

PUNTLAND STATE OF SOMALIA

MINISTRY OF INTERIOR, LOCAL GOVERNMENT AND RURAL DEVELOPMENT

Land Dispute Tribunal (LDT) Regulation

2017

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CHAPTER ONE: GENERAL PROVISIONS

Article 1: Short Title, Extend and Commencement

- a) This Regulation may be cited or named as the regulation of Land Dispute Tribunal of Puntland 2017.
- b) It extends to the whole of Puntland.
- c) The provisions of this regulation shall come into force on such date as the regulation is signed by the Minister and by notification is published in the official bulletin of Puntland.

Article 2: Objective

The objectives of this Regulation shall be:

- 1) To establish Land Dispute Tribunals (LDTs) in all districts;
- 2) To set up a uniform system for settlement of all urban land disputes;
- 3) To develop an efficient and effective urban land dispute settlement mechanism system that minimizes illegal land grabbing.

Article 3: Interpretations

In this Regulation, unless the context requires otherwise:

“**District Executive Committee**” means the technical committee of the District Council responsible for the implementation of all aspects of district development.

“**Local District Council**”: refers to the territory by which local council members are elected from.

“**Sale**”: means the sale of urban land, excluding the validity of the salecontract of urban land.

“**Minister**”: means the The Minister of Interior, Local Government and Rural Development/**Public Works**.

“**Ministry**”: means the Ministry of Interior, Local Government and Rural Development/**Public Works**.

“**Ordinary Courts**” means theregional and district courts, courts of appeal and the Supreme Court.

“**Urban land**” means land located in urban areas, defined as “the space characterized by parcelled land and continuous built up areas in which there is actual or planned provision of infrastructure and services such as roads, electricity, draining and water supply systems and sanitation”.

Peri urban land means land located in urban expansion areas defined as “areas adjoining urban zones, scarcely built up and with low population density, to be reserved for urban expansion in the next twenty years.

“**Tribunal**” means a Land Disputes Tribunal established under section 4

Article 4: Scope of Application

This regulation shall apply to:

- 1) Establishment and operations of Land Dispute Tribunals in Puntland; and
- 2) Adjudication and resolution of disputes over urban and peri-urban land as defined in this Regulation and in accordance with the jurisdiction set out in Article 6.

CHAPTER TWO: ESTABLISHMENT AND JURISDICTION OF LAND DISPUTE TRIBUNALS

SECTION ONE: ESTABLISHMENT OF THE LAND DISPUTE TRIBUNAL

Article 5: Independence of the LDT

- 1) The LDT shall be fully independent in the administration of all cases that come in its jurisdiction.
- 2) No governmental institution, the Court and non-governmental institution may interfere, influence or direct the LDT in the administration of land disputes.
- 3) The Independency vested under Sub Article 1 of this Article shall not be used to take any act or decision amounting violation to this Regulation, any other relevant laws of Puntland or the code of Conduct to be established under this Regulation.

Article 6: Establishment of Land Dispute Tribunals

- 1) The Minister shall, subject to the provisions of this Regulation, establish a tribunal to be called Land Dispute Tribunal in each district;
 - a. In districts where land dispute resolution committees already exist, these will become Land Dispute Tribunals and will be modified as necessary to meet the requirements of this Regulation;
2. The Tribunal established under subsection (1) of this article shall exercise jurisdiction within the district in which it is established.
3. An LDT established under Sub Article 1 of this Article shall have a legal personality and shall be an administrative Tribunal with the authority to issue final administrative decisions over the dispute of urban land in accordance with the provisions of this Regulation.

SECTION TWO: JURISDICTION AND AUTHORITY OF THE LAND DISPUTE TRIBUNAL

Article 7: Jurisdiction of Land Dispute Tribunals

- 1) The LDT has jurisdiction over administrative and civil cases concerning disputes over undeveloped urban and peri-urban land within the Districts.
- 2) The LDT adjudicates disputes over ownership, possession, tenure, use, sale and transfer of land.
- 3) The LDT should refer its decisions to the relevant District court for enforcement.
- 4) The Jurisdiction of the LDT excludes all lands that:
 - a. are the subject of a previous dispute on the same issue by the same parties that has already been decided by a court;
 - b. are not an urban or peri-urban land, to be established as a matter of fact;
 - c. are not developed, to be established as a matter of fact;
 - d. are used for Range, grazing or farmland;
 - e. are subject to ongoing arbitration or mediation.
4. If the LDT hears and decides over a dispute relating to any land mentioned in Article 4 (1) of this Regulation, such decision of the LDT shall be considered null and void.

