

Land Administration System in Syria: Analysis and Recommendations

2021

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Acronyms and abbreviations

LAS:	Land Administration System
GDCA:	General Directorate of Cadastral Affairs
GLTN:	Global Land Tool Network
RPC:	Regional Planning Commission
GEH:	General Establishment for Housing
RDIC:	Real Estate Development and Investment Commission
MoLAE:	Ministry of Local Administration & Environment
MoPWH:	Ministry of Public Works & Housing
GES:	General Establishment of Surveying
GORS:	General Organization of Remote Sensing

A functioning land administration is essential to sustain socio-economic development, peace and stability and the realization of human rights. Over the years, Syria has developed an articulated and detailed system that provided the foundation of its development. After decades of limited reforms and ten years of crisis, the Syrian land administration system requires urgent updating and some structural modifications to foster reconstruction and pave the ground to social and economic recovery. This report is a contribution towards this process, which will require a shared and in-depth understanding of the functioning of the land administration system by Syrian and international partners alike. It targets a broad audience of public officers, land professionals, practitioners, and development and humanitarian actors. The report presents a comprehensive analysis of the Syrian land administration system, its features and challenges before and after the crisis and its capacity to respond to the needs of the Syrian society. It investigates the land administration functions, the dispute resolution system, the data infrastructure, the legal and institutional frameworks and the land stakeholders.

The land administration system

Land administration is composed by four key functions: land tenure, land use, land development, and land value. Land disputes' resolution and data infrastructure are crosscutting elements to these functions, which are all regulated by legal, institutional and administrative arrangements. In Syria, these functions are handled by different ministries or, in some cases, by the combined efforts under the coordination of the Council of Ministers. The assessment of the land administration capacities indicates that the various public institutions with land-related functions often lack sufficiently clear mandates and defined ways of working with each other and do not have adequate human and financial resources to function well. Syria largely relies on the land and property registration system – the cadastre – for managing its land, yet land registries are not completed nor updated, leaving many land events and transactions in the domain of informality or fragmented across different co-existing registration and management systems. This affects the quality of decision making and hinders the implementation of the decisions taken.

Land tenure

Land tenure defines the relationship between people and land—including land-based resources. It defines who has what right and responsibility over what land and land-based resources, for how long, and under which conditions. Land tenure security is an important enabler of social and economic development, fosters peace and stability, and has an important state-building function because it strengthens the relationship between the people and the institutions. No consolidated data is available, but estimates are that half of the Syrian population is tenure insecure, a number that reflects the mass

displacement caused by the war. The causes include the damage and destruction of the housing stock, the mass-forced displacements, the fragmentation of the state under different groups, and the pre-existing dysfunctionalities and widespread corruption of the land sector. The twelve million displaced Syrians experience specific land tenure issues such as loss of land-related and civil documentation, reduced access to dispute resolution mechanisms, secondary occupation of properties, fraudulent transactions, etc. As of 2020, forced evictions within government-controlled areas are mostly linked to new urban redevelopments or expropriation processes, and to land disputes. In areas still affected by conflicts, evictions and displacement are caused by politically, ethnically or religiously motivated violence and insecurity.

A functioning paper-based cadastral system is in place in the 14 governorates in Syria and it covers roughly three quarters of the country's land. However, the cadastral information is not linked and interoperable with other spatial data, such as land use plans or natural resources maps. The process of creating, altering and transferring property rights in the cadastre is a cumbersome and lengthy process due to the large number documents and steps is required and corruption. The cadastre is not the only legally recognized tool to register and manage land and property rights: other legally recognized registration mechanisms are widely used and informal land registration practices exist in parallel to legally recognized ones.

There is a wide range of land tenure rights in Syria. **Registered land ownership rights** are considered the most secure form of land rights and can be held

individually or in group. Ownership rights are registered either in the land registry or in the temporary registries. Ownership rights registered in the land registry are considered to have the highest level of formality and strength and they are evidenced through the *tapoo* (also commonly known as "the green *tapoo*"), while ownership rights registered in the temporary registries are meant to secure tenure rights for buildings with building permits but still under construction. The temporary nature of the registration is due to the fact that the property sheet is valid until the building receives a residence permit, after which the temporary property sheet is to be moved to the permanent land registry. However, due to the complexities of the transfer process, these registries, temporary in nature, have become *de facto* permanent.

The high level of precision and complexity of the land and property registration system provide – or used to provide before the war- a good level of protection which is held in high regard by both Syrian authorities and population. However, over the years, this also made the system rigid and administratively cumbersome to maintain and update. Important differences exist between what is in the land registry and the reality on the ground. Financial departments also host registries with accurate descriptions of properties for tax purposes. The two registries (financial and land) with different and sometimes contradictory descriptions of the same property coexist, with the taxation registry, and not the land registry, expressing a more accurate reality and enjoying the power of proof in informal areas. Due to the aforementioned issues and further complexities, land records alone are not enough to fully protect land rights and people resort to various forms of evidence or additional evidence to strengthen their land tenure security. Some of the common ones are judicial ruling, irrevocable power of attorney and tax records. This further burdens land administration.

Another type of right considered very secure are **long-term land rights** on state land. Holders of these rights are not landowners but rather holders of use rights under specific conditions and obligations. Long-term land rights include: usufruct rights on private ownership land (proved through a summary of registry's record); group use rights over protected easement lands (registered in properties registry); commercial rent (proved through a document released by the finance department which includes the name of taxpayer); rent to public entities subject to obligatory renewal; land tenure through agricultural cooperative associations (proved through an official document

issued by Ministry of Agriculture); usufruct rights on state's lands (proved through a summary of registry's record); and land tenure for housing purposes for Palestinian refugees.

In addition to long-term land rights, **short-term land use rights** are temporary rights acquired through rental contracts between the owner and the tenant. These include: residential rents registered in the municipalities to which the property belongs (these contracts end if the building collapses or it is destroyed); and rental of agricultural lands, which is rarely used since the tenant has the right to claim 20-40 per cent of the land at the end of the agreement.

There are many situations where land tenure rights are **not registered** due to administrative or legal barriers or because the properties are in informal areas. The main types of unregistered land rights found in Syria include: consent sale agreements stipulated between the seller and the buyer with the presence of witnesses and not registered with any government agency – such agreements are not considered secure in the event of the loss of the contract or the disappearance of witnesses; court rulings – used for the purchase of a construction that violates land use plans or located in zones where construction is prohibited: the buyer gets a judicial ruling stating the acquired share, describing the building, and referencing the lawsuit as an addition to the property's land registration sheet; utility bills – some informal settlements are built on the others' lands or on public or state-owned lands provided with drinking water, electricity, telephone, and sanitation, in which case bills for these services can become documents of proof of possession. The strengths of such rights and forms of evidence greatly vary according to location and political scenario. While unregistered land rights in informal settlements, for example, were considered relatively secure before the conflict, they have been significantly weakened in the last decade when informal settlements have experienced significantly more damage and displacement than formal neighbourhoods.

There are many **forms of evidence** used to support land and property rights in Syria. The most common have been listed above but there are three very common additional forms of evidence in Syria: ownership by judicial ruling, ownership by irrevocable power of attorney and tax records issued by finance departments. Ownership by judicial ruling which derives from when the new owner (or the buyer) files a case against the old owner (the seller) to confirm the sale agreement or to assert other real rights.

Ownership by irrevocable power of attorney based on the principle that the attorney (the buyer) has a right over the principal. This method has been widely used as substitution of, or in support to, sale agreements, in registered ownerships or informal settlements.

Women's land rights in Syria also failed to draw the attention they deserve. The laws that define access to land and property's ownership do not differentiate between males and females, except inheritance laws for *mulk* lands where Islamic inheritance principles apply. However, a household survey recently undertaken by UN-Habitat in Syrian refugee communities living in Lebanon revealed that very few women have property titles in their name, and they are often compelled – either through social pressure or intimidation and violence - to renounce their (inferior) inheritance shares in favour of their male relatives. Other research supports the same findings. Very few women are willing to take up court cases against their family members to claim their inheritance rights as this would damage their family relationships and deprive them of the family support that serves as one of the few safety nets available to Syrian women. An additional barrier preventing many women, and particularly displaced women, from inheriting is the lack of civil documentation that can support inheritance practices, particularly marriage and death certificates of their spouses. Women's lesser participation in the formal labour market also constrains their access to credit and their ability to purchase properties.

Additional defects in the land tenure function of the Syrian land administration system include: the lack of human and logistical capacity of the decentralized of land surveying services outside the main cities; the slow completion of cadastral maps even in areas where demarcation and census work has been completed; the land registration regulations that prohibit lands' subdivision, consolidations and sales unless all shareholders are present in person; the stall of the agrarian reform; the increase of disputes between landowners and agrarian labors, and the tendency of the farmers not to lease their lands over fear of losing them, leading to large swaths of fertile land to be out of production; and the dysfunctionalities in the housing rental market that added to the shortage of affordable housing before the crisis and will likely remain a prominent issue in the years to come.

Land use

Land use defines and regulates how the people and the public use land. Planning practices in Syria

focus on master planning of cities and villages, while land use planning outside urban areas has been limited to defining rules and restrictions on allowed uses of lands and designating protected lands and buffer zones where development is prohibited by the ministries concerned. The capacity assessment revealed that land use planning capacity at the national level is inadequate and outdated. Existing plans are not enforced, and regional land use plans only exist for some areas though even these are rarely updated. Adequate and updated urban plans for the main and rapidly growing urban centers exist and their level of enforcement is significantly higher than for other areas, however the challenge of informal settlements has not been adequately addressed through urban law and policy issued prior to the conflict. The weaknesses of the land use system include: lack of respect for the characteristic of the urban communities (e.g. size, classification, capacity, social and economic characteristics, etc.); low quality plans which do not consider local settings, identity and sustainable development considerations; lack of vision for plans outside urban areas; and regional planning yet to be developed and effectively utilized.

Land development

Land development is the application of resources such as capital investments, labor, and administrative processes to improve land and enable a different and/or more efficient land use. Land development takes place primarily by implementing masterplans through issuing building permits, monitoring building activities and implementing public infrastructure and facilities. The property development process in Syria is considered quite difficult because of bureaucratic constraints, and the limited instruments for the public to acquire land for public use: land readjustment interventions are years long and expropriation is usually considered unfair for the communities affected, to the point that it is considered one of the causes of informal developments in Syria, as people prefer to sell their lands into the informal markets rather than be expropriated by the government with meager compensation.

The implementation of masterplans is regulated by Law 23 of 2015 and takes place through: a) partitioning by the owner, where the owner initiates the process by applying for a municipal permit for subdividing his/her land in compliance to the master plan; or b) partitioning by the municipality, where the municipality reallocates lands partitioned according to the masterplan to the owners in proportion to their respective shares in the entire development zone.

Informal settlements are a very widespread phenomenon with some statistics estimating that 40 percent of the population lives in informal settlements. This is the result of, among other reasons, the longstanding gap in the supply and demand of housing; development imbalance between the countryside and the city; lack of supply of affordable housing; the development of the informal market in urban expansion areas; the increase of housing prices; and the inefficient application the urban development laws.

Land valuation and taxation

The land valuation function includes two main aspects: assessing the value of land and properties and calculating and gathering revenues through land-based taxes. A land and property taxation system exists in Syria in both urban and rural areas, and it is based on the nominal value of properties, which is normally very low. The Ministry of Finance is in charge of keeping land taxation registries at the governorate and district levels. These registries cover built and non-built properties and include a detailed description of physical characteristics, actual use, and estimated value calculated based on criteria and principles set by the law and the subsequent implementation instructions. A methodology to assess the value of buildings, as well as a methodology to assess market value of properties has been developed but it only covers registered land, and it is considered inadequate. Land taxation records are used for taxation purposes only and do not substitute the land registries.

Land disputes resolution

The land sector's capacity to resolve land-related disputes is a key enabler of a functioning land administration system of every country. Syria has a dual judicial system, with separate secular courts, which hear civil and criminal matters, and religious courts. The existing civil court system is considered well-structured and mostly designed to resolve conflicts and disputes over individuals' land rights and parcel boundaries. It is not too expensive - at least for what concerns official fees - but it is very slow due to limited digitalization and the huge backlog of cases. Additionally, people are not sufficiently aware of the procedures to access it. Sharia courts perform important functions related to land management: for example, among others, they determine inheritance shares in accordance with Islamic Law and issue inheritance documents. In addition, in 2012, the Counter Terrorism Court was established in Damascus; it is a special court that uses the counterterrorism law provisions and has

been criticized for not observing international fair trial standards and due process; this particularly affects absentee suspects and it gives powers to seize all movable and immovable properties of suspects tried before it.

The trust in the formal disputes resolution system is overall low, and particularly low among the displaced Syrian population, most of whom do not have confidence in the ability of the Syrian legal system to help them recover their properties or obtain compensation. While many judges are versed into property law, the per capita ration of judges is very limited and most of them are not sufficiently equipped to deal with housing, land and property rights claims in the context of displacement. The current judiciary system does not have the capacity to deal with the very large number of disputes expected to arise from the waves of mass displacement caused by the war. Alternative dispute resolution systems and transitional justice mechanisms will be required.

Land administration's technical framework and spatial data infrastructure

In the Syrian Land Administration System, cadastral maps are part of the land registration system. For that reason, they have the same evidentiary power as of the other components and they are the reference for determining land boundaries in case of disputes. Cadastral maps are generally created based on aerial imagery where physical boundaries are shown, making them valid to carry out property counts and boundary demarcation. Even though the vast majority of lands in Syria have already undergone the demarcation and census process, and were registered duly, cadastral maps of about half of these lands are still in the draft stage because their topometric computations have not been completed. Additionally, the quality of the maps varies according to the expertise of the surveyors, and is further impacted by outdated technical methods and complicated bureaucratic structure.

Although access to land information in Syria should be public, cadastral maps and topographic maps are still subject to administrative restrictions and approvals. Land use information must be retrieved from various entities and there is no single authority to refer to for information on the legal and regulatory status of lands. Online resources are very limited and only few maps and charts can be used for published scientific research and reports. Additional difficulties in obtaining detailed technical and legal information related to land administration result from the fact that

information is issued by multiple parties due to the lack of specialized legal platforms.

The impact of the crisis on the land administration system

The conflict had a very heavy impact on the ability of the land administration system to deliver services to the Syrian population, leading to an almost complete cessation of activities related to land administration. Governmental programs stopped or slowed down and, private sector investments came to a standstill in most governorates. Master planning and land development activities stopped everywhere, except for a select few cities such as Damascus, Hama, Latakia, Tartous and Al-Sweida where security conditions were relatively better. Real estate investment witnessed a full stagnation, and infrastructure building and maintenance declined. With shrinking of government revenues and limited human resources caused by migration and displacement, the tenth five-year plan's projects were put on hold, and the government focused on other priorities. On the other hand, the informal housing sector continued to grow on lands not set aside for housing in the masterplan, absorbing the majority of the housing needs of the population.

Meanwhile, the war put some government reforms into effect, including the modernization of some government entities. The GDCA benefited from this trend accelerating its efforts to archive its large stocks of documents and launching a project to computerize the land registry's procedures.

Part of the GDCA's cadastral documents was damaged or lost as a result of the security conditions, including some components of the registry system (e.g., property records, contracts, cadastral maps). Buildings and equipment belonging to different land registration authorities were damaged to varying degrees. Many displaced people lost their tenure documents during displacement. Secondary occupations and fraudulent sales of properties belonging to people who fled their lands took place. Property transactions were increasingly conducted informally with a noticeable decline in the number of registered property contracts. In an attempt to curb this trend, new administrative restrictions were imposed on property transactions, lease contracts and powers of attorney related to property (e.g., pre-approvals, paying electricity bills, etc.), with little results.

There has been an almost complete suspension of urban and regional planning projects. The pre-2011

regional planning's national framework has become obsolete and a comprehensive review exercise is now needed. The high inflation rates caused by the devaluation of the national currency has led to an increase in land and housing prices compared to salaries. The process for updating the land valuation methodology stalled and the revenues collected through land administration fees declined due to the reduction of property transactions and contracts registered.

The crisis years have seen an active evolution of the regulatory and legislative frameworks, particularly regarding land and property registration and transfer, the reconstruction of damaged or lost property registers, and the creation of development zones in Damascus.

Future land administration challenges

As of the end of 2020, **recovery and reconstruction** plans have increasingly become the priority of the government and its partners, many of which will require the support of a functioning land administration system to be implemented. Measures mostly took place in each regained area separately and mostly consisted of quick rehabilitation of infrastructure and services, aiming at encouraging displaced people to return and repairing their homes.

The recovery measures and reconstruction programmes will depend on the country's economic conditions and they will be closely linked to political conditions. In addition to the reduction of its economic base, Syria has lost a very large portion of its skilled human resources and the war caused significant gaps in the education of children and youth. Filling the human resources' gap will be a daunting task in all sectors, including land administration. Moreover, new land administration challenges will emerge and add to pre-war ones. Financing the reconstruction will be the foremost. Mechanisms that balance attracting investors and safeguarding housing, land and property rights must be put in place. Further and most importantly, support and incentives must be made available to people who are willing to invest in the repair and reconstruction of their own properties. The emergence of land and property disputes resulting from the destruction and loss of documentation and housing and land rights violations or due to encroachments on properties whose owners who had fled during the crisis is to be expected in large numbers.

Conclusions and recommendations

There is an unresolved tension between the will of government institutions to exercise tight control over all land-related processes and the lack of capacity to do so effectively and to the benefit of the collectivity. Processes are over regulated and extremely bureaucratic and slow, giving leeway for corruption and informality. The different components of the land administration system, besides being affected by their own deficiencies, are operating in silos. Information sharing and interoperability of land-related systems is very limited, resulting in inefficiencies, duplication of efforts and increased costs. The last decade of conflict and the last months of the pandemic further exposed the vulnerabilities of the Syrian land administration system and exacerbated some of its weaknesses. For the Syrian land administration system to contribute to an equitable, inclusive and peaceful Syrian society, and to sustain recovery and reconstruction efforts, a long-term vision for reform and modernization is needed. Such long-term vision needs to identify a realistic set of short-term actions that can be sustained by the human and financial resources that Syria can currently deploy and mobilize internationally.

Key recommendations

- The land administration system needs to be rethought in a fit-for-purpose manner starting from the intended results to be achieved, which should include improved efficiency, accessibility, transparency and accountability, and inclusivity.
- The land and property registration system should be reformed to become a unified, updated, digital and multipurpose land registration system maintained and accessed by different institutions. This will ensure efficiency and cost-effectiveness and will facilitate evidence-based decision making.
- The human and financial resources available need to be realistically assessed; a cost analysis must inform evidence-based decisions on how to reform the land registration system. A feasible, incremental plan to guarantee a minimum (and increasing) supply of human resources needs to be agreed upon. Some of the land administration functions might need to be transferred to people without extensive training in the land sector while the role of technical personnel needs to shift to quality control, oversight and training of non-technical personnel. Evolving and incremental land registration processes need to be applied to enable the legalization of administrative steps with lower legal and technical standards, that can be reviewed and validated at a later stage.

- The mandates of land related institutions need to be further clarified, aligned and bridged to support and foster collective decision making related to land and land resources.
- The land disputes resolution system must be strengthened, capacitated and separated from other governance functions that the state has, to become and be recognized as impartial, transparent and accessible to all people in Syria. Transitional justice mechanisms must be put in place to deal with the large number of land disputes expected to arise in the coming years. Strategies and technical options to sustain voluntary returns of refugees and displaced people, restitution, compensation, and provision of adequate housing to the Syrian population need to be developed.
- Emphasis should be put in promoting land rights of women. Besides encouraging joint ownership and joint registration of properties, the custom of excluding women from inheriting land should be combated and the practice of women renouncing their inheritance shares should be regulated and discouraged. Women's participation in the land sector should be encouraged and expanded and women's inclusion in decision making processes related to land should be made compulsory, including possible future return, restitution and compensation processes. Women's access to civil documentation and disputes' resolution mechanisms should also be closely monitored and simplified.
- A land sector coordination group, where the most important national land actors can engage in developing a long-term reform vision for the land administration process, needs to be established.

Recommendations related to the land and property registration system

- The cadastral system should be able to capture state lands and agrarian reform lands currently under the mandate of directorate of state lands and other institutions.
- The finance departments' records should be linked or – preferably - incorporated into the property registry.
- The transfer of temporary land records to the permanent registry should be fast-tracked. The roles and responsibility of doing so should be clarified with the different institutions handling temporary registries, and data management protocols should be (re)defined.
- Reforms must be introduced to ease some of the restrictions that prohibit registering or updating

records of properties that are not in full compliance with planning and building standards.

- Updating and modifying information in the system needs to be made administratively and technically easier, cheaper, less bureaucratic and less reliant on the provision of additional documentation. Registry's functions need to be decentralized as much as possible in a gradual and incremental manner, including functions of creating, altering and transforming properties.
- A wide variety of forms of evidence to claim land rights should be accepted and supported in the short term to increase land tenure security. However, in the long term, the evidence supporting land rights and land use should be harmonized and streamlined.

Recommendations related to land tenure security

- Registration of informal tenure rights should be promoted and accelerated. Land regularization and informal upgrading instruments, such as Law no. 33 of 2008 and Law no. 23 of 2015, can be utilized to legalize informal tenure rights with due consideration given to sustainable urban development.
- The process of reconstructing and re-issuing damaged or lost land records should be fine-tuned and scaled up with additional administrative and judicial capacity.
- Land related processes (e.g., land readjustment, expropriation, cadastral reconstruction, debris removal, land regularization, etc.) need to be popularized and public awareness of land administration processes should be augmented.
- Joint ownership of land and housing should be encouraged and further popularized. This will also help strengthening women's land tenure security.
- Registration of land use rights recognized by customary interpretations of Syrian property law given in the Syrian Civil Code such as pastoral, irrigation, logging and fishing rights should be promoted.
- The mechanism to deal with land fragmentation and inheritance should be improved to be more equitable and easier to implement.
- The rental market needs to be closely monitored to assess its contributions to the government revenues coming from such source and its capacity to house the Syrian population and reinvigorate the Syrian economy through increased investments in the housing construction sector.
- Access to land and housing for youth needs to be

investigated further and practical solutions should be put forward in the short term, while some of the systemic challenges are addressed.

- In the long term, the review of the continuum of land rights could also take place, assessing the range of extant tenure rights and how they are protected, managed and incrementally secured by their rightsholders.
- The reactivation of registration of land and property rights and land transactions in areas outside governments' control should be addressed and intermediate actions should be put in place to avoid a progressive separation and fragmentation of the land registration system in the country.

Recommendations related to land use and land development

- A review of the reforms introduced before the conflict to promote national and regional land use plans pertaining to rural areas is recommended. This review should consider the reduced human and financial capacity of institutions to develop and enforce the implementation of land use plans.
- A review of the housing sector is recommended. Successes and challenges of the housing schemes implemented in the past years should be assessed considering their ability to reach targeted beneficiaries and contribute to the overall housing stock available to different population categories. Housing affordability requires better understanding of causes and solutions. Demand and supply for the different income levels and related minimum standards should be assessed with particular attention given to the needs of the youth, the poor and women.
- The revitalization of the rental market should be prioritized through innovative financing tools and community-based approaches for housing rehabilitation and reconstruction.
- The regularization, reconstruction and upgrading of most informal settlements will be inevitable. Prevention measures should be undertaken to ensure that enough formal land for development and urban expansion is made available at affordable prices.
- Urban expansion and reconstruction will have to be balanced. The requalification of existing settlements, densification and punctual interventions should be encouraged. Spatial segregation of communities based on income or other criteria should be discouraged. Heritage sites should be protected and reconstructed.
- The tools to promote land development should

be reassessed. The revision of valuation and compensation mechanisms should accompany such discussions. A strong human rights-based approach with community participation and conflict sensitive considerations should be incorporated.

- Inclusive and fair land development policies should be promoted and developed to restore the imbalance between the most profitable areas and the less advantageous ones.

Recommendations related to land value and taxation

- Land administration requires support in reforming long-held practices for land valuation, especially as post-conflict redevelopment initiatives take place. A new law was passed in 2021; mechanisms for its implementation need to be put in place and the impact needs to be monitored and assessed.
- Land valuation/compensation tools and protocols which account for the devaluation of land and damage to real property assets need to be put in place.
- A dedicated, independent, and accredited valuation profession should be further developed to exclusively assess real property assets based on market value or through an alternative appropriate appraisal method.
- A monitoring system of market prices in terms of lease, rent and purchase of land and housing in both urban and rural areas needs to be established.
- Market values of purchasing properties need to be incorporated in the modernized digital land and property registry, along nominal values.
- Property taxation fees need to be revised and, at the same time, ensure that complementary investment and social security or saving schemes are in place to diversify investments' options.
- Collection of land-related taxes needs to be improved. The retention of land-related taxes at the local administration level should be considered. An assessment of advantages and disadvantages of collecting land fees and taxes by national institutions or by local administration is preferable, in terms of effectiveness and re-investment into services and infrastructure.
- The lending mechanisms – such as banking system etc. – should also be investigated to consider their adequacy and possible improvement.

Recommendations related to land disputes resolution

- Fostering increased independence of the judiciary and transparency will be crucial to regain the trust

of the people, including displaced ones.

- Continue the efforts towards the digitalization of judicial processes.
- Address the fragmentation of the judiciary across the national territory.
- Consider reforming or establishing a timeline for abolishing the Counter Terrorism Court.
- Consider strengthening the capacity of the courts to handle land-related disputes, particularly related to displacement.
- Establish transitional justice mechanisms, including alternative disputes resolution systems to handle mass land claims and accompanying mechanisms, such as legal support, information centres, guidelines to help those seeking justice, etc.
- Support all types of public consultation and participation with local communities on any land administration law/decreed implementation process and with the outreach activities mainly for the absentee rights holders

Recommendations related to land data infrastructure

- Review the land data infrastructure, particularly to harmonize the typology of maps used across the different institutions and ensure that all spatial data can be easily compared, combined, and overlaid for decision making and planning.
- Address inconsistencies between topographic and cadastral maps.
- Develop accompanying protocols for data generation, data protection and data sharing.
- Use new technologies for generating and updating cadastral maps, including completing the cadastral map coverage of the country.
- Address the gap left by incomplete parts of the land registry where cadastral maps have not been produced (non-finished cadastral maps) by adopting a fit-for-purpose approach to guide this work and using high resolution satellite images, innovative tools and community participation process.

02 | Introduction

2.1 Overview of the status of land administration in Syria

Land administration functions in Syria are spread across several ministries and other institutions that must collaborate to create a system capable of supporting sustainable social and economic development, peace and stability.

Over the years, many efforts have been made to develop specific parts of the land administration system, particularly the land registry, with some noticeable achievements. Since its creation in 1926, the General Directorate of Cadastral Affairs (GDCA) registered as much as 98 percent of the land designated for private ownership or long leases, corresponding to about three quarters of the Syrian territory,¹ while the remaining lands are deserts, forests, mountains and water bodies. This contributed to an overall strong level of land tenure security for the population with some noticeable exceptions including minority ethnic groups, refugees and women. The high level of precision and complexity of the land and property registration system maintained this level of protection, which is kept in high regard by both Syrian authorities and the population.

