



Reality of Housing, Land, and Property Rights in Syria

HLP Working Group - Research 2020

Syrian Regime Institutions for Real Estate Development and how they Operate

Analysis of the Regime's Approach to Real Estate Development
in the Post-Conflict Period



Syrian Regime Institutions for Real Estate Development and how they Operate

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Executive Summary

Many studies have extensively interpreted and critiqued Syrian real estate laws, discussing their risks to property and housing rights. But few of them have gone deeper to understand the conditions behind those laws. For example, how do the regime's state institutions which are concerned with real estate operate under these laws? What is happening on the ground in areas earmarked for real estate development and reorganization?

This paper takes an interconnected perspective to shed light on the real estate development system in Syria, including relevant legislation and governmental institutions concerned with real estate affairs. It looks at the environment of real estate legislation. It also demonstrates how the multiplicity of laws framing development projects or reorganizing urban areas — and the different solutions and interaction methods proposed by each of those laws — give regime institutions the freedom to pursue different practices from one region to another, choosing each time those practices which best serve them.

The paper also focuses on new legislation that ignores the reality and effects of the conflict, especially with regard to the conditions for establishing ownership in areas under the regime's control. This is a deliberate disregard that may lead to depriving millions of Syrians of their rights.

Therefore, the study provides a brief overview of each of the ten government institutions, under three ministries, most connected to real estate affairs in Syria and involved in real estate development projects today. The study shows the extent of the lack of transparency and scarcity of information provided by these institutions on their projects and work. It also shows the confusion and lack of clarity regarding roles and objectives of each of these institutions, evidenced by conflicting statements of their officials and the limited content of information published on their websites. It seems that so far, they are mostly carrying out studies and plans separately from residents and rights-holders, while any real-time development consists only of demolitions.

In Section II, the study investigates the reality and developments within two residential areas: Al-Haidariya neighborhood in Aleppo and Al-Qaboun neighborhood in Damascus. Both of these are among the neighborhoods brought back under regime control, where large swathes were destroyed and the vast majority of the population had fled.

Although the legal status of the two neighborhoods is similar, and they are both classified as informal settlements, it was decided to apply different laws to each of them. Residents of Al-Haidariya who could provide proof of ownership of damaged or destroyed properties would receive alternative housing, while comparable residents of Al-Qaboun would receive shares in new real estate.

However, right now - and perhaps for some time to come - even those able to prove their ownership will not be able to take advantage of either of these options, because there is no clear idea about the projects' timelines. The two projects are still in the stage of approving plans and demolishing damaged properties; nothing has been provided even to residents recently evicted from Al-Haidariya, nor to residents of Al-Qaboun who have not to date been allowed to return, despite the passage of nearly four years.



Introduction

At the end of May 2020, a local Facebook page, “Al-Haidariya is in Our Hearts,” made live broadcasts¹ from inside the Aleppo neighborhood, which regime forces had retaken from the opposition at the end of 2016. The broadcast was via mobile phone camera by a person who did not show his face, but spoke while walking through streets that initially appeared completely destroyed and deserted. Then he moved to less severely destroyed streets, where a few houses appeared to be inhabited, until he arrived at a wide and empty street surrounded by rubble and ruins of houses. The photographer said this was a new neighborhood street recently constructed by the municipality after removing hundreds of houses.

The live broadcast continued for more than half an hour. It received thousands of views and comments and hundreds of shares. Most of the interaction came from former residents of the neighborhood who had fled their homes. Commenters asked the photographer to go to certain streets or neighborhoods in the area. The young man apologized many times for not being able to meet the large number of requests. For many of the commenters on the broadcast, this video was the only way to access information about their homes, or what was left of them, in light of demolitions carried out by the regime in the neighborhood after it was retaken.

The video and interactions illustrate a fundamental aspect of the real estate problem in most areas of Syria that the regime has retaken. It reflects the ambiguity surrounding the work and intentions of the regime’s real estate development agencies, and the scarcity of information provided to both rights-holders and the general public. It also reflects how the displacement of a large portion of rights-holders—whether driven to seek asylum or forcibly displaced—left these people unable to even know what happened to their properties, let alone defend their rights to them.

The Syrian regime has found—with widespread destruction in the country and a large part of the population absent from their properties—a golden opportunity to get rid of real estate problems that have accumulated over decades as a result of its failure to manage housing in the country, and an opportunity to reap profits and use them to consolidate its control. The regime employs a security mentality in dealing with this issue, the same mentality which has spurred a decade of insurgency.

Most of the destroyed areas in the country are those that went out of regime control at some point in the years of conflict; thus, the regime is eager to ensure that those areas do not return to their previous demographic and urban compositions. To this end, at a time when regime institutions are facing real challenges in securing minimal levels of goods and services for the population in their areas, they frequently talk about plans for reconstruction and real estate development in Syrian cities. The regime continues to issue legislation, chart

1) “Live from Al-Haidariya Neighborhood,” Al-Haidariya in Our Hearts’ Facebook page, video, 33:47, May 29, 2020, <https://bit.ly/2MfFxsU>.

organizational plans, form executive committees, and other activities.

Officials make repeated statements on this issue. The Director of the General Commission of Development and Real Estate Investment said that there is a plan to address 157 informal settlement areas,² while the Minister of Public Works and Housing said that all “liberated” areas will be reorganized according to a new vision.³

This paper seeks to shed light on the most prominent aspects of the real estate development and reconstruction system the regime is developing for the post-conflict phase, which consists of two levels. The first is legislative; it includes a package of real estate laws, some old and others issued after the outbreak of the conflict in 2011.

The second includes central and local government institutions that have undergone many changes since 2011.

We note here that “real estate development” refers to the broader sense under which fall both reorganization and reconstruction projects, as well as other forