

ADWAIC 451

LAND TENURE CENTER
Author File

REPORT
on
THE ADMINISTRATION
and
PROPOSED REORGANISATION
of
THE LANDS OFFICE
of the
MUNICIPALITY OF MOGADISHU
SOMALIA

prepared for
REGIONAL HOUSING AND URBAN DEVELOPMENT OFFICE
AGENCY FOR INTERNATIONAL DEVELOPMENT
NAIROBI

by

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INTRODUCTION

I was engaged by the Regional Housing and Urban Development Office of A.I.D., Nairobi, through the Land Tenure Centre, University of Wisconsin to visit Somalia and advise on the re-organisation of the Lands Office of the Municipal Government of Mogadishu.

My terms of reference were:

1. Review existing administrative unit for land application, land purchase, and survey and recordation of plots and land appraisal.
2. Review entire administration unit and inventory all records ie filing systems, tax records, tariff collections, land sales etc. An examination of staff skills and staffing patterns in terms of office ability to perform tasks in the light of recommendations to update procedures and improve the mechanics of all systems will be needed.

It was subsequently agreed that it would not be feasible to write procedural manuals during the visit and that arrangements would be made to produce these later.

I arrived in Nairobi on Sunday 22 June and spent four days in the RHUDO office being briefed by Mr Fred Hanson Director of RHUDO.

I flew to Mogadishu on Thursday the 28th June for three weeks. During the last four days of the visit I was joined by Fred Hansen and Mary Jo Holin.

During the visit to Mogadishu I met the following who were most helpful and co-operative:

Abdin Yusuf, representing the Mayor of Mogadishu,
The Director of the Lands Office,
Ali Ahmed, Lands Office,
Dr. Abdi Siyad, Lawyer to the Municipal Government,
Ali Haji Abdillahi, House Tax Department,
Col. Ibrahim Elmi Gaileh, Head of Cartography, Somali
National Army,
and many others.

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I am grateful for all the help and assistance which I received from Ali Haibel Mohammed of the Aid mission in Mogadishu.

Throughout this report reference is made to "permanent leases". Although in common use it is a misnomer in that the grant is more akin to a freehold or absolute title (although this is limited in time in the case of a grant to a foriegner). I have used the phrase deliberately in order that it will re-translate correctly into Somalia.

I have relied heavily for background material on the two reports prepared by PADCO - Urban Development Assessment of Mogadishu, Somalia, and Land Use and Pricing Policy for Mogadishu.

PART 1.

REVIEW OF EXISTING ORGANISATION.

GENERAL.

Prior to 1980 the Municipal Government was only responsible for the allocation of temporary permits, but by the Law No.10 of 17th December 1980 took over the functions previously performed by the Ministry of Works and became responsible for the administration and allocation of all building land within the Banadir Region.

The Lands Office of the Municipality of Mogadishu is situated on 21 October Road. The walled compound is relatively spacious and contains three blocks of offices. There is room for expansion should the need arise.

The existing organisation consists of the Director's Office, a section dealing with the issue of temporary permits (which incorporates the cashiers' office), a section dealing with the issue of building permits which is allied to an office issuing permanent leases, and a survey and design office.

House tax is assessed and collected by a separate department of the Municipality.

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ESTABLISHMENT

The following current staff list was provided by the Lands Office.

1. Axmed Xaaji Cumar "BAADARI" WAKIIKA	DUQA ARR.	
	DHULKA	Mayor's representative
2. Maxamuud Cabdi Cusmaan	AGAASIME	Director
3. Cabdi Abshir Yuusuf	AGAASIME	Technical Director
4. Maxamed Muumin Xasan	M/XUBIN	Section Head (temporary lease)
5. Abuukar Maxamed Sheedh	M/XUBIN	Section Head (Permanent lease)
6. Maxamed Maye Xaaji	M/XUBIN	Section Head (Permanent lease)
7. Cali Axmed Maxamed	M/LAAN	Supervisor field staff
8. Cawil Xasan Cale	M/LAAN	Supervisor building permits.
9. Maxamed Cale Xaaje	M/LAAN	Supervisor enforcement
10. Cumar Cali Geedi	M/LAAN	Supervisor temporary permits
11. Maxamed Sheedh Abuukar	M/LAAN	Supervisor Permanent leases
12. Cabdi Casiis Bashiir Sheekh	M/LAAN	Chief Cashier
13. Maxamed Cali Ibraahim	M/LAAN	Supervisor - records
14. Xaliimp Hiloowle Maxamed	KHASNAJI	Cashier
15. Yuusuf Axmed Muuse	KORMEERE	Enforcement Officer
16. Maxamed Mubaarak Cabdi	KORMEERE	Building Inspector
17. Maxamuud Xaaji Maxamed	JOOMETIR	Draftsman
18. Axmed Warsame Afrax	JOOMETIR	Draftsman
19. Maxamed Warsame Aadan	JOOMETIR	Draftsman
20. Axmed Maxamed Ibraahim	JOOMETIR	Draftsman
21. Maxamed Cali Yuusuf	JOOMETIR	Draftsman
22. Xiis Yuusuf Maxamuud	JOOMETIR	Surveyor
23. Cali Sheekh Cumar	JOOMETIR	Surveyor
24. C/laahi Maxamed Guudaal	JOOMETIR	Surveyor
25. Maxamed Cali Habe	JOOMETIR	Surveyor
26. Cabdi Maxamed Cawed	JOOMETIR	Surveyor
27. Maxamud Sheekh Xasan	K/Joometir	Assistant Surveyor
28. Xasan Guutaaler Cali	K/Joometir	Assistant Surveyor
29. Muumin Hiloowle Maxamed	K/Joometir	Assistant Surveyor
30. Maxamuud Maxamed Cali	K/Joometir	Assistant Surveyor
31. Cali Warsamed Cali	K/Joometir	Assistant Surveyor
32. Cumar Macallin Abuukar	K/Joometir	Assistant Surveyor
33. Abuukar Cumar Cali	K/Joometir	Assistant Surveyor
34. Maxamed Axmed Maxamed	K/Joometir	Assistant Surveyor
35. Cumar Macallin Xasan	K/Joometir	Assistant Surveyor

36.C/Laahi Qaasim Maxamed	Xisaabiye	Accountant
37.Caliimo Xasan Maxamud	Karaani	Clerk
38.Xaawo Cilmi Rooble	Karaani	Clerk
39.Maxamuud Nuur Cali	Karaani	Clerk
40.Saynab Xaaji Cilmi	Karaani	Clerk
41.Faadumo Xirsi Qaasim	Karaani	Clerk
42.Khadiija Cali Cabdalle	Karaani	Clerk
43.Khadiija Siidow Xaaji	Karaani	Clerk
44.IbraahimXuseen Hiraabe	Dhidbe	Survey Labourer
45.Saciid Cusamaan Yuusuf	Dhidbe	Survey Labourer
46.Nuur Maxamed Cale	Dhidbe	Survey Labourer
47.Aasiya Maxamed Maxamuud	Adeege	Messenger
48.Faadum Xasan Maxamud	Adeege	Messenger
49.Maryan Daaliye Aadan	Adeege	Messenger
50.Maxamuud Maxamed Xayle	Adeege	Messenger
51.Xuseen Sheekh Cumar	Adeege	Messenger
52.Cilmi Khayre Sabriye	Ilaalie	Watchman
53.Cali Nuur Cumar	Ilaalie	Watchman
54.Cali Maxamed Maxmuud	Ilaalie	Watchman
55.Jiinow Cusmaan Cumar Axmed	Ilaalie	Watchman

ALLOCATION OF LAND (TEMPORARY PERMITS).

The process of allocating temporary permits involves five stages:

Stage 1. The applicant presents his application to the Director. There is no printed application form but applications all appear to be typewritten and in similar format. Applications must carry a sh6 revenue stamp. Some applications are sent from the Mayor's office in batches.

Applications are presented in person and applicants may wait many days before seeing the Director.

If land is available the Director may approve the application and endorse it with the plot number and size.

Stage 2. The applicant then presents the endorsed application to the cashier who calculates the price of the plot and collects the purchase price. The applicant is issued with a receipt and the application form is retained and passed to the next stage.

Stage 3. Upon receipt of an application the clerk writes out a temporary permit. These temporary permits are pre-printed in triplicate in pads of 50 and each pad is numbered consecutively by year.

All that the clerk has to do is enter the applicants name, the district and plot number, the receipt number and date and the pad number and page. This process takes approximately one month.

Stage 4. Here the applicant produces his cash receipt and receives his temporary permit. A copy of the permit, together with the application form is filed.

Files are bundled together by year and stored on the floor. The third copy of the permit is retained in the pad. These pads are also bundled together by year.

There is also a register book in date order of issue of permits. Each entry, numbered sequentially contains the applicant's name, pad number, date, district and plot number.

Apart from the Director's office this section employs 9 clerks and two soldiers.

I am advised that it has records going back to 1950, those prior to 1976 being in Italian. The staff state that they are able to locate old records without too much difficulty but I suspect that this is mere optimism. Certainly the register book does not tally with the used pads of permits.

There is no check on the bona fides of the applicants nor as to whether he already owns land. Given the system such a check is at present impossible. Some applicants have I.D. cards, others do not.

The number of temporary permits issued since 1979, according to the register books is:

Year	Permits issued
1979	4050
1980	6250
1981	8050
1982	2600
1983	8300
total	29,250

The office has issued approximately 2500 permits to the end of June 1984.

PERMANENT LEASES

A holder of a temporary lease may apply for a permanent lease should he so wish.

Two offices deal with this conversion.

In the first office, manned by 2 clerks, the application is received accompanied by a building plan and site plan. The application is advertised.

A file is opened and given a file number. In a huge index book by sequential file number is entered the name of the applicant and the date (other columns are left blank). There is also an alphabetical index by year giving in non-strict alphabetical order the name of the applicant, district and file number.

A 'lease' is prepared in triplicate. One copy is given to the owner, one is sent to the permit office and one is kept in file.

Files are stacked on shelves by year.

According to the register of permanent leases issues were as follows:-

Year	Number
1979	1035
1980	1762
1981	226
1982	192
1983	167

The second office is the project office also manned by 2 clerks.

In this office the building plan is approved or otherwise. What criteria is employed is uncertain. Most plans are very elementary and contain insufficient detail to enable anyone to check structural stability.

The office is supposed to forward details of approved 'projects' to the House Tax office but apparently usually fails to do so.

As applications are proved in a range of 5 days obviously little more is done than collect the fee. This fee is based on a slightly complicated illogical system viz:

Fee per sq m of bldg	sh 0.80
Fee per window	sh 8.00
Fee per door	sh 15.00
Fee per verandah	sh 30.00

A typical fee is around sh 650. In addition stamp duty of sh 20. is payable. Fees are paid to the cashier.

Records go back to 1950. They are stacked on shelves and have been badly affected by damp and termites and are now of doubtful legibility. This is the only office which appears to have a typewriter.

Each plan submitted is given a project number and a 'file' is created. This office also maintains a register, in alphabetical order by year. The index contains the name of the applicant, project number, date of approval and file number.

This register has not been maintained. According to the clerks 150 projects were approved in 1979, 200 in 1980 and 50 in 1981, later data is not available.

Judging by the amount of building work in progress in the city either records are incomplete or many people are building without approval.

DESIGN AND SURVEY OFFICE

The design office employs 3 draughtsmen. Equipment includes 3 large drafting tables and a dyeline printer.

Subdivision plans are drawn on large (antiquarian) sheets. They are prepared by simply drawing rectangular blocks with some reservations for public use regardless of orientation or topography.

Each subdivision currently being drawn covers the full size of the sheet of paper regardless, apparently, of other considerations.

Plots and blocks are of standard size and are numbered consecutively per subdivision. All drawings are ink on tracing paper. They are stored in rolls in a heap. Older plans are torn and some have pieces missing. Subdivision plans are not dated.

In theory it should be possible to cross check the register of temporary permits against the subdivision maps. In practise this would be a monumental task. It is suspected that some of the maps maybe missing, parts of others are illegible. It is impossible to ascertain, within the time available, what subdivisions have been designed, surveyed and allocated or their exact location. Nor can one readily ascertain whether all plots in any given subdivision have been allocated or whether there has been any duplications of allocation.

The city is divided into 13 districts:- viz:

- | | |
|-----|---------------|
| 1. | Wadajir |
| 2. | Waabero |
| 3. | Hodan |
| 4. | Xamar - jajab |
| 5. | Xamarwayne |
| 6. | Shangani |
| 7. | Bindsheere |
| 8. | Howl Wadaag |
| 9. | Wardhiigley |
| 10. | Shibis |
| 11. | Yaagshid |
| 12. | Karaan |
| 13. | Cabul Casiis |

There is one copy of a 1:10000 map showing the boundaries of these districts.

Plots are identified by the District and a plot number. In the larger districts where there is more than one subdivision map plot numbers are suffixed by a letter. Since the actual layout may in practice bear scant relationship to design layout positive identification of a plot is difficult.

Who knows how many people live on the wrong plot?

There is no map record of which plots have been allocated. Since, apparently only the Director actually allocates the plots there is no means of knowing whether all plots have been allocated or indeed whether there has been a duplication of allocation.

FIELD SURVEY.

There are three field parties each consisting of a surveyor and two assistants responsible for setting out new subdivisions. The only survey instruments used are measuring tapes and ranging rods. There is no control network and new subdivisions are set out using adjoining subdivision plots as a base. Angles appear to be set out by eye.

I am informed that the surveyors have had trade school training and so far as can be ascertained none are able to use a theodolite or an EDM.

The subdivisions currently being set out are a considerable distance from the nearest sealed road and it is suspected that the accumulated error is now considerable.

Survey equipment consists of :-

One Zeiss Ni 2 level 292-471

One Kern GKO AC 400 automatic construction level with horizontal circle No.230424

One Galileo TG4 theodolite, No 2c02853, very old and unserviceable.

One folding 3m level staff.

One large optical square of doubtful use.

One Kern Kl-RA self reducing engineer's tachymeter theodolite No 244361 about 1 year old but in need of minor repair and servicing.

HOUSE TAX.

The assessment of and collection of house tax is not the responsibility of the Lands Office.

The municipal department responsible for the collection of this tax is centred in the City Hall and has sub offices in each of the districts of the city. Total staff is about 120.

All buildings are assessed and are identified by District, sub-district and house number. This identifier is different from the plot number issued by the Lands Office.

The Lands Office is supposed to notify the House Tax staff of all building permits which they issue but apparently no longer do so.

House tax is assessed as follows:-

category	tax. shs/cu.m.
1	10.50
2	8.75
3	7.00
4	5.60
5 (Woodhouse)	flat fee sh 50
6 (stick house)	flat fee sh 30.

Owners more than five months in arrears are fined 20% of the tax due, and those of over 7 months in arrears are fined 40%.

Although an apparently ad-hoc tax system it is not terribly inequitable in that, presumably, the wealthier the person, the larger the house, although there may be an imbalance between the industrial and other sectors.

In a country where there is a very imperfect property market, and where there are no trained appraisers a tax based on free market value is unlikely to be successful.

Any change in the tax structure, such as a change to unimproved value could not be undertaken in the absence of a cadastral survey. It would be unrealistic to suggest any change in the existing system until a such a survey has been completed, the finances of the City have been rationalised and trained appraisers are available.

SUMMARY

Inspection of the city and having seen a map of the city as it was in 1967 it is obvious that there has been very considerable growth. Estimates of the number of residential plots allocated over the past 8 years or so varies from about 30,000 according to the Land Office records, to 150,000. Certainly from driving round the city it would appear that many more plots have been allocated than the records suggest.

The lack of planning and the lack of reasonably accurate setting out of the subdivisions is leading to gross errors.

Because of the lack of survey records and the total absence of any topographic or cadastral maps of the Municipal area there is no longer any effective control of development.

The main thrust of the Lands Office has been primarily directed at distributing plots on temporary terms. That it has allocated, according to its own records the best part of 30,000 plots in 5 years is something of an achievement not often equalled.

However the system is such that records rapidly become chaotic and data becomes untraceable. Furthermore there are no surveys worth calling such and there is, effectively, no real record of which parts of the city have been subdivided and allocated. This precludes any effective control or effective land taxation system.

The method of initial application is such that there is no data on the number of persons who actually want land. One can merely say that the demand appears to exceed the supply. Whether this will remain true if land prices increase is a matter of speculation. Equally there is no system of treating applications in chronological order. The most persistent applicant is likely to obtain land quicker than the less persistent.

PART 2

LAND LAW

The Administration of building land in the Benadir region is governed by Law No.10 of 17th Dec. 1980.

By this law the administration and allocation of building land is delegated to the Municipal Government of Mogadishu.

The law, which is to be read in conjunction with Law No. 41 of 13th September 1973 and article 28 of the Law No. 12 of 28th May 1955 contains comprehensive provisions relating to the overall planning of the regions, the pricing and allocation of land, the terms on which land is held by the public, construction of buildings and the acquisition of land by the City. The original is set out at appendix A and an unofficial translation of this law is given below.

Law No.10 of 17th Dec.1980:-

Administration of building land for Benadir region.

THE PRESIDENT OF SDR HAVING CONSIDERED: THE APPROVAL OF THE PERMANENT COMMITTEES OF THE NATIONAL ASSEMBLY:

HAS PASSED
THE FOLLOWING LAW:

ARTICLE 1

(Power to allocate land)

Taking into consideration that law No.41 of 13th Sept.1973 is still effective, the administration and allocation of building land for the Banadir region is the competence of the Municipal Government of Mogadishu on behalf of the State.

ARTICLE No.2

The principles and directives in articles 2, 3, 4, 5, & 6 of Law No.41 of 13th Sept.1973 is part of this law.

