



Reality of Housing, Land, and Property Rights in Syria

HLP Working Group - Research 2020

Housing, Land and Property and Access to Documentation

Outside of Regime-Held Areas in Syria

Case Studies of Six Areas in Syria



Housing, Land and Property and Access to Documentation Outside of Regime-Held Areas in Syria

December 2020 - Copyright ©



The Day After (TDA) is a Syrian organization that works to support democratic transition in Syria, and its scope of work is focused on the following areas: Rule of law, transitional justice, security sector reform, electoral system design and Constituent Assembly election, constitutional design, economic reform and social policies.

Istanbul - Turkey

Pürtelaş Hasan Efendi Mahallesi, Cihangir Caddesi, No:3, D:1 - İstanbul. Tel: +90 (212) 252 3812

Website: www.tda-sy.org

Email: info@tda-sy.org



مركز السياسات وبحوث العمليات
Operations & Policy Center

Operations and Policy Center (OPC, formerly Orient Policy Center) is an independent think tank and service provider based in Gaziantep, Turkey. Established in 2014, OPC conducts original research and provides consulting services to enhance policymaking, development programs, and humanitarian response projects. Syrian-led and owned, OPC combines local knowledge with technological and scientific expertise, utilizing in-house statisticians and graphic designers to create original and intuitive final products.

Between 2014 and 2018, OPC was an exclusive service provider to the Orient Research Center (ORC) in Dubai. Since then, OPC has focused on cultivating relationships with governmental and non-governmental bodies working in Syria or with the Syrian diaspora. Currently, OPC is in a stage of growth after significantly upscaling its capabilities due to increased demand from a growing clientele.



Preface

Based on the importance of the housing, land and property rights file in the Syrian people's future, and on how this is linked to the right of return, peace building, community cohesion and Syrian social fabric, TDA has devoted much effort over the years to address this file through a number of related projects.

To stress the importance of this file and of joint collaboration, TDA has established a working group for housing, land and property rights; a group comprised of several Syrian organizations concerned with these rights, coming together to advocate the file and unify efforts to preserve Syrians' rights. The group works with the broader spectrum of human rights CSOs in order for this task to complement their own work, thereby contributing more effectively to a just and sustainable peace based on restoring rights and the return of the displaced in a safe, voluntary and dignified manner to their places of residence.

Table of Contents

Executive Summary	05
Introduction	07
Glossary	09
I. Daraa	12
II. Duma.....	18
III. Afrin.....	24
IV. Azaz	30
V. Al-Bab	36
VI. Idlib	44
Conclusion	52



Executive Summary

Land Registries in most countries in the world provide property owners with a land title guaranteed by the government, thereby guaranteeing the real estate rights of their citizens. In Syria, there is more than a 40%¹ discrepancy in some regions, between registered land/property, and actual land/property owned by citizens.

The institution that formally oversaw real estate documentation, the General Directorate of Real Estate Interests, worked with hardcopy records, and distributed them to various sub-directorates, and subsidiary offices in the Syrian provinces. Consequently, when the regions began to fall to the opposition, and outside of the regime's control, the central database of real estate properties in the country was dispersed among the various military forces that controlled those territories.

In most opposition-controlled areas, there were attempts to reactivate real estate records, and authorities in those areas established alternative directorates and land registry offices. However, the lack of a central land registry/directorate, insecure public records, and the different methods of managing each land registry in each area, created a myriad of challenges that the regime today is attempting to exploit for its own political interests.

This study provides an in-depth summary on the issue of property in six Syrian areas, where alternative land registries were established - in Daraa, Duma, Azaz, al-Bab, Afrin, and Idlib. The study presents the most significant issues that have accumulated in each region in the pre-conflict stage and lists the military changes that have occurred throughout. It investigates the alternative land registry situation in those areas:

- Who they're managed by
- How various authorities in those areas deal with real estate records
- Groups or organizations that filled the administrative vacuum left by the absence of state institutions
- How the alternative management institutions were formed
- Who they're supported by
- Documents and transactions that are left behind, and challenges that may arise in the future

This study on the current situation of real estate records in Syria is of great importance, as real estate registries are the main reference for protecting the property rights of citizens - especially in a country that lacked formal or organized property rights even before the conflict. About half of the population was forced to leave their areas, as their homes and urban structures were destroyed. This makes the property issue one of the most complex problems in the country, and relates to the issues of reconstruction, the return of refugees, and conflict resolution.

1) Statement by the former Minister of Housing in the regime's government, published at the link: <https://bit.ly/35eJ1n4>, seen on: Sep 07, 2020

Results in the study indicate that all alternative land registry offices that were established in the six areas of study followed the Syrian property law, and worked with the same administrative structure, and followed the same stipulated procedures, with a few differences from one region to another. The lack or absence of real estate records was a common dilemma for most areas of study, resulting in their reliance on various methods to fill gaps in their databases. One of those methods included their reliance on information (databases) leaked by former regime employees, as was the case in Daraa. In Afrin, property owners were asked to provide the alternative land registry offices with their ownership documents that were missing from the archives. In al-Bab, alternative land registries utilized records from various municipal and treasury directorates to prove ownership, and substitute for property records.

Areas of the study that were re-seized by the regime, like Daraa and Duma, were faced with the problem of the regime's dismissal of all procedures and transactions organized by the alternative land registry offices. Most of their staff were displaced, but they managed to preserve most of their work by digitizing their records before they were seized by the regime. As for the areas that remained outside the regime's control, such as Idlib, and cities in the northern countryside of Aleppo, the alternative land registries there still operate in a relatively independent manner within their local framework of policies; and without the presence of a central administration or any organizational body linking the sub-administrations to each other. The Syrian Interim Government was expected to act as the centralized body overseeing those land registries but was not able to fulfill that role. The future of the manifestation of those experiences is still open to all possibilities and is dependent on the political solutions in those areas. Therefore, it is necessary to include the issue of property in the agenda of negotiations between the Syrian opposition and the regime, especially with regard to the tens of thousands of transactions organized by the alternative land registry directorates and offices, which are unrecognized by the regime.



Introduction

After less than a year of protests breaking out in Syria, the Syrian regime began to lose many areas, and its territories shrunk further during 2013, as the forces opposed to it gained more strength and momentum, and intensified their attacks. By the end of the year, most Syrian territories fell to the opposition. In most of these areas, alternative administrations were formed, and included local councils, courts, and police services. Directorates of education, health and others were also restructured. These changes varied greatly from one area to another according to the nature and political environment of every area. Furthermore, these experiences varied between civil administrations and others of a religious nature, and multiple ideological orientations, and they presented different levels of competence in performance, as well as legal ramifications.

These alternative administrations, in their various structures, have constituted a broad topic that has been addressed by many studies and reviews during the past years. However, one of its most important and complex aspects remains vague to this day, and it is related to land registry offices in areas that have fallen out of the regime's control. Directorates of property records or property documentation offices that had previously existed, were re-activated, which resulted in various methods of managing real estate records — specific to each area. Some are still in function to this day, and some whose services ended with the regime re-seizing the areas where they operated.

This study that sheds light on real estate records management in Syria, is important because property records guarantee property rights in a country where half of its population was displaced or was forced to seek refuge abroad. The documentation of property in Syria was not reliable before the conflict and relied on hardcopies in its land registry offices in each province. Those records were digitized and were in the possession of the Directorate of Real Estate Interests in Damascus. They were last updated in 2010, according to unconfirmed sources. Consequently, any city that fell out of the regime's control meant that the original records documenting the properties of its residents fell into the hands of other authorities. Most of these alternative land registries continued to work for years, during which tens of thousands of real estate transactions were carried out. When the regime re-seized some of those areas, it did not recognize the legitimacy of those transactions, while the property issue remains opaque regarding the areas outside the regime's control to this day.

This study divided the land registry operations in areas it targeted into: "completed operations" which are areas that the regime was able to re-seize, and "continued operations," which are still functional in the opposition areas. It was based on two focused discussion sessions that included a group of experts to conceptualize a theoretical coherent understanding of the topic, before starting the data collection process, which mainly depended on interviews conducted with experts and former or current workers in the land registry offices, and

activists from all the mentioned regions. It also used a wide variety of databases from regime land registry offices, and secondary sources.

This study investigates the process of managing real estate records in ten different regions of Syria during the years of the conflict, and the main actors who supported that process. The study also targeted the areas of Raqqah, Deir ez-Zor, Hasakah, and Aleppo. After the completion of the first exploratory study, it was found that the aforementioned provinces did not experience the whole process of operating an alternative land registry office. Raqqah and Deir ez-Zor, for example, were under ISIS control for many years of the conflict, of which the latter was not interested in establishing alternative administrations for real estate records. While real estate records in Raqqah remained protected, sources suggest that parts of Deir ez-Zor's records have been damaged. The size of the damage remains unknown, given that the area today is under the regime's control.

In the case of Aleppo, although the opposition forces previously controlled most of the province's territory, and more than half of the city, they were never able to access the Real Estate Interests Directorate in the city, and therefore there was no database on which to base an alternative property land registry in the city. Regulating real estate transactions was only limited to contracts that were organized by the courts in the opposition areas only. In Hasakah, despite the People Protection Unit's (YPG) control of most parts of the city since 2012, the regime still maintains its control over its institutions inside the security square. The Real Estate Interests Directorate there is still functional, where most residents resort to documenting their real estate transactions, either directly or through lawyers.



Glossary:

Common Ownership:

refers to holding the assets of an organization, enterprise or community indivisibly rather than in the names of the individual members or groups of members as common property.²

Partition:

a technical transaction that aims to divide the property into several sections, or deduct a part of it and merge it with a neighboring property, and the property owner may resort to division for several reasons, including:

- They want to sell a part of the property, and the buyer has this part as independent real estate.
- They want to divide the property among their children, and for each of them to own those separate properties independently.
- The property is commonly owned by several owners, and they want to remove the common property quality from it, so that each of them may own property independently.

Document of a Sharia Settlement of Succession:

a legal document in which the amount of the shares of the heirs of a deceased person is indicated in accordance with the provisions of Islamic Sharia, issued by the Sharia court, and it relates to real estate with the legal Sharia process of ownership.

Legal Settlement of Succession:

The Legal Settlement of Succession is issued by the Magistrates Court, according to which inherited lands and real estate are divided, and the female has the same share of the male.

State Lands:

real estate controlled by the state, and the state has the right of leasing them, and it includes all real estate outside the scope of administratively specified property. In the case of the state lands, inheritance is distributed according to the law, whereby children inherit the real estate equally, without distinction between male and female.

The Fee Simple Estate:

entitles the owner to all rights of the property, which are only restricted by law or private restrictions, such as zone ordinances or covenants.

2) From the text of the Syrian Civil Code, Article 780, the Syrian Parliament website, at the link: <https://bit.ly/32ZmcAM>, seen on: Sep 04, 2020

Title Plan:

an official document issued by the secretariat of the area to which the property belongs. The plan shows the boundaries of the property on its four sides, and its area. The title plan is drawn up by specialized technicians and under the supervision of the real estate judge, and then all changes that occur to the shape of the property are recorded on the plan later.

Site Plan:

Is a plan issued by an administrative unit, clarifying the future vision of the population and expansion. It is a detailed engineering drawing of proposed improvements to a given lot. A site plan usually shows a building footprint, travel ways, parking, drainage facilities, sanitary sewer lines, water lines, trails, lighting, and landscaping and garden elements.

Makeshift Dwellings/Informal Settlements:

are residential areas, which have developed without legal right to the land or permission from the concerned authorities to build, and as a result, of their illegal status, infrastructure and services are usually inadequate. They are agglomerations that arose in places not originally intended for construction, in violation of the law and encroaching on state property and agricultural lands, as stipulated by Syrian law.³

Cadastral Certification:

is an extract from the Land Registry. It is a report of the property's physical characteristics. The measurements of the building are described and the borders of the plot.

Boundary Marking:

is a plan put in place to identify the corner points of a property.

Registration: generally describes a system by which matters concerning ownership, possession, or other rights in land can be recorded (usually with a government agency or department) to provide evidence of title, facilitate transactions and prevent unlawful disposal. Boundary Marking and Registration: regulate the two documents for each property, the first is technical (the Title Plan), and the second is legal (the Cadastral Certification).

