



# Guidance Note on the Application of **the Social Tenure Domain Model** in Syria



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## Objective

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This Guidance Note on the Application of the Social Tenure Domain Model (STDM) in Syria contextualises fit-for-purpose land administration principles to the national context, presents STDM as one of the key fit-for-purpose land administration tools that could be introduced, and describes few selected possible applications for its deployment. These possible applications are: collecting and georeferencing housing, land and property claims and supporting evidence, preventing further HLP violations, and supporting humanitarian and early recovery activities with information on land ownership and housing, and land and property rights, including rehabilitation of housing (and commercial buildings), debris management and clearance of ERW/UXOs. STDM can also be used for interventions beyond the scope of humanitarian interventions, including the registration of informal housing, land and property rights, the implementation of the master plans, particularly when using land readjustment, and land consolidation in rural areas.



## Acronyms and abbreviations

<b>CBO</b>	<i>Community-based Organisation.</i>
<b>CCO</b>	<i>Certificates of Customary Ownership.</i>
<b>ERW</b>	<i>Explosive Remnants of War.</i>
<b>EU</b>	<i>European Union.</i>
<b>FAO</b>	<i>Food and Agriculture Organization.</i>
<b>FFP</b>	<i>Fit-for-purpose.</i>
<b>FIG</b>	<i>International Federation of Surveyors.</i>
<b>FLTS</b>	<i>Flexible Land Tenure System.</i>
<b>GIS</b>	<i>Geographic Information System.</i>
<b>GIZ</b>	<i>Gesellschaft für Internationale Zusammenarbeit.</i>
<b>GLTN</b>	<i>Global Land Tool Network.</i>
<b>HLP</b>	<i>Housing, Land and Property.</i>
<b>IDP</b>	<i>Internally Displaced Person.</i>
<b>ISO</b>	<i>International Organization for Standardization.</i>
<b>KISIP</b>	<i>Kenya Informal Settlement Improvement Project .</i>
<b>LADM</b>	<i>Land Administration Domain Model.</i>
<b>LAS</b>	<i>Land Administration System.</i>
<b>LGUs</b>	<i>Local Government Units.</i>
<b>LHBs</b>	<i>Local Housing Boards.</i>
<b>MDPI</b>	<i>Molecular Diversity Preservation International.</i>
<b>NGO</b>	<i>Non-governmental organization.</i>
<b>SDGs</b>	<i>Sustainable Development Goals.</i>
<b>STDM</b>	<i>Social Tenure Domain Model.</i>
<b>SQL</b>	<i>Structured Query Language.</i>
<b>TSUPU</b>	<i>Transforming Settlements of the Urban Poor in Uganda project.</i>
<b>UN</b>	<i>United Nations.</i>
<b>UNDP</b>	<i>United Nations Development Programme.</i>
<b>UN-Habitat</b>	<i>United Nation Human Settlements Programme.</i>
<b>UNHCR</b>	<i>United Nations High Commissioner for Refugees.</i>
<b>UNMAS</b>	<i>United Nations Mine Action Service.</i>
<b>UPAO</b>	<i>Urban Poor Affairs Office .</i>
<b>UXOs</b>	<i>Unexploded Ordnances.</i>
<b>VGGTs</b>	<i>Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.</i>
<b>WB</b>	<i>The World Bank.</i>

**Table 1: Acronyms and abbreviations**



## Executive summary

The Social Tenure Domain Model (STDM) is one of the most important and widely used fit-for-purpose (FFP) land administration tools currently being implemented by the land community working in developing and conflict affected countries, including in the Arab region. This Guidance Note accompanies the Guidance Note on Fit-For-Purpose Land Administration for Syria by contextualising fit-for-purpose land administration principles to the Syrian context, presenting STDM as one of the key fit-for-purpose land administration tools that could be introduced, and describing selected possible applications for its deployment: collecting and georeferencing housing, land and property claims and supporting evidence, and upholding humanitarian and early recovery activities. The Note considers the conclusions and recommendations of the 'Land Administration System in Syria: Analysis and Recommendations' report, prepared by UN-Habitat and GLTN in 2021.

At the beginning, the Note provides a brief overview of key international references relevant in the Syrian context for the application of fit-for-purpose land administration, in general, and the Social Tenure Domain Model tool, in particular - such as the Sustainable Development Goals (SDGs), the Voluntary Guidelines on the Responsible Governance (VGGTs), and the UN Secretary General Guidance Note on "The United Nations and Land and Conflict". Key relevant concepts are described, including the **continuum of land rights, fit-for-purpose (FFP) land administration**, and conflict-sensitive fit-for-purpose land administration. FFP land administration focuses towards responding to the immediate needs of people in their relationship with land, in line with the continuum of land rights concept, rather than on the development and maintenance of the technical solutions that are in place. Reforming Syria's land management system in a "fit-for-purpose" manner is therefore a priority, not just in light of its shown deficiencies, but also in light of the Syrian people's and government's fast

developing needs and aspirations. Conflict sensitive fit-for-purpose land administration promotes good land governance and political solutions when land is a root cause and/or a proximate factor of conflict and adds the following conflict-sensitive angles: it assesses proposed land administration solutions against the "do no harm" principle; it incorporates social reconciliation, peacebuilding, and state building considerations; and it complements the available land administration tools with transitional justice tools for land dispute resolution and adjudication.

Syria would benefit from the **adoption of fit-for-purpose land administration approaches** led by land institutions and participated by the key land sector stakeholders. This Guidance Note describes the main elements that Syria is recommended to consider, together with reforms options and related guiding recommendations. In particular it reviews the key shifts needed to transition towards fit-for-purpose land administration; the main element for the development of a national strategy, taking into account the country context and the existing spatial, legal and institutional frameworks; the purpose and process of the fit-for-purpose land administration reform; priority fit-for-purpose land administration interventions; the main features and steps towards reforming the cadastre in a "fit-for-purpose" manner; the main steps towards the establishment of a reformed, simplified, digital, unified and multipurpose cadastre; a way forward to the reconstruction of lost or damaged cadastral documents; and challenges and approaches for the regularisation of informal settlements, key to address the Syrian population's housing demand.

### **The Social Tenure Domain Model, a fit-for-purpose land administration tool**

The Social Tenure Domain Model, developed by the Global Land Tool Network and UN-Habitat, is a pro-poor, participatory and affordable land tool for recording people to land relationships along the

continuum of land rights, independently from their level of formalization or legality. STDM seeks to expand the land administration framework by filling the institutional and technical gap characterizing traditional land administration systems. In particular, STDM focuses on the land and property rights which are considered neither registered nor registerable in other systems, ensuring a full coverage of all land, in urban and rural areas, by the land administration system.

**The Social Tenure Domain Model concept** - The concept of STDM bridges the traditional land administration systems gap by providing a standard for flexible people–land relationships that include all types of people–land relationships. People – land relationships can be defined as “persons (or parties) having social tenure relationships to spatial units supported by different types of evidence” (FIG, UN-Habitat, GLTN, 2013) and this also applies to related restrictions and responsibilities. Parties, spatial units and social tenure relationships may vary according to local custom, culture and religion.

**The Social Tenure Domain Model functionalities** - STDM is a desktop-based application which brings together a developed open-source software and an easy-to-use interface, which allows non-specialised users to define and manage tenure information and visualise spatial units as well as creating reports. STDM allows to put rights into a system, including rights which are not registered nor registerable in traditional cadastral registries, claims, and rights which need to be adjudicated. STDM interface links the party and the spatial units through their social tenure relationship and permit to attach supporting documents or other forms of evidence for every record stored in the data repository. The STDM tool is designed to allow its customization to fit specific project needs. This is an iterative process which is considered final once all the stakeholders have reached an agreement on the data attribution to be captured. The data collection process is carried out by an enumeration team often accompanied by local leaders and/or local government officials, and it consists of interviews - for filling the STDM questionnaire - and plot or structure mapping - for georeferencing HLP rights, claims, land uses, etc. All the spatial and attribute information in the STDM is stored in a PostgreSQL/PostGIS database, with the user interface hosted as a QGIS plug-in. The system follows protocols for data security

and protection as required by the context which, as for the questionnaire, can be fully customized during the project preparation phase. An additional validation phase of the collected data can be carried out with the community members to increase the credibility of the overall process. After the validation, community members and local government officials can agree on the modalities to continue updating the data and sustaining the process, with backstopping provided by GLTN.

#### **Overview of the most used STDM applications**

- The STDM implementation process promotes inclusiveness and continuous capacity development amongst all key stakeholders, from the initial inception phase to the deployment and rollout stages, and it encompasses a wide range of GLTN land tools such as, among others, participatory enumeration, the continuum of land rights approach, the gender evaluation criteria, and pro-poor land recordation and land governance. STDM can be adopted by local governments for development and humanitarian objectives like inclusive planning, enumeration and informal settlement upgrading, natural resources management and monitoring, improvement of land tenure security of customary land, natural disaster recovery, recordation of land rights in post-conflict context, etc. The uptake of STDM has in some instances led to inclusion of the STDM-generated information in government initiatives such as the “Transforming Settlements of the Urban Poor in Uganda” project (TSUPU), the establishment of a land information system to manage urban and customary land in Turkana County, and the “Kenya Informal Settlement Improvement Project” (KISIP). An overview of the main STDM applications is presented in the Guidance Note.

#### **Key applications for STDM in the Syria context**

The Guidance Note presents how STDM can be used to collect and georeference housing, land and property claims and supporting evidence, support humanitarian and early recovery activities, and prevent further HLP rights' violations.

#### **Collecting and georeferencing housing, land and property claims and supporting evidence**

- Collecting and georeferencing HLP claims and supporting evidence is an important intervention to preserve the HLP evidence of people displaced outside or inside Syria, including in areas currently outside the government control or disputed among different

groups. Syria, indeed, will not be able to stabilize and rebuild itself without progressively addressing this intricately land rights context: land rights must be clarified to encourage people and private sector actors to invest in rebuilding and reconstructing the country and to create the preconditions for safe, voluntary and dignified return. A comprehensive process for clarifying land rights, resolving arising disputes and restituting land and property illegally subtracted to legitimate owners will need to be established. Considering the prevailing context, restitution of properties will have to be prioritized over compensation, which might not be feasible.

The process of clarifying land rights should be as much as possible administrative (as opposed to judicial) and in line with fit-for-purpose land administration principles. The current Syria court system is unsuitable to handle the large number of land-dispute resolution cases arising in context of displacement. It will be therefore necessary to establish a transitional justice mechanism that includes existing courts, alternative disputes resolution and mediation services, as well as a set of administrative procedures to clarify land rights and resolve land disputes administratively, rather than judicially, complemented by transitional and incremental measures. The description of these aspects is beyond the scope of the Guidance Note which will only focus on the collection of HLP claims and related information and documentation using STDM which already proved to be an effective tool to collect and georeference the HLP claims, and related supporting evidence, of Syrians displaced outside the country.

**The steps of the implementation** – The step-by-step implementation of the approach described below has been piloted by UN-Habitat and the Global Land Tool Network in three refugee communities in Lebanon and Iraq through a community-based approach. The same approach could be applied in the future to collect the HLP claims of Syrians displaced within the national borders and extended to other categories of people claiming a land tenure relationship to land and properties in Syria that were not previously formalized or fully formalized in the Syrian cadastre.

The main steps for the implementation of the STDM tool include the identification of target communities; the identification of project personnel; the establishment of community centers; the

creation of partnership(s) and, if possible, the retrieval of formal endorsement from institutions, organizations and other stakeholders who have a role or an interest in the project or who might be risk factors in hindering the project implementation; the implementation of communication and awareness raising activities; the implementation of capacity development activities for project managers, community mobilisers, enumerators and technical specialists; the customization of the STDM tool; the participatory collection data at the field level; the development and adoption of a data management and protection protocol to ensure the transparency of the data collection and management process, and to protect the rights of refugees; the issuing of certificates clearly stating the nature of the document and its use; and, finally, the review of the lessons learnt and the refinement of the approach for replication and upscaling.

**Supporting humanitarian and early recovery activities** - As a tool that records the relationship between people and spatial units, STDM can support a range of interventions that require the clarification of such relationship. Key examples are rehabilitation of houses, commercial buildings and agricultural infrastructure (e.g. irrigation system); clearance of explosive devices or ERW/UXOs; and management and clearance of debris. To do so, the collection of information and evidence on the social tenure relationship between people and spatial units described above will need to be followed by the verification of the data recorded in the database, on the basis of which the rehabilitation and clearance processes can be undertaken.

**Prevent further violations of HLP rights** - With about twelve million people still living in displacement, forced evictions still happening and timid return trends, chances that new violations of HLP rights will keep happening in Syria are concrete. STDM can be used to support interventions to prevent further HLP rights' violations by establishing, among others, an inventory of abandoned properties to monitor the use of the properties and to discourage or prevent occupation.