However, over the years, the system's rigorous complexity also made it rigid and administratively cumbersome to maintain and update. Capacities and resources to discharge its technical functions at the decentralized level were not available. The strict rules for introducing modifications reflecting changes on the ground led to the fact that many of such changes are not recorded, and the cadastral records are precise but outdated. People resorted to additional processes and forms of evidence to strengthen their rights over land and properties that have been modified, which puts an additional burden on other institutions, such as the courts, the land taxation records, power of attorney. Parallel registry systems also exist for residential developments. The growing informality within the land registry and the complexity of managing paper-based parallel systems have weakened tenure security and burdened the Syrian administration with an inefficient and expensive solution that fails to provide updated and interconnected information for effective decision making.

Advances have been made over the years in strengthening the land valuation and land taxation system, although reforms still need to be finalized and the contribution of land-based taxes to local administrations' budgets remains very low. The process of introducing reforms in spatial and land use planning started in the 2005 – 2010 period. The Regional Planning Commission and the Real Estate Development and Investment Commission were established with the aim of achieving spatial development goals. The crisis has, however, significantly impacted the implementation of such reforms due to the shift in government priorities, the decline of funds available, the loss of skilled human resources, and the overall difficulties in operating during the conflict. Land use planning and land development remain technocratic, and decisions are still being taken by the institutions in charge of their respective sectors – agriculture, tourism – without an integrated vision.

The conflict also had a very heavy impact on the ability of the land administration system to deliver services to the Syrian population. Facilities and infrastructure have been significantly damaged. Many land records were damaged or lost. Large parts of the Syrian territory fell outside government control, which increased the fragmentation of the land administration system and practices. In addition to the immense human suffering and unprecedented scale of displacement, the housing sector and related services were severely impacted. According to the office of the Syrian Council of Ministers, 500,000 houses have been damaged while the United Nations Economic and Social Committee for Western Asia (ESCWA) estimated USD 400 billion of losses.

During the crisis period, a set of measures were taken and laws were issued in the attempt of mitigating the impacts of the crisis but also to take advantage of the situation to introduce changes and reforms that had not been feasible at time of peace. Some of these interventions have been heavily criticized by the international community, particularly those which appeared to have the capacity to weaken the housing

¹ GDCA Annual Report - 2017

land and property rights of displaced people and informal settlement communities.

As of the end of 2020, the government and its partners have begun to prioritize formulating recovery and reconstruction plans, many of which will require the support of a functioning land administration system to be implemented. Some of the challenges faced by the land administration sector result from the choices and reforms implemented – or more often not implemented – during the last decades. Other challenges have been produced or aggravated by the

crisis. These two sets of issues together increase the need to understand the land administration system and identify a way forward that includes both short-term fixes and longer-term reforms. Protecting land and property rights, sustaining recovery efforts and addressing the escalating urban development challenges are pressing concerns. This report is a contribution to this process.

2.2. Objective and scope of the report

“The Land Administration in Syria: Analysis and Recommendations” report intends to present a comprehensive and strategic analysis of the Syrian land administration system. Particularly, it looks into the organisation and way of operating of the land administration system with regard to the main land administration functions - land tenure, land value, land use, land development and land disputes resolution - the legal framework, key stakeholders, and the spatial data infrastructure. The impact of the crisis has also been assessed. Further, it provides conclusions and a set of recommendations for improvement.

The report intends to broaden and deepen the understanding of land sector stakeholders operating in Syria, equipping them with a comprehensive analysis and entry points to engage in short- and long-term interventions and reforms that can support the current development and humanitarian priorities. The report also serves a base on which to design a capacity development strategy and a set of interventions targeting Syrian land actors.

2.3. Target audience

The report targets a broad audience of land actors including public officers, land professionals and practitioners, and development and humanitarian stakeholders. The full report targets actors that are involved in the development or implementation of land administration processes either at the technical level of government departments and directorates or within development and humanitarian national and international organisations. The executive summary targets higher officials and decision makers in

government including, but not only, the Ministry of Local Administration and Environment, Municipalities, the General Directorate of Cadastral Affairs, the Ministries of Finance, Justice, Public Works and Housing, and Agriculture and Agrarian Reform, and bilateral and multilateral organisations. The later include UN agencies with land-related mandates, such as UN-Habitat, FAO, UNHCR, UNDP, IOM, UN Resident Coordinator's Office, etc., and bilateral organisations with land-related interest.

2.4. Methodology

The report was developed by national and international land sector experts through desk study analysis of existing assessments, reports, outcome documents of ongoing or completed land interventions and projects, good practices from comparative contexts and discussions with land sector professionals and

practitioners. The assessment approaches and methodologies used for the analysis are based on globally recognized standards. Particularly, the report is based on the guidelines developed by Global Land Tool Network's partners, including “Implementing Land Policies: A Practical Guide for Assessing

Capacity”² and “Land Administration for Sustainable Development.”³

The Syria capacity assessment is articulated around the four land administration functions: land tenure, land value, land use and land development. Land disputes resolution is also reviewed. Disputes resolution can be considered a component in each of the functions but can also be assessed and analyzed separately for purposes of clarity. This report reflects the described way of articulating land administration. The integrated land administration system approach considers that land management and administration systems typically perform four functions: land tenure, land value, land use, and land development. These functions need to work well both individually and jointly to support the overall goals of sustainable

social and economic development, peace and stability.

The four functions are guided by a land policy framework, which consists of legislative instruments (laws, decrees, policies, etc.) governing different issues, and are supported by a land administration and information infrastructure. Such infrastructure is made up of the land registries and cadastre systems that include spatial information (maps), records of ownership and use rights, registers of transactions, records of debts and obligations, land values, actual and permitted uses, and plans for future use. It links the physical environment (buildings, infrastructure such as roads, drains, pipes, cables, etc.) with legal and social rights (ownership, rights of way, usage rights) and the natural environment (topography, vegetation, natural resources).

2.4.1 Assessment of the land administration capacity in Syria

A rapid assessment of the capacity of the Syria land administration system was undertaken during the preparation of this report. The focus of this assessment is to take a snapshot of the capacity of the land administration system as a whole to handle the core land administration functions - land tenure, land value, land use, land development and land disputes resolution – and to have an idea of the ability of the system as a whole to support the overarching goals of sustainable social and economic development, peace and stability. The assessment did not investigate in a detailed manner the capacity of specific institutions mandated to handle the different land administration functions nor the capacity of the individuals working in such institutions, which might take place at a later stage for some of the parts of the land administration system.

The levels of land administration capacities - Capacity development is defined as “the process through which individuals, organizations and societies obtain, strengthen and maintain the capabilities to set and achieve their own development objectives over time”

(OECD, 2006). This capacity needs assessment focuses on the two higher levels: (1) capacity of (selected) organisations and (2) capacities of societies which is often also referred to as “enabling environment”. The reason behind this choice is that, in the current Syrian land sector context affected by profound changes and a series of systemic dysfunctions, it is important to have a broader picture of where improvements are needed in modifying laws and policies, redefining organizational roles, changing procedures, expanding services, etc. (see **Figure 1**). This also reflects the shift from conventional land administration towards fit-for-purpose land administration advocated by UN-Habitat and GLTN.

Once the capacities of the land administration system and its key organisations are assessed, it would be better contextualized and easier to identify and concentrate on particular organizations and departments to assess the capacity development needs at the individual level, depending on the interest and possible use of such detailed assessment.

2 UN-Habitat/GLTN (2010) “Implementing Land Policies: A Practical Guide for Assessing Capacity, <https://gltn.net/download/implementing-land-policies-a-practical-guide-for-assessing-capacity/>

3 Williamson I., S. Enemark, J. Wallace, and A. Rajabifard (2010) Land Administration For Sustainable Development, https://www.fig.net/resources/proceedings/fig_proceedings/fig2010/papers/ts03a/ts03a_williamson_enemark_et_al_4103.pdf

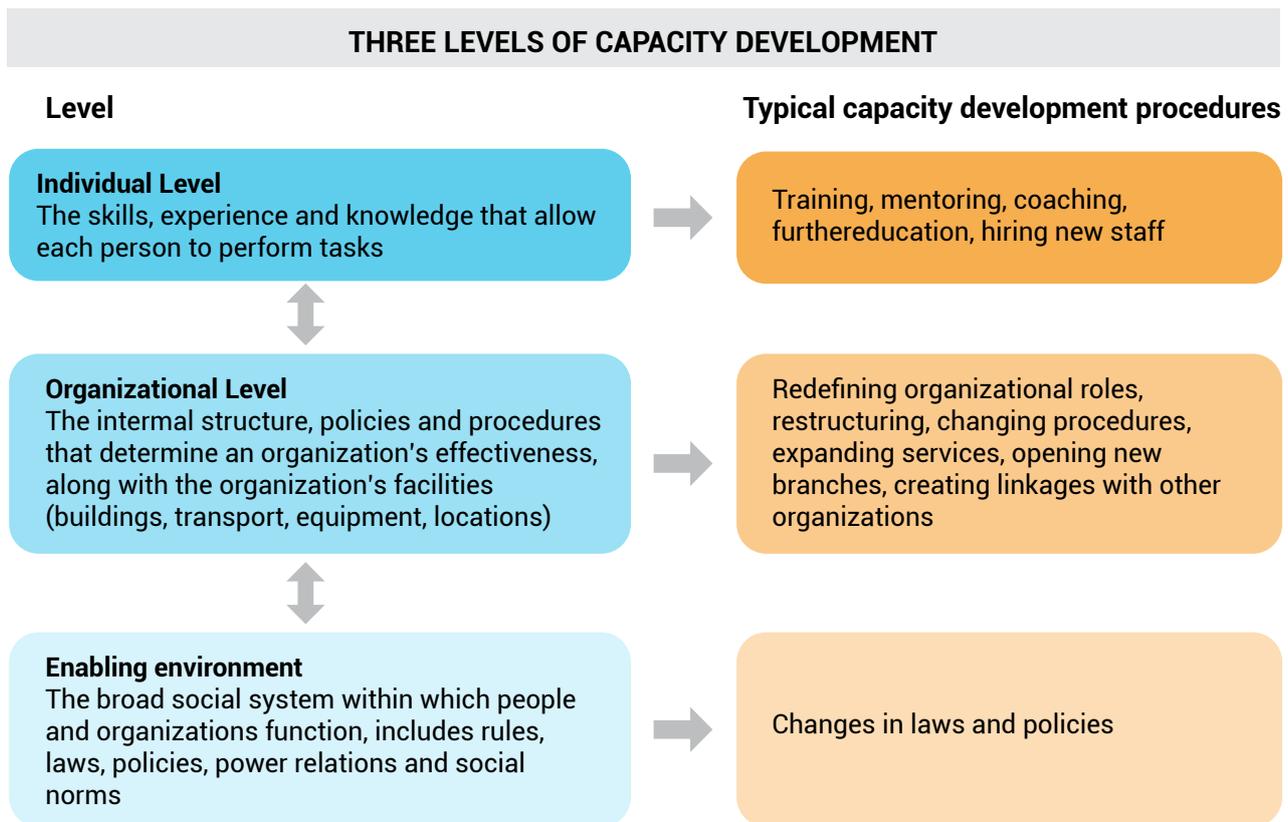


Figure 1. The three levels of capacity development, from “Implementing land policies: A practical guide for assessing capacity”, GLTN, 2020

2.5. Key Concepts

When embarking in an assessment of the land administration system that targets a wide and diverse audience and envisages follow up actions, it is important to ensure that all readers have a similar understanding of the key concepts and terms used. This section outlines the most important ones. Further information can be found in the “Working glossary of land-related terms”⁴ by GLTN that defines the key land-related terms in English, Arabic and French, or in other specialized glossaries. Three key concepts are outlined below.

Land: the surface of the earth, the materials beneath, the air above and all things fixed to the soil. It contains structures, resources and landscapes of significant political, economic, cultural, spiritual and symbolic value. It represents a strategic socio-economic asset tied closely to complex relations of

production, exchange and reproduction. A resource of limited availability and a high value asset. Issues related to access, control and ownership of land are tied closely to power, wealth, identity and even survival for a large part of the world's population. Land forms part of economic, social, political, cultural and historical activities and is tied directly to peace and security, human rights and development. Land includes ‘property rights,’ ‘territory’ and ‘legitimate tenure rights’ as used in the international standards; ‘housing, land and property (HLP) rights’ from the humanitarian field; ‘land rights,’ ‘land management,’ ‘land governance’ and the ‘land administration’ and ‘geo-spatial data’ systems that support them, as used by governments; and ‘land tenure’ to reflect the complex social relationships among people with respect to land and its resources.

⁴ GLTN (2020) Working glossary of land-related terms, <https://arabstates.glt.net/2020/09/30/working-glossary-of-land-related-terms/>

Land Administration: The process whereby land and the information about land may be effectively managed. The **land administration system**⁵ provides the infrastructure for implementation of land policies and land management strategies in support of sustainable development. The infrastructure includes

institutional arrangements, legal frameworks, processes, standards, land information, management and dissemination systems, and technologies required to support allocation, land markets, valuation and control of use and development of interests in land.

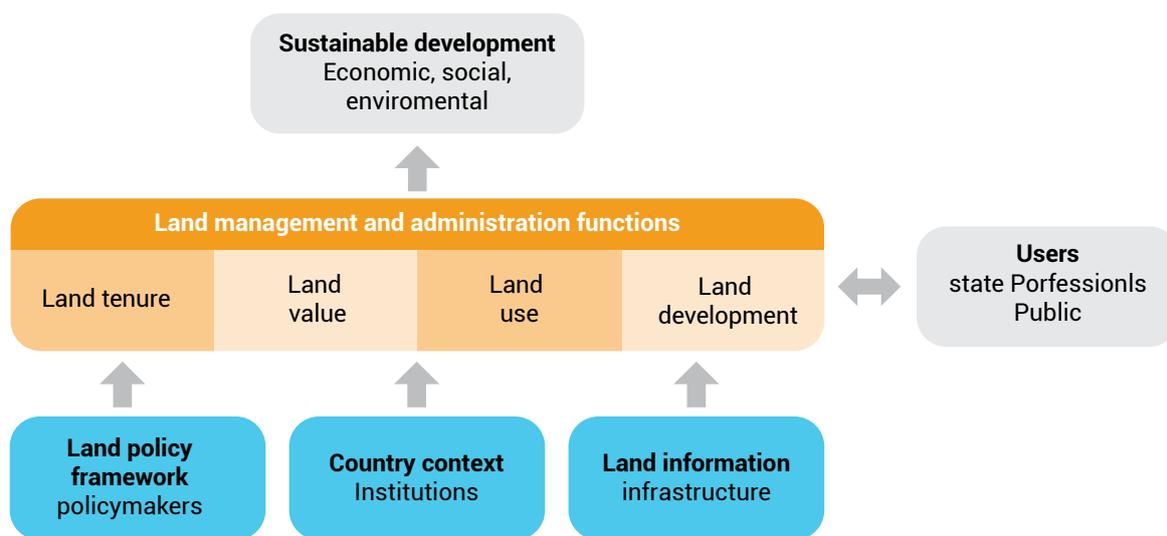


Figure 2. Representation of the Land Management and Administration System. Adapted from Williamson et al. (2010)

2.5.1 The modern land administration functions

As described above, land administration systems perform four functions: land tenure, land value, land use, and land development. These functions - which need to complement each other to ensure that the whole system supports sustainable social and economic development, peace and stability – are described below.

Land tenure - According to FAO, land tenure is the relationship of people, as individuals or groups, with respect to land. This relationship can be legally or customarily defined. The processes and institutions related to land tenure include:

- Securing access to land and the resources related to it. This involves land rights allocation, recording and security
- Cadastral mapping and legal surveys to determine parcel boundaries

- Creation of new properties or alteration of existing properties
- Transfer of property through sale, lease or credit security

Land value - Whenever there is a transaction of land, governments need to assess the current value of the parcel in question through public land values or land professionals. Land value is the measure of how much a plot of land is worth, not counting any buildings but including improvements such as better drainage. The knowledge of the accurate land value is also crucial to calculate the tax the property -owner needs to pay. The key processes related to land value are the assessment of the value of land and property, and calculating and gathering revenues through taxation.

Land use - This includes the work done by land

⁵ Williamson, I., et al. (2010) Land Administration for Sustainable Development,

administration and land management stakeholders to manage land use and land use changes at different administrative levels (national, regional local) and the coordination between these levels of action, including how the land use is regulated and who is responsible for measuring it. The key processes related to land use are:

- Control of land use by adopting planning policies and land-use regulations at the national, regional and local levels
- Enforcing land-use regulations

Land development - Land development includes various types of transformations of the landscape, especially through the construction, or modification and improvement of property. It includes the process of acquiring land for residential housing construction, and of making, installing, or constructing non-residential housing improvements, including infrastructure such as roads or waterlines. Land development also includes the sub-division of parcels. This part of the assessment examines the following land development activities:

- Building new physical infrastructure and utilities
- Planning construction

- Acquiring land for the public
- Expropriating land
- Changing land use by granting planning permissions and building and land-use permits
- Distributing development costs

Land dispute resolution - In every society, land is at the centre of many conflicts. Land-related conflicts can arise from ownership or use rights, boundary issues, development rights and they can cause evictions and displacement, if not adequately addressed. This part of the assessment focusses on the capacities of land administration and management stakeholders to resolve land-related disputes in a timely and efficient manner. Some of the mechanisms that will be assessed include land-related court rulings, land adjudication, etc.

Land information infrastructure - It is made up of the land registries and cadastre systems that include spatial information (maps), records of ownership and use rights, registers of transactions, records of debts and obligations, land values, actual and permitted uses, and plans for future use.

2.5.1 Fit-for-purpose land administration

The “fit-for-purpose”⁶ land administration approach intends to re-focus land administration to meet the needs of people in their relationship to land rather than on the development, expansion and maintenance of the technical solutions. The fit-for-purpose approach provides an innovative and pragmatic solution to land administration that is adequate to the needs of countries where traditional land administration solutions are not operating sufficiently due to a combination of causes (typically including high costs, unrealistic specialized human resources requirements, many bureaucratic steps, large area yet to cover through surveys, etc.). Fit-for-purpose land administration solutions are directly aligned with country-specific needs, they are affordable and flexible to accommodate different types of land tenure, and they can be upgraded when economic opportunities or social requirements arise. The fit-for-purpose approach includes three fundamental characteristics. Firstly, there is a focus on clearly defining the purpose before designing any technical means that is most “fit” for achieving solutions; secondly, the fit-for-purpose approach requires

flexibility in designing the means to meet the current constraints (financial, human resources, timeframe, etc.); and thirdly, it emphasises the perspective of incremental improvement to ensure continuity. More information and resources on this are available on the [GLTN website](#).

As in many countries where the land administration instruments were introduced exogenously and only limited revisions were made over time, an accurate review of the Syrian land administration system through the fit-for-purpose lens is necessary. Effective land administration systems invest substantial efforts in keeping the system updated as well as in innovating and continuously introducing modifications on the basis of the ever-changing people's needs and societies' priorities. Reforming the Syrian land administration system is therefore a priority, not only in light of its proven shortcomings, but also in light of the evolving needs and vision of the Syrian people and government. A fit-for-purpose approach is needed to guide such revision.

⁶ GLTN, UN-Habitat (2016) Kadaster, Fit-for-Purpose Land Administration - Brief.

2.5.1 The continuum of land rights

The continuum of land rights⁷ recognizes the existence of a range of land tenure types (e.g., rights of use, occupancy, lease, ownership, etc.) that are found in a specific context, each one with its specific characteristics and levels of legal recognition. Land tenure is frequently described in opposing terms: formal/informal, legal/illegal, secure/insecure, de facto/de jure. In practice, however, a broad and complex spectrum of tenure arrangements exists between these extremities, lying along a “continuum”. The rights along the continuum may be documented and undocumented, formal and informal, for individuals and groups - including pastoralists, residents of slums and other settlements -, legal or not legal, and they may overlap. Registered individual ownership is seen as one of the appropriate and legitimate forms of tenure, each of which has its own advantages and disadvantages. The most appropriate form/s depend

on the context, on what best suits the social, cultural and economic needs of local communities and the needs of responsible land administration authorities at a particular time. The continuum of land rights is an inclusive concept that advocates for the progressive strengthening of the range of appropriate, legitimate land tenure arrangements in each specific context as being the most effective, scalable, and time efficient way to improve access to land for all.

The continuum of land rights is fully embraced by UN-Habitat, GLTN partners, and a wide range of international and national actors, some of which use different names for defining similar concepts (including FAO, European Union, etc.). Several countries have already incorporated it into their national legislations and many more consider it in their land administration approaches and innovations.

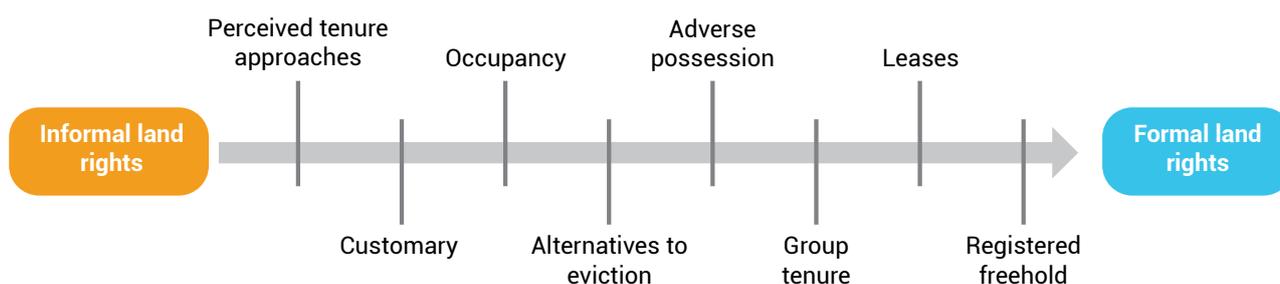


Figure 3. Schematic representation of the continuum of land rights.

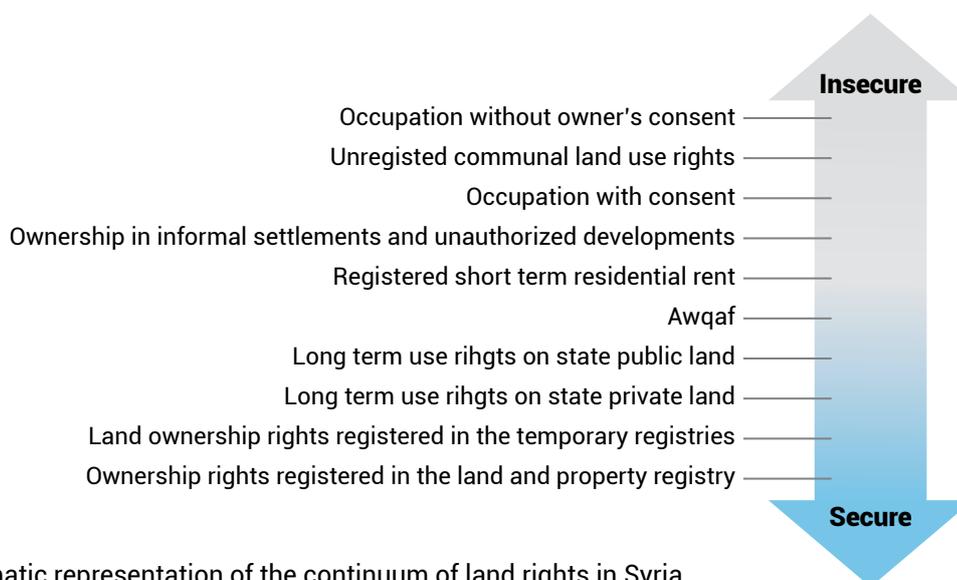


Figure 4. Schematic representation of the continuum of land rights in Syria

⁷ GLTN, UN-Habitat, UEL, AUS, UTI (2018) Women and Land in the Muslim World.

The land administration system performs four key functions - land tenure, land use, land development, and land value - which have been analysed separately in the different sections of this report. In Syria, these functions are handled by different ministries or, in some cases, by the combined efforts of different ministries according to the nature of their respective tasks. Decisions taken at the ministerial level are coordinated by the Council of Ministers. However, specific tasks at the supervisory levels are handled through the central institutions attached directly to ministries. At the operational level, for example, land registration functions are discharged through decentralized offices geographically distributed at governorate level.

The assessment of the land administration capacities undertaken indicates that, in Syria, decision makers and government representatives are overall aware of the importance of addressing land issues and establishing good land governance for sustainable development. However, when assessing the overall land-related institutional infrastructure, it is found that the mandates of the different public institutions with land-related functions are not sufficiently well defined. This also affects the cooperation among such institutions and negatively impacts the capacity of the overall system to function well and to establish and maintain good land administration. Further, the management of institutions with land related functions is indicated as an area of weakness. The financing of such institutions is inadequate and their human resources are insufficient and have limited skills. The combined effects of these factors impact the capacity of land administration institutions to deliver on their mandate.

Syria largely relies on the land registration system for managing its land. However, land registries are not completed and updated, and they only cover some types of land, while communal lands, range lands, *waqf* land are not systematically documented. Many transactions and land-related decisions remain informal. For these reasons, there are substantial discrepancies between registered information and realities on the ground, which are further intensified by the mass scale displacements occurred over the last decade.

The following sections describe the four land administration functions and their features.