Notary Public Office:

is a public office constituted by law to serve the public in non-contentious matters usually concerned with estates, deeds, powers-of-attorney, and foreign and international business. A notary's main functions are to administer oaths and affirmations, take affidavits and statutory declarations, witness and authenticate the execution of certain classes of documents, take

3) Ilyas al-Dairi, *Areas of Informal Settlements in Syria and their Association with Characteristics of Family and Population*, Central Bureau of Statistics, Damascus, 2007, p. 7, available at the link: <http://cbssyr.sy/studies/st24.pdf>, seen on: Sep 04, 2020

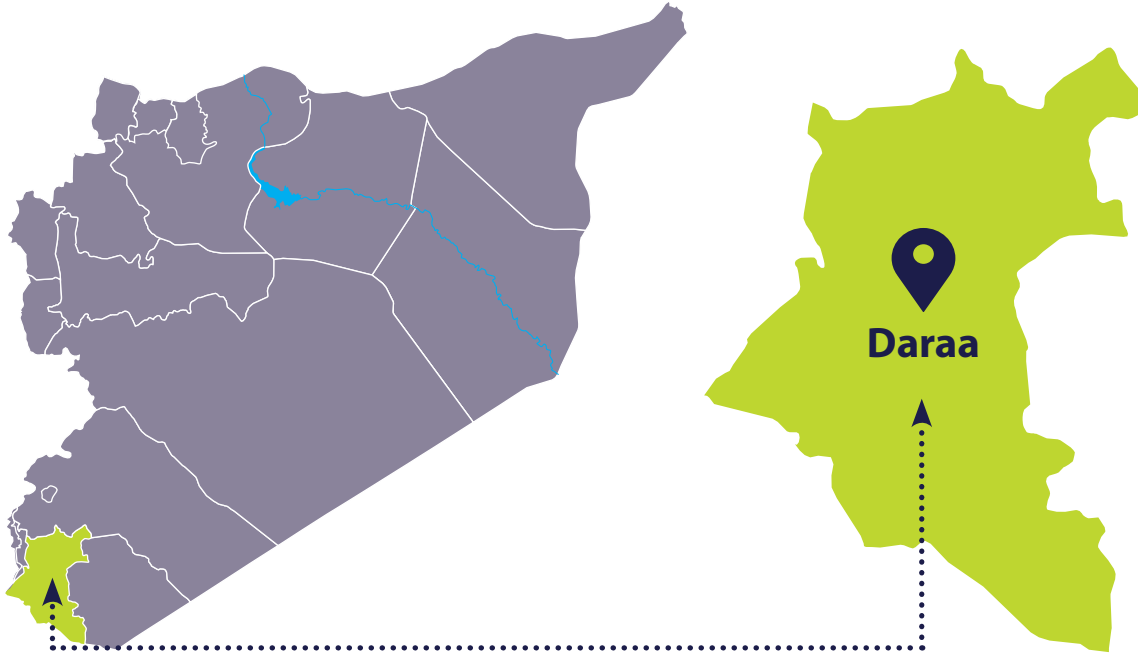


acknowledgements of deeds and other conveyances. In Syria, notary agencies have been used extensively in establishing the sale and purchase of real estate that is not documented in land registries, or whose description in the registry does not match its reality on the ground. There was what was known as an irrevocable power of attorney for outright purchases.

Border Areas Decree:

Legislative Decree 43 of 2011 - the amendment of Law 41 of 2004, which stipulates that it is impermissible to establish, transfer, amend or acquire any real property right on lands located in a border area or to occupy it through lease or investment, or in any way, for a period exceeding three years in the name or the benefit of a natural or legal person, except with a prior license.

I. Daraa



Real estate area

1,840 km²



Population

1,1 M



Number of property registries

2,500

Entity or persons who reactivated Land Registry

The Free Bar Association in Daraa /Daraa alternative Governorate Council

Entity that supported and financed reactivation

Daraa Governorate Council/The opposition

New Land Registry administration subordinate to

Daraa Governorate Council

Entire work period of Land Registry

Almost four years



Date/period regime lost control of the area

2011

Regime Administration

Uncertain

Number of workers



Date Alternative Administration for Land Registry was established

2014

Alternative Administration

24 Employees

Status of property registries:

Original registries with the regime
Alternate administration maintains an electronic copy
Copies of registries were preserved

Average number of annual transactions:

11,000



2,750



1- Background on the Status of Real Estate in the Area before the Conflict:

Daraa province is located in the Southwest of Syria, along the Jordanian border, and extends over an area of 4000 square kilometers.⁴ The population of the province, according to the statistics of the Central Bureau of Statistics in 2011, was about 1.1 million, while estimates of some experts that The Day After (TDA) spoke to indicate that the number today is around 800,000.⁵

Before 2011, there was a Directorate for Property Interests in Daraa, with Land Registry and Survey Offices branches, and eight sub-offices located in the province's countryside (in Izraa, Busra al-Sham, Sanamayn, and others). On average, those offices were carrying out more than 11,000 property transactions annually, including sales, ownership transfer, mortgage, claims and others.

According to estimates of lawyers who previously worked in the Land Registry, the number of property records in the province reached about 2500 records, the majority of which were agricultural properties (64%), while residential properties reached about 28%, with the remaining share of 8% for industrial properties.

Challenges before the Conflict:

Although Daraa was the province with the least number of informal settlements⁶ in Syria, it has suffered, like other areas, from the problem of common ownership. Multiple owners hold the assets of a property indivisibly rather than in the names of the individual members, which makes it impossible to transfer the property's ownership except in shares. This problem accumulated over the years until it became one of the most significant administrative and legal challenges in Daraa, as well as in most of the Syrian provinces.

Daraa also suffered severe ramifications from the effects of the Border Areas Decree and its amendments. The Border Areas Decree made it impossible for property owners to sell their property, transfer ownership, or even place a legal claim. Property owners needed to obtain security approvals that were costly and time consuming, and difficult to obtain in most cases. Additionally, the decree applied to large parts of the province such as the towns of Tal Shihab, Zaizoun, ash-Shajarah, and Daraa al-Madina, which prompted people to resort to dealing with customary or foreign contracts as they are known locally.

The contracts are organized by private real estate offices and are not documented in the land registry. With the increase in the number of these contracts, the margin of discrepancy between property records and the reality of ownership on the ground increased, resulting in repeated sales, and associated legal and social problems.

4) The Syrian Electronic Government Portal (Bawabat al-Hukuma) website, available at: <https://bit.ly/3mPQCP6>, seen on: Sep 25, 2020.

5) Based on a telephone interview researcher conducted with Sulaiman al-Qarfan, head of the Free Lawyers Syndicate in Daraa, June 02, 2020.

6)Based on cross-estimates of a number of experts and former land registry workers who we spoke to.

2. Establishing an Alternative Land Registry in the Area:

Sequence of Events:

Daraa was the first province that witnessed protests against the Syrian regime in March of 2011, and the first to witness the regime's crackdown and violence against protesters. With the escalation of the regime's violence, civilians began to take up arms. The Free Syrian Army was formed and included defected members of the regime's army and security services, as well as civilians who took up arms in defense of their areas.

By the end of 2011, some areas in the province fell to the opposition, and further expanded in 2012 and 2013, until the opposition seized control of nearly two-thirds of the province's territory, and shared control of the center of Daraa city with the Syrian regime.

Despite the emergence of some extremist Islamist factions in Daraa province later, most notably Jabhat al-Nusra, the Islamic Muthanna Movement and the Khaled bin Al-Walid Brigade — they were not able to exercise full control of the province, as in other opposition-controlled areas of Syria. The role of these factions remained marginal, vis-à-vis the local, non-ideological factions backed by civil forces, who were mostly in control of the area after expelling the regime forces. This allowed civil society actors to work and establish a provincial council, local councils, and institutions that worked to fill the administrative vacuum left by the regime, including the Directorate for Property Interests, which was established in the last quarter of 2014. The directorate was to operate independently from the directorate affiliated with the regime, which remained functional simultaneously inside the city of Daraa, and within the areas that remained under the regime's control in the province.

Actors and Parties Reactivating the Land Registry:

The Free Lawyers Syndicate in Daraa, established in late 2012 included hundreds of lawyers who defected from the regime, launched an initiative to establish the Directorate for Property Interests, which was supported by the Provincial Council and backed by the Ministry of Local Administration of the Syrian Interim Government that was formed in March 2013. Lawyer Sulaiman al-Qarfan of the Free Lawyers Syndicate in Daraa, who was later appointed as the General Supervisor of the Directorate for Property Interests by the Ministry: "We started work in Nawa, the most populated city in the western countryside of Daraa, and the directorate continued to operate in one center until mid-2015 when another office was established in the eastern region of Daraa in the town of Giza. Its records were transferred from the Property Documentation Office in Busra al-Sham, so we now have two centers, one covering the western region and the other covering the eastern region."

The records of the real estate office in Nawa were complete and intact, while the records in the Busra al-Sham office were partially damaged before they were transferred to the town of Giza. However, even if Busra al-Sham's records were complete, they would not have compensated for the absence of a database of properties or real estate records that covered the entire province, as they remained in the regime's possession. This was the first challenge the alternative directorate faced in Daraa, and it required bold and risky steps to overcome it.



Al-Qarfan continued: “At the beginning of our work, a law expert who held the position of head of the real estate documentation office in one of the regions defected from the regime, brought with him the index of properties in Daraa on a hard disk, containing data on all real estate properties in the province, and the names of their owners. Later, another employee in the Survey Office defected and brought in all the cadastral plans of the province.” This data leaked by former employees of the Directorate for Property Interests of the regime solved a large part of the problem, and enabled the new alternative directorate to build an almost complete database on the distribution of land, and the reality of property properties in the province, but it did not include legal claims or seizure in the event of their presence on any property. Nevertheless, its availability was necessary for the alternative land registry’s work, especially in light of the aforementioned common ownership problem. To fill this gap, the alternative land registry staff had to take a more drastic step. Al-Qarfan explains this: “We worked with some lawyers and transaction trackers in regime areas to secure copies of original records related to the real estate documentation. We had to confirm any recent sales that have occurred, and whether the properties were entangled in any lawsuits and mortgages and other types of agreements.”

Features of the New (alternative) Land Registry:

The number of staff in the Real Estate Services Directorate in Daraa reached 24 employees, including six women, the larger part being former employees of the regime. These employees followed the same old job hierarchy of the regime, and applied the same real estate law in force in Syria to their current work including the paperwork and procedures in organizing real estate transactions, with the exception of one change mentioned by al-Qarfan: “We only replaced the image of the regime flag on title deeds with the revolution flag.”

As for the mechanism for documenting transactions, al-Qarfan said: “In the beginning, the documentation was written in pencil on the regime’s original records that we were able to access in Nawa and Busra al-Sham. Later on, new records similar to the regime’s records were printed for all regions of the province, and then those new transactions in pencil were transferred to the newly printed records.” The documentation of those alternative records continued, and they were also digitized. Ultimately, no changes were made to the original records, with the exception of the partial damage to the records of Busra al-Sham, as mentioned earlier in this section.

Administratively, the alternative directorate was subsidiary to the Daraa Provincial Council, and to a lesser degree linked to the Ministry of Local Administration of the Syrian Interim Government (SIG). The SIG however, did not have the capacity or clout to manage real estate records countrywide, so its contribution and support were limited. Even staff salaries and logistical support for the alternative directorate were provided by the Provincial Council only, without the directorate receiving any external support from non-governmental organizations or bodies interested in governance in areas outside of the regime’s control at the time.

Based on memoranda of understanding, the alternative directorate was operating under legal supervision from the Free Lawyers Syndicate in Daraa, and it accepted documents

issued by the “Court of Justice in Hauran,” the most prominent local judicial body that had emerged after the region fell to the opposition. The alternative directorate also accepted documents issued by the Free Police and civil society bodies. It also accepted documents issued by regime institutions, such as legal inheritance documents and others.

Challenges during Operating:

Daraa did not suffer from the domination of armed opposition forces with political agendas, like in other regions of Syria. Local administrative institutions enjoyed a large margin of freedom of work and civil support. However, the Provincial Council being the only contributing and supportive body to the alternative Property Interests Directorate limited the development of its work. This was also reflected in the small number of staff working in the directorate and its centers in the sub-districts, compared to when the regime was in control.

Additionally, the general conditions in areas outside the regime’s control in Daraa, were subjected to frequent shelling by the regime forces, resulting in the deterioration of the security and economic situation. This constituted a challenge for all local actors and residents. However, the biggest challenge began in mid-2018, when the Russian-backed regime forces began to advance to regain control of territories.

Outputs of the Practice/Future Prospects:

The practice of the Property Interests Directorate in Daraa lasted for a period of four years, during which it organized more than 6500 property transfer transactions, and thousands of procedures for lawsuits, seizures, ownership information, and other related procedures. These transactions were geographically exclusive to all areas that were outside the regime’s control in the province, as most of the residents did not dare enter regime-controlled areas to conduct their transactions. Many of the residents were not expecting the regime to regain control of their areas, so the overwhelming majority of them registered their transactions at the new alternative directorate.

In June of 2018, the regime violated the de-escalation agreement that was in place in Daraa with international consensus and launched an offensive by attacking several axes in an attempt to infiltrate opposition-controlled areas. The attack, which had air cover by Russia, lasted for about a month, and ended with more than 320,000 civilians being displaced. The offensive was followed by negotiations with the opposition forces led by a group of Russian officers, to reach a ceasefire agreement. The agreement stipulated that fighters and civilians who rejected reconciling with the regime, be evacuated to the northwest of the country, of which 22,000 did evacuate. The regime called it the ‘reconciliation agreement’, while the opposition called it the ‘displacement agreement’. The agreement’s provisions remain vague to this day. Al-Qarfan added, “We demanded that the regime recognize educational certificates, civil registry documents, land registry documents, and documents from the Transportation Directorate. This was agreed upon in the presence of both representatives from Russia and the regime, and they promised to audit and approve all documents through the formation of audit committees, but after the regime took over, those agreements were not fulfilled.”



