate the lease agreement.
   ii. All conditions of the lease in accordance with the rules of provision (a) shall remain in effect until the lease is terminated or invalidated in accordance with this law.

Article 56: Transfer of Land Ownership or Lease

1) The land owner may transfer the land or the lease agreement to any other person through selling the land, bequeathing, gifting, or through any other legal process, and the transfer shall be completed in the registration of the transfer, provided that the owner is a sound mind, of legal age and that the law does not prohibit him/her from such practice.
2) Without prejudice to the rule mentioned in provision 1, the land heirs have the right to file a case before the court to review the transfer.

Article 57: Impact of Lease Transfer

1) Any transfer from the lessor or lessee shall have all the rights and obligations of the lessor or lessee, as written or implied in the lease agreement or in this law, and the transferee shall have no responsibility (rights and obligations) arising from the lease agreement.
2) Without prejudice to the rule of provision 1, the transfer shall not affect the rights and obligations of the lessor and the lessee that were due before the transfer ensued or matters related to the breach or violation of the terms of the lease agreement before the transfer has been executed.
3) In relation to the breach or violation of the agreed terms set out in the lease agreement or implied in this law, the lessee, by notifying the transferee of the lease agreement, may withdraw or revoke the lease agreement transfer in which the lessee may transfer the lease to another person.

CHAPTER EIGHT
EVICTION AND LAND DISPUTES MANAGEMENT

Article 58: Illegal Eviction

1) Illegal eviction is when people are illegally evicted from their land or houses by force, whether permanent or temporary, without their permission, and without provision of any other land, and are inconsistent with the legal procedures set forth within this law.
2) Illegal evictions are prohibited and are contrary to this law.
3) Land and houses owners shall be protected from all forms of eviction.

Article 59: Protection of the Internally Displaced People and the Poor

1) Internally Displaced People shall be treated equally as other citizens, and the local government shall bear the responsibility of allocating habitable land during the displacement;
2) Any land that is collectively allocated to accommodate the internally displaced people shall be considered temporary, and shall only be considered permanent after going through the land allocation process stipulated in article 48 of this law.
3) Return, relocation, social integration, and resettlement of internally displaced people shall be handled with the utmost care and consideration.
4) Internally displaced people shall not be forced to return or be relocated unless:

    a) It is in their best interest.
    b) It is in the interest of the endangered public.
    c) It is pursuant to the safety or public order, and approved by the local council and issued in a decree.

Aricle 60: Legal Eviction Procedure

1) The eviction of the internally displaced people or poor who are in possession of unauthorized land may be justified only if the following conditions and procedures are adhered to:
   a) The existence of a legal justification that can be evidenced by a proposed urban plan or significant developmental project;
   b) Provision of people with a notice period of at least sixty (60) days, taking into account the extenuating circumstances.
   c) The undertaking of inclusive consultations with the people who would be impacted by the decision for the discussion of the relocation to other places.
   d) Adherence to the legal procedures stipulated within this law and other laws;
   e) Affected people by the decision shall be provided with livelihood support during the eviction or relocation time.
   f) The process or purpose shall be non-discriminatory and not specifically targeted toward a particular group or tribe.
2) The people impacted by the decision shall be given the right to appeal to the competent court.

Article 61: Land Disputes Resolution

1) When a land dispute arises for the first time, the parties may submit their case before an administrative tribunal to settle the dispute and issue a verdict. The dissatisfied party with the verdict has the right to appeal to the regional court within a month after the verdict.
2) The appeal fee shall be covered by the person who is disputing the verdict of the administrative tribunal, and it shall be paid to the court that is conducting the case.
3) The parties may opt to resolve their dispute through the customary law method rather than taking the case to an administrative tribunal.
4) The administrative tribunal shall consider any decision or fact-finding reached through the customary method. Traditional jurors may be asked to appear before the tribunal to partake in the hearing. The parties who refuse to accept the customary method may present their case in a new hearing by the tribunal.
5) People who appear before a tribunal may have a legal representative or be self-represented. If the members of the tribunal suspect that one of the parties in the case may be defeated due to lack of legal representation, they shall adjourn the case and inform that party to find or seek legal aid.
6) The land dispute resolution tribunal shall consist of members with extensive knowledge and experience on land issues, and shall be appointed from the following institutions:
   1) 1 expert proposed by the Ministry of Public Works who shall be the chairman
   2) 1 reputable traditional elder proposed by the Civil Society - Member
   3) 1 person from the Local Government - Member
   4) 1 person from the Ministry of Interior - Member
   5) 1 person from the Ministry of Agriculture - Member