Article 8: Laws applied by the LDT

- 1) The LDTs shall apply the following sources of law:
 - a. The Puntland Constitution;
 - b. Sharia law, to be advised on by the religious leader on each LDT;
 - c. General principles of justice and human rights;
 - d. The Civil Procedure Code and relevant and applicable legislation relating to land;
 - e. Relevant international law;
 - f. Customary law, to be advised on by the customary elder on each LDT;
- 2) Relevant legislation will only be applied insofar as it does not contradict the Puntland constitution, Sharia law or general principles of justice and human rights;
- 3) Relevant international law will only be applied insofar as it does not contradict the Puntland constitution, Sharia law or domestic legislation. Domestic legislation will be interpreted to comply with international law insofar as is possible;

- 4) Customary law will only be applied insofar as it does not contradict the Puntland constitution, Sharia law, general principles of justice and human rights, domestic legislation and international law;
- 5) The procedure to be followed by the LDT will be governed by this Regulation, but where this Regulation is silent will be governed by the Civil Procedure Code.

Article 9: Powers and Authority of the Land Dispute Tribunals

- 1) Each established LDT shall have the authority to:
 - a. Review and verify evidences submitted to it by parties of cases;
 - b. By its own discretion investigate, obtain and review evidence it deems necessary to reach a fair decision in a timely manner and in compliance with this Regulation.
 - c. Issue summons to any person who should be a witness or should be joined to a case before it;
 - d. Make decisions about how to resolve the dispute that will be considered final unless appealed to the Supreme Court;
 - e. Make temporary injunctions to preserve the status quo of the land;
 - f. Request the District Court to enforce these decisions;
 - g. Exercise other powers and authorities given under this Regulation or any relevant powers vested in the first Instance courts by the applicable laws.

Article 10: Referral of cases between LDT and Ordinary Courts

- 1) Ordinary Courts shall refer the cases which fall under the jurisdiction of the LDT whenever:
 - a. the criminal case before the court primarily relates to an issue which falls under the Jurisdiction of the LDTs; or
 - b. civil case before court primarily relates to an issue falling within the jurisdiction of the LDTs
- 2) LDTs shall refer cases to the Courts to determine entire dispute or a particular issue or issues in the case, whenever:
 - a. a criminal issue arises from the case before the LDTs;
 - b. the subject matter of the dispute is outside the jurisdiction of the LDT;
 - c. the major issue of the dispute before the LDT that needs to be determined before any other issues in the case relates to a civil matter which falls outside the jurisdiction of the LDT.

In the case of (a) or (b), if there is still a land dispute within the jurisdiction of the LDT after the criminal or civil matter is resolved by the competent court, that court shall refer the land dispute back to the LDT.

CHAPTER THREE: ORGANIZATIONAL STRUCTURE AND FUNCTIONS OF LAND DISPUTE TRIBUNALS

SECTION ONE: COMPOSITION OF LDT

Article 11: Composition of LDT

- 1) Each LDT shall consist of seven members of whom at least two shall be women.
- 2) Members shall be appointed in accordance with the terms provided under this Regulation.
- 3) The LDT members shall include:
 - a. Two people nominated by the District authority, at least one of whom shall be a woman;
 - b. One person nominated by the Ministry of Interior, who may be a man or a woman;
 - c. One person nominated by the police force, who may be a man or a woman;
 - d. One customary elder nominated through consultation between the Ministry of Interior and local elders;
 - e. One religious leader nominated through consultation between the Ministry of Interior and local sheikhs;
 - f. One member of civil society nominated by Puntland State Non-Actors Association (PUNSA), who must be a woman.
- 4) Each Tribunal shall have a secretariat with sufficient number of supporting staff to be determined in accordance with Article 24 of this Regulation.

