



Dawladda Deegaanka Qowmiyadda Soomaaliyeed

DHOOL GAZETA

የሶማሌ ብሔራዊ ክልላዊ መንግሥት Somali National Regional State

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Tusmo Bayaan Lam. 7/1991 Magaca Bayaanka "Bayaanka go'aminta adeegsiga dhulka miyiga ah ee hawlaha maalgelinta ee Dawladda Deegaanka Qowmiyadda Soomaalida" bog 5

ግዛውጫ የአዋጅ ቁጥር 7/1991 የአዋጅ መጠሪያ የሶማሌ ብሔራዊ ክልላዊ መንግሥት ለኢንቨስትመንት ተግባር የሚውል የገጠር መሬት አዋጅ ፲/፲፱፻፺፩ ፲ጾ 5

Contents Proclamation No. 7/1999 Name of the proclamation "Cited as a proclamation to provide rural lands for investment activities in Somali National Regional State Establishment Proclamation" page 5

Bayaan tirsii 7/1991. Magaca Bayaanka:- "Bayaanka Go'aaminta Adeegsiga Dhulka Miyiga ah ee Hawlaha Maal-gelinta" Iyada oo loo baahday in la abuuro xaalado u sahlaya sidii ay maal-galiyayaasha doonaya in ay maal-gelin xagga beeraha ah ama hawlo kale ku sameeyaan dhulka miyiga ee Deegaanka. Iyada oo loo baahday in maal-geliyayaasha Deegaanka maal-gelinta ku samaynaya loo sameeyo dammaanad haysasho. Iyada oo la ogaaday muhiimadda iyo baahida ay leedahay xannaasaynta iyo ilaalinta kheyraadka dabiiciga ah ee Deegaanka. Iyada oo loo baahday in la helo cid go'aamisa sidii dhulka miyiga ah ee Deegaanka hawlo maal-gelin loogu fulin lahaa. Ayaa sida uu dhigayo Qod. 49aad Tirsiga 3aad xarafka b, ee dastuurka Dawladda Deegaanka waxaa la soo saaray bayaankan.

አዋጅ ቁጥር ፲/፲፱፻፺፩ የአዋጅ ስያሜ «የሶማሌ ብሔራዊ ክልል ለኢንቨስትመንት ተግባር የሚውል የገጠር መሬት አዋጅ ቁጥር ፲/፲፱፻፺፩» ተብሎ ሊጠቀስ ይችላል። - የክልሉ የገጠር መሬት እርሻ ወይም ለሌላ ለኢንቨስትመንት ተግባር የሚውልበትን ሁኔታዎች ማመቻቸት በማስፈለግ። - በክልሉ ውስጥ ኢንቨስት ለማድረግ የሚፈልጉ ባለ ሀብቶችን ስለ መሬት ይዞታቸውን መብት መጠበቅ በማስፈለግ። - የክልሉ የተፈጥሮ ሀብት ለማስፈለግ በተመለከተ ያለውን ጠቀሜታ በማስገንዘብ። - የክልሉ የገጠር መሬት ለኢንቨስትመንት ተግባር እንዲውል የሚወስን አካል በማስፈለግ። የሶማሌ ብሔራዊ ክልላዊ መንግሥት ሕገ-መንግስት አንቀጽ ፵፱/፫/መሠረት የሚከተለውን አዋጅ ታውጇል።

PROCLAMATION NO. 7 /1999 A proclamation to provide rural lands for investment activities in Somali National Regional State. -Whereas, it has been found necessary to provide rural lands for agricultural and other investment activities in the region. -Whereas, it has been found necessary to provide investors a holding garcutee for rural lands in the region. -Whereas, it is deemed necessary to protect and preserve natural resources of the region. -Whereas, it has been found necessary to establish a body, which would decide in order to conduct investment activities in the rural lands of the region. Now therefor, in accordance with Article 49(3)(A) of the constitution of Somali National Regional State, it is here by proclaimed as follows:-

Oaybta koowaad Oodobo guud

አንቀጽ ፩ አጭር ርዕስ

PART ONE GENERAL PROVISIONS Article 1 SHORT TITLE

Ood. 1aad Cinwaan gaaban bayaankan waxaa lagu magacaabi karaa " bayaanka go'aminta adeegsiga dhulka miyiga ah ee hawlaha maal-gelinta ee Dawladda Deegaanka Qowmiyadda Soomaalida. ee Bayaanka tirsii 7/1991"

ይህ አዋጅ «የሶማሌ ብሔራዊ ክልል መንግሥት ለኢንቨስትመንት ተግባር የሚውል የገጠር መሬት አዋጅ ቁጥር ፲/፲፱፻፺፩ ዓ/ም» ተብሎ ሊጠቀስ ይችላል። አንቀጽ ፪ ትርጓሜ

This proclamation may be "cited as proclamation to provide rural lands for investment activities in Somali National Regional State proclamation No.. 7 /1999".

Ood. 2aad Qeexid

በዚህ አዋጅ ውስጥ፡-

Article 2 DEFINITION

- 1. "Dhulka miyiga" waxaa loola jeedaa dhul kasta oo ka baxsan dhulalka dawladda hoose maamusho ama meclaha loo aqoonsado magaalo. 2. Hay'adaha saamaynta ku leh" waxaa loola jeedaa cid kasta oo arrimaha bayaankan lagu sheegayo si toos ah ama si dadbanba masuuliyadi uga saaran tahay sida xafiisyada heer deegaan, heer gobol heer degmo, xafiiska maal-gelinta iyo boordhiga maal-gelinta. 3. "Maal-geliye:-" waxaa loola jeedaa hantiilaha dalka gudhiisa ama dibaddiisa ka yimid ee deegaanka maal-gelinta ku samaynaya .