6) 1 person from the Ministry of Religious Affairs - Member
7) 1 person from the Ministry of Justice - Member

7) The tribunal members referred to in provision 1 of this article shall be proposed or appointed by the relevant institution, after receipt of the appointment request from the Ministry of Interior Affairs.
8) Every institution shall submit the name of the person who shall be part of the tribunal to the Ministry of Interior Affairs. The minister shall issue a decree with the list of the tribunal members.
9) The term of office for the tribunal members shall be two years and may be extended through the same appointment procedure.
10) The local government of the town where the tribunal is located shall provide an office for its operations and shall cover its operational cost.
11) The Minister of Interior Affair shall issue a regulation on the:
    a) Allowance for the tribunal members;
    b) Operating procedure of the tribunal.
    c) Implementation of the tribunal decisions; and
    d) All other matters related to the duties of the tribunal.
12) The executive committee of the local government shall set the fee rates to be charged to the applicants for filing a case;
13) If all the institutions that are part of the tribunal have no presence in the districts, the regulation of the Ministry of Interior Affairs shall specify the number and members of the tribunal.

Article 62: Mediation and Arbitration of the Tribunal.

The tribunal may mediate between the parties in dispute or transfer it to their relatives or reputable elders of the parties to mediate. If no solution can be reached, the tribunal shall continue the case and issue a verdict.

CHAPTER NINE
LAND TAXATION AND OTHER REVENUES

Article 63: Land Transaction Revenue

Unless otherwise stated by another law, the land revenue shall be:

1) Annual property tax;
2) Land sales and transfers tax;
3) Public land lease rent;
4) Service fees and charges;
5) Building permit fees for private business investment.

Article 64: Annual property tax

1) The annual property tax shall be collected by the local government, and shall be levied on all registered lands, whether developed or not and shall be required to pay by the land owner as mentioned in Article 47 of Law No. 10/2017.
2) The land taxation shall be based on the square meter of the registered land;
3) The executive committee of the local government shall issue a decree on the property tax rate, provided that the tax rate is affordable to the public.

Article 65: Land Sales and Transfers Tax

1) Transfers tax shall be levied on any registered land that is transferred through sale, inheritance, gift, or through any other legal process, and shall be collected by the Ministry of Finance in the property transfers office of the local government.
2) The amount of the transfers tax shall be based on the total value of the taxed land, and shall be referred from the notarial agreement issued by an official public notary.
3) The Ministry of Finance shall issue a decree on the amount of tax on the transfers of property, provided that the amount of tax is affordable to the citizen.

Article 66: Public Land Lease Rent

1) Rentals on the public land or property lease agreements shall be collected by the Ministry of Finance if it is a property owned by the South West State, while the local government collects it when it is a property owned by the local government of the cities and districts..
2) The payable amount shall be set in the lease agreement in accordance with the articles of the public land lease agreements.

Article 67: Service Fees and Charges

1) The local government shall not collect fees or charges unless it is determined by an approved law or regulation.
2) The amount of any fee or charge shall be set by the law and shall be determined in a decree issued by the Executive Committee of the local government, provided that the amount is affordable to ordinary citizens.
3) The amount of any fee may be reviewed and amended every two years.

Article 68: Building permit fees for private business investment

1) The local government shall set the amount of the building permit fee for a private business;
2) The permit fee shall be part of the local government's revenue.