ARTICLE No.3

(The overall planning of the land for Benadir region)

1. The Municipal Government of Mogadishu will make an overall plan for Benadir region that will indicate the land for residential buildings, industrial buildings, commercial buildings, community buuildings and security buildings.

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2. The overall plan will also indicate the utility services such as electricity distribution system, water distribution system, communication system, sewer system etc.

3. The important areas in the capital city will have a special map or plan which will be taken into consideration when allocating land for other purposes.

4. The overall plan and the plan for the special area that is mentioned in this article must be passed by the permanent committee of the regional assembly for the city having heard the advice given by the technical committee.

ARTICLE No.4

(Basis for allocation of land)

1. Every piece of land that is allocated will be based on the overall plan mentioned in article No.3.

2. Land that has construction with permanent lease or temporary one must meet the criteria set by the permanent committee of the regional assembly for the city.

3. Land that is not in the overall plan cannot be allocated.

4. The exception is, that land which is taken by one person cannot be given to another person.

ARTICLE No.5

(Land Division)

1. The land allocated by the municipal government of Mogadishu for public use is divided into two categories:-

- a) Land with permanent use.
- b) Land with temporary use.

2. Land for permanent use will be one built with proper construction material, that has a proper design drawing made by the owner. The design drawing will be approved by the technical committee of the municipal government.

3. Land for temporary use will be one built with a mud hut, wooden hut or a removeable somali hut etc.

4. Land for temporary use does not need a design drawing but the structure must meet the overall plan and the plan of the locality on which it is situated.

ARTICLE No.6

(Transfer of temporary land into permanent land)

Land with temporary use can be changed into a permanent one after:-

- a) When the owner applies for and meets all the criteria required with permanent lease.
- b) The land must be one that meets the plan for which it is required.

ARTICLE No.7

(Allocation of land for construction)

1. The municipal government of Mogadishu having observed this law and other laws connected with construction, has the authority to allocate land to government organs, co-operatives, companies, groups or individuals.
2. The allocation of land mentioned in article No.7(1) is associated with the payment of a fixed land price based on a per metre square of area.
3. The Mayor of Mogadishu has the authority to allocate land of temporary use free of charge.
4. The price of land that has a permanent lease will be based on a plan set forth by the President of the SDR, having heard the Minister of Finance. The price of land for temporary use will be based on a plan set forth by the Minister of Finance having heard the Mayor of Mogadishu, after the permanent committee of the National Assembly of the city approve such a plan. The price of land with temporary use does not exceed 50% of that with permanent lease and this will be considered if the temporary land is changed into a permanent one.
5. 20% of the revenue generated from the sale of land will be sent to the Central Government treasury.

ARTICLE No.8
(Basis for Land Division)

1. Building land will be allocated on the basis of justice, the idea behind this being, that every person should get a place to build his home.
2. The municipal government of Mogadishu when allocating land must take into consideration the following:-
 - a) the age of the applicant must not be less than 18 years.
 - b) The person should not have another piece of building land in the city of Mogadishu.
3. The Mayor of Mogadishu, having given consideration to personal matters that have proven valid could allocate land to persons below 18 years of age or people who own building land in the city of Mogadishu.

ARTICLE No.9
(Building land for special projects)

1. Anyone who applies for building land for the sole purpose of setting up a project such as an industry or any other project that is in line with the overall development of the country will first obtain approval from the relevant Ministry.
2. Any building land issued under article 9(1) will not be used for residential buildings or buildings that are not connected with such a project.

ARTICLE No.10
(The requirement from people who have been allocated land)

1. The person who has been allocated land is required:-
 - a) To use the land for the sole purpose for which it was allocated unless he gets permission from the municipal government of Mogadishu changing the original purpose.
 - b) To pay the price of the land allocated and any taxes that exist now or may come with any subsequent laws.
 - c) To start construction within the time stated in the land permit.
 - d) To make the construction in accordance with the overall plan and the plan set forth for the locality on which the building is to be built.

2. Anyone who does not obey article No.10(1) will have his land taken back and any building that is not in accordance with the plan will be demolished with demolishing costs levelled on the person.

ARTICLE No.11
(Stopping Construction)

1. When there is a valid reason, the municipal government of Mogadishu will issue orders stopping any construction for a period not exceeding 3 months. This period is not part of the period the person was asked originally to complete construction of his building.

2. The municipal government can stop the beginning of construction of a building or one that is already in the process of being built when there is a change of plan in the construction of that locality.

3. The person whose construction has been stopped cannot make any claims during that period.

ARTICLE No.12
(Period of land lease)

1. The period of land lease will be as follows:-

a) For a Somalian the lease is permanent provided the person fulfils the laws governing the allocation of the land.

b) For a foreigner the period of land lease cannot be less than 50 years or more than 99 years. The lease can be validated after the expiry of that period. There is a separate law for the lease of land for exploration or exploitation of minerals.

ARTICLE No.13
(Period of construction)

1. The period for the construction of land with permanent lease is within 2 years with effect from the day he is given the permit.

2. The construction period for the land with temporary lease is within one year with effect from the day he is given the permit.

ARTICLE No.14
(Extension of construction period)

1. If a person who has been allocated land for construction meets some obstacle that does not permit him to finish construction within the period allowed, the municipal government of Mogadishu can extend that time to such that the new period does not exceed the original one.
2. The extension of construction period is not permitted more than twice, any period in excess of this becomes an unusual one for which the Mayor of Mogadishu has the sole authority.

ARTICLE No.15
(Illegal construction)

Any construction that does not go through the process of permanent or temporary land allocation is considered an illegal one.

ARTICLE No.16
(Removal or demolition of illegal constructions)

1. The municipal government of Mogadishu, considering the overall plan, can order the removal of buildings erected illegally whether it be one building or a whole settlement, after the permanent committee of the Regional Assembly approves such an act.
2. The removal of illegal erection of buildings can occur in two ways:-
 - a) Removal of illegal settlement in order to clear the land which in the overall plan was intended for them than a settlement.
 - b) Reorganising an illegal settlement in order to match the settlement with a plan made for its remodelling.
3. Making illegal buildings cannot be a reason for obtaining land neither can someone be compensated for the demolition of such buildings, but the municipal government can give such a person another piece of land based on the following criteria:-
 - a) The period of existence of the illegal building is at least 8 years prior to the outcome of this law.
 - b) That the purpose of the illegal building is not for the purpose of securing land.

4. If the land is reallocated after an illegal building or settlement is either demolished or removed or remodelled, the original settlers have priority.

5. It is forbidden to allocate the land in item 4 to other people when the original settlers are present.

ARTICLE No.17

(Taking land from the owner for the sake of public use)

1. The Mayor of Mogadishu has the authority to issue orders taking from the owner land that is empty or built for the sake of public use.

2. Anyone who is affected by article 17(1) will be compensated in the following manner:-

a) The person will be compensated with the cost of the structure and land equivalent to the size of his own.

b) If the taken land is vacant the owner will be given another piece of land of comparable size.

3. When paying compensation one should carefully examine whether the structure has a permanent lease or not.

a) Any structure that does not meet the criteria of item 3 will be considered illegal.

4. The procedure for taking private buildings/land for public use is outlined in article 28 of the law of the State of the SDR, item 12 of 28th May 1955.

5. If private buildings/land is taken for public use as outlined in item 4 in no way should it be used for private purposes.

ARTICLE No.18

(Use of vacant land for commercial purposes)

1. It is forbidden to use vacant land whether permanent or temporary for commercial purposes. The land cannot be given away and must be used for the purpose it was intended for originally.

2. Anyone who does not build within the given time allowed, can return the land back to the municipal government together with all documents, in which case he has the full amount he paid for the cost of the land.

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ARTICLE No.19

(Transfer of all documents relative to the land with permanent use)

Registration books, files, maps and other documents related to the permanent land originally administered by the Ministry of Public Works and located in Benadir region will be transferred to the municipal government of Mogadishu.

ARTICLE No.20

(The land already allocated)

Any land that has already been allocated by the Ministry of Public Works or was in the process at the time of the transfer, the municipal government will honour and administer such land according to law No.41 of 13th Sept.1973.

ARTICLE No.21

(Reduced price for land intended for projects of public interest)

The Mayor of Mogadishu having listened to the permanent committee, has the authority to reduce the sale of land or waive it altogether provided the land is for a private project with public benefit.

ARTICLE No. 22

(Publishing land with permanent use in the newspaper)

1. When land with a permanent use is to be allocated, the exact description of the land should be published in the newspaper and government bulletins and should be posted in public areas.
2. If anyone has any objections about the land mentioned in article 22(1) he should contact the municipality land office within 30 days the effective day being the date of the publication.

ARTICLE No.23

(Registration of land)

1. The municipal government of Mogadishu will make proper registration of all allocated land with proper description.
2. The registration of allocated land must be one that meets the law governing the kind of land and the owner must have the necessary documents from the court stating that he is the owner. All relative information on the lease must be entered in the registration book.

ARTICLE No.24
(Power to allocate land)

1. The power to allocate land is issued by the Mayor of Mogadishu after the permanent committee of the regional assembly of Benadir approves such an act.
2. The Mayor of Mogadishu can delegate temporarily the authority to allocate land to the committee nominated by the mayor whose duties it is to allocate land.

ARTICLE No.25
(Technical Committee)

1. The municipal government of Mogadishu will have a permanent technical committee that advises on the overall plan of the land use, drawings for construction and what land should be used for what purpose.
2. The technical committee is composed of engineers, higher technicians, sanitary doctors who come from the municipality, ministry of public works and from other government ministries which may be specified later.
3. The different functions of the committee members will be shown on an organisation chart.

ARTICLE No.26
(Penalty)

1. Anyone who breaks any part of this law will pay somali shillings 500 to 5000 unless the nature of the crime is something that calls for a bigger penalty.
2. People holding responsible positions in the lands office who break articles 3, 4, 5, 6, 7, 8, 11, 13 and 17 of this law will be subject to imprisonment of up to 5 years and a fine of somali shillings 10,000. They will be required to pay to the municipal government any loss of revenue or claim as a loss of property.

ARTICLE No.27
(Issue of Decree)

The President of the SDR, having taken into consideration the points put forward by the standing committee of the regional assembly of Mogadishu will issue a decree making this law effective.

Jv

ARTICLE No.28
(Giving power)

1. The Minister of Local Government and Rural Development having consulted the Minister of Public Works, can give approval for the administration and allocation of both temporary and permanent lands to any district which he sees fit to have the technical and administrative capability.

2. The authority to vest power to district authorities as mentioned in article 28 will be decreed by the President of the SDR.

ARTICLE No.29
(Abolition)

Any law that is contrary to this law is abolished.

ARTICLE No.30
(Effective Date)

This law comes into effect 15 days after it has been published in the official bulletin.

President of the SDR, /G. Mohamed Siad Barre.

PART 3.

RECOMMENDATIONS.

INTRODUCTION

The function of the Lands Department should be:-

- a) to provide land for development.
- b) to maintain a record of land ownership within the City and record all dealings in land.
- c) to acquire such land as is required by the City.
- d) to provide an appraisal service for the raising of revenue based on a land tax system and for the assessment of land values in general.

If one accepts the PADCO prognosis that some 200,000 residential plots will be required over the next 20 years, then the amount of land required, based on the PADCO concept A, for residential purposes is about 10,000 ha. Assuming that an equal amount of land will be required for other uses the City is faced with the problem of finding, planning and putting into use some 20,000 ha of land over the next two decades and is faced with the problem of administering something like twice this area.

At present the Lands Office has a staff of about 50, and the House Tax Office has a staff of 120. Neither have professional staff or decent equipment. Both are vital to the City and co-ordination if not eventual amalgamation is essential.

If the City is to achieve any measure of success it will need a highly competent professional Lands Department.

Re-organising these departments to cope with the problems which now exist and will continue to increase cannot, however, be achieved overnight particularly as there are severe financial and manpower constraints.

Whilst the basic function of the Lands Department is an ongoing operation the provision of basic mapping and the cadastral survey and adjudication of existing land ownership are relatively short term projects requiring a limited period input of specialist skills. These projects should not be integrated with the routine functions of the Lands Department although they can be utilised as a training media for survey and other specialist skills.

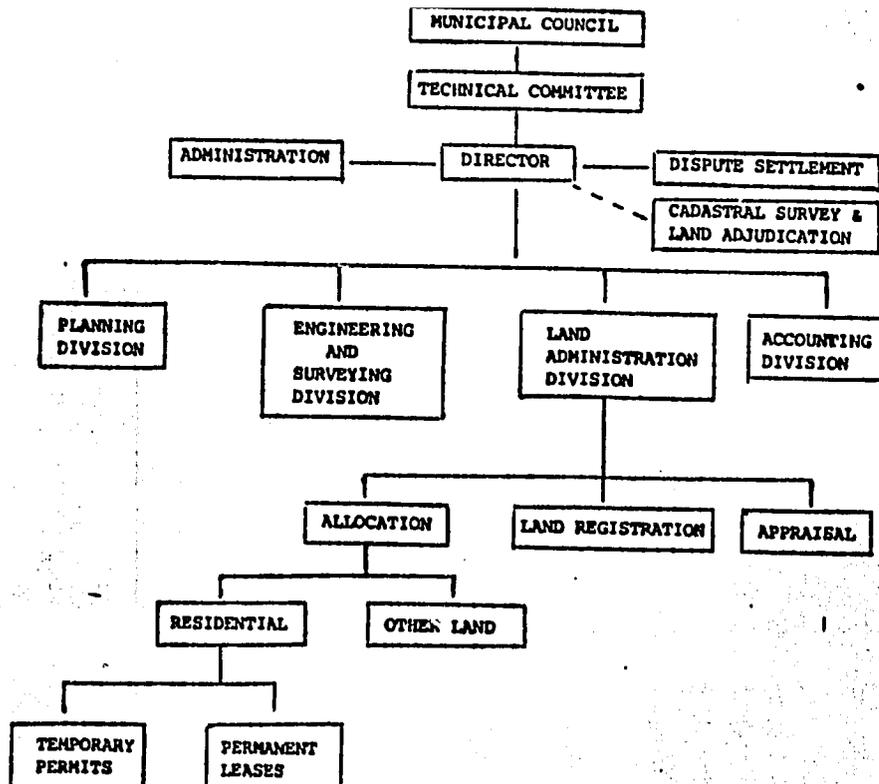
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INSTITUTIONAL ORGANISATION

As Engineering and Survey are so closely allied there would be distinct advantages in their combination. One aspect in favour of this is that no specialist training for land surveyors is available in Somalia and it is probable that senior staff in this field will in future be drawn from graduate civil engineers.

The PADCO report Chap.V makes proposals for a Lands Department organisation. In the light of this investigation it is suggested that some modification to that proposal is required and a proposed office organisation is charted below:-

PROPOSED INSTITUTIONAL ORGANIZATION



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Whilst this report ~~does not~~ concern itself with the organisation and functions of the planning division it is recommended that each division be headed by a Deputy Director.

The Director and his Deputies should be responsible for the implementation of municipal policy and should not be involved in day to day routine, particularly where this involves dealing with the public.

Since close co-operation is essential the Director and Deputy Directors meet regularly, on a monthly basis.

In particular this committee would be responsible for budgeting and cost control, advising the council on programming, planning, land pricing and allocation and co-ordination of divisional activities.

DIVISIONAL ORGANISATION.**GENERAL.**

This section sets out the proposed organisation of the divisions of the Lands Department which fall within the terms of reference.

A most important change in the administration as a whole is that instead of each division maintaining its own separate reference system all individual records will be related to the plot and the land registry will hold the definitive records.

SURVEY and ENGINEERING DIVISION.

The rate at which land can be subdivided and allocated whether for residential or other purposes is entirely dependent upon the productivity of this division.

In order to provide 10,000 residential plots per annum this division must survey, design and set out some 6 subdivisions a year having a gross area of about 500 hectares. In addition to this, subdivision and survey of other land will also be required.

The survey method envisaged is that prior to design of a subdivision the perimeter of the area will be surveyed to determine its limits. Since this survey will later be used as control in the setting out of the subdivision it will have to be of a relatively high standard of accuracy requiring the use of theodolites and EDM's. If contoured topographic mapping is available the amount of further survey and levelling needed by the engineering design team will be minimal, but even so, at least two survey teams will be required for this operation.

Setting out a subdivision of 1,800 plots within a control network using steel band and compass will take one survey team 4-5 months excluding the establishment of densification control. Thus a total of 5 field teams, each consisting of a surveyor and two assistants is required.

Initially the division will have to rely on external assistance for control survey. It may be that the Survey section of the Somali Army could assist in this respect. A consultant engineer, Ali Mohammed Farrah has been contacted and has expressed interest, however as he has other commitments he would only be available on a part-time basis.

Existing survey methods should be discontinued as soon as possible and survey teams re-equipped in the first instance with steel bands, optical squares and compasses. At the start the standard of survey will be little better than at present but as training proceeds standards can and must be raised. More advanced survey methods cannot be introduced until the surveyors have been trained.

The Division must work to defined standards and all surveys in the City whether undertaken by the Division or anyone else must comply with those standards. All surveys should be registered with the Division. Survey regulations specifying standards of accuracy are essential. These should be prepared in consultation with the Somali Army and the Ministry of Works.

Design standards have been proposed in the Padco report and

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it is important that these be implemented. The existing drawing office staff will need re-training in order to achieve these standards and additional staff required.

In the first instance a master plan showing existing subdivisions to a scale of 1:10000 must be prepared. All existing plans must be found, identified, and re-drawn on standard size map sheets.

Present maps are far too large. Maps must be of standard size and based on UTM grid (if control is available), or to a local arbitrary grid.