STDM can also be used to support Syria with interventions that are beyond the immediate consequences of the crisis, such as the **registration of informal housing, land and property rights**, the implementation of the master plans, particularly when using **land readjustment**, and **land consolidation in rural areas**.

## Glossary of key terms

**Cadastre** - A cadastre is a parcel-based and up-to-date land information system containing detailed information over specific parcels of land, such as geometric description and location. Cadastral records are often linked to other records describing the nature of the rights over the parcel, and the ownership or control of those rights. In addition, it often contains information over the value of the parcel and its improvements. A cadastre can be established for fiscal purposes (e.g. valuation and equitable taxation), for legal purposes (e.g. conveyancing), and/or for assisting land management and land use (e.g. for planning and other administrative purposes).

**Compensation**<sup>1</sup> - Compensation is a process usually established by the state to provide or ensure fair and just recompense for any loss - personal, real or other - including loss of property and loss of the rights or interests over a property. Compensation in the form of land and common property resources is usually considered the preferred type of compensation, however, other types of compensation also exist, such as cash compensation - usually applied in case of expropriation of land from the state. Compensation is fair when it equals, at a minimum, the good expropriated in terms of quality, size and value.

**Fit-for-purpose land administration** - Land administration systems that are fit-for-purpose are systems designed for the purpose of managing current land issues within a specific country or region. They are directly connected with people's needs and country-specific requirements, and they aim at achieving security of tenure for all and sustainable land use management.

The fit-for-purpose approach is affordable, flexible, inclusive, participatory, and can be incrementally upgraded towards more precise, technically specialized, detailed and sophisticated land

administration systems.

**HLP claims** - Housing, land and property rights claims are the assertion of a claimant's HLP rights through the submission of an official claim record supported, when available, by relevant HLP evidence. Claims are usually submitted by the person with the stronger tenure relationship to the housing, land and property claimed. Multiple claims can be submitted for the same property thus originating competing claims. Competing claims are usually verified through land dispute resolution mechanisms. In context of displacement and return, the collection of HLP claims represents the first step towards establishing a HLP restitution and/or compensation process.

**HLP violations** - HLP violations are the infringement of a person's (or of a group of people's) housing, land and property rights. Documented HLP violations follow under four main types<sup>2</sup>: (1) destruction (or physical damage) of housing, land and property as a result of the conflict; (2) eviction from origin or from place of displacement; (3) confiscation or expropriation of land, housing or property; and (4) lack of compensation as an integral component of the restitution process. HLP violations are very common in context of conflict and displacement, and among vulnerable groups such as women, ethnic minorities, etc.

**Land and property registry** - A land and property registry is the institution or office responsible for land registration, they reflect the legal frameworks of the country in which they operate and therefore can differ from place to place. A land and property registry issues and stores up-to-date and ownership-based records describing and determining the rights to the land and encumbrances thereto.

<sup>1</sup> UN Habitat/GLTN (2013), *Evictions, Acquisition, Expropriation and Compensation: Practices and selected case studies*.

<sup>2</sup> UN Sub-Commission on the Promotion and Protection of Human Rights (2005), *Principles on Housing and Property Restitution for Refugees and Displaced Persons (the Pinheiro Principles)*.

**Reconstruction (of cadastral information):**

Reconstruction of cadastral documents is the process of restoring lost or damaged cadastral documents by creating and issuing new HLP documents based on existing cadastral documents or upon the verification of HLP rights claims.

**Reconstruction (of housing) –** Reconstruction is the process of reconstructing housing and basic infrastructures destroyed, or damaged, as a result of conflict or natural disaster.

**Regularisation (of informal settlements)<sup>3</sup> –**

Regularisation is the process combining the legalization of land tenure arrangements with the upgrading of public services, livelihood opportunities, and social support structures in informal settlements.

The legalization of tenure security in informal settlements is pivotal to reduce the threat of forced eviction from formal authorities and to improve dwellers' living standard.

**Rehabilitation (of housing):** Rehabilitation of housing is the process of repairing by restoring to their original state or improving housing and basic infrastructures destroyed, or damaged, as a result of conflict or natural disaster.

**Restitution<sup>4</sup> –** Restitution is a procedure designed to restore the Housing Land and Property (HLP) rights of displaced people, aiming at providing permanent housing solutions for all returnees. Restitution processes are usually established in contexts of return (post conflict and/or displacement) following the collection, registration and verification of the HLP claims submitted by claimants with a tenure relationship to land(s) and property(s) claimed. Such process can be carried out by national and local judicial bodies or by international organisations with the support of local civil society organisations and NGOs.



<sup>3</sup> Manandhar, R. (2019), *Land Readjustment for Regularization of Informal Settlements*.

<sup>4</sup> UNHCR (2005), *Housing, Land and Property Rights in Post-Conflict Societies: Proposals for a New United Nations Institutional and Policy Framework*.

# Introduction

## 5.1. Objective of the Guidance Note

This Guidance Note on the Application of the Social Tenure Domain Model (STDM) in Syria contextualises fit-for-purpose land administration principles to the national context, presents STDM as one of the key fit-for-purpose land administration tools that could be introduced, and describes few selected possible applications for its deployment. These are: collecting and georeferencing housing, land and property claims and supporting evidence; and upholding humanitarian and early recovery activities with information on land ownership and housing, and land and property rights - including rehabilitation of housing (and commercial buildings), debris management and clearance of ERW/UXOs. This Note accompanies the Guidance Note on Fit-For-Purpose Land Administration for Syria. It is considered an internal document not for public distribution.

## 5.2. Target audience

The target audience of the Technical Guidance Note on Application and Use of the Social Tenure Domain Model (STDM) includes members of the Technical HLP working group, UN Agencies with land-related mandates and coordination roles (UNDP, FAO, UN Resident Coordinator office), key bilateral organisations with land-related mandates (EU, GIZ, Ford Foundation, Netherlands, etc.). Technical levels of governments could also be an important target audience, particularly technical levels of the Ministry of Local Administration and Environment, Municipalities, and Cadastre.

## 5.3. Methodology

The Note was developed by 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 paper was developed in parallel to the Guidance Note on Fit-For-Purpose Land Administration for Syria and takes into account the conclusions and recommendations of the "Land Administration in Syria: Analysis and Recommendations" (unpublished, UN-Habitat/GLTN, 2021) and the recommendations of the "Technical Guidance Note on Land and Conflict for Syria" (unpublished, UN-Habitat/GLTN, 2021).

## Key frameworks and concepts

This section provides key international references relevant in the Syrian context for the application of fit-for-purpose land administration, in general, and the Social Tenure Domain Model tool, in particular.

**The Sustainable Development Goals** – The Sustainable Development Goals (SDGs) outlined in the 2030 Agenda encompass and provide an opportunity to address a wide range of land matters contributing to poverty alleviation, social inclusion and stability, investments and economic development, environmental protection and natural resource management. Describing the SDGs in detail is beyond the scope of this Note, however it is important to highlight that the SDGs include land-related targets and indicators (under Goals 1, 2, 5, 11 and 15), as well as other targets (under Goals 10 and 16) for which land is relevant. Among them, indicators 1.4.2 and 5.a.1 – with national application and global comparability – allow to periodically collect comparable, sex-disaggregated data to support evidence-based decision making on responsible land governance for sustainable development<sup>5</sup>. Further, the way land-related SDG indicators are defined direct to key approaches presented in this Note, namely the continuum of land rights and fit-for-purpose land administration.

**The Voluntary Guidelines on the Responsible Governance of Land Tenure** – The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGTs)<sup>6</sup> are the main international land-related international framework to lay out principles and internationally accepted

standards for the responsible governance of tenure (FAO, 2012). The VGGTs, although not presented in this Note, are documented and complemented by a wide number of land-related technical guides<sup>7</sup> and they are in line with the approaches presented in this Note, particularly the continuum of land rights<sup>8</sup> and fit-for-purpose land administration.

**The UN Secretary General Guidance Note on 'The United Nations and Land and Conflict'** – The Note provides guidance to the UN System on how to better address land and conflict issues and to ensure a more effective engagement in its humanitarian, peace and development interventions. The Guidance Note calls for strategic, incremental and timely interventions, and it directly points to fit-for-purpose land administration as a suitable approach to incrementally strengthen security of tenure of all and, more broadly, to support the land administration in conflict affected contexts by linking new advances in technology – such as the STDM tool – to the continuum of land rights.

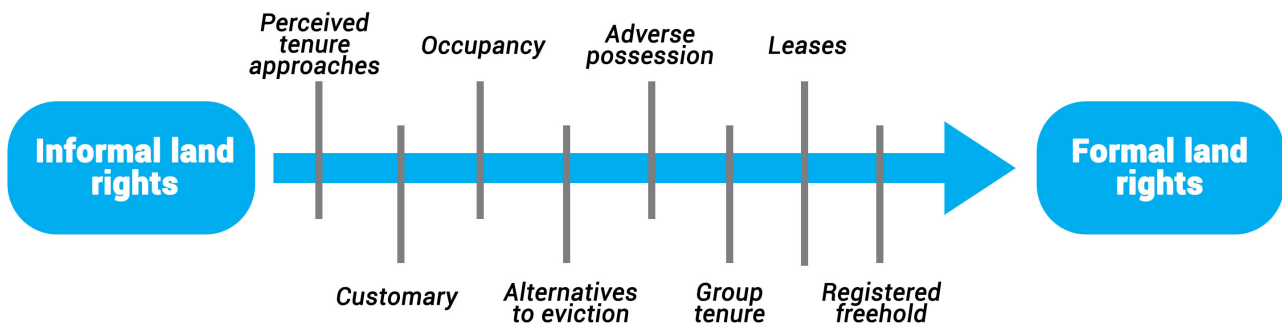
**Continuum of land rights** – The continuum of land rights (see figure 1) is an inclusive approach which recognizes the existence of a broad spectrum of land tenure types (e.g. rights of use, occupancy, lease, ownership, etc.) each with its own specific characteristics, level of legal recognition and tenure security. The continuum of land rights advocates for the progressive strengthening of land tenure arrangements as most apt to the context, and it provides an effective, scalable and time efficient way to improve tenure security for all and particularly for the most vulnerable and the poor.

<sup>5</sup> FAO, World Bank and UN-Habitat (2019), *Measuring Individuals' Rights to Land: An Integrated Approach to Data Collection for SDG Indicators 1.4.2 and 5.a.1*.

<sup>6</sup> FAO (2012), *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of Food Security*.

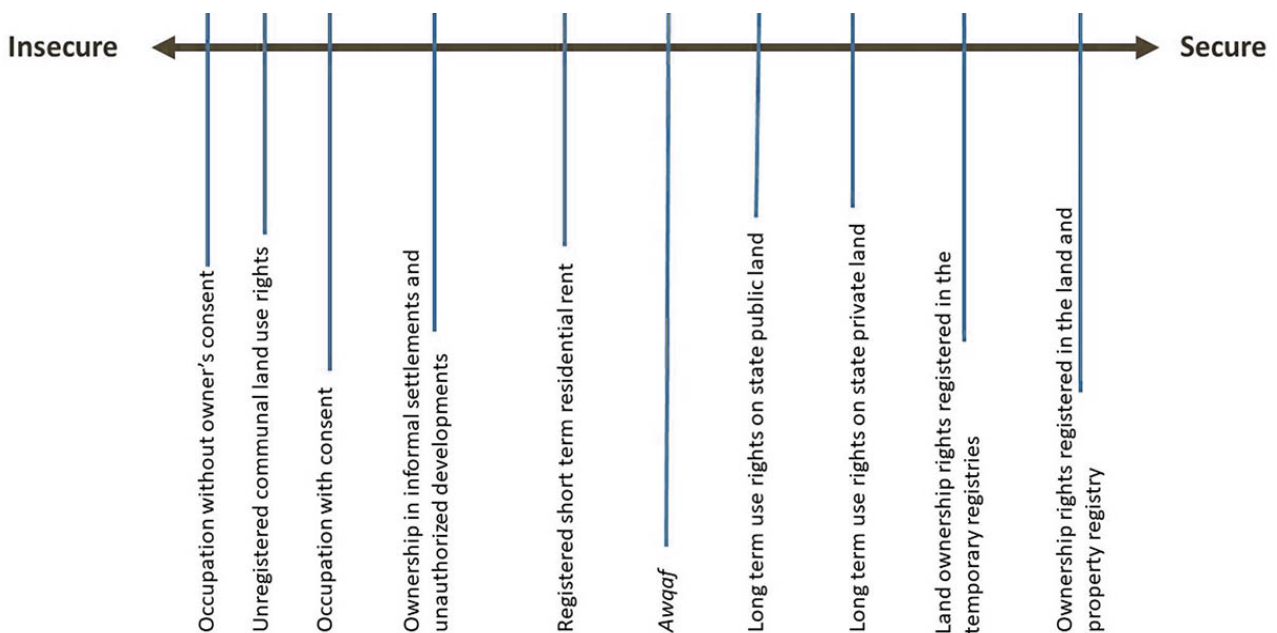
<sup>7</sup> The FAO technical guidelines can be found at: <http://www.fao.org/tenure/resources/collections/governance-of-tenure-technical-guides/en/>. These include: 1. *Governing land for women and men: A technical guide to support the achievement of responsible gender-equitable governance of land tenure*; 2. *Improving governance of forest tenure: A practical guide*; 3. *Respecting free, prior and informed consent: Practical guidance for governments, companies, NGOs, indigenous peoples and local communities in relation to land acquisition*; 4. *Safeguarding land tenure rights in the context of agricultural investments: A technical guide for government authorities involved with the promotion, approval and monitoring of agricultural investments*; 5. *Responsible governance of tenure and the law: A guide for lawyers and other legal service providers*; 6. *Improving governance of pastoral lands*; 7. *Responsible governance of tenure: A technical guide for investors*; 8. *Governing tenure rights to commons*; 9. *Creating a system to record tenure rights and first registration*; 10. *Improving ways to record tenure rights*; 11. *Valuing land tenure rights*; and 12. *Strengthening civic spaces in spatial planning processes*.