- ፩ « የገጠር መሬት» ማለት ከማዘጋጃ ቤት ወይም አግባብ ባለው ሕግ ከተማ ተብለው ከተከለሉ ክልሎች ውጭ የሚገኝ ግንኙነት ያለው ማለት ነው። ፪ « አግባብ ያለው » ማለት በዚህ አዋጅ ውስጥ ስለተገለጹት ጉዳዮች በተጥታም ሆነ በተዘዋዋሪ መንገድ ኃላፊነቱ የሚመለከተው የክልል፣ የዞን መስተዳድር ወይም የኢንቨስትመንት ጽ/ቤት ወይም የኢንቨስትመንት ቦርድ ማለት ነው። ፫ «ባለሀብት» ማለት በክልሉ ውስጥ ኢንቨስትመንት የሚያደርግ የአገር ውስጥና የውጭ አገር ባለሀብት ማለት ነው።

- In this proclamation 1. "Rural Land" means any land located out municipality, administration or a place which is accepted as town by appropriate law. 2. "Appropriate body" means Regional, zoro or Woreda administration, investment office or investment board or any other relevant agencies, which are responsible for matters in this proclamation. 3. "Investor" means a domestic or foreign investor having invested in the region.

- 4. "Deegaan" waxaa loola jeedaa dhulka Dawladda Deegaanka Qowmiyadda Soomaalida.
- 5. "Xafiis" waxaa loola jeedaa xafiiska maal-gelinta Dawladda Deegaanka Qowmiyadda Soomaalida.
- 6. "Boordhiga" waxaa loola jeedaa xubnaha guddiga sare ee maal-gelinta Dawladda Deegaanka Qowmiyadda Soomaalida.
- 7. "Bayaanka maal-gelinta" waxaa loola jeedaa bayaanka tirsigiisu yahay 37/1991 ee ka soo baxay dawladda federaaliga ah.
- 8. "Haysasho" waxaa loola jeedaa adeegsiga dhulka(Holding).

**Qod 3<sup>aad</sup> Xadka fulinta:**

Qaraaradda bayaankan maal-gelinta lagu samaynayo hawlaha sahaminta, baadhista iyo soo saaridda shidalka, laguma fulin karo.

**QAYBTA LABAAD**

**Bixinta & Wareejinta Dhulka Miyiga**

**Qod 4<sup>aad</sup> Go'aaminta bixinta dhulka miyiga ah & diyaarintiisa**

- 1. Go'aaminta bixinta dhulka miyiga ah waxaa iska leh boordhiga maal-gelinta.
- 2. Boordhigu isaga oo maskaxda ku haya xaqa uu maal-geliyuhu u leeyahay helitaanka dhul uu adeegsado, ayuu go'aanka bixinta dhulka iyo baaxaddiisaba ku gaadhayaa:-
  - b. Nooca mashruuca iyo miisaaniyadda uu soo gudbisto maal-geliyuhu.
  - c. Natiijada qiimaynta ee uu xafiisku soo gudbiyo boordhiga, isla markaana kaashanaya Maamulka gobolka ayaa wuxuu cabbirayaa oo diyaarinayaa dhulka miyiga ah ee maal-geliyuhu doonayo in uu maal-geliyo.

**Qod 5<sup>aad</sup> La Wareegidda Dhulka**

- 1. Maal-geliye kasta oo uu boordhigu in dhul la siiyo u go'aamiyo, wuxuu isagoo sita fasaxa maal-gelinta ee xafiiska iyo qoraalka la wareegida dhulka la siin doono la tegeyaa gobolka, dabadeedna dhulka miyiga ah ee la maal-gelinayo kala wareegayaa maamulka gobolka.
- 2. Hantiilaha aan xafiiska maal-gelinta uga baahariayn fasaxa marka uu xafiiska ay khusayso ka soo qaato fasaxa (shatiga) shaqada ayuu xafiiska maal-gelintana ka qaadanayaa qoraalka la wareegidda dhulka dabadeedna uu dhulkii kala wareegayaa maamulka gobolka.
- 3. Marka maamulka gobolka loo soo gudbiyo codsiga la wareegidda dhulka ee uu xaqiijiyo in la soo dhamaystiray sida ku cad Qod 4<sup>aad</sup> tirsiyada 2 iyo 3 ee bayaankan waa in uu maal-geliyaha ku wareejiyaa dhulka muddo 30 cisho gudahood ah waana in la xafido qoraalada kala wareejinta dhulka iyo heshiisyada kiradaba.
- 4. Maamulka gobolku wuxuu heshiiska dhulka la galayaa maal-geliyaha wuxuuna siinayaa shahaadada haysashada dhulka.
- 5. Maamulka gobolku wuxuu nuqulka heshiiska dhulka ee uu maal-geliyaha la galay uu u soo gudbinayaa xafiiska iyo qaybaha ay khusayso.
- 6. Iyada oo aan qoraalka la wareegidda dhulka xafiiska laga sidan in heshiiska kirada dhulka miyiga ah ee maal-gelinta loo doonayo la galo ama la bixiyo way reeban tahay.

**Qod 6<sup>aad</sup> Muddada Heshiiska Dhulka Shaqaynayo**

- 1. Muddada uu heshiiska kirada ee dhulka miyiga ee maal-gelinta la doonayo inuu shaqeeyo waa ila 60 sano. Hase ahaatee, iyada oo loo eegayo hadba sida ay xaaladda iyo baahida mashruucu tahay ayey muddada heshiisku 60 sano ka yaraan kartaa.