Most of the workers in the Real Estate Services Directorate were displaced, like other workers in other alternative local administration institutions. With the escalation of the attack and the fall of Daraa to the regime looming, the staff at the alternative directorate hid the original records that they had from the regime, as well as the alternative records that they created, and buried them underground. They also kept an electronic copy of all records and property transactions on a hard disk, which is still located somewhere our sources preferred not to disclose. Later, the regime recovered 122 real estate records from the Nawa and Busra al-Sham documentation offices, dating back to 2013, and disregarded all transactions that were made afterwards.

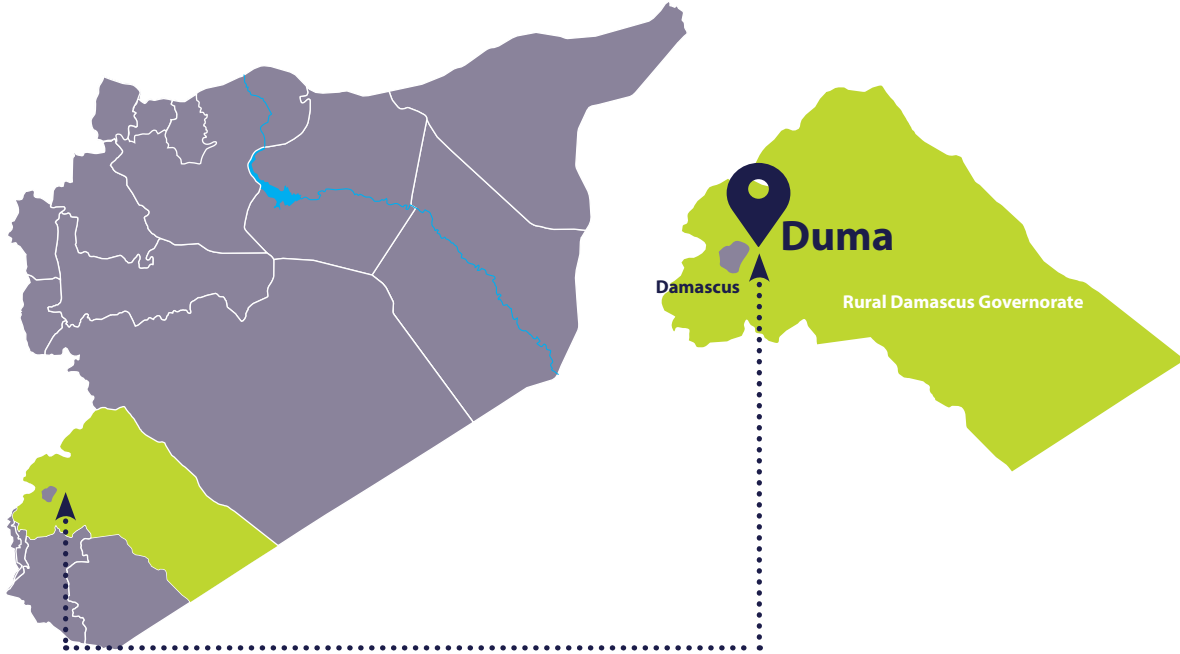
Significant Challenges that Arose from the Practice

The most significant legal challenge in Daraa was the regime's abolition of all sales, signposting, and property transfers that took place during the alternative directorate's work period between the years 2014 to 2018, rendering its work null and void. The owners of those transactions had to re-register them with the regime's directorate, which created major problems, as many of those individuals were not able to access the directorate's offices in fear of being arrested. Almost 25% of the population in Daraa (based on pre-2011 population numbers) were displaced or left the country. It also became possible for any owner who sold their property during those years to deny that the sale was made.

Summary

- The establishment of an alternative administration for Land Registries came as a response to the vacuum left when the area fell out of the regime's control. Throughout the years, the alternative administration worked to preserve the residents' property rights and document any changes in accordance with Syrian law.
- There was much focus on verifying ownership, by using information that the alternative administration had, or with the information it was able to access from the regime's land registries.
- Experts who were former employees of the land registry or lawyers in regime-held areas were instrumental in setting up the alternative directorates and its sub-offices, which enhanced the credibility of the work. Syrian laws were applied in the process, and there was no interference in the work by the armed opposition forces.
- All the results of the work of the Alternative Directorate for Property Interests in Daraa have been abolished by the regime for political interests. Because the transactions that were conducted via the alternative directorate are registrations of contracts, and regulation of financial and property rights of citizens, it is necessary not to abolish what has been documented, and include them as evidence of people's rights.

II. Duma



Real estate area

19,000 km²



Population

475,000



Number of property registries

2,076

Entity or persons who reactivated Land Registry

Local Council and former employees in the department

Entity that supported and financed reactivation

Local Council, and Chemonics later supported an automation project

New Land Registry administration subordinate to

Local Council

Entire work period of Land Registry

5 years



Date/period regime lost control of the area

2012

Regime Administration

Uncertain

Number of workers



Date Alternative Administration for Land Registry was established

2013

Alternative Administration

35

Employees

Status of property registries:

Recovered by regime
Copies of registries were preserved

Average number of annual transactions:

12,000
16,000



2,400



1- Background on the Status of Real Estate in the Area before the Conflict:

The city of Duma, the largest city in Eastern Ghouta, Damascus, is administratively classified as a central region in the Damascus Countryside province (Rif Dimashq). The province includes six other sub-districts, including Harasta, Nashabiyah, ad-Dumayr and others. The population of the region, according to a survey published by the Central Bureau of Statistics in 2014, was about 475,000, based on Resolution 1378 of the Ministry of Local Administration in 2011. The Land Registry Office in Duma oversaw 67 properties in its vicinity.⁷ Duma's administrative borders include large areas of the uninhabited Syrian Badia up till the Iraqi-Jordanian borders. According to some sources, the area is more than 19 thousand square kilometers,⁸ and the number of ownership records in the Land Registry Office in Duma is 2076 property registrations, with 65% agricultural land properties, 30% residential properties, and 5% industrial properties.⁹ The Land Registry in Duma carried out between 12 and 16 thousand property transactions annually during the few years before the conflict.

Challenges before the Conflict:

Duma, like other Syrian provinces before the conflict, suffered from the problem of a large discrepancy between the properties that were registered with the directorate, and the actual ownership of properties on the ground, especially residential properties. Adnan Taha, head of the alternative Land Registry Office that was established after the opposition took control of the area, said: "Most of the main cities in the province are surrounded by slums, and in most cases the area of these slums is comparable to the size of the city itself." What is meant here is that the slums were not built illegally, but they differ in terms of building specifications, and most of them are registered with the Land Registry as shares of common ownership.

Common ownership in Duma, as with other Syrian provinces, is due to legal and administrative obstacles that prevent owners from being able to correct and provide specifications of their properties to be able to match between the property's record and the property itself. Accordingly, Adnan Taha estimates that registered property representing the actual ownership on the ground is 70%, but includes all forms of ownership, not only residential properties.

7) Based on an interview conducted by our researchers with Adnan Taha, head of the alternative Directorate of Property Interests in Duma, on May 05, 2020.

8) Atlas of Syria, 2018, at the link: <https://bit.ly/3bFyHpa>, last viewed Sep 09, 2020

9) Based on an interview conducted by our researchers with Adnan Taha, head of the alternative Directorate of Property Interests in Duma, on May 05, 2020.

2. Establishing an Alternative Land Registry in the Area:

Sequence of Events:

The city of Duma and most of its areas fell to the Syrian opposition at the end of 2012, and local armed opposition forces, along with civil society initiatives, took control of the city. As was the case in Daraa, civil society initiatives worked with a wide margin of freedom during the first two years after the expulsion of the regime. A local council was elected in Duma, and a specialized Property Interests Committee was formed, and included former employees in the regime's Land Registry Office, whose task was to collect and preserve records, and to work on inventorying property documents and complementary papers that were already existent in the regime's Land Registry Office.

Actors and Parties Reactivating the Land Registry:

As previously mentioned, after its establishment, the Duma Local Council appointed a Property Interests Committee that worked during the first quarter of 2013, to develop a plan to reactivate the Land Registry Office by training new cadres. Later, the committee supervised the Land Registry Office's work and development after its launch.

The practice in Duma was also distinguished by the establishment of a Property Judicial Committee affiliated with the local council, and the establishment of that committee came as an attempt to fill the void created by the absence of courts in the area, as during that period, courts were exclusively affiliated with the military factions. Adnan Taha said: "The committee worked to solve the outstanding problems between the registry and the court because previously the Islamist factions appointed an imam with the judge to make the final decision. Therefore, and based on that occurrence, we tried to limit their influence on the work of the land registry. I was even imprisoned for 16 days for this issue."

The new alternative Property Directorate in Duma, was composed of 35 employees, including four women, all who worked on a voluntary basis since the directorate's inception until about a year ago. Employees started earning salaries after the directorate received a grant from Chemonics, an American development company working in more than 150 countries around the world and was known in Syria as the Syria Regional Program.¹⁰ Through this grant, the directorate developed its work, and was able to fully implement the project of digitizing records and property transactions in Duma.

Features of the New (alternative) Land Registry:

The Real Estate Interests Directorate in Duma worked in accordance with the Syrian property law, otherwise known as Resolution No. 188/1926 and its amendments, and applied the same procedures that were in effect under the Syrian regime. Nonetheless, some procedures were excluded, such as the requirement for a financial clearance, which was impossible due to the inability to activate Directorate of Finance after it was destroyed by the regime. Adnan Taha says, "We set up temporary cadastres and forbade registering on the original cadastres. We stapled copies of the contracts on the cadastral certificate of the property being sold, in hopes that we

10) For more about Chemonics, see the company's website at the link: <https://bit.ly/37TIRlo>.



can hand over all our work to the new government, so that contracts are checked before they are inked and registered formally.” Unfortunately, there was no new government, and workers in the Property Interests Directorate in Duma were forced to make difficult decisions before the regime returned to control the city.

The practice in Duma presented a progressive example in managing property records, and it developed a better workflow than what was carried out under the regime. Old and accumulated problems were addressed, and all property records and transactions were digitized - a long and arduous process that revealed significant gaps in the regime’s hardcopy records. The directorate also established the “single window” approach to facilitate procedures for citizens, and this was unprecedented for all of Syria. Additionally, the directorate worked in coordination with various institutions in the province, including the local council and its subsidiaries, such as the Civil Registration and others. However, the relationship with institutions associated with the military factions was more problematic, specifically with local courts that appointed imams or religious as judges, and this was one of the biggest obstacles

Challenges during Operating:

The struggle between the civil society organizations in Duma embodied in the local council and its institutions, and between the armed forces embodied in the Islamist factions and their institutions, continued throughout the years when Duma was under opposition control. The local council, to a large extent, was able to protect the Directorate of Real Estate Interests from the interference of the armed factions. There was one problem, related to the judicial authority, and the problem appeared in particular in issues of inheritance, and the discord between the Syrian Customary Law and Sharia Law. While the Syrian Customary Law imposes an inventory for state lands (Amiri), the courts affiliated with the armed opposition groups in the region refused to carry out this type of inheritance process, and imposed the inheritance process based on Sharia instead. The Provincial Council tried to solve the problem by establishing the aforementioned Property Judicial Committee, but the matter ended with the arrest of its members. Adnan Taha says: “The faction came and arrested the official responsible for implementing the inheritance law according to State Law, and he was considered an infidel. We tried to convince them that state lands belong to the state and are not owned by a person, and the state has the right to distribute ownership equally between males and females, but to no avail. In my opinion, this was the only handicap in our experience in Duma.”

The difficulties in Duma did not end with the courts imposing Sharia Law, as the city in Eastern Ghouta suffered a siege that lasted for more than five years, from the beginning of 2013 until the reconciliation agreement was reached in March 2018. The reconciliation resulted in the displacement of about 66,000¹¹ of its residents. During those years of siege, military operations led by the regime and its allies against the people in the region did not stop, and included airstrikes and ground offensives, and the building of the Land Registry Office itself was bombed in 2014, but fortunately, the records were not damaged.

11) Displacement in Eastern Ghouta, Jusoor Center for Studies, 2018, at the link: <https://bit.ly/3ewrFn9>, last viewed June 24, 2020.

3- Outputs of the Practice/Future Prospects

The Real Estate Records Directorate operated in Duma for nearly five years, during which it regulated about 12,000 property transactions, 80% of which were property transfer transactions. Until the last months of operating, work was being carried out on the temporary records. However, two months before Duma's residents were displaced, and when the department's staff were alerted that the regime might retake the area - a process of documenting all property transactions was carried out on the main records. Adnan Taha said: "When we were certain that we were going to be displaced, we had to confirm the properties on the original records and ink them (writing them in pen/write over the penciled records), so that even if the regime crossed them out, their trace would remain. This way, anyone who looks at the records later will find that this property had an owner who was stripped of his/her rights, and that the owner of this property will one day return to claim his/her land."