SECTION TWO: APPOINTMENT AND CRITERIA OF TRIBUNAL MEMBERSHIP

Article 12: Appointment Procedure for members of the Tribunal

- 1). The Ministry invite the District governments, Puntland Non-State Actors Association (PUNSA), itself, local sheikhs and local elders to nominate the following members for each established LDT:
 - a. Two nominees by the District authority, including one woman;
 - b. One nominee by the Ministry of Interior, who may be a man or a woman;
 - c. One nominee by the police force, who may be a man or a woman;

- d. One customary elder, nominated by the Ministry of Interior after consultations with local elders;
 - e. One religious leader, nominated by the Ministry of Interior after consultations with local sheikhs.
 - g. One member of civil society nominated by Puntland State Non-Actors Association (PUNSA), who must be a woman.
- 3) In selecting a suitable nominee for the Tribunal, the nominating institution must comply with the criteria for Tribunal membership prescribed in Article 12 of this Regulation.
 - 4) If the concerned authorities or civil society organisations fail to nominate members that comply with the criteria under Article 12 of this regulation, written notification explaining the reasons of the failure must be provided to the Ministry.
 - 5) The Ministry has the final authority to approve the members nominated by the concerned authorities. The Ministry of Interior will appoint the nominees unless they are ineligible for nomination under the terms of this Regulation. If the nominee is ineligible, the Ministry of Interior will inform the relevant institution of this along with written reasons and request the institution to nominate an alternative.
 - 6) The Ministry will ensure members of LDT includes at least two women.
 - 7) Once the Ministry has approved the nominated members, the Minister will issue a ministerial level decree.
 - 8) The Chairperson, Deputy Chairperson or Secretary of the LDT will be decided through a vote amongst the LDT members. Members shall not vote for themselves. The elections will be held as follows:
 - a. The election for the Chair will be conducted first. The election will be won by the person who has the most votes in his or her favour. If two people have the same number of votes, a second election will be held between those two candidates, and the person who has the most votes after that election will become the Chair.
 - b. The election for the Vice Chair will be conducted second and will be carried out in the same way.
 - c. The election for the Secretary will be conducted third and will be carried out in the same way.
 - 9) When Chairperson, Deputy Chairperson or Secretary positions become vacant, the LDT will wait until new LDT members have been appointed by the relevant institution, and then hold a vote to decide on the new person to fill that position.

Article 13: Criteria for Membership of the Tribunal

- 1) Any person to be appointed as a Tribunal Member, must be:
 - a. A Resident of Puntland;
 - b. Be the age of thirty years or above;
 - c. To be mentally fit;
 - d. B a person of good reputation who is known to be honest and trustworthy;
 - e. A resident in the local District Council for which the LDT is established; and
 - f. A person who has not served or been subjected to a criminal sentence by a court, in the last five years
- 2) In the addition to the conditions in Sub Article (1) of this Article, each nominated Member also must fulfil the following education and experiences criteria:
 - a. The person nominated by the Ministry of Interior should be a qualified lawyer with at least three years' experience;
 - b. The peoplenominated by the Local Authority should be government officers with minimum of three years of experience in land issues;
 - c. The person nominated by the police should be a respected officer with experience in issues relating to conflict and insecurity over land;
 - d. The person nominated by PUNSAA should have at least three years' experience in women's rights issues and at least one year's experience in land issues;
 - e. The customary and religious elders should be respected amongst their communities and have extensive experience in resolving land disputes.
- 3) The Minister shall issue directives determining the number of members and criteria for Tribunal membership for Local districts which could not find persons fulfilling the above criteria for Tribunal membership provided in Sub Article (2) of this Article.

SECTION THREE: TERMS OF TRIBUNAL MEMBERSHIP

Article 14: The Oath of Land Dispute Tribunal Members

Members of Tribunal shall swear an oath in accordance with the Puntland Constitution before the commencement of the work with the presence of regional court chairperson.

Article 15: Term of Office

- 1) The Term of Office of the Members of the Tribunal shall be the same of the term as the local government.

- 2) The above term of office of the Members may be extended for another term of the same length subject to fulfillment of the conditions of appointment of the membership, unless there is a justifying reason to reject re-appointment of members.
- 3) The Ministry of Interior will re-appoint or newly appoint of the Tribunal members.
- 4) Should a member cease membership before the end of the term of office of the LDT, such vacant seat shall be filled in compliance with appointment criteria and procedure of membership of the Tribunal.
- 5) The newly appointed member will serve the remaining term of office of the Tribunal.