- ፩ «hAA» ግለት የሶማሌ ብሔራዊ ክልላዊ መንግሥት መሬት ግለት ነው።
- ፪ «ጽሕፈት ቤት» ግለት የሶማሌ ብሔራዊ ክልላዊ መንግሥት የኢንቨስትመንት ጽሕፈት ቤት ግለት ነው።
- ፫ «ቦርድ» ግለት የሶማሌ ብሔራዊ ክልላዊ መንግሥት ከፍተኛ የኢንቨስትመንት ቦርድ ግለት ነው።
- ፬ «ኢንቨስትመንት አዋጅ» ግለት የፌዴራል መንግሥት የኢንቨስትመንት አዋጅ ቁጥር ፴፯/፲፱፻፺፩ ግለት ነው።
- ፭ «ይዞታ» ግለት መሬት ይዞታ ግለት ነው።

**አንቀጽ ፲ የተፈጻሚነት ወሰን**

በዚህ አዋጅ ድንጋጌዎች በግዕድና ነዳጅ ፍለጋ ምርመራና ግምረት ሥራዎች በሚደረግ ኢንቨስትመንት ላይ ተፈጻሚ አይሆንም።

**ከፍላ ሁለት የገጠር መሬት አስጣጥና አስተላለፍ**

**አንቀጽ ፬**

**ለኢንቨስትመንት ተግባር የሚውል የገጠር መሬት ስለመወሰን፤**

- ፩ ስለገጠር መሬት መወሰን የኢንቨስትመንት ቦርድ ስልጣን ነው።
- ፪ ቦርዱ ለኢንቨስትመንት ተግባር የሚውል የገጠር መሬት ይዞታ በሚወሰንበት ጊዜ:-
  - ሀ. ባለሀብቱ በሚያቃርበው የፕሮጀክት ዓይነትና የሚመድበው ካፒታል መሠረት፤ እና
  - ለ. ጽ/ቤቱ በሚያቀርበው የግምገማ ውጤት ነው።
- ፫ ባለሀብቱ ለኢንቨስትመንት ተግባር የሚፈለገውን የገጠር መሬት የዘኑ አስተዳደር ጽ/ቤቱ በመተባበር ለከፋ መሬቱን ያዘጋጃል።

**አንቀጽ ፭**

**መሬት መረከብ፤**

- ፩ የኢንቨስትመንት ፈቃድ ያለው ባለሀብት የኢንቨስትመንት ፈቃድና ጽሕፈት ቤቱ የሚሰጠውን የመሬት መረከቢያ ሰነድ ይዞ በመቅረብ ለኢንቨስትመንት ተግባር የሚውል የገጠር መሬት ከዘኑ መስተዳድር ይረከባል።
- ፪ የኢንቨስትመንት ፈቃድ የማያስፈልገው የሴም የማይፈለግ ባለሀብት አግባብ ካለው የሴክተር መሥሪያ ቤት የሥራ ፈቃድ ከወሰደ በኋላ የመሬት መረከቢያ ሰነድ ከጽሕፈት ቤቱ በመውሰድ መሬቱን ከዘኑ መስተዳድር ይረከባል።
- ፫ የዘኑ መስተዳድር በዚህ አዋጅ አንቀጽ ፬ ንዑስ አቀጾች ፪ እና ፫ የተዘረዘሩ ቅድመ ሁኔታዎች ተሟልተው ሲገኙ የመረከቢያ ጥያቄ በቀረበለት በ፱ ቀናት ውስጥ ለባለሀብቱ መሬቱን ያስረከባል።
- ፬ የዘኑ መስተዳድር ከባለሀብቱ ጋር የመሬት ኪራይ ውል ይዋዋላል። ለባለሀብቱ የይዞታ የምስክር ወረቀት ይሰጣል።
- ፭ የዘኑ መስተዳድር ከባለሀብቱ ጋር የተዋዋለውን የመሬት ኪራይ ውል ስምምነት ቅጂ ለጽሕፈት ቤቱና ለሚመለከተው ከፍላ ያስተላልፋል።
- ፮ የጽሕፈት ቤቱ የመሬት መረከቢያ ሰነድ ሳይኖር ለኢንቨስትመንት ተግባር የሚውል የገጠር መሬት የኪራይ ውል መፈጸም ወይም መሬቱን መስጠት የተከለከለ ነው።

**አንቀጽ ፮**

**የመሬት ኪራይ ውል የአገልግሎት ዘመን፤**

- ፩ ለኢንቨስትመንት ተግባር የሚውል የገጠር መሬት ኪራይ የሚደረግ ውል የጊዜ ገደብ እስከ ፳ ዓመት ነው። ሆኖም ግን እንደፕሮጀክቱ ሁኔታ እየታየ እንደአስፈላጊነቱ የጊዜ ገደቡ ከ ፳ ዓመት ሊያንስ ይችላል።

- 4. "Region" means Somali National Region State territory.
- 5. "Office" means Somali National Region State investment office.
- 6. "Board" means Somali National Region State senior investment Board.
- 7. "Investment proclamation" mean investment proclamation No. 37/1999 of the Federal Democratic Republic of Ethiopia.
- 8. "Holding" means land usage.

**Article 3**

**SCOPE OF APPLICATION**

The provisions of this proclamation shall not be applicable to investment in the prospecting exploration and development of mineral and petroleum resources.

**PART TWO**

**Article 4**

**ACQUISITION OF RURAL LAND FOR INVESTMENT AND LAND RENT DETERMINATION**

Acquisition of Rural land for investment

- 1. Investment Board shall have the power to decide on the acquisition of rural land for investment.
- 2. The Board shall decide size of land holding considering the following factors.
  - A. Type of the project and initial capital allocated submitted by the investor.
  - B. And the result of project evaluation presented by the office.
- 3. The office in accordance with the Board decision shall arrange size of land holding which shall be delivered to the investor in collaboration with zonal administration.