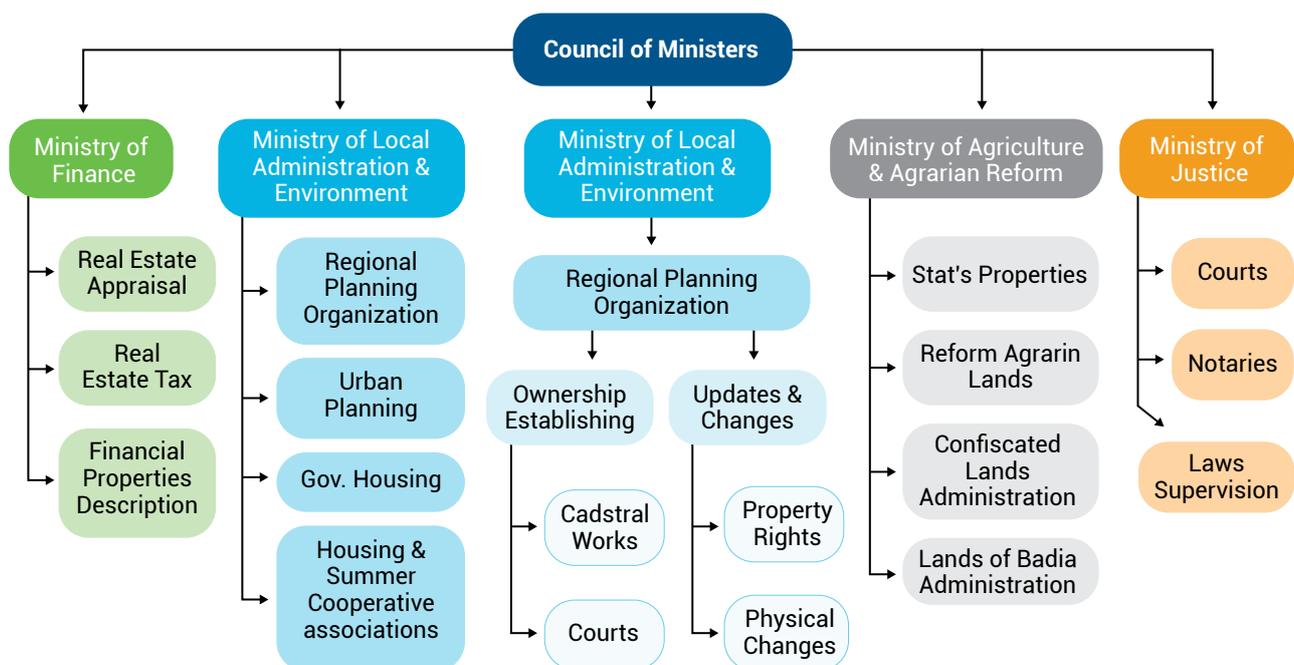


Figure 5. Representation of the institutions dealing with land administration functions in Syria

3.1. Recent evolution of the land administration system

No clear policies have been implemented yet on land use in Syria. During the tenth five-year plan 2005-2010, successive Syrian governments tried to encourage investments, and the economic policy directed at opening to foreign investment. Coordinated efforts were made to improve the regulatory, administrative, and legal land frameworks in an integral way between the concerned entities. At this time, the concept of land use planning at the regional level emerged for the first time and several international cooperation programs contributed to modernizing the urban planning and land administration system through capacity building programs, technical support and pilot projects of strategic dimensions. Some indicators of this transformation include the following actions:

- Urban planning functions were passed from the Ministry of Public Works and Housing to the Ministry of Local Administration and Environment (2005);
- The technical conditions for regional planning by the Ministry of Local Administration and Environment and the technical conditions for projects in areas of

- particular significance were prepared (2006);
- A set of urban planning tools and implementing training programmes for officers in this sector, centrally and locally were developed (2006);
- A new regulation on licensing the development of new urban communities (residential suburbs) by the private sector was issued (2007), followed by the establishment of the Real Estate Development and Investment Authority (2008);
- International cooperation programmes were directed towards providing support to the Urban Planning and Development Sector (2006-2009).

These activities were led by the Ministry of Local Administration and Environment at that time. The rest of the land administration's functions - such as land registration and land valuation - remained relatively excluded from these developments, mainly because they were under different ministries despite that people charged with land administration functions were aware of the need to develop all the land administration components in parallel.

3.1.1 The five-year plan 2005-2010 and the following changes

The tenth five-year General State's Plan 2005-2010 is the first national plan prepared at the sector level based on socio-economic goals. This plan had a special chapter on regional planning and urban development, where the following goal was stated: "Economic diversification, optimal employment of regional and local resources, encouraging local and external investment. The coordination and networking between infrastructure projects and facilities and productive economic activities, and achieving a link between urban and rural development, cities development, service centers, and human stability centers, and this is accompanied by a national policy to set priorities for regional projects and implement them in the framework of decentralization, local development, urban and rural planning, and environmental protection. In the framework of regional planning, cities will also develop service-oriented cities along with small service units linked to them, facilitate the establishment of growth centers in the governorates, all of that will facilitate land use and provide services to all".

The national plan also clarified the constraints posed

by the ongoing urban development: "A review of the status of urban development (urban and rural) shows us the apparent imbalance in the hierarchy and structure of Syrian cities, where there are two relatively large cities, Damascus and Aleppo, which have faced increasing population without taking into account their circumstances and potentials or without any prior planning for economic activities, investment and urban expansion. The lack of commitment to urban plans and their expansions periodically led to significant losses that clearly affected the national economy due to urban expansion, the increasing erosion of arable land, the depletion and deterioration of the quality of water basins, the low quality of life in cities and the lack of services in the countryside."

Part of the specific projects to achieve these goals were accomplished. However, the war in Syria has caused total stagnation of many of these projects. Furthermore, the future orientations of the Syrian land administration system are difficult to determine because goals and priorities have changed to adapt to the crisis conditions. Many amendments to laws that have been adopted to accommodate the tenth five-

year plan were delayed for years or not be adopted at all. The urban development law No. 9 (1974) was modernized in 2015 (Law 23), while important instruments such as the Real Estate Development, the property taxation and the expropriation laws have been under examination for years with no prospects as to when these amendments will be approved.

In 2010, the GDCA was moved from the Ministry of Agriculture and Agrarian Reform to the Ministry of Local Administration (MoLAE) joining the urban planning sector which was under MoLAE's auspices since 2005. This ensured that all the main land administration functions were gathered together under MoLAE. The unification, however, did not last long. In 2012, the urban planning functions returned to be linked to the Ministry of Public Works and Housing. This movement was also accompanied by the

inclusion of the Regional Planning Commission (RPC), initially operating under the Council of Ministers, to the Ministry of Housing (MoPWH) in a move that aimed clearly at reducing the RPC autonomy. Again, the urban planning sector was moved to MoLAE and back to MoPWH in less than six months.

In summary, the MoPWH is responsible for urban planning, regional planning, governmental housing programs, real estate development and investment, and general construction companies. The development licenses outside the master plans remains a responsibility of the governorates, under the umbrella of Ministry of Local Administration and Environment where GDCA also exists, while land appraisal and properties taxation are under the responsibility of the Ministry of Finance.

3.1.2 Key features of the government's land administration strategies since the 2000's

Ownership and tenure - In terms of land ownership and land tenure security, over the last years the government has been:

- Reinforcing the role of the GDCA as a primary reference for registration, returning temporary records to their intended function (as temporary);
- Protecting owners' rights in housing rental contracts, by amending law of rent in 2001;
- Protecting the commercial and professional business sectors through the obligatory renewal of non-residential rental contracts;
- Attempting to solving outstanding issues between landowners and farmers by amending law of Agricultural Relations in 2004;
- Prohibiting the registration of physical changes in parcels when not in accordance with building code/regulations or with the master plans;
- Addressing illegal settlements by issuing Law 33 (2008) and amending the law on building violations in 2012 (Law 40).

Urban planning - On matters relating to urban planning, the focus has been on:

- Increasing urban density to protect peri-urban agricultural lands;
- Reviewing existing master plans;
- Redeveloping urban zones within or outside the existing master plans from an investment perspective;

- Respecting the regional planning orientation and enforcing the protection areas and buffer zones;
- Developing tools and foundations for preparing master plans.

Land use and development - On matters relating to land development, the focus has been on:

- Preserving natural resources;
- Protecting fertile agricultural areas from non-agricultural expansion;
- Strengthening regional development axis and regions;
- Encouraging investment of non-residential projects outside the master plans;
- Encouraging the establishment of private and public urban suburbs;
- Encouraging the establishment of industrial areas for small, medium and rural industries.

Valuation and land taxation - On matters relating to land value and taxation, the focus has been on:

- Pursuing fair taxation policies;
- Bridging the gap between the estimated nominal values and the market prices;⁸
- Enhancing the contribution of property taxes and fees to the state's revenues;
- Reassessing rental and investment allowances of properties belonging to the state and government bodies.

⁸ Law 15 was issued on 29 Mar. 2021 that consider new estimated properties value for taxes purposes.

04 | Land tenure

Land tenure is the relationship between people - as individuals or groups - and land and associated land-based resources. Such relationship can be legally, customarily or informally defined. Rules of tenure define how property rights in land are to be allocated within societies, along with associated responsibilities and restraints. In simple terms, land tenure systems determine who can use what resources, for how long, and under what conditions.

A key function of the land administration system is to define, regulate and protect land tenure. Secure land rights not only enable social and economic development, but also foster peace and stability, a critical element in fragile contexts and countries emerging from crises. Land administration systems that demonstrate the capacity and ability of state's institutions to design and implement land related policies and laws, maintain rule of law, and protect people from forced eviction develop trust and confidence in the state. Land tenure security has therefore an important state-building function which renders it the most important land administration function in fragile contexts.

4.1. A snapshot of the Syrian land administration system's capacities to handle land tenure

There is no consistent, consolidated and readily available data on how many Syrians have documented land tenure rights or on how many perceive their land tenure as secure, based on the methodology described in the SDGs, particularly indicator 1.4.2. Estimates are that half of the Syrian population is tenure insecure, a number that reflects the mass displacement caused by the war. Key causes of tenure insecurity include: conflict-induced damage and destruction to the housing stock - estimated by the World Bank at 27 percent of the total housing units; mass forced displacement; the fragmentation of the state under different groups; and the pre-existing dysfunctions and widespread corruption within the land sector - with public servants from the land registration department, lawyers and notaries public involved in many detected fraudulent land transactions (Business to Business, 2017). The twelve million displaced Syrians experience specific land tenure issues that include forced displacement, destruction of houses and properties, loss of land-related documentation and civil documentation, reduced access to dispute resolution mechanisms, secondary occupation of properties, fraudulent transactions, etc.

As of 2020, forced evictions of households within government-controlled areas are not common and, when they happen, they are mostly linked to new urban redevelopments or expropriation processes, and to land disputes. In areas still affected by conflicts, evictions and displacement are caused by politically,

ethnically or religiously motivated violence and insecurity. Lack of economic opportunities, services and adequate housing also push people out of their communities.

For the majority of Syrians, purchasing land and housing in both urban and rural areas is extremely unaffordable. The cost of purchasing an affordable house in the open market should indicatively correspond to the income earned over a 3-year period. A quick assessment conducted among middle class respondents indicates that, in Syria, the cost of purchasing a house is on average above the amount earned over a 30-year period. In addition, obtaining loans and mortgages from banks, financing institutions and cooperatives is very difficult, and even more so for women. The gender gap is not created by gender discriminatory laws, but the different purchasing power and participation of women in the paid labour market. Such gap is however difficult to quantify due to the lack of consolidated sex disaggregated data on land tenure security.

A functioning cadastral system is in place and it covers about three quarters of the country's land. The cadastre is paper based. A process of digitizing the extant land records by scanning of cadastral documents is in progress, which will make it easier to find, reproduce and safeguard cadastral documents. However, the cadastral information inputted into the digital system is not linked and interoperable with other spatial data, such as land use plans or natural

resources maps. The infrastructure to capture, analyse and easily share land-related information with decision makers for evidence-based deliberations has much potential for improvement and automation, although decision makers already rely on cadastral information for planning at different scales.

The process of creating, altering and transferring existing properties in the cadastre is difficult. Common citizens do not understand well the land related processes that directly concern the acquisition or transfer of land and property rights. The large number of required documents and steps is one of the causes of this. Another cause is the need to pay bribes to administration employees to undertake transactions in the system which significantly increase the otherwise very low official costs. The number of days required to effect changes in the cadastre varies significantly depending on whether the change is legal or technical, ranging between few days to 90 days for the administratively more complex technical

changes. Registering new parcels also takes up to 90 days. The presence of cadastral offices in the country is fairly well distributed with offices in the 14 governorates and about a hundred branches in the main urban centres, at the district and sub district level, where some of the operations can take place.

The cadastre is not the only legally recognized tool to register and manage land and property rights. Other legally recognized registration mechanisms are widely used and make up a significant portion – approximately a third – of the legally registered properties, although a consolidated figure is not available. Informal land registration practices also exist in parallel to legally recognized ones, although information on the percentage of properties covered by such registration practices is not available.

This section of the report describes in detail the land tenure function and the main instrument that supports it: the land and property registration system (referred to in this report as property registration system).

4.2. Definition

Article 11 of the Properties Registration Law No. 186 of 1926 defined properties as: "Plots of land of one legal type that are within a closed line with the buildings or plantations that are parts of it, and a possession or use right by one or several owners on common." The property is the cadastral unit upon which all related immovable real rights are established and recorded in the properties' registry, also referred to as land registry in this report. Lands designated as public properties are not be registered unless they are encumbered by rights to private entities. According to this law, immovable properties are all immovable real rights that must be recorded in the property registry.

Properties census (demarcation and census) is carried out in the presence of Mukhtars (elders), owners, neighbors and rights claimants. A sworn engineer inspects the de facto possessions and the real rights as stated by the concerned individuals, the neighbors and the Mukhtars. These statements must be supported by evidentiary argument, or else, the date and reasons of the de facto possession must clarify whether the possession was calm (without disputes with others), continuous (without interruption) and public since that date. The engineer establishes marks to determine the property's boundaries. Disputed parts of land are adjudicated by the cadastral judge before the completion of the field works (including

objections, disputes over boundaries, etc.).

Property is defined by Article 84 of the Syrian Civil Code No. 84 of 1949: "Everything that is by nature stable with a fixed location and that cannot be moved without inflicting damage. It is therefore a 'real property', while everything else is movable. However, it is considered a property by allocation a movable installed in a real property that serves the property itself." Article 85 of the Civil Code states that every property right is legally considered a property.



Image 1. Part of a cadastral plan that has undergone physical changes

4.3. Land categories

The legal categories of land are concepts that have been defined since 1858 (1274 Hijri) during the Ottoman era through the Ottoman Lands Law. The terms are used to distinguish the property and their nature in terms of ownership, legal status and allowed use. Resolution No. 3339 of 1930 redefined the legal types which were reiterated later in the Civil Code issued in 1949 and are still valid to present date.

There are five legal categories of land in Syria:

1. **Mulk:** land owned by individuals or private legal persons within the boundaries of the built-up areas (or within the Master Plan).
2. **Miri:** all lands that falls outside the boundaries of the built areas as defined by administrative units (or outside the boundaries of Master Plans). In miri land, the land rights are composed of two parts: 1) the "bare ownership" right that belongs to the state; and 2) the right of use or exploitation which can be acquired by individuals or other legal persons. The right to use miri properties is subject to legal texts relating to the right of ownership according to Article 772 of the Civil Code. The Syrian law requires that the right to use a property is returned entirely to the state if the beneficiary discontinues his/her use or exploitation of the land (directly or through others) for a period of time determined by law without excuse, or if he/she dies without heirs.
3. **Metruka murfaka:** Lands owned by the state but subject to rights of use by some groups. Determining type of uses depends mainly on local customs or on the administrative systems (e.g. grassland, pasture, forest lands, etc.). These properties are converted into one of the previous two types if the beneficiary stop using them according to a decision issued by the Ministry of Agriculture.
4. **Metruka Mehmi:** Lands owned by the state or state administrative units (e.g. governorate or municipality) that are part of public domain (e.g. roads, squares, public parks, etc.).
5. **Mewat:** Lands owned by the state without identified borders. It is possible to whom occupy them with a permission from the state to obtain a right of preference to use and exploit them.

4.3.1 Land rights in relation to land categories

Some land categories are not subject to registration in the land and property registry. These are:

- **Public properties:** Lands of public utility are managed and preserved by the state's administrative bodies. Examples of such lands are roads, squares and lands designated for public utilities or public benefit. These lands are not usually subject to registration in the property's registry, unless they are subject to real rights,⁹ or if technical necessities require their registration as part of demarcation and census works.
- **Desert lands:** They are lands designated as such by the Ministry of Agriculture and they are determined according to the abundance of rain precipitation. Unless for specific purposes that have public benefit, the law prohibits carrying demarcation and census activities on these lands with the aim of preserving them as pastures for livestock and wildlife.
- **Marine properties:** They are public properties

which include the coastal lands to the tide line, water bodies connected to the sea, regional waters and their bottoms, in addition to marine installations and ports.

All other land categories must be registered. The property registration law requires individuals and entities owning these properties to register and update their legal and physical status. Property rights are only recognized from the date of their registration. All property categories below are registered in the GDCA land and property registry or in other types of registries if related to buildings. Registrable lands and properties include:

- **Private properties:** Ownership of these lands belongs to individuals and private legal persons.
- **State's properties:** Ownership of these lands belongs to the Syrian Arab Republic, registered in the GDCA land and property registry (as a result of its inclusion in the demarcation and census

⁹ Article 6 – Decision 188/1926

work) and managed by the Ministry of Agriculture and Agrarian Reform - Directorate of State lands. These lands can be allocated to public entities or in some cases to private parties such as for quarries projects. In that case, the allocation will be limited to the designated use. The possession of state's properties located within master plans is transferred to the relevant municipalities.

- **State's private lands:** Ownership of these lands belongs to public entities in their power as legal persons through sale of state's properties, or acquisition through expropriation for the public benefit, or through purchase of private properties. Lands acquired by municipalities as result of incorporation into master plans are examples of state private lands, and they usually are used to host administrative and public service buildings, or for social housing.¹⁰ These ownership rights are registered in GDCA land and property registry.
- **Expropriated (agrarian reform) lands:** These are

private lands exceeding the area ceiling determined by the agrarian reform laws. These lands are seized and managed the Ministry of Agriculture and can be allocated to landless farmers for agricultural use. Expropriated lands are registered in the GDCA land and property registry.

- **Waqf (endowment) properties** are allocated for charitable purpose or to a charitable entity. In the current legislative framework, all Islamic endowments are under the auspices and management of the Ministry of Endowments. In limited cases, the law enables the substitution of endowment rights (other than property rights) with cash allowances. Non-Islamic endowments are managed by their respective religious entities. As such, they can be exchanged through a special permit issued by the Council of Ministers. Waqf properties and rights are registered in the GDCA land and property registry, but the Ministry of Endowments keeps use contracts.

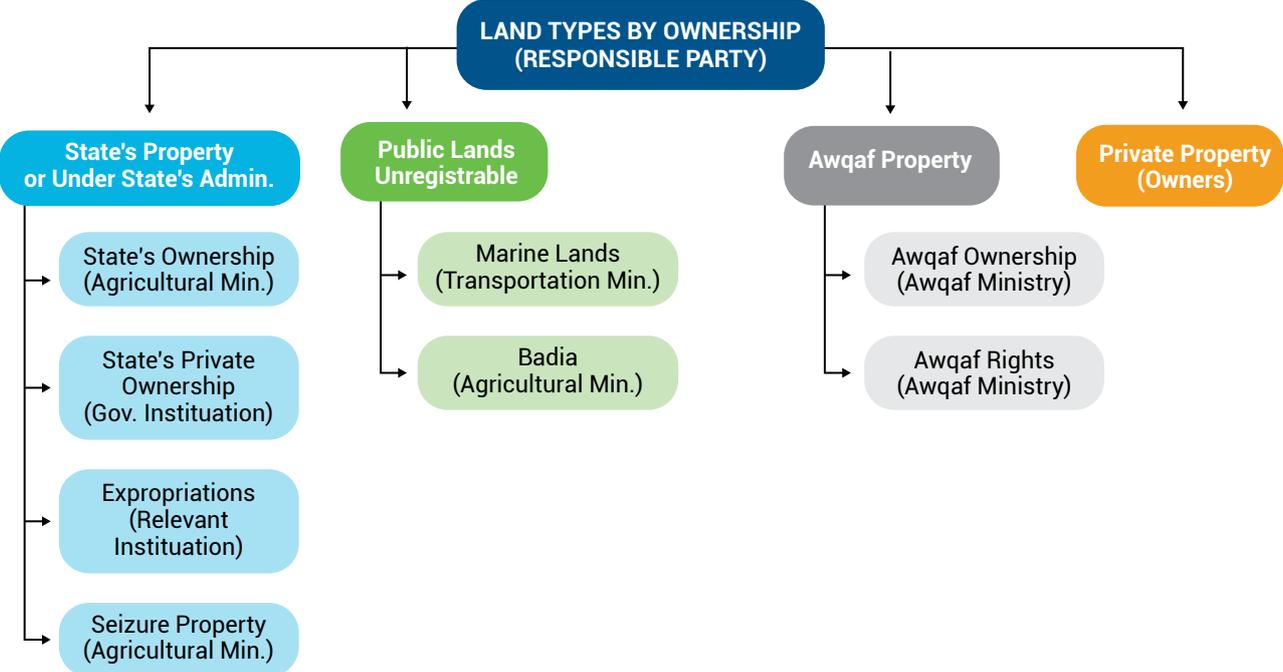


Figure 6. Schematic representation of land types by ownership

¹⁰ After the issuance of Law 23/2015 regarding the implementation of the master plan, 5 per cent of the area of the master plan was allocated for the social housing, which is undertaken by the municipalities, or the public authorities responsible for housing projects.

4.4. Land and property rights

Land and properties rights, here defined as "property rights", can be divided in two main types. **Primary property rights** are self-standing and are not based in their existence on another right. They vary according to the different authority given to their holder and they include the right of ownership and the rights deriving from it, such as the right of easement and the right of use. **Subordinate property rights** are not independent in themselves but rather depend on their existence on another right - to which they are subordinate - to ensure their fulfillment such as the right to mortgage, insurance and various reservations.

The main types of property rights are:

- **Ownership:** a primary real right entitling its holder unlimited powers of using, exploiting and disposing of the property.
- **Disposal:** the right to use, exploit and dispose of Miri properties.
- **Usufruct:** the right to use and exploit but not to dispose of the property.
- **Easements:** The right of a landowner to use an adjacent property for the interest of a his/her property. The easement has the effect of limiting what is originally and absolute use right of the property which is subject to an easement right.
- **Pawn and collateral:** a subordinate real right with the aim of securing a loan. It entitles its holder a direct power over the property so that if the debtor disposes of the property, the right holder has the priority over non creditors to recoup his/her debt.
- **Lien:** A lien holder enjoys the privilege over other creditors to collect his/her debt when the property is sold.
- **Endowment:** It is a right placed on a property to be exploited and used to the benefit of a charitable organization, or for the benefit of a specific family. The latter has been abolished while the former is still in effect and is currently being implemented by the Ministry of *Awqaf*.
- **The promise to sell:** It is a real right over a property that requires the transfer of ownership from the owner to the second party if a condition agreed on by both parties has been fulfilled within a specified period of time.
- **Surface right:** the landowner waives his rights to exploit and use his land to another person who is planting or building the land, where the land remains owned by the owner and the "surface holder" owns the built-up or planted objects. This

right has been abolished by Resolution 3339 of 1930.

- Long-term lease: a form of the surface right applied to endowment properties and entitling the right-holder various rights to use and exploit the property in exchange of expedited and or periodic rental. Such agreements can end in full possession according to their type. This right was abolished in 1963 by Law 163 which prohibited subjecting endowment properties to any real rights, surface rights included.
- Short term land use rights exist and are described in section 4.5.4.

According to Article 9 of Law 188 of 1926, immovable real rights, restrictions, seizures and claims related to registered properties or immovable assets shall inevitably be recorded in the land registry, and shall not be considered valid vis-à-vis the others unless registered in the land registry, and only starting from the registration date. In addition, adjustments to the boundaries, and easement rights that occur due to the construction or rectification of roads, waterways, channels, and railways, must be recorded so that they can be used against the others. Changes to property status caused by the erection of new buildings, changes to the existing ones, or by the determination of boundaries must also be recorded.

Owners and public administrations have the duty of notifying the land registry of all changes to properties. Law 188 also requires agreements between two parties, whether free of charge or not, conclusive court rulings and actions aimed at creating or transferring amending or revoking a real rights to be registered in the land registry. Hence, the land registry should reflect the reality on the ground in terms of real rights, geometrical status, ongoing agreements, and judicial lawsuits in order for those concerned to be able to use them against the others.

4.5. The continuum of land rights in Syria

Land tenure rights in Syria lay along a continuum. Conceptualizing and describing such continuum of land rights is complex due to the mixture of formal and informal land rights, and the different processes through which they are acquired or proven (form of evidence).

This section presents the most common land rights found in Syria, generally organized from the most formal to the least formal and from what can be generally considered the most secure to the least secure. The continuum represents a simplification of the reality as additional complexities and regional variations likewise exist on the ground.

4.5.1 Registered land ownership rights

Land ownership rights registered in the land registry

- The land rights recorded in the land registry are considered the highest level of formality and strength. Changes and amendments of real rights to a specific property can only be recorded after the property itself is created as described earlier, after which all legal events (creation, amendment or abolition of real rights) and geometric events (changes to boundaries, subdivision and consolidation) are required to be recorded in the land registry and the cadastral index map, so that these reflect the reality on the ground.¹¹ The registration of such events takes place through a "cadastral contract" drafted by the cadastral directorate upon request of "the applicant for registration." The cadastral contract can be either in consensual or the result of a court decision ordering the registration of the event. Moreover, the registrars – or directors of cadastral affairs - have the power to introduce amendments to rectify errors or omissions only, through administrative orders that can be appealed before the competent courts. The **main form of evidence** held by people for registered land ownership is the *tapoo* (also commonly known as "the green *tapoo*"). For more forms of evidence, see section 4.6.

Land ownership rights registered in the temporary registries

- With urban development and economic development accelerating, and given the strict nature of land registry which does not allow for the registration of uncompleted buildings as "full-fledged" properties, Law 14 of 1974 (amended later by Law 82 of 2010) was stipulated with the aim of preserving tenure rights to residential buildings under construction. Under

this legislation, administrative units' authorities were able to create "temporary registries" for buildings having building permits but not being built yet. Thus, each of such buildings has a property sheet that will be valid until the building receives a "residence permit" indicating the construction is completed in compliance to the master plan and building code in force. Once received, the temporary property sheet is to be moved to the permanent land registry. However, due to the complexities of the transfer process, the tendency of many owners to avoid paying the due administrative units, and their desire to occupy their apartments as soon as possible, even before the issuance of the residence permits, the process of transferring the temporary registries' contents to the permanent one was widely ignored. In addition, the fact that numerous newly built residential buildings suffer from deviations from the building permit plans created further delays to the process. As a result, these registries, temporary in nature, have become de facto permanent acting in a similar way to the permanent land registry: temporary registry departments thus issue title documents and document tenure transfer agreements even after the construction is completed and the building occupied.

During the past five decades, public and private housing institutions have emerged targeting specific social categories, the low-income ones. This trend was motivated by the socialist orientation of the Syrian economy. Thus, the General Establishment for Housing was created to implement housing projects in the Syrian governorates, and housing cooperatives emerged to supply their members with housing

¹¹ Starting from 1974, geometric events involving subdivision/ consolidation of adjacent land plots in urban areas has become subject to the competent municipality's prior approval before such amendments can be introduced to the land registry in order for the municipality to verify whether the proposed amendments are compliant to the urban plan and building code in force. Therefore, a geometric change implemented in non-compliance to the master plan or the building code cannot be registered and this is how building violations emerge. At this point the land registry's content becomes different of real-world and this divergence increases more and more with the emergence of more building violations leading to alternative legal and administrative ways to document rights that can't be registered in land registry.

units. These cooperatives produced two types of housing: residential housing units within the cities' development zones, and vacation houses areas designated as touristic. Moreover, several public contracting companies launched their own housing projects. Each of these entities was obliged to keep special records to follow up the monthly payments and allow for substitutions to subscribers to take place (through sale or inheritance). Due to the same circumstances explained earlier in this section, these registries in turn became "permanent." However, these registries were limited to the legal part of ownership, which is comparatively easy to manage, and did not extend to technical aspects since geometric changes to relevant properties fell outside the jurisdiction of these entities. As a result, the Syrian courts issued several interpretations allowing these registrations to be dealt with as if they were land registries in matters related to the recordation of lawsuit notifications and the enforcement of court rulings. All entities keeping temporary or subscription registries issue extracts of their records upon owners' or third parties' request and after payment of fees legally established. The main **forms of evidence** held by people to prove their

ownership of property registered in the temporary registries is the summary of registration record, or "*qayd eqari*".