Article 16: Loss of membership

- 1) A member shall be deemed to have vacated their membership of the LDT if he or she:
 - a. Passes away;
 - b. Resigns from office by submitting one month written notice to the Minister;
 - c. Is removed from office by the Minister due to:
 - i) physical or mental infirmity, making the person unable to discharge the functions of the office;
 - ii) failing to attend 5 planned hearing sessions of the LDT in which he/she is a member;
 - iii) Disciplinary measures imposed in accordance with Article 17 of this Regulation or any other relevant regulations.

Article 17: Code of Conduct and Disciplinary measures

- 1) Members of the LDT shall abide by a Code of Conduct to be adopted by the Ministry of Interior.
- 2) The Ministry of Interior shall be the responsible institution to hold members of the LDTs accountable for their actions relating to hearing and determination of land dispute cases in accordance with relevant provisions of the LDT Code of Conduct.
- 3) A member of the LDT who violates the provisions of the abovementioned Code of Conduct shall be liable and be subjected to disciplinary measures including dismissal.
- 4) Receiving, investigating and hearing complaints of misconduct and imposing of disciplinary measures against members of the LDT shall be carried out by the Ministry of Interior.
- 5) The Minister of Interior shall enforce disciplinary measures against LDT members.

Article 18: Immunity of the LDT Members

- 1) Tribunal Members shall enjoy immunity from suit in matters relating to the exercise of their functions and duties as LDT members during their term of office.
 - a. Sub Article 1 shall not be read so as to prevent any LDT member from being subject to disciplinary proceedings.
- 2) A member of the LDT may be arrested if caught committing a criminal offence.

Article 19: Remuneration of the LDT Members

- 1) Members of the LDT are entitled to membership allowance and case hearing allowance taking into account financial situation of the district by which the LDTs are established.
- 2) The district executive committee shall determine and issue directives on the scale of allowances payable to members of LDTs.

SECTION FOUR: FUNCTIONS OF THE LDT

Article 20: Internal Structure

- 1) Each LDT to be established under this Regulation shall have the following internal structure:
 - a. Chairperson;
 - b. Deputy Chairperson;
 - c. Secretary;
 - d. LDT Panels; and
 - e. Secretariat with sufficient number of supporting staff.

Article 21: Duties and Responsibilities of the Chairperson

- 1) Functions and duties of the Chairperson include:
 - a. Leading and supervising day to day operations and overall management of the LDT;
 - b. Appoint and assign members to LDT Panels to hear specific cases;
 - c. Propose and approve expenditure of the LDT;
 - d. Coordinate and maintain the relationship of the LDT and other partner organizations;
 - e. Proposing recruitment and dismissal of subordinate staff for the LDT;
 - f. Placement of newly recruited subordinate staff;
 - g. Preparing and consolidating periodical performance reports of the LDT; and submitting the same to the Minister.
 - h. To assign, supervise, and to hold accountable subordinate staff of the LDT;

- i. Ensuring effectiveness of the case hearing processes of the LDT;
- j. Undertaking other duties vested under this Regulation, bylaws or other relevant and applicable laws.

Article 22: Duties and Responsibilities of the Deputy Chairperson

- 1) Functions and duties of the Secretary and Deputy Chairperson shall be:
 - a. To act as the Chairperson in the absence of the latter; and
 - b. To undertake other duties assigned by the Chairperson or vested under this Regulation.

Article 23: Duties and Responsibilities of the Secretary

- 2) Functions and duties of the Secretary and Deputy Chairperson shall be:
 - c. To act as the Chairperson in the absence of the latter; and
 - d. To undertake other duties assigned by the Chairperson or vested under this Regulation.
 - a. To receive or refuse case applications, verifying its conformity with LDT jurisdiction according to article 6as well as with the particulars prescribed by article 28, 1.
 - b. To be administration and finance officer of the LDT;
 - c. To lead and manage, under the supervision of the Chairperson, operation of the secretariat and subordinate staff of the LDT;
 - d. To be responsible for holding and safekeeping all records and documents relating to the administration and financial matters of the LDT;
 - e. To be responsible for holding, maintaining and safekeeping of registers, records, case files and all documents of land disputes filed and rendered by the LDT;
 - f. To maintain, protect, safe-keep and register office equipment and property of the LDT;
 - g. Prepare expenditure plan of the LDT, and execute the same upon approval;
 - h. Prepare periodical performance reports of the LDT and individual subordinate staff members of the LDT and submit the same to the Chairperson; and
 - i. Undertake other duties vested under the Regulation of the LDT or by the Chairperson.