<sup>8</sup> In the VGGTs, the continuum of land rights is described through the concept of "legitimate land rights".



**Figure 1: Schematic representation of the continuum of land rights**

Each continuum provides different sets of rights and degrees of security and responsibility, allowing different degrees of enforcement. Registered individual ownership is often perceived as one of the appropriate and legitimate form of right, as per the case of Syria (see figure 2), however the most appropriate form(s) depends on the context and needs of local communities and that of responsible land administration authorities at a given time.



**Figure 2: Schematic representation of the continuum of land rights in Syria**

The continuum of land rights is embraced by UN-Habitat and GLTN partners, and by a wide range of international and national actors, some of which use different names for defining similar concepts (including FAO and the European Union). The continuum of land rights is implemented by the STDM tool.



## Fit for purpose land administration for Syria

This section briefly describes fit-for-purpose land administration and conflict sensitive land administration, and their relevance for the Syria context.

### 7.1. Fit-for-purpose land administration

The fit-for-purpose (FFP) land administration approach was developed to address the challenges and enable the implementation of the global sustainable development agenda, which cannot be achieved without having good land governance in place, including the operational component of land administration systems. Even though security of tenure is now at the top of the global agenda, there is a “security of tenure gap” between countries that have efficient and effective land administration systems in place and those that do not. On a global scale, 30 per cent of countries currently have a functioning administration system in place while 70 per cent do not.

For many decades, attempts to establishing land administration systems in developing countries have been made without much success. Constraints relate to a range of legal, institutional and political issues, but also to the fact that the implementation of conventional western-style land administration systems is simply too costly, time consuming and capacity demanding. It is estimated that, with current rates and methods, it will take many decades, probably centuries, to achieve global coverage. The fit-for-purpose land administration approach focuses on providing security of tenure for all. Further, it is recognized that by providing the spatial, legal and institutional frameworks for this purpose, such frameworks will also provide the basis for building functioning land valuation and taxation systems, as well as systems for land-use planning and control<sup>9</sup>.

The fit-for-purpose land administration approach has been recognized and supported by the

International Federation of Surveyors (FIG) and the World Bank, and it was described in a joint publication (FIG and WB, 2014). In 2016, UN-Habitat, the Global Land Tool Network and Kadastre International issued a publication containing the guiding principles for country implementation of fit-for-purpose land administration<sup>10</sup>, to provide direction and guidance for designing country-specific strategies for implementing the approach. This Note draws on such publication.

A functioning land administration system (LAS) facilitates the implementation of land polices and provides the infrastructure through which governments secure land tenure rights, determine land value and taxation, manage land use and plan land development<sup>11</sup>. To create the conditions for sustainable social and economic development, peace and stability, these functions must complement each other and be supported by adequate legal and institutional frameworks, land information infrastructure and disputes resolution mechanisms. A land administration system is considered “fit-for-purpose” when it applies the spatial, legal and institutional methodologies that are most fit for the purpose of providing secure tenure for all and ensures the functioning of the key land administration functions that are priority in a given context at a given time. Fit-for-purpose land administration allows governments to establish national land administration systems at an affordable cost within a reasonably short time which can be then incrementally upgraded over time. This approach is guided by three key principles: focus on purpose, flexibility, incremental improvement<sup>12</sup>. According to these principles, to design “fit” technical solutions, it is necessary to first clearly define the purpose of the intervention; then apply flexibility in the design of the technical means to meet the existing local constraints (e.g. financial constraints, limited availability of human resources, timeframe, etc.); and, finally, foresee the incremental improvement of the system in place to

<sup>9</sup> UN-Habitat/GLTN and Dutch Cadastre (2016), Fit-for-purpose land administration: Guiding principles for country implementation.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

provide continuity. More in detail, a fit-for-purpose land administration system is:

- **Flexible** in the spatial data collection approach;
- **Inclusive** in the scope;
- **Participatory** in the approach to data capture and use;
- **Affordable** to establish and operate, both for governments and people;
- **Reliable** in terms of information;
- **Attainable** in implementation timeframe and cost;
- **Upgradeable** over time in response to social and legal needs, and to emerging economic opportunities

The fit-for-purpose approach provides a new, innovative and pragmatic solution to land administration needs. It is suitable for countries – like Syria - where conventional land administration approaches, that are based on foreign land administration traditions and applied without being sufficiently upgraded and reformed over time, are failing to deliver good land management at the required scale. Some of the most common challenges that fit-for-purpose land administration approaches address are: elevated costs, lack of specialized human resources, bureaucratic requirements, lengthy procedures. The FFP land administration refocuses the sector towards responding to the immediate needs of people in their relationship with land, in line with the continuum of land rights concept, rather than on the development and maintenance of the technical solutions that are in place. Four critical practices comprise the fit-for-purpose approach:

- **Creation of opportunities for updating, upgrading and improvement** – The spatial framework should be continuously updated, periodically upgraded, and gradually improved as necessary or suitable to accomplish land policy goals and objectives.

- **Use of general boundaries rather than fixed boundaries** - Using general boundaries (i.e. not precisely determined boundaries) to identify property areas is adequate for the majority of land administration functions, particularly in rural and semi-urban settings.
- **Use of aerial imageries rather than field surveys** - Using high-resolution satellite/aerial imagery is adequate for the majority of land administration applications and it is three to five times less expensive than field surveys.
- **Definition of accuracy according to the intended use rather than the technical standards** - Accuracy of land information should be seen as a function of the information's intended purpose.

To create and maintain a functioning and efficient land administration system, significant and sustained efforts must be conveyed in updating and maintaining the system to enable it meeting the ever-changing demand and priorities. Reforming Syria's land management system is therefore a priority, not just in light of its shown deficiencies<sup>13</sup>, but also in light of the Syrian people's and government's fast developing needs and aspirations.

As it is the case for all countries where land administration instruments were imported and only minor adjustments were made over time, an in-depth knowledge of the Syrian land administration system is necessary to introduce fit-for-purpose adjustments to the existing processes, instruments, legal and administrative frameworks in place. This requires multi-stakeholder discussions led or co-led by the most relevant institutions.

## 7.2. Conflict sensitive land administration

A land administration system clarifies the tenure relationship between people and land, and it allows to determine who has which right(s) over what land, for how long and under which obligations. A functioning land administration system is therefore an indispensable conflict prevention, conflict management and dispute resolution tool. It governs land use through a set of established rules and creates a reliable source of information to prevent or resolve land disputes arising from lack of clarity and

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<sup>13</sup> UN-Habitat (2021), *The Land Administration in Syria: Analysis and Recommendations* (unpublished).

uncertainty over land ownership, land tenure, land use, and land value.

In conflict-affected contexts, the functioning of land administration mechanisms is often hampered: land registries do not reflect the changed reality on the ground or are destroyed; the country's norms and regulations cannot manage land-related conflict and settle land disputes, which are in turn intensified by forced displacement and eviction, secondary occupations, unlawful allocations and sales, lack of a recordation systems, etc. Violent conflicts negatively influence land allocations and use and hinder the functionality of dispute resolution mechanisms which lose legitimacy or get supplanted by conflict-based forums. Establishing or re-establishing functioning land administration systems is essential for peace and state building, as well as preventing a relapse into conflict. In the context of Syria, this cannot be accomplished only via traditional land management methods. Conflict sensitive fit-for-purpose land administration draws on the fit-for-purpose land administration approach to which it adds the following practices: **(1)** it assesses proposed land administration solutions against the "do no harm" principle; **(2)** it incorporates social reconciliation, peacebuilding, and state building considerations; and **(3)** it complements the available land administration tools with transitional justice tools for land dispute resolution and adjudication.

Conflict-sensitive fit-for-purpose land administration can be used to assist UN and non-UN interventions in Syria aimed at clarifying individual and/or group land use rights, resolving land disputes, reconstructing land and property records, managing return, etc. Conflict-sensitive fit-for-purpose land administration promotes good land governance and political solutions when land is a root cause and/or a proximate factor of conflict<sup>14</sup>.

While there is no international framework that specifically contextualises fit-for-purpose land administration for conflict settings, an article on 'Fit-for-Purpose Land Administration in Violent Conflict Settings' was published in 2021 on the MDPI Land Journal<sup>15</sup>. This Note draws on the findings included in the article which are based on literature review and analysis of case studies, some of which are from the Arab region – such as Iraq and Sudan –

and very relevant for Syria.

### 7.3. Overview of the Syrian land administration system

In Syria, the land administration system is governed by legal, institutional, and administrative structures through several ministries or via collaborative efforts coordinated by the Council of Ministers. Since the beginning of the conflict, the capacity of the land administration system, already suffering from pre-existing dysfunctions and corruption, has been further hindered by the high level of damage and destruction of the housing stock, forced displacement and state fragmentation resulting in the near-complete stoppage of land administration activity.

A functioning paper-based cadastral system is in place in the 14 governorates with cadastral maps being a pivotal component of the land registration system and serving as the baseline for defining land borders in the event of a dispute. However, currently, cadastral information is not connected nor compatible with other spatial data and existing parallel temporary registries do not contribute to creating a unified land and property registry to inform decision making. In addition, as a consequence of the conflict, part of the cadastral documents, including certain components of the registry system, were destroyed or lost and many people lost their tenure documents following displacement. Secondary occupations and fraudulent sales of property arose, and numerous procedures have been pushed deeper into informality. At its current state, the cadastre would not be able to manage the land and property issues arising from mass displacement, HLP rights' violations and related land disputes nor would the current judiciary system through its secular and religious courts.

Existing land use plans are poorly implemented, seldom revised, and they cover just a small portion of the region often ignoring the issue of informal settlements while land development is hampered by bureaucratic restraints and the limited number of instruments through which land can be acquired for public use. A land and property valuation and taxation system is in place in both urban and rural areas, however it is limited to registered land and deemed insufficient.

<sup>14</sup> UN-Habitat/GTLN (2018), *How to do a Root Cause Analysis of Land and Conflict for Peace Building*.

<sup>15</sup> Augustinus, C. and Tempura O. (2021), *Fit-for-Purpose Land Administration in Violent Conflict Settings*

#### 7.4. Adopting fit-for-purpose land administration in Syria

Syria would benefit from the adoption of fit-for-purpose land administration approaches led by land institutions and have the key land sector stakeholders participating. This Guidance Note describes the main elements recommended that Syria considers, together with reforms options and related guiding recommendations.

**Key shifts needed to transition towards fit-for-purpose land administration** - To transition towards a fit-for-purpose land administration in Syria, key land sector stakeholders will have to undergo behavioural and cultural change; the legal framework will have to be revised; capacities will have to be developed; processes will need to shift from predominantly judicial to predominantly administrative to ease the burden of land administration on the courts and remove many of the bottlenecks; the land and property registration system will need to embrace the continuum of land right; high accuracy surveys mandated in regulations will need to be revised and expanded to accommodate a range of methods to measure and record spatial unit boundaries; expedients to foster gender equality and the protection of women's rights to land will have to be introduced; the restrictions for operating in the land and property sector will have to be lifted; institutions will have to be more coordinated and integrated; and, finally, land information will have to provide transparency and accountability of the land administration institutions.