Land ownership can be held individually or by groups -

Common properties are properties owned by multiple owners to facilitate joint usage arrangements, or those resulting from successive inheritances from the original single owner. In this case the possession is registered in the land registry and the property sheet shows each owner with his respective ownership shares without any spatial subdivision. Such arrangements present opportunities for disputes between shareholders over who should occupy which part the common property and, in some cases, shareholders (or some of them) develop an informal subdivision scheme in which the portion assigned to each partner is determined. The scheme is then signed by the shareholders, occasionally in the presence of witnesses. This customary document helps in determining possession when disputes arise between the owners, or between their heirs or those who bought portions of the land.

4.5.2 Ownership in informality and unauthorized developments within registered land ownership

Due to an intersection of reasons, registered land ownership - normally considered the most formal and protected type of land right - is at times affected by practices that result in differences between what is in the land registry and what land divisions and rights practically exist. Some of these practices include: records are not updated upon the passing away of the owner(s), unauthorized developments might take place on the properties, etc. An unauthorized development is any physical change to a land or a property, including building activities or land subdivisions, that are in violation of land zoning and/or building codes. There are two main types of unauthorized developments in Syria: those carried out by individuals and those carried out "collectively," with the latter of the two creating informal settlements. Individual unauthorized developments are constructions, modifications of constructions or additions to constructions that are not compatible with building regulations (e.g., constructions in setbacks of multi-stories buildings and additional floors, subdivision/consolidation of apartments, unpermitted uses of common areas in residential buildings, use of residential properties for

non-residential purposes, etc.). These unauthorized developments are not recorded in the land registries. However, building violation laws issued since 1960 (Law 44) including the most recent Legislative Decree no. 40 of 2012 (and its amendment Law 5 of 2020) have allowed the settlement of certain violations committed, before specific dates, upon the payment of fines to the municipality after which the unauthorized development can be registered in the land registry.

The main problem with ownership within violation areas is that rights cannot be registered in the official records because the GDCA authorities are not authorized to register physical changes in the property registry unless they conform to building code and land-use regulations and duly have valid building permits. This is a clear defect that made the land registry lose its original function of reflecting existing land tenure arrangements, and this deficiency leads owners of such properties to go to courts in order to gain recognition of their rights. The other paradox is that, given the fact that the financial departments host registries with accurate description of properties

for tax purposes, two registries with different (and sometimes contradictory) descriptions of the same property coexist with the taxation registry, and not the land registry, expressing the reality more accurately and enjoying the power of proof in informal areas.

Due to these issues and further complexities, land records alone are not sufficient to fully protect land rights and people resort to various **forms of evidence** or additional evidence to strengthen their land tenure security. The common are judicial ruling, irrevocable power of attorney and tax records.

4.5.3 Long-term land use rights

There are a range of long-term land rights on state land that are considered very secure. Holders of these rights are not landowners but rather holders of use rights under specific conditions and obligations towards the owner. The following subordinate rights are the most common:

Usufruct rights on private ownership land – Usufruct is the right to use and exploit the land or property throughout the usufructuary lifetime. It expires upon death or renunciation. Usufruct rights are registered in land registries. Usufruct rights may be sold or “sublet”, but the right becomes null and void with the death of the usufructuary. The **form of evidence** held by people to prove their usufruct right of property is a summary of registry’s record.

Group use rights - It is the right of a group of people to use lands of the *Metruka Murfaka* legal type (protected easement lands). These use rights are cancelled if users stop using the land, or if the land is covered by a master plan following a decision issued by the Ministry of Agriculture. This kind of land use has been registered in properties registry during demarcation and census.

Commercial rent - Rent contracts for buildings and facilities used for commercial purposes by private sector are subject to obligatory renewal but the owners can seek a rise of the contract value through requesting a new appraisal of the rented properties. Law no. (2001) sets the annual rental rate at 5-8 percent of the property value, depending on its use type. The forms of evidence used to prove their rental right of property is a document released by the finance department which includes the name of taxpayer.

Rent to public entities - Rent contracts for buildings and facilities used by governmental sector also exist subject to obligatory renewal.

Land tenure through agricultural cooperative associations – This land tenure is created by the Ministry of Agriculture to allocate lands to agricultural cooperative associations. The **form of evidence** held by cooperative associations to prove their usufruct right of property is an official document issued by Ministry of Agriculture.

Usufruct rights on state's lands - Usufruct rights are issued on confiscated land seized from feudal landowners under the Agrarian Reform Law. In this case, usufruct rights are granted by the state (the Ministry of Agriculture and Agrarian Reform) to landless farmers under special contracts. Such rights are converted into full possession after five years from the date of registration in the land registry. The **form of evidence** held to prove one’s usufruct right of property is a summary of registry record.

Land tenure for housing purposes for Palestinian refugees - After 1967, the General Agency of Palestinian Refugees (GAPAR) rented private lands and distributed them to Palestinian refugees for housing purposes. The complexity around these areas increased with population growth, irregular buildings development and the evolution of the political situation. However, this land tenure was considered very secure before the start of the conflict. Land tenure on GAPAR land is to be distinguished from the informal neighborhoods inhabited by Palestinian refugees in various Syrian governorates that are also called camps (e.g. Yarmouk, Raml, etc.).

4.5.4 Short-term land use rights

Short-term land use rights are temporary rights acquired through rental contracts between the

owner and the tenant. The following types of rental agreements exist:

Residential rents - Residential rental agreements in Syria used to be subject to obligatory renewal, meaning that the landlord could not evict a tenant without a court ruling verifying that the tenant owned another house. Law 6 (2001) replaced the previous rental law, and rental agreements are now subject to the *pacta sunt servanda* principle according to which the dwelling should be handed over at the end of the contractually agreed period. Rental agreements effective prior to this law (known in Syria as “old rents”) were solved by allowing the landlord to end the rental contract, if he/she desires to do so, upon paying to the tenant 40 percent of the market value of the property. Whatever the rental agreement, it is terminated

by law if the building collapses or it is destroyed. These contracts are registered in the municipality to which the property belongs, and each party of these contracts has an official copy of contract.

Rental of agricultural lands – Although this option exists, landlords rarely rent their lands since, at the end of the agreement, the tenant has the right to claim 20-40 percent of the land, using the provisions of Law 56 (2004) amending Law 134 (1958). Even agricultural use without the consent of the owner can lead to the legalization of a lease (sharecropping) relationship at the request of the user who claims to the court concerned with agricultural relations.

4.5.5 Unregistered land rights

There are many situations where land tenure rights are not registered due to administrative or legal barriers or because the properties are located in informal areas. A full description of the cases is beyond the scope of this report, but the main features are presented, particularly in relation to informal settlements. Such settlements are constructed on land not designated for construction or intended for expropriation. They may also be established on state-owned lands, protected land (e.g. Badia or forestry) or, less often, on occupied state or private land (also defined as encroachment or squatting). Areas may also become “informal” through the densification of neighborhoods by means of illegal additions (e.g., additional floors) which violate the building code. In similar cases of unauthorized development, land tenure rights are protected through the avenues described below.

Consent sale agreements - These are contracts stipulated between the seller and the buyer at the presence of witnesses and not registered with any government agency. Such agreements are not considered secure in the event of the loss of the contract or the disappearance of witnesses. To give further strength to this proof of ownership, at times, the buyer requests the court to issue a decision confirming the sale.

Court rulings – Court rulings are often used for the purchase of a construction that violates land use

plans or is located in zones where construction is prohibited. The buyer gets a judicial ruling stating the acquired share (expressed in Syria by a number of shares out of 2400 shares), describing the building, and referencing the lawsuit as an addition to the property’s land registration sheet. Eventually, a court decision acknowledging the sale agreement is issued. Even though this decision cannot be enforced, it serves as valid evidence of the buyer’s right to the property and subsequent sales are validated through similar court rulings.

Utility bills - Some informal settlements are built on the others’ lands or on public or state-owned lands. Owners of such construction lack documents asserting their possession. These settlements, however, are usually provided with drinking water, electricity, telephone, and sanitation, in which case bills for these services can become documents of proof of possession.

The strengths of such rights and forms of evidence greatly vary according to location and political scenario. While unregistered land rights in informal settlements, for example, were considered relatively secure before the conflict, they have been significantly weakened in the last decade as informal settlements have experienced significantly more damage and displacement than formal neighbourhoods.

4.6. Forms of evidence of land tenure rights

There are many forms of evidence used to support land and property rights in Syria. The most common

have been listed along the various types of land rights in Section 4.4 above. There are three very common additional forms of evidence worth mentioning for proving ownership of registered properties or other types of properties.

A very common type is the approved copy of executable judicial ruling. "**Ownership by judicial ruling**" is when the new owner (or the buyer) files a case against the old owner (the seller) to confirm the sale agreement or to assert other real rights. Before proceeding with the lawsuit procedures, the court informs the authority with which the property is registered to place a lawsuit sign on it stating that the property is subject to dispute before the court, so that those who look at the property registration sheet are aware of this fact. When the court's decision is issued and becomes enforceable in the land registry, the implementation of the decision is carried out by the "winning party" to amend property sheet's contents accordingly. Sometimes the winning party does not proceed with the registration. The most common cases of judicial rulings are those related to acquisition (sale agreements) and subdivision of properties (lands and buildings).

Another common form of evidence used to prove ownership is an approved copy of irrevocable power of attorney issued by a notary who keeps the original copy. This is commonly referred to as "**ownership by irrevocable power of attorney**" and it is based on the principle that the attorney (the buyer) has a right over the principal. The attorney has the power of transferring the property subject to the power of attorney to himself (or sell the property to someone else) without the owner's consent. Issuing this kind of irrevocable power of attorney means legally transferring the ownership. This method has been widely used in substitution of, or in support to, sale agreements for registered ownerships or properties in informal settlements. The risks inherent in this tactic is that the land registry or any third party is not aware of the power of attorney, and it is possible, therefore, for the same property to be sold –by registered owner– more than once in a fraudulent way creating disputes between competing parties. The new notary Law 15 (2014) tries to mitigate this risk by requiring the notary to file a copy of the power of attorney related to real rights to the competent authorities to place it in the relevant property sheet.

The irrevocable Power of Attorney is an official document used for sale transactions. It proves the date of the owner's delegation of authority to the buyer who can proceed with the ownership transaction of a property/land to him/herself or to whom he/she desire. The original irrevocable Power of Attorney is issued by the public notary who keeps the original copy of this document. Once signed by both parties and concluded, the public notary should send a copy of the irrevocable Power of Attorney to the competent land registry to register notification on the property record.

Tax records issued by finance departments are also considered a strong form of evidence. Decree No. 53 (2006) on real rights taxation (amending Law No. 178 of 1945) grants to finance departments the power to determine the name of the taxpayer – whether he/she is an actual owner, tenant, or adverse possessor – according to the evidentiary documents accepted by the finance departments, provided that this procedure has no effect except for the purpose of collecting taxes. In the event of possession transfer, the new owner or adverse possessor is registered as the new taxpayer through a Ministry of Finance order.¹² The legislation allows for the creation of tax records in regions where demarcation and census have taken place, and it also gives the finance departments the right to record changes to properties, even if these changes were not registered in the land registry, in order for them to collect the due taxes. The land taxation registry operating has therefore become a de facto land registry rights holders can use it to assert their rights – even those that can't be registered in the land registry. The existence of two parallel land registries requires matching information in both systems whenever a real right transaction takes place. The GDCA official asks for a copy of the taxation sheet and if a deviation exists the taxation record should be duly rectified.

In the context of a project for the mapping of housing, land and property (HLP) claims of Syrian refugees, an inter-agency task team led by UN-Habitat has prepared a **list of evidence documents** that can support HLP claims being put forward. The various types of evidence hold different types of strength in front of courts and might weigh in very differently in hypothetical future HLP claim processes. Such list is, however, worth mentioning in the context of this report.

¹² This situation in the taxpayer determination is widespread in non-residential real estates, were the occupant, not the owner, is considered the taxpayer.

Long list of documents and forms of evidence supporting land tenure rights

1. Title deed
2. Real-estate statement
3. Real-estate statement from temporary register
4. Irrevocable power of attorney
5. Court decision
6. Judicial declaration of transfer
7. Caveat record statement
8. Sale contract- General establishment for Military Housing
9. Consensual sale contract
10. Financial statement
11. Statement of membership in a housing cooperative
12. Housing cooperative's book of installments
13. Document from Public Housing Corporation
14. Public Housing ownership statement (Bayan Mulkya public housing)
15. Registered lease agreement on public or private lands
16. Agricultural use permit
17. Usufruct agreement
18. Sharecropping agreement
19. Unregistered lease agreement
20. Long-term Awqaf lease (Akd Ejaar Awqaf)
21. Registration of historical property with DGAM and/or the Directorate of Old Cities (Damascus)
22. Report of demarcation/ adjudication process
23. Record of acquisition through public auction
24. Mortgage contract
25. Building permit
26. Industrial and commercial permits
27. For commercial properties in industrial zones: Municipality plot allocation statement
28. Well digging permit
29. Other private contracts (e.g. contract of pledge, investment contract, partnership contract etc.)
30. Residency certificate from Mukhtar
31. Bill of quantity (from the municipality)
32. Building blueprint and plans (ratified by the municipality)
33. Property tax bill
34. Utility bill
35. Internet bill
36. Tax declaration from the Ministry of Finance (bayan mabi' aw tanazul)
37. Receipt In exchange for a service (usually, cleaning services)
38. Police report
39. Decision on property seizure
40. Shari'a Determination of Heirs/ Legal Determination of Heirs
41. Warrant circular
42. Security clearance of buying/selling Procedures in border areas
43. Building Violation penalty
44. Address on ID card
45. pictures
46. Neighbours' testimony

4.7. Women's land rights

Women's access to land rights in Syria is a topic that deserves attention as not much information and consolidated sex disaggregated data is available.

The laws that define access to land and property ownership do not differentiate between males and females, except in inheritance laws for *mulk* lands. On *mulk* land, Islamic inheritance principles apply. Islamic inheritance rules are detailed and tailored to the different family cases, but – generally - female family members inherit half of males with the same degree of kinship to the deceased. On *miri* land, the same inheritance shares apply to male and female.

Inheritance practices are, however, very different. Women are often pushed – either through social pressure or intimidation and violence - to renounce

their inheritance shares in favour of their male relatives. This often happens with inheritance of agricultural land. At times, women are offered movable assets, such as money or jewelry, instead of land and property, although the value is in most cases not comparable. Very few women are willing to take up court cases against their family members to claim their inheritance rights as this would damage their family relationships and deprive them from the family support that serves as one of the few safety nets available to Syrian women.

An additional barrier preventing many women from inheriting what is theirs by law is the lack of civil documentation that can support inheritance practices, particularly marriage and death certificates of their spouses. The recent conflict left many widowed

heads of households and about twelve million Syrians living in displacement, with reduced access to civil documentation and property documents. This makes it even more difficult for women to initiate inheritance procedures and claiming jointly owned properties.

Joint ownership for spouses is not common in Syria. A household survey recently undertaken by UN-Habitat in Syrian refugee communities living in Lebanon reveals that very few women have property

titles in their name. Female owners represent less than twenty percent of female-headed households and less than six percent of all surveyed households. Further, less than 12 percent of married women jointly own their property with their husbands; other sources indicate less than 10 percent.¹³ Additional factors preventing women from accessing land and houses include their weaker participation in the formal labour market, which constrains their access to credit and ability to purchase properties.

4.8. The property registration system in Syria

4.8.1 The origin of the Property Registration System in Syria

The Ottoman era (XVI – XIX century AD)

Property rights in Syria were subject to the provisions of the Ottoman law while the Ottomans ruled Syria for a period of nearly 400 years. At that time, legal courts were responsible for organizing legal registrations and writing them down in their records without taking into consideration the accuracy, location, or legal type of properties' boundaries. The owner used to be given what is called "the legal argument" as a proof of his/her ownership of the property.

In 1912 (corresponding to the year 1331 AH), the law on disposition of immovable lands was issued and a new department became responsible for the property registration instead of the legal courts.

The method of registering property rights consisted of recording properties ownership, related easements, usufruct rights, notes, sales and agreements in special registers known as "*daftar khana*." All transactions of disposal of properties were handled and stored by that new department, while making property registration documents available to the public was not required.

The Journal of Judicial Judgments was the General Law, which is the first civil legislation derived from Islamic law applied in the Ottoman sphere of influence, made up of a set of legislations classified into sixteen chapters, the topics of which include sales, land tenure rights and the judiciary. The updates of the Journal continued for six decades until 1882, and the countries of the region that were under Ottoman rule later derived their civil laws from it.

The Ottoman property registration had many fundamental flaws. The method of properties designation was inaccurate: it was limited to identifying the name of the village, the region and a description of the location (cadastral maps did not exist). The area of the properties was an estimate by the owners rather than determined by the authority. The data recorded in the "*daftar khana*" was based on the parties' declaration rather than on a legal assessment at the time of registration. Further, the land tenure rights recorded in the "*daftar khana*" were not available to the public as it was originally created for the government to access, rather than to publicly regulate tenure rights and relations. Lastly, successive contracts were written on special records separated from properties records, which made keeping track of successive contracts on a specific property a daunting task.



Image 8. Example of daftar khana

¹³ KII – The Day After, Mr. Anwar Majanni.

The French Mandate era (1920 – 1945)

The mandate authorities formed special committees to prepare the legal framework for the land registries of the Levantine states under their mandate. In 1926, the authorities issued the four decisions – rulings no. 186, 187, 188 and 189, followed by the Resolution No. 3339 of 1930 – that completed the legal foundations of land tenure system.

Resolution 3339 defined property, types of properties, tenure rights, method of exchanging these rights, mortgage and insurance rights, common ownership and ownership acquisition. Among the most important reasons for issuing these decisions was the establishment of the real estate bank to facilitate loans and mortgages. This resolution was superseded by the issuance of the Civil Code after independence in 1949.

The property registration system established by the French was based on the basic unit of ownership: "the property." According to this system, a property constitutes a fixed location with ownership rights and all other tenure rights and restrictions imposed on it, from the date of its establishment, and it is registered in one document "the Property Register" which shows the property contents and the legal rights subject to them in a clear summary. This system was based on: (1) the personal rights and (2) the real rights written in one brief and clear document that contains all rights/liabilities of the owners and the property. The system fostered comprehensiveness and established the principle of publicity whereby the land registry was made available to the public so that those concerned could consult all the facts and agreements related to the property in a clear and easy way. To this day, the principle of publicity constitutes a core value of the property registration system.

In order to track changes on properties, the property registration system had to be supported by a cadastral map showing properties' boundaries, contents and locational real rights (e.g., right-of way, easement, etc.). These maps became an integral part of the property registration system as they were the sole reference for property boundaries and surface area. The cadastral map was thus endowed with evidentiary power in terms of fixed boundaries and area. That evidentiary power was the result of the fact that, once completed, a map was subject to public scrutiny and could be contested by the investigating judge whose decision was then recorded in the land registry and/or the cadastral map.

According to this system, the Land Registry consists of a set of documents that give the descriptive status of each property, determining its legal status, rights, burdens, transfers, and amendments related to these rights. These documents primarily consist of the following:

- **The Ownership Register:** A special paper register for each cadastral district where each property has a two-page sheet.
- **The Journal:** where remittances and transactions are recorded in chronological order.
- **The Cadastral maps:** which accurately determine the location, boundaries and adjacent properties.
- **The Supporting Documents:** which consist of legal deeds, boundary designation data, judgments and agreements upon which the land registry records depend, and which are arranged chronologically in a file for each single property.
- **The Maintenance and continuous updates of maps and records:** which consist of records for all changes affecting the property and updates on ownership register and/or cadastral maps.

The departments created by the mandate authorities established the Cadastral Projection System for Syria and Lebanon and registered properties in the main cities and in the fertile agricultural areas in the vicinity of important cities and regions.

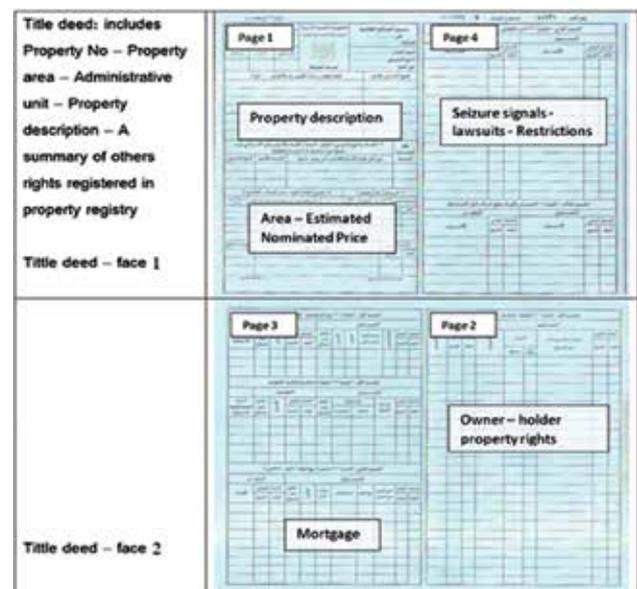


Image 3. Example of title deed

4.8.2 The current land registration system

The current Syrian Land Registration System revolves around the General Directorate of Cadastral Affairs (GDCA), created in 1947 by the Syrian government. This directorate inherited the work carried out by the technical and legal mandate authorities and administers the legal framework for property registration that has remained in place to this day. The engineering framework related to cadastral maps has been subject to slight developments during the past decades. The duties of the property registration system expanded after the independence and had an

important role in stabilizing ownership patterns and limiting disputes over land, compared to other similarly developing countries, though it didn't eliminate all possibilities of encroachment. Some important laws were also enacted in this period, including those related to land reclamation to introduce new lands available for agricultural development through irrigation projects or draining swamps. This report provides a review this system and the most important problems and difficulties it suffers from after more than ninety years from its founding.

4.8.3 How land ownership is created: demarcation and census

Land registration works began systematically since the establishment of the land registration system in 1926 and are still ongoing. The lands subject to registration (demarcation and census) constitute an area of 10,360,000 hectares or approximately 75 percent of the Syrian territory. The remaining 25 percent of the lands are grasslands, water surfaces, mountain peaks and forests. During the registration work, lands are divided into cadastral districts (*Caza*) following the administrative divisions. At present, there are 11,180 cadastral districts, of which about 200 remain unregistered. Registered lands have corresponding land records where ownership and other real rights are stated. Geometric characteristics are captured by cadastral index maps showing locations, boundaries, contents, and coordinates.

The land registration has two parts:

- **The survey work**, performed by certified engineers

and surveyors, which includes the preparation of census records, recordation of ownership information and related rights, and the development of the cadastral index maps.

- **The cadastral judicial works** carried out by cadastral judges in accordance with the judicial authority code which include dispute resolution concerning preliminary demarcation and census results in terms of land boundaries, ownership and other real rights. Decisions taken by the cadastral judges are sent to the registration departments to be recorded in the land registry.

The owners receive title deeds asserting their rights. Holders of specific rights, such as pawns, also receive titles of their rights. Moreover, people can request a summary statement of the content of a specific land sheet or a copy of a cadastral index map and they can also view the record directly in the presence of the relevant GDCA employee.

4.8.4 Legal characteristics of the property registration system in Syria

The property registration system follows the principles outlined below:

- **Publicity principle:** This principle is achieved as soon as the real right is registered in the land registry. Rights registered this way acquire *res judicata* power from the date of registration, and persons concerned may request information on a specific property or to view a land sheet and its

cadastral map (Resolution 188, Article 8) in the presence of the registrar (the director of property registry or whoever is delegated).

The Land Registry Law prohibited hearing claims on an unregistered property and, if the property is registered, no hearing can take place before a reference notification to the lawsuit is added to the relevant land sheet. Moreover, public servants

are required to request the immediate registration of all deeds or agreements they receive if these are related to registrable rights (Resolution 188, Article 47).

Likewise, courts must order the registration of real rights prescribed by judicial rulings, court decisions related to objections on any transactions, the seizures decided by the judge; as well as transfers through public auctions.

- **The principle of general contentment in the land registry records:** Explanations in the land registry have evidentiary power. Facts and rights mentioned therein are reliable towards the others. The cadastral map is reliable with regard to locations, geometrical shapes, and boundaries which are apparent through marks placed on the ground and, in case of variation between the boundaries specified in the cadastral map and these fixed on the ground, it is assumed that the boundaries on the map are correct ones (Resolution 188, Article 8).
- **The principle of imprescriptibility:** Rights registered in the land registry cannot be acquired by prescription (i.e., adverse possession) nor can they be challenged under such argument. This means that the land registry preserves rights registered therein (Resolution 188, Article 19). However, it is possible to abolish a registered right through a court ruling if evidence supporting this abolishment emerges. According to this principle, it is not possible to reestablish possession right or reapply the demarcation and census process in lands already registered in the land registration system.

- **The principle of absolute evidentiary power:** Records related to the real rights, recorded in the land registry following the demarcation and census results, cannot be disputed as they are the sole source of these rights. These records acquire the absolute evidentiary power after the lapse of two years from the date of the conclusion either of the decision of the cadastral judge regarding the demarcation and census process, or the decision of the Court of Appeal in the event that the cadastral judge's decision has been appealed and cannot, therefore, be challenged before courts thereafter (Resolution 188, Article 17). However, persons concerned can claim financial compensation from persons inflicting presumed harm within five years following either of these decisions after which such claims are dropped automatically by prescription.
- **The principle of familiarity and good faith:** Whoever acquires a real right relying on the information of the land registry, becomes the unique holder of this right, which cannot be challenged, except by those who knew, prior to its acquisition, of defects or reasons for abolishing it or stripping it from its acquirer (Resolution 188 – Articles 13-14-15).

Registrations taking place without the valid reasons are considered baseless and whoever is affected by such registration is entitled to claim bad faith. Moreover, whoever has been harmed due to an illegal recordation, modification, or abolishment has the right to have such changes undone with the consensus of the relevant parties, or through court. The land registrar enjoys the authority to correct minor typos only.

4.9. Gaps in the land tenure functions of the Syrian land administration system

This section describes the main gaps and challenges of the land tenure and land registration system in Syria.

Outdated and rigid land registration system – Land tenure patterns and land registration in Syria is still heavily impacted by the decisions issued during the French Mandate which were largely reconfirmed after independence by successive constitutions and legislation. The land administration and land registration systems remained largely unchanged and traditional and outdated working methods are

still in use. This lack of evolution and adaptation to people's needs – which characterizes successful and modern land administration systems – has resulted in a land registration system that failed to keep up with changes on the ground where its value would lie.

Registering changes - The processes of registering physical changes to properties became overcomplicated following the policy that forbids the registration of land subdivision and other modifications of physical and geometric characteristics of lands not approved by the municipal authority. This also pushed owners go to courts to secure their rights, resulting in an increased burden to landowners and to the judiciary system. The large number of unregistered properties weakens the tenure security of rightsholders, especially if owners lose other evidentiary documents that they may have (e.g. court rulings, power of attorneys, consensual contract, etc.).