**Article 5**

**Handing over of Rural Land**

- 1. An investor who is already qualified for investment license shall acquire rural land by submitting the license and land acquisition document to zonal administration.
- 2. An investor who did not need an investment certificate, should have work permit from the concerned sector and land acquisition document from the office, get the land from zonal administration.
- 3. Where precondition in sub-Articles 2 and of Article 4 of this proclamation are fulfilled the zonal administration should deliver (hand over) the required land to the investor within 30 days and contract documents should be kept (preserved) well.
- 4. The zonal administration shall conclude contract of lease with the investor and issue land possession certificate.
- 5. The zonal administration shall forward the copy of contract of lease to the office and the concerned sectors.
- 6. It is forbidden to conclude a contract of lease of land or to deliver land for investment unless there exists land acquisition document from the office.

**Article 6**

**Duration of contract of lease**

- 1. The duration of contract of rural land lease is 60 years however, depending on the nature of the project, if it is necessary, the lease period may fall below 60 years.

- 2. iyada oo laga ambaqaadayo tirsiga 1<sup>aad</sup> ee qodobkan ayuu nooca mashruuca iyo muddada heshiisku noqonayaa sida ku cad bayaankan.
- 3. Inta aanay muddada heshiisku dhammaanin hal(1) sano ka hor ayaa waxaa heshiiska cusboonaysiin kara maamulka gobolka.
- 4. Maamulka gobolku marka heshiiska uu cusboonaysiiyo waa inuu soo ogeysiiyo xafiiska maal-gelint.

**Ood. 7<sup>aad</sup> Qiimaha Kirada Dhulka**

- 1. Dhulka miyiga ah ee hawlaha maal-gelinta loo adeegsado  
La doonayo waxaa maal-geliyaha loo xisaabayaa kiro la'aan muddo 5-10 sano ah sida ay u kala mudan yihiin mashaariicuhu
- 2. Waxii ka badan muddada kor ku xusan waxaa maal-geliyaha laga qaadayaa qiimaha kirada ee ku cad shaxda tirsiga 5<sup>aad</sup> ee qodobkan.
- 3. Muddada 5-10ka sano ah ee ku xusan tirsiga 1<sup>aad</sup> ee qodobkan waxay maal-geliye kasta uga bilaabanaysa maalinta lala galo heshiiska.
- 4. Waxaa qiimaha dhulka miyiga ah ee la maal-gelinayo lagu saleeyey:-
  - b. Khayraadka iyo wax-soo saarka uu dhulkaasi leeyahay.
  - t. Sida ay isgaadhsiinta dhulkaasi tahay iyo waliba kabayayaasha kale ee ka jiraba.
  - j. Tirada dadka ku nool aaggaga dhulka laga bixinayo.
- 5. Qiimaha halkii HEKTER-SANADKIIBA(Hek/San) ee dhulka miyiga ah ee gobollada deegaanka, iyada oo gobol walba laga dhigayo laba(2) heer waxaa inoo muujinaya shaxdan hoos ku taalla
- 6. Wuxuu maal-geliyuhu lacagta kirada ah bixinayaa lixda bilood ee sannad kasta ugu horaysa.
- 7. Haddii maal-geliyuhu lacagta ku bixin waayo lixda bilood waxaa la siinayaa digniin Inuu lixda bilood ee kale ee sannadka ku bixiyo haddii uu ku bixin waayana waxaa laga wareejinayaa haysashada adeegsiga dhulka.
- 8. Go'aaminta labada heer ee loo kala saarayo gobol kasta waxaa iska leh maamulka gobolka isaga oo uu eegaya fogaanta, jidadka IWM.

**QAYBTA SADDEXAAD**

**Maal-geliyayaasha iyo Waajibbaadkooda**

**Ood. 8<sup>aad</sup> Maal-geliye**  
Maal-geliye waa hantiile kasta (ha ahaado mid waddanka u dhashay ama mid ajanbi ah) oo doonaya inuu maal-gelin ku sameeyo Deegaanka.

**Ood. 9<sup>aad</sup> Waajibbaadada Maal-geliyayaasha**

- 1. Maal-geliye kasta dhulka laga kireeyey iyo khayraadka dabiiciga ah ee uu dhulkaasi leeyahay waxaa ku waajib ah inuu si wanaagsan u daryeelo sida:-
  - B. In si loogu dhaqmo iyada oo la fulinayo amarrada cidda ay khusayso, dib loo beero loona daryeelo dhulka la baneeyay ama la geed-qaaday.
  - T. In dhulka nabaad guurku ku dhacay dib loo hagaajiyoo lagana hortago waxyaabaha Keeni kara nabaad guurka, iyada oo la adeegsanayo xeelado ku haboon.
  - J. In sida ay tahay loogu dhaqmo wareegtooyinka ka soo baxa hay'adaha ilaalinta khayraadka dabiiciga ah iyo dhulka.
- 2. Maal-geliye kasta laga bilaabo maalinta uu dhulka la wareego ilaa muddo hal(1) sano gudaheed ah waa inuu mashruuca ku bilaabo.
- 3. Maal-geliye kasta waa inuu wax-qabadka mashruuciisa ku muujiyo sidii daraasaddo loogu soo sameeyey.

2. **PHASE 1 LEASE AND NATURE OF THE PROJECT** IN ACCORDANCE WITH SUB-ARTICLE 1 OF THIS ARTICLE SHALL BE AS SHOWN IN THE PROVISIONS.