**Development of a national strategy** - In addition to the key shifts described above, a national Strategy will need to be developed, considering the country context and the existing spatial, legal and institutional frameworks. Such strategy must identify the main purpose of the reform of land administration; define and guide the implementation of priority FFP land administration interventions; indicate the reviews and reforms needed in the spatial/legal/institutional frameworks; and define the capacities needed to implement and sustain FFP land administration interventions.

**The purpose of the fit-for-purpose land administration reform** - The process of defining the

purpose of fit-for-purpose land administration reforms would need to be inclusive, participatory and multi-stakeholder, and competing interests would need to be balanced. In this Note, the purpose is drawn from the recommendations included in the Guidance Note on Land and Conflict for Syria<sup>16</sup> and the Land Administration assessment<sup>17</sup> conducted by UN-Habitat. This includes: providing affordable housing; clarifying land rights and resolving land related disputes; providing secure access to agricultural land in rural areas and increase its productivity; addressing and repairing the HLP violations occurred during the conflict and prevent further HLP violations; increase women's ownership, joint ownership, and land tenure security; providing reliable information on land ownership and land use of private and public land for decision-making; and enlarging the revenue basis to finance reconstruction, services and infrastructure.

**Priority fit-for-purpose land administration interventions** - Drawing from the purpose defined above, priority fit-for-purpose land administration interventions include: reforming the land and property registration system; unifying the land records; reconstituting lost or partly, or fully, damaged cadastral documents; and supporting the regularisation of informal settlements. Additional important fit-for-purpose land administration interventions that could tackle urgent priorities in Syria include: collecting and georeferencing housing, land and property claims and supporting evidence; supporting humanitarian and early recovery activities with information on land ownership and housing, land and property rights, including rehabilitation of housing (and commercial buildings), debris management and clearance of ERW/UXOs; strengthening land tenure security and improvement of productivity of agricultural lands through land consolidation; reforming the spatial framework, in line with fit-for-purpose land administration principles; developing awareness and capacities of the key land sector actors to lead the fit-for-purpose land administration reform process, design and implementation.

**Reforming the cadastre to become 'fit-for-purpose'** Reforming the Syrian cadastre to become a unified, digital and multipurpose system is essential to achieve all the purposes set above.

<sup>16</sup> UN-Habitat/GLTN (2021). *Technical Guidance Note on Land and Conflict for Syria* (unpublished).

<sup>17</sup> UN-Habitat (2021). *Land Administration in Syria: Analysis and Recommendations* (unpublished).

The Note presents the main features and steps towards reforming the cadastre in a “fit-for-purpose” manner. The land and property registration system must be progressively upgradeable with different land and property information consolidated into a single database that encompasses all types of land and ownership and use rights. Further, financial departments’ records should be integrated into the property registration or, ideally, connected to them. The process of updating and amending information in the system must be both administratively and technically simplified, less expensive, less bureaucratic, and less dependent on the submission of extra paperwork, and should allow to register or update records of properties that are not in full compliance with planning and building standards. Additionally, the framework should include information supplied by individuals, especially when official data is not necessary or accessible. Registry operations should be gradually and incrementally decentralized. Further, it is necessary to promote and expedite the registration of informal tenure rights, representing the reality on the ground, and the transfer of temporary land records to the permanent registry. A wide variety of forms of evidence should be accepted and supported in the short- and medium-term and harmonized and streamlined in the long-term. A transitional system for collecting and verifying land and property claims and issuing interim registration certificates should be put in place and subsequently be included into the cadastre.

**Unifying the land and property records** - The finance departments’ records should be linked or – preferably - incorporated into the property registry, together with the temporary register records, records of state lands, desert lands, agricultural and agrarian reform lands, waqf properties, etc. For the transition towards the reformed, simplified, digital, unified and multipurpose cadastre, the following steps should be developed: (1) define the workflow indicating the steps to be followed; (2) describe institutional roles and responsibilities for each step; (3) develop data management and protection protocols; (4) implement an incremental process of transitioning the information into the cadastre; and (5) ensure transparency and public availability of information. The transitional database should be designed through multistakeholder processes in

way that allows to record and store different types of information regarding people, land parcels and properties, tenure relationship and related supporting evidence. The customization of the STDM software (or of an alternative platform) should be undertaken accordingly.

**Reconstruction of lost or damaged cadastral documents** - The conflict resulted in the destruction, damage and loss of many property documents. The Syrian government is leading interventions for the reconstruction of lost or damaged cadastral documents<sup>18</sup>, in some cases with support of international organisations, through two avenues: (1) the administrative path where the reconstruction is done based on the existing cadastral documents, and (2) the judicial path where the cadastral documents are not sufficient to reconstruct the lost land records and the rights holders are called to prove their HLP rights claims. A due process compliant with international standards will need to be put in place to reconstruct lost and damaged documents, starting with cadastral documents, while ensuring the respect of the rights of all groups. In parallel with initial government’s procedures taken, few ongoing efforts aiming at preserving copies of land and property records and conserving complementary or alternative evidence of land tenure relationships have been put in place by international organisations with the support of civil society organisations.

**Regularisation of informal settlements** - The Syrian government will not be able to address the Syrian population’s housing demand without regularizing some of the informal settlements. Law 33/2008<sup>19</sup> sets the basis for such regularisation and fit-for-purpose land administration can provide the practical implementation tools to implement these provisions after a political decision on the settlement eligibility requirements has been taken. The incremental registration of land rights in the official cadastre, allowed by the flexibility of the FFP approach, is a key component of this process. The main challenge will be safeguarding the rights of people displaced at the time when the process of regularisation takes place. An incremental approach would be required to enable the mapping of housing, land, and property claims and their verification, as well as the appeal by members of communities displaced inside and outside Syria when needed. Such initiatives should

<sup>18</sup> Law 33 of 2017 for reconstitution of lost/damaged cadastral documents

<sup>19</sup> Law 33 (2008) on the Confirmation of Ownership of Built-Up Real Estate and Unbuilt Parts of Real Estate

be accompanied by dedicated conflict resolution systems.

For areas and properties that are eligible for regularisation, there are two key doable paths: **(1) easing of restrictions**, and **(2) including informal settlements in the cadastre**. Regarding the easing of restrictions, the restrictions that push existing cadastral records to informality should be as much as possible removed, the process of dealing with irregularities should be less rigid to allow the inclusion of (most of the) land and properties developed outside the approved masterplan or without construction license; simplifying inheritance practices should be prioritized; and registry's functions should be decentralized as much as possible in a gradual and incremental manner. Regarding the **inclusion of informal settlements in the cadastre**, community-based participatory

enumeration approaches should be undertaken.

Identification and adjudication are a vital part of this process and opportunities should be made available for the local community to check and agree on the evidence of land rights collected. In the prevailing context of mass displacement and properties' destruction, an incremental step by step process would be necessary. This will allow to map the housing, land and property claims, verify them and provide sufficient time for review and – if necessary – appeal by members of the communities living in displacement inside and outside Syria. Dedicated dispute resolution processes should accompany such interventions. The piloting of such HLP rights' clarification process would be an important first step to collect lessons learnt and incorporate them into the overall design of the regularisation process.



## The Social Tenure Domain Model, a fit-for-purpose land administration tool

The Social Tenure Domain Model (STDM) is one of the most important and widely used fit-for-purpose land administration tools currently being used by the land community working in developing and conflict affected countries, including in the Arab region and in contexts comparable with and near to Syria.

STDM is a pro-poor, participatory and affordable land tool for recording people to land relationships along the continuum of land rights, independently from their level of formalization or legality. The STDM has been developed by the Global Land Tool Network and UN-Habitat to support pro-poor and fit-for-purpose land administration, particularly in developing countries, countries with very little cadastral coverage, and in post conflict settings. A full coverage of all land, in urban and rural areas, by the land administration system is pivotal for increasing land tenure security of all people and managing land use, land value and land development. Complete coverage of all land in a land administration system is possible only through an expandable and flexible model, that allows for the inclusion of all land and all people within the four land administration functions (FIG, UN-Habitat, GLTN, 2013). STDM seeks to expand the land administration framework by filling the institutional and technical gap characterizing traditional land administration systems. In particular, STDM focuses on the land and property rights which are considered neither registered nor registerable in other systems. STDM adheres to GLTN's core values and principles: it is easy to use, and it promotes equity, participation, transparency, efficiency, sustainability and affordability.

The STDM can be defined as:

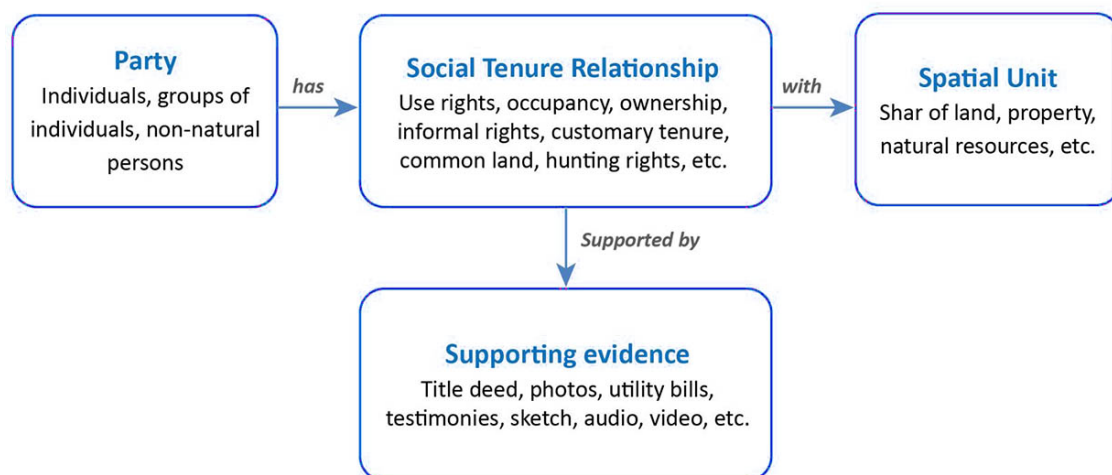
- **A concept** – It bridges the gap to represent people-to-land relationships independently from the level of formality, legality and technical accuracy.
- **A model** – It is a specialisation of the ISO-approved Land Administration Domain Model (LADM) which provides a standard for representing flexible people-land relationships, where “specialisation” means that there are some differences with the LADM, mostly in the terminology and application area.
- **An information tool** – It provides the front-end interface for applying the STDM concept and model. The software is based on open-source technologies: available to all, affordable and scalable.

The concept of STDM bridges the traditional land administration systems gap by providing a standard for flexible people–land relationships that include all types of people–land relationships. People – land relationships can be defined as “persons (or parties) having social tenure relationships to spatial units supported by different types of evidence” (FIG, UN-Habitat, GLTN, 2013) and this also applies to related restrictions and responsibilities (see figure 3). Parties, spatial units and social tenure relationships may vary according to local custom, culture and religion.

**Parties** are individuals, groups of individuals, or non-natural persons, that constitute a defined and recognisable single entity. A “non-natural person” can be a tribe, a household, a village, a company, a municipality, the state, a cooperative, or a religious community. This list may be extended and customised to local settings, based on community needs.

Land rights are spread along the continuum of land rights and include formal ownership, usufruct, freehold, leasehold, occupancy rights, tenancy, nonformal and informal rights, customary rights, indigenous rights, etc. A broad range of rights, social tenure relationships and claims can be recorded within the same area where the STDM is applied. There may be overlapping claims, disputes and conflict situations, and even unstrained privatisation. As for the parties above, the list of rights can and needs to be customised in accordance with the local tenancies. Land rights might have restrictions, a “restriction” is a formal or informal entitlement to refrain from doing something, e.g. ownership is not allowed in indigenous areas, or it might represent a temporal dimension of the right, which sometimes can even have a fuzzy nature, e.g. “just after the end of the rainy season”.

**Spatial units** are the shares of land (or water) where the rights and social tenure relationships apply. According to the LADM/STDM ISO-standard those areas can be represented as a text (e.g. “from this street to that house”), as a single point, as a set of unstructured lines, as a surface, or even as 3D geometries and digital high-resolution satellite images. The integration of different land types and holdings with a life-like visual component makes the land information more accessible and understandable to all users bringing confidence in the quality, authenticity, and traceability of the information. This range of spatial unit representation can cover community-based land administration systems, rural or urban, or other types, of land administrations, like 3D cadastres. Enumeration can entail the identification of spatial units on a photograph, a satellite image or a topographic map. In some cases, sketch maps can even be drawn up locally with the support of the community.