All maps should be drawn on 0.10mm double matt polyester drafting film. The drawn area should be 500mm x 500mm which at a scale of 1:2000 covers an area of 1 sq.km. Fig.3.1 gives an example of the type of format envisaged.

Whilst most of the existing subdivisions can be drawn at a scale of 1:2000 the smaller plots envisaged in the new design criterias will plot too small at this scale and for these areas maps will have to be drawn at a scale of 1:1000.

SECTION CENTRAL

SHEET N^o 112092B SCALE 1 2500 (Refer to appropriate Scale line below)

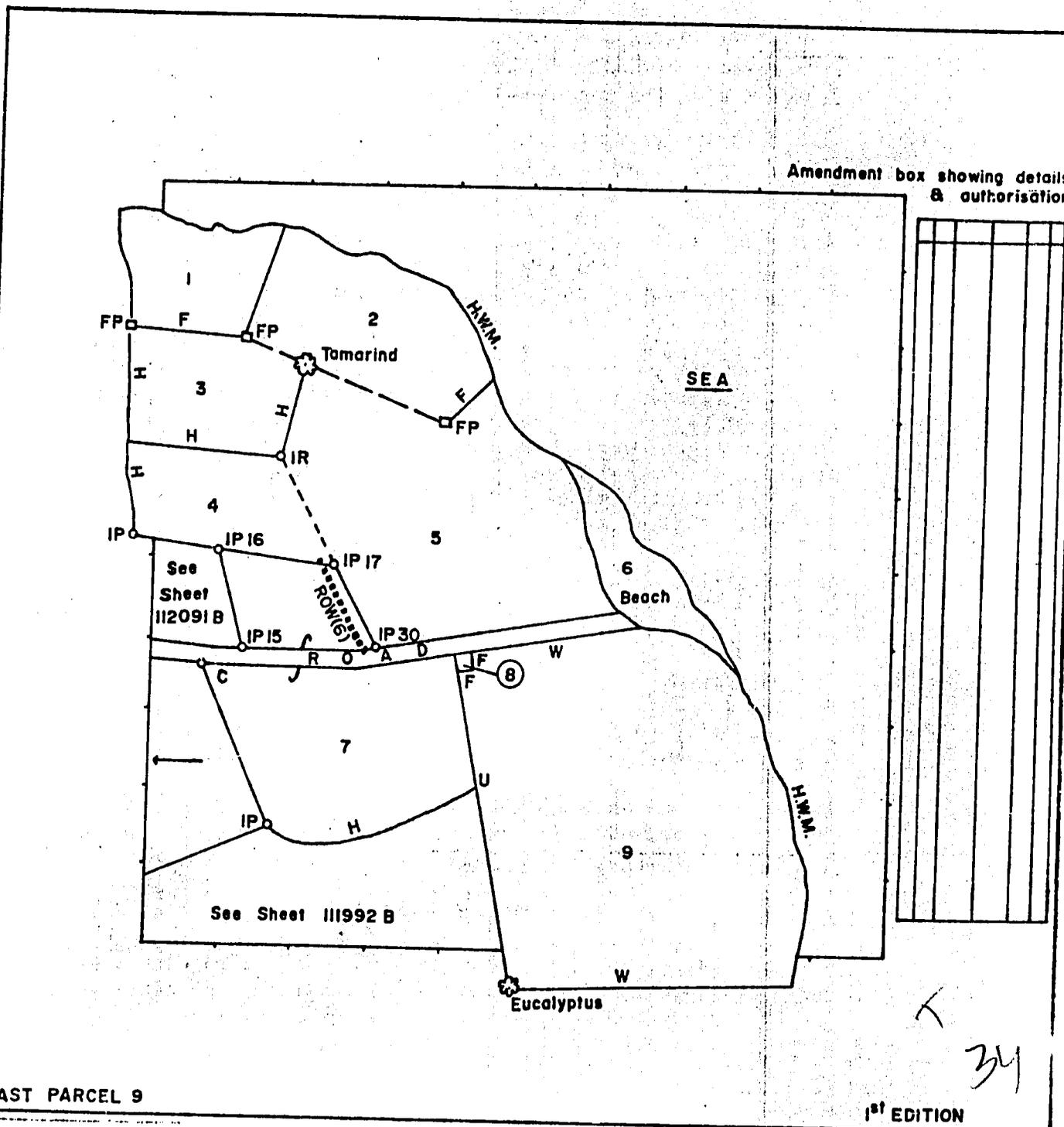
LOCATION SUGAR FACTORY

Scale 1 1250 _____
 Scale 1 2500 _____
 Scale 1 5000 _____

DATA

1993B	2093B	2193B
1992B		2192B
1991B	2091B	2191B

Index to adjoining sheets



LAND ADMINISTRATION DIVISION

ALLOCATION OF LAND

GENERAL

The PADCO reports distinguishes between residential and non-residential land, and also refers to special value land.

Non-residential and special purpose land should be dealt with separately from residential land and should be handled by a separate section of the division.

Whilst, for reasons discussed the creation of a wholly computerised land information system is considered non-viable at the present the approach to the recommended organisation is that of instituting a manual system which would be relatively easy to computerise. There are, nevertheless, advantages in computerising aspects of the allocation process which are discussed at appendix A.

There is nothing inherently wrong in distinguishing between temporary and permanent occupation land. Whilst the view has been expressed that the urban migration to Mogadishu is permanent this is open to discussion and other views are that both refugees and nomads may leave the city if conditions in rural areas change. If that was to prove the case people vacating temporary plots would release that land for reallocation. In the case of residential land as defined it is essential that all grants are, in the first instance, temporary.

RESIDENTIAL LAND ALLOCATION

The essence of the allocation procedure is the balancing of supply and demand. Whilst, at present there appears to be a shortage of land for subdivision and development the extent of the land owned by the city appears to be unknown.

In as much as the land office has managed to allocate over 8,000 plots per annum allocation of 10,000 plots should present little problem provided the plots are available.

TEMPORARY PERMITS.

No radical change to the present basic procedure is envisaged save one - the recording of initial applications. At the present time there is no method of monitoring real demand - either short or long term, since the only applications accepted are those which are successful. There is no waiting list or record of unsuccessful applications.

The other significant change is in the reduction in the number of ways in which the issue of permits are recorded. It is also recommended that there should be a procedure for dealing with that section of the community which is so impoverished as to be unable to pay the price of land. This becomes more important if land prices are increased to a realistic level. Such persons would of course, only be eligible for the cheapest plots and would not be able to convert them to permanent grants unless the original price (with interest?) were paid.

It is proposed that applications are dealt with by three basic units:-

Application office
Allocation office
Permit issue office

APPLICATION OFFICE

Function:- to issue application forms and assist applicants in their completion. Register the completed form, check application for eligibility and, if eligible, pass to allocation office. If not eligible, record name and reason. Application forms will be standard, pre-printed and serially numbered. The forms will be used to process the entire application sequence and will have to be accounted for.

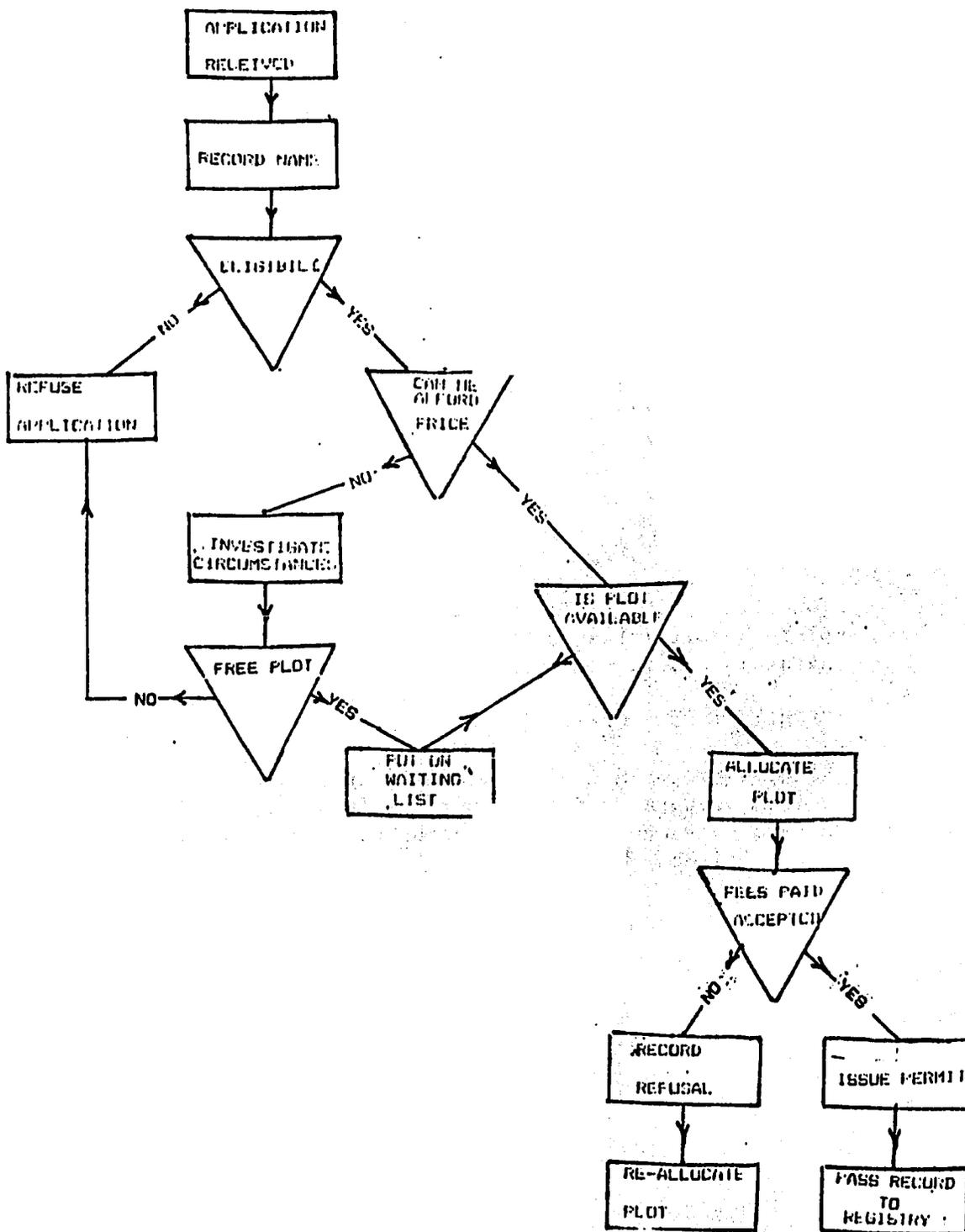
ALLOCATION OFFICE

Function:- Maintain waiting list of applicants. Allocate plots as available and make offer of allocation. Investigate hardship cases.

PERMIT ISSUE OFFICE

Receive acceptance of allocation. Check that fees have been paid, prepare and issue permits, pass records to registry. Record non-acceptances and refer plot to allocation office for re-allocation.

Fig.3.2 Flow Chart



-PERMANENT LEASES.

Permanent leases are, and should only be obtainable by holders of temporary permits. At present a permanent lease can only be obtained by an applicant who submits plans for the construction of a permanent building. In theory the design is checked but in practise it is not.

In the majority of urban administrations the control of construction work is the prerogative of architects and engineers who are not concerned with land tenure. Control of building design and construction for reasons of health and safety is desirable, if not essential and, provided the staff responsible for these matters have the appropriate skills there are logistical advantages in incorporating such a police role within the Lands Department.

In the residential section the establishment of building standards and the training of personnel to enforce these standards should at this time be regarded as a long term project.

At present a permanent lease is granted when the building project is approved. There is no effective check as to whether the building is actually constructed, nor is there any accurate record of approvals and leases issued. The holder of a permanent lease can sell that lease regardless of whether he has built or not, a situation which in times of land shortage can lead to speculative land dealings. Whilst the idea of preventing sales prior to completion of the permitted building is attractive it is at present impractical. Evasion would be all too easy without an expensive policing system.

In fact the institution of a realistic pricing and tax policy will tend to reduce speculation and increase revenue to the city.

Office Procedures.

It is recommended that the present procedure be reversed. That is to say approval of the building plans should precede processing of the permanent lease.

Applications for a permanent lease should be submitted with the building plans and the applicant's temporary permit. Assuming that fees are rationalised as proposed in the PADCO report there is no reason why the applicant should not pay the fees at this stage.

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Initially the application will have to be advertised, a step which will become superfluous when a land registry has been fully established. During the waiting period stipulated by the advertisement there is no reason why the building plans cannot be scrutinised and approved. When approved, one copy of the approved plans must be sent to the House Tax office.

Once the waiting period is over, and assuming that no objections have been received the permanent lease can be prepared and executed in triplicate. All three copies are then sent to the Land Registry for registration. The Registry will issue one copy to the applicant, one copy is returned to the office and one copy retained in the registry.

This office is also responsible for ensuring that owners comply with the legal requirements attaching to the grant of a permanent lease and a team of inspectors should spend their time in the field enforcing the law. The provisions of Article 13 thru 16 of the law should be enforced and undeveloped land should be recovered and re-allocated.

OTHER LAND

Other land includes industrial, commercial and special purpose land.

The policy guiding the disposal of the land should be to encourage trade and industry, to provide such land as is required for government purposes e.g. health, education etc., and to provide maximisation of revenue to the municipality (within the overall constraints of national economic policy).

The recommendation of the PADCO report, that such land be dealt with on case by case basis, is endorsed. Industrial and commercial land can provide a major revenue resource either in the form of capital if the land is sold or as recurrent income if the land is leased long term at an annual rent geared to rack rental values.

Such management does, however, require an expertise not currently available in Mogadishu.

In the first instance a unit should be established to deal with this category of land. Initially it need only consist of a supervisor and two clerks but steps should be taken to have suitable candidates trained in professional land management.

Applications for this type of land must first be approved by the appropriate Ministry. When the application is submitted it should be accompanied by full plans, and in the case of major development schemes, by a feasibility study.

Major developments should be considered by the Mayor and his council but smaller developments should be considered by the Director and his Deputies.

The development of non-residential land should be actively pursued and this section should work in close co-operation with the Planning Division.

LAND REGISTRY

"1. The Municipal Government of Mogadishu will keep proper registration of all allocated land properly described.

2. The registration of allocated land must conform with the law governing the kind of land and the owner must have the necessary documents or court orders stating that he is the owner. All relative information on the lease must be entered in the registration book."
(Act 23, law 10 of 1980).

Not only is it essential to the good administration of land that there be a land registry, it is a requirement of the law that the Municipality maintains such a registry.

The land registration system proposed is one based on the land unit as the base rather than a title based (pure Torrens) system.

Subject to the advice of the City council lawyer it is thought that further legislation is essential either in the form of a new law or as subsidiary legislation. It is recommended that this be in the form set out in appendix C.

The essence of the proposed system is that the register is definitive evidence of title. Each entry in the register is supported by an instrument executed and submitted by the parties.

In Mogadishu there would be an underlying assumption that any land to which no other person could prove ownership is deemed to belong to the Municipality.

The registry would record all dealings in land which would include:-

- a) registration of temporary permits
- b) registration of permanent leases
- c) resale of land
- d) transmission on death
- e) charges against the land
- f) caveats

Each register would consist of three parts:-

A. Details of the land:-

District block and parcel numbers, area and grade of parcel. Whether privately owned or city property and if privately owned, whether temporary or permanent.

B. Proprietorship

Name and address of registered owner(s).

C. Encumbrances
Details of any charge against the property.

Registers would be maintained by district in block and plot order and in addition an alphabetical index of proprietors would be required. The registry would also require updated copies of the cadastral map.

Since the land registry would grow gradually over the period of the cadastral survey the initial staff would be small. To start the registry a staff of one Registrar and two clerks would be sufficient. This would increase over a period of 4 years to a Registrar, 2 Assistant Registrars and up to 10 assistants. The fixed number of assistants would depend very much upon the volume of dealings per annum. A competent clerk should be able to handle 1,500 - 2,000 dealings per annum.

APPRAISAL

Appraisal of land is required in any city for a variety of purposes including appraisal for land tax purposes, sale of property by the city, acquisition of land (eminent domain) and assessment of rentals.

At present the city does not levy a land tax but does impose a house tax which is assessed and collected by a separate municipal department.

It would not be feasible to introduce a modern land tax system until the cadastral survey is completed (to endeavour to do so would entail duplication of effort and cause confusion).

Since the type of land tax which should be introduced is dependent upon many factors it is recommended that this should be the subject of a specialist study undertaken in conjunction with any study of fiscal reform.

Until a decision on this is reached it is not practical to offer recommendations on the long term organisation of an appraisal division or the re-organisation of the House Tax Department. Consideration should, however, be given to having all appraisal work undertaken within the Lands Department with the present House Tax Department remaining as the tax collection agency.

The city does not at present have any qualified land appraisers and it will take at least 3 years to train one. If personnel were recruited for training now they should be available at about the time of completion of a cadastral survey.

It is recommended that the establishment of an appraisal division be deferred until trained staff are available.

In the meantime the existing house tax should continue. Should it be desired to increase revenue from this source an across the board percentage addition to existing assessments would achieve this.

—ACCOUNTING

The accounting division should consist of the Accountant, Head Cashier and two assistant cashiers.

The prime function of the division is the receipt and disbursement of monies. Additionally the Accountant will be responsible to the Director for budgeting and cost control.

Accounting systems are under the control of the finance authority of the City and any change would have to be by arrangement with the City however the division should recruit additional staff to institute internal auditing.

ADMINISTRATION.