3. A contract of lease may be renewed by the zonal administration year before its termination.

4. The office should be notified up on the renewal of the contract of the lease by the zonal administration.

**ARTICLE 7**

**LEASE RATE FOR LANDS**

1. Rural lands shall be given to the investor with out charges of rent for a period of 5-10 years depending on the nature of the projects.

2. An investor shall pay the fixed lease rate at any period exceeding the above specified as indicated in sub-Article (5) of this Article.

3. The specified period of 5-10 years in sub-Article 1 of this Article shall be effective from the date any investor signs the lease contract agreement.

4. The lease rate of rural land for investment activities is fixed by considering the following factors.

A. Resources and fertility of the land

B. Existing communication and other infrastructures of the land.

C. Population size of the area.

5. The lease rate of rural land for investment activities per hecter yearly (hecter/year) is divided in to two grades in the different zones of the region as follows.

6. An investor shall pay the rent money with in the first six months of every year.

7. An investor who fails to pay the annual rent at the specified time in sub Article (6) of this Article may receive a warning to so pay the next 6 months and if the fails to do so he may lose his right of possession of the land.

8. The zonal administration shall have the power to decide the two lease rate grades in the every zone of the region considering the distances roads, population etc.

**PART THREE**

**OBLIGATION OF THE INVESTOR**

**Article 8**

**Investor**

Investor is any domestic or foreign investor having invested in the region.

**Article 9**

**The obligation of the Investor**

- 1. Any investor shall be obliged to protect and preserve the natural resources of the land and in particular, he shall.
  - A. Plants eatable species of trees to replace trees, bushes and shrubs which may be removed in the course of clearing the site and utilize the removed ones according to directives to be issued by appropriate body.
  - B. Apply proper soil management practices in steep and sloppy areas susceptible to erosion.
  - C. Observe directives issue by appropriate body for the development and preservation of the natural resources.
- 2. Any investor shall commence to implement his project within one year from the signing of lease contract.
- 3. Any investor shall conduct his operation in compliance with his project study approved by the appropriate body.

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  - B. Apply proper soil management practices in steep and sloppy areas susceptible to erosion.
  - C. Observe directives issue by appropriate body for the development and preservation of the natural resources.
- 2. Any investor shall commence to implement his project within one year from the signing of lease contract.
- 3. Any investor shall conduct his operation in compliance with his project study approved by the appropriate body.

- 4. Maal-geliye kasta marka la gaadho muddadii dhulka uu heshiiska ku kireystay oo uu rabo in uu heshiiskii joojiyo, waa in uu marka hore hantida dhulkaasi ka taala si habsami ah u qaato sida ku cad heshiiskii uu galayna uu muddo ku siman 6 bilood gudahood dhulkaasi, ku wareejiyo maamulka gobolka.
- 5. Maal-geliye kasta waxaa ku waajib ah, marka xubin ka mid ah mas'uuliyiinta ay khasayso weydiiso warbixin ku saabsan dhaq-dhaqaaqa hawlaha horumarinta, in uu u gudbiyo cadaymaha rasmiga ah ee uu hayo ,masuulka loo gudbiyay warbixintaasina waa in uu sirtaas xafido.

**Ood. 10<sup>aad</sup> Dhulka Miyiga ah ee aan la siin karin maal-geliyayaasha**

Jagooyinka hoos ku qoran waxay ka mid yihiin kuwa aan la siin karin maal-geliyayaasha :-

- 1. Goobaha daaqsinta ah ee muhiimka u ah dadweynaha xoolo dhaqatada ah.
- 2. Dhulka ay leeyihiin dadka beeralayda ah.
- 3. Meelaha dawladu sida gaarka ah ugu talagashay in loo ilaaliyo sida seerayayaasha duurjoogta, goobaha diimaha taariikhda ku leh iyo fagaaraha uu dadweynuhu adeegsado ama goobaha kale ee lagu talo jiro in loo adeegsado danta guud.

**QAYBTA AFRAAD**

**Qoddoba kala duwan**

**Ood. 11<sup>aad</sup> Gudbinta Xuquuqda Haysashada Dhul iyo Damaanada Gelintiisa**

- 1. Maal-geliye kasta marka uu mashruucisu bilaabo wax-soo saar, haddii xafiiska maal-gelinta iyo maamulka gobolku ka oggolaadaan, wuxuu haysashada mashruuca ku wareejin karaa qof kale.
- 2. Maal-geliyaha la siiyey xuquuqda adeegsiga dhulka miyiga ah, wuxuu isaga oo ogeysiinaya xafiiska iyo maamulka gobolka rahmi karaa haysashada dhulka iyo hantida u taalla si uu amaah ugaha helo bangiga ama cid kaleba.
- 3. Haddii uu maal-geliyuhu lacagta uu amaahday soo celin waayo qofka amaahda bixiyay wuxuu hantida iyo dhulka uu damaanadda u hayo ilaa muddada heshiiska uu ka dhammaanayo xaq u leeyahay in uu keligiis beerto ama sida sharcigu farayo qof kale shirko ahaan ugula shaqaysto ama cid kale ku wareejiyo.
- 4. Iyada oo arimaha lagu soo caddeeyey xubinka 1<sup>aad</sup> ee qodobkan ay sidooda ahaanayaan, ayaa haddii uu maal-geliyuhu yahay mid soo buuxin waayey shuruudihii looga baahanaa xafiiska gobolka isaga oo xafiiska maal-gelinta soo ogeysiinaya wuxuu awoodda in uu ku amro in hantida dhulka u taalla uu muddo lix bilood gudaheeda ah kaga qaato. Haddii uu muddadaas dhaxdeeda ku qaadan waayana in uu isaga oo aan wax mag dhow ah la siinin uu haysashadii dhulka qof kale ku wareejiyo.