The temporary registration – Temporary registration has been added to the cadastral registration system since 1974 through Law 14 regulating construction of urban land lots. This temporary system allowed local governments to register property rights on unfinished buildings on a temporary basis: once the building was finished, the registration would have been transferred to the cadastral system. This approach became very widely used and adopted by public housing agencies. However, the process of transferring the registration to the cadastral system upon completion of the buildings proved a challenge due to a combination of administrative complexities and conflicts of interests. Various stakeholders have been reluctant to relinquish the benefits of temporary registration: temporary registries are de facto permanent ones, although they are not able to support the physical and geometric aspects of the registration,¹⁴ and their processes are much less rigorous than those applied at the cadastral departments. The exorbitant volume of records kept in temporary registries further complicates their registration in the permanent cadastre.

Decentralization of land surveying services - All rights registrations are conducted in a decentralized manner in the registration offices distributed in all the major cities in governorates and large administrative districts. However, land surveys are still limited to the main cities due to lack of human and logistical capacity. This also contributes to the slow production of cadastral maps.

Slow completion of cadastral maps – There is an almost total stagnation in the completion (calculations and final drawings) of cadastral maps in areas where demarcation and census work has been completed (these constitute 45 percent of the total

number of cadastral districts or *Cazas*). This has led to an incomplete land registry where real rights are well preserved on one hand, but their locational and geometrical characteristics are not on the other.

Land fragmentation and consolidation or the excessive number of owners over one undivided property - is a significant challenge caused by a combination of inheritance rules and land administration procedures. The land registration regulations prohibit lands' subdivision, consolidations and sales unless all shareholders are present in person, which makes it practically impossible to administer properties jointly owned by a large number of shareholders. The partitioning and consolidation of agricultural lands - needed to improve agricultural production and mitigate land disputes – have almost completely stalled.

Agrarian reform – This reform is considered by many the most prominent event in the history of land administration in Syria. According to the reform, lands exceeding the upper limit of individual possession set by law (80 hectares in irrigated lands and 300 hectares in rainfed lands) were confiscated and added to the state's land stock to be distributed to landless peasants and farmers. Lands confiscated that way amounted to some 1.2 million hectares. However, transfer of agrarian reform lands to landless farmers has stalled.

Land disputes – There is a significant increase in disputes between landowners and agrarian labors and with the former increasingly neglecting to lease their lands over fears of losing them to their tenant(s) upon the conclusion of the agreement. This has effectively removed large swaths of fertile land from productive use.

As for **lending**, the land administration system preserves the rights of creditors and encourages owners to seek bank loans although Syria has a Muslim majority, a large part of which reluctant to deal with non-Islamic banking operations.

Dysfunctionalities in the rental market - Owners of properties leased to public sector and government entities and to individuals for non-residential purposes are still unable to ensure that tenants vacate their properties upon the termination of the lease agreements because they are still subject to

¹⁴ In 2017, a circular issued by the council of ministers' office (273/15/2017) ordered the transfer of the contents of temporary registries back to the cadastral system in three years. This order hasn't been executed yet in a satisfactory manner.

obligatory renewal.

Crisis related challenges – People's land tenure security and land rights have been significantly affected by the ongoing crisis that left large numbers of people displaced, evicted and homeless. Chapter 12 gives more information on this issue.

Women's land rights – Increasing women's access to land and property rights remains a priority, to be mainly achieved by combating the inheritance deprivation and renunciation practices, promoting and increasing joint ownership to marital property, increasing awareness of the importance of women's land rights and improving the gender parity in the land sector.

05 | Land use

Land use defines how people use and exercise rights over land. This section describes the land use function of the land administration system in Syria.

5.1. A snapshot of land use capacities

The capacities' assessment undertaken in preparation of this study reveal that land use planning capacity at the national level can be considered inadequate and outdated. Existing plans are not enforced. Regional land use plans only exist for some areas and they are not often updated. Land use plans at the local level exist, although adequacy and enforcement remain a problem. Adequate and updated urban plans for the primary and rapidly growing urban centers exist with significantly higher, albeit still imperfect, levels of enforcement.

Planning practices in Syria focus on the master planning of cities and villages based on 1:1000 scale topographic maps developed following the urban planning specifications issued in the mid-eighties, while the approved master plans are issued at 1:2000 map scale. Urban planning activities take place under the supervision of the relevant ministry whereas municipalities develop the planning proposal which is then reviewed and approved by the central ministry, after consultation with the municipality. Land use planning outside urban areas has been limited to defining rules and restrictions on allowed uses of lands and designating protected lands and buffer zones where development is prohibited by the

ministries concerned.

The challenge of informal settlements has largely been left unaddressed. The few interventions in place are considered inadequate and not enforced. Building regulations exist and are overall well enforced but there is room for improvement regarding their adequacy.

Agricultural land use is less regulated than urban land use and it faces adequacy and enforcement issues. There are some land use regulations related to environmental protection, mostly regarding the use of water resources, but their adequacy and enforcement should be improved. The rules for the management of state lands also need to be made clearer and more adequate. More information and analysis are needed to assess the opportunities for the government to acquire private land for public development purposes, both in terms of their regulatory framework and implementation patterns.

There is no complete and accessible or digital land information system recording land use or natural resources.

5.2. Land use planning

The concept of land use plans was not used in Syria until the creation of the **Regional Planning Commission (RPC)** in 2010 with Law 26 of 2010. Before this date

spatial planning at the regional and national levels was practically non-existent and the plans that were controlling and directing urban activities were limited

to urban communities (cities and villages), and to special regions established by the state such as industrial cities and new suburbs. These plans, called organizational plans, started from the development of the planning program that determines the area and population density, the proportions of lands allocated for services, the infrastructure followed by the preparation of the general 1:2000 organizational plan (master plan) and, in some special and important cases, the detailed operational plans (development plan). For example, the Ministry of Local Administration and Environment had developed, between 2006 and 2010, several regional plans for areas such as Barada valley (Image 10 below), Maaloula, Saydnaya and Al-Tal, the eastern region¹⁵ and Damascus Metropolitan.¹⁶ These plans remain mostly guidance plans with no specific implementation programs and timeframes. These projects were the first kind of projects where land use plans have been developed at regional scales.

The regional planning law was the first national instrument that set goals related to regional development and balanced spatial development.

After the passing of Law 26 of 2010, the Regional Commission followed up projects initiated earlier by the Ministry of Local Administration and carried out several regional and sub-regional planning exercises. These exercises included:

- Regional study of the northern region (Aleppo and Idlib)
- Regional study of the eastern region

5.2.1 Protected lands and buffer zones

Protected areas and buffer zones are among the main land use directives. These areas are designated to protect natural resources and important and strategic installations, and to restrict development activities and urban expansion. Special laws were issued for each type of these protected lands defining the protected land category, and the protection and management methods. In general, protected land are located outside the built-up areas. The following categories can be identified:

- Agricultural reclamation lands
- Productive lands (lands have five classes according to the productive capacity ranging from

- Structural studies of Aleppo-Lattakia and Damascus-Beirut development corridors
- Regional planning of the governorate of Tartous
- Greater Damascus's master plan (contribution)
- Structural study of Al-Ghab Plain

In the past years, the RPC developed "the National Framework for Regional Planning." This draft document was circulated to the concerned stakeholders for comments and feedback, and it is currently being discussed in the cabinet. Moreover, the RPC has been involved since its establishment in the elaboration of new development projects to ensure they are compliant with regional orientations through regional planning units created in each governorate.



Image 10. Part of Directive Land Use - Regional Planning of Barada Region (Ministry of Local Administration & Environment, 2009).

- fertile to rocky and not suitable for agriculture)
- Forested lands
- Arid lands (badia)
- Rivers and lakes buffer zones
- Marine properties
- Buffer zones of electric power transmission lines and fuel pipeline
- Public roads buffer zones
- Railroad buffer zones
- Basins buffer zones
- Other special areas buffer zones

¹⁵ Regional Development Plan for Eastern Region – Modernization of Administration Municipality MAM Project – EU 2008.

¹⁶ Urban Planning for Sustainable Development in Damascus Metropolitan – JICA 2008.

5.2.2 Urban Planning and Master Plans

Urban planning in Syria aims at producing master plans for cities and other urban communities (towns and villages). It is a local activity in nature, practiced under centralized supervision. In this arrangement, the governorate's annual plan regarding master planning is developed based on feedback from local governments under its jurisdiction where each local government specifies its own master planning needs (e.g., new master plan, master plan update, urban expansions, etc.). If no topographic map exists, the municipalities should carry out a 1:1000 topographic survey to be used as a base map for the master plans. These topographic surveys take place under the technical supervision of the governorate's departments and the competent ministry. Currently all small urban communities with a population of 500-

1,000 people have approved master plans and as such the remaining work mainly entails urban expansions or updates.



Image 5. Part of Master Plan

5.3. Land use challenges

The weaknesses of the land use system can be summarized as follows:

Lack of respect for the characteristic of the urban communities (e.g., size, classification, capacity, social and economic characteristics, etc.) - Master plans have been developed for all urban communities in Syria and these plans have mainly dealt with housing issues, urban expansions, the necessary facilities and services by following a unified technical planning principle¹⁷ and the legal procedures stipulated by Decree 5 of 1982. According to this legislation, the local government, under the supervision of the governorate, starts by developing "planning programmes" which show the area included in the master plan, the population capacity and the proportions of services and utilities lands. The master plan is then developed by the local administrative unit adhering to the planning programme and announced for public feedback. A technical committee headed by the governor addresses the objections before the plan is referred to the competent minister (currently the Minister of Public Works and Housing) for approval. These procedures and standards are applicable to all urban communities at different local administration levels without considering their economic and social particularities and nuances. This indiscriminate application, added to an inept bureaucratic system

and the conflicting interests of different stakeholders, has led to the spread of informal settlements and small and medium development projects in the outskirts of cities. To cope with this situation, and the lack of land use maps, the government issues an annual communication licensing industrial facilities, services and recreational projects outside the master plans, the latest of which was communication no. 4 of 2017 which has since been renewed. All of this is due to the absence of land use maps.

Low quality plans - The plans developed are generally of poor quality and do not consider local characteristics, identity and sustainable development considerations. An urban planning system that fails to respect the local conditions and characteristics of local communities has led to the elimination of the identity of rural communities and pushed landowners to use their lands in activities with higher returns than agriculture. One of the main disadvantages of the urban planning methodology is the absence of feasibility studies and development opportunities specific to each urban community. Master planning has therefore been reduced to a mere land partitioning exercise instead of acting as a catalyst of development and regulatory framework for local development. Further, the socio-cultural dimension of communities are not well represented in master plans

¹⁷ The first version of the principles for developing master plans was issued in the 1980s following the urban planning law. Many attempts to updates these "principles" took place since then with no success so far.

while timelines and feasibility studies are simply not included.

Lack of vision for plans outside urban areas - There is no approved methodology for rural planning, nor is there, as of 2021, a legal or technical distinction between urban and rural planning. Outside urban areas, the land use system classifies lands on the basis of access restrictions and allowed uses, following existing land categories: arid lands, forests, water basins, infrastructure buffer zones, marine properties. This system lacks analysis and proposals based on development requirements and defines development zones through a specific regulatory and

legal framework.¹⁸ Moreover, urban master planning tends to encroach on productive agricultural lands.

Stalled and underutilized regional planning - The establishment of the Regional Planning Commission in 2010 is considered the landmark development in land administration. Law 26 of 2010 was issued to regulate and oversee the spatial planning and development of Syrian lands at the regional level. All public and private sectorial and urban development plans with spatial impact at the regional level must comply to the regional planning requirements. However, the commission's products and outputs have not yet been published.

06 | Land development

Land development is the application of resources to improve land and enable a different, better and/or more efficient land use. These resources may include capital investments (e.g., constructing buildings, services or infrastructure), labor (e.g., clearing or draining land for agriculture) or administrative processes (e.g., securing or revising planning permissions).

6.1. A snapshot of land development capacities

Land development takes place primarily through the implementation of master plans. Municipalities monitor the implementation of their master plans by issuing building permits, tracking building activities and installing public infrastructure and facilities. Implementation efficacy, in both quantity and quality, depends on municipal capacity in terms of both human and financial resources, the latter of which is primarily drawn from municipal fees.

The instruments for the public to acquire land for public use are limited. Land readjustment is at times used by local authorities, although the timeline for such interventions is years long. Alternatively, expropriation can be applied, although it has not been used frequently in the last decade. Expropriation has historically been the main instrument used for land development. This overreliance on expropriation for land development, however, has been considered unfair for the communities affected to the point that it is credited as being one of the reasons for the

development of peri-urban informal settlements in Syria, as people preferred to sell their lands into the informal market rather than be expropriated by the government with meager compensation. There are regulations to control land subdivisions and land consolidation, both in urban and rural areas. These are considered fair but are not often used due to the complexity of the process and the large number of required conditions and documents. Fragmentation of land and properties is considered a major problem.

There are mechanisms and regulations that ensure the alignment of constructions with land use regulations. The property development process is considered quite difficult for landowners, developers and authorities to embark on because of bureaucratic constraints. There is a need for more research and analysis on the distribution of development costs between the public and the private sector to identify a sustainable balance which would encourage development.

¹⁸ A soil productivity classification system was developed in the 1980's through an international cooperation program with the United States. This system classifies soils into five classes based on their fertility. That system however wasn't used until many years after to determine the land classes permitting to host non-agricultural activities (that is the least fertile classes).

6.2. The implementation of master plans

The implementation of these master plans is regulated by Law 23 of 2015. The implementation takes place through two main ways: partitioning by the owner or partitioning by the municipality.

Partitioning by the owner

The methodology of owner-initiated partitioning is applied to all municipalities except provincial capitals (13 cities except Rural Damascus where no central city exists). In this option, landowners within an area designated by the local administrative unit are invited to initiate the process of subdividing their lands by applying for a municipal permit for land division in compliance with the master plan. Landowners invited to initiate the division of their land by the local administrative unit are given a three year-delay to obtain a subdivision permit, after which the local administrative unit may apply compulsory land readjustment ("zoning") to the area. Owners are required to relinquish the part of his property that falls within the planned public utilities, or, in other words, the owner has the right to develop only the parts of his/her property which are not located in zones designed for public services in the master plan. This form of urban plan implementation has multiple weaknesses:

- Where the land plot is located completely, or in large part, in areas designated as public use zones (e.g., roads, squares, parks, schools, and government facilities, etc.), the owner will likely build in violation to the master plan, or at least continue with current uses until the property is expropriated to implement the public facility.
- There is not an explicitly defined timeline for the implementation of infrastructure and public services, which is often delayed due to a lack of financial resources.
- In many cases, the municipality lacks the required resources to implement the necessary infrastructure and services while the governorate is not obligated to financial assistance for such projects. This could result in the emergence new urban communities without adequate provisions of basic services and public infrastructure.
- After the issuance of Law 23 (2015), the application of this method of urban development has become limited to small communities (towns and villages) and to urban areas designated for owner-imitated division which were approved under prior laws.

Partitioning by the municipality (land readjustment)

Land-zoning through compulsory land readjustment enables to municipality to designate a zoned area where existing property rights are valued and allocated to rightsholders in shares, while the real property rights in the zone are dissolved to enable municipal partitioning, redevelopment and infrastructure servicing. The municipality reallocates lands partitioned according to the masterplan to the owners in proportion to their respective shares in the entire development zone. The lands required for infrastructure and services are deducted free of charge (up to 50 percent in the provincial capitals and 40 percent in other communities). In cases where more than 50 percent of the total land area is required for public servicing, the municipality must purchase the additional land in accordance with the law on expropriation at a price defined by special evaluation committees. This development method proved to be effective in provincial capitals during the past decades (under Law 23's precedent, Law no. 9 of 1974) but was rarely applied in smaller cities due to its technical and regulative complexities, as well as because, in the absence of computational resources, land redistribution was time-consuming and prone to errors. Therefore, it had been common for landowners to develop their lands before the land readjustment works took effect disregarding the locational distribution of their shares where land readjustment had taken place.

On the other hand, zoning by land readjustment was applied successfully in the central cities, given that these central cities were legally available to obtain serviced lands as well as additional land for housing which constitutes 40 percent of the total land allocated for housing in the master plan, while the rest is distributed to the owners. Therefore, it was in the interest of the primary cities to make the process of municipal land readjustment efficient in order to obtain lands for housing which could be sold to enhance municipal financial resources.

6.3. Permits outside the master plans

In Syria, land located outside the boundaries of master plans is usually classified as “agricultural land” because agriculture has historically been the main activity in these areas. The absence of planning for rural lands, however, has resulted in the uncoordinated and inefficient development of these areas where different ministries regulating particular development aspects in isolation from others’ guidelines.

Non-residential permits: permits regarding the industrial, recreational and other non-residential facilities outside master plans are regulated by cabinet regulations. Requests for new installations are examined by technical and legal committees formed at the governorate level to ensure that the new installment will not encroach upon highly fertile lands (with some waivers given to agro-industrial and husbandry projects). The candidate site must also be consistent with the requirements of the national

framework of regional planning and must also be situated outside of buffer zones and protection areas of any kind. Service projects (e.g., hospitals, hotels, restaurants, commercial centers, education facilities, etc.) are subject to the same criteria applied to industrial facilities except for that they are permitted to be built in the immediate vicinity of master plans of non-provincial capital cities. In addition to these conditions, recreational facilities are subject to special requirements issued by the Supreme Council of Tourism.

Agricultural building permits: Syrian law generally prohibits construction outside the boundaries of master plans except buildings that have specific goals related to agricultural services and development. Such cases are regulated by ministerial instructions and limited to the residential and storage facilities of agriculturalists.

6.4. Housing and new suburbs

The **General Establishment for Housing (GEH)** was created by Decree 683 of 1961 (and amended several times, most recently in 2015 through Decree 26) to replace the housing directorates and create popular housing for specific low-income categories who would pay in cash or in installments for a period of seven years with zero interest. The GEH undertakes the government housing programmes and develops residential suburbs. In this capacity, the GEH develops master plans on land acquired through expropriation or state lands bought at nominal prices. In the past decades, the GEH has developed several housing projects on land located within the master plan of primary cities such as projects conducted in the Damascus neighborhoods of Mezzeh, New Zahera, and Barzeh. Recently, the GEH was charged with the mission of supporting local governments in dealing with informal settlements and redevelopment zones. The GEH is also entitled to act as real-estate developer.

The GEH carries out several housing programs, namely:

- **Labor housing:** housing allocated to public sector workers and paid in installments.
- **Employee housing:** housing allocated to ministries

and public agencies which in turn rent it to their employees for a monthly rent ranging between 5-10 percent of their monthly wages throughout the duration of their service.

- **Youth housing:** a new type of housing program (approved in 2002) intended for the youth and offering houses with relatively small floor area (65sqm- 75sqm- 85sqm).
- **Savings housing:** housing targeting all categories; Under this scheme, the GEH calls on citizens to subscribe to newly announced projects. Housing units are delivered within a time period specific to each project and the payment is to be completed within 10-15 years.

The beneficiaries of GEH housing programs are required not to have previously benefited from any public or cooperative housing program project. The current government housing projects are distributed as follows:

Governorate	Urban Community	Area	residen-tial units	Status
Damascus countryside	New Qudsaya suburb (Savings housing - housing for state workers - housing for associations)	400 Hectares	9914	Completed
	The workers suburb of Adra (Especially for state workers)	100 Hectares	3346	Completed
	The workers suburb of Adra (Especially for state workers)	325 Hectares	13500	In progress
	New Qudsaya suburb (Youth housing)	240 Hectares	11300	In progress
	The new city of Dimas (Savings housing - youth housing)	520 Hectares	28000	Design stage
	Maarouna suburb (Savings housing)	600 Hec-tares	25000	In progress
Aleppo	Ashrafieh suburb (Youth housing)	70 Hectares	4420	Completed
	Ashrafieh suburb (Popular housing)	232 Hectares	13900	Completed
	Al-Maasraniya suburb (Popular housing)	68 Hectares	3960	In progress
	(Especially for residents of the nonformal areas that have been regulated)	22 Hectares	1540	
	Friday market land (Popular housing)	12 Hectares	1680	
Riqa	Mustjed Nakib	9>5 Hectares	720	
Hasakeh	Hosh Baer	25 Hectares	8300	
Deir Zor	AlAssad Suburb	60 Hectares	4098	

6.4.1 Residential suburbs by private sector

The construction of new urban suburbs by the private sector is regulated by the Cabinet Resolution No. 16 (2007) under the auspices of the Ministry of Local Administration and Environment. Even though the decision was originally issued to allow public sector entities to build suburbs, it was also the first initiative enabling the private sector to contribute to land development. Under this decision, a limited number of new suburbs had licensed in countryside

of Damascus, Homs and Aleppo before the decision was canceled after the creation of the Real Estate Development and Investment Commission (RDIC) under Law no. 15 (2008). Law 15 gave the RDIC the responsibility of certifying real estate developers and issuing licenses for establishing new residential and non-residential urban suburbs by developing greenfield lands or renovating existing residential areas, with the aim of:

- Providing the housing and construction sector with the necessary lands.
- Establishing integrated residential cities, suburbs and new urban communities.
- Addressing informal settlements.
- Securing low-income housing needs.

Development lands under this law are required to be outside the buffer zones of natural resources and strategic sites, and outside areas designated for touristic use by the Supreme Council of Tourism. Furthermore, they must consist of a minimum suburban area of 15-25 hectares depending on the governorate to which the project belongs.

The law also provided **tax incentives** through waivers on the import of construction equipment and building materials and allowed the free of movement of capital and profits in and out of the country. During the crisis, real estate development by the private sector was halted and real estate development projects that already obtained licenses stalled. Meanwhile, the public sector housing entities were allowed to undertake real estate development activities and the conditions for private developers to be licensed were set. Fifty-six private companies and six public sector developers were licensed, and 25 development projects (with a total area of 4233 hectares) were launched, three of which are special development zones for informal settlements.

6.4.2 Industrial cities and regions

Industrial cities have been developed by the governorates or municipalities on state-owned or expropriated (agrarian reform) lands. Four large industrial cities emerged in the Damascus countryside, Aleppo, Homs, and Deir Ez-Zour governorates with systems of ownership and investment put in place to

serve the industrial private sector. The industrial and crafts zones, on the other hand, are regions attached to the master plans of municipalities (except for the provincial capitals). These zones are also supposed to be established on allocated state land or lands expropriated during the agrarian reforms of 1958.

6.4.3 Summer projects

The Ministry of Tourism is responsible for planning and managing tourism activity in Syria. Several decisions have been issued to regulate touristic projects for the private sector outside the master plans with specific requirements (such as the lands designated for these projects should not be suited to agriculture and should be outside the protected buffer zones). These projects include summer houses, investment

activities and the necessary accompanying services. The regulatory framework also pushed the summer housing associations to purchase lands in regions with touristic characteristics fulfilling the spatial requirements. These projects become widespread in countryside of different the governorates except for the eastern and northeastern ones (Deir Ezzor - Raqqa - Hassaka).

6.5. Informal settlements

Informal settlements are a widespread phenomenon, especially in the outskirts of the main cities, on the main roadsides, in peri-urban agricultural areas and in the vicinity of water bodies. Some statistics estimated that 40 percent of the population lives in informal settlements. A complex of set of interrelated reasons led to this phenomenon in Syria:

- The wide gap between supply and demand for housing in both quantitative and qualitative terms.
- The development imbalance between the countryside and the city which pushed the rural population to seek job opportunities in cities, resulting in major waves of rural to urban migration and unregulated development in the outskirts of cities to accommodate these new populations.
- The lack of supply of affordable housing for the poor.
- Lack of suitable and affordable housing for middle-class families who find in informal neighborhoods

- an opportunity to acquire dwellings at affordable price
- The implications of an urban law developed for provincial cities (Law 60 of 1979, amended by Law 26 of 2000) that enforced expropriation as the sole instrument (apart from land readjustment) to acquire lands needed for urban expansion and development. Under these conditions, the municipalities found themselves unable to carry out urban development before landowners would informally subdivide and sell their lands in small pieces for illegal building purposes to avoid having their land seized in return for nominal compensation awards.
- The increase of housing prices as a result of the rise in prices of building materials.
- The failure to add more serviced lands in an already insufficient development stock through master planning.
- The failure to implement the already existing master plans.
- The inefficient application the urban development laws in terms of the long time for a development plan to be implemented or the unfair treatment towards landowners which lead them to build on their lands without respecting the regulations or selling lands to build illegal housing.
- Violations are no longer limited to housing purposes, but they also include other industrial and commercial constructions that have taken place in a dispersed or clustered manner on agricultural lands and without the due building permits.

6.6. Land development challenges

For long periods, land development was limited to the implementation of master plans, which have the main objective of providing lands for housing and related services and facilities under the local governments' authority. Management of non-urban lands was distributed between several authorities, according to their mandates. On grounds of economic necessity, ministerial directives were issued to settle land developments built in violation of the master plan through permanent or temporary permits.

Farmhouses are a typical case of such situation: a ministerial directive allowed the construction of farmhouses setting the minimum area between 4000 sqm and 2000 sqm. Many took advantage of the directive to build large villas. Housing cooperatives developed recreational development along the coast and in the countryside. The latter type of development was stopped in 2007 with the issuance of Cabinet Resolution No. 16 of 2007.¹⁹ Tourism-related projects are another category - ranging from restaurants and cafes to large recreational complexes - that could be built outside the master plan under the Supreme Council of Tourism (Resolution 198 of 1987). The resolution requires that 40 percent of the development area is dedicated to the project itself, while the remaining 60 percent can be divided and sold separately.

In summary, lands outside master plans remain

subject to uncoordinated thematic permits comprising industrial, commercial, housing, services, recreational and other investment projects falling under different authorities and subject to separated permitting criteria. The weaknesses of land development are summarized below.

For lands that are part of master plans, the key challenges are as follows:

- Land division suffers significant delays due to lack of resources and poor logistical support.
- The emergence contradictions between master plans and cadastral maps.
- Unfair compensation for lands expropriated for a public purpose.
- The complexity of land redistribution (land readjustment) process.
- Weak financial revenues resulting from the implementation of master plans and the subsequent lack of resources to build infrastructure and services.
- Absence timeframe for dividing and building land.

For lands outside the master plans, the key challenges are:

- The lack of directive maps for land development.
- Granting licenses to non-residential projects depends mainly on the technical committees.

¹⁹ Resolution 16/2007 allowed residential suburbs on lands outside master plans but it was sidelined by the Real Estate Development and Investment Law No. 15/2008 that established the Real Estate Development and Investment Authority and defined the foundations for practicing the real estate development profession.

- The spread of informal settlements.
- The lack of financial and logistical resources necessary to implement rural land partitioning projects (subdivision and consolidation) causing delays.
- Excessive prevalence of common possessions impedes land development.
- The high percentage of uncompleted cadastral maps and the subsequent disputes over boundaries obstruct development.

07 | Land valuation and taxation

The land valuation function of land administration includes two broad aspects: assessing the value of land and properties, and calculating and gathering revenues through land-based taxes.

7.1. A snapshot of land valuation and taxation capacity

A land and property taxation system exists in both urban and rural areas and it is based on the nominal value of properties, which is normally very low.

Land and properties used to be valued by the cadastral departments during the registration process. At the issuance of land taxation laws (Law No. 178 of 1945) this role was entrusted to the Ministry of Finance, which was charged with keeping land taxation registries at the governorate and district levels. These registries cover built and non-built properties and include a detailed description of physical characteristics, actual use and estimated value calculated based on criteria and principles set by the law and the subsequent implementation instructions. Land taxation records are used for taxation purposes only and do not substitute the land registries.