This section, directly responsible to the Director should be headed by an Administration Officer responsible for routine administration of the Department which will include:

- control of transport
- security
- typing and other clerical functions
- purchasing and control of equipment and consumables
- personnel management

DISPUTES

Initially no change in the procedure for resolving disputes is envisaged. However once the Land Registry has been established any dispute over the title will be resolved in accordance with the Local Registration Law and the present system will fall into disuse.

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PROPOSED ESTABLISHMENT

Division	Post	Number
Director's Office	Director	1
	Secretary	1
Administration	Administrative Officer	1
	Typist	1
	Stores Clerk	1
	Drivers	3
	Messengers	5
	Watchmen	4
Survey Division	Deputy Director	1
	Senior Surveyors	2
	Surveyors	5
	Assistant Surveyors	10
	Senior Cartographer	2
	Cartographers	2
	Foreman	1
	Labourer	2
Land Administration	Deputy Director	1
	Section Heads (Including Registrar)	3
	Senior Supervisors /(Assistant Registrars)	2
	Supervisors	2
	Clerks	17
	Building Inspectors	2
Accounting Division	Accountant	1
	Head Cashier	1
	Cashiers	2
	Audit clerk	1
	TOTAL	73

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FINANCE.

Art.7(4) of Law 10:1980 provides that the price of land on permanent lease will be based on a scheme approved by the President, and that the price of land for temporary use will be based on a scheme approved by the Minister of Finance.

It also provides that the price of land for temporary use shall not exceed 50% of that for permanent lease.

Further more 20% of revenue generated from the sale of land is to be remitted to Central Government Treasury.

This seriously affects the land pricing scheme proposed by PADCO. Save that it does not take into account interest on capital accruing during the construction and allocation period the method of calculating the price of land adopted by PADCO is sound. However if this cost is assumed to be the price of permanent leases not more than 50% of the cost could be recovered on initial allocation unless all the land were allocated on permanent leases which is not the intention of the legislation.

Unless the present law which sets out a specific relationship between the prices of temporary and permanent leases is amended the pricing structure recommended by PADCO will require amendment.

It is strongly recommended that this law be amended in order to allow a realistic pricing structure to be introduced.

Since it will take some time to develop new subdivisions and ascertain costs to the proposed standards, and since it is imperative that the City increase its revenue from the disposal of land. It is recommended that the price of land allocated on temporary permit be increased by stages.

The price of land on temporary permit should be increased immediately to sh.7sq.m. with a further increase six months later to sh.10sq.m.

By inference of the present law this would raise the price of land on a permanent lease to sh.14sq.m. and sh.20sq.m. respectively.

Because of the legal implications the immediate increase in fees for permanent land proposed by PADCO needs revision. X

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The following revised proposed fees are based on the assumption that applicants for permanent leases have already paid sh.3 sq.m. for their temporary permit: --

	1st increase	2nd increase
Advertising	sh.500	sh.500
building project approval	sh.2000	sh.2000
price of land		
(including issue of title)	sh.11sq. m.	sh.17sq.m.
registration of lease	sh.0.25sq.m.	sh.0.40sq.m.

These initial price increases would remain in force until the existing law has been amended and a completely new pricing structure approved.

As regards the pricing policy proposed by PADCO it would simplify administration if the price of land were expressed as a price per plot.

Using PADCO table IV.I as an example.

	Group 1.	Group 2.	Group 3.	Total
No. of plots	788	736	344	1868
Area	138882m	254080m	151952m	544914m
Price sq.m.	15.00	25.50	35.10	
Cost recovered	2083320	6479040	5333037	13895307
Av. price/plot	2644	8803	15503	
PRICE/PLOT	3000	9000	16000	
Costrecovered	2364000	6624000	5504000	14492000

Other considerations apart, the standard of accuracy of the survey is not and need not be sufficiently accurate to compute the area of the plot to the nearest square metre.

The land pricing policy proposed by PADCO is aimed at providing capital for the construction of infrastructure although the computations take into account the recurrent expenditure of the Lands Department. They do not, however, allow for interest on capital during the construction and sales period, and also ignore income from non-residential land which ought to be substantial.

Recurrent expenditure of the Lands Department ideally should be generated by recurrent income. In this respect the Land Registry should provide a substantial annual income from fees charged for registering dealings in land.

Fees should also be charged for replacing lost boundary marks and for providing copies of survey plans.

IMPLEMENTATION.

GENERAL

In order to commence implementation of these proposals the Lands Department should be closed to the public for two months.

During this period offices can be moved and re-organised and staff assigned to new duties as required.

It is important that all staff are made aware of what is being done and why. During this initial period there should be a number of training seminars.

Specific tasks which should be implemented immediately are:

SURVEY & ENGINEERING DIVISION

Drawing Office.

a) Compile master plan to 1:10000 showing perimeter of all subdivisions.

Note. This will not be accurate but will at least provide a key plan showing the relationship of subdivisions, one with another and their approximate location.

Each subdivision should be annotated with its name, the date it was set out (if known) and the total number of plots. The plan should be drawn on polyester film.

It would assist considerably if PADCO would supply a print on plastic of their 1:10000 map of Mogadishu, preferably in two sections, to allow for extensions beyond present map boundaries.

b) Find, sort and file on flat shelves, master copies of all subdivisions. Re-trace on polyester any which are in unusable condition.

c) Make prints for use by other sections.

Survey Section.

a) Stop all further subdivision, setting out at the next logical break. Plots on extreme edges to be permanently beacons by concrete monuments.

b) Assist drawing office in identifying and locating subdivisions.

- c) have the ~~Kern~~ theodolite and the levels repaired, serviced and adjusted.
- d) Institute re-training scheme in the use of steel bands, compasses, optical squares and abney levels. Commence training senior surveyors in the use of theodolites and EDM's and the computation and correction of traverses.
- e) Establish local control near newer subdivisions and run traverses to establish accurate position of perimeters of those subdivisions.

LAND ADMINISTRATION DIVISION

Temporary permits

- a) Stop new allocations.
- b) Complete issue of permits to successful applicants.
- c) Commence compilation of index of all temporary permits which have been issued. Mark up maps of subdivisions to show which plots have been allocated.
- d) Introduce new standard application forms and train staff in their use.

Permanent leases

- a) Establish new procedures.
- b) Introduce new fees structure.
- c) Compile interim register of new leases pending establishment of land registry.

When the initial stage of the re-organisation has been substantially completed and the Department re-opened further re-organisation can continue, in particular the 'Other Land' section of the Land Administration Division and the Land Registry can be set up.

TRAINING---

Administration and Clerical

New tasks will not, in general, be radically different from those existing at present, except in the land registry. Retraining of staff is best achieved on the job.

Survey

Training of surveyors presents a major problem. The senior surveyor ought to have a full professional qualification in order to fully understand the survey problems and to be able to properly plan and control the section. He needs a high standard of mathematics.

Technician surveyors require a reasonable standard of maths and require to be conversant with the use of instruments and the computation of simple traverses.

The difficulty lies in the language. If a Somali surveyor can be found (would the army second one?) in-house training can be undertaken. Unless trainees are reasonably fluent in English or Italian it is pointless considering overseas training.

New technical staff should be recruited from graduate civil engineers of the National University.

Land Registry

Most of the training of the land registry staff can be carried out in house. It would however be advantageous for the Registrar to visit a small modern land Registry (The Cayman Islands Registry is an excellent example).

Appraiser & Land Management

Professional training for both appraiser and senior land managers is initially the same and a number of university courses are available both in the U.S.A. and elsewhere. Trainee staff with a good knowledge of english should be enrolled in one of these courses as soon as possible.

EQUIPMENT

The following additional equipment is required to enable the Department to function.

Engineering & Survey	Theodolites 20sec	3
	EDM's (c/w prisms)	3
	Steel bands	8
	Optical squares	8
	Compasses, on tripod with horizontal & vertical circle	8
	compasses, hand held	8
	Stadia rods	2
	Ranging rods	20
	Drop arrows	20
	Light tables	2
	Plan presses	2
	Vertical plan file cabinets	2
	HP IIc calculators	9
Land Administration	Card Index cabinets	
	Vertical filing cabinets	
	binders for application forms	
	HP12c calculator	1
Land Registry	Strong room	
	Register binders	200
	Registry sheets	50,000
	Typewriters	2
	Photocopier	1
	Plan filing cabinets	2
	Microfilm unit	1
Accounts	Safe	1
	Cash Till	1
	Calculators	3
General	Vehicles 4 wh/dr.	3
	Photocopiers	2
Initial consumables	Application forms (2 types)	
	Index cards	
	Land registry forms	
	cement and sand (for monuments)	
	tagging tape	
	tungsten tipped drawing pens	
	scales & drawing instruments	
	double matt polyester drafting film	
	pounce	
dyeline paper & ammonia		

TOPOGRAPHIC MAPPING.

GENERAL

The major constraint to efficient planning and administration of land in Mogadishu is the total lack of base mapping. The seriousness of this deficiency cannot be over-emphasised.

Col. Ibrahim Elmi Gaileh, Head of Photogrammetry, Somalia Army has a project to produce topographic maps of Mogadishu at scales of 1:2000 & 1:5000 but lacks finance. 1983 aerial photography by Hansa Luftbild GmbH, Elbestrasse, D-4400 Munster, is available. What remains is the establishment of control and photogrammetric plotting.

Col. Gaileh estimates the cost of completing a topographic survey to be sh.10m. including the establishment of a control network. The timing and specification for such a project would have to be discussed in detail with the Somali Army but an outline mapping specification is at appendix B for guidance. The cadastral survey should be based on topographic base mapping and for this purpose ortho maps would be ideal. There is, in my opinion, no necessity to produce printed line maps.

Taking into consideration present and proposed residential plot sizes any cadastral mapping of the developed area needs to be at scale 1:2000 and at 1:1000 for the areas likely to be developed over the next twenty years. For this reason topographical mapping of those areas should be prepared at the same scales.

CADASTRAL SURVEY-- AND LAND REGISTRATION

The terms of reference indicate that there will be a cadastral survey. Indeed any rationalisation of the lands department would be almost pointless without such a survey.

A basic feature of cadastral survey is that it establishes the boundaries of each and every unit of land ownership. It is therefore essential that the identifier of each such parcel be unique. If there is any chance that two separate parcels could actually have the same identifier the system will fail.

Since all records pertaining to any land ownership unit will be identified by that identifier the selection of the method of identification is of prime importance.

In the case of Mogadishu it would be unrealistic to consider renumbering existing plots. So one is left with a basic system whereby a plot is identified by the District and the plot number. In essence this provides a unique identifier. The major problem lies with the districts which are now being expanded, particularly Wadajir and Karaan. Karaan in particular should be limited to those areas of it which have been subdivided already and further Districts declared.

Since there are several subdivision layouts already within the same district these will have to be identified. It is proposed that where this is the case the subdivision be given a block number. e.g.

District	Block	Plot
Karaan	01	1769

Since districts are also numbered such a method of identifying parcels can be computerised should the need arise. The maximum number of districts or blocks are unlikely to exceed 99, whilst plot numbers will not exceed 9999. The equivalent number for computerisation of the above example would be 12 01 1769.

Assuming the production of topographic base maps the cadastral survey of existing developed areas can proceed quickly if the principle of "general boundaries" is adopted and rapid survey and graphic methods are employed. Progress in the subdivided but undeveloped areas will be slower but provided realistic standards of accuracy are employed should keep pace with the production of the base mapping.

In the event that topographic mapping does not become available the developed areas of the town could be mapped on enlarged unrectified prints of the aerial photography, but this type of mapping could only serve as an index to identify plots, distortion would render any attempt to scale distances or compute areas useless.

The project team would also collate data on ownership both by enquiry in the field and by inspection of the records of the Lands Department and the House Tax department.

This operation will without doubt, disclose a number of disputes and will require an adjudication system to resolve them. It is recommended that there shall be an adjudication tribunal. The chairman of this should, preferably, be a person experienced in land administration and one of the other members must have expert knowledge of the laws relating to inheritance.

As each section of the survey is completed the maps and the ownership records will be passed to the survey division and the land registry.

The key to the success of a project of this nature is speed. The city should be dealt with in sections of a size which can be surveyed and adjudicated in 4-5 months from start to finish.

Since the overall time for completion of this project is dependant upon the programme for the production of base mapping and control survey, the size of the team cannot be estimated. In essence it would consist of a project manager, adjudication officer, cartographic staff, field surveyors and the title recording clerks.

An outline specification assuming a four year programme for such a project is given at appendix D.

COMPUTERISATION.

"The mass storage of data which a L.I.S.(Land information system) requires, has, in the past, been associated with physically massive computers with equally massive cost outlay. Today the L.I.S. still requires huge storage capacity but the hardware that drives it is small, compact and relatively inexpensive. It is this rapid development in computer technology that has suddenly released the L.I.S. as a feasible concept to the entire public spectrum - a public that has been, until recently, largely sheltered from the computer invasion."

(Love W.R."A Developmental Land Information System: 1982)

This report has deliberately assumed that a manual management system will be introduced, nevertheless it is designed in such a way that computerisation of the whole or part would not be overly difficult.

However the practical constraints of maintainance and the probability of a higher than average downtime because of the climate and erratic power supply are such that it would be unwise to contemplate a totally computerised management system at this time.

There are however aspects of the management system where computerisation would be an advantage. One is in the compilation of the index of applicants/owners, the other in the computation of surveys. This latter use would not be of great benefit until surveyors have been trained and much higher standards of cadastral survey introduced.

The index is a different matter. When fully compiled this is likely to contain 150,000 to 200,000 names. In order to retrieve data rapidly either by name, application number or plot identifier three cross-indexed records will be required. The system will, to say the least, be cumbersome and readily subject to misfiling. It will also be surprisingly expensive.

A computerised index will require a 32k or 64k microprocessor with 15Mb hard disk storage and 15Mb backup and customised software. Even though such a system would have to be in duplicate, would have to be housed in an airconditioned, dustfree, anti static room with smoothed power network and stand by generator, it is unlikely to cost as much as the manual system.

The installation of a microprocessor for this purpose would also have the advantage that staff could be introduced to computerisation and word processing leading the way to greater computerisation in the future.

It is recommended that initially one microcomputer unit be installed initially for the purpose of compiling the index of applicants/owners.

**SPECIFICATION FOR MAPPING
AT SCALES BETWEEN 1:1,000 AND 1:10,000**

INTRODUCTION

This specification for mapping has been designed for use in contract mapping at scales between 1:1,000 and 1:10,000.

Where possible this specification defines the products to be delivered rather than the survey methods to be used. Scales, accuracies and content of the mapping should be selected in the light of the precise requirements of the Government of Somalia.

It may be broadly assumed that most mapping within this range of scales is likely to involve some combination of ground and air survey methods.

The cost of mapping generally escalates rapidly with increasing scale and increasing accuracy requirements. Higher accuracies and closer contour intervals usually increase the costs of mapping very substantially and it is important to consider carefully what scale, contour interval and accuracies are really necessary.

The following table suggests suitable combinations of map scales, contour intervals and accuracies (given as standard errors or root mean square errors) which are usually economic to produce by air survey methods under normal circumstances:

Map Scale	Contour interval metres	Spot Height accuracy r.m.s.e. metres	Planimetric accuracy r.m.s.e. metres
1:1,000	0.5	+/-0.12	+/-0.3
1:2,000	1	+/-0.25	+/-0.6
1:5,000	2	+/-0.5	+/-1.5
1:10,000	5	+/-1.25	+/-3.0

Where air survey methods are adopted their Specification provides for ground control to achieve the specified accuracies, plotting of map detail and contours and spot heights as visible on the aerial photography, with the option to add additional information by field completion. The detailed specification for aerial photography may be left to the discretion of the contractor.

SPECIFICATION FOR MAPPING

NAME OF PROJECT.....
CONTRACT REFERENCE.....
PURPOSE OF
PROJECT.....
.....
.....

1. SCOPE OF WORK

1.1 MAPPING is required at the scale of 1:2,000 with contours at a vertical interval of 5 metres.

1.2 MAPPING AREA

The area to be mapped is defined on the diagram, attached as Appendix A measuring 900 square kilometres approximately.

1.3 CONTRACTUAL OPERATIONS

The work involves the following operations:-

- ground control
permanent marks
photogrammetric mapping or ground survey reproductions of original plots
additional information (including field completion of photogrammetric plots)
cartographic drawing
reproductions of final map sheets
lithographic printing

2. MATERIALS TO BE DELIVERED

All correspondence and materials shall be despatched to the following address:-

.....Client's
Representative.....
Telephone Number.....Telex Number....

All materials shall be despatched by post or air freight except where special instructions are given below:-.....

DELIVERIES

2.1 2 sets of contact prints of the aerial photography.

2.2 2 copies of an index plot or print laydown of the photography.

2.3 One set of descriptions, co-ordinates of permanently marked ground survey stations.

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2.4 One set of descriptions and heights of permanent bench marks.

2.5 One set of stable base transparencies of the preliminary plots reproduced in reverse by vacuum frame on diazo or photographic material as specified in clause 11(b).

2.6 Two sets of paper proofs of the master border, diagram of the layout of sheets, and the fair drawn sheets. One set of the proofs shall be returned to the contractor with any corrections which the client requires to be incorporated in the final maps.

2.7 DELIVERIES OF FINAL MAP SHEETS.

5 sets of transparencies printed on stable base material using a vacuum frame shall be reproduced from final maps to a high cartographic standard as specified in clause 12(b) by photographic or photo-mechanical processes as a positive on material with matt drawing surfaces on both sides. The border, grid and detail shall be printed in solid black with contours screened. Spot heights shall be printed EITHER in solid black OR screened as specified in clause 12.5. The image shall be printed on the reverse side ("wrong reading").