**Ood. 12<sup>aad</sup> Joojinta heshiiska kirada dhulka**

- 1. Iyada oo ay qodobada kale ee bayaankan ku jira sidooda yihiin, ayaa maal-geliyaha heshiiska ku galay in uu dhulka miyiga maal-geliyo, wuxuu xaq u leeyahay inuu lix bilood ka hor xafiiska maal-gelinta iyo maamulka gobolka isaga oo ogeysiinaya uu dhulka ka baxo heshiiskana joojiyo.
- 2. Haddii uu maal-geliyuhu waajibbaayada bayaanka iyo heshiiska ku xusan fulin waayo ama fasaxa laga tirtiro wuxuu maamulka gobolka ee heshiiskan oggoladay joojin karaa heshiiska. Isaga oo xafiiska ogeysiinaya

6. **ማንኛውም ባለሀብት የመሬት ኪራይ ውል ዘመን ሲያበቃ ወይም ሲቋረጥ በመሬቱ ላይ የሰፈረውን ንብረት በሥርዓት በማንሳት በኪራይ ውል ውስጥ በተመለከተው መሰረት ከስድስት ወር ባልበለጠ ጊዜ ውስጥ መሬቱን ለዘኑ መስተዳድር የማስረከብ ግዴታ አለበት።**

7. **ማንኛውም ባለሀብት አግባብ ያለው አካል ስለ ኢንቨስትመንት እንቅስቃሴ ሪፖርት በሚጠይቅበት ጊዜ ትክክለኛ የሆኑትን መረጃዎች የማቅረብ ግዴታ አለበት። ሪፖርቱ የቀረበለት አካልም በምስጢር ይይዛል።**

**አንቀጽ 11**

**ለግል ኢንቨስትመንት የሚይዘጥ የገጠር መሬት**

የሚከተሉት ቦታዎች ለግል ኢንቨስትመንት አይሰጡም።

- 1. ወሳኝ የግጥሽ መሬት፤
- 2. የአርሶ አደሮች ይዞታ የሆነ መሬት እና መንግስት ለተፈጥሮ ሀብትና ጥበቃ የሚከለክሉ አካባቢዎች፣ ፓርኮች፣ ታሪካዊና የዕምነት ሥፍራዎች እና ለሕዝብ አገልግሎት የሚውል አደባባይ እና ለሕዝብ አገልግሎት የታሰቡ ሌሎች ይዞታዎች።

**ከፍላ አራት**

**ልዩ ልዩ ድንጋጌዎች**

**አንቀጽ 12**

**የመሬት ይዞታ መብትን ስለማስተላለፍና በዋስትና ስለማስያዝ፤**

8. **ማንኛውም ባለሀብት የፕሮጀክቱን ሥራ ወይም ምርት ማምረት ከጀመረ በኋላ ለጽ/ቤቱና ለዘኑ መስተዳድር አላውቆ ተቀባይነት ካገኘ ይዞታውን ለሌላ ሰው ለማስተላለፍ ይችላል።**

9. **ማንኛውም ባለሀብት ኢንቨስት ሊያደርግ በተከራየበት የጊዜ ገደብ መሬቱንና በመሬቱ ላይ የሰፈረውን ንብረት ለጽ/ቤቱና ለዘኑ መስተዳድር በማሳወቅ በዋስትና ለማስያዝ /ከግንኛ ቤት ብድር ለማግኘት/ ይችላል።**

10. **ባለሀብቱ የተበደረውን ገንዘብ ካልመለሰ ብድሩን የሰጠው አካል በዋስትና የያዘውን መሬትና ሀብት የውል ስምምነት ጊዜ ገደብ እስኪያልቅ ድረስ በሕግ መሠረት ብቻውን መጠቀም ወይም በሌላ ሰው አብር መሥራት ወይም በሌላ ሰው ማዛወር መብት አለው።**

11. **በዚህ አንቀጽ ንዑስ አንቀጽ -8 የተገለጸው እንደተጠበቀ ሆኖ ይዞታው የሚተላለፍበት ባለሀብት አስፈላጊ የሆኑ መመዘኛዎችን የማያሟላ ከሆነ የዘኑ መስተዳድር ለጽ/ቤቱ አላውቆ በመሬቱ ላይ የሰፈረውን ንብረት በስድስት ወር ውስጥ እንዲያነሳ የማድረግና በዚህ ጊዜ ውስጥ ካላነሳ ያለምንም ካላ ክፍያ ይዞታውን ለሌላ ሰው ሊሰጥ ይችላል።**

**አንቀጽ 12**

**የመሬት ኪራይ ውል ስለማቋረጥ**

12. **በዚህ አዋጅ ውስጥ ያሉ ሌሎች ድንጋጌዎች እንደተጠበቀ ሆኖ የገጠር መሬት ኢንቨስት ለማድረግ ውል የገባ ባለሀብት ለጽ/ቤቱና ውሉን ለፈጸመው ለዘኑ መስተዳድር ከስድስት /፮/ወር አስቀድሞ በማሳወቅ መሬቱን የመልቀቅና ውሉን የማቋረጥ መብት አለው።**

13. **ባለሀብቱ በዚህ አዋጅ እና በውሉ የተመለከቱትን ግዴታዎች ካፈረጸ ወይም ፈቃድ ከተሰረዘ ውሉን የፈጸመው የዘኑ መስተዳድር ለጽ/ቤቱ በማሳወቅ ውሉን ለማቋረጥ ይችላል።**

4. Any investor shall remove his properties found on the leased land and hand over it to the zonal administration in a period of six months upon expire, termination or cancellation of the lease contract.