There is an institutionalized methodology to assess the nominal value of rural and urban registered land. Land fees and taxes are usually calculated based on either the "estimated value" determined by the Ministry of Finance, which is very low as it has only been slightly revised upwards in the past decades, or on the value stated in official documents by one of the concerned parties (e.g. housing cooperatives' records, sales agreements carried out by the religious judge on behalf of owners, sale agreements carried out by legal

persons such as companies or associations, etc.). This introduces distortions in the values of land and property and confusion in the methodology for land-based taxation.

Only registered properties are taxed, and the rate of tax collection is considered very low, although no consolidated data on this is available. Land and property taxes collected belong to the central government and it is not known how much of it is returned to local administrations. Revenues have seen a steady decline over the past years, exacerbated during the crisis by the significant devaluation of the Syrian currency. The impact of taxation on the use of land and land markets is not taken into much consideration by decision makers.

A methodology to assess the value of buildings, as well as a methodology to assess market value of properties exist but it only covers registered land, it is not widely known and it is considered inadequate. Professional valuers exist and have been relatively recently officially recognized as category of professionals. They are registered and somehow trained, but their services are out of reach for many and they mostly serve the banking sector and insurance companies.

7.2. Land development challenges

At the heart of land valuation is the concept of "estimated value". The "**estimated value**" is subject to the provisions of Legislative Decree 53 (2006)

amending Law No. 178 (1945) on the properties tax. Further, the decree defines the rental value of properties which corresponds to the amount to be paid through

the leases in accordance with the provisions of the decree. Specialized committees estimate the property value and the rental value. Owners can appeal those estimations following specific procedures stated by the decree.

During the preparation of this report, Law 15 (2021) was issued and will enter into force on the 3rd May 2021. The law estimates the value of new properties and determines their applicable taxes. The new "Market Trend Value" is estimated on the zone's average price per square meter. The applicable tax is

set between 1 and 3 percent of this value and is to be paid when the property is sold.

Law 39 of 2008 established a specialized authority affiliated with the Ministry of Finance to supervise real estate finance in Syria. This authority - the **Real Estate Finance Oversight Commission** (RFOC) - is responsible for regulating the valuation profession under Law 8 of 2012 and for licensing valuation practitioners. The Properties' Valuation Guidelines have been issued by RFOC in 2017 to guide appraisers.

7.2.1 Valuation for expropriation

Land expropriation by government entities for public purposes (e.g. housing, infrastructure, roads, etc.) is subject to Legislative Decree No. 20 of 1983. The value of land subject to expropriation is based on its value just before the issuance of the expropriation decree with disregard of increases (or decreases)

caused by the expropriation proposal or speculations. Expropriation appraisal considers the value of land and the presence of buildings or other constructions, crops, trees and fruits; other rights in rem are compensated as well.

7.2.2 Valuation for social housing

If the land acquisition takes place for social housing purposes, the expropriated landowners have the priority in receiving housing units in proportion to their needs. Sale price is calculated based on the cost price plus a profit margin estimated by the public entity carrying out construction. For example, the General Establishment for Housing collects building costs from subscribers in installments. The value is calculated as the cost price plus 5 percent of cost as administrative expenses, and a maximum of profit of 15 percent of the total sum.

Housing cooperative associations value the houses they built based on the cost price plus the administrative costs and the contribution due the General Federation of Cooperative Housing. The payment takes place through a payment plan proposed by the elected cooperative management body. The cooperative members are entitled to apply for loans from the real estate bank, with the guarantee of their homes.

7.3. Land and property taxes and fees

There are different taxes and fees imposed on land and properties.

7.3.1 Annual property tax

As per Decree 53 of 2006, the **annual property tax** is calculated based on a percentage - between 14 and 60 percent - of the estimated rent of property. This percentage and the estimated rent are re-estimated

whenever the property undergoes subdivision, consolidation and/or other physical changes, including change in designated use, or whenever it becomes part of the master plan. A property can also

be re-estimated upon the request of the lessor or the tenant of non-residential properties. The decree also states that the re-estimation shall take place in cases of general change to the value of properties at the neighborhood level if the change exceeds 25 percent.

A general re-estimation of properties in Syria took place in 1985 and since then no new re-estimation took place. These taxes are collected locally and transferred to the general state's treasury. The local administration gets less than 1 percent of these taxes.

7.3.2 Annual property tax

Property sale tax is payable when the property is sold and is paid by the seller. Since the value determined by the finance departments is much lower than the market value, sale tax rates were raised by several laws, the latest of which was Law 41 of 2005. The percentage of the value to be paid increased but the impact on the revenues collected was negligible. The tax consists of a base rate ranging between 7

percent to 30 percent plus fixed increase per year which results in a cumulative rate of 100 percent to 600 percent depending on the type of property built or non-built and on the designated use type. Currently, the Ministry of Finance is working on an amendment proposal changing the appraisal criteria so that the estimated value reflects as much as possible the market value.

7.3.3 Property rights registration fees

The financial laws obliged authorities charged with registering real rights to ensure that the due property fees and taxes have been paid before any registration can take place. The financial departments and land registration authorities coordinate effectively in cases related to modification of real rights requiring proof of payment of properties tax and verification of property descriptions in both taxation and land registration records.

Real estate fees are due while registering real rights. These fees are calculated by the cadastral departments following the rules set by Law 429 of 1948 and its subsequent amendments, which imposed fees on each creation, cancellation, and modification of real rights based on the estimated value or the value declared by the concerned parties, whichever

is higher. In the past decades, these rates have been modified (without modifying the estimated property values) such that registration fees reach 9.8 percent, an excessively elevated rate on appearance but with minimal results due to inflation. Nevertheless, the exaggerated registration fee rate incentivizes people to conceal the real sale prices of the relevant property so that the estimated appraisal becomes the sole basis for the fee calculation. The GDCA is currently seeking to amend Law 429 of 1948 in conjunction with the amendment of the Properties Tax Law No. 41 of 2005, developed by the Ministry of Finance, to adopt more realistic appraisals that are as close as possible to the real value of real property assets while property fee rates are reduced both in finance and cadastral departments.

7.3.4 Field survey costs

When registering a land or property, in addition to the real estate fees, the costs related to field surveys carried out by GDCA to capture any geometrical changes to the properties need to be paid. These GDCA fees include technical costs, the costs of certificates, copies of blueprints, and statements given to owners regarding properties records. These costs are calculated on the basis of the total working hours; since the labor cost is very low, these costs are

very low compared to the value of the property. The fees charged do not actually cover the full cost of the process, despite the successive increases, the latest of which took place in 1996. A sense of the proportion of GDCA revenues collected from field survey fees compared to the registration fees is given by the following 2019 figures: roughly 320,000 contracts were registered by GDCA, resulting in revenues for about 5 billion Syrian pounds (approximately USD

6.5 million dollars), while the fees received for the provision of technical services amounted to about 70 million Syrian pounds only (USD 90,000).

All taxes and fees mentioned above are collected locally and transferred to the General State's Treasury. The municipalities then receive funds from the Ministry of Local Administration to support their expenditures

7.3.5 Lease agreements fees

Another aspect of property taxation is related to lease agreements fees. The rent law of 2001 determines these fees as 1 percent of the monthly rental amount.

7.4. Real estate market

No systemic monitoring of the real estate market exists in Syria, due to the presence of several entities keeping their ownership records with no comprehensive regulatory umbrella. The real estate market attracts people seeking to protect their savings against inflation or those seeking to garner extra income by leasing the properties they acquire. The latter has witnessed a significant surge after the issuance of the 2001 rent law obliging tenants to return the property to owners at the expiration of the

7.4.1 Lease agreements fees

However, the real estate market remains unorganized and suffers from several problems. No accurate **statistics and data** exist because different registries do not share and produce consolidated information. According to GDCA's indicative figures published in 2010, there are nearly 5 million registered properties, to which properties registered by other entities need to be added (e.g., temporary registry in six cities, the General Establishment for Housing, housing cooperatives, etc.).

Since 2014, GDCA begun to issue **statistics on properties transactions**, including a cumulative number of all property sales or other changes to property rights. The number of contracts in 2010 reached 477,000, while it amounted to 322,000 in 2019. In addition to these contracts, other transactions took place through other registries, the number of which is unknown.



Figure 7. Registration Fees in GDCA 2010 - 2019

lease agreement. Between 2003 and 2009, a period of significant economic openness allowed foreign capital to enter the Syrian market where real estate development proved to be lucrative, especially given the low property tax rates at the time. As a result, the real estate prices as well as the number of property transactions increased at rapid rates, especially for development lands located in the vicinity of major cities, transportation hubs and recreational areas.

Lease agreements are usually registered in municipalities. Although no official statistics have been published in this regard, the number of agreements registered by the city of Damascus in 2017 was reported to be 252,000 contracts.

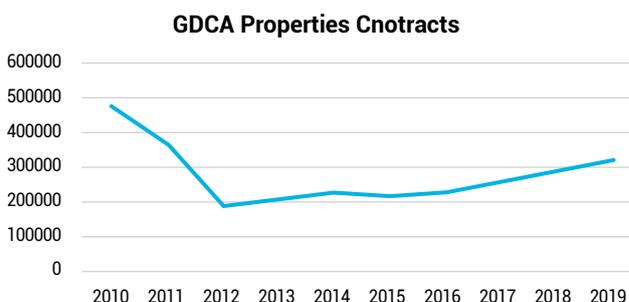


Figure 8. Number of Property Transactions 2010 - 2019

7.5. Land valuation and taxation challenges

Ownership rights to registered land are very strong. Owners may not be expropriated except in specific circumstances and in exchange for “fair compensation” or - as rephrased in the 2012 Constitution - “real value”. However, the methodology for determining “real value” remains unclear despite the numerous unsuccessful attempts to amend the compensation articles of the expropriation law. Though the new constitution explicitly states that expropriation can take place only upon a compensation equivalent to its actual value, it is estimated that, in the best scenario, a property is evaluated at no more than 20-25 percent of its market value.²⁰ This gap not only affects

expropriated owners, but also land development, commercializing state and *Awqaf* properties, re-evaluating and updating lease agreements subject to obligatory renewal - just to mention a few processes that are now carried out in the least efficient way causing unnecessary disputes and grievances. If not addressed properly, this will perpetuate the negligible contribution of land taxes to state revenues and continue to incentivize speculations and inefficient uses of land and property. A new methodology is being developed under the leadership of the Ministry of Finance, but it is not yet ready to be adopted

08 | Land disputes resolution

The land sector's capacity to resolve land-related disputes is a key enabler of a functioning land administration system of every country. This is even more important in countries with fragile institutions emerging from conflict.

8.1. Overview of the disputes resolution system

The Syrian legal system draws primarily from civil law traditions as well as Islamic and Egyptian legal traditions. Syria has a dual judicial system, with secular courts, which hear civil and criminal matters, and religious courts, which deal with family law. At the lowest level are the Courts of Peace or Conciliation (*mahkim al-sulh*), Courts of First Instance (*mahakim albidaya*), Juvenile Courts (*mahakim al-ahdath*) and the Customs Court (*al mahkama al jumrukia*). The court system is overseen by the Supreme Judicial Council while the State Council (administrative courts) is independent from the other courts of general jurisdiction and from the Supreme Judicial Council.

Sharia courts are also active in Syria and perform important functions related to land management. For example, Sharia courts assign legal guardianship for missing persons and for minors, granting the authorization for the sale or rent of the minor's property, determining the inheritance shares in accordance with Islamic Sharia and issuing the

inheritance document, among others. However, the lack of digitization hinders the effectiveness of Sharia's courts.

In 2012, Law No. 22 established the Counter Terrorism Court in Damascus which is a specialized court that relies on the broad prosecutorial provisions in the Counterterrorism Law no. 19, enacted in July 2012. The Counter Terrorism Court has been widely criticized by human rights groups as it does not observe international fair trial standards and due process of law. No retrial is possible in judgments issued by the Counter Terrorism Court against absentee suspects, unless they voluntarily surrender themselves to the authorities, and the Court gives powers to seize all movable and immovable properties of suspects tried before it. Reports state that twelve hundred cases in January 2014 and thirty thousand cases in May of that same year were referred to the Counter Terrorism Court.

²⁰ For instance, the annual property tax is equivalent to 500 Syrian Pounds for a property with a market value of more than 100 million Syrian Pounds and a nominal value of 40,000 SP.

8.2. Assessment of the capacity of the disputes resolution system

The existing civil court system is considered well-structured and mostly designed to resolve conflicts and disputes over individuals' land rights and parcel boundaries. It is not too expensive - at least for what concerns official fees - but it is very slow, and people are not sufficiently aware of the procedures to access judicial dispute resolution. The very limited digitalization of the court system, huge backlog of cases, and weak enforcement of the court decisions are key limitations to its functioning. Information about the proportion of land-related cases heard in civil courts could not be found.

The trust in the formal disputes resolution system is overall low and generally lower among the displaced Syrian population, as revealed by a recent household survey undertaken by UN-Habitat among Syrian refugees living in Lebanon. Most respondents do not have confidence in the ability of the Syrian legal system to help them recover their properties or obtain compensation. The level of trust in the judiciary was slightly higher among those with land and property documents at hand, but the overall perception is of a partial and politically controlled judiciary system.

Most respondents raised concerns over the high costs and lengthy process that court proceeding entail, but also corruption and weak rule of law. Some respondents are concerned with the fragmentation of the judicial system across the Syrian territory, as areas outside government control have separate court systems particularly affecting displaced people.

While many judges are well versed into property law, the per capita ration of judges is very low and most of them are not sufficiently equipped to deal with housing, land and property rights claims in the context of displacement. This is likely to create significant congestion of the court system, leading to long delays, especially considering the scale of cases that the system will have potentially to deal with in the coming years.

8.3. Land disputes' resolution challenges

The capacity assessment of the Syrian land disputes resolution mechanisms reveals structural weaknesses that would need strengthening to be able to address in a timely manner routine land-related disputes, such as individual disagreements over boundaries, land tenure rights, inheritance issues, valuation and compensation, etc. In addition, significant efforts would have to be put in place to enable Syrian institutions to deal with land disputes related to the mass displacement witnessed during the conflict that still affects about twelve million people. This includes resolving disputes related to secondary occupation, fraudulent sales, forgery of land-related documentation, forced evictions, compensation, etc., and it is likely to require the establishment of additional land disputes resolution mechanisms, as no alternative dispute resolution mechanisms of significant scale is currently in place.

Land administration's technical framework and spatial data infrastructure

A functioning land administration system builds on a well-designed spatial data infrastructure. This chapter describes Syria's spatial information system.

9.1. Cadastral maps

In the Syrian Land Administration System (LAS), cadastral maps are part of the land registration system and, for that reason, have the same evidentiary power as of the written components of the property registry and accordingly can serve as the authoritative reference for determining land boundaries in case of disputes. No modifications or differences on the ground are taken into consideration in this case. Therefore, demarcation and census works include the creation of the cadastral map for each cadastral district, where boundaries between adjacent properties are identified, in the presence of the owners, neighbors, *mukhtar*, and concerned people. This work takes place under the supervision of the cadastral judge. Disputes over parts of the boundaries shall be noted on the cadastral map and recorded in the special register for the judge to take a decision upon completion of the demarcation and census work.

The cadastral maps, which form the basis for this system, are generally created based on aerial imagery where physical boundaries are shown making them valid to carry out property counts and boundary demarcation. These images are linked to the Triangulation and Traverses network that is based on the cadastral projection system established by the French authorities. Such system relies on the projection of land features on a flat projection plane at the center of which the Syrian Badia is located somewhere in a central area of the Syrian and Lebanese lands, located in a point with geographical coordinate of 38 degrees latitude and 43.5 degrees longitude. This stereographic projection system was selected so that all territories under the French mandate within a radius of 400 km from that point could be projected with acceptable distortion in terms of shape and area.

Despite the fact that the vast majority of lands in Syria have already been subject to the demarcation and census process, and were duly registered, cadastral maps of about half of these lands are still in the draft

stage because their topometric computations have not yet been completed and the basic measurements taken are therefore referred to whenever modifications to shapes and other geometrical characteristics are required.

The French authorities awarded the work of preparing cadastral plans during the demarcation and census to Camille Duraffourd, a French technical contractor and former army officer. Duraffourd was responsible of certifying cadastral maps once completed. In most cases, field surveys were carried out by local sub-contractors. After independence, technical departments were created in all governorates comprising of engineers and technicians who previously worked under Duraffourd and his local contractors. These departments were responsible for the creation of cadastral maps and technical plans necessary to update the existing maps. The quality of the produced maps varied according to the expertise of the different teams. This prompted GDCA to establish a two-year intermediate cadastral survey school, the graduates of which were enlisted to work with the GDCA or other public entities as needed. This school remained active until 1991 when survey was introduced to the intermediate technical institutes under the Ministry of Higher Education.

Survey engineers, on the other hand, had to graduate from foreign universities until the 1990s when a several Syrian universities created surveying departments, some graduates of which then worked for the GDCA. However, some of these universities soon closed their survey departments for various reasons, once again creating a deficit of this type of specialty. This inconsistency in GDCA workers' technical expertise has weakened efforts to develop technical frameworks and tools for the cadastral work. The GDCA is still dependent on outdated technical methods and complicated bureaucratic structure which in later stages led to a gradual decline in the quality of cadastral maps

9.2. Topographic maps

Until the 1980s, masterplans were developed using cadastral maps updated with the necessary physical details and information. However, given that in many locations no completed cadastral maps exist, the Ministry of Housing and Utilities (then Ministry of Public Works and Housing) established an independent department to support the ministry's Directorate of Urban Planning with up-to-date topographical maps reflecting the current reality of urban communities. These topographic maps were developed based on cadastral reference points. The methods for creating these topographical plans have evolved until they started being produced by digital methods in 2000. Subsequently, the role of the cadastral maps, as the basis of masterplans, witnessed a steady decline. Consequently, two types of maps for the same urban areas existed in parallel and shared approximately 60 percent of their contents: the cadastral maps and the topographical plans. Technical gap between both types increased and thus led to the problem of mismatches between the topographic and cadastral maps. This issue has proved especially daunting when implementing master plans using land readjustment to issue building permits. Until 1996, topographic maps were prepared by public sector institutions, after which, the private sector has become a major player

through assignments by the ministry of housing and in some cases, by the municipalities (Damascus and Aleppo).



Image 7. Part of Topographic Plan. Scale: 1/1000.

9.3. Small scales topographic maps

Projects at a regional scale use small scale topographic maps (1:25,000 and 1: 50,000) produced by the General Establishment of Survey (GES) working under the Ministry of Defense. GES produces 1:25,000 -1: 750,000 scale maps, the majority of which have been produced in the 1960s with minor updates.

These maps are available in various projections, the most important of which is the Lambert Conical projection for civilian use. In the years preceding the crisis, these maps were digitized using geographic information systems (GIS) and were made available in several projection systems.

9.4. Small scales topographic maps

The use of aerial imagery produced by the General Organization of Survey is limited to satisfying its own purposes, including preparing physical topographic plans for the benefit of governmental entities. The General Organization for Remote Sensing (GORS), established in 1986, is the authority entrusted to provide satellite imagery products in Syria from commercial providers. GORS uses several remote sensing techniques to carry out scientific research and projects in collaboration with several public

entities, the most important of which are the Ministry of Agriculture and Agrarian Reform, the Ministry of Water Resources, the Ministry of Oil and the Regional Planning Commission. As a result of sanctions imposed during the crisis, the role of the GORS has diminished significantly.

9.5. Land Information challenges

In theory, land information is public and anyone has the right to request information from the relevant entity. However, ownership-related information remains restricted to official authorities only, while the coordinates of reference points, cadastral maps and topographic maps are still subject to administrative restrictions and approvals.

Land use information must be retrieved from various entities and there is no single authority to refer to for information on the legal and regulatory status of lands. Online resources are very limited and only a few maps and charts can be used for published scientific research and reports.

Syria's land administration system lacks a single reference to supervise and monitor this sector's activities, and each ministry or institution with land administration mandates exerts its authority individually, except in special cases requiring coordination between several administrative bodies. Also, there is no clear vision to develop an integrated system that interlinks the different land administration stakeholders.²¹ Therefore, in projects at the governmental level requiring the preparation of development plans and permits, multidisciplinary committees from relevant entities are formed to ensure the orientations, restrictions and criteria, and views of all concerned stakeholders are included in the design.

Additional difficulties in obtaining detailed technical and legal information related to land administration result from the fact that information is issued by multiple parties due to the lack of specialized legal platforms. Recently, however, various ministries have started publishing laws, instructions, resolutions, directives and other legal instruments on their respective websites in a selective and unorganized manner with striking disregard for the necessary reviews and updates. In addition, there are no periodic bulletins or publications whatsoever concerned with the legal and regulatory environment of this sector, and reports prepared by government agencies- if any- are limited to their annual work and achievement percentages.

Weaknesses of land information can be summarized as follows:

- Though information at individual property level is available to the public, land information at the regional, community and neighborhood levels are only accessible to government institutions.
- Forty-five (45) percent of the cadastral plans are still in the preliminary phase of development.
- Master plan information is accessible only to a limited extent.
- Information on protection areas and buffer zones are extremely difficult to obtain, whether in the form of maps or technical instructions.
- Decisions and requirements related to land development outside the master plans are difficult to obtain.
- Land-use maps produced by the relevant government agencies have yet to be published.
- A complicated framework for land taxation and fees makes calculating taxes or fees a daunting task.
- Properties secured by judicial rulings or power of attorneys and not registered in any of the available land registries are generally excluded from the taxation system, and private and public debtors' claims.

21 Various initiatives were attempted in the past with no success.

10 | Land administration stakeholders

The relations among the land administration stakeholders has varied following the ever-changing contextual conditions that Syria has witnessed in the past decades. New stakeholders emerged and old one disappeared, land administration entities have been merged and separated several times. This section presents the current situation with a focus on government and institutional stakeholders.

It is important to acknowledge, however, that there are many other land sector stakeholders that should be part of the land administration dialogue and that need to participate in the identification of problems and solutions, if the reform and the establishment of a well-functioning land sector is to be successful. These actors include academia and the training institutions forming land professionals at different levels through formal education and continued professional courses. The broad range of private sector actors - from private surveyors to notaries and lawyers, to real estate developers, to geospatial companies, etc. - must participate in finding innovative and scalable solutions for the modernization and functioning of the land sector. Civil society organisations and associations of land users – urban and rural, living in their communities or displaced – are also important partners, whose perspectives must be incorporated to ensure the inclusivity and efficacy of the reforms enacted. The participation of women and associations representing the interests of women and youth should also be ensured, as they constitute a majority of Syrian society but are typically unrepresented in reform processes, which hinders the sustainability and implementation of the decisions taken. Other actors that may be included are international humanitarian and development actors and experts from other countries with experiences in addressing land administration issues in comparable contexts.

10.1. Land registration stakeholders

Function	Tenure Type	Registration	Institution	Registration Service	Cadastral Survey Service
Land Tenure	Ownership	Permanent Registry	GDCA	- 13 main cities - 30 administrative districts	13 main cities
		Temporary Registry	Municipalities	6 Main Cities (Damascus, Homs, Hama, Tartous, Latakia, Aleppo)	Not Applicable
			General Establishment for Housing	Branches of GEH in the Main cities	Not Applicable
			Housing Cooperatives	Cooperative headquarter	Not Applicable
			Other public entities	Entity headquarter	Not Applicable
		Court Ruling	Judicial courts	All cities and administrative districts	Experts plans attached to judicial rulings
		Power of attorney	Notary offices	All cities and administrative districts where the courts are located	

Land Tenure	Other forms of tenure	Leasehold	Municipalities	Municipalities offices	
		Arable land use	Ministry of Agriculture and Agrarian Reform	13 Main cities	Cadastral maps at ministry of agriculture
		Cadastral Usufruct	GDCA	- 13 Main Cities - 30 administrative districts	
		Agricultural Usufruct	GDCA + Ministry of Agriculture and Agrarian Reform	- 13 Main Cities - 30 administrative districts	
		Right of use	GDCA	- 13 Main Cities - 30 administrative districts	
		Possession in common property	An agreement between the owners to determine the spatial of each partner	Agreement between owners/ partners	The position of possession is determined by an expert plan
		Customary adverse possession	Neighbours and mukhtars testimonies		Long term use of land as a result of being one of the owners
		Encroachment on others' properties	Neighbours testimonies		Long term use of land

10.2. Land planning and development stakeholders

Function	Subject	Implementing Authority	Outputs	Notes
Land Tenure	Regional planning	Regional Planning Commission	National framework for regional planning	
	Regional planning	Regional Planning Commission	Regional development plans for development regions and axes	
	Protected lands and buffer zones	Public bodies, each according to its competence	- Instructions for infrastructure protection zones - Cadastral maps - Thematic maps	
	Planning of special zones	Ministry of Local Administration with International Cooperation Programs (2006-2009)	Land uses plan for regions of special interest	Not approved structural plans
	Urban planning	Municipalities, Governorates, Ministry of Public Works and Housing	Approved Master plans 1:2,000	
	Public housing programs	General Establishment for Housing	Master plans for public housing projects	

Function	Subject	Implementing Authority	Outputs	Notes
Land development	Implementing mater plans	Municipalities	Infrastructure and services	
		Private sector	Urban suburbs	As per Real Estate Development Law
		Cooperative housing	-Residential buildings within the existing master plans -Recreational suburbs	Permits to the recreational cooperatives has been frozen
		General Establishment for Housing	Residential suburbs	
	Non-residential installments	Governorate	Permits for non-residential projects	
	Licensing touristic facilities	Ministry of Tourism	Recreational complexes, restaurants, hotels, resorts	
	Industrial cities	Governorate – Ministry of local administration		
	Vacation projects	Vacation cooperatives	Residential compounds for summer residence with commercial facilities	
	Urban violations	Private sector		

10.3. Appraisal and real estate taxation stakeholders

Function	Subject	Implementing Authority	Outputs	Notes
Valuation	Real estate appraisal	Licensed appraisers	-Properties appraisal reports for the private sector and banks	
	Expropriation appraisal	Governmental evaluation committees comprising independent real estate experts	-Participation in governmental appraisal committees	Evaluation committees' reports are subject to appeal
	Appraisal of cooperative housing buildings	Administrative committees comprising independent real estate experts	Compensations to landowners	
	Governmental Housing appraisal	Governmental committees	Housing unit costs for subscribers	
Taxation	Real Estate Tax	Ministry of Finance		
	Real Estate Fees	GDCA		

Key features of the land administration's legal framework

Syria has a very developed land-related legal framework that has been evolving since the Ottoman period to present day, and a large and rapidly evolving set of laws, decrees and resolutions complement each other in regulating the various aspects of the land sector. Laws are discussed in parliament and then issued by the presidency while decrees are issued by the presidency directly. Legislative decrees are issued by presidency and then presented to parliament for approval. Resolutions (i.e., decisions, executive instructions, circulars) are issued by cabinet or ministers, and the issuer has the authority to amend them. The main instruments regulating land tenure, land planning and development, and the real estate appraisal and taxation are listed below.