This was the most that the staff at the Real Estate Records Directorate could do to preserve the changes that occurred in the properties of the residents during the years when the opposition was in control of the area. The negotiators for the opposition in Eastern Ghouta were not in a position to raise the issue of recognizing real estate records or even include them as part of an auditing process. The regime ended up taking over the entire warehouse of contracts and dismissing their eligibility.

Prior to the displacement of the residents in Duma, which included almost all workers in its institutions, all records and contracts were handed over to the regime's Directorate General of Real Estate Interests via the Syrian Red Crescent. However, the alternative directorate's staff kept the entire archive of the property records and transactions that were dated until March 2018.

Significant Challenges that Arose from the Practice

As was the case in Daraa, the main challenge in Duma was the regime not recognizing the validity of sales, purchase, and distribution of inheritance shares and other transactions that were regulated by the alternative Real Estate Interests Directorate in Duma. Furthermore, the regime imposed owners to re-document their transactions in its directorates. Although the process of re-documentation is available for most of the residents who remained in Duma, it is not the same for the residents who were displaced under the reconciliation agreement, or those who left before it, and are not able to return to regime-controlled areas for fear of arrest and persecution.

The massive destruction of urban structures in Eastern Ghouta also adds a new dimension to the real estate problem, especially since about more than 34,000 buildings have been either totally or partially destroyed, according to a study by the United Nations Institute for Research and Training in March 2019.¹² Last but not least, the discrepancy between the registered land in the directorate, and the reality of ownership on the ground likely puts all

12) SYRIAN CITIES DAMAGE ATLAS, UNITAR, 2019, link: <https://bit.ly/3826C9U>, last seen June 24, 2020.

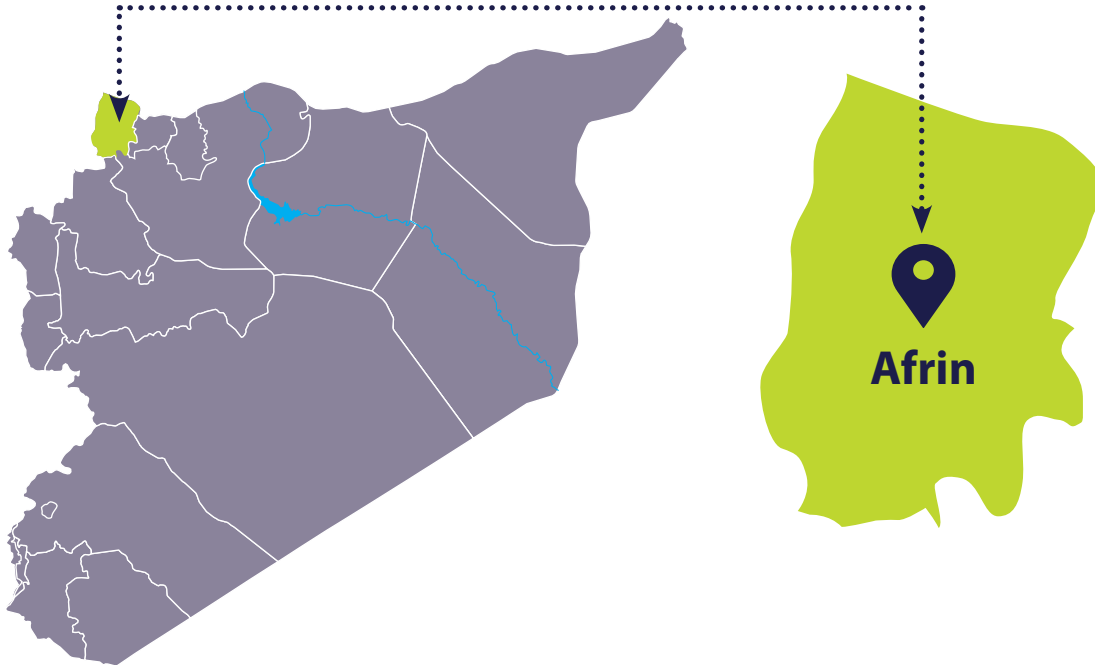


owners of property at risk of losing their ownership, as their ownership of property may not match registered records.

Summary

- Duma's administrative practices reflected a great awareness of the challenges of the real estate issue in the region, through the establishment of the Real Estate Committee, which kept the records and their appendices, and subsequently supervised the work of the alternative Directorate of Real Estate Interests.
- Managing HLP records in Duma was done by adopting the Syrian customary law. The work of the alternative Directorate of Property Interests improved greatly compared to what it was under the regime. All HLP records were digitized, and the directorate facilitated procedures for citizens through the single window method.
- Those in charge of the work of the Directorate of Real Estate Interests were able to maintain a relatively wide margin of independence despite the challenges of civil and Islamist forces being in a perpetual state of conflict. The latter constantly attempting to enforce an Islamist trend to strengthen its political agenda, by marginalizing the rest of the parties.
- The alternative Directorate of Real Estate Interests in Duma ceased its operations after five years from its inception, with the displacement of most of its staff, along with about 20% of the population in Duma under the reconciliation agreement sponsored by Russia. The displaced cadres kept an electronic archive of everything, but the regime restored the original hardcopy records, and the entire warehouse of HLP contracts and registrations, and did not recognize any of the transactions that were regulated by the alternative directorate in Duma during the five years it operated. Those transactions are believed to be about 12,000 in number.

III. Afrin



Real estate area
1,840 km²



Population
492,801



Number of property registries
Unknown

Entity or persons who reactivated Land Registry

Afrin Local Council supported by the Turkish government

Entity that supported and financed reactivation

Turkish government

New Land Registry administration subordinate to

Afrin Local Council

Entire work period of Land Registry

less than 2 years



Date/period regime lost control of the area

2012

Regime Administration

4

Uncertain



Date Alternative Administration for Land Registry was established

2018

Alternative Administration

6

Employees



Status of property registries:

In the possession of the regime in Aleppo City
Copies of registries were not preserved

Average number of annual transactions:

there was no land registry department, but a broker office only



transactions currently limited to rental contracts only



1- Background on the Status of Real Estate in the Area before the Conflict:

Afrin is located along the border with Turkey in the north of Aleppo province, and it forms the central administrative region named after it. It has six sub-districts, including Jindires, Rajo, Shaykh al-Hadid and others, with a total area of about 1840 square kilometers¹³ and a population of approximately 430 thousand people, according to the latest United Nations data for the year 2020.¹⁴

Despite being central to its region, no Real Estate Interests Directorate was established in Afrin like in other areas. There was a sub-office that was established in 2009, limited to registering transactions and contracts in preparation for sending them to the Directorate of Property Interests' in Aleppo, where there was an office assigned for Afrin. Consequently, the database of HLP records for Afrin was in Aleppo city, and many of the residents traveled to the city to take care of their transactions. The regime had political reasons for linking Afrin to Aleppo city, as explained by most experts we spoke to on the HLP issue. Furthermore, because the region was of Kurdish majority, it made it vulnerable to marginalization and different treatment by the regime.

The absence of an authority or directorate in Afrin that oversees HLP issues has also led to delays in identifying and registering its lands. Although registering lands is a process carried out in all of Syria, at a rate of 97%,¹⁵ Afrin's lands remained outside the cadastral plan and without legal existence. The team was not able to obtain the exact number, but according to what was reported by a lawyer working in the current land registry office in the city, it is a large number. Mid-2012, the regime left Afrin to the PYD authorities.

Challenges before the Conflict:

The absence of a proper land registry office in the city, incomplete cadastral plans, and no database to support them, caused a series of challenges in Afrin. The border areas decree (as was the case with Daraa), posed another great challenge, which made carrying out any property transactions in the area impossible without security approvals. It was time consuming, and not cost effective, so citizens in Afrin resorted to dealing with external contracts, that were set up by private real estate offices or lawyers. Afrin, like other Syrian regions, also suffered from the problem of common ownership resulting from the delay in the screening processes and the inefficiency of the site plans, making the response to the requirements of the citizens and urban growth even more difficult. All the aforementioned factors widened the margin of discrepancy between what is registered/stored in the land registry databases, that are now solely in the possession of the Syrian regime, and the reality of properties and their ownership on the ground.

13) Atlas of Syria, 2018, at the link: <https://bit.ly/3bFyHpa>, last viewed Sep 9, 2020

14) The United Nations Humanitarian Needs Assessment Program, periodic report for August 2020, unpublished data.

15) General Directorate of Real Estate Interests, First Annual Report, 2014, p. 14, available at: <https://bit.ly/3gUC3pr>, last viewed Sep 04, 2020

2. Establishing an Alternative Land Registry in the Area:

Sequence of Events:

From 2012 to 2018, the Democratic Union Party (PYD) were in control of Afrin, and Afrin became one of the three cantons that formed what is known as the party's Autonomous-Administration. Among the institutions of the new administration was a property (HLP) division, and a municipality that worked to organize and sort out land transactions independent from the regime's, which were sold to civilians. Azad Othman, a member of the current local council in Afrin, says: "There is a problem now that cannot be solved. Twenty thousand new apartments that are not documented in the Aleppo city have no proof of ownership other than sales and purchase contracts regulated by the ruling party's (PYD) courts."¹⁶

When the PYD was in control of Afrin, thousands of new and old property transactions were organized through the property division, or through the Autonomous-Administration's courts. Many property owners registered their transactions twice, once with the Autonomous-Administration, and the second time with the regime's directorate in Aleppo - but of course that option was not available to everyone. Today, we do not know the number of those who documented their transactions with the Autonomous Administration without the system's records.

During the years when the PYD took over Afrin, and as a result of being relatively stable compared to its neighbors, when the conflict in Syria was at its peak; Afrin received frequent waves of displaced people (IDPs). The need for housing increased, which resulted in a large urban expansion of the town. However, the amount/area of expansion was unknown, and was not recorded in The Real Estate Division of the Autonomous Administration and was not registered by its municipalities. Consequently, there were two types of building violations - what was registered with the Autonomous Administration without access to the official records in Aleppo, and what was not registered in either of them.

In 2018, when the Syrian National Army took over Afrin, significant demographic changes took place. Approximately, half of the Kurdish population left Afrin,¹⁷ and approximately, 100,000 displaced people from the countryside of Damascus, Homs, Aleppo and other areas lost to the regime under agreements arrived to Afrin. This demographic change was accompanied by large-scale seizures of properties, and a third layer of urban expansion outside the state plan came into existence. The HLP dilemma in Afrin may be the most complex in Syria, and the absence of a database of property records was not necessarily the biggest problem facing those in charge there.

16) Interview conducted by the researchers with Mr. Azad Othman, member of the Afrin Local Council, on July 01, 2020

17) Khayrallah al-Hilou, Afrin after Turkish control: the political, economic and social transformations, Middle East Directions website, 2019, at the link: <https://bit.ly/3eaEN0m> , last seen on July 06, 2020.



Actors and Parties Reactivating the Land Registry:

After more than two years of the Syrian National Army's takeover of Afrin, the practice of the alternative land registry there remains unclear. Although a property documentation office was established in the city in 2018, which gave citizens the necessary documents to regulate their property ownership, the process ceased after granting citizens about a hundred documents only, fearing forgery, and after the objection of some experts and specialists. Since then, the office's work is limited to documenting lease contracts only, according to one of the office employees, who preferred to remain anonymous.

The source also reports that about a year ago, the Property Documentation Office became a Property Records Office, following the establishment of a Survey Office.

The Survey Office was established in an attempt to overcome the problem of the lack of access to the database of owners of property. The Survey Office conducted a survey on the entire city of Afrin. During the survey, every street and every property was given a number, and the names of its occupants were documented regardless of whether they were the owners of that property or not. The source adds: "What took place was not a property survey in the strict sense of the word, but it can be said that it was a survey aimed at defining the reality of the HLP situation that exists today, and placing it within a numbering system that ensures that at least the number of properties, their occupants and addresses are known."

Azad Othman, a member of the local council in Afrin, added: "The main objective of the survey was to know who is in Afrin, and where they live exactly. We also benefited from this process by having owners come forward and present documentation proving ownership of 20% of properties in Afrin. These properties were registered in new records, and we left a two-year deadline for those who want to object to that process."

Features of the New (alternative) Land Registry:

The local council in Afrin and its Real Estate Records Office, in addition to logistical support from Turkey, are working to prepare the foundation for launching a comprehensive property documentation process in the region. The process will kickstart property documentation procedures, however, it is a precarious and arduous process. Azad Othman says: "The Real Estate Records Office has gathered all the available resources related to HLP from the hardcopies that the regime left in its Real Estate Records Office, in addition to the PYD records from courts, municipalities and others, and even electricity and water bills that were collected to support the process of rehabilitating properties." Nevertheless, all the aforementioned sources are not sufficient to rebuild a database for properties in Afrin. Most have loopholes, and many of them are subject to fraud. Therefore, the Local Council is preparing to launch a process for re-registering properties according to clear legal foundations, and it seems that these foundations are still a subject of dispute among various actors who are in authority today.