2.8 DUPLICATE PAPER COPIES

10 sets of paper diazo copies of the final maps with border, grid, detail, contours and spot heights combined as applicable.

2.9 WORKING MATERIALS

Original working materials such as ground control results, original photogrammetric instrument plots and original final drawings shall be delivered to the client on acceptance of the final paper.

3. SURVEY METHODS

3.1 The contractor shall use techniques, equipment and materials which are capable of achieving the accuracies and standards specified for the final products.

3.2 The contractor shall employ staff experienced in the various tasks to be performed. Trainees may be employed if properly supervised.

3.3 The client shall be entitled to inspect the work in progress at any time and may request a written description of the techniques, equipment and staff to be employed on the project.

4. AERIAL PHOTOGRAPHY

The mapping shall be prepared from existing photography and EITHER the original films OR prints and diapositives shall be supplied to the contractor.

5. GRID AND HEIGHT DATUM

5.1 Ground control and mapping shall be connected to and in terms of:-

- The Universal Transverse Mercator grid (UTM) in metres
- zone.....
- spheroid.....
- datum.....

5.2 All heights and contours shall be related to the following height datum in metres.

6. GROUND CONTROL

The contractor shall establish ground control as specified in this section 6 for mapping either by air survey or ground survey methods. The density of control points shall be sufficient to achieve the mapping accuracies specified in clauses 7.1, 8.1 and 9.1.

6.1 The client may request a diagram to be submitted for approval showing the planned density and pattern of plan and height control points. The agreed density of points shall not be reduced without the approval of the client.

6.2 PLAN CONTROL

New plan control points shall be established to an accuracy throughout the mapping area of better than one part in 10,000 as determined by loop closures or other redundant observations. Adjacent control points shall be in sympathy with each other to a root mean square error of better than +0.1 mm at map scale.(90% of a representative sample of points shall be in sympathy with adjacent points to better than 0.2 mm at map scale).

Where mapping is to be based on existing control of lower accuracy, any new points shall be established and adjusted into sympathy with the existing net to comparable accuracy.

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6.3 HEIGHT CONTROL-

Where new height control points are established, adjacent points shall be in sympathy to better than one tenth of the specified contour interval, and all height points shall be in sympathy with existing bench marks or a reference bench mark to better than one third of the specified contour interval.

Where mapping is to be based on existing bench marks of lower accuracy, height control points shall be established and adjusted in sympathy with the existing bench marks to comparable accuracy.

6.4 PERMANENT MARKS (MONUMENTS)

Main survey stations, such as traverse stations and bench marks, shall be permanently marked on the ground to the designs specified in Appendix..., except where this is impracticable. Photopoints are not required to be permanently marked.

6.4.1 Permanently marked planimetric stations shall be plotted and numbered on the final maps; descriptions, co-ordinates (and heights) shall be supplied to the client.

6.4.2 The contractor may modify the construction of permanent marks to suit local conditions, with the agreement of the client. In unstable ground such as swamps and drifting sand dunes it may not be possible to construct permanent marks.

7. PLANIMETRY

Where mapping is being undertaken using air survey methods, topographical features which are clearly apparent on the air photographs and which can be depicted at publication scale shall be shown on the final maps as specified in this section 7. Only those features listed in Section 10 are required to be completed by ground methods.

Where mapping is being undertaken entirely by ground survey methods, the topographical features specified in this section 7 and the additional features specified in section 10 shall be surveyed and shown on the final maps.

7.1 PLANIMETRIC ACCURACY

7.1.1 Grid lines and control points shall be drawn to an accuracy better than $+0.2$ mm root mean square error. (90% of grid intersections shall be within 0.3mm).

An additional tolerance for shrinkage of stable areas shall be permitted.

Provided final transparencies are stored carefully at a temperature of around 20 C and a relative humidity of around 50% stable base materials should remain dimensionally correct within 0.3mm in one metre.

7.1.2 Well defined points of detail shall be plotted in their true positions at map scale to better than ± 0.3 mm root mean square error, when co-ordinates are scaled off the map from the nearest grid lines and compared with co-ordinates determined by precise measurement on the ground from the nearest control point. (90% of a representative sample of well defined points shall be within 0.5 mm).

DETAIL TO BE SHOWN ON THE FINAL MAPS

7.2 BUILDINGS AND STRUCTURES

7.2.1. Permanent buildings larger than 6 square millimetres at map scale shall be shown by roof lines.

7.2.2 Smaller buildings may be generalised or omitted as appropriate. Ruins, partially demolished buildings, buildings under construction and other structures shall be shown in outline.

7.3 BOUNDARIES

Walls, hedges, fences and similar field boundaries shall generally be shown by single lines representing the centre of the physical boundary as interpreted from the air photographs, except at scales between 1:1000 and 1:1250 where walls thicker than one metre shall be shown by double lines and hedges shall be shown by conventionalised canopy symbols.

Administrative boundaries shall not be shown unless specified as a special requirement in Section 13.

7.4 ROADS, TRACKS AND FOOTPATHS

Road edges or kerb lines shall be surveyed except at scales around 1:10,000 where widths may be conventionalised according to the road category.

Tracks shall be shown either with conventionalised widths or surveyed edges where these are clearly defined and wide enough to plot at map scale.

Footpaths shall be shown either by single broken lines or conventionalised widths or surveyed edges.

Drives and tracks in private properties shall be shown only where they exceed fifty metres in length.

7.6 TRANSMISSION LINES, PIPELINES, MASTS AND POLES.

Pylons and masts shall be shown to scale or by conventional symbols.

Surface pipelines shall be shown by conventional symbols. Electricity poles which are significant topographical features shall be shown at scales of 1:2500 and larger outside urban areas.

7.7 WATER, DRAINAGE AND COASTAL FEATURES.

Rivers, streams, canals and ditches shall be shown by double or single lines as appropriate to their width and scale. Intermittent streams and wadi beds where significant shall be shown by broken lines.

Where rivers and other water features are obscured by trees, the approximate outline shall be shown by broken lines. Lakes, ponds, lagoons and reservoirs shall be shown by the water line at the time of photography or ground survey. Wells, springs, waterfalls, dams, weirs, sluices, locks and fords shall be surveyed in outline or indicated by symbols or annotations as appropriate. The sea shoreline shall be shown by the approximate high water mark.

Major features such as mud, sand, shingle, boulders, rocks, cliffs, swamps and marshes shall be indicated appropriately by symbols or annotations.

Piers, jetties, slipways, harbor walls, fixed cranes, breakwaters, groynes and lighthouses shall be surveyed in outline or shown by symbols as appropriate to the scale.

7.8 TERRAIN, VEGETATION AND LAND USE CLASSIFICATIONS

The representation of major types of terrain, vegetation and land use shall be limited to simple classifications of significant and extensive topographical features. Features shall be shown by symbols or annotations as appropriate.

Terrain features to be shown shall include rock outcrops, cliffs, sand dunes, swamps and marshes.

Vegetation and land use features to be shown shall be limited to major categories of woodland, bush, scrub, cultivation, orchards and plantations as appropriate.

Man made features to be shown shall include quarries, tips, cemeteries, parks and recreation grounds.

7.9 NAMES AND ANNOTATIONS

Names of places, districts, streets and prominent buildings shall be shown in Somalia.

8 CONTOURS

Contours shall be shown at a vertical interval of 5 metres as specified in this section 8.8.1. Contours shall be correct to a root mean square error of better than one third of the contour interval where a representative sample of points on contour lines is checked by precise measurement from the nearest control point. (90% of a representative sample shall be correct to better than half the specified contour interval).

Any contour which can be brought within this vertical tolerance by moving its plotted position in any direction by not more than 0.5 mm or one tenth of the horizontal distance between contours, whichever is the greater at map scale, shall be considered acceptable.

8.2 Where, because of trees, vegetation or other obstructions, the ground is not visible on the air photographs or ground survey is restricted, contours shall be shown as broken lines to indicate that the accuracy stated in 8.1 cannot be guaranteed.

9 SPOT HEIGHTS

No spot heights are required.

10 ADDITIONAL INFORMATION (INCLUDING FIELD COMPLETION OF PHOTOGRAMMETRIC PLOTS)

The additional information listed in this section 10 shall be collected by ground survey or from reliable sources and shown on the final maps.

by

10.1. ADDITIONAL INFORMATION TO BE SUPPLIED AT ALL SCALES

-Names of districts, villages, rivers, physical features, major roads, public buildings.

-Classification of roads, tracks and visible surface pipelines.

-Simple classification of major types of terrain such as rock and sand dunes.

-Simple classification of major types of vegetation and land use such as woodland, scrub, cultivation and orchard.

-Simple annotation of man-made features such as quarries, tips, cemeteries and parks.

-Plotting bridges, culverts, distance markers, wells, and other major landmarks.

-Public taps, standpipes and wells.

11 REPRODUCTIONS OF ORIGINAL PLOTS

The following reproductions of the original plots prepared either at the photogrammetric instruments or from the ground surveys shall be supplied.

PRELIMINARY PLOTS

Where specified in clauses 2.5 and 2.6 sets of reproductions of the original plots shall be delivered as proofs before field completion and preparation of the final drawings. The proofs shall be neat and readable; annotations and values may be hand written, but the style of presentation and sheet layout are not required to conform to the specification for the final maps.

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12. PRESENTATION OF FINAL MAPS

The final maps shall be reproduced direct from the original plots as specified in section 11 and no additional cartographic drawings are required.

12.1 SHEET LAYOUT

The size and layout of the final maps shall be selected by the contractor to cover the mapping area with the minimum number of sheets, not exceeding A0 size (841 x 1189 mm) overall.

12.2 BORDER

The following information shall be shown in the margin of each sheet:-

- sheet number and title
- scale bar and representative fraction
- north arrow
- grid values
- contour interval and height datum
- compilation note
- index to adjacent sheets
- client's name
- contractor's acknowledgement

12.3 GRID

The grid shall be drawn across the face of the maps as continuous lines at 100 mm intervals for 1:1000, 1:2000, 1:5000 and 1:10,000 scales.

12.4 PRESENTATION

The style of presentation of the final maps, including conventional signs, line widths and styles, type sizes and styles, shall be selected by the contractor to suit the particular circumstances.

All names, annotations and values shall be either typeset or stencilled.

On request the client shall be supplied with a sample legend and a sample map sheet of a similar project showing the style of presentation for approval before mapping commences.

12.5 CONTOURS AND SPOT HEIGHTS

Contours, where specified, shall be produced to a high cartographic standard. Contour values shall read up the slope, at a density sufficient to identify all contours without ambiguity. Thicker index contours shall be shown at multiples of 25 metres.

X
bb

Slopes shall be shown by contours or by slope or cliff symbols as appropriate.

Depression contours shall be distinguished either by an arrow pointing downhill, or by ticks on the lower side of the bottom contour, or by a spot height value at the lowest point.14

MATERIALS AND ASSISTANCE TO BE PROVIDED BY THE CLIENT

The client shall provide the following assistance, information and materials to the contractor and shall not hold the contractor responsible for any delays in the delivery of the work caused by delays in receiving any of these items. (items to be specified).

DRAFT LAND REGISTRATION LAW

1. In this law, except where the context otherwise requires:

"charge" means an interest in land securing the payment of money or money's worth or the fulfillment of any condition,

"chargee" means the proprietor of any charge,

"chargor" means the proprietor of a charge,

"dealing" includes disposition and transmission,

"disposition" means any act inter vivos by a proprietor whereby his rights in his land, tenancy or charge are affected,

"land" includes land covered with water, all things growing on land and buildings and other things permanently affixed to the land,

"parcel" means an area of land separately delineated on the register map and given a number,

"permanent lease" means an allocation of land for permanent use made by the Municipal Government of Mogadishu,

"proprietor" means the person registered under this law as the owner of land or a tenancy or a charge,

"temporary permit" means an allocation of land for temporary use made by the Municipal Government of Mogadishu,

"transfer" means the passing of land, a tenancy or charge by act of the parties and not by operation of law.

"transmission" means the passing of land, a tenancy or charge from one person to another by operation of law on death insolvency or otherwise and includes the compulsory acquisition of land under any written law.

2. There shall be established in Mogadishu a Land Registry in which there shall be kept-

- (a) a register known as the Land Register
- (b) a map to be known as the Registry Map
- (c) parcel files containing the instruments to support entries in the land register.
- (d) an application book in which shall be kept a record of all applications for registration of an instrument
- (e) an index of the names of the proprietors of land showing the parcel numbers in which they are interested.

3. The Mayor shall appoint a Registrar of Lands who shall be responsible for administering the Land Registry.

4. The Registrar may exercise the following powers in addition to any powers conferred on him by this law-

- (a) he may require any person to produce to him any instrument, document or plan relating to any land;
- (b) he may summon any person to appear before him to give information respecting any land or any document or plan relating to any land;
- (c) he may refuse to proceed with any registration if any instrument plan or information is withheld from him;
- (d) he may order that any person for whose benefit any inquiry or investigation has been held shall pay the costs of that inquiry or investigation.

5. The Registrar shall not, nor shall any other officer of the Registry, be liable for any act done in good faith in the exercise of the powers of this law.

6. The registry shall have a seal, and every instrument bearing such seal shall be final and conclusive as to the matters contained therein.

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THE LAND REGISTRY.

7.(1) The land registry shall comprise a register in respect of every parcel of land within the Municipality of Mogadishu.

(2) Each register shall show whether the land is private or Municipal and, in respect of private land, whether the title is temporary or permanent.

(3) The register shall be divided into three sections-

A- The property section, containing a brief description of the land and the identifier of the land.

B- The proprietorship section containing the name and where possible the address of the proprietor and a note of any inhibition, caution or restriction.

C- The incumbrances section containing a note of every incumbrance and right adversely affecting the land.

8. Whenever a temporary permit or permanent lease of land has been granted by the Municipality the Registrar shall prepare a register for that parcel of land.

9. Whenever any dealing in land which is not registered occurs the instrument relating to that dealing shall be presented to the Registrar for first registration. The Registrar shall advertise his intention to register the land concerned and, unless objections are received within 28 days of the publication of the advertisement, open a register in respect of that parcel.

10. Every subsequent registration shall be effected by an entry in the register and the cancellation of any entry which has ceased to have effect.

MAPS, PARCELS AND BOUNDARIES.

11. The Registry Map shall be compiled in such manner as the Registrar, on the advice of the Director of Lands, shall decide but shall show the Registration Districts and the parcel identifiers.

12. The Registrar may correct the Registry map as may be required from time to time and may cause the preparation of a new map whenever it is expedient to do so.

13.(1) The Registry Map shall indicate the approximate boundaries and the approximate position only of any parcel of land. Any proprietor who so wishes may file for reference any precise survey of the boundaries of his parcel.

(2) Where any uncertainty or dispute arises as to the position of any boundary the Registrar shall hear such evidence as he considers necessary and shall determine and indicate the position of the uncertain or disputed boundary.

14. Every proprietor of land shall maintain in good order any features which demarcate his boundaries. It shall be an offence to fail to maintain such boundary features or to wilfully remove or deface any boundary feature.

15(1) Where contiguous parcels are owned by the same proprietor and are subject in all respects to the same rights and obligations the Registrar on application may combine those parcels by closing the registers relating to them and opening a new register in respect of the new combined parcel.

(2) Upon application by a proprietor of land for the division of his parcel into two or more parcels the Registrar shall affect the subdivision by closing the register relating to the parcel and opening new registers in respect of the new parcels.

(3) The Registrar shall not effect any subdivision unless the consent of the Director of Lands has been obtained to such subdivision.

EFFECT OF REGISTRATION.

16. The Registration of any person as the proprietor of a parcel shall vest that person with the absolute ownership of that parcel subject to the conditions of the grant and the provisions of Law No.10 of 17 December 1980.

17. The registration of land as Municipal land shall enable the Mayor by a disposition registered under this law to dispose of such land.

18. Unless the contrary is expressed in the register all registered land shall be subject to such of the following and overriding interests as may subsist without their being noted on the register-

- (a) natural rights of light, air, water and support.
- (b) rights of compulsory acquisition, resumption, entry, search, user or limitation of user conferred by any written law.
- (c) tenancies for a term not exceeding five years
- (d) any unpaid monies (including taxes) which are expressly declared by any written law to be a charge upon the land.
- (e) electricity supply lines, telephone and telegraph lines or poles, pipelines, aqueducts, canals, wiers, dams erected or constructed by virtue of any power conferred by any written law.

19. Every proprietor acquiring land shall be deemed to have notice of every entry in the register relating to the land, lease or charge.

CERTIFICATES AND SEARCHES.

20. The Registrar shall, upon the application of any proprietor, issue him with a certified copy of the register relating to the relevant parcel.

21. On the registration of any permanent lease or charge the duplicate and triplicate of the lease or charge shall be endorsed by the Registrar to the effect that the instrument has been registered and shall be handed to the parties to the lease or charge.

22.(1) Any person, on payment of the prescribed fee may inspect during official hours of business any register and any sheet of the Registry map and any filed instrument or plan.

(2) Any person, on payment of the prescribed fee may obtain a certified copy of any register, register map or filed instrument or plan.

DISPOSITIONS.

23 No land, lease or charge can be disposed of or dealt with except in accordance with this law and any attempt to dispose of or deal in land otherwise than in accordance with this law shall be ineffectual.

24. No person dealing or proposing to deal with a proprietor shall be required or is in any way concerned with the circumstances in or the consideration for which such proprietor or previous proprietor was registered.

25. Where an instrument is presented for registration later than six months from the date of the instrument then as well as the registration fee an additional fee equal to the registration fee shall be payable for each additional six months which have elapsed since such date.

Provided that in no case the additional fee shall exceed five times the original registration fee payable.