**Figure 3: Land-people relationship in STDM**



The development of STDM aims to support and implement the concept of the continuum of land rights, described under 'Key frameworks and concepts', which do not fit within conventional land registration systems and the parcel-based spatial description of rights. The continuum of land rights indeed recognises all kind of rights, registered and unregistered, formal as well as informal, individual and joint, and of all groups, including pastoralists, displaced and slum dwellers, etc. This range of rights generally cannot be described relative to a parcel, and therefore new forms of spatial units are needed.

### **8.1. The Social Tenure Domain Model functionalities**

The STDM tool is a desktop-based application which is designed to fully comply with the conceptual model presented above. It brings together a developed open-source software and an easy-to-use interface, which allows non-specialised users to define and manage tenure information and visualise spatial units as well as creating reports. The STDM allows to put rights into a system, including rights which are not registered nor registerable in traditional cadastral registries, claims, and rights which need to be adjudicated in terms of the 'who', the 'where' and the 'what type'. If all data is collected following the structure, Party – Social Tenure Relationship – Spatial Unit, then the integration with a formal land administration system is possible (C. Lemmen et al., 2007).

The STDM interface links the party and the spatial units through their social tenure relationship and permits to attach supporting documents or other forms of evidence for every record stored in the data repository, such as photographs, scanned documents, utility bills or even tenancy agreements, oral testimonies, etc. All evidence is subsequently uploaded into the software when defining the primary textual information.

The STDM tool is designed to allow its customization to fit specific project needs. It provides a data management interface for designing tables and corresponding attributes to meet the data requirements of different application contexts. This is an iterative process which is considered final once all the stakeholders have reached an agreement on the data attribution to be captured.

The current release of the software, version 1.7, enables to capture and record compound tenure relationships such as different party types having tenure relationships with a given spatial unit type, or a party type having separate tenure relationships, including HLP claims, with different spatial units. Every tenure relation between a party and spatial unit consists of a percentage share of the right and includes information on start and end dates representing the duration for which the relation is valid.

The data collection process is carried out by the enumeration team often accompanied by local leaders and/or local government officials, and it consists of interviews - for filling the STDM questionnaire - and plot or structure mapping - for georeferencing HLP rights, claims, land uses, etc. During the enumeration, informal spatial units can be recorded as 'text based' spatial units, where boundaries are described in words, or as 'line based' spatial units, drawn on low accurate satellite images. Further, the social tenure relationship to the spatial unit may be represented by points collected with hand-held GPS instruments. Boundaries of formally registered properties are usually already defined through accurate field surveys.

All the spatial and attribute information in the STDM is stored in a PostgreSQL/PostGIS database, with the user interface hosted as a QGIS plug-in. The use of PostgreSQL and PostGIS software components allow the STDM to be adopted as a stand-alone installation or in a client-server environment. The former can be easily deployed in areas without internet coverage or where internet infrastructure might be too costly to be set up. The system follows protocols for data security and protection as required by the context, which as for the questionnaire can be fully customized during the project preparation phase. At the end of the process, an additional validation phase of the collected data can be carried out with the community members before the data is finally updated in the STDM database. Validation is a critical step as it increases the credibility of the overall process. After the validation, community members and local government officials can agree on the modalities to continue updating the data and sustaining the process, with backstopping provided by GLTN.

## 8.2. The STDM applications

The STDM implementation process promotes inclusiveness and continuous capacity development amongst all key stakeholders, from the initial inception phase to the deployment and rollout stages, and it encompasses a wide range of GLTN land tools such as Participatory Enumeration, the Continuum of Land Rights approach, the Gender Evaluation Criteria, Pro-poor Land Recordation and Land Governance among others. The capability of the STDM to incorporate participatory approaches makes it a powerful and effective land information system that enables to design locally engineered solutions for improving tenure security.

STDM can be adopted by local governments for development objectives like inclusive planning, tenure security improvement, provision of basic services and infrastructure, natural resource management, land dispute resolution, recordation of Land Rights in post-conflict context, etc. The uptake of the STDM has in some instances led to inclusion of the STDM-generated information in government initiatives such as the “Transforming Settlements of the Urban Poor in Uganda” project (TSUPU), the establishment of a land information system to manage urban and customary land in Turkana County, and the “Kenya Informal Settlement Improvement Project” (KISIP). An overview of some of the most commonly used STDM applications is presented below.

### 8.2.1 Enumeration and informal settlement upgrading

STDM can be used to collect georeferenced data on informal settlements to enable and support local communities claim their rights as citizens, improve land tenure, plan for the provision of infrastructure and services, redevelop/upgrade slums, guide housing improvement, land readjustment, land allocation and to sustain land administration and information systems. Communities can use the data collected through STDM to negotiate with local authorities on possible development initiatives: access to basic services and infrastructure, and potential tenure security improvement.

In Namibia, STDM was introduced in 2015 to register the land rights of the community members living the informal settlement of Freedom Square as a trial to upscaling the Flexible Land Tenure System (FLTS).

Freedom Square now boasts of water services/points installed with the financial support from the Ministry of Urban and Rural Development and has laid groundwork for the upgrading of other settlements by showing how a community-driven upgrading process can lead to successful improvement of the living conditions in informal areas. Additionally, the relationship between the Municipality and local residents has improved through the establishment of a meaningful dialogue aimed at ameliorating the living conditions in the settlement.

In the Philippines, STDM has been used to support community development initiatives in the cities of Davao, Muntinlupa and Valenzuela to empower local communities to negotiate with local governments and relevant stakeholders regarding development programs to upgrade their settlements and improve the tenure security situation therein. Communities have been equipped with enumeration and mapping skills, and they used STDM generated data presented in form of maps and reports to engage with the Local Government Units (LGUs), Local Housing Boards (LHBs), and the Urban Poor Affairs Office (UPAO), among other stakeholders, and to lobby and negotiate with the local service providers to install water and electricity connection in the area.

### 8.2.2 Natural resources management and monitoring

STDM can be implemented to support sustainable resource management by enabling the collection of geo-spatial data on land use, smallholder producers and communal natural resources such as grazing lands, mineral licks points, water points and cattle dips, among others. The data collected can be used to inform effective planning and policy, including the development of infrastructure like irrigation water services, and to prevent resource over-exploitation and degradation. This also contributes to the reduction of the incidences of land conflicts particularly over grazing and water resources between communities.

In Kenya, STDM and participatory enumeration have been implemented to geo-spatially enumerate rice growers in Kirinyaga County with the aim of including these farmers in the scheme's register for ease of management on irrigation water services, agricultural extension and other services. In Bomet County, STDM has been used to support geo-spatial enumeration of smallholder dairy producers and the

mapping of key communal natural resources. The resultant data is being used to inform sustainable resource management of dairy production in the different farms, it will help securing boundaries of communal resources from encroachment and determine optimal animal carrying capacity of the existing grazing and drinking areas.

In Uganda, STDM database is being used to capture input – output information on oil palm smallholder farmers in Kalangala with geo-referenced data of the households, which is used to analyse the impact of oil palm farming and assess productivity of the palms in relation to farmers' socioeconomic factors. With the implementation of STDM, farmers can get an accurate measure of the sizes of their gardens which helps increasing productivity per acre, and it ensures that when farmers apply for cash and in-kind loans these are based on actual farm size and not on rough estimates. This initiative has provided a better understanding of what is required to initiate effective planning and policy for smallholder oil palm growers for ensuring their security of tenure.

### **8.2.3 Improvement of land tenure security of customary land**

STDM enables to strengthen the tenure security of the urban and rural poor, women, indigenous communities, etc. by supporting registration of all forms of land rights and claims found along the continuum of land rights. Indeed, STDM functionalities can be used for documenting primary and secondary land rights of women as it allows the recordation of a range of land rights including de-facto tenure rights, as well as capturing a variety or multiplicity of tenures that often overlap. The information collected and recorded through STDM can be later linked or converted to the cadastral and land registry system.

In Uganda, STDM and participatory enumeration have been used to document women's land rights in Pader District, in the north of the country. Key results of this project include the provision of Certificates of Customary Ownership (CCO) to landowners and the sensitisation of the local community on land rights, specifically on customary land tenure and on registration of customary land rights.

In Zambia, STDM was implemented to increase tenure on customary lands: a total of 40 Certificates

of Customary Ownership were successfully issued to the households of Bulemu. The extent to which such security exists will depend on the political will and commitment of governments.

In Kenya, residents of Kwa Bulu Settlement, Nyali Constituency in Mombasa County were issued with more than 1,000 Certificates of Occupancy as an assurance of tenure security while they wait for the processing of title deeds, ending many years of tenure insecurity and fear of forced evictions.

### **8.2.4 Natural disaster recovery**

STDM can be used to map and record damages and relocation land parcels following a natural disaster, release occupancy documentation to affected household to apply for reconstruction grants and other forms of aid, by complementing cadastral systems that are not adequate to support tenure security in post disaster situations.

In Nepal, following the April 2015 massive earthquake, STDM has been used together with fit- for purpose land administration, participatory enumeration and the continuum of land rights to support recovery and reconstruction efforts. Due to raptures, landslides and destabilisation caused by the earthquake, about 475 settlements required relocation. STDM has been used to map the relocation land parcels and link them with relevant attributes from enumerations. This information, once validated by the community, has been used to issue relevant certificate to facilitate allocation of grants to community members for housing reconstruction.

### **8.2.5 Recordation of land rights in post-conflict context**

STDM can be implemented to support non-functioning cadastral system by recording and verify claims, registering HLP rights and issuing occupancy certificates to increase the tenure security of returnees. Further, STDM can be used to support the mapping and recordation of HLP and civil documents to sustain HLP claims of refugees and displaced people in the area of origin.

In Iraq, STDM has been applied to conduct community consultation meetings to verify the occupancy claims of Yazidi returnees in Ashti and to facilitate the issuance of occupancy certificates

endorsed by local authorities, as well as community members, to secure the land tenure of returnees. The issuance of occupancy certificate also allowed returnees to qualify for housing reconstruction support. As of mid-2020, 21 villages were covered by the intervention, over 7,200 certificates of occupancy were issued, and more than 1,500 houses were rehabilitated.

In Sudan, UN-Habitat, UNDP and FAO - with the support of the UN Darfur Fund and Qatar - have been working with the Darfur Land Commission and the Voluntary Return and Reintegration Commission to capacitate land institutions, such as the native administration and the State Ministries of Physical Planning and Agriculture, to improve Darfur's land management and land disputes mechanism by providing technical recommendations to the competent authorities

on necessary land reform, policies and legislation. Among the key interventions, the implementation of a fit-for-purpose land registration approach to identify suitable land to be allocated to returning refugees, in a way that prevent the emergence of conflict between returnees and families already residing in the return villages, is now being institutionalised. This process is led by the State Ministries, with the technical support of UN-Habitat, and it is carried out through a participatory planning approach involving local communities: the paper-based plans are developed in the field with the communities and then digitized through the use of STDm. Interventions targeted 63 localities resulting in the demarcation of village boundaries and buffer zones and in the establishment of a monitoring mechanism for nomadic corridors aiming at preventing conflicts between farmers and pastoralists along 13 livestock migratory routes.



# Key applications for STDM in the Syria context

STDM is a flexible tool that can be adapted and customized to support a wide range of land administration processes, as described in Section 8. STDM supports fit-for-purpose land administration and therefore can be applied to support the FFP land administration interventions described in the Guidance Note on Fit-For-Purpose Land Administration for Syria<sup>20</sup>, namely: (1) the reform of the land and property registration system, which needs to be incrementally transformed into a unified, digital and multipurpose cadastre (or 'fit-for-purpose cadastre'); (2) the unification of the land records; (3) the reconstitution of lost and damaged cadastral documents; and (4) the regularization of informal settlements.

This complementary Note describes some of the specific uses of STDM that can be implemented in the Syria context. More in detail, it presents how STDM can be used to collect and georeference housing, land and property claims and supporting evidence; to support humanitarian and early recovery activities; and to prevent further HLP rights' violations.

## 9.1. Collecting and georeferencing housing, land and property claims and supporting evidence

Collecting and georeferencing HLP claims and supporting documents is an important intervention to preserve HLP evidence of people displaced outside or inside the country of origin, in this case Syria, including in areas currently outside the government control or disputed among different groups.

### 9.1.1 The context

Over 12 million people have been displaced by the conflict in Syria: many experienced forced evictions

and multiple waves of displacement leading to the loss or damage of their HLP and civil documents. Some of the existing cadastral registries were destroyed or damaged, while systematic confiscation of property documents belonging to refugees crossing the border to Lebanon was documented. Fraudulent sales, sales under duress, forgery of HLP documents, secondary occupations, destruction of houses and commercial buildings and reduced access to dispute resolution mechanisms are currently widespread in country. These factors compound pre-existing fragilities: over one third of the Syrian population lived in informal properties<sup>21</sup> prior to the conflict, a trend that kept increasing after 2011.