5. Any investor shall make available any information required by appropriate body on the performance of his project, where there are justifiable reason for so doing, shall remain confidential.

**Article 10**

**Rural areas not to be given for private investment**

The following areas shall not be given to private investors.

- 1. Important grazing lands for pastoralists
- 2. Peasants holdings
- 3. Areas enclosed by the government for the development and preservation of natural resources parks, historical, religious and public service giving areas.

**PART FOUR**

**MISCELLANEOUS PROVISIONS**

**Article 11**

**Rights to transfer and mortgage lands**

1. An investor may transferee his holding after its operational stage upon obtaining permission from the zonal administration.

2. An investor may mortgage the land and his right of possession and properties on the land (to get a loan from a bank or any other source) by notifying the office and the zonal administration.

3. Where the investor fails to pay the debt, the mortgagee shall have the right in accordance with law either to utilize the land a lone or in partner with a third person or transferee to another person.

4. Not with standing sub Article (1) of this article, if the transferee does not fulfill the required obligations to undertake the project, the zonal administration may order the investor to remove his properties on the land within six months. If he fails to do so within the specified time by notifying the office the land may be given to another investor with out any compensation.

**Article 12**

**Termination of Lease Contract**

1. Without prejudice to the provisions of this proclamation an investor may terminate his contract or lease by giving a six-month advance notice to the office and to the zonal administration.

2. Where the investor fails to fulfill obligations mentioned on the contract of lease or when his permit is suspended by appropriate body the zonal administration can terminate the contract by notifying the office.

3. Sida uu qodobkani dhigayo maal-geliyaha dhulka la siiyay ka baxa wuxuu fulinayaa waajibaadki heshiiska lagu siiyay muddadii uu heshiiska ku jiray.

**Ood. 13<sup>aad</sup> Dhisidda Kaabayaasha Dhaqaale(Infrustructure)**

1. Maal-geliye kasta wuxuu gudaha dhulka la siiyay ka fulin karaa dhismo waddooyin soo saarid quwadda dabka iyo mashaariico kale oo wax ka taraya horumarinta iyo habsami u adeegsiga mashruuciisa.
2. Maal-geliyuhu wuu adeegsan karaa kaabayaasha dhaqaale ee horay u jiray haddii aanu adeegsigiisu caqabad ku noqonayn dadweynaha Deegaanka ama aanu dhaawacayn cid kale.

**Ood. 14<sup>aad</sup> Soo Gudbinta Cabashada**

1. Maal-geliyaha aan ku qanacsanayn adeegga uu xafiisku siiyo ama maamulka gobolku u qabto, wuxuu cabashadiisa u soo gudbinayaa xafiiska.
2. Xafiiska inta uu cabashada boordhiga u soo gudbiyo ayuu isla markiiba jawaabta siinayaa maal-geliyaha.

**Ood. 15<sup>aad</sup> Qaraarka Kala Guurka**

Qaraarrada bayaankan waxaa lagu fulinayaa maal-geliyayaasha uu horay xafiisku u siiyay fasaxa maal-gelinta dhulka miyiga.

**Ood. 16<sup>aad</sup> Soo saaridda Awaamiirts**

Boordhugu, si uu bayaankan u dhaqan geliyo, wuxuu soo saari karaa awaamiir ku saabsan habka fulinta.

**Ood.17<sup>aad</sup> Tir-tirid**

Sharci, amar ama hab kasta oo shaqo oo bayaankan ka soo horjeeda arrimaha bayaankan ku xusan laguma fulin karo.

**Ood. 18<sup>aad</sup> Muddada Dhaqan-galka**

Bayaankan wuxuu dhaqan gelayaa marka uu ku soo baxo wargeyska Dhool Gezeta.

፫ በዚህ አንቀጽ መሠረት የተከራየውን መሬት የለቀቀ ባለሀብት ውሉ ጸንቶ በቆየበት ጊዜ በውሉ ያለበትን ግዴታ ይፈጽማል።

**አንቀጽ ፲፫  
ስለመሠረት ልማት አውታሮችን መገንባት/ ግንባታዎች/፤**

፩ ማንኛውም ባለሀብት ከተከራየው የመሬት ክልል ውስጥ መገንባቶችን፣ የሀይል ማመንጫዎችን እንዲሁም ሌሎች ስለልማት የሚያስፈልጉ የመሠረተ ልማት አውታሮችን መገንባትና በአግባቡ መጠቀም ይችላል።

፪ አግባብነት ያለው አካል በነባር መሠረተ ልማት አውታሮች ላይ ጉዳት ያደርሳል በማለት ካልከለከለውና የአካባቢ ሕዝብ ወይም ሌሎች እንዳይገለገሉባቸው መሰናክል የሚፈጥር እስካልሆነ ድረስ ባለሀብቱ በነባር መሠረተ ልማት አውታሮች ሊገለገል ይችላል።

**አንቀጽ ፲፬  
አቤቱታ ስለማቅረብ፤**

፩ የዞን መስተዳድር ወይም ጽ/ቤት በሚሰጠው ውሳኔ ቅር የተሰኘ ባለሀብት አቤቱታውን ለጽ/ቤቱ ያቀርባል።

፪ ጽ/ቤቱ አቤቱታውን ለቦርድ በማቅረብ ምሳሹ ወዲያው እንዲሰጥ ያደርጋል።

**አንቀጽ ፲፭  
የመሸጋገሪያ ድንጋጌዎች፤**

በዚህ አዋጅ ድንጋጌዎች ይህ አዋጅ ከመውጣቱ በፊት ጽ/ቤቱ በሰጠው ፈቃድ መሠረት በገጠር መሬት ላይ ኢንቨስት ያደረጉ ባለሀብቶች ላይ ተፈጻሚ ይሆናሉ።