Article 24: LDT Panels

- 1) The LDT Panel shall be the number of members from the LDT assigned by the Chairperson to hear a particular case.

- 2) LDT Panel to be appointed under Sub Article (1) above could be one person, a panel of three or the full bench of five.
- 3) If the panel is three members, at least one must be a woman.
- 4) A one-person Tribunal will consist of the Chairperson or Deputy Chairperson and will only be convened for simple cases. An issue will be considered simple where the outcome is obvious and the party disputing that outcome has not advanced any arguments that would be reasonably considered to lead to any other conclusion.
- 5) A decision about whether to have a panel of three or a full bench will be based on the weight of the dispute as may be determined by the Chairperson of the LDT, taking into account price and size of the disputed land and such other matters that may complicate the nature of the dispute.
- 6) Every LDT Panel shall be presided by one of its members. Each LDT Panel consisting of three members shall be presided by a member appointed by the Chairperson to preside the panel. The Chairperson shall be the member presiding in the case of a full bench.
- 7) The Role and responsibilities of the Presiding member of each LDTPanel shall be to:
 - a. preside case hearing sessions of the LDTPanel;
 - b. ensure that appointments fixed for hearing sessions of the case of the Panel are duly observed by the parties to the dispute as well as Panel members; and
 - c. ensure that the proceedings, claims, witness and evidences presented by the parties are reduced in written, and are properly recorded and filed in the concerned case file folder.

Article 25: LDT Subordinate staff

- 1) The LDT shall have subordinate staff such as: clerks, Bailiffs and cleaners; the Local Government of the District by which the LDT is established shall, upon receipt of a staffing need request form Chairperson of the LDT, ensure employment of staff of the LDT.
- 2) Recruitment of subordinate staff of the LDT shall be carried out in accordance with the Local Government Personnel Administration Regulation;
- 3) The Clerk shall be responsible for keeping and maintaining all documents transferred to him/her to keep safe, holding case files, writing documents, and registration of all documents signed by the LDT in accordance with the provisions of this Regulation;
- 4) Bailiffs are responsible for serving documents to parties of the cases, and administrative documents issued by the Office of the LDT;

- 5) The Local Government of each District shall be responsible for payment of salary and allowances to the subordinate staff;
- 6) Subordinate staff of the LDT shall be accountable to the Chairperson of the LDT.

Article 26: LDT Premises and Facilities

- 1) The Working Premises of the LDT shall be at the headquarters of the Local Government of District, and shall have a working office in the Office of the Administration of the Local Government.
- 2) The Local Government of the District, where a LDT is established, shall be responsible for providing the necessary furniture and equipment as well as funds that the LDT may require to properly operate and discharge its duties.

CHAPTER FOUR: MANAGEMENT AND HEARING OF CASE

Article 27: Procedure for case institution and adjudication

1. Land dispute applications shall be instituted by presenting a written or oral complaint to the LDT secretary.
2. Every presented claim shall contain;
 - a. Name and place of the LDT.
 - b. Name and the defendant's place of residence.
 - c. Name and the plaintiff's place of residence.
 - d. A summary of the material facts of the case.
3. If the complaint is submitted to the secretary orally, he or she must write down the details contained in article (2).
4. The secretary shall only approve the application if the details contained in article (1) and (2) of this article are provided and the case is under jurisdiction of LDT.
5. The Secretary will assign an ID number to the case.
6. The Secretary shall notify the respondent of the complaint.
 - a. The notification shall contain the ID number the Secretary assigned to the case, the notification about date and time for hearing the case, instruction to prepare a response orally or in writing, and a copy of the complaint.
 - b. The LDT messenger shall go in person to deliver the notification to the respondent either at its residence or its work.
 - c. If the Respondent is found but refuses to acknowledge notification:

- i. The LDT messenger has the authority to deem the notification duly performed and write down a brief description of the facts, to be filed.
 - ii. The LDT messenger shall warn the Respondent about the effects of his or her absence when the case is heard.
- d. If the Respondent is not found, the messenger shall leave a written message with the family, neighbour or elders of the respondent, saying that the Respondent must to go to the LDT within 3 working days to receive the notification and warning the respondent of the effects of his or her absence when the case is heard.
 - i. If the Respondent does not appear within three days, the case will proceed in his or her absence.