### 9.1.2 The importance of clarifying land rights and restitution

Syria will not be able to stabilize and rebuild itself without progressively addressing this intricate land rights context. After a mission to Syria, the Special Rapporteur on IDPs<sup>22</sup> recommended that longer-term solutions to housing, land and property issues, including compensation and restitution of land and property, must be envisaged and measures put in place through legal processes established in accordance with international standards. Land rights must be clarified to encourage people and private sector actors to invest in rebuilding and reconstructing the country and to create the preconditions for safe, voluntary and dignified return. A comprehensive process for clarifying land rights, resolving arising disputes and restituting land and property illegally subtracted to legitimate owners must be established<sup>23</sup>. Considering the prevailing context, restitution of properties must be prioritized over compensation, which might not be feasible.

<sup>20</sup> UN-Habitat (2021), unpublished.

<sup>21</sup> In the context of Syria, this indicates properties informally subdivided, properties built on un-planned areas or areas outside the masterplan, properties without building permit or otherwise non fully compliant with the building regulations.

<sup>22</sup> UNHRC (2016). Mission Report the Special Rapporteur of IDPs A/HRC/32/35/Add.2, para. 90.

<sup>23</sup> See also: UN-Habitat/GLTN (2021). Technical Guidance Note on Land and Conflict for Syria (unpublished).

### 9.1.3 The mechanism to resolve land-related disputes

The process of clarifying land rights should be as much as possible administrative (as opposed to judicial) and in line with fit-for-purpose land administration principles. It is however expected that a very large number of disputes will arise thus the mechanisms to resolve HLP disputes must be boosted and complemented.

The current Syria court system is unsuitable to handle the large number of land-dispute resolution cases arising in context of displacement, particularly because of its extremely slow procedures, the depletion of human resources capacity due to the loss of skilled personnel who emigrated, died or has been displaced during the conflict, and because of the lack of impartiality and independence of the judicial system which is considered by many, and particularly by some groups of refugees, as an arm of the executive in which they have no confidence. Further complexities include the fragmentation of the judicial system across the Syrian territory, as areas outside government control have separate court systems, and the legal framework in place, which is overall inadequate to deal with large population movements and the current level of destruction, as well as sustaining a great number of caseloads.

To handle the process of clarification of land rights and resolve the related large number of disputes that might arise, it is necessary to establish a transitional justice mechanism that includes existing courts, alternative disputes resolution and mediation services, as well as a set of administrative procedures to clarify land rights and resolve land disputes administratively, rather than judicially. Complementing the existing body of laws with transitional and incremental measures able to support disputes resolution mechanisms in contexts of large displacement and return will be necessary. Such transitional justice mechanism(s) will also support the restitution process, once established.

### 9.1.4 The land rights' clarification and restitution mechanism

To allow the clarification of land rights and the restitution of land and properties to the legitimate owners, at the required scale and within a reasonable timeframe, a well-structured dedicated mechanism or programme must be put in place. Several

aspects of such mechanism or programme must be developed: (1) the overall goals and directions; (2) the definition of key policy decisions and legal and operational frameworks guiding its work; (3) the collection and review of HLP claims and related information and documentation; (4) the processes for decision making and the adjudication of cases; (5) the recording of the decisions in the Syrian land and property register; (6) the management of the programme itself, including human resources, contracts, payments, communication, IT, monitoring and evaluation, etc.; and (7) the financing of the programme.

The description of each of these aspects is beyond the scope of this Guidance Note which will only focus on the third component: the collection of HLP claims and related information and documentation using the Social Tenure Domain Model tool. This is a crucial and time-consuming step of the process which entails the collection of the evidence substantiating the land tenure relationship of a person, or a group of persons, to a land or property. Considering the widespread displacement and the extent of the HLP violations occurred in Syria, it is important that such process is initiated at the soonest. Further, the more time lapses from the displacement, the more likely is for the displaced to lose their HLP documents.

### 9.1.5 The use of STDM for collecting and georeferencing housing, land and property claims and supporting evidence

STDM proved to be an effective tool to collect and georeference the HLP claims, and related supporting evidence, of Syrians displaced outside the country. The same approach can be applied to the HLP claims of Syrians displaced within the national borders and it could also be extended to other categories of people claiming a land tenure relationship to land and properties in Syria that were not previously formalized or fully formalized in the Syrian cadaster, such interventions explained below in paragraphs 9.3, 9.4 and 9.5.

The step-by-step the implementation of the approach described below has been piloted by UN-Habitat and the Global Land Tool Network in three refugee communities in Lebanon and Iraq through a community-based approach. In Syria, the same can be used in selected priority communities, or can be progressively expanded, to cover a whole governorate or the whole country, and it can be

implemented incrementally, in a phased approach, as needed.

## 9.2. The steps of the implementation

### 9.2.1 Target communities

As the approach must be customized to the specificities of the beneficiaries, it is important to start by identifying the target communities. Working in two or three pilot locations would allow to assess the approach and refine it based on the analysis of its performance in comparable but different contexts. Target communities can be chosen through a diversity of criteria including vulnerability, size, accessibility, presence of ongoing initiatives, cohesiveness, conditions in areas of origin, need of prioritizing the community for assistance, available capacities, etc.

### 9.2.2 Project personnel

Whether the interventions are led by a public institution, a UN agency or another international partner, or a community, the data collection process needs to be handled as a project. The selection of project personnel must be undertaken in parallel with the identification of target communities, and it should include project managers, community mobilisers and communicators, enumerators, people with technical expertise in GIS and computer-based data management and IT, and people with expertise on HLP concepts and applications and the related national laws and practices. Depending on the location-specific set up, additional personnel might be required: drivers, security personnel, etc. In development contexts not affected by crisis, it is recommended to work as much as possible with people from the target communities. This creates local jobs, increases ownership and retains locally the capacities developed, useful for the maintenance and updating of the datasets, for the replication and upscaling of the project, and for overall maximum benefit of the communities. However, lessons learnt from conflict-affected contexts indicate the importance of working with a team of people perceived as neutral and able to maintain the confidentiality of the information shared. What roles can be taken by community members should therefore be carefully assessed, in respect of the do no harm principle.

### 9.2.3 Community centers

Community centres are places where people can access information about the project process and where some of the project related activities can take place; they enhance the trust and visibility of the interventions in the eyes of the communities. It is therefore important to establish them within, or near, the communities where the HLP information is collected. Such centres can be set up for the project or be part of existing compatible facilities.

### 9.2.4 Partnerships

At the early stages of project implementation, it is crucial to establish key partnership and, if possible, receive formal endorsement from institutions, organisations and other stakeholders who have a role or an interest in the project or who might be risk factors in hindering the project implementation. The partnerships – particularly those with government institutions – vary depending on whether the interventions are undertaken with refugee communities residing outside Syria, with IDP communities within Syria, with communities in disputed areas, etc. Due to the sensitive nature of the work – both technically and politically – the strength of the partnerships established may set off the success or the failure of the interventions and it is therefore crucial to dedicate enough efforts on this aspect of the project. Further, some parts of the work can be contracted to partner organisations, for example national and/or local organisations, NGOs or CBOs, trained to perform project activities such as leading the enumeration process or facilitate the liaison between the project team and the beneficiaries, organizing reach-out activities, etc.

### 9.2.5 Communication and awareness

Communication and awareness raising activities must be developed and customized for the different actors and partners involved or interested. A combination of written, video and face-to face techniques must be used. Beneficiaries are the most crucial group of stakeholders who need to be addressed with communication and awareness raising activities, which should take place before and during the project implementation and might be complemented as needs arise. It is important that communities understand well objective and steps of the project, roles of the different actors involved, relevance of the HLP information to be

collected, possible future uses, etc. Lessons learnt from the implementation of similar projects show that there are major risks associated with the spreading of rumors and false information about the project, which could cause harm to beneficiaries and workers. Good communication and awareness interventions can mitigate such risks, if not fully remove them.

### 9.2.6 Capacity development

Capacity development is needed for project managers, community mobilisers, enumerators and technical specialists. Modular sessions must be developed for each of these actors. While capacity development activities for enumerators might take a couple of full days, training for the personnel who will set up and handle the STDM interface of the data collection will take up to a week. Follow up trouble-shooting and additional task-specific training sessions might be required depending on the technical capacities of the team before the start of the project.

### 9.2.7 Customization of the STDM tool

The customization of STDM starts with the careful preparation of the questionnaire used to collect and georeference HLP information. Before the customization of the STDM software, the draft questionnaire needs to be field-tested with few beneficiaries (e.g. 10 -20 households) to check the design, refine the questions and fine-tune the data collection process. The final version of the questionnaire is then used to customize the STDM software.

The customization of the STDM software entails the development of a core data model (see Figure 4) that shows the relationship of different data entities. Key data models include enumeration, respondent, household member, property, social tenure relationship and supporting documents. Relevant attributes are then added to the data models to reflect the different data fields in the questionnaire. In the Social tenure relationship model, the Respondent model acts as party while the Property model acts as the spatial unit.

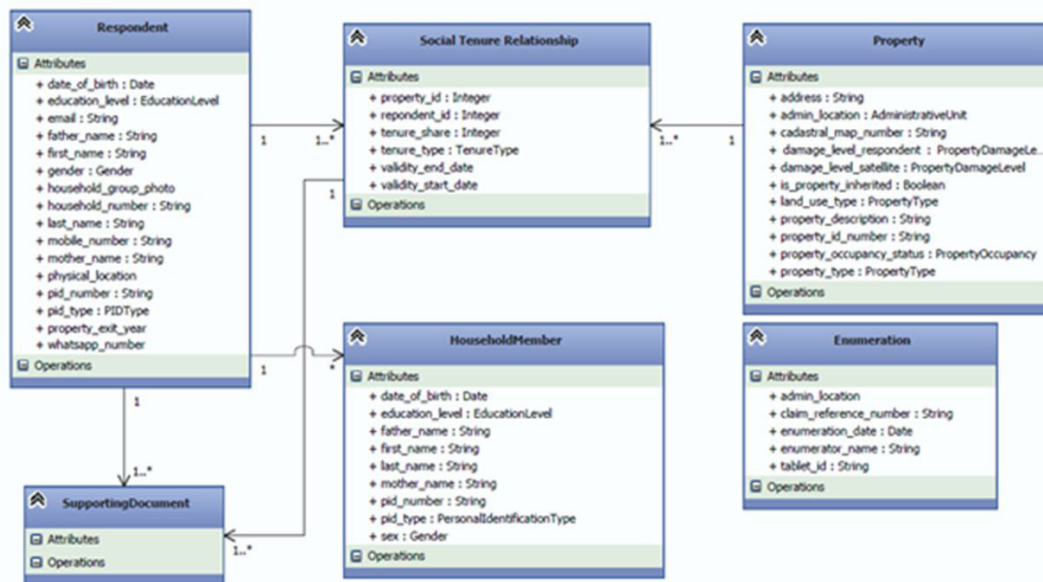


Figure 4: STDM core data model



Once STDM software is customized, and a configuration file has been generated for data entry process, a mobile data form can be generated to be uploaded to the mobile devices for the data collection exercise, and the enumeration of HLP claims within the communities can start. It is useful to prepare a short handbook to guide enumerators on the key information to be collected, frequently asked questions by respondents, and short guidance about the process.

### 9.2.8 Data collection

Once the steps described above have been completed, the collection and georeferencing of housing, land and property claims can start. Data collectors or enumerators shall collect data through face-to-face interviews using of portable equipment (i.e. tablets, scanners, cameras) and ensure that the collected information is captured and recorded accurately, and that no critical data that might be needed by the information user during data processing is omitted. This process can take place through door-to-door visits in the communities where the people are currently living in displacement as refugees or IDPs, or in the near-by community centres.

One data set is collected for each HLP claim. Data collected includes information about the party, the spatial unit, their social tenure relationship, and the supporting evidence.

With regard to the **party** – which can be an individual, or a group of individuals such as the members of a family – the information collected includes names, key personal information, identity documents, address, etc. The personal information collected can slightly vary depending on the context. Besides the information of the respondent, who is recommended to be the person with the stronger tenure relationship to the property claimed, information about his or her household members should also be collected. For household's members, personal information, relationship to the claimant and the description of their social tenure relationship vis-à-vis the one of the claimant should also be included (see below). Efforts are needed to reach out to and include women, as their names are often excluded from property documents, encouraging them to get engaged in the protection of their HLP rights in Syria by filing property claims.

When relevant, civil documentation should also be included (e.g. marriage certificates, death certificates, etc.), particularly to support inheritance claims.