**አንቀጽ ፲፮  
መመሪያዎች የማውጣት ሥልጣን፤**

ቦርዱ ስለአዋጁ ማስፈጸም/መተግበር/ በተመለከተ መምሪያዎች የማውጣት ሥልጣን አለው።

**አንቀጽ ፲፯  
የተሻሻሉ ሕጎች፤**

ከዚህ አዋጅ ጋር የሚታረኑ ማንኛውም ሕግ ወይም መምሪያ ወይም ውሳኔ በዚህ አዋጅ ውስጥ በተጠቀሱት ጉዳዮች ላይ ተፈጻሚነት አይኖረውም።

**አንቀጽ ፲፰  
አዋጅ የሚጻፍበት ጊዜ፤**

ይህ አዋጅ በክልሉ (ዶ/ላ ጋዜጣ) ከወጣበት ጊዜ ጀምሮ የጻፍ ይሆናል።

ጅጅጋ መጋቢት 10/1991  
መሀመድ መዓሊን አሊ  
የሶማሌ ላ/ክ/መንግስት  
ርዕሰ መስተዳድር

3. An investor who surrenders the leased land in accordance with this Article shall also discharge all other obligations under the contract of lease.

**Article 13  
Infrastructures and other Construction**

1. Any investor may construct roads, power supplies and other infrastructures necessary for the conduct of his activities in the area let out for the investment.
2. An investor may also make use of existing infrastructure facilities unless to avoid harm on such infrastructure or unless such usage obstructs the normal utilization of the facilities by the people in the area.

**Article 14  
Appeals**

1. An investor who has complaint against services of the office and the zonal administration, may appeal to the office.
2. The office shall submit the appeal to the Board and facilitate to give immediate responses.

**Article 15  
Transitory Provisions**

The provision of this proclamation shall also remain in force for rural land investment, which were already licensed by the office before adoption of this proclamation.

**Article 16  
Directives to be Issued**

The Board may issue various different directives as to put in force the provisions of this proclamation.

**Article 17  
Repealed laws**

Any law directive or decision which is in consistent with the provision of this proclamation shall not apply with respect to matter provided for this proclamation.

**Article 18  
Effective Date**

This proclamation shall be effective from the date it is issued on Dhool gazeta of Somali National Regional State.

"Megabit" 10/1991  
Mudane :- Maxamed Macalin Cali  
Madaxweynaha D. D. Q. S.

Done at Jijiga, this 18<sup>th</sup> Day of March,1999.

Mohamed Moalin Ali  
President of the Somali National Regional State

Shaxda qeexaysa muddada heshiiska liisku shaqaynayo ee ku cad qodobka 6(2)ee bayaanka.

Shaxda 1.

Beeraha roobka ku baxa		Beeraha masnada ku baxa		Beerasho isku dhaf ah	Horumarinta a xoolaha	Horumarinta dhirta	Kuwo kale
Beerashada qeexaysa jiritaanka	Dalag sare-dasad	Beerasho joogta ah	Dalag sare-dasad				
50	45	60	55	55	60	60	60

Shaxda qeexaysa qiimaha dhulka ee ku cad qodobka 7(5)ee bayaanka.  
Shaxda 2.

TT	Magaca gobolka	Heerka dhulka iyo qiimaha (ha/san) oo birt ah.	Heerka dhulka iyo qiimaha (ha/san) oo birt ah.
		1 aad	2 aad
1	Libaan	45	27
2	Jiraa	45	26
3	Shabe	39	24
4	Godey	38	23
5	Dhabeer	27	17
6	Alfabeer	25	15
7	Oorahay	23	14
8	FA	23	14
9	Wardher	19	12

Qaanuunka 5/5 / P.C. 1997.5 Ummadda

Ummadda 5

Mafuudiyiinta / ACN / 97A		Bosho / ACN		E-10A / ACN	FA / 97B	FA / 97C	FA / 97D
ACN / 97A	ACN / 97B	ACN / 97C	ACN / 97D				
50	45	60	55	55	60	60	60

Qaanuunka 5/5 / P.C. 1997.5 h.6.6 tasiis Ummadda

Ummadda 5

T / 1	W / 2	Ummadda 5/5 / P.C. 1997.5 h.6.6 tasiis Ummadda	Ummadda 5/5 / P.C. 1997.5 h.6.6 tasiis Ummadda
		1 aad	2 aad
1	Libaan	45	27
2	Jiraa	45	26
3	Shabe	39	24
4	Godey	38	23
5	Dhabeer	27	17
6	Alfabeer	25	15
7	Oorahay	23	14
8	FA	23	14
9	Wardher	19	12

A table showing the duration of the contract of lease which expressed under article 6(2) of the proclamation.

Table 1.

A farm planted by the rain fall		A farm planted by the irrigation		Mixed farming	Developing of the animals	Developing of the plants	Others
Planting the permanent plants	Yearly production	permanent farming	Yearly production				
50	45	60	55	55	60	60	60

Table showing the lease rate for lands which expressed under article 7(5) of the proclamation.

Table 2.

No.	Name of the zone	Grade of the land and the rate (hector/year) in birt	Grade of the land and the rate (hector/year) in birt
		1 aad	2 aad
1	Libaan	45	27
2	Jiraa	45	26
3	Shabe	39	24
4	Godey	38	23
5	Dhabeer	27	17
6	Alfabeer	25	15
7	Oorahay	23	14
8	FA	23	14
9	Wardher	19	12