26. Interests appearing in the register shall have priority according to the order in which the instruments which led to their registration were presented to the registry irrespective of the dates of the instruments.

TENANCIES.

27. The proprietor of land may let the land or any part of it to any person for a definite period.

Provided that if only part is leased the tenancy instrument shall be accompanied by a plan or description adequate to identify the part let.

28. A tenancy for a specified period exceeding five years shall be in the prescribed form and shall be completed by-

(a) opening a register in respect of the tenancy in the name of the tenant; and

(b) filing the tenancy instrument; and

(c) noting the tenancy in the incumbrances section of the landlords land.

TRANSFERS.

31.(1) A proprietor, by an instrument in the prescribed form may transfer his land, tenancy or charge to any person with or without consideration.

(2) The transfer shall be completed by registration of the transferee as proprietor of the land, tenancy or charge and by filing the instrument.

32. The Registrar shall not register any instrument purporting to transfer or vest any land, or a letting of land unless there is produced to the Registrar proof that all taxes levied and due on the land have been paid.

33. No part of the land comprised in a register shall be transferred unless the proprietor has first subdivided the land and new registers have been opened in respect of each subdivision.

EASEMENTS

34. (1) The proprietor of land may, by an instrument in the prescribed form, grant an easement over his land to the proprietor of other land for the benefit of that other land.

(2) Any proprietor transferring land may, in the instrument of transfer, grant an easement for the benefit of the land transferred over the land retained by him, or reserve an easement for the benefit of land retained by him.

(3) The grant of an easement shall be completed by its registration as an incumbrance in the register of the land burdened, and in the property section of the land which benefits from the easement.

(4) Upon presentation of a duly executed release the registration of an easement shall be cancelled and the easement shall thereupon be extinguished.

35. Nothing in this law shall be construed as derogating from the natural right to support, light, air or access to a road appertaining to any land.

CO-PROPRIETORSHIP & PARTITION.

36.(1) Every instrument made in favour of two or more persons shall show the share of each proprietor.

(2) The Registrar may prescribe the maximum number of persons who are allowed to be registered in the same register as proprietors.

37.(1) Where land is held by more than one proprietor any proprietor may apply to the Registrar for a partition of the land. Provided that the consent of the Municipality is obtained the Registrar shall, where it is practical to do so, partition the land in accordance with any agreement reached between the co-proprietors, or in the absence of any such agreement, in such manner as he shall decide having heard the representations of the proprietors.

(2) Partition shall be completed by closing the register of the parcel partitioned and opening registers in respect of the new parcels created by the partition and filing the agreement or order.

38. Where the land sought to be partitioned is incapable of partition or the partition would affect the proper use of the land the Registrar, in default of agreement by the proprietors, shall sell the land and distribute the purchase monies, less the expenses of the sale, among the proprietors according to the shares which they held

INSTRUMENTS AND AGENTS.

39.(1) Every disposition of land, a tenancy or a charge shall be effected by an instrument in the prescribed form or such other form as the Registrar may approve and every person shall use a printed form issued by the Registrar unless the Registrar otherwise permits.

(2) Permanent leases, tenancy agreements and charges shall be presented in triplicate.

(3) Instruments shall contain true statements of the amount or value of the purchase price, rent or loan or other consideration and an acknowledgement of receipt of the consideration.

TRANSMISSION.

40.(1) Upon the death of a proprietor the Registrar shall, upon the production of an Order of the Court, delete the name of the deceased from the register and substitute the name of the person named in the Order of the Court as the new proprietor.

(2) The registration of any person as aforesaid shall relate to and take effect from the date of death of proprietor.

41. Where the Municipality has become entitled to any land, tenancy or charge under any law the Registrar shall, upon the application of the Municipality and supported by such evidence as he shall require, register the Municipality as the proprietor.

RESTRAINTS ON DISPOSITION.--

42.(1) The court may make an Order (hereinafter referred to as an Inhibition) inhibiting for a particular time, or until the occurrence of a particular event, or generally until further Order, the registration of any dealing with any land.

(2) A copy of the Inhibition with particulars of the land shall be sent to the Registrar who shall register it in the appropriate register.

(3) So long as an Inhibition remains registered no instrument inconsistent with it shall be registered.

Cautions

43.(1) Any person who-

(a) claims any unregistrable interest in land, or a tenancy or a charge; or

(b) being a Bank, has advanced money to the proprietor of land,

may lodge a caution with the Registrar forbidding the registration of dispositions of the land.

(2) A caution may either-

(a) forbid the registration of dispositions altogether; or

(b) forbid the registration of dispositions to the extent therein expressed.

(3) A caution shall state the interest claimed by the cautioner and the Registrar may require the cautioner to produce evidence supporting the cautioner's claim.

(4) The Registrar may reject a caution which he considers unnecessary

44. The Registrar shall give notice of the registration of a caution to the proprietor.

45. A caution may be removed on the application of the cautioner, by order of the court or by order of the Registrar.

46. Any person who lodges a caution wrongfully and without reasonable cause shall be liable to pay compensation to any person who suffers loss as a result.

Restrictions

47.(1) For the prevention of fraud or improper dealing or for any other sufficient cause the Registrar may, with or without the application of any interested person, and having made such enquiries as he thinks fit, make an Order (referred to as a Restriction) restricting dealings in the land for a particular time, or until the occurrence of a particular event, or generally until further order.

(2) Upon the entry of a Restriction the Registrar shall notify the proprietor of that restriction.

RECTIFICATION & INDEMNITY

48.(1) The Registrar may rectify the register or any instrument presented for registration in the following cases-

- (a) in formal matters and in cases of errors or omissions not materially affecting the interest of any proprietor;
- (b) in any case and at any time with the consent of all persons interested;
- (c) where, upon re-survey, a dimension or area shown in the register or registry map is found to be incorrect.
- (d) upon proof of the change of name or address of any registered proprietor.

49. The court may order rectification of the register by directing that any registration be cancelled or amended where it is satisfied that any registration, including a first registration has been obtained by fraud or mistake.

(2) The register shall not be rectified so as to affect the title of a proprietor who is in possession or is in receipt of rent and who acquired the land for valuable consideration unless that proprietor had knowledge of the omission, fraud or mistake or substantially contributed to such fraud or mistake.

50.(1) Any person suffering damage by reason of-

- (a) any rectification of the register under this law; or
- (b) any mistake or omission in the register which cannot be rectified under this law; or
- (c) any error in an official certificate of search issued by the Registrar or in a copy or extract of the register or any filed instrument,

shall be entitled to be indemnified by the Municipality.

(2) No indemnity shall be payable to any person who has himself caused or substantially contributed to the damage by his fraud or negligence.

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51. Where an indemnity is awarded it shall not exceed the value of the interest at the time when the mistake, or omission which caused the damage was made.

52. Where any indemnity is paid the Municipality shall be entitled to recover the amount so paid from any person who has caused or substantially contributed to the loss by his fraud or negligence.

MISCELLANEOUS.

53. The fees payable in respect of all matters connected with registration shall be prescribed from time to time by the Municipality.

DRAFT CADASTRAL SURVEY PROJECT SPECIFICATION**Purpose.**

The purpose of the proposed project is to provide the services described in the scope of work below for the Mogadishu Land Registration Project which will: (a) survey all land within the Municipality of Mogadishu other than unalienated undeveloped land to demarcate the boundaries of existing holdings, identify owners and record this data, and (b) establish a Land Registry which will institutionalise the survey and land tenure records and create the capacity to regulate and record land transactions of all types.

Land survey and registration

The survey will utilise "general boundaries" and, on the assumption that aerial photographs, or orthomaps are available, the primary skills required for much of the work will be in the technique of graphical rather than instrumental surveys.

The recordation of title must be in accordance with the laws of Somalia.

Publicity.

A very intensive information programme will be required to explain clearly and precisely what is going to happen, when why and to whom. Seminars for public servants, lawyers, bankers and other public and private individuals who will be involved with implementation will be required.

Scope of work.

A formal survey of all land in the metropolitan area of Mogadishu excluding unalienated undeveloped land and land reserved to the Ministry of Defence will be carried out. Two teams beginning at the centre of the city will work progressively over the land area. They will organise their work by district.

The teams will accomplish the following tasks in each district.

(a) Preliminaries

Establish contact with local officials, assess existing records, set the survey control network from which it will work, and conduct a publicity campaign to inform local residents of their role in the registration process and the information they must provide.

(b) Demarcation & Survey.

The team will identify the boundaries on the ground with the help of claimants to the parcel. The team will then physically survey the boundaries of all parcels identified.

(c) Recording.

The team will then prepare an adjudication record for each parcel of land in which all registerable interests including ownership, mortgages etc are listed.

(e) Plotting.

The team will then prepare an index map for the district surveyed and calculate the areas of each parcel.

(f) Adjudication.

The adjudication tribunal will hear and settle any disputes arising as a result of the execution of the previous tasks

(g) Display

The resulting index maps and adjudication records will be displayed for inspection by the public for a specified period during which any further disputes will be resolved. At the end of the period of public display the record becomes final and conclusive.

Land Registry System

The survey outlined will form the basis of the Land Registry system which will continue to record changes in the ownership and boundaries as originally surveyed due to inheritance, sale and other dealings in land. The registry will also record all new temporary permits and permanent leases.

Legislation.

Although the existing law provides for the maintenance of a land registry further legislation is desirable:

A Land Adjudication Law which provides for the process of systematic adjudication of rights in land which in turn is a

precondition to the registration of land parcels.

A Land Registration Law which defines procedures for registration of title to land and the guarantee of that title by the State.

Personnel requirements.

A fourteen person team is required to undertake the cadastral survey and will consist of:

A team leader responsible for overall management and implementation of the activities.

Two adjudicators

Two survey party leaders

A cartographer

Eight survey technicians.

The survey technicians will lead 8 survey parties which will conduct the actual survey. Each survey party leader will be responsible for 4 survey parties each of which will consist of

A survey technician

A demarcation assistant

Two survey assistants

Four labourers

A recording assistant

A draftsman

He will also be responsible for co-ordination and quality control and for the descriptions of the Survey Control Network in order to prevent aggregation of gross error.

The equipment required for the project is as follows:

Description	Qty
Electronic distance measuring equipment with range up to 4kms.	
Sets complete with tripods & reflectors	6
Theodolites - 1 second	2
Theodolites - 20 second	8
Traverse targets & tripods - sets	8
Clinometers or Abney levels	8
Compasses, hand held	16
Tapes, steel, 100 metre	8
Tapes, steel, 30 meter	16
Calculators HP11c	12
Micro computers with printer	2
Ranging poles	60
Dye line printer 150cm wide	1
Photocopier	2
Print trimmer	1
Planimeters	9
Stencil sets	9
Calculators	8
Stereoscopes, hand	8
Stereoscopes, mirror	1
Typewriters	4
Word processors	1
Vertical plan filing cabinets	10
Plan presses	5
Filing cabinets, 4 drawer	20
Drawing tables	10
Light frames 150cm x 100cm	4
Light tables	8
Safe	1

LAW No 10: 17th DECEMBER 1980

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SHARCI L. 10 Taariikh 17 Diseembar 1980:
Maamulka Dhulka Dhismaha ee G. Banaadir.

MADAXWEYNAHA JDS

ISAGOO TIXGELINAAYA : Oggolaanshaha Guddiga
Joogtada ah ee Golaha Shacbiga:

WUXUU SOO SAARAYAA

Shareiga soo socda:

QODOBKA 1AAD

(Awooda Dhul bixinta)

Isagoo Shareiga Lambar 41 ee 13ka Setembar 1973 uu sidiisi u taagnaanayo maamulka iyo gixinta dhulka dhismaha ee Gobolka Banaadir. Qaranka waxaa uga wakiil ah Dawladda Hoose ee Muqdisho.

QODOBKA 2AAD

(Mabaadii Guud)

Mabaadi'ada iyo tilmaamaha ku cad Qadobbada 2,3,4,5, iyo 6 ee Shareiga lambar 41, soona baxay 13ka Setembar 1973, waa qayb ka mid ah Shareigan.

QODOBKA 3AAD

(Jaangooyada Guud ee Dhulka Gobolka Banaadir)

1. Dawladda Hoose ee Muqdisho waxay dhulka Gobolka Banaadir u sameyneysaa jaangooyo guud oo lagu muujinayo dhulka loogu tala galay degsiimada, Warshadaha, Ganacsiga, danaha caanka ah iyo Nabadgelyada.

2. Waxaa kale oo isla jaangooyadaas guud lagu muujinayaa hawlaha adeegga ee laga maarmaanka u ah nolol maalmeedka bulshada, sida koronteynta, biyo gelinta, isgaarsiinta, bulaacadaha iyo wixii la mid ah.

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3. Waxay u sameyneysaa meelaha halbowlaha u ah Magaala-madaxda naqshad gaar ah, iyadoo bixinta dhulkaas ku saleyneysa u hoggaansanaanta naqshad-daas.

4. Jaangooyada guud iyo naqshadda gaar ah ee ku xusan qodobkan waa inuu oggolaadaa Guddiga Joogtada ah ee Golaha Shacbiga ee Magaalada, kadib marka uu dhageysto talada Guddiga Farsamada.

QODOBKA 4AAD

(Saldhigga dhul-bixinta)

1. Dhul kasta oo la bixinaayo wuxuu noqonayaa mid ku saleysan jaangooyada ku xusan Qodobka 3aad ee Shareigan.
2. Dhulka leh isticmaal dhismo rasmi ah iyo kuwa leh isticmaal ku meel gaar ah waa in lagu guddoomiyaa go'aan Guddiga Joogtada ee Golaha Shacbiga Magaalada.
3. Lama bixin karo dhul aan jaangooyada guud ku jirin.
4. Waxaa ka reeban Dawladda Hoose in dhul qof laga wareegay qof kale la siiyo.

QODOBKA 5AAD

(Noocyada loo qeybinayo dhulka)

1. Dhulka ay bixiso Dawladda Hoose ee Muqdisho ee loogu tala galay degaanka wuxuu u kala qeybsamaa laba nooc:
 - b) dhul leh isticmaal rasmi ah: iyo
 - t) dhul leh isticmaal ku meel gaar ah.
2. Dhulka leh isticmaalka rasmiga ah wuxuu noqonayaa dhul laga dhisi karo guri ka sameysan daar, laga tixraacayo naqshadda uu soo sameysto qofka dhulka lasiiyo. Naqshaddaas waxaa oggolaanaya Guddiga Farsamada ee Dawladda Hoose ee Muqdisho.

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3. Dhulka isticmaalka ku meel gaar ah waxaa laga dhisi karaa oo keliya guri ka sameysan baaraako, cariish, mundul, aqal iyo wixii u dhigma.
4. Dhulka leh isticmaal ku meel gaar ah uma baahna in naqshad loo sameeyo, hase yeeshee, dhismuhu waa in uu yahay mid waafaqsan jaangooyada guud iyo maabka Xaafadda.

QODOBKA 6AAD

(U rogid dhul leh isticmaal ku meel gaar ah mid leh isticmaal rasmi ah)

Dhulka leh isticmaal ku meel gaar ah waa loo rogi karaa mid leh isticmaal rasmi ah, kadib:

- a) marka qofka leh dhulkaas uu soo weydiisto, isagoo ka fikiraya shruudaha dhulka leh isticmaalka rasmi ah.
- b) dhulkaas waa inuu ahaadaa mid jaangooyada waafaqsan.

QODOBKA 7AAD

(Bixinta dhul dhismo)

1. Dawladda Hoose ee Muqdisho, iyadoo dhowreysa sharcigan iyo shuruudaha kale ee u yaal dhismaha, waxay awood u leedahay inay siiso dhul dhismo Hay'adaha Dawladda, Iskootnatooyinka, Shirkadaha, Ururrada iyo qof gaar ahaan.
2. Siismada ku caalaambarka laad ee qodobkan waxay ku xiran tahay in la bixiyo qiime go'an oo lagu jaangooyey mitir laba qaybbaaran.
3. Duqa Magaalada Muqdisho wuxuu awood u leeyahay in uu go'aan sababeysan ku bixiyo, lacag la'aan dhul dhismo, oo leh ku isticmaal ku meel gaar ah.

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4. Qiimaha halkii mitir oo laba jibbaaran ee dhulka dhismaha oo leh ku isticmaal rasmi ah waxaa lagu xaddidayaa Xeer uu soo saaro Madaxweynaha JDS, isagoo dhageystay Wasiirka Wasaaradda Maaliyadda. Dhulka kale oo leh ku isticmaal gaar ah waxaa lagu xaddidayaa Xeer uu soo saaro Wasiirka Wasaaradda Maaliyadda, isagoo dhageystay Duqa Magaalada, kadib markii sidaas ay u guddoonsadaan Guddiga joogtada ee Golaha Shacbiga ee Magaalada. Qiimaha dhulka leh isticmaalka ku meel gaar ah kama badnaan karo 50% midka leh isticmaalka rasmi ah, waxaana loo tixgelinayaa markii dhulkaas loo rogayo ku isticmaal rasmi ah.

5. Lacagta ka soo gashay dhul bixinta BOQOLKII-BA LABAATAN waxaa lagu wareejinayaa Khasnadda dhexe ee Dawladda.

QODOBKA 8AAD

(Habka qaybinta dhulka)

1. Dhulka dhismaha waxaa lagu qeybinayaa hab ku saleysan caddaalad iyo sinnaan iyadoo ujeeddadu tahay in qof waliba uu helo meel uu ku dhisto hoygiisa.
2. Dawladda Hoose ee Muqdisho marka ay qeybi-neyso dhul degsiimo ah waxay tixgelineysaa arrimaha soo socda:
 - b) in da'da qofka dhulka waydiistay ayan ka yareyn 18 sano;
 - t) inuusan ku lahayn Magaalada Muqdisho dhul kaloo degsiimo.
3. Duqa Magaalada Muqdisho, isagoo tixgelinaya duruufo gaar ah oo la hubiyey, wuxuu dhul siin karaa qof 18 sano ka yar ama dhul kale oo degsiimo ku leh Magaalada Muqdisho.