With regard to the **spatial unit**, information about land, housing, building, or the unit within a building should be added, including the address, a short description of the property, the type of land use and additional optional information (e.g. level of destruction, secondary occupation, type of settlement, etc.). Further, the location of the spatial unit should be georeferenced, either through a point on the property or a polygon defining the perimeter of the property. This can be done with GPS coordinate on satellite images or on GoogleMaps, which has lesser resolution but makes it easier to identify locations and addresses.

With regard to the **social tenure relationship**, there is the need to strike a balance between what an average respondent would be able to answer and the full spectrum of tenure options offered by the Syrian context. As the aim of the intervention is to collect, georeference and store evidence of HLP claims, a good balance between the two could be a list of options to choose from that include: full ownership; joint ownership (with indication of number of shares / area / parts, if known); long term use; short term use; other (specify); and do not know. A field for giving additional information can be added.

The description of the social tenure relationship of the additional household members in relation to the one of the claimant should also be included. A possible list of option could include same type of tenure as the claimant; right to use the property because of the family relationship with the claimant; right to use the property in exchange of payment or services or other agreements; usufruct; other right; and do not know.

With regard to the supporting evidence, the type of evidence collected need to go beyond cadastral documents to include other legal, administrative, informal form of evidence, etc. Below is an example of the list of types of evidence accepted in the context of a project aiming at mapping the housing, land and property claims of Syrian refugees undertaken by UN-Habitat.

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

**Table 2: Documents and forms of evidence supporting HLP claims in Syria**

The various types of evidence are expected to have various degrees of legitimacy in front of a court and might weigh in very differently in hypothetical HLP claim processes. Further, depending on the local contexts, the possibility of undergoing a first verification of the HLP claims within community members should be considered to simplify future

land administration procedures, particularly envisaging the unprecedented scale of land disputes related to fraudulent sales, secondary occupations, inheritance disputes, etc. Only copies of evidence should be collected, while the originals should remain with the claimants.

### 9.2.9 Data management and protection

Personal and HLP data of refugees, displaced people, and people affected by conflict in the context of reconstruction is very sensitive. If not adequately protected it can cause harm to the project personnel and beneficiaries. For this reason, it is important to define a data management and protection protocol describing how project information and data is collected, handled and stored in line with international data protection standards. The protocol is crucial to ensure that people involved in the project adhere to good data management practices, protect the rights of refugees while causing no harm to them, and are transparent about how data is collected, processed, stored and used throughout the cycle of the project and after its conclusion.

### 9.2.10 Issuing of certificates

In conventional land recordation projects undertaken in developing contexts, the collection of HLP data would be followed by the verification of data, by the resolution of eventual conflicts or disputes regarding specific properties and finally by the issuing of occupancy certificates, intermediate land documents that can be either renewed or progressively transformed in full ownership documents, depending on the context. When collecting and georeferencing housing, land and property claims, the verification and issuing of transitional titles might come much later. Nevertheless, it is useful to issue 'Certificate of collection and safeguarding of tenure relationship documents', with key information about the process, the claim, and how to retrieve the copies of the

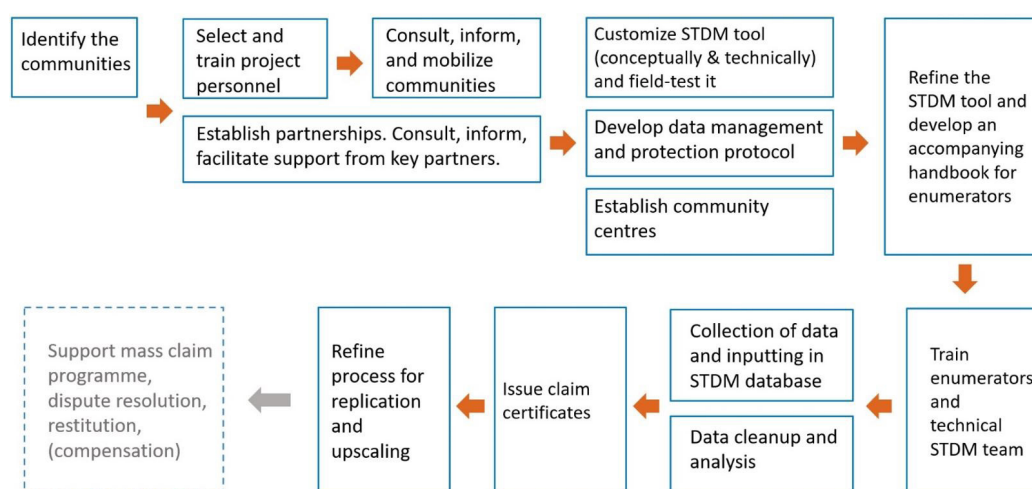
evidence stored in the HLP claims' database. To avoid risks, it is important that such certificates clearly state the nature of the document and its use so that their purpose does not get confused with a document proving ownership rights.

### 9.2.11 Review and way forward

After the pilot phase, it is important to review the lessons learnt to refine the approach before its replication and upscaling.

In the short term, STDM will support rebuilding the HLP evidentiary documentation of Syrian refugees by facilitating the mapping and documenting the HLP rights and claims, and by georeferencing a wide variety of forms of evidence to prove the validity, legitimacy or legality of the claims. In the long term, this is expected to sustain safe, voluntary and dignified return of Syrian refugees by increasing the tenure security of those who have lost their land documents during conflict and displacement(s), whose properties have been severely damaged or destroyed, or who have faced difficulties in registering their land rights for a number of practical or administrative reasons. Further, the data collected can be used to inform future restitution, reconstruction and compensation processes.

Once the time will be ripe for Syria to establish a process for the restitution and clarification of land rights of refugees, displaced people and of other groups affected by conflict, the database(s) established can feed into that process and fast-track its implementation.



**Figure 5. Simplified schematic representation of the steps for the collection and georeferencing of HLP claims and supporting evidence**

### 9.3. Supporting humanitarian and early recovery activities

As a tool that records the relationship between people and spatial units, STDM can support a range of interventions that require the clarification of such relationship. Key examples are rehabilitation of houses, commercial buildings and agricultural infrastructure (e.g. irrigation system); clearance of explosive devices or ERW/UXOs; and management and clearance of debris.

- **STDM and debris clearance** - Law 3/2018 regulates the removal of private debris of buildings damaged by natural or non-natural events or demolished by law. Law 3 stipulates that the claimants of the debris – either in person, through relatives or through a legal representative – are required to provide evidence of their HLP rights to the damaged properties before they can retain their debris and personal belongings in the rubbles. The process as described by Law 13 is as follows: 1. The municipality compiles an initial “owner-property” list, based on the existing land registries (cadastral, temporary, etc.); 2. The claimants are invited to review and update such list, including HLP rights that were not registered or were not incorporated in the initial lists. To do so, proof of tenure rights will have to be produced; such proofs could be formal legal documents (e.g. title deed) or additional types of evidence (e.g. power of attorney, sale agreements, finance statements, utility bills, neighbor testimonies, etc.). 3. The cadastral map is updated to capture informal land subdivisions, informal constructions, etc. A detailed description of each property, including the degree of damage, is developed through field visits. STDM can support the various steps of this process.
- **Rehabilitation of housing and commercial buildings** - The proof of tenure rights is a prerequisite for owners and residents to obtain a rehabilitation permit from the municipality in order to rehabilitate their properties by their own means or with support from relief actors (who require it as part of their eligibility criteria). STDM can support the registration of tenure rights for those who do not have a proof of tenure rights,

such as informal tenure rights holders and those who lost their HLP documents. This would be particularly instrumental for the rehabilitation of informal settlements.

- **ERW/UXOs clearance** - There is no legal framework yet in Syria for interventions aiming at clearing areas contaminated by explosives. It is important that de-mining actions are accompanied by a reliable due diligence mechanism, ensuring that only legitimate rights' holders benefit from such interventions, and that unlawful occupation of housing, land and properties are not legitimized or encouraged by ERW/UXO clearances. Clarify and record land tenure rights in locations to be cleared by explosives will serve this goal and contribute to improving tenure rights in locations where the registrations system is weak. The Due Diligence Guidance Note developed in parallel with this Guidance Note echoes this recommendation also in support of interventions being undertaken by UNMAS. STDM can support such processes.

For such engagements, the description of the implementation steps outlined in section 9.2 remains valid until paragraph 9.2.10<sup>24</sup>, with the caveat that the questionnaires might be adapted to include additional relevant information, such as the description of the damage, the estimation of the cost of repairs, the estimated amount of debris to be removed, the demonstrated or suspected presence of explosive contamination, etc.

A significant discriminant factor is that the collection of information and evidence on the social tenure relationship between people and spatial units needs to be followed by the verification of the data recorded in the database, on the basis of which the rehabilitation and clearance processes can be undertaken. In the current context of Syria, this would pose some key challenges.

Many community members might be displaced out of the concerned area or out of the country, making it very difficult to participate in the data collection and validation. Section 9.2.8 above describes an enumeration process conducted with people displaced in the same location and therefore relatively easy to identify and mobilise. It would be

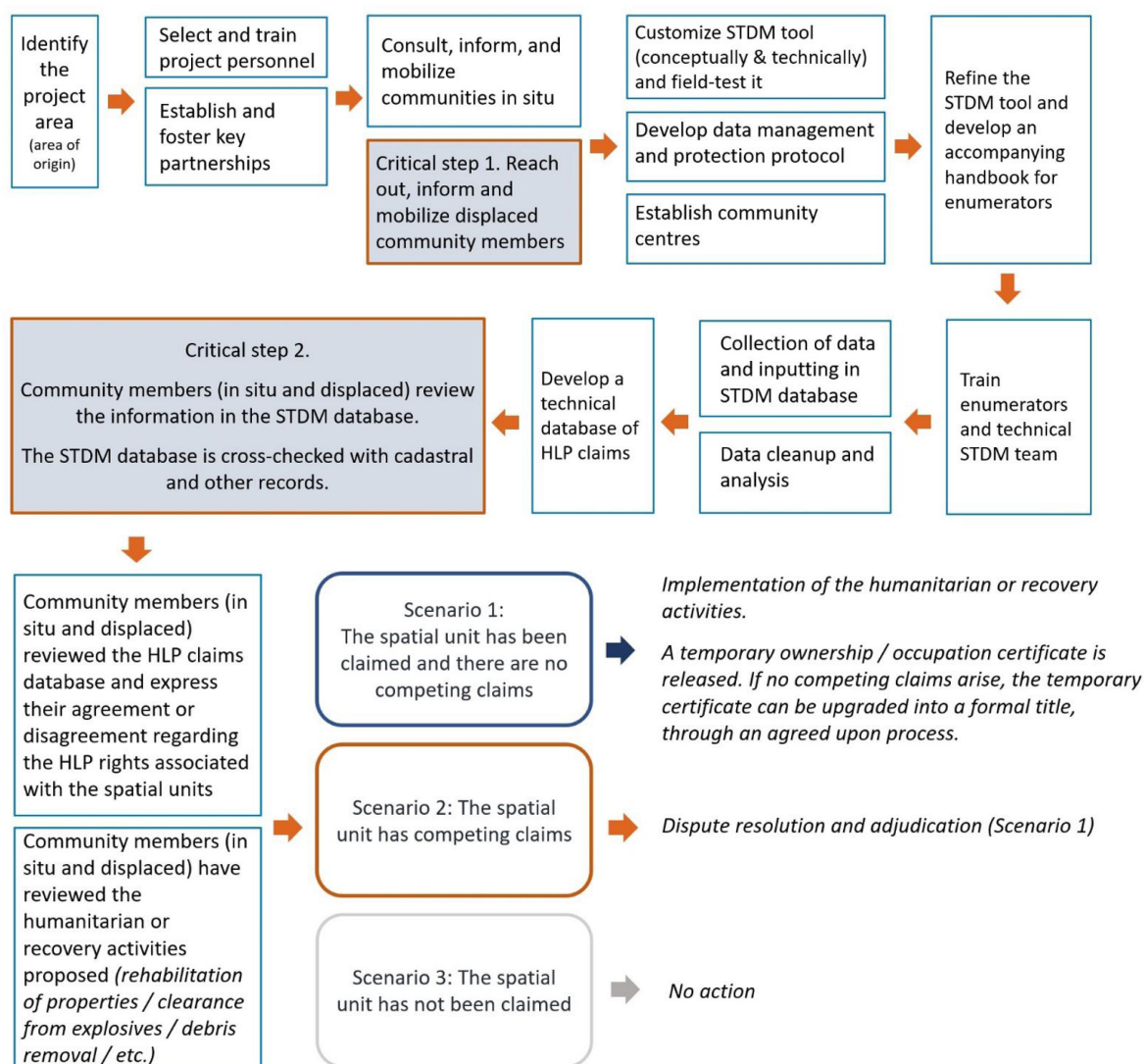
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<sup>24</sup> Certificates issued in this context are temporary in nature and for the sake of the of the project and don't constitute replacement of the official deeds issued by the authorities.

more difficult to collect HLP data from community members displaced from one specific settlement, because people might have fled to different directions and might not be reachable. Additional time and efforts should be factored in for the identification of the rightful owners (and occupants). Clear protocols should be defined to guide the project teams on what to do when the identification is not possible. It is important to avoid discriminating against specific categories. Discriminatory practices can be the result of openly stated project procedures (e.g. requirement of physical presence) or consequence of decision taken during the various steps of project implementation (e.g. advertising the project

through some media and not others; reach out more actively to some communities rather than others; use complicated language and participation mechanisms; require a large number of documents or being very selective in the type of supporting documents accepted; deploy a male dominated project team; etc.).