Our source in the Real Estate Records Office says: "A critical stage lies ahead, many problems will arise including the problem of property believed to the Democratic Union Party (PYD), which

has been seized by some factions without clear legal procedures and without judicial rulings, and there are forces that exploit this to confiscate more property. There are also differences among the local administrative bodies and the influential powers in the region regarding the mechanism for registering property. The influential powers require the presence of the property owner in person in order to establish his/her ownership, according to the law in place in Turkey. We would recommend that the process must also be resolved through a legal agent of the owner. This is necessary because Afrin is a special case, as a large part of its population was outside Syria even before the revolution, and now that number has increased dramatically as many of its residents are wanted on charges of being supporters/members of the PYD. What we are basically trying to say, is that property must be registered in the names of its real owners, and then if they belong to any specific organizations, legal procedures must be taken against them before any property is confiscated.”

Significant Challenges that Arose from the Practice

The number of staff working in the new Land Registry Department in Afrin does not exceed six employees, while the rest are all temporary contractors working for the department, often as field data collectors in surveying operations, and they do not have significant experience in this field. Consequently, the issue of trained staff constitutes a real problem for the new administration, as well as the low salary scale, which ranges between 75USD to 100USD per month, an obstacle to attracting new qualified and trained staff. The department also suffers from a lack of logistical support and is in need of computers and other technical equipment for the field teams.

The department also suffers from the domination of the factions stationed inside the city, as most of construction takes place under the supervision of factions. In fact, some of them invest in real-estate, which further complicates the HLP problem. Azad Othman says: “The factions dominate more than 60 % of Afrin, and we will not be able to find solutions until they leave the city.”

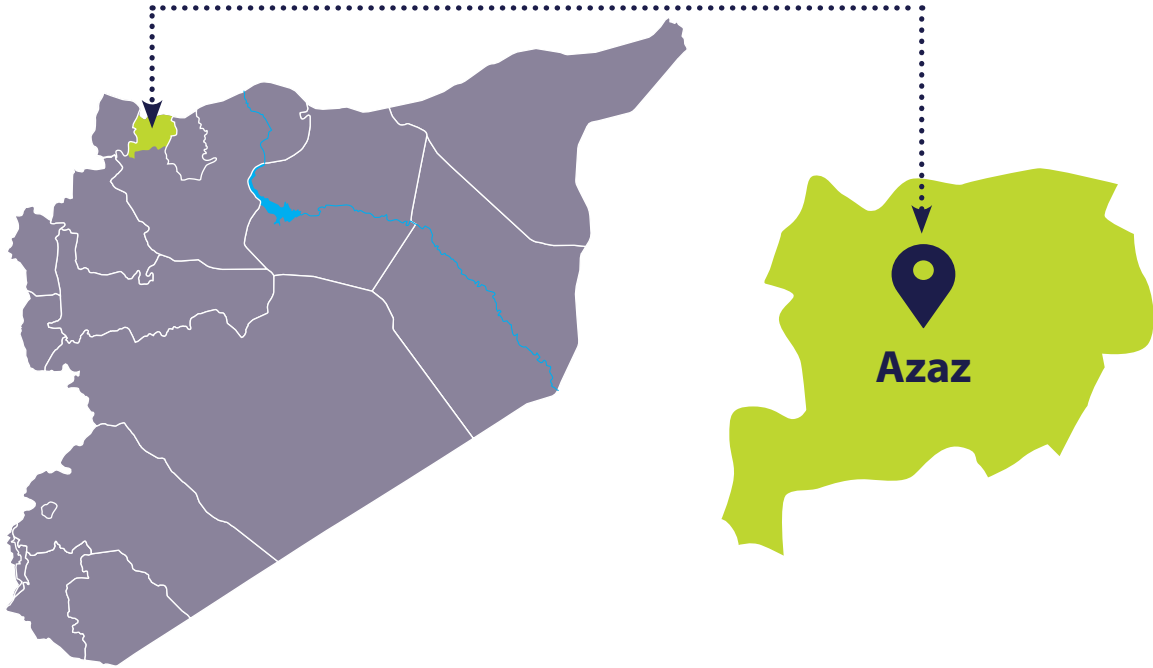
Finally, the entire Afrin region is administered today through local councils separated from each other administratively, so the Afrin City Council works almost independently from Jindires’s council, and the latter is separate from Rajo’s council. With the exception of some coordination that takes place between the sub-councils, there are no organizational links between them, like for example, a central council at the district level. This is what constitutes a major obstacle to the development of real estate work, as the Real Estate Records Department is affiliated with Afrin City Council, while its scope of work expands to include the entire region with its six districts. So, when it comes to, for example, expanding the organizational survey work to include the city’s countryside, coordination efforts will be needed with each local sub-council separately. Additionally, the absence of one source of reference for property, and the absence of a central financing fund, pose a significant challenge.



Summary:

- The on-going practice of the alternative real estate records department in Afrin, which was established less than one year ago, started operating without a database that listed properties in their areas of operation. The real estate records department is still trying to take the first steps to bridge that gap by conducting organizational surveys that reflect the reality of the real estate situation — but only in terms of who is occupying those properties, and the existence of the property itself, without solving the problem of property rights. With the exception of a very small percentage, which prevents the Real Estate Records Department from carrying out ownership transfers and buy-sell transactions.
- Currently, there are three types of property in the Afrin that are not officially registered with any of the three successive authorities (the regime, the PYD, and the Syrian National Army). Some of them existed before 2011 under the regime, some were built during the years of the PYD rule between 2012 and 2018, and some were built recently in the last two years, and the number of these properties is estimated at tens of thousands.
- Demographic change also posed a major problem in relation to ownership of property, as about half of the original inhabitants of Afrin left or were displaced, while an estimated 100,000 who were also displaced, arrived from other regions.
- There is also a political dimension relating to security and administration in Afrin, which constitutes additional obstacles to the work of the Real Estate Records Department. Today, the Department has opened the door for citizens who are able to prove ownership of their properties, and in this it relies on documents supported by the testimonies of mukhtars and local committees formed for this purpose; but the procedures of that process are yet to be agreed upon unanimously by the various forces that are currently present there. Especially with regard to the requirement for the presence of property owners in-person, and the methods of dealing with persons without identity documents, or those with previously unregistered property.
- Finally, whatever directions the work of the Real Estate Records Department will follow in Afrin, and whatever degrees of success or failure that will be achieved in tackling the complex problems that characterize the reality of HLP in Afrin, the results of this experiment will remain linked to the political and military outcomes in Afrin, and other areas of the northern countryside of Aleppo such as Azaz, al-Bab and Jarabulus, which are still all managed through subsidiary councils of the Syrian Interim Government, in appearance, but without forming an interrelated administrative structure.

IV. Azaz



Real estate area

1,259 km²



Population

542,837



Number of property registries

2,060

Entity or persons who reactivated Land Registry

Local Council in Azaz city

Entity that supported and financed reactivation

The local council in the first trip, and later the Turkish government

New Land Registry administration subordinate to

Local Council

Entire work period of Land Registry

Actually started in 2019 and is continuing



Date/period regime lost control of the area

2012

Regime Administration

-
Uncertain



Date Alternative Administration for Land Registry was established

2019

Alternative Administration

8
Employees



Status of property registries:

Available in Azaz

Copies of registries were preserved

Average number of annual transactions:

4,500



1,000



1- Background on the Status of Real Estate in the Area before the Conflict:

The area of Azaz is located northwest of the Aleppo province, on the border with Turkey, and has an area of about 1.3 thousand square kilometers,¹⁸ with a large part of it under opposition control since 2013.

Experts and workers in the field of humanitarian response estimate that the population of Azaz today is approximately 542,837, according to United Nations statistics.¹⁹

Until mid-2012, the city of Azaz included an HQ for property records, The Real Estate Records Office, which included records of 148 properties in its vicinity, the most important of which are Marea, Akhtarín and Sawran. The Real Estate Records Office contained 2060 property records, along with the contracts archived in a warehouse containing contracts dated between 1997 to 2012, during which the office carried out between 3000 - 5000 transactions annually.

Former staff who worked at the Real Estate Records Office indicated that 80% of lands in Azaz are agricultural properties, and 18% residential properties, whereas industrial property did not exceed 2%.

Challenges before the Conflict:

Azaz did not face the challenge of informal settlements before 2011, as it was not considered an area that attracted internal migration. However, it suffered from a number of other HLP-related problems, including the application of the Border Areas Decree on all its territories, which requires property owners to obtain security approval as a condition for conducting any property transfers or filing lawsuits. As a result, setting up external contracts outside the Property Interests Office became quite common. Furthermore, Azaz also suffered from the problem of common ownership, which forces citizens to pay high fees for inheritance transactions, which was not cost-effective for citizens, in addition to the administrative and legal complications that obstructed the process of dissolving common ownership. All of the above led to a large discrepancy between the number of registered records in the Real Estate Interests Office, and the reality of ownership on the ground, which is estimated by current employees in the Property Interests Office at about 40%.

18) Atlas of Syria, 2018, at the link: <https://bit.ly/3bFyHpa>, last viewed Sep 09, 2020.

19) The United Nations Humanitarian Needs Assessment Program, periodic report for August 2020, unpublished data.

2- Establishing an Alternative Land Registry in the Area:

Sequence of Events:

On July 19, 2012, local armed opposition factions took control of the Azaz area, including the city, located about 6 km from the Bab al-Salama border crossing with Turkey. Following the withdrawal of the regime, all governmental institutions ceased operations, and attempts to fill the institutional vacuum began. However, the process was thwarted when ISIS took over Azaz in October 2013. ISIS remained in Azaz until February 2014, when the local armed opposition factions returned and expelled the group from the area. Unfortunately, Azaz remained contested despite the opposition's takeover, and was lodged with booby traps until 2017. The area was repeatedly bombed by the regime forces, and the local opposition factions clashed occasionally with the People's Protection Units (YPG) of the Democratic Union Party (PYD) who were in control of neighboring Afrin. The complex military situation in the region between three powers, and the continuation of military operations over the years halted the initiatives of the alternative administration and slowed its development.

Being close in proximity with the Bab al-Salama crossing with Turkey, contributed to reviving the trade and transport sectors in the city, and secured a continuous flow of resources. The location of Azaz helped keep the area a major trade route between various areas of control in Syria for years. For example, it was a major route for the transport of oil trucks from the Autonomous Administration areas to the opposition-controlled areas.

After 2017, Azaz became part of the buffer zone agreement that was mediated by Turkey, and military operations began to decrease, with the exception of a few skirmishes in the vicinity - particularly mutual bombing with the neighboring Afrin. Even those occasional skirmishes stopped after Turkish-backed opposition groups took control of Afrin. The stability of Azaz made it a center for displaced people from various regions of Syria, including areas from Aleppo countryside, such as Minaq (Menagh) and Tall Rifat, Damascus countryside, Daraa, Homs, as well as Idlib and the northern countryside of Hama, following the regime's advancement there at the end of last year.

The mass displacement during the conflict, of which Azaz hosted a large segment of, caused a large, disorganized urban expansion in the vicinity of the cities and towns in the area. The makeshift camps that were set up for IDPs in the outskirts of the area, were transformed into what resembled villages and towns.

Actors and Initiators Reactivating (reviving) the Land Registry Office:

The process of reviving the alternative Land Registry Office in Azaz was delayed by about five years, and slowly progressed until the office was officially established in February 2019. A large meeting was held that included the Court of Azaz, the Local Council, the Land Registry Office and the Free Lawyers Syndicate in Aleppo, at the Lawyers Syndicate headquarters in Azaz. At the time, all attendees unanimously agreed to start work in accordance with the Syrian Land Registry Law, and later, notary agencies were linked with the Land Registry.

The seven years preceding that meeting, can be divided into three phases, the first between



2012-2015, when the Land Registry Office's work in Azaz was completely stopped, and there was no entity to which citizens resorted to regulate their property transactions. The second phase, from 2015 until 2017, citizens became able to go to the local court of Azaz to regulate their property transactions through an office that registers contracts in the presence of the buyer and seller before the court, but without documenting anything in the land registry. The third phase was between 2017 and 2019, and it was the prelude to the establishment of the new alternative administration for the Land Registry Office. The Azaz Local Council assigned an office to function as such in the municipality center. The Land Registry Office had access to the entire property records of the area but was only offering applicants documents of ownership. Simultaneously, work was underway to further develop the office's capacity, and expand the services it provides, and during the following year the building of the Land Registry Office was restored with the efforts of the Azaz Local Council, and with the support and cooperation of the Land Registry Directorate in the Turkish province of Kilis. Additionally, all property records were photographed and the digitized copies were saved on hard disks, which are currently in the possession of the head of the Land Registry Office, awaiting the availability of appropriate resources and infrastructure to archive and compile them in a database. In February of 2019, a Land Registry Office was finally fully established in Azaz to regulate all HLP transactions.

Features of the New (alternative) Land Registry:

The new alternative Land Registry Office adopted Resolution No. 188/1926 of the Syrian law, and followed the same old procedures as the regime, but canceled the security approval clause that was applied according to the Border Regions Decree, and exempted citizens from the property clearance document. Furthermore, a new procedure was introduced when transferring properties to citizens who do not originate from the area, as they are required to obtain the approval of the security authorities in the area, mainly embodied in the security offices of the armed opposition factions present in Azaz. Currently, work is underway to directly register property transactions on the original property records.