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QODOBKA 9AAD

(Dhulka dhismo ee Mashaariicda gaar ahaaneed)

1. Ciddii dooneysa dhul dhismo ay ku fuliso mashaariic gaar ahaaneed oo ka mid ah mashaariicda horumarinta dalka, sida Warshadaha iyo wixii la mid ah, wuxuu ka soo qaadanayaa oggolaansho waafaqsan tasmada mashruuceeda hay'adda ku shaqada leh arrinta uu khuseeyo mashruucu.
2. Dhulka lagu bixiyey habka iyo qaabka ku tilmaaman xubinta hore ee qodobkan, looguma isticmaali karo dhismo ama degsiimo hoy ah oo aan mashruuca xiriir la lahayn.

QODOBKA 10AAD

(Wajibbaadka qofka dhulka lasiiyo)

1. Qofka dhulka lasiiyey waxaa laga doonayaa:
 - b) in uu u isticmaalo dhulka ujeeddadii loo siiyey oo keliya, haddii uusan ka helin Dawladda Hoose ee Muqdisho fasax ujeeddadii hore ka beddelaya.
 - t) in uu bixiyo qiimaha dhulka iyo wixii canshuuro uu shareigu ku waajibiyey, ha noqdeen canshuuro hadda jira ama kuwa ku soo bixi doona shareiga dambe.
 - j) in uu dhismaha ku bilaabo waqtiga loo qabtay oo ku cad warqadda dhul bixinta.
 - x) in uu dhismaha waafajiyo jaangooyada guud iyo maabka u degsan Xaafadda wax laga dhisayo.
2. Qofkii u hoggaansami waaya nidaamka ku xusan Lambarka laad ee Qodobkan, waxaa laga la noqonayaa dhulkii hore loo siiyey iyadoo aan loo celineyn waxmagdhaw ah, isla mar ahaantaasna waxaa laga duminayaa wixii dhismo ah oo aan loo oggolaan. kharajkana isa gaa la saarayaa.

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QODOBKA 11AAD
(Joojinta Dhismaha)

1. Markay jirto sabab garowsiimo leh, Dawladda Hoose ee Muqdisho waxay amri kartaa joojin dhismo, muddo aan ka badneyn Saddex bilood. Muddada joojinta kuma xisaabsana muddada dhismaha ee qofka loo qabanayo.
2. Waxaa kale oo ay amri kartaa joojin dhismo la bilaabay ama soda, iyadoo sababtu ay tahay dib u habaynta degsiimada.
3. Qafkii dhismaha laga joojiyey ma sheegan karo wax xuquuq ah oo la xiriirta muddada joojinta.

QODOBKA 12AAD
(Muddada siismada dhulka)

1. Muddada siismada dhulku waxay noqoneysaa sida soo socota:-
 - b) siismadu waa u joogto muwaadinka Soomaaliyeed haddii uu fuliyo shuruudaha sharcigu dhigayo.
 - c) Dadka ajnabiga ah, muddada siismadu kama yaraan karto 50 Sano, kamana badnaan karto 99 Sano. isla markaasna waa loo cusbooneysiin karaa markay muddadu ka dhammaato.
- Habka siismada dhulka laga baaro ama laga qoto Macdinta, waxaa habeynaya sharcayo gaar ah.

QODOBKA 13AAD
(Muddada dhismaha)

1. Dhulka leh isticmaal rasmi ah qofkii la siiyaa waa in uu dhismaha ku dhammeeyaa muddo 2 Sano gudahood, laga bilaabo maalinta uu qofku qaato warqadda dhul siismada.

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2. Dhulka leh isticmaal ku meel gaar ah, qofki la siiyaa waa inuu dhismaha ku dhammeeyaa muddo ah hal sano gudaheed, laga bilaabo maalinta uu qofku qaato bolleetada dhismaha.

QODOBKA 14AAD

(Kordhinta muddada dhismaha)

1. Qofka dhul la siiyey, haddii ay la soo gudboonaato dhibaato ka hor istaageysa in uu dhismihii ku fuliyo muddadii loo qabtay. Dawladda Hoose waxay u qordhin kartaa muddada dhismaha iyadoo ugu dareysa mar kasta muddo aan ka badnayn tii asalka ahayd.
2. Kordhinta noocaas ahi ma dhaafi karto laba goor, wixii intaas ka badanna waxay noqonaysaa kordhin aan caadi ahayn, waxaana awood u leh Duqa Magaalada Muqdisho.

QODOBKA 15AAD

(Dhismaha sharci darro)

Dhisma kasta oo aan loo soo marin habka bixinta dhulka leh isticmaalka rasmiga ah iyo kan leh isticmaalka ku meel gaaf ah waxaa loo aqoonsanayaa mid sharci darro ah.

QODOBKA 16AAD

(Kicinta ama duminta dhismaha sharci darro)

- 1) Dawladda Hoose ee Muqdisho, iyadoo fulinaysa jaangooyada guud, waxay amri kartaa kicinta dhismooyinka sharci darrada lagu taagay, ha ahaadeen dhismooyin kooban ama xaafad dhan, kadib markii sidaas uu guddoonsado Guddiga Joogtada ah ee Golaha Shacbiga ee Degaanka.
- 2) Kicinta dhismaha sharci darro waxay ku imaan kartaa laba sifaale:-

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- b) Kicin xaafad dhan oo dhismo sharci darro ah, si loo banneeyo dhulka ay ku fadhido, waxayna dhacaysaa marka dhulka ay xaafaddu hay-sato uu yahay mid soo-gelaya ku tala galka jaangooyada, loona qorsheeyey arrimo ka duwan degsiimada caadiga ah.
- t) Habeyn xaafad hore u ahayd sharci darro, taasoo la waafajinayo maab loo diyaariyey habeyntaas.
- 3) Dhismaha sharci darrada ah ma noqon karo sabab lagu helo dhul, kicintiisuna magdhow kama dhalan karo, hase yeeshee Dawladda Hoose waxay qofka laga dumiyey dhismaha sharci darro siin kartaa dhul kale ee uu dego, kaddib marka ay sugnaadaan arrimaha soo socda:-
- b) Dhismaha sharci darro uu yahay mid lagu dhaqmay ugu yaraan siddeed sano waqtiga dhaqan galka sharcigan.
- t) In ujeeddada loo taagay dhismaha sharci darro ayan ahayn dhul ku helid.
- 4) Dhul bixinta ka dhalata duminta ama kicinta dhismooyinka kooban ama xaafad dhan waxaa xaq u yeelanaya dadkii markii hore degganaa.
- 5) Waxaa ka reebbar Dawladda Hoose iney dhulkaas siiso dad kale inta ay joogaan dadkii laga dumiyey.

QODOBKA 17AAD

(La wareegid dhul dan guud darteed)

- 1) Duqa Magaalada Muqdisho wuxuu awood u leeyahay in uu soo saaro go'aan la wareegid dhul dhisan ama dhul bannaan oo horey qof kale loo siiyey dan guud darteed.
- 2) Qofka lagu soo saaray go'aanka ku cad lam-barka laad ee qodobkan wuxuu xaq u yeelanayaa waxyaabaha soo socda:-

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- b) dhulka dhisan waxaa qofkii lahaa la siinayaa magdhow u dhigma waxa ka dhisan goobta la-la wareegay, iyadoo isla mar ahaantaas la siinayo dhulka kale oo u dhigma. cabbir ahaan.
- t) Dhulka bannaan waxaa qofkii lagala wareegay loogu beddelayaa dhul kale oo u dhigma cabbir ahaan.
- 3) Marka la bixinaayo magdhow waxaa la tixgelinayaa in dhismuhu uu yahay mid waafaqsan shuruudaha sharciyeed ee u kala degsan dhulka leh isticmaalka rasmiga ah ama ku meel gaarka ah.
- b) Dhismaha khilaafsan shuruudahaas waxaa loo aqoonsanayaa mid sharci darr oah. qofkii suna xaq u yeelan maayo wax magdhow ah.
- 4) Habka iyo qaabka loo marayo la wareegidda hantida gaar ahaaneed dan guud awgeed waa midka ku tilmaaman kuna qotoma Qod 28 ee Dastuurka J. D. S. iyo Xeerka tirsigiisu yahay 12. soona baxay 28.5.1955.
- 5) Dhismaha loola wareegay dan guud awgeed, iyadoo la dhowrayo xubinta afaraad ee qodobkan waxaa keliya oo loogu isticmaali karaa dan guud. waxaana reeban in dhismahaas loogu isticmaalo dan gaar ahaaneed.

QODOBKA 18AAD

(Ganacsiga Dhulka bannaan)

- 1) Waxaa mamnuuc ah ganacsiga dhulka bannaan, ha ahaado mid leh isticmaal rasmi ah ama mid leh isticmaal ku meel gaar ah, qofkii dhul la siiyaana ma hecin karo, dhulkana waa inuu u isticmaalo ujeeddadii loo siiyey.
- 2) Haddii qofka la siiyey dhulka uusan ku dhisi karin muddada ku xaddidan sharcigan wuxuu dhulkii u soo celin karaa Dawladda Hoose ee

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Muqdisho. isagoo keenaya warqadihii dhul bixinta, wuxuuna xaq u yeelanayaa in loo celiyo qiimihii dhulka.

QODOBKA 19AAD

(Wareejinta baraatikada dhulka leh isticmaalka rasmiga ah)

Diiwaannada. warqadaha kale iyo maababka la xiriira dhulka leh isticmaalka rasmiga ah ee ku yaal G. Banaadir, horeyna ay u maamuli jirtay Wasaaradda Hawlaha Guud waxaa lagu wareejinayaa Dawladda Hoose ee Muqdisho.

QODOBKA 20AAD

(Dhulkii horey loo bixiyey)

Dhulkii leh isticmaalka rasmiga ah oo ay Wasaaradda Hawlaha Guud horey u bixisay ama baraatikadii siismadu socoto, waxay Dawladda Hoose ee Muqdisho ku wadaysaa habkii maamulka dhulka ee sharciga Lambar 41 oo soo baxay 13kii Setember 1973, iyadoo shuruudda isticmaalka lagu dabbaqayo sharcigan.

QODOBKA 21AAD

(Kadhimid qiimaha dhulka mashaariicda danta guud ku jirta)

Duqa Magaalada Muqdisho, isagoo dhegeystay Guddiga joogtada ah, wuxuu awood u leeyahay in uu qiimaha dhulka ka dhimo ama ka dhaaf qofkii dhisaa-ya mashruuc ah dhismo gaar ahaaneed oo ay ku jirto dan guud.

QODOBKA 22AAD

(Naadada dhulka leh isticmaalka rasmiga ah)

- 1) Marka la bixinayo dhul leh isticmaal rasmi ah waxaa la sameynayaa naado oo lagu soo saarayo wargeyska iyo Faafinta Rasmiga ah ee Dawladda, laguna dhejinayo meelaha caamka ah.
- 2) Ciddii dood ama hor istaagid ka qabtaa bixinta dhulkaas waxay la soo xiriireysaa qeybta ma-

gaaleynta iyo maamulk adhulka Dawladda Hoose ee Muqdisho, muddo ku siman 30 (Soddon) maalmood, laga bilaabo maalinta lagu soo saaro Faafinta Rasmiga ah.

QODOBKA 23AAD

(Diiwaaneynta dhulka)

1. Dawladda Hoose ee Muqdisho waxay u sameynaysaa noocyada kala duwan ee dhulka diwaan lagu qorayo dhulalka la bixiyey iyo dhammaan xuquuqda la xiriirta dhismada dhulka.
2. Diiwaangelinta dhulku waa in ay ahaato mid ku saleysan haysasho sharci waafaqsan ee dhulka ama warqado caddeynaya lahaanshaha dhulka ama xukun Maxkamadeed. Tilmaanta warqadaha dhulka waa in lagu xusaa diiwaanka.

QODOBKA 24AAD

(Guddoonka dhul bixinta)

1. Guddoonka dhul bixinta oo leh ku isticmaal rasmi ah waxaa lagu soo saarayaa amarka Duqa Magaalada, kadib marka uu sidaas guddoonsado Guddiga joogtada ah ee Golaha Shacbiga ee Magaalada Xamar.
2. Duqa Magaalada Muqdisho wuxuu awoodda dhul bixinta leh ku isticmaal ku meel gaar ah u wakiilan karaa Guddi qaabilsan dhul bixinta oo uu magacaabo.

QODOBKA 25AAD

(Guddiga Farsamada)

1. Dawladda Hoose waxay yeelanaysaa Guddi Farsamo oo joogta ah oo ka talisa jaangooyada guud, midd agaarka ah. Naqshadda dhismaha iyo wixii arrin ah oo la xiriira dhulka degsiimada.
2. Guddiga Farsamada Wuxuu ka koobanyay Aqoonyahanno, Farsamoyaqaanno sare iyo Sa-

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raakiil Caafimaad oo ka kala socda Dawladda Hoose ee Xamar, Wasaaradda Hawlaha Guud iyo hay'addii kale ee la garto.

3. Dhismaha Guddiga iyo habka ay u shaqaynaayan waxaa lagu soo saarayaa Xeer nidaamiye.

QODOBKA 26AAD

(Ciqaabaaad)

1. Qof kasta oo ku xadgudba sharcigan waxaa la ganaaxayaa Sh. So. 500. (Shan boqol) ilaa 5.000. (Shan kun), haddii uusan falkiisu keenayn dembi ka weyn.
2. Masuulinta loo xilsaaray dhul bixinta ee ku xed gudubta qodobbada kala ah; 3,4,5,6,7,8,11, 13,iyo 17 ee Sharcigan waxaa lagu ciqaabayaa xarig gaaraaya ilaa 5 Sano iyo ganaax gaaraaya ilaa Sh. So. 10.000. (Tuban kun) iyo inay Dawladda Hoose u celinayaan wixii khasaaro ah ama magdhaw ah oo ka dhasha xadgudubkaas.

QODOBKA 27AAD

(Soo saarid Xeer Nidaamiye)

Madaxweynaha Jamhuuriyadda Dimoqraadiga Soomaaliya, isagoo arkay go'aanka Guddiga Joogtada ee Golaha Shacbiga ee Magaalada Xamar, wuxuu awood u leeyahay inuu soo saaro Xeer lagu dhaqan gelinayo Sharcigan.

QODOBKA 28AAD

(Awood siin)

Wasiirka Wasaaradda Dawladaha Hoose iyo Horumarinta Miyiga, isagoo la tashaday Wasiirka Wasaaradda Hawlaha Guud, wuxuu talo ku soo jeedin karaa in lagu wareejiyo maamulka bixinta dhulka dhismaha, labadiisa noocba, degmadii loo arko in ay hanan karto, awood iyo aqoon ahaanba xilkaas.

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Oggolaanshaha wareejinta maamulka dhul bi-xinta ee ku cad lambarka laad ee qodobkan waxaa lagu soo saarayaa Xeer Madaxweyne.

QODOBKA 29AAD

(Baabi'in)

Waxaa la baabi'iyey sharci kasta oo ka soo horjeeda ama aan la socon karin sharcigan.

QODOBKA 30AAD

(Dhaqan gelin)

Sharcigaan wuxuu dhaqan gelayaa 15 maalmood ka dib marka lagu soo saaro Faafinta Rasmiga ah ee Dawladda.

MADAXWEYNAHA JDS

Jaalle Maxamed Siyaad Barre

Appendix F

STANDARD FORMS CURRENTLY IN USE

TEMPORARY PERMIT



Dawladda Hoose ee Muqdisho
SOO GELIDDA WARQADDA

Tirsi _____

Bollettario N. _____

Taariikh _____

Bolletta No. _____

Sannadka N. _____

MAAMULKA DAWLADDA HOOSE EE MUQDISHO
WAAXDA DHULKA

Jaalle _____

Og. Tal. Ciidamada Booliska Dawladda Hoose Muqdisho - Xarunta

Jaallaha kor ku qoran waxaa loo ogolaaday in uu dhiso Cariish, Baraako
 ama Gari Dhagax ah _____ X _____ oo uu ka dhiso cad dhul

ah oo le'eg _____ kuna yaal Xaafadda _____

Soohdintiisana tahay _____ X. Woqooyi _____ X. Galbeed _____

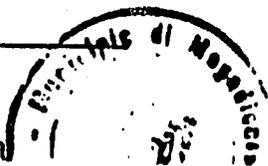
X. Bari _____ iyo X. Koofur _____

Warqadaar, xaq waxaad ugu leedahay muddo lix (6) bilood ah oo maanta
 kaaga billaabmanta, fasax la'aan in aad dhulka dhistid.

Warqadda Lacag Qabashada N. _____ ee _____

Muqdisho Taariikh _____

Agaasimaha Waaxda Dhulka



Duqa Magaalada

PERMANENT LEASE

JAYHUURIYADDA DIWOGRAADIGA SOOYAALIYSD

DAYLADDA HOOSE TE YUCDISHO

-Yaarda Yaarulka Dhulka Rasriga ah -

28 NOV. 1983

Yucdisho, _____

Buug Lambar DR/YG/7/DH/R/ 813/83 Waxaa ku xiran _____

Ujeeddo. - Guddin siisro ku saabsan gabal dhul Dawladred ah oo ku Yaal Yagaaladatan Xarar, Degrada soona weydiiste Jaalle
CALI KAYBE LAYXED.