Article 69: Land Tax Evasion

1) If the land owner has not paid the tax due for three consecutive years, after being given a written notice and warning, the local government shall sue the person before the court to claim the payment of the tax, or the defendant will lose the right of the land ownership which sequentially turns to public property.
2) The court may decide to:
   a) Give a final warning to the owner, and order him/her to pay the tax within 30 days;
   b) Sell the land to pay off the tax due;
   c) Expropriate the land, and turn it into public property.

CHAPTER TEN
MISCELLANEOUS PROVISIONS

Article 70: Real Estate Companies and Brokers of Land Sales and Transfers

1) Any private person, or in a real estate office that is involved to facilitate the land sale or its transfer or to bring together the buyer and seller of land is considered a broker under this law.
2) Land brokers shall be registered and licensed by the local government, as well as the companies or real estate offices registered with another relevant Ministry that facilitates the land sale.

Article 71: The Duty of the Broker for Land Sales Verification

The work of land brokers must be supervised, and they must comply with the following requirements:

1) Before the sale, brokers shall be obliged to verify the authenticity of the land ownership to be sold.
2) The verification shall include the investigation of the authenticity of the landowner by verifying the documents or checking it from the local government or any other necessary means.
3) If the land is not verified, or the verification is deemed incorrect after the sale, the broker shall be responsible for the failure to verify the land and shall be obliged to cover for any losses resulting from their actions.
4) Failure to resolve the issue shall hold the broker accountable, and the property of the broker may be confiscated to settle the matter.

Article 72: Public Notaries for Land Transactions

1) The public notary is obliged to require a guarantor (Damiinul-maal) for the land transactions;
2) The guarantor shall be responsible for any disputes arising from the land ownership.
3) Waiver of guarantor in the notarial agreement shall imply that the public notary bears the responsibility for any dispute arising from the land ownership.

Article 73: Duty of the Guarantor for Refund in case of a Dispute

Any guarantor whose guaranted land is subject to a legal dispute regarding ownership and therefore cannot be transferred due to a lack of proper verification, the guarantor shall refund all the money.

Article 74: Administrative Regulations

1) The Ministry of Public Works or the local government may issue regulations to implement the law or clarification of their mandates related to this law, provided that the regulations do not undermine the notion of this law or contradict or amend the articles of this law.

2) The State Committee or the Ministry of Public Works may issue decrees arising from the decisions they have made under their jurisdiction stipulated within this law.
3) Any decision from the State Committee, Ministry of Public Works, Local Government or the Tribunal shall be in writing, and disseminated openly.
4) Any decision that is unwritten or unavailable shall not be recognized as legally binding.

Article 75: Judicial Review

The Supreme Court has the power to review or annul any regulation or decision issued in reliance of this law, and anyone can appeal any case related to this law.

Article 76: Schedules and Templates

1) In order to clarify and make the land registration process simple and understandable, the Executive Committee of the local government shall issue procedures and templates to be utilized for the land registration process.
2) The Executive Committee shall study the methods currently used for the land registration when making the templates, and shall collect the important data, and eliminate the unnecessary.
3) The Executive Committee of the local government shall issue an executive decree in relation to the duration and deadlines for each step of the land registration process, and shall conduct periodic reviews on the compliance of the decree.
4) The review may result in disciplinary action against employees found to be negligent or willful delay or poor performance.

Article 77: Temporary Transition during Absence

Officials in charge of public land must delegate their duties to the next ranking officers during their absence from office due to work or personal reasons, and the transition memo showing the effective date shall be published.

Article 78: Penalties for Abuse of Power

Any public official who violates the articles of this law shall:

a) Be taken disciplinary action, if the act does not constitute to criminal liability.
b) The disciplinary actions shall be in reliance of the Civil Service Law of the State or the local governments.
c) Be liable to criminal prosecution if the act constitutes criminal liability in accordance with the Penal Code.

Article 79: Implementation of the Law

This law shall take effect after the approval of the House of Representatives and the signature of the President of South West State of Somalia.