The Land Registry Office reports to the local council in Azaz and works under the supervision of its legal office. The work of local institutions in the area, such as the civil registry and the judiciary, is also coordinated. It also maintains a formal relationship with the Ministry of Local Administration of the Syrian Interim Government.

Currently, the new Land Registry Office occupies the same Land Registry Office building before 2012. The Azaz Local Council provided the office with all the basic equipment with the support of the Turkish government. It employs 8 staff members, all of whom are male, and who were appointed according to the official administrative structure in Syria. The number of current staff is roughly half the number of staff who worked at the office before 2012, and it has no branch offices.

The number of transactions that have been documented since the establishment of the Land Registry Office until the date of the data collection of this study in mid-2019, reached about 1500 transactions, divided between sales transactions and lawsuits, including about 350 contracts of ownership transfer from or to women.

In addition, the Real Estate Interests Office photographs all property records and links the pictures with numbers and owners' names, so that the department has an electronic index through which they can conduct the search for the names of the owners for auditors. This is how the records are digitized. These archives are available on a hard disk and are in the possession of the head of the Real Estate Interests Office. The hard drive also includes a program for documenting power of attorney for property (POAP), whereby the notary is required to send a copy of each POAP to the Land Registry in order to prevent tampering with the buying or selling of the property more than once.

The Real Estate Interests Office charges financial fees for property transactions it processes, a percentage of which goes to the local council in agreement with the Real Estate Interests Office. These fees vary according to the area and type of property, whether it is residential, commercial, or industrial, agricultural land, or land intended for housing.

Challenges during Operation:

The first challenge that faced the Real Estate Interests Office in Azaz was the random urban expansion as a result of the population increase. Most of the buildings are built on agricultural lands and are registered as common ownership in the land registry. With the increase in the number of these buildings, the fear increases that they will turn into an unresolvable problem, similar to cases in the cities of Aleppo and Damascus.

The second challenge is that many people are accustomed to relying on clandestine contracts in their property transactions, and those who tend to fix their transactions in the land registry are few. The number of transactions registered in the Real Estate Interests Office during the last year were barely half the number of transactions that were registered annually before 2011.

Third and last challenge, there is a large number of property transfers that took place in the seven years during which the Real Estate Interests Office operations were suspended, and the backlog is still an issue that needs to be addressed.

3- Outputs of the Practice/Future Prospects

Establishing the Real Estate Interests Office in Azaz is considered one of the most important organizational steps taken by the Azaz Local Council, which seeks to fill the void caused by the absence of state institutions, with technical support from the Turkish government. One of the most important components of this practice, is the flexibility in approaching the Syrian laws that regulate the process, so that the main components of the documentation process have been preserved while providing alternatives or waiving some aspects (such as security approvals related to border areas and financial clearance) that are bureaucratic, and are not practical in the case of Azaz, which is still suffering from the absence of many government institutions.

As for the future prospects of property rights in Azaz, staff in the Real Estate Interests Office expect that the regulation and resumption of ownership transfer documentation processes will contribute to the revitalization of the real estate and residential projects sector in the northern countryside of Aleppo. Construction projects have started, and real estate traders started to work in the area, and many are investing their capital in housing, whether locals from Azaz



or IDPs who came to the town. This process contributes to reducing real estate chaos in the region.

It must be noted here that this experience and other attempts of the Real Estate Interests Office in Azaz are contingent on international and regional agreements and treaties governing the situation in the Euphrates Shield areas, which are currently completely dependent on Turkish support and protection. Especially since it is known that the Syrian regime refuses to acknowledge the work of any institution outside its authority. This affirms the necessity to include the issue of property documentation in the final negotiation dossier to recognize all transactions that have been made since 2012.

Significant challenges that Arose from the Practice

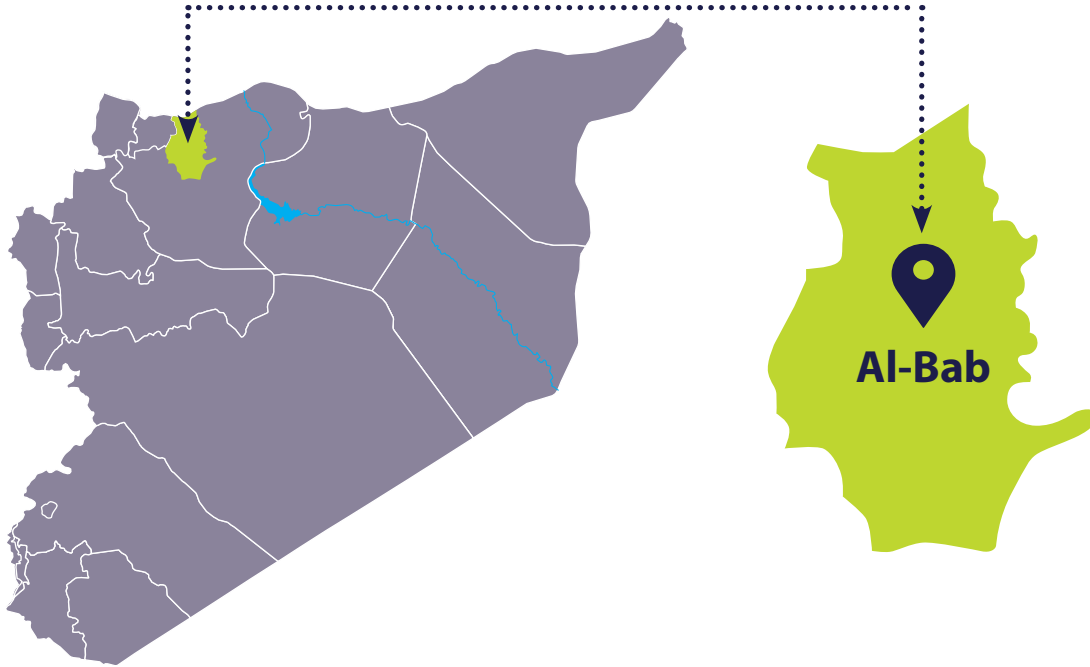
There are two main challenges to the Azaz alternative Real Estate Interests Office practice: There is a legal challenge due to the Syrian regime's refusal to acknowledge any transfers of property in areas beyond its control, which poses a threat to a large number of people in the area, especially IDPs, who may someday choose to return to their areas of origin.

An organizational and administrative challenge related to informal settlements, which were almost non-existent before 2012 in Azaz, but have increased dramatically in number over the past years as a result of the waves of displacement, which led to a significant increase in the population. Currently, there are talks between the Real Estate Interests Office and the Local Council in Azaz to establish site plans to reduce this problem.

Summary:

- The alternative Real Estate Interests Office works to fill the institutional vacuum resulting from the absence of state institutions and services, so that residents' real property rights are guaranteed and documented.
- The land registry in Azaz, with the support of Turkey, is developing digital documentation mechanisms so that the preservation of these records is ensured regardless of security changes.
- There is keenness to work with governmental and legal institutions and human rights organizations in order to overcome the obstacles and problems facing the processes of documenting the transfer of ownership, whether it is the bureaucracy in Damascus, or the absence of the necessary legal and governance framework between 2012 and 2019.
- The alternative Real Estate Interests Office relies on specialists who were former employees of the regime's Land Registry, in cooperation with members from the Free Aleppo Lawyers Syndicate. It also follows the Syrian laws, and the Syrian administrative system as a reference at the present time, as Turkish support is limited to logistics.
- It is difficult to predict the future of the administrative and legal framework of areas like Azaz and the Euphrates Shield, as there is still no formal regional or international agreement regarding the areas and their future. However, it is clear that all actors involved are keen on documenting real property rights within a legal framework.

V. Al-Bab



Real estate area

2,000 km²



Population

207,352



Number of property registries

2,000

Entity or persons who reactivated Land Registry

Local Council

Entity that supported and financed reactivation

Turkish government

New Land Registry administration subordinate to

Local Council

Entire work period of Land Registry

Two years and continuing



Date/period regime lost control of the area

2012

Regime Administration

-

Uncertain



Date Alternative Administration for Land Registry was established

2018

Alternative Administration

12

Employees



Status of property registries:

Original records are missing, sparse databases are being worked on
All available databases have been archived

Average number of annual transactions:

4,500



4,000



1- Background on the Status of Real Estate in the Area before the Conflict:

Al-Bab is located in the northeast of Aleppo province, 30 km south of the Syrian-Turkish border. The population of al-Bab and its rural areas is about 207,000, according to UN statistics.²⁰ About half IDPs, according to estimates by experts and humanitarian workers.

Al-Bab and its rural areas have an area of 2000 square kilometers and extends from the village of Al-Rai in the north to Dayr Hafir in the south. It should be noted that part of that area today is under the control of the Syrian Democratic Forces (SDF) and the regime. Real estate properties in al-Bab are divided into 90% agricultural land and 10% residential property.

Al-Bab's countryside includes 400 towns and villages, each an independent site, while the al-Bab city has been divided into five sites, each with serial numbers, and records and cadastral plans for most of these sites. The land registry includes about 2000 records, with an average of 50 properties per record. As for the types of properties in the area, they are agricultural lands, state properties, housing associations, and agricultural lands, which make up most of these properties.

Before 2012, al-Bab was the headquarters of a property documentation office (PDO). This office has documented about 4000-5000 property transactions annually. In addition, about 800 transactions that were carried out through the notary public, until the regime's departments ceased to function in mid-2012. During the period of ISIS control of al-Bab from 2014 until early 2017, the latter transferred the ownership records to the city of Manbij, and they have not been restored to date.

20) The United Nations Humanitarian Needs Assessment Program, periodic report for August 2020, unpublished data.

Challenges before the Conflict:

The land registry in the chapter does not reflect the reality of real estate properties except to a limited extent for several reasons, including: the common ownership dilemma, as most lands are documented in the registry as agricultural land, with the exception of some individual cases of land and property whose description has been changed by the real estate commissioner. According to the current director of the land registry in al-Bab, Muhammad Hajj Ahmed, there are entire villages without any individual documentation of real estate and are still under common ownership.

Hajj Ahmed also points out that the regime did not expand the site plan of the area, and did not address the common ownership dilemma, which requires logistical capabilities and is a costly process, which exceeds the capabilities of individuals. Therefore, al-Bab residents became accustomed to documenting most property transactions with a notary public until the commonality was removed, and the description was amended, for example there were about 4000 sales transactions in the land registry annually, corresponding to 20,000 cases of sale documented by a notary public. This meant that the number of sales that were not done via the land registry were five times as much as the ones that were done through it. It was rare for individuals to sort out their property and land issues, in addition to thousands of judicial decisions, including lawsuits, seizure of property, property correction transactions, and others, due to the large costs. As a result, to get a grasp on the reality of real estate properties in al-Bab, it is necessary to refer to the land registry, notary public records, and judicial decisions combined.



2- Establishing an Alternative Land Registry in the Area:

Sequence of Events:

Local armed opposition forces succeeded in ousting the Syrian regime from al-Bab in July 2012, and imposing their control over the entire northeast of Aleppo province, and since then the Syrian government institutions have no longer had any presence or role in the area, including the land registry, the courts and the notary public. At the beginning of 2014, al-Bab fell to ISIS, until February 2017, when Turkish-backed Syrian opposition forces launched an offensive against ISIS in al-Bab and succeeded in expelling it permanently. The city became part of what is currently known as the Euphrates Shield areas, which are under Turkish protection.

Actors and Parties Reactivating the Land Registry:

In the period between mid-2012 and early 2014, when local Free Army factions controlled al-Bab, property records were transferred to the court to ensure their preservation, and there was also a local project to archive and make copies of the documents. However, after ISIS took over al-Bab, the situation changed drastically. ISIS reactivated the land registry, where their employees issued statements for the auditors. According to the Land Registry Manager in al-Bab, the mechanisms of the land registry that were implemented back then are still unclear. ISIS transferred 2000 property records with their contracts attached to the city of Manbij, which was under its control at the time, and so far these records and contracts have not been retrieved and are now in the possession of the Syrian Democratic Forces (SDF).

The Syrian regime, knowing the existence of these records, sent a committee to verify their existence, and tried to retrieve them, but failed to reach an agreement with the SDF officials. Furthermore, the notary public dossiers are also missing.

After ISIS was expelled from the city, many properties were partially or completely destroyed, including land and buildings. The residents' need for documents proving ownership increased after their copies of these documents were lost or damaged during military operations and battles. This period also witnessed great chaos, as the small percentage of people in al-Bab who joined ISIS left, while a large number of people who had left al-Bab when it was under ISIS control, returned. Additionally, a large number of IDPs also arrived to al-Bab from Homs, Damascus, Deir ez-Zor and Aleppo, and a number of them purchased properties there.