11.1. Properties ownership and tenure laws

Law/Resolution	Subject	Notes
Resolution 186 LR 1926	Regulating demarcation and census procedures for registration of real rights	
Resolution 188 LR 1926	Regulating the land registration system	
Resolution 189 LR 1926	Implementation of instructions for Resolution 188/1926	
Law 84 (1949)	Civil Code, containing special chapters for contracts, real estate, and property ownerships	Repealed Resolution 3339 / TL of 1926
Decree 132 (1952)	Creating the Central Registry Directorate concerned with preserving copies of property contracts that take place in GDCA in all governorates	
Decree 337 (1956)	Giving the microfilm copy of cadastral records the same evidentiary power as the origin	
Law 252 (1959)	State's land Law	
Law 3 (1962)	Confiscating lands exceeding specific ceilings, and placing them at the ministry of agriculture's disposal for distribution to landless farmers	Amended Law 161 (1958)
Decree 166 (1968)	Distribution of state-owned agriculture lands to landless farmers	
Legislative Decree 20 (1983)	Expropriation law	Repealed Law 20 (1974)
Law 65 (2001)	Marine Public Property Law	
Law 56 (2004)	Law of Agricultural Relations regulation relations between landowners and land labor	amended Law 13 (1958)
Decree 82 (2010)	Allows municipalities to keep temporary registry for under construction buildings to record properties rights until construction is completed	Repealed Law 14 (1974)
Law 99 (2011)	Regulating housing h cooperatives	Repealed Law 17 (2007)

Law 16 (2014)	Regulating the work of cadastral judges and providing them immunity in the context of certifying demarcation and census results, and deciding on lawsuits and disputes thereto	Repealed Law 89 (1959)
Law 26 (2015)	Regulating the General Establishment of Housing	Repealed Decree 76 (2011)
Law 12 (2016)	Giving the digital copy of property records the same evidentiary power as of the paper origins	New legislation
Law 33 (2017)	Addressing damage and loss of land registry documents, and the issuance of alternatives enjoying the same evidentiary power as of lost or damaged origins	New legislation
Decree 53 (2006)	Property Tax Law, which includes the registration of property characteristics and owners in the records of the Ministry of Finance	Amended Law 17 (1945)
Law 6 (2001)	Lease Law (Cessation of the obligatory renewal of lease agreements for Housing Purposes)	
Law 33 (2008)	Eliminating commonality of property inside and outside the master plans - the aim is to give each owner or occupant in the built areas a title deed for his property	Useful for registering of informal houses
Legislative Decree 40 (2012)	Building violations, stating violations that can be settled if committed before the law's issuance and those that cannot be settled	This is the latest of a series of similar laws: Legislative Decree 59 (2008), Law 1 (2003), Law 44 (1960)
Law 15 (2014)	Regulating the work of notaries	Repealed Law 54 (1959)
Law 31 (2018)	Law of Endowments Awqf - Property management and investment	It replaced a set of laws and decrees the first of which dates back to 1949

11.2. Land planning and development laws

Law/Resolution	Subject	Notes
Law 166 (1967)	Land readjustment of agricultural properties to address the excessive fragmentation of land by reassembling them to improve on agricultural production revenues	
Legislative Decree 5 (1982)	Master Planning of urban lands (Cities, Towns, Villages, and Urban Communities)	
Law 41 (2002)	Land reclamation and land redistribution to farmers (e.g. irrigation projects, soil improvement, etc.)	Repealed Law 11 (1971)
Law 3/1984	Farming investment	
Decree 10 (1986)	Recreational investment	Issued by the Supreme Council of Tourism
Resolution 198 (1987)	Creation of industrial cities, management, exploitation	

Resolution 186 (1985)	Water Code, Defining Water Resources Protection Areas	
Decree 57 (2004)	Classification and Protection of Public Roads	
Law 31 (2005)	Desert "Badia" Lands Law and its Protection	Repealed Decree 140 (1970)
Law 26 (2006)	Creating the Real Estate Development and Investment Authority, licensing real estate development projects, the real estate development and investment profession	
Law 62 (2006)	Creating the Regional Planning Commission, rights and duties, development and approval of regional plans, structural plans	
Law 15 (2008)	Regulating housing and Summer Cooperatives	Cooperatives exist since 1950 with Law 65
Law 26 (2010)	Licensing installations and projects outside master plans and settlement of the existing ones	
Law 99 (2011)	Creating development zones within master plans	Derived from Legislative Decree 66 (2012)
Circular 4 (2017)	Implementation of master plans through two methodologies:	Repealed Law 9 (1974) and Law 26 (2000) amending Law 60 (1979)
Law 10 (2018)	• Dividing the lands at the request of the owners according to the master plan	
Law 23 (2015)	• Dividing of lands collectively into master plans by municipalities	
Decree 26 (2015)	On the General Establishment for Housing	Repealed Decree 25 (2007)
Law 6 (2018)	Law for the Protection of Forests - Maintenance – Exploitation	

11.3. Real estate appraisal and tax laws

Law/Resolution	Subject	Notes
Law 429 (1948)	Properties transactions and GDCA fees	
Decree 26 (2013)	Calculation of expropriation values	Repealed Law 3 (1976)
Law 41 (2005)	Properties sales Tax	Extracted from income tax law 24 of 2003
Decree 53 (2006)	Properties Tax and Estimated Financial Value	Repealed Law 178 (1945)
Law 39 (2008)	Establishing the Real Estate Finance Supervisory Authority	
Law 8 (2012)	Regulating the profession of properties appraisers	
Resolution 8 (2016)	The General establishment for Housing operations system - evaluation of properties units	Resolution by the Minister of Public Works and Housing
Law 31 (2018)	Endowment "Awqaf" Law - Estimation of rental and exchange values for endowment properties	Modified a set of laws and decrees dating back to 1949

The impact of the crisis on land administration

12.1. Summary of the state of land administration before the crisis

Before the crisis, Syria had been going through a major economic transformation that started in early 2000's and was reinforced by the tenth five-year plan (2005-2010), an optimistic plan promoting economic openness to which the United Nations Development Program (UNDP) significantly contributed. The plan remarkably stated advanced goals and strategies for regional planning and urban development. Some of the plan's actions such as the restructuring of the urban planning sector, the establishment of a regional planning authority, and encouraging real estate investment were implemented or, at least, put on track. During the same period, Syria witnessed extensive land development and infrastructure works, and an increasing number of agricultural, industrial and recreational investment projects were inaugurated.

The regional planning goals contained in the tenth five-year plan include:

- Reducing the existing imbalance between regions and governorates by achieving balanced and sustainable development at the national, regional and local levels.
- Promoting decentralization, regional and local governance approaches by establishing good government structures that are efficient, effective and accountable.
- Comprehensive, flexible and transparent plan development, implementation and evaluation through strengthening the participatory approach.

The urban planning and development goals contained in the tenth five-year plan include:

- Strengthening capacity-building for urban development and improving its regulatory, institutional and human frameworks.
- Linking urban development to socio-economic reforms, rehabilitating and renovating the Syrian urban space in an integrated and balanced manner, with special emphasis on the least developed governorates.
- Raising the physical, large cities' natural and human urban aspects of , developing small and medium

cities and creating new urban areas according to contemporary standards for the redistribution of service centers and urban development poles in Syria.

The most prominent works of the plan can be summarized as follows:

1. Initiate the preparation of land uses maps for the main development regions and hubs in Syria, such as:
 - Land use plans for Barada Plain and Maaloula, Saydnaya and Al-Tal plain, Metropolitan Damascus, and the Syrian Coast
 - Regional study of the eastern region
 - Development structural studies, such as the development of Aleppo – Lattakia axis, and the Metropolitan of Damascus
 - Regional planning for Tartous
 - Structural plan of Al-Ghab plain
2. Establishing a special development program for the eastern region.
3. Issuing and amending a set of laws:
 - Law 20 (2005) establishing the General Commission for the Management and Development of Al-Ghab Plain
 - The water code 31 (2005)
 - Law 75 (2005) amending the Legislative Decree 81 (1947) to allow the expansion of GDCA services in urban communities
 - Law 10 (2006) amending the old lease law according by subjecting lease to the will of the agreement parties
 - Law 14 (2006) extending the financial appraisal of properties
 - Law 34 (2006) Creating the Public Commission for Badia Administration and Development
 - the Forestry Law 41 (2006)
 - Decree 53 (2006) amending Law No. 178 (1945) on the property Tax Act
 - Law 55 (2006) establishing the Stock Market
 - Law 26 (2006) on Classification and Protection of Public Roads
 - Law 62 (2006) amending Decree 140 (1970) on Badia lands and protection

- Law 32 (2007) allowing non-Syrian investors to own and lease lands and properties needed to establish their investment projects
 - Law 33 (2008) to remove commonality in property ownerships inside and outside master plans
 - Law 15 (2008) for Real Estate Development and Investment
 - Law 39 (2008) establishing the Real Estate Finance Supervisory Commission
 - Law 54 (2009) Exemption projects covered by:
 - the investment decree 8 (2007), Law 15 (2008) on real estate development, and Supreme Council of Tourism resolution 186 (1985) from profits tax.
 - Law 26 (2010) on Regional Planning
4. Building the capacities of urban planners at the central and local levels, through several international cooperation programs (e.g., European Union, GTZ, JICA, UNDP, SIDA, etc.).
 5. Innovating urban planning tools with the introduction of CAD/CAM and GIS systems.

12.2. Land administration during the crisis

During the crisis, with the shrinking of government revenues due to the decline of the local economy and the constant drain of skilled human resources caused by emigration and displacement, the tenth five-year plan's projects were put on hold, and government focused on other priorities. The economic recession led to increased inflation and devaluation of the Syrian currency. As a result, the Syrian government adopted an austerity approach, the real estate investment witnessed a full stagnation and infrastructure building and maintenance declined. Meanwhile, the urban planning functions were subject to a double series of institutional shifts²² which appeared to be a struggle between ministries to control land administration. In 2012, urban planning was moved to the Ministry of Housing and Urban Development. In 2018, the Council of Ministers shifted it back to the Ministry of Local Administration and Environment, but shortly after a legislative decree moved it back again to the Ministry of Housing.

At the same time, the war pushed some government reforms into effect. The modernization of some government entities was fast tracked. One example is the court computerization initiative as well as the

project of archiving the powers of attorneys through digital means. The GDCA, also benefiting from this trend, accelerated its efforts of archiving its large stocks of documents and launched a project to computerize the land registry's procedures.

More reliance on electronic exchanges between the government entities was also witnessed. In that context, the prime minister's office adopted an electronic correspondence system between ministries and public entities, and a recent circular (No. 15/156/15 of 2020) orders the government to secure government network in all government correspondences. A special decree (17 of 2012) was issued to deal with electronic transactions and cybercrimes.

Of noteworthy significance is the issuance of Decree 66 (2012) that created two development zones in Damascus. This decree was the model for the (in) famous Law 10 (2018), intended to enable the Syrian government to designate land anywhere in the country for redevelopment purposes, which practically extended the jurisdiction of Decree 66 (2012) to all urban communities.

12.3. The impact of the crisis on land administration

The Syrian governorates have suffered in varying degrees from the crisis during the past ten years, and some territories are still outside the government control as of the date of this report. The crisis has driven 6.2 million Syrians to migrate within the country, and another 5.6 million are registered as refugees by the

UNHCR.²³ This necessarily led to an almost complete cessation of activities related to land administration. Governmental programs have stopped or slowed down and, private sector investments have come to a standstill in most governorates. Master planning and land development activities stopped everywhere,

²² Renamed later on Ministry of Public Works and Housing
²³ World Bank reports, latest update 2020

except for a select few cities such as Damascus, Hama, Latakia, Tartous and Al-Sweida where security conditions were relatively better. Local communities took charge of the basic services' delivery where government's capacity, or even presence, shrunk to a minimum. In some locations, government officials fled hastily under the pressure of violent confrontations, taking with them whatever documents they could rescue. This is the case of some cadastral offices where 18 percent of property records were move to safe cities while 2,000 land books (out of a total of 100,000) were either damaged or lost, and some of them are located in out of government's control areas (Al-Raqqa Governorate, Manbij and Azaz in Aleppo Governorate). To address this issue, certain legislations were amended and new ones issued to face the impacts of the crisis (e.g. Law 11 of 2016, 12 of 2016 and Law 33 of 2017). The situation during the crisis is summarized below.

Ownership and tenure – A portion of the cadastral documents kept by the GDCA was damaged or lost as a result of the security conditions, including some components of the registry system (e.g., property records, contracts, cadastral maps) in Aleppo, Deir Ezzor and Damascus countryside.

In Homs city, the temporary registry was burnt although a complete digital copy of that stock remained intact, and it is being used to create another paper-based replacement. Housing records in some housing cooperatives were destroyed. Court files and notaries' warehouses were destroyed. Many displaced people lost their tenure documents as a result of their displacement. Some buildings and equipment belonging to different land registration authorities were damaged to varying degrees. Secondary occupations and fraudulent sales of properties of people who fled their lands have taken place.

The conflict also pushed many processes further towards informality. A noticeable decline in the number of property contracts took place during the conflict years, reaching at the lowest level of less than 200,000 contracts in 2012 (almost 50 percent compared to 2010). In an attempt to curb this trend, new administrative restrictions were imposed on property transactions, lease contracts and powers of attorney related to property (e.g., pre-approvals, paying electricity bills, etc.).

Land planning and development – There has been an almost complete suspension of urban and regional planning projects. Due to the change of the territorial context, the pre-2011 regional planning's national framework has become obsolete and a comprehensive review exercise is now needed. The decline in economic activities and services is very apparent in many cities and in a large part of the countryside, and has been exacerbated by the global health pandemic that hit Syria in 2020. Severe damage was inflicted to the infrastructure and facilities in cities affected by armed confrontations and large parts of the housing stock have been completely destroyed or damaged. This led to an increase in informal housing in the vicinity of safe cities where internally displaced people sought refuge.

Agricultural production also decreased as a result of farmers' migration or due to the lack the resources and products needed for agriculture. Furthermore, UXO/ERW contamination severely limits access to land and natural resources, especially in rural/ agricultural areas, posing a severe health and security risk in urban and rural settings alike and inhibiting the transportation of people and goods. Landmine and ERW decontamination measures will naturally be a prerequisite to any urban rehabilitation and housing recovery action.

Land valuation and taxation – The high inflation rates caused by the devaluation of the national currency has led to an increase in land and housing prices compared to salaries. The process for updating the land valuation methodology has stalled and the revenues collected through land administration fees declined due to the reduction of property transactions and contracts registered.

Regulatory and legislative frameworks – The crisis years have seen an active evolution of the regulatory and legislative frameworks related to housing, and land property; some of the key ones are:

- The issuance of Decree 12 (2016) entitling the digital copy of land registries with the power of evidence.
- The issuance of Decree 11 (2016) suspending the registration of real rights in areas out of government control such that any modifications to land registries during the suspension period will be ignored.

24 500 thousand houses according to the statements of the office of the prime Ministry, and USD 400 billion of losses estimated in Syria according to the United Nations Economic and Social Commission for Western Asia (ESCWA).

25 In 2010: USD 1 = SP 50; in 2020: USD 1 = SP 1,250 (official price) and SP 2,500 in the black market.

- Law 33 (2017) on the reconstruction of damaged or lost property registers.
- New administrative procedures on property transfer contracts and powers of attorney.
- The issuance of the new legislation 66 (2012) on the establishment of two development zone in Damascus. The decree allows the city to acquire a portion of the development zone in exchange for implementing infrastructure and services, instead of charging and collecting these costs from citizens.
- Law 10 (2018), expanding the jurisdiction of decree 66 to the other cities.
- The issuance of Law 23 (2015) as the primary legislation regulating urban plan implementation, replacing Law 9 (1974) and Law 26 (2000).

12.4. Reconstruction and recovery challenges

Recovery measures will remain limited in scope, particularly in what concerns the land administration sector given the decline of oil revenues and the disruption of trade, in addition to the decline in investment, entry of capital and foreign assistance, and the pressure of economic losses, which has, inter alia, resulted in a cumulative loss of GDP between 2011 and 2016 equaling USD 226 billion. Under these conditions, the government's recovery measures took place in each regained area separately and mostly consisted of quick rehabilitation of infrastructure and services, aiming at encouraging displaced people to return and repair their homes. In summary, the general recovery framework from the land administration functionality perspective is as follows:

Ownership and tenure - Emphasis is put on the reconstruction of damaged documents. The implementation of Law 33 (2017) on the reconstruction of damaged and lost property documents started in Aleppo (with about 1,600 land books), Duma and Irbeen districts in the Damascus countryside (about 300 land books), and in Homs (Zaite Al-Bahrah District, Kafar-laha, Tel-dao). The Ministry of Justice is working on repairing damaged judicial rulings registries. Efforts in this area need to be continued, the methodology assessed, and the lessons learnt incorporated in the

subsequent phases of the process.

Land valuation and taxation - Efforts to reform the land valuation and taxation system are ongoing. Laws exempting owners whose properties have been damaged from building permits fees are being enacted.

Urban planning and land development - Infrastructure rehabilitation and service restoration in cities that witnessed military operations is ongoing. New urban development plans are being initiated to give incentives to investment in areas affected by the crisis such as Al-Qaboun area in Damascus, Daraya in Damascus countryside and Aba Amr in Homs. Attempts to implement Law 10 (2018) in some destroyed areas are being made. Investors are being encouraged to resume real estate development projects that were licensed prior to the war.

Real estate information - Citizen services centers providing a range of services including municipal and land administration services are being established in several cities. Electronic correspondence is being established to provide certain critical services. Modernization initiatives for the land administration system are being discussed.

12.5. Future land administration challenges

The recovery measures and reconstruction programmes will depend on the country's economic conditions and they will be closely linked political conditions. Given the fact that agriculture contribution to the national economy amounts to more than 35 percent of the GDP, the Syrian government is currently prioritizing the support to governmental agricultural projects and small and medium agricultural projects to enhance the income of farmers' families. In the

absence of oil revenues, declining of tourism, and stumbling of the industry, the effects of public recovery programmes are likely to remain limited.

In addition to the shaking of its economic base, Syria has lost a very large portion of its **skilled human resources** through death, migration, and displacement. The war also caused significant gaps in the education of children and youth, many of which could not

attend school altogether or lacked access to quality higher education. Filling the human resources' gap will be a daunting task in all sectors, including land administration. New land administration challenges will emerge and add to pre-war ones.

Financing the reconstruction will be the main challenge to immediate recovery. Land administration has a key role to play in unlocking opportunities for investments from private sector, development partners and government institutions. New sources and mechanisms that balance attractiveness for investors and safeguards the most vulnerable parts of the populations – and their housing, land and property rights - need to be put in place.

The **reconstruction of damaged or lost documents** is a priority. A **protection system** to safeguard the housing, land and property rights of displaced people, refugees and migrants needs to be given utmost importance in reconstruction debates and interventions. Technical options for sustaining the voluntary return of refugees and displaced people, the **restitution** of land and properties to the legitimate owners, the compensation for land and properties which cannot be restituted, and the provision of viable land and housing options at the required scale need to accompany the political discussions. Demographic changes have occurred and will keep emerging in cities and urban communities, requiring innovative

socio-economic development approaches to be sustained by land administration solutions.

The emergence of land and property disputes resulting from the lack of documentation surrounding transactions that took place during the war, or due to encroachments on properties whose owners had fled during the crisis is to be expected in large numbers. The existing **dispute resolution mechanisms** must be critically analyzed, improved and complemented to be able to cope with the volume of cases that will emerge in the coming years.

A fair and transparent **land taxation system** with reconstruction tax incentives will have to be put in place to facilitate and incentivize reconstruction.

The **land use planning** system and the land development mechanisms will have to be redesigned, ensuring that some of the pre-existing deficiencies are rectified and that new undesired effects are precluded.

The spread of **informal settlements** needs to be contained and a sustainable strategy needs to be put in place to deal with pre-existing informal settlements, building on the work that was ongoing before the war. Issues of land tenure security, regularization, services, reconstruction, etc. will have to be examined.

13 | Conclusions and recommendations

13.1. Conclusions

Syria has a long and rich land administration tradition which provided the basis for the management of land rights and land-based resources in the last decades. The evolution and modernization of the land administration system has, however, been too slow, hampering the capacity of land-related institutions to put in place legal frameworks, tools and processes that adequately respond to the needs of the Syrian society. Such inadequacy is manifested in both urban areas - where an extremely large proportion of the population lives and works in settlements and buildings characterized by various degrees of informality - and in rural areas - where the agricultural resources are not well managed and other land uses and land rights are inadequately protected and regulated.

There is a strong tension between the will of government institutions to exercise a very high level of control over all land-related processes - from the detailed individual property level to the masterplan level – and the apparent lack of capacity to do so effectively and to the benefit of the collectivity. Processes are overregulated, extremely bureaucratic and slow. This makes way for corruption and informality. Some parts of the legal land framework are under review as certain shortcomings have been identified. The development of such framework has been excessively controlled by governmental actors, while limited space has been made for other land sector stakeholders to contribute to the discussions and have a say on the intended results of the land processes or on the ways to achieve them.

The different components of the land administration system – referred in this report as the land administration functions of land tenure, land use, land development, land value, land disputes resolution and the land information infrastructure – besides being affected by their own defects, are operating in silos. The collection, maintenance and use of land-related information is handled by different institutions largely in isolation from each other. Information sharing and interoperability of land-related systems is extremely limited. This results in inefficiencies, duplication of efforts and increased costs. It also leads to the fact that individual land-administration processes are self-referential, responding to the vision of the single institution handling them, rather than to the needs of the collectivity.

The digital transition started in some of the sub sectors of the land administration system, but further conceptualization and definition of the functionalities and expected outcomes of a digitalized land administration system are needed. Similarly, the mapping infrastructure presents inconsistencies that result in technical problems related to its use and adaptation, but also to the interoperability of the information available.

The technical processes that compose the land administration systems are not designed in a discriminatory manner. However, by being gender-blind and income-blind, some of the processes end up unintentionally discriminating against certain categories of the society, including women, the youth and the poor, by virtue of their more limited access and understanding of land related legislations and rules. Vulnerable categories are disproportionately affected by the additional costs of land administration linked to corruption, a phenomenon that is widespread and has been increasing with the economic crisis that followed the conflict.

In addition, some land administration functions are more prone to discriminate against specific groups on the basis of their political, religious, ethnic affiliation.

13.2. Recommendations

The Syrian land administration system must play its role and make its contribution to an equitable, inclusive and peaceful Syrian society, and to sustain recovery and reconstruction efforts. A long-term vision for reforming and modernizing the land administration

The land dispute resolution is the land administration function most affected by this.

The last decade of conflict and the last months of the pandemic further exposed the vulnerability of the Syrian land administration system and enhanced some of its weaknesses. The further depletion of skilled human resources has been witnessed, as well as the destruction of land administration infrastructure, namely offices, databases and records. Fewer financial resources are available to the state, including those necessary to sustain land administration functions. The collection of land revenues has dropped, and the devaluation of the currency has further reduced the capacity of Syrian institutions to discharge their functions, equip their offices, and purchase goods and services. The difficulty in accessing affordable housing for the Syrian population has increased due to the large-scale destruction of housing stock, and related basic services, instability and mass displacement, and the reduced purchasing power of most Syrian families.

Further challenges lay ahead. The availability of financial resources and human resources is likely to remain stable or further decline. Climatic changes, land degradation, water scarcity, shifts in agricultural and pastoral patterns, encroachment of urban areas into agricultural land will have to be better reflected in the land use strategies, if the Syrian economy – largely relying on agriculture - is to be sustainable. The progressive voluntary return of displaced population will require the establishment of suitable technical approaches that can handle land administration requests of unprecedented scale, including supporting reconstruction efforts, issuing or re-issuing documents, register variations and changes of different types and, particularly, an extremely large amount of land disputes related to fraudulent sales, secondary occupations, inheritance disputes, etc. The current organization and capacity of the land administration system does not allow Syria to be prepared for processes of such magnitude.

system needs to be developed. The long-term vision needs to lead to the identification of a realistic set of short-term actions that can be sustained by the human and financial resources that Syria can currently deploy and mobilize internationally. It is

important that short term actions align and contribute to the realization of the long-term reform vision, to ensure that investments made are not lost and that unwanted directions are given to the reform process. The recommendations are based on the combined analysis of available bibliography, results of the capacity assessment undertaken and experts' views from key informants. Recommendations are technical in nature but must feed into broader discussions that marry political considerations and technical solutions and are entertained through a collaborative multistakeholder process. Such process must be a dialogue led by Syrian institutions with land-related

functions and must be complemented by non-state Syrian actors and experts, including relevant UN agencies and international actors with expertise in land administration. The multi-stakeholder nature of the process is a necessary condition without which it is unlikely that the described structural shortcomings of the land administration system will be adequately addressed.

The recommendations are presented in an order reflecting the structure of the report, but it must be noted that most of them address issues that cut across the various land administration functions.

13.2.1 Overall recommendations

1. Establish a land sector coordination group where the most important national land actors are represented and can engage in developing a long-term reform vision for the land administration process. The group should include land-related government institutions, but also private sector, academia, civil society and land users' groups.
2. Re-think the land administration system in a fit-for-purpose manner, particularly starting from the intended results to be achieved by the system as a whole, and work back to the processes leading to such results, instead of focusing on the reform of specific land administration processes.
3. Key considerations are to be placed realistically looking at human and financial resources available and assessing the cost of land administration processes in place and once reformed, including all the variables and not only the official costs (e.g., time required, travel costs, corruption related costs, time/cost of obtaining all required documentations and approvals, etc.). Evidence-based decisions must be taken, and cost analysis of business processes need to inform the decisions on how to finance the land administration system. The expected contributions of the land sector to financing the reconstruction of Syria need to be realistically calculated, as it is unrealistic to expect that such revenues will be able to sustain reconstruction costs in Syria.
4. The mandates of land related institutions need to be further clarified, with emphasis on knowledge and data collection and sharing with other institutions and organizations, and on the roles related to supporting and fostering collective decision making related to land and land resources.
5. The concept of evolving and incremental land administration processes – or its key components such as the land and property registration system – needs to be applied. This will allow the legalization of administrative steps with lower legal and technical standards that can be reviewed and validated at a later stage (instead of pushing some processes towards the route of illegality or informality which is difficult to reverse later).
6. Identify the education and training institutions that are forming the Syrian land experts and practitioners at different levels, and agree on a feasible, incremental plan to guarantee a minimum (and increasing) supply of human resources to be distributed across the Syrian territory to cover the key competencies needed. It is not necessary that all competences are formed on Syrian soil, only few countries in the Arab region have regional functions in forming land administration capacities at higher level (university). Technical capacities are currently the biggest gap, and this calls for a reinvigoration of vocational training centres. Some of the land administration functions may need to be transferred to people without extensive training in the land sector, as it is done in fit-for-purpose land administration interventions where community members receive short-term training to discharge basic mapping and registration functions. The role of technical personnel needs to shift from undertaking technical processes directly to quality control, oversight and training of non-technical personnel for the delivery of selected land administration functions. This requires the inevitable amendment of selected land administration protocols and legislation.
7. The land and property registration system requires

reform to become a digital and multipurpose land registration system maintained and accessed by different institutions. Different land and property records need to be collected in one database that covers all the types of land. Harmonization and consolidation of the types of evidence used to demonstrate the validity, legality and legitimacy of land-related processes needs to be undertaken. This is to avoid burdening the judiciary and other institutions with functions that do not belong to them, issuing sub-standards documentation and creating parallel and double standard processes. The issues of corruption and de facto discrimination need to be monitored. Further details are presented below.