Article 28: Procedure of resolving a case

- 1) At the initial hearing, each party shall read their statement or make an oral statement describing their claim. The LDT panel may ask questions and invite the parties to make any additions to these statements.
- 2) The LDT panel shall then invite the parties to resolve the dispute through mediation.
 - a. The parties may refuse mediation and request to move forward with resolving the case through the LDT. Both parties must agree to mediation.
 - b. If the parties agree to have their case mediated, each party shall appoint an equal number of elders to mediate the case. The LDT shall provide the parties with an officer to write down the discussions and the final agreement.
 - c. If the parties do not reach an agreement through mediation, the case moves to hearing by the LDT. A date for the hearing of the case will be set.
 - d. If the parties do reach an agreement, the parties and their elders will sign a written copy of the terms of the agreement. Each party will receive a copy and one copy will be sent to the LDT to be filed.
- 3) If the parties move to a substantive hearing by the LDT, the LDT will hear the case as follows:
 - a. Both parties shall present their case as well as their objections. Each party may have the assistance of up to 2 persons, who may be elders, lawyers or any other person who may assist in resolving the dispute.
 - b. Each party and their assistants shall have 30 minutes to present their reasons, including evidence and witnesses. The complainant starts, followed by the defendant.

- c. The LDT asks parties if there is anything else they would add and shall allow 10 additional minutes to each party and their assistants to add to their case if they so choose.
 - d. If the issues of contention in the dispute include disagreement as to the size or location of the land, or if the panel considers that neighbours in the area may be valuable witnesses who have not yet been called to the LDT, the Panel may together with the parties visit the location of the disputed land. This must occur within seven days of the hearing.
 - e. The Tribunal Panel may, on its own motion, demand, obtain and consider additional evidence it deems necessary for disposing and rendering a just decision over the case.
 - f. If a second hearing is necessary after the site visit or after additional evidence has been obtained, the LDT must call this hearing within 14 days of the initial hearing.
 - g. After the final hearing, LDT shall issue its decision within 30 days.
- 4) At any stage before the conclusion of the hearing, a third party may join or may be joined to the proceedings of the case.
- a. The LDT Panel shall, if it believes that an interested person is absent in the hearing, call such interested persons to join in the case.
 - b. Either party of the case may request the LDT to call a third party to join in the case by indicating the existence of an interest necessitating for calling such third party to the case.
 - c. Where the LDT accepts the application for joining a third party, or when by its own initiation it has ordered a third party to join the case, the Panel shall adjourn the hearing, and an order to join shall be delivered to the third party or parties within five days.
 - d. Interested third parties should be notified of the decision of the LDT a day after its issuing. If a third party has a legal interest in the case and is dissatisfied with the LDT's decision, he or she has 5 days to present an appeal to the Supreme Court.

Article 29: Conclusion of the hearing and decision of the LDT

- 1) Upon concluding hearing of the case and after considering all the evidence, the LDT panel shall adjourn the hearing.
- 2) After the hearing has been adjourned, the LDT shall issue its decision within 30 days.
- 3) The decision of LDT shall be by majority of members of the LDT panel and all panel members shall sign the decision.

- 4) The LDT Panel shall read out its decision over the case to parties in public hearing, and give copy of the decision to any of the parties when requested.
- 5) The LDT shall order costs in accordance with Article 34(5).
- 6) Decisions of the LDT panel must be written and contain following information:
 - a) case reference number;
 - b) date of the decision;
 - c) parties of the dispute;
 - d) a summary of the facts of the case including indication issue/s of the dispute;
 - e) reasons for the decision, including the information or evidence taken into account and relied on;
 - f) notice to both parties on their right of appeal and the legally prescribed deadline to appeal;
 - g) Name of LDT Panel members and their signatures.
 - h) After the LDT has issued its decision, if no party appeals within 30 days, the case is considered settled and LDT proceeds to the execution of its decision.