Further chaos resulted from the great destruction in the area that was a result of the battles and military operations, and according to the estimates of the local council and the Land Registry Directorate, about a third of the buildings in al-Bab were destroyed during the fighting, while another third were severely damaged. However, when military operations ended, and the situation in al-Bab became more stable, informal construction increased significantly, either to replace collapsed buildings or to build new homes without obtaining building permits that take into account site planning. This included major encroachments on agricultural lands and on private and public property.

In response to the urgent need to deal with this crisis, the local council in al-Bab established a temporary Real Estate Committee in July 2017 to restore and restructure the land registry,

and issue temporary documents to prove ownership until original records were restored. The Committee consisted of nine members, including representatives of the council and the legal and service office, as they collected the documents and real property data and data of mediators and lawyers, and data the council had obtained from the regime's Real Estate Documentation Office, as well as records from the city's municipality and the Finance Department.

Initially, the local council in al-Bab formed a committee specialized in real estate affairs, and the committee began issuing temporary ownership documents for certain uses, given by bringing four witnesses to prove ownership of the property. Notes were added to these documents that they do not lend themselves to selling and transferring ownership but are rather exclusively for administrative purposes.

The committee issued about 100 documents of this kind, after which the provision of this temporary document was stopped. Then it was agreed to pause the committee's work until the restoration of a real estate database was complete, and the Land Registry office was open again. The new Land Registry staff were able to obtain a hard disk containing a copy of 80% of pre-2012 Land Registry files for al-Bab before 2012 and the city of Tadif. It does not include the countryside of al-Bab. For the countryside, the city's Finance Department was responsible for filling in the gaps in the database. Likewise, citizens' property documents that were in their possession, were brought forward to be documented and added to the database, in a reverse process. So far, all of these available documents have been archived, and more than half of them have been digitized.

Features of the New (alternative) Land Registry:

The Real Estate Documentation Directorate was established at the beginning of 2018, relying on documents collected from demolished buildings and former employees (as mentioned previously), under the auspices and supervision of the Legal Office of the Local Council in al-Bab, and with logistical and technical support from the Land Registry Directorate in Gaziantep, Turkey. The Land Registry in Gaziantep provided printers, computers, and printed cadastral plans. New cadastres were also printed, but no work has been done on them so far due to the incomplete database of properties.

Its name was changed from the Real Estate Documentation Office to the Land Registry Directorate, with subsidiaries including the Real Estate Documentation Office, the Documentation and Agencies Department (Notary Public), the Survey Department, and the Archive and Digitization Department. A committee was also formed to archive public and endowment properties. The directorate does not have any sub-departments.

Currently, the number of employees in the Directorate is 12, and according to the Director of the Land Registry, the number of employees is insufficient and is very little compared to pre-2012, especially since both the notary public and the Survey Department were not part of the land registry. Nevertheless, due to meager capacities, the number could not exceed the aforementioned number.



Although all employees are male, the director and members of the legal committee of the local council in al-Bab have confirmed that access to the office and its services is available to women, as there is no due process of gender discrimination. As for inheritance cases, they are decided by the judiciary, after which the judicial decisions are approved by the Directorate. Regarding property disputes, any dispute is referred to the civil judiciary, and some problems are addressed with other directorates of the Civil Registry and the Municipal Services Directorate in relation to personal documents and other similar cases.

During the year 2019, the new directorate regulated more than 4000 property transactions, divided between the Real Estate Documentation Office, which facilitated 778 transactions, and the Documentation and Agencies Department (Notary Public), which facilitated 3385 transactions. The same procedures are currently followed in the completion of property transactions, except that their registration in the original records is not possible, and the documentation is made in daily records and all transactions are archived electronically, and all files are saved until the original property records problem is solved, or an alternative one is approved.

As for the reference of the Legal Directorate, it is the text of Decree No. 188/1926 with some changes in the structure, as the notary public was linked to the Land Registry Directorate even though Syrian law stipulates that it is affiliated with the Ministry of Justice, but according to the Director of the Land Registry the change was made to facilitate the workflow of property transactions.

The authority that oversees the work of the Land Registry is the al-Bab Local Council, through the legal office that has appointed a legal committee of six members to supervise the department's work. There is no relationship or coordination with the Syrian Interim Government and its ministries.

The Directorate shall abide by the decisions issued by the judiciary on controversial matters, such as claims for ownership verification, lawsuits, seizure of property, correction of Title Plans, and others. There is constant communication and interest by Turkish officials to develop work and meet technical and logistical needs, in addition to communicating with other directorates in the area for coordination.

Challenges during Operation:

The most significant problem facing the Land Registry Directorate in al-Bab is the lack of original property records. The fact that there is a great discrepancy between the reality of property ownership in al-Bab, and the records also poses an additional problem. There is also the problem of slums, which currently make up more than half of the area of al-Bab. The only solution to this problem is to expand a site plan accordingly, but such a project requires logistical capabilities and financing that exceed the capacity of the local council. Add to this, that the alternative directorate, like others, is functioning outside the jurisdiction of the Syrian state in Damascus, and the administrative and legal procedures there are only recognized by the local forces controlling al-Bab today.

There is also agreement from those concerned that there is a great lack of material and logistical support, as is the case in many of the areas studied in this report. Especially with regard to salaries and equipment, which are needed immensely given the large gaps in the property dossiers that require a huge administrative effort, and coordination with a real estate commissioner to restore records, and establish work mechanisms that end or limit the problems faced by staff in this field.

3- Outputs of the Practice/Future Prospects

The Land Registry Directorate in al-Bab is part of the organizational efforts of its local council, especially the legal office, which seeks to address the void resulting from the absence of state institutions. Additionally, it also seeks to address the chaos caused by ISIS during its rule of al-Bab, which led to the destruction and loss of a large part of the land registry records. The directorate's current efforts focus mainly on bridging the gaps and deficiencies in the land registry database in al-Bab and its countryside, with a focus on a flexible approach to the structure and hierarchy previously adopted in the regime's Land Registry. It also aims to organize the documentation and issuance of property-related documents and is working to digitize all records to avoid losing them again in the event of a new conflict.

Despite all the efforts made in this field, the future of property rights in al-Bab remains ambiguous like other areas in Syria. This is due to the lack of a clear and recognized political positioning there. However, what makes the situation in al-Bab different from other areas, and perhaps more dangerous, is the absence of original property records, and it is clear that the regime seeks to exploit this situation by trying to procure the archive of the original property records in al-Bab, which are currently in the possession of the Syrian Democratic Forces (SDF) in Manbij. It is important that this particular dossier is included in any international or regional negotiation effort related to Syria.

Significant Challenges that Arose from the Practice

The Syrian regime's refusal to acknowledge any transfers of ownership in areas outside its jurisdiction, especially in light of its efforts to obtain the property records of the area that are currently in the possession of the Syrian Democratic Forces (SDF) in Manbij. This constitutes a threat to the property of a large number of the area's residents. There are also organizational

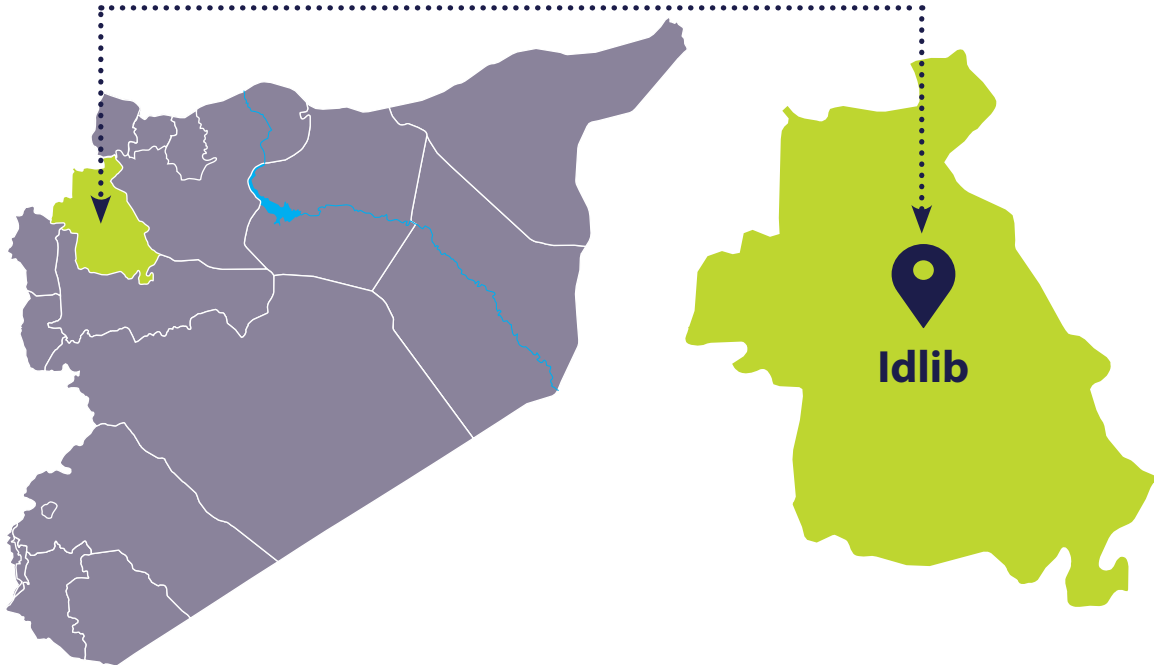


and administrative challenges, especially in light of the rapid spread of informal settlements and the doubling of the population as a result of forced displacement from other areas.

Summary:

- The Real Estate Documentation Directorate in al-Bab is working to fill the void resulting from the absence of state institutions and services. It is also working to address the major imbalance in real estate surveys and the gaps that occurred as a result of the loss of all original property records during ISIS's control of al-Bab.
- Although the Land Registry Directorate relied on Resolution No. 188/1926 as a legal reference, their practice is characterized by the flexibility they exercised in the exceptional situation in al-Bab. The records are completely disorganized as a result of the loss of a large part of the records. Therefore, the directorate relied on a modified structure, and included both the notary public office and the survey department in its structure.
- The Directorate, with Turkish support, is keen on digitizing all documents and records, so that the preservation of these records is ensured should any new changes occur. Nevertheless, the Directorate is still in need of technical and financial support.
- The alternative Land Registry's practice relies on members of the Free Aleppo Lawyers Syndicate who have been trained by the Turkish government and the Land Registry in the city of Gaziantep, but there is still a lack of expertise in this field.
- It is difficult to identify future trends in al-Bab, as there is still no final regional or international agreement regarding the area and its future, and there is still no official recognition of the work of these alternative institutions.

VI. Idlib



Real estate area

6,000 km²



Population

2,8 M



Number of property registries

10,000

Entity or persons who reactivated Land Registry

Administration of the Alfateh Army

Entity that supported and financed reactivation

Administration of the Alfateh Army and later the Salvation Government

New Land Registry administration subordinate to

Administration of the Alfateh Army and later the Salvation Government

Entire work period of Land Registry

Since 2015 and continuing



Date/period regime lost control of the area

2015

Regime Administration

300

Uncertain



Date Alternative Administration for Land Registry was established

2015

Alternative Administration

130

Employees



Status of property registries:

Available in the city
Copies of registries were preserved

Average number of annual transactions:

16,000



17,000



1- Background on the Status of Real Estate in the Area before the Conflict:

Idlib province extends over an area of 6000 square kilometers²¹ in the far northwest of Syria on the border with Turkey. The population of the province in 2011 reached one and a half million, while the statistics of the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) indicate that there are currently 3 million people living in the opposition-held areas in Idlib province, and the western countryside of Aleppo (150,000-200,000 currently live in the two districts of Atarib and Darat Izza). In total, about 2.8 million people live in Idlib province, with most areas controlled by the Syrian regime today empty of its residents, such as Maarat al-Numan.

Until 2015, the regime/Damascus-affiliated Directorate General of Real Estate Interests, and its subsidiaries, the Survey Department and Land Registry Department, were still operational in Idlib province. Additionally, nine real estate documentation sub-offices were also operational in various towns and cities in the province, including the Idlib city, Arihah, Haram, Jisr al-Shughur, Maarat al-Numan, Khan Shaykhun and Saraqib.

The province's real estate records included 10,000 residential, agricultural, and industrial property records, with more than half being agricultural property.

Furthermore, documentation offices carried out about 16,000 transactions annually at the province level.²²

21) The Syrian Electronic Government Portal, at the link: <https://bit.ly/32cNHb3>, last viewed Sep 09, 2020

22) A phone interview conducted by our researchers with Abdul Karim al-Khader, former director of the Alternative Real Estate Records Directorate in Idlib, June 23, 2020

Challenges before the Conflict:

Being a border province, Idlib suffered from the ramifications of the Border Areas Decree, which, as previously mentioned, restricts ownership transfers and other real estate transactions. The area of Jisr al-Shughur, especially its northern countryside, was the most affected by this decree.

This resulted in unofficial ownership transfers, and the records for some property in that area that were not identical to the reality of ownerships on the ground.