It is also important to establish reliable, inclusive and trusted validation and disputes' resolution mechanisms that have the capacity and the authority of adjudicate a potentially very high number of HLP disputes, as described in Sections 9.1.3 and 9.1.4 above.



**Figure 6. Simplified schematic representation of the process for the use of STDM to support humanitarian and recovery activities**

A schematic representation of the process for the use of STDM to support humanitarian and recovery activities has been included below (see Figure 6). The critical steps are highlighted in orange; these are where more efforts need to be invested in designing the process in a participatory manner and in carefully monitoring the implementation of the project, looking out for potential bottlenecks, loopholes and discrimination patterns. Sufficient time must be allocated to the implementation of critical steps, and mechanisms to raise concerns or request support must be put in place to accompany them.

#### 9.4. Supporting the registration of informal HLP rights

Law 33/2008 is the piece of specialized regularization legislation issued in Syria. The stated purpose of Law no. 33 of 2008 is to “fix the ownership of built real estates and the parts of the un-built real estate in specific residential areas in specific cadastral zones by giving them individual property status, correcting their descriptions and modifying their cadastral entries according to their current conditions.”<sup>25</sup> This formalization process can be applied on private properties, State properties, institutions’ properties and endowment properties<sup>26</sup>.

In practice, the law is intended to formalize illegally sub-divided agricultural estates by formally subdividing them de jure in a manner similar to Law no. 9 of 1974. However, unlike the former, Law no 33 (2008) only legalizes existing subdivisions, it does not replan and reorganize the area to integrate it the existing master plan. Informal residents in the applicable areas own a right to the land but lack a proper demarcation to the specific plot on which they have built, and thus do not have the possibility to obtain a building permit. By introducing the possibility of legal subdivision as given in Law 33/2008, these smaller plots could be integrated into urban masterplans and registered in the permanent land registry.

The procedure prescribed to regularize such informal settlements is as follows<sup>27</sup>:

1. The Minister of Agriculture issues a decision announcing regularization in the areas designated by the Prime Minister.

2. Upon announcement of implementing Law 33 in the designated area, the municipality prepares maps which show the external boundaries of the area and the numbers of the real estates that have to be redistributed, given individual property status, and have their building descriptions modified. The municipality also prepares detailed urban plans and topographical maps in coordination with the MoLAE with GDCA supervision. The municipality is also authorized to outsource the work of urban plan preparation to public or private organizations<sup>28</sup>.
3. A judiciary Committee is formed with jurisdiction to resolve ongoing HLP disputes in the courts, ratify property contracts awaiting registration by the Department of the Cadastre, and clear unprocessed inheritance transfer applications and requests concerning real estates in the relevant area.
4. Upon the decision of its commencement, the Committee announces that it will receive applications related to property rights of the estates in the area for one (1) month. The Committee then takes decisions on the applications received for fixing or confirming real estate rights to a property, as well as on transferred court cases and on contracts transferred from the cadastral Documentation Bureau to adjudicate property rights in the area.
5. Upon the completion of all decision-making for individual HLP claims applications, court cases, contracts, and inheritance transfer applications, the Committee confirms the real estate rights in the area and determines rightsholders. In doing so, the Committee lists the persons who have property rights in the area including their names, shares and estates, and a summary of the Committee decision. This list is published for one (1) month and the decisions of the Committee are open to appeal at the Court of Appeals in the area within this one-month period.
6. Those who sue for rights after this period are ineligible to be restored their property, but they can claim monetary compensation from the owner of the property upon successful claim of their rights before the civil courts within two (2)

<sup>25</sup> Law 33/2008, Article 2.

<sup>26</sup> Law 33/2008, Article 18.

<sup>27</sup> UN-Habitat/GLTN (2021). *Thematic Paper on Legal and Tenure Rights in Informal Housing Areas*.

<sup>28</sup> Law 33/2008, Article 5(c).

<sup>29</sup> Law 33/2008, Article 19.

years of the closure of the one-month publication period. In making its decisions, the Committee has the right to give compensation in cash for a claimant's property in the area as well as the right to give a claimant a piece of land larger than his/her share upon the claimant's payment for the additional area. The only fees explicitly charge to beneficiaries of the regularization is a fee equal to 10% of the estimated value of each estate or lot registered in the cadastral registry<sup>29</sup>.

7. The decisions of the Committee are the basis for opening a cadastral entry and first registering rights as specified by Law 186/1926 (on the delimitation, census and registration of real estates). The implementation of registration is not bound to wait until the resolution of appeals, as appeals are to be registered in the cadastral entry when they occur.<sup>30</sup> The Committee and its works are subject to juridical inspection as decided by the juridical authority.

An adequate adaptation and customization of STDM to this process and to the provisions of Law 33 (2008) – as described earlier in section 9.2 of this Note, would allow a simplification of the process and an enhanced engagement of local communities in the process, playing an important role in increasing the security of those who are risking to lose their HLP rights especially in heavily damaged informal settlements. In line with fit-for-purpose land administration approach, it is important that the spatial, the institutional and the legal frameworks around the process of regularization of informal settlements are aligned, simplified and mutually supporting. The application of STDM can foster such reforms.

### 9.5. Supporting the reconstitution of lost or damaged cadastral registries

Law 33 of 2017 regulates the recovery of lost, or partially or completely damaged, property records that were registered in the land registry kept by the General Directorate of Cadastral Affairs before the crisis.<sup>31</sup> Law 33 describes a recovery process that foresees an administrative path, where there are sufficient credible evidentiary documents for cadastral record recovery, or a judicial path, for when the affected cadastral directorate does not hold the sufficient and credible evidentiary documents

needed for reconstitution.

Law 33 (2017) goes as follows:<sup>32</sup>

The initiation of the recovery process and the decision on the quality of the evidentiary documents for each Property Journal are based on the judgment of a commission established by the Directorate of Cadastral Affairs. This commission either finds sufficient documents for administrative reconstitution or it will compile supporting documents for judicial reconstitution. Administrative reconstitution decisions are published in an official gazette and are appealable 15 days from the publication of the decisions. If sufficient documents for administrative reconstitution are not found by the Commission, they pass on supporting documents to cadastral judges for a judicial reconstitution determination.

The criteria or process for the judge's determination is not fully specified in the law. However, rights claimants are allowed within to submit whatever evidentiary documents in their beholding supporting their claims (or challenge the preparatory judicial decision) within six (6) months after the cadastral judge publishes a preliminary judicial reconstitution decision in a public gazette. The judge must resolve objections within two (2) months from the end of the 6-month objection period. If a claimant misses this period, they have five (5) years to claim their rights before a civil court and 15 years to claim compensation, both dated from the moment the administrative or judicial decisions become conclusive.

With respect to evidentiary documents, Syria's Law 33 and its regulations on cadastral reconstitution list the cadastral documents that enjoy an absolute power of proof, including the land registry, daily registry of the head of the cadastral documentation office, demarcation and census maps, survey maps, maps drawn from planes and aerial imagery, cadastral contracts and documents, decisions of the cadastral judge, the cadastral registry's index of owners, book of registration applications, daily register of objections to the Director of Cadastral Affairs, the book of contract notifications, the book of applications related to technical procedures necessitated by contracts, the serial book of correspondences and the book of archive inventory.

<sup>30</sup> Law 33/2008, Article 11(h).

<sup>31</sup> Properties registered through different arrangements (i.e., municipal temporary registry, courts, public notary, ministry of finance cooperative housings) and transfers that took place outside the official land registry during the crisis (or before) are out of the scope of this law and can be addressed only by the civil court system

<sup>32</sup> UN-Habitat/GLTN (2021). *Thematic Paper on Analysis of Syrian Urban Law*.

Alternative documents may be used in the judicial reconstruction of cadastral records, however these documents are not specified.

The executive regulations to the law specify that the Directorate General shall launch a website dedicated to the reconstitution of cadastral documents with the aim of notifying the public of the reconstitution procedures and to publish the administrative and judicial reconstruction decisions.

While enhancements can be made to the law or to its implementation instructions to increase its efficiency, the **STDM** concept and applications fit well in the process described above, with the added value of eliminating many of the risks posed shortcomings in the implementation. The participatory element of the implementation of **STDM** can strengthen the affected people's contribution to the process, which is implied but not sufficiently fleshed out by the law.

#### 9.6. Prevent further violations of HLP rights

With about twelve million people still living in displacement, forced evictions still happening and timid return trends, chances that new violations of HLP rights will keep happening in Syria are concrete. This can be out of maliciousness or out of necessity, considering the widespread destruction of housing stock and of basic services and infrastructure. **STDM** can be used to support interventions to prevent further HLP rights' violations. For example, by establishing an inventory of abandoned properties to monitor the use of the properties and to discourage or prevent occupation.

Inventoried abandoned properties are valuable resources that can be allocated for the temporary use by those unable to return to their original homes or currently living in sub-standard accommodation. Such option can be provided to people based on need and vulnerability criteria and a UN agency or a partner can broker and guarantee the legality of such process. Temporary occupation permits can be developed and issued, confirming and protecting the rights of both landowners and occupants / tenants. Legislation supporting such interventions would need be put in place.

While such interventions have been implemented in some conflict affected contexts – such as in

Colombia<sup>33</sup> - and are technically feasible with the support of **STDM**, a careful Syria-specific analysis of the possible risks for the right holders must be done before adopting such approach.

#### 9.7. Non-humanitarian uses

**STDM** is often used and proved very relevant also in contexts not affected by humanitarian crises, to foster development. Two examples of how **STDM** can be used to protect the HLP rights of vulnerable groups are shortly described below, as their full elaboration is beyond the scope of this Note.

1. **In support of spatial planning and land readjustment**, when local governments seek to implement the masterplans for urban expansion, urban renewal, infill and densification, improvement of poor neighborhoods (informal settlements included) or even linear projects (when building or widening roads and railways and installing pipelines requires changes in land holding and use)<sup>34</sup>. In Syria, similar projects are implemented using land readjustment; such approach pools, re-plans and divides again land parcels and hands them over again to the original owners after a proportion of land is extracted and used for roads and public spaces.<sup>35</sup> Each landowner gets back a plot smaller than the original one, but better planned, better serviced or serviceable, and therefore more valuable. Land readjustment in Syria is regulated by law 23 (2015) and law 10 (2018). In both laws, landholders (rights claimants) are asked to provide evidence of their land rights. These evidentiary documents are used to complement and update the existing official land records, providing thus an up-to-date picture of the HLP arrangement in the under-development area. Law 23 and Law 10 allow the consideration of non-cadastral documents as proof of ownership. This is in line with the **STDM** approach and provides the right legal conditions for introducing the **STDM** tool for documenting land rights through a participatory process to prepare the ground for land readjustment in a manner that protects the and rights and the interests of all land rights holders, including the most vulnerable.

2. **In rural contexts:** Agrarian land division/

<sup>33</sup> UN-Habitat / GLTN (2018), *Land and Conflict: Lessons from the Field*.

<sup>34</sup> UN-Habitat/GLTN (2016), *Remaking the urban mosaic: Participatory and inclusive land readjustment*.

<sup>35</sup> *Ibid.*



consolidation is a special type of land readjustment that aims at creating land tracts with regular shapes, of sufficient size (less fragmentation), and accessible by road. Rural land readjustment is regulated by law 166 (1967), which facilitates the redistribution of scattered properties in agricultural areas and their consolidation to larger land properties according to the owner's agreement, in order to improve production efficiency and agricultural investments. The process is initiated by a request raised by communities themselves. Committees of mixed official and community

memberships are formed to receive land rights' claims (similar to urban land readjustment). Lands are then pooled and redistributed to the original landowners after the required checks are taken. **STDM** could be very useful in this context. It could be implemented in cooperation with farmers and GDCA to record the current land tenure rights and updating existing ones, considering that many land records do not reflect the current situation as transactions related to inheritance, sale, purchase, lease agreement, etc. are seldom recorded.



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