CHAPTER FIVE: APPEAL

Article30: Appeal

- 1) Any party who is aggravated by a final decision of the LDT has a right to appeal to the Supreme Court within thirty (30) days starting from the date the LDT read out the decision.
- 2) The party wishing to lodge an appeal against decisions of the LDT shall submit to the Secretary of the LDT a memorandum of appeal addressed to the Supreme Court.
- 3) The memorandum of appeal shall be filed in accordance with provisions of Civil Procedure Code.
- 4) Notwithstanding the provisions of the Sub (1) the Memorandum of appeal to be submitted under sub Article 3 of this Article shall state:
 - a. An indication that appeal is addressed to the Supreme Court;
 - b. Referral number of the decisions against which the appeal is lodged;
 - c. Names, address and details of the appellant and respondents, and their advocates; and
 - d. Grounds for rejecting the decisions of the LDT.
- 5) Upon receiving the memorandum of the appeal, the Secretary shall:

- a. Record the appeal in the Appeal Case Register of the LDT;
- b. Prepare and produce in writinglists of documents included in the concerned case file; and
- c. Within seven days from the date received the memorandum of appeal, prepare and send to the Supreme court a copy of all documents of the case file folder(hearing records, documentary evidences and all written orders issued by the LDT in hearing the case) concerning the decision of the LDT lodged the appeal.

Article 31: The Authority of the Supreme Court

- 1) The Supreme Court, in the exercise of its appellate jurisdiction over final administrative decisions of the LDT, shall have power to take or to order the LDT to take and certify additional evidence and whether additional evidence is taken or not, to confirm, reverse, amend or vary in any manner the decision or order appealed against.
- 2) Judgment of The Supreme Court over final decisions of the LDTshall be final.
- 3) The Supreme Court shall send copies of appeal judgment it rendered over final administrative decisions of the LDT to the concerned LDT to execute.

CHAPTER SIX: EXECUTION OF DECISIONS AND JUDGEMENTS

Article 32: Executions of Decisions of the LDT

- 1) The LDT shall execute in accordance with the provisions of this Article:
 - a. its final decisions which are not appealed to the Supreme Court, and
 - b. the judgment of the Supreme Court over final decisions of the LDT.
- 2) Once an LDT has written its final decision, the Secretary should admit the decision along with an order that the parties execute the decision to the District Court.

CHAPTER SEVEN: FUNDING MODALITY

Article 33: Source of funding

- 1) The funds for the day to day functioning of the LDT, care of the LDT building, expansion and upgrades, professional development and payment of the salaries of the members from the District government, civil society and the customary elder and religious leader will be provided by the District government and fees and charges paid by users of the LDT as provided for in Article 34.

- 2) The salary of the LDT members from the Ministry of Interior shall be paid by the Ministry of Interior;
- 3) The salary of the LDT member from the police shall be paid by the police;
- 4) Costs relating to oversight and discipline of the LDT shall be paid by the Ministry of Interior.

Article 34: Case Application Fee

- 1) The Ministry of Interior government shall issue a schedule setting the fee payable for case application of the Tribunals in each District.
- 2) The Ministry of Interior shall set the fee after discussions with each District government.
- 3) The District government shall designate an office to receive case application fees from the LDT and the applicant shall pay the case application fee to that office.
- 4) Upon opening the case, only the person initiating the case shall pay a fee.
- 5) At the end of each case, the LDT shall:
 - a. Order the respondent to pay the same fee;
 - b. Order the respondent to pay the same fee and reimburse the applicant for the fee she or she paid on initiating the case;
 - c. Order the applicant to pay the fee of the respondent.
- 6) The ordering of costs is at the discretion of the LDT Panel and should take into Any applicant whose economic situation may not allow payment of the fee referred to above has the right to request a waiver from payment by submitting a declaration attesting to his/her poor financial or economic situation to the Chairperson of the Tribunal. The Chairperson may accept the waiver outright, or if he or she deems necessary, may request one or two witnesses to on oath attest to the financial conditions of the applicant. The Chairperson shall accept the waiver if he or she is satisfied that the applicant is unable to pay the fee.