G.L. 615/79

KU: JAALLE CALI KAYBE LAYXED. =YUCDISHO=

OO: - WAA XDA YAGAALXYTA & WASHADHA (XUDI'TA FASAXYADA) YUCDISHO=

Jaalle waxaa lagu soo gudbinayaa warqadatan siisrada dhulka ee halkaan ku lifaaqan kuna dhegen tahay naqshadda wadab'cas ku tilmaaran kuna yaal Degrada ujeeddada ku qoran. -
Waxaana laga codsanayaa dhulkaas in aad ku dhistid ruddo (24) bilood ah oo laga bilaabo taariikhda ku qoran warqadda guddinta siisrada dhulka. -
Waxaa kale oo lagu ogeystinayaa dhulkaas in aadan ku wareejin karin cid kale asaga on bannan sida u caddeynayo qodobka 10 aad ee Sharciga Labarkiiisu yahay 10 soona baxay taariikhda rarkay ahayd 17/12/1990. -

AGAASIT... WAA XDA... DHULKA DHULKA TE D/HOOST
- Jaalle... dhulka...


JAMHUURIYADDA DIMOQQAADIGA SOOMAALIYA

Wasaaradda Hawlaha Guud

WAAXDA DHIISMAHA IYO DHULKA

SIIN DHUL DHISMO



Iyadoo la arkay ogolaansihii Guddiga Dhismaha ee W.H.G. FAHIGIYE 15aad. Taariikh 20/11/78 markay taariikhdu ahayd 25/8/79 1013.- kuna saabsanayd naqshadii dhismada oo u keensaday Jaalle Calli Hayba Farax.

kausoo horay u soo weydiistay gabal dhul dhismood ah oo ku yaal Magacadaatan Luqdisho "emrada Faarax" B.

Iyadoo la arkay warqadii tiraddaadu ahayd THG 3/23/331' waaxda dhismaha iyo dhulka taariikhdeeduna ahayd 25 FEB 1980 laguna amrayey xafiiska farsamada dhulka inuu wareejiyo dhulka ujeeddada ku qoran

Senadii Kunsiga Iborol sida tan iyo sedax naalintii 25/3/80 ee bishii Fahrayo 1980 Jaalle Sahruur Cali Jarsara Cali ee ka tirsan Xafiiska Farsamada Dhulka u amrayna naamulaha Waaxda

... jooga qofkii la siiney dhulkaas waxaa la tusay gaasihii tasoo wafaqsan qorsheha maaalada:

waxayna u egtahay sida soo socota:

Ma. gabal dhulka oo ku yaal magacadaatan Luqdisho	
Degrada Faarax. Gaabhiisura yahay Rettangolar	
Adirhiisuna yihiin: 30X20, lana rid ah 600 rdh.	
SOMALI TRUST COMPANY	
JACOOYI 7411	Ma. XIRTA: Dhul Farax 113-2
KORNFUR "	J I D .
GALDHO "	DHUL LA'NA? 112-3.
DA'FI "	116-2.

Si lagu caddayo qaabka iyo caddada dhulkaas waxaa lays xusuusinayee in laga erkikaro naqshadda ku dhegan warqaddaan

Iisroo jooga weydiistihii waxaa loo soo muday 4tii gaas ee dhulkaas. waxuuna caddayey inuu reali yahay

In kastoo siinta ay xeerar ku xoreyso, Dawladda Soomaaliyeed waxba looma rascankaro illa iyo inta ay ka bixinayso "Amar Xeer" dhismo

Xashidaan siismada dhulka waxaa laga sameynayee 3 nuqul oo la kala siinayo: Danayshaa. Qaybta Dhulka iyo Dhismaha, Dawladii Hoose ee

[Signature] Qofka la siiyey dhulka

[Signature] Jiometerka dhiilay dhulka

Madaxa Lemaa Farsamada Dhulka

[Signature] MAQSIIYADA

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JK 100 BAR

A D D A D A

B A I C A D E

39B	41B	43B	45B
40B	42B	44B	46B

47B	49B	51B	53B
48B	50B	52B	54B

DAN
GUND

55B	57B	59B	61B
56B	58B	60B	62B

101B	103B	105B	107B
102B	104B	106B	108B

109B	111B	113B	115B
110B	112B	114B	116B

117B	119B
118B	120B

121B	123B	125B	127B
122B	124B	126B	128B

129B	131B	133B	135B
130B	132B	134B	136B

137B	139B	141B	143B
138B	140B	142B	144B

145B	147B
146B	148B

149B	151B	153B	155B
150B	152B	154B	156B

157B	159B	161B	163B
158B	160B	162B	164B

165B	167B	169B	171B
166B	168B	170B	172B

173B	175B
174B	176B

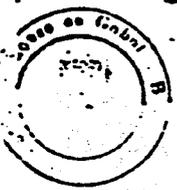
177B	179B	181B	183B
178B	180B	182B	184B

185B	187B	189B	191B
186B	188B	190B	192B

193B	195B	197B	199B
194B	196B	198B	200B

201B	203B
202B	204B

205B	207B	209B	211B
206B	208B	210B	212B



HOUSE TAX FORMS

a) Form used by referencers when appraising a property

JAMHUURIYADDA DIQMORAADIGA EE SOOMAALIYA

= DOWLADDA HOOSE EE KAMAR =

= XAFIISKA SHATUUDA =

MAGACA NAME of OWNER

DEGMADA DISTRICT XAFADA ~~SUB DISTRICT~~ SECTION

WAAXDA SUBDISTRICT GURI LAM Houses No

QEYBTA GURIGA CATEGORY HADII UU DABAQ YAHAY SINGLE/DUBLE
ETC

Dhererka LENGTH Dhumuca WIDTH JOOGA HEIGHT

S/S SAXIIXA CABIRAH
SURVEYOR

S/S SAXIIXA QIIMEEYAHA
ESTIMATOR

b) Record card. The front gives the proerty details and the reverse records the amount of tax collected.



DOWLADDA HOOSE EE XAMAR
MUNICIPIO DI MOGADISCIO
 Faraca Qilmaha Daaraha
UFFICIO CATASTO

Cashuurta Qilmaha Daarta la soo Xaqiijiyey
Imposta proporzionale sul valore accertato del fabbricato

Lamb. _____
 F. N. _____
 Magac _____
 Nominativo _____
 Degmo _____
 Via o Quartiere _____
 Mugga Daarta _____
 Volume del Fabbricato mc. _____
 Qayb _____
 Categoria _____
 Qilmaha _____
 Valore _____
 Canshuurta _____
 Imponibile Sh. So. _____

Xusuus _____
 NOTA _____

Sannad	1982 - Lamb.	Taar. Sh. So.	Sh. So.
>	1983	>	>
>	1984	>	>
>	1985	>	>
>	1986	>	>
>	1987	>	>
>	1988	>	>
>	1989	>	>
>	1990	>	>
>	1991	>	>

Appendix G

DRAFT APPLICATION FORM

Serial Number 000000

dist blockplot

A. Application

Name.....

revenue stamp

I.D. Number.....Nationality.....
Declaration (that the applicant or his immediate family do not own land in Mogadishu)

Type of plot required.....

Signature.....date.....

B Application office

Application accepted/rejected..... office stamp
reason for rejection

Entered on card index by..... date.....

Signature.....date.....

C Allocation

District.....Block.....Plot

Type of plot.....Size...m x...m Price sh.....

Signature.....date.....

D Offer

Offer issued.....Notice dated.....

Fees paid.....Receipt No.....

Permit issued.....

Index map endorsed.....Entered in index.....

Copy permit sent to land registry.....

(perforate)

(This portion to be handed to the applicant)
Serial Number 000000

Application for land

Name.....

official stamp

I.D. Number.....

This application for land was received on.....

Signature.....

This is your receipt for the application you have made. Keep it carefully. You must produce it whenever you enquire about your application.

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SUMMARY OF FINDINGS

This summary was prepared in Mogadishu and formed the basis of discussions with the Mayor's Representative and the Director of the Lands Office.

INTRODUCTION

At the request of the Mayor of Mogadishu, the East Africa Regional Housing Office of U.S.A.I.D has funded three consultant missions to Somalia during the past year and a half. The purpose of the first two missions was to examine urbanization patterns and problems in Somalia, focusing particularly on the problems and opportunities that confront the City of Mogadishu. During the second mission, a comprehensive assessment of the City's land distribution program was undertaken and a series of recommendations were offered regarding how the program could be improved. Among the recommendations for immediate action were the following:

- o develop a land pricing policy and land sale procedures for a self-financing program to provide infrastructure and affordable plots to low-income families;
- o adopt efficient land use standards in order to increase the amount of land devoted to residential use;
- o reorganize the Land Office with expanded responsibilities and capacity to manage a more comprehensive land distribution program;
- o reorganize land titling and plot registration procedures to reduce problems and disputes over land ownership;
- o modify administrative procedures to make the system function more effectively and to discourage land speculation.

The first two recommendations have been agreed to in principle by the Municipal Government. The City must now proceed to adopt new land use standards and a revised pricing policy. In order to assist the City in the implementation of the remaining three recommendations, AID agreed to further investigate the operations of the Land Office and to develop a plan for improving its administrative and technical capabilities. The investigation of Land Office activities, the focus of the third AID mission to Somalia, is substantially completed. A full report on the findings of the investigation will be forthcoming. A summary of the consultant's findings and an outline of the proposed reorganization plan are presented below.

SUMMARY OF FINDINGS

The recently completed evaluation of Land Office activities fully supports the findings of the two previous missions regarding office operations. Among the major problems that were identified are the following:

- o Land Office efforts are devoted primarily to the distribution of temporary leases. While almost 30,000 plots have been distributed the past five years, the distribution system is chaotic and inaccurate.

record keeping is almost non-existent. There is no way to determine whether an applicant already owns property in the City.

- o Surveyors do not have adequate training or modern survey equipment. As a result, land is distributed without benefit of a real survey, and there are no adequate records of how the City has been subdivided.
- o Subdivision plans are developed without regard for orientation or topography of the land. No mapped record is kept of which plots within a subdivision have been allocated.
- o There is no land registration or land appraisal system.
- o The City is seriously hampered by a lack of topographic mapping and geodetic controls.

PROPOSED REORGANIZATION PLAN

The reorganization and expansion of responsibilities and capabilities of the Land Office cannot be accomplished overnight. Nevertheless, there are a number of actions that should be taken which will lead to substantial improvements in the short-term. The consultant recommends that these activities be undertaken immediately and that the Land Office be closed for a two month period while short-term action are being implemented.

The organizational structure of the Land Office should be revised along the lines shown in the attached exhibit. The Chiefs of the four divisions, Surveying and Engineering, Land Administration, Accounting, and Planning, as well as the Director of the Land Office, will form a management committee which will be responsible for the implementation of municipal land policy. An experienced administrator should be hired to head the Land Administration Division. This individual will play an important role in the implementation of new land allocation procedures.

- o The preparation of subdivision plans should stop immediately. The Planning Division will begin to develop a master plan of all existing subdivisions. Once this is completed, the Survey Division will survey the perimeter of existing subdivisions. The preparations of the master plan and the survey of perimeters could be accomplished under the direction of an experienced consultant surveyor to be paid by AID. The surveyor will train existing staff in the use of modern survey techniques and instruments, as well assist in the implementation of the PADCO proposed planning standards.

- o Land allocation procedures must be revised and staff trained in the use of new procedures as well as in basic clerical techniques. A major procedural change is the institution of an application system for land distribution whereby households apply for property and, if eligible, are put on a waiting list until a plot is available. Staff from the Land Administration Division will also begin immediately to compile an index of all temporary leases, so that there is a record of who does and does not own land. In addition to these short-term actions, the consultant has identified a number of long-term activities that will require more extensive staff training and major capital investment. These activities include:

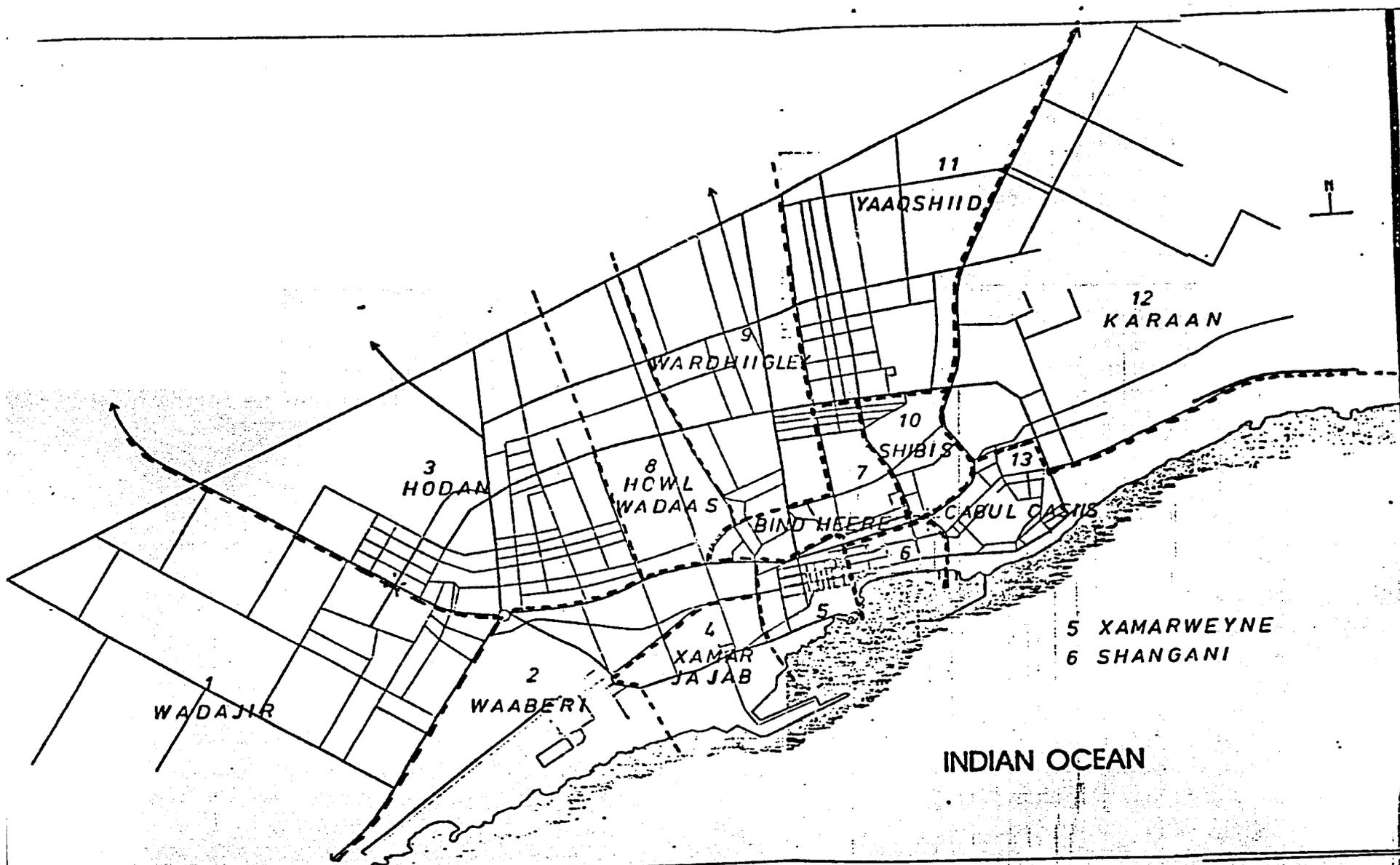
- o the development of a land registry;
- o the establishment of a new unit under the Land Administration Division to deal exclusively with non-residential land;
- o the development and implementation of a system of land appraisal; and
- o the preparation of topographic maps and a cadastral survey. These activities will be discussed in detail in the consultant's report.

In the interim, there is every reason to proceed immediately with the consultant's short-term recommendations. The East Africa Regional Housing Office is prepared to assist the Municipality in this effort by providing an experienced local surveyor, and by developing procedural and administrative manuals for the Land Office. Before this assistance can be provided, however, the Municipality will be required to take a series of actions which will demonstrate its commitment to improving the City's land distribution program.

ACTION TO BE TAKEN BY THE MUNICIPALITY BEFORE SEPTEMBER, 1984

Prior to the initiation of A.I.D. technical assistance to the Land Office, the City of Mogadishu will be required to undertake the following activities:

- o First, land use design standards must be adopted by the Municipality. Recommended standards, including plot sizes and proportions, land use circulation, and the provision of public facilities and open spaces, are contained in the PADCO report of June 1984.
- o Second, an interim revised fee structure for temporary and permanent leases must be developed and approved by the proper authorities. (According to Somali law, the Minister of Finance must approve changes in the price of temporary leases and the President must approve price changes in permanent leases). The revised fee schedule should represent an increase commensurate with land market values. A minimum increase should be at least 100 percent which will provide an interim measure while the government develops a comprehensive land pricing policy.
- o Third, the Municipality will press immediately for the amendment of Law No. 10 of December 17, 1980. According to Article 7 (4), the price of the land for temporary use cannot exceed 50 percent of that for a permanent lease. If this law remains in effect, a realistic and efficient land pricing policy as proposed by PADCO can not be implemented.
- o Finally, the Government will hire an experienced administrator who will be assigned to head the Land Administration Division. This individual will have principal responsibility for the implementation of revised allocation and registration procedures. Given the manpower that is currently available, the skills of an able administrator are essential if the proposed reorganization is to be successfully implemented.



DISTRICTS
CITY OF MOGADISHU

LEGEND:
 ————— street
 ————— district boundary



PLAN OF MOGADISHU
 Based on 1973 Aerial photo

Prepared by Special Staff for
 INOCO INC. Washington DC. 1982

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