Informal settlements that were documented in the province before 2011 were about 10%, according to the former director of the alternative General Directorate of Real Estate Interests, that was established after the opposition took control of Idlib city. The highest number of informal settlements were concentrated in Idlib city. Some areas of the province were greatly affected by the disorganized sorting of land, and common ownership, such as the town of Maarat al-Numan, where ownership of lands has not been sorted among its individual owners, where the owner's share is documented without specifying the location of the property he/she owns. Areas in Saraqib countryside also suffered from the same problem. This resulted in an inconsistency of records. Additionally, the records of the Directorate General of Real Estate Interests did not include documentation of the properties of housing associations built by the Military Housing Corporation, in addition to a number of housing societies established by the unions, such as the Engineers and Pharmacists Syndicates, all of which were documented in the records of housing associations outside the Directorate General.

2- Establishing an Alternative Land Registry in the Area:

Sequence of Events:

In April 2011, Idlib province witnessed a breakout of protests, in parallel with a number of other provinces and areas in Syria. Widespread demonstrations took place in most cities and towns in the province. The protests were mainly concentrated between the city of Saraqib in east of the province, and the Jabal al-Zawiya area southwest of Idlib. Since then, the Syrian regime met those protests with military violence, and these operations turned into more organized offensives that took place in Saraqib, Jabal al-Zawiya and border areas with Turkey such as Harm and Jisr al-Shughur. Eventually, those areas fell to the opposition forces. During 2012, most of Idlib province fell to the opposition, with the exceptions of Idlib city, Jisr al-Shughur and Arihah, that would remain under the Syrian regime's control until 2015.

During that period, non-ideological local forces as well as Salafi Islamic ones emerged in Idlib. Based on the changes, the Islamic Authority for Administering Liberated Areas was formed, and oversaw governmental institutions that were left by the regime in the wake of battle. The Islamic Authority allowed the independence of a number of departments, including the land registry departments. A reconciliation court linked to the Ministry of Justice of the Syrian regime was still operational in Saraqib, which allowed for those departments to continue their work in an official, albeit slower capacity.



Between 2012 to 2015, the Syrian regime's Directorate General of Real Estate Interests in the city of Idlib continued to accept the transactions from subsidiary departments. Documentation offices in those areas, such as in Khan Saykhun and Saraqib, continued their work at a normal pace, with a decline in the documentation of the transfer of new properties in the period between 2012 and 2015.

These procedures continued to take place until March 2015, when Islamic factions established an alliance under the name Jaish al-Fatah "Army of Conquest," and took control of Idlib city, Jisr al-Shughur and Arihah, so that the vast majority of Idlib Province became under opposition control.

Actors and Parties Reactivating the Land Registry:

Following Jaish al-Fatah's takeover of Idlib city, the Directorate General of Real Estate Interests in the city secured the province's records in a safe place in the district, fearing that it would be destroyed as a result of the bombing. With the establishment of the Civil Administration of Jaish al-Fatah in mid-2015, the latter organized a meeting with the remaining staff members of the Syrian regime's Directorate General of Real Estate Interests, which had ceased operations at that stage. It was agreed that the work of the Directorate be resumed, and thus the work of the alternative directorate in the province began with financial support from Jaish al-Fatah via its Civil Administration office. One of our sources said, "The Civil Administration of Jaish al-Fatah was very understanding of the sensitivity of the real estate situation, so they never interfered in the work of the directorate."²³

The Syrian regime refused to recognize the work of the Directorate since that date, and considered Idlib a "closed province," which is the description used by the regime to describe provinces outside its control, and suspends the operations of all state institutions there. Later, the regime issued Decree No. 12 of 2015, which stipulated the establishment of a special branch for Idlib province in the Directorate of Real Estate Interests in Hama city, relying on copies of the province's real estate records that were archived at the Directorate General of Real Estate Interests in Damascus. However, most residents in Idlib province preferred to work with the alternative directorate located in Idlib city, even for those residing in regime-controlled areas, as the alternative directorate was in possession of the province's original real estate records.

Features of the New (alternative) Land Registry:

The alternative directorate worked according to the Syrian Real Estate Law that was in force before 2011, and it maintained the same administrative structure. It performed its operations directly on the original real estate records. The directorate's departments in Idlib city and its countryside were comprised of about 130 employees, most of whom were essential employees in the district, and they constituted about a quarter of the total number of employees before the opposition took control of the province, according to another source.²⁴

23) Same as previous source

24) A telephone interview conducted by our researchers with one of our sources, who used to work with the real estate services, May 03, 2020.

In the first five months, the Directorate worked to provide real estate registration data only, before it started documenting new transactions and real estate properties. The directorate maintained the same method of work of the regime, and according to the same regulations - with one exception: exempting citizens from financial clearance as the Finance Directorate in the city of Idlib ceased its operations.

Each sub-office maintained its own records, with a copy of those records available in the central directorate. The Real Estate Services Directorate in Idlib was able to pay the salaries of its staff through the fees it was charging for real estate transactions. Between 2015 and 2017, the Directorate did not receive any support except for the support provided by Jaish al-Fatah and is currently receiving support from the Salvation Government.

Non-governmental organizations (e.g. The Day After Organization), in cooperation with the Free Syrian Lawyers, digitized the real estate records of the Idlib countryside areas that were under the control of the opposition forces in 2014. However, the records were not used, as the departments continued working by using original records.

With regard to the relationship between the alternative directorate and the Syrian Interim Government; despite the existence of administrative relations and agreements between the two parties, the directorate did not report to the interim government. The directorate was supported by Jaish al-Fatah, who helped launch the alternative directorate's work, and provided it with financial support, but that ended in early 2018. The Salvation Government, which was closely affiliated with Hayat Tahrir al-Sham took control of the province, and the real estate directorate officially became a subsidiary to the Salvation Government, but without the latter's interference in its work. our source explains the matter by saying: "Because the majority of the faction fighters are from the area, and most of them own real estate, there was an implicit agreement on the necessity to preserve the Directorate of Real Estate Interests and its documents, and to keep its work outside of the conflict."²⁵

Regarding its relationship with the judiciary, following the organization of courts, appointment of judges and lawyers, and the completion of legal features in court verdicts, court deliberations on estate were implemented by the Land Registry departments.

At the end of 2019, and as a result of the military escalation in Idlib province, the regime forces were able to control large areas of the province and two main cities in it, Maarat al-Numan and Saraqib, which led to the suspension of the work of the real estate documentation directorates in them, while work continued in the central directorate in Idlib And the districts of Jericho, Jisr al-Shughur, Dana and Harem.

25) A telephone interview conducted by our researchers with Abdul Karim Al-Khader, a former member of the board of directors of the Alternative Real Estate Records Directorate in Idlib, June 23, 2020.



Challenges during Operation:

Dealing with judicial rulings issued by courts that were formed by the opposition factions, was the biggest challenge of the Directorate of Real Estate Interests in Idlib. Especially since most of these courts adopted Islamic Sharia law as a reference instead of the Syrian Customary law, and the two laws diverge on many issues, including, for example, the issue of women's inheritance rights. Moreover, these courts did not abide by the Syrian Procedural Code, hence their decisions and rulings were dismissed by the Directorate.

The decisions and rulings of the aforementioned courts remained unrecognized by the Directorate until a civil reconciliation court was formed to operate according to procedural laws. However, the courts continued to issue decrees to implement inheritance laws in accordance with Islamic Sharia law, and so the Directorate officials had no choice but to recognize those rulings.

There was a challenge related to women's employment and the disapproval of female employees continuing to work in the directorate in Idlib, and only being allowed to work in sub-districts of local councils.

One of the major problems that faced the Directorate's work was the influx of large numbers of displaced people. Two point eight million people live in Idlib province, more than half of whom are displaced from other Syrian areas, according to United Nations (UN) data. This meant that many transactions carried out are of owners from other provinces. For the people of Idlib province, the Civil Registry Department, which had resumed its work in Idlib city provided reliable civil registration records, while records of IDPs were mostly located in regime-controlled areas, and many of the IDPs were unable to obtain their data from there, which resulted in problematic identification documents during the documentation and transfer of properties.

The IDP influx to Idlib exacerbated the problem of informal settlements, especially along the border areas, and in light of this, the Directorate refused to register buildings on agricultural lands pursuant to the executive regulations in force previously. This prevented the division of agricultural properties that have an area of less than 2.5 dunums, which was reflected in the conformity of the Directorate's records to the reality of properties on the ground.

3- Outputs of the Practice/Future Prospects

Outcome of the years of work:

Since 2015, the Directorate of Real Estate Interests in Idlib was able to maintain real estate records and continue to work in accordance with Syrian procedures and laws. The Directorate annually performs between 16,000 and 17,000 transfer transactions it continues to operate according to the same laws with a reasonable margin of independence.

The directorate was able to serve most citizens in Idlib province, in both opposition-controlled areas and regime-held areas. All citizens in Idlib preferred to conduct their transactions and transfer their properties through the main directorate in Idlib city as it is in possession of the original records, and is managed by the same staff, and in accordance with the same laws pre-2011.

Despite the regime re-taking control of large areas of the province in 2019, most notably Maarat al-Numan and Saraqib, the directorate was able to transfer the records of the branch offices in those cities and others to Idlib city. Today, it continues to provide services to the residents in regime-held areas, most of whom have moved to the opposition-controlled areas, thereby allowing them to access the directorate and conduct transactions through its offices.

The Directorate was also able to impose legal procedures according to the Syrian Procedural Code on some courts established by the opposition and Islamic factions. As a result, the Reconciliation Court was established between 2016 and 2017 in Idlib city and operated according to the Syrian Customary Law.

Significant Challenges that Arose from the Practice

Although the Directorate of Real Estate Interests in Idlib followed Law 188 issued in 1926, which is in effect in regime-held areas, the Ministry of Local Administration and the real estate departments of the regime refused to recognize the directorate's records after 2015, and considered deemed it a closed area. This caused major problems later in areas the regime regained, like Saraqib and Maarat al-Numan.



Summary

- The resumption of work in the Real Estate Services Directorate in Idlib by its former employees, greatly resembled procedures of property transfer transactions in regime-held areas.
- The presence of the Real Estate Directorate in Idlib changed certain dynamics in the area, particularly with the opposition factions, who adhered to certain legal measures while the Real Estate Directorate operated in the province. An indication of the ability of independent administrative bodies to create margins of freedom that allow for better governance in their areas of operation.
- The demographic change in Idlib Province was a major challenge facing the Real Estate Interests Directorate's work.
- Despite the directorate's commitment to work according to the Land Registry Law issued in 1926, the Ministry of Local Administration of the regime's government refused to recognize the documents issued by the directorate, which created major problems in documenting the transfer of property in the areas it regained control of in 2019.
- The practice relied on staff with experience in real estate documentation and law, which allowed work to continue professionally, and increased the trust of residents in the work of the Directorate.

Conclusion:

State institutions that provide civil services must be impartial in their work and provide their services to citizens regardless of their affiliations. In the case of Syria, the Syrian regime used these state institutions as tools of war against all those who oppose it. In all areas that fell out of the regime's control, all institutions ceased operations, and all services to citizens were suspended. Residents were burdened with the task of compensating for these institutions - a role they were not yet ready for. Nevertheless, many of those alternative institutions generally worked according to the laws of the Syrian state and its administrative structures pre-2011, with the consideration that these procedures can be merged into the structure of the Syrian state in the future.

Alternative entities in opposition-controlled areas suffered many challenges, including sieges, bombing, the absence of political actors that represent the needs of citizens in opposition-controlled areas. Likewise, there is no legal framework recognized for the work of these institutions. Such is the example of Duma, which presented an advanced model, as well as Daraa, by establishing an alternative database of real estate properties in the province, which the regime refused to recognize. Al-Bab and Afrin alternative administrations tried to restructure their databases to fully launch their services. In Azaz where the alternative land registry had a major problem in updating its records. In Idlib, where the Real Estate Directorate operates in a complex context, where it is overseen by the Salvation Government closely affiliated with Hayat Tahrir al-Sham (HTS).

Despite this, these administrations succeeded to some extent in dealing with a large number of difficulties, such as lack of funding and staff, and succeeded in meeting the basic needs of citizens in areas in opposition-held areas for many years. The result of the work of those years should not be exploited politically by any party to consolidate its authority or legitimacy, as it is ultimately related to the rights of individual citizens to their property. The regime's disregard for all real estate transactions that were carried out outside its institutions in the areas it regained control of indicates a great challenge for the future. Advocating for these rights is needed to reach any kind of future political settlement, whether with regard to the areas that the regime has regained or those in which alternative administrations are still active outside the regime's control.

The Day After Organization would like to thank the experts who contributed to this research:

Azad Osman Afrin Local Council

Sulaiman Alqarfan Head of Land Registry Office in Daraa

Abd Aziz Darwish Free Syrian Lawyers

Adnan Taha Head of Land Registry Office in Duma, Head of Land Registry Office in Azaz

Farook Abo Halawa Daraa Provincial Council

Muhamad al-Fares Legal Office in Al-Bab Local Council

Muhamad Haj Ahmad Head of Land Registry in Al-Bab





**Housing, Land and Property
and Access to Documentation
Outside of Regime-Held Areas in Syria**
Case Studies of Six Areas in Syria