8. The land disputes resolution system needs to be strengthened, capacitated and separated from other governance functions of the state, to become

and be recognized as impartial, transparent and accessible to all people in Syria. Further details are in the dedicated section below.

9. The overall accessibility, transparency and accountability of the land administration system must be enhanced. Land information must be made more easily available, legislation and processes must be explained to and better understood by the population, regular reports should be issued. Corruption must be addressed. The inclusivity and non-discrimination of the land sector also needs to be monitored.
10. Begin developing technical options that are going to sustain voluntary returns of refugees and displaced people, restitution, compensation, and provision of adequate housing to the Syrian population.

13.2.2 Recommendations related to land tenure

1. Reforms of the land and property registry towards a digital and multipurpose system that can be maintained and accessed by different institutions are required to ensure both efficiency and cost-effectiveness. The final design and functionalities must be agreed on from the beginning, but implementation would be incremental and phased.
2. The cadastral system should be able to capture state lands and agrarian reform lands currently under the mandate of directorate of state lands and other institutions. This is necessary to increase transparency and good management of public properties. Agricultural and expropriated land, waqf land, desert land, etc. should be in the same data repository. Long term land uses should also be included in, or at least linked to, the cadastral database.
3. The finance departments' records should be linked or – preferably - incorporated into the property registry. Information on nominal and market value of properties can be included and this is a key step towards the creation of one multipurpose registry where different institutions can both feed and withdraw data.
4. The transfer of temporary land records to the permanent registry should be fast-tracked, with the support of ad hoc technical solutions facilitating such transfers if necessary. The responsibility of doing so should be clearly distributed to the different institutions handling temporary registries, and data management protocols should be (re)defined (including data entry, verification, analysis, modification, sharing, etc.).
5. The land and property registration system currently does not allow registering or updating records of properties that are not in full compliance with planning and building standards. Reforms must be introduced to ease some of these restrictions. As evidence shows, it is more detrimental to the collective interest to have a property registration system that does not tolerate even minor irregularities but excludes a high proportion of properties, than having a more flexible system that better reflects the reality on the ground. At the same time, a culture of legality, compliance and rule of law should be promoted.
6. Updating and modifying information in the system needs to be made administratively and technically easier, cheaper, less bureaucratic and less reliant on the provision of additional documentation. The registry's functions need to be decentralized as much as possible in a gradual and incremental manner, including functions of creating, altering and transforming properties.
7. People are resorting to a wide variety of forms of evidence to claim their land rights. This should be accepted and supported in the short term to ensure the protection of tenure rights of people who have lost their land documents during the conflict or who have faced difficulties with registering their land rights for a variety of reasons. However, in the long term, once institutions and administrative

processes are normalized, the evidence supporting land rights and land use should be harmonized and streamlined. This is to reduce the burden posed on different institutions to balance the weaknesses of the land administration system.

8. Registration of informal tenure rights should be promoted and accelerated. Law 33 (2008) regulates this issue, however, the law lacks the necessary understanding and the implementation tools.
9. The process of reconstructing and re-issuing damaged or lost land records should be fine-tuned, learning from the ongoing experiences and gearing up for replication and upscaling to all affected communities, including those currently living in displacement inside or outside Syria.
10. The land related processes need to be popularized and the awareness of the population regarding land administration processes should be increased, giving attention to those who are more likely to be beyond the reach of the conventional information channels (e.g. women, youth, the poor, marginalized groups, etc.).
11. Joint ownership of land and housing should be encouraged and further popularized. This will help strengthening women's land tenure security.
12. Registration of land use rights recognized by the Syrian legislation of customs such as pastoral, irrigation, logging and fishing rights should be promoted. Examples from other countries are available for consideration.
13. The mechanism to deal with land fragmentation and inheritance should be improved to be more equitable and easier to implement.
14. New legislation addressed some of the distortions and reshaped the relationship between landlords and tenants with regard to rental housing. This aimed at encouraging private investments in the housing market and channeling individual households' investments in housing to be potentially rented out. The emerging impact of such revisions could not be assessed yet, also because of the significant distortions that the conflict brought about. There seem to be a decline in the number of registered rental contracts in the past years, although this might be due to

the preference for informal contracts in addition to the large number of people currently living outside the country. The rental market needs to be closely monitored to assess its contributions to the government revenues coming from such source and its capacity to house the Syrian population and reinvigorate the Syrian economy though increased investments in the housing construction sector.

15. Emphasis should be put in promoting land rights of women, which is one of the key areas of weaknesses of the Syrian land administration. Besides encouraging joint ownership and joint registration of properties, the custom of excluding women from inheriting land should be combated and the practice of women renouncing their inheritance shares should be regulated and discouraged. Women's participation in the land sector should be encouraged and expanded and women's inclusion in decision making processes related to land should be made compulsory, including possible future return, restitution and compensation processes. Women's access to civil documentation and disputes' resolution mechanisms should also be closely monitored and simplified. This is particularly problematic for women living in displacement, but it is relevant for all women.
16. Access to land and housing for youth is also an area of significant weakness, although no consolidated data and research was found. The topic needs to be investigated further and practical solutions should be put forward in the short term, while some of the systemic challenges are addressed.
17. In the long term, the review of the continuum of land rights could also take place, assessing the range of tenure rights existing and how they are protected, managed and how people incrementally secure their land rights.
18. Lastly, the reactivation of registration of land and property rights and land transactions in areas outside government control should be addressed and intermediate actions should be put in place to avoid a progressive separation and fragmentation of the land registration system in the country.

13.2.3 Recommendations related to land use and land development

1. Syria has put more attention in regulating the urban land use than on the agricultural land uses. Reforms introduced before the conflict to promote national and regional land use plans touching on

rural areas where not yet or fully implemented, but efforts are being resumed. A review of such provisions considering the reduced human and financial capacity of the institutions to develop

and enforce the implementation of land use plans is recommended, looking at issues of priority, sequencing and feasibility.

2. A review of the housing sector is recommended. Successes and challenges of the housing schemes implemented in the past years should be assessed in light of their ability to reach targeted beneficiaries and contribute to the overall housing stock available to different population categories. The models promoted in the past by the Syrian government to house its population – which include large housing schemes - might not be suitable to the current economic and political circumstances where an increased reliance on households' contributions and smaller scale interventions might be required, particularly for the rehabilitation and reconstruction of partially destroyed houses.
3. The revitalization of the rental market should be prioritized. Innovative financing tools and community-based approaches for housing rehabilitation and reconstruction both in the short-term (humanitarian) and long-term (recovery).
4. The regularization, reconstruction and upgrading of most informal settlements will be inevitable, due to the large prevalence of informality in urban areas and the significant destruction caused by the conflict in such settlements. This will also have positive influence in facilitating the return of displaced populations, encourage self-initiated and self-financed reconstruction and have positive peacebuilding outcomes. At the same time, prevention measures should be undertaken, ensuring that enough formal land for development and urban expansion is made available at affordable prices.
5. Housing affordability is a major problem that requires better understanding of causes - including devaluation of the currency, absence of alternative saving schemes that pushed people to purchasing land, increased cost of construction materials - and solutions. Demand and supply for the different income levels and related minimum standards should be assessed, with particular care to housing the youth and the poor and to establish housing solutions that are equally accessible to women.
6. Urban expansion and reconstruction will have to be balanced. The requalification of existing settlements, densification and punctual interventions, when feasible, should be encouraged first to avoid dispersing the investments on new settlements (usually more profitable for real estate developers), while leaving the historical centres and older neighbourhoods in rubble. The approach of developing residential suburbs should be assessed against sustainable urbanisation principles that encourage compact urban development, mixed mobility and integrated mixed-use settlements. Spatial segregation of communities based on income or other criteria should be discouraged. Heritage sites should be protected and reconstructed.
7. The tools to promote land development should be re-assessed. Expropriation has been problematic and increasingly unable to provide solutions for development. Land readjustment - which is the alternative – in its present form is too bureaucratic, time consuming and requires technical capacities well beyond the current availability of Syrian institutions. Land readjustment, however, seems the only viable alternative to expropriation. A simplification and revision of the approach based on Syrian previous experiences and lessons learnt from other comparable contexts should take place, including for its application in informal settlements. The revision of valuation and compensation mechanisms should accompany such discussions. A strong human rights-based approach, community participation (including displaced owners) and conflict sensitive considerations should be incorporated.
8. Inclusive and fair land development policies should be promoted and developed. This is necessary to restore the lost balance between the most profitable areas and the less advantageous ones.

13.2.4 Recommendations related to land value and taxation

1. Land administration requires support in reforming long-held practices for land valuation, especially as post-conflict redevelopment initiatives take place. A new law was passed in 2021; mechanisms for its implementation need to be put in place and the impact needs to be monitored and assessed.
2. Land valuation/compensation tools and protocols need to be put in place, for example within the debris removal and demolition of buildings process or when applying land acquisition, expropriation or land readjustment processes for redevelopment approach.

3. A monitoring system of market prices in terms of lease, rent and purchase of land and housing in both urban and rural areas needs to be established. This is important to monitor the affordability and the access to one of the most essential services, and feed directly into decision making processes. Housing affordability is directly linked to stabilization and to the renewal of the social pact between the citizens and the state, which is particularly important for Syria.
4. Market values of purchasing properties need to be incorporated in the modernized digital land and property registry, along nominal values.
5. The cost of purchasing properties is often heavily influenced by the property taxation regimes; such taxations contribute to keep purchasing costs low, because they reduce the comparative advantages of investing in properties as opposed to investing in other schemes. Syria therefore needs to revise upwards its property taxation fees and, at the same time, ensure that complementary investment and social security or saving schemes are in place (e.g., pensions, etc.), to diversify investments' options.
6. Collection of land-related taxes needs to be improved.
7. An assessment of advantages and disadvantages of collecting land fees and taxes by national institutions or by local administration is preferable, in terms of effectiveness and re-investment into services and infrastructure.
8. The lending mechanisms – such as banking system etc. – should also be looked into to consider their adequacy and possible improvement.

13.2.5 Recommendations related to land disputes resolution

The reform and enhancement of the disputes resolution component of land administration is one of the most urgent interventions in Syria, necessary to adequately resolve current disputes but – and particularly – to handle the expected surge in disputes that will accompany the return of displaced people or their resettlement in other locations. Some of the recommendations are:

1. Fostering increased independence of the judiciary and transparency will be crucial to regain the trust of the people, including displaced ones.
2. Continue the efforts towards the digitalization of the judiciary.
3. Address the fragmentation of the judiciary across the national territory and how to reconcile the disputes resolved in one area with the administrative processes undertaken in another area (e.g., within and outside government control).
4. Consider reforming or establishing a timeline for abolishing the Counter Terrorism Court.
5. Look at strengthening the capacity of the courts to handle land-related disputes, particularly related to displacement (e.g., through training, guidelines, typical cases scenarios, etc.).
6. Establish alternative disputes resolution systems to handle mass land claims and specific typologies of claims. Establish accompanying mechanisms, such as legal support, information centres, guidelines to help those seeking justice, etc.
7. Support all types of public consultation and participation with local communities on any land administration law/decreed implementation process and with the outreach activities mainly for the absente rights holders.

13.2.6 Recommendations related to land data infrastructure

1. Review the land data infrastructure, particularly to harmonize the typology of maps used across the different institutions and ensure that all spatial data can be easily compared, combined, and overlaid for decision making and planning.
2. Address the mismatch between topographic and cadastral maps.
3. Develop accompanying protocols of data generation, data protection and data sharing.
4. Use new technologies for generating and updating cadastral maps, including completing the cadastral maps' coverage of the country.
5. Address the gap of incomplete of land registry where cadastral maps aren't produced (non-finished cadastral maps) adopting a fit-for-purpose approach to guide this work and using high resolution satellite images, innovative tools and community participation process.

ANNEXES

Annex A - Previous initiatives and proposals to reform the land administration system

This section reviews and draws on lessons from previous initiatives intending to reform the Syrian land administration system.

A.1 'Feasibility Study on the Organization and the Development of Land Administration in Syria' (2008)

A feasibility study was carried out by experts from the National Land Survey of Sweden under contract with the Ministry of Communications and Technology. The Swedish input was financed by the Swedish International Development Agency (Sida).

The overall objective of the study was to identify measures to improve the quality, security and efficiency of Land Administration in Syria – thus ultimately contributing to economic growth, poverty reduction and a more equal distribution of wealth. The study includes a sector assessment on the legislation and regulatory framework and an assessment on the institutional framework.

The term Land Administration (LA) is defined to include the following: Real estate registration; Cadastral services; geodetic frame; Surveying and mapping techniques; remote sensing and National infrastructure for data sharing (NGDI – National Geospatial Data Infrastructure).

A.1.1 Main problems

The study identified a set of main problems, summarized below:

- There is no national geodetic frame that can be used by all.
- The Land Register as the "legal" record of real estate rights does not reflect the reality on the ground.
- There are a large number of informal/illegal settlers in Syria.
- The legal framework for real estate administration is from the 1920-ies and not in line with modern technology.
- The amount of available geospatial digital data is limited.
- Syria has few or no standards for geospatial data and will have to start from scratch.
- Government steering directives (legal framework, policies, budgets, instructions as well as various "day-to-day" orders, prioritizations and directions) are not promoting co-operation between the LA organizations.
- The main organizations within land administration belong to different ministries. The result is that co-ordination between the various organizations has to be done at the ministerial level, or at the Prime Minister level.
- The funding has been inadequate for investing in new technology and competence in the organizations.
- High level training of surveyors / geomatics engineers attracts little interest among students, and results in a lack of properly trained professionals.

A.1.2. Recommendations

The study proposed a set of recommendations, largely still valid:

- Establish a new powerful political body at "ministerial level" to take charge of all responsibilities in relation to land administration in Syria. Its objective would be to coordinate the work among concerned authorities and to reform the governmental framework. One of its first tasks would be to elaborate a LA Strategic Operations Plan, aligned with the tenth Five-year Plan and clearly setting the priorities. A template for such a plan is provided.

- Establish a National Council for Geospatial Information (NCGI) with representatives of geospatial data users and producers. It should have an advisory role towards the new political body, provide information on user needs and act as a reference group concerning market development and the process of establishing a Syrian GDI. NCGI will also constitute a platform for strengthened partnership between Government and the private sector.
- Set up a temporary unit for implementation of a National Geospatial Data Infrastructure – within the new political body – with enough qualified staff and financial resources to elaborate and implement a national GDI strategy, and start working on Syrian geospatial standards.
- Set up a temporary unit – within the new political body – consisting of representatives from all concerned organizations, with enough qualified staff and financial resources to implement the new geodetic frame. The unit should work to remove obstacles hampering civilian use of coordinates, GPS/GNSS and geospatial information and develop modernized legislation to provide for increased and widened use of geospatial information. It should also develop and decide on a new map projection.

A.1.3. Technical recommendations

- Build a national topographic database, referenced to the new geodetic frame. This will hold the basic information that can be used for cadastral mapping as well as for planning and other activities.
- Introduce a comprehensive digital Cadastral Index Map (CIM) for internal and public use.
- Continue the GDCA computerization of land registry books and make legal and technical preparations for transitioning to a fully computerized system. Prepare for future linking of land register records, CIM, and scanned/archived documents.
- Link and match computer files with Directorate of Finance (DF) to upgrade information quality, provide information on tax value from DF to GDLR, and to continuously provide DF with names of owners.
- Separate cadastral survey plan and cadastral index map, i.e. do not enter new surveys on the original survey plan.
- Introduce market valuation models and methods, and base property taxes on real market values.
- Lower transfer taxes substantially (nominally and in percent of value) and introduce capital gains tax.
- Introduce an “adjudication law” for systematic and sporadic registration of real estate objects and rights.
- Enforce the GDCA as the only valid land register and discontinue keeping alternative registers.
- Develop geomatics programs at universities to ensure future availability of suitable professionals.

A.2. Modernization Administration Municipality (MAM) Programme 2003-2006

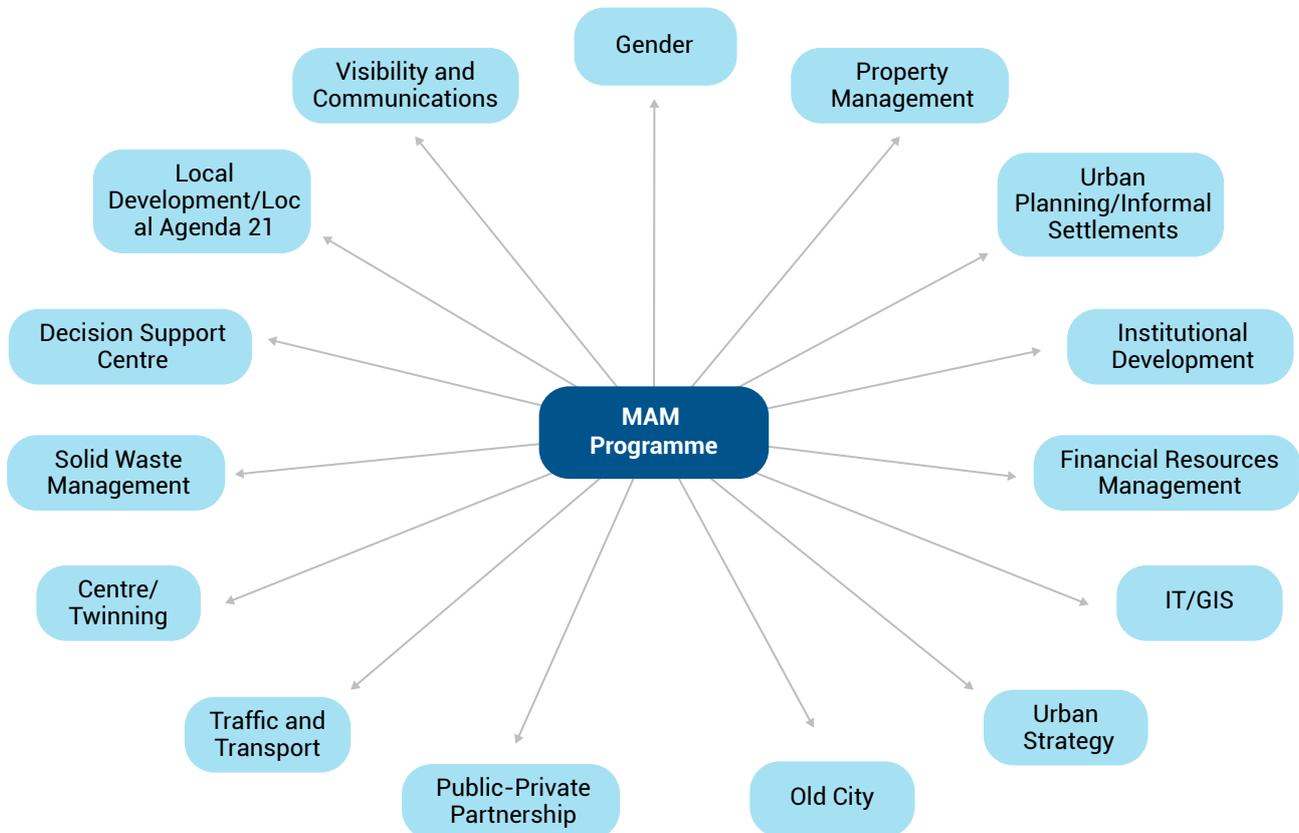
The European Community made available Euro 18 million for the five-years project started in November 2004. The project's overall objective was to contribute to the improvement of the quality of life of citizens in urban centres, especially that of the urban poor and women. Specifically, the project aimed at supporting Syrian cities in improving their environmental practices, delivering better services, improving the efficiency of their financial management, build a conducive environment for job creation and better planning practices. At the central Government level, the project aimed at assisting the devolution process by recommending modifications to the law on local administration, and improving the management practices of the Ministry of Local Authorities and Environment. Six cities were selected to pilot the proposed action plans.

The programme, though interrupted when the Syrian crisis erupted, had manifested results on the Syrian local governance framework. Many legislations enacted (e.g. laws on formalizing informal tenure, local administration, public-private partnership, etc.) and new institutions emerged (e.g. Regional Planning Commission, General Commission of Real Estate Development and Investment) in the period 2008-2011 were the direct result of, or inspired by, the work done through this programme. Many laws promulgated during the conflict can also be attributed to the rich body of research conducted under the umbrella of the MAM programme and to the innovative modes of thinking that the programme had instigated, although much can be said on the suitability of these laws to the context created by the conflict.

Action Plans

The MAM programme has 15 actions plans covering the different local governance aspects in Syria and each action plan consists of a number of actions.

- **Urban Strategy:** to create the organizational set-up and legal framework enabling the Local Authorities to actively play their role in development through an effective decentralized environment.
- **Decision Support Centre:** to build the capacity of the existing local decision support centres through defining a clear role within the overall local administration structure and improving the capacity of their personnel
- **Institutional Development:** to assist in creating effective and responsive organizations in the Ministry and the participating cities.
- **Financial Resources Management:** to introduce modern financial management systems for municipalities to leverage their resources.
- **Property Management:** to support several developments in property management, including improvements to the legal and regulatory framework focusing on devolving more authority to the municipalities, improving solutions for a range of problems in property matters, including compensation, and lean procedures; and modernizing property asset management.
- **Local Development/Local Agenda 21:** to ensure that all development activities – social, economic and environment – enhance rather than detract from sustainable development, and to encourage the establishment of coherent and coordinated environmental policies in towns and cities through efficient environmental management systems and their adoption by local councils. “Local Agenda 21” is a tool design for supporting that. It is possible to develop it in its own right but can also be integrated into Local Development Strategies.



- **The Centre/Twinning:** to contribute to the sustainability of the development of Syrian municipalities, i.e. their ability to perform their developmental role in the long run through encouraging and facilitating international contacts and networking, in particular with European cities and towns.
- **Urban Planning/Informal Settlements:** to improve urban planning through a series of modifications to the existing system - for example, more integration between planning and implementation; and between planners and the private sector with emphasis on implementation to be introduced at an early stage in the planning process and early negotiations to diminish lengthy planning related conflicts. This was proposed to be done through legal changes and improvements in planning at the regional level, but also through improvements in daily working practices.
- **Informal Settlements** occupy an important part of this action plan as the programme envisaged tackling the inconsistencies between the urban development framework and the mechanisms leading to the proliferation of informalities in many Syrian cities which the municipalities tried, unsuccessfully, to address through a mix of deterrence (series of laws banning building violations) and developmental policies (improving service provisions, urban upgrade through the enforcement of master and detailed plans). The programme proposed changes to the existing laws allowing genuine engagement of residents of informal settlements, promoting effective public-private partnership environment, and creative solutions for the complicated tenure arrangement with special focus on gender issue.
- **The Old City:** this action proposed an area-approach to the Old City of Damascus.
- **Geographical Information Systems:** to streamline modern technologies (especially GIS) in urban planning and local development with special focus on capturing property and population information as the precondition for a modern property tax system to take place.
- **Public-Private Partnership:** to mobilize private sector resources to improve investments in local infrastructure and contribute to the operation of local services.
- **Traffic and Transport in Syrian Cities:** to contribute to better urban centres by supporting the development of Sustainable, Efficient and Affordable Traffic and Transport Systems in Cities and Towns.
- **Solid Waste Management:** to address the serious problems which Syrian cities have continued to face regarding solid waste through the promotion of more effective and sustainable solid waste management practices with a considerably higher cost recovery.
- **Gender:** to ensure women are part of the decision-making process in local governance and that their interests are taken into account in this process.
- **Visibility and Communications Strategy:** to communicate the programme's targets, achievements and results to the wider audience (the citizens of the targeted cities).

A.3 Municipal Services Improvement Project (2012 - 2013)

Within the framework of the municipal services improvement project, implemented in cooperation with UNDP and Ministry of Local Administration in 2012, the following studies have been prepared:

A.3.1 The first study: GDCA Processes Related to the Citizen's Municipal Services (2012)

The study was conducted in the context of improving municipal services related to GDCA in cooperation with the Ministry of Local Administration. The study included the following components:

- Defining the organizational structure of the GDCA, and GDCA's human resources
- Analyze the status of services provided by GDCA (legal and technical services)
- Analysis of software systems used by GDCA
- Characterization and modeling of work procedures related to 12 statement services related to municipal services provided to citizens
- Specifications for archiving GDCA's documents by optical photo cameras
- Idea of a proposed solution to develop GDCA and basic development requirements

A.3.2. The second study: Development of the engineering framework of GDCA (2012-2013)

This study focused on the engineering component of GDCA related to cadastral issues, and included the following components:

- Engineering and administrative aspects
- Field analytical study in the GDCA's departments
- General framework for engineering development procedures
- The implementation plan which included the following axes:
 1. Approving the criteria for the accuracy of the various survey works and the main directions reached by the study
 2. Formulate instructions to achieve accuracy standard
 3. Digitization of survey measurements (field books)
 4. Rehabilitation of the geodetic framework
 5. Perform geodetic calculations and digital drawing work in the non-finished cadastral plans
 6. Create a multi-purpose cadastral digital map
 7. Optical archiving of paper (hard copy) maps
 8. Rehabilitation of technical human resources

A.4. National initiatives

National initiatives lack complementarity between the components of land administration, and this lack of integration can be justified due to the various references to the components and activities of land management. In general, development initiatives focused in two main areas of land administration:

- The first area relates to **urban planning**, where the law for implementing the master plans was amended and two laws merged into one law (law 26 of 2000 and law 9 of 1974 were replaced by law 23 of 2015). The General Authority for Real Estate Development and Investment also created by Law 15 of 2008, and the Regional Planning Authority by Law 26 of 2010. These initiatives took place in the legislative and regulatory framework, however, they remained far from developing technical tools, procedures, and methods.
- The second area relates to **properties registration initiatives**. Several initiatives started since the beginning of the second millennium by trying to use information technology in developing some administrative tools; however, these initiatives remained sectorial and lack functional complementarity, despite the fact that they are applied in the same institution (GDCA). Some of these aimed at replacing archiving of documents by microfilm with digital scanning or developing software tools for creating alphabetical index of owners, index of sequestrations and debits, calculating cadastral areas, and digital cadastral drawing.

In 2012, the Ministry of Local Administration, with support from the United Nations Development Programme (UNDP), began developing a computer software to **digitize property records** as a result of the previously prepared study related to developing municipal services (GDCA became administratively linked to the Ministry of Local Administration in 2010, after they were linked to the Ministry of Agriculture before this date). Work began using this program during 2013, and the outputs of all previous studies related to GDCA work were used to formulate a general development plan which included the following main projects:

- Digitize the property registry
- Digital transformation by producing cadastral maps
- Establishing a land information data center
- Real estate courts development
- Building a digital GDCA's archive
- Establishing digital communication channels between the branches of the GDCA

This initiative is still ongoing as of the date of writing this report, although implementation accelerates or slows down due to various reasons, including funding situation or logistical reasons.

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