Article 35: Release of funds

- 1) The Secretary of the LDT will prepare a budget for the LDT every six months. The budget shall be signed by both the Secretary and the Chair of the LDT.
- 2) The Secretary shall and submit the budget as a request to the District authority. The request must be submitted a minimum of four months before the funds are needed.
- 3) The District authority will either accept the budget or send it back with requests for revisions. District authority shall send the budget with requests for submissions no later than three months before the funds are needed.

- a. The District government shall approve any request that can be proven to be necessary for the continued functioning of the LDT. Approval of additional funds shall be at the discretion of the District government.
 - b. Any request for revisions must be accompanied by written reasons.
- 4) If the LDT Secretary is asked to make revisions, he or she will send back the final revised budget no later than two months before the funds are requested.
 - 5) The District authority will release the funds no later than two weeks before they are needed.

Chapter 36: Audit

- 1) The Auditor General shall audit the financial activities of the LDT annually.
- 2) The Secretary of the LDT is responsible for providing all documentation relating to the activities of the LDT when requested by the Auditor General.

CHAPTER EIGHT: MISCELLANEOUS PROVISIONS

Article 37: Collaboration between the LDT Members and other Government Institutions

- 1) Members of the LDT shall have a close working relationship with the executive committees of local governments by which they are established, they shall work together on the effectiveness and to cover the budget of the LDT;
- 2) The LDT shall have a working relationship with the police officers, regional governors, and district chairpersons when executing decisions issued by the LDTs and final judgments from the High Court;
- 3) The Mayor, after the nomination of the LDT members shall by decree publish and require regional governors, mayors, police officers, to collaborate with the LDT members and assist them to effectively implement their duties, and order to assist in the execution of their duties;
- 4) Land Dispute Tribunals will encourage and support the payment of land related tax;
- 5) Land Dispute Tribunals will recognize, respect and give consideration to the legal authority of local governments and their mandate to administer, provide, register and plan urban land when applied the legal authority in accordance with the law.
- 6) Any conflict between the committee and its closely working institutions shall be resolved through amicable solution based on negotiation and dialogue, and where such dialogue and negotiation fail shall be resolved by the Minister.

Article 38: The relationship between Ministry of Interior and Land Dispute Tribunals

- 1) Without prejudice to the independence of Land Dispute Tribunals, the Land Dispute Tribunals will be under the administration of the Ministry of Interior.
- 2) The Ministry will be responsible for:
 - a. Appointing members to the LDT;
 - b. Supervising and supporting the functions of the LDTs;
 - c. Creating enabling environment where all stakeholders can work together;
 - d. Resolving conflict between Land Dispute Tribunals which are not related to the LDT's Code of Conduct as stipulated under sub-Article 1 of Article 17.

Article 39: The relationship between District government and Land Dispute Tribunals

- 3) Without prejudice to the independence of Land Dispute Tribunals, the Land Dispute Tribunals will be under the administration of the Ministry of Interior.
- 4) The District government will be responsible for:
 - a. Funding the operations of the LDT;
 - b. Training and capacity building for LDT members;
 - e. Improving working facilities and building offices for the Land Dispute Tribunals.

Article 40: The relationship between the nominating organisation and the Members they nominated

- 1) The LDT members nominated by the District government, Ministry of Interior, police and civil society will be independent of the work of their respective institutions or organisations during their tenure in the LDT work;
- 2) The nominating organisation cannot assign the member work that will prevent them from being able to complete their LDT work and will not interfere his/her work of adjudication;
- 3) The nominating organisation cannot change the nominated member unless it is in accordance with these Regulations;
- 4) Land Dispute Tribunal's members can submit quarterly reports to their respective institutions when that report is requested and such reports shall be signed by Land Dispute Tribunal Chairperson.

Article 41: Amendment

- 1) The Minister may amend the provisions of these Regulations, after consultation with the Chairpersons of the LDTs, regional and local governments and independent legal advisors;
- 2) Any amendment with regard this regulation shall be signed by the Minister and be published in the official bulletin of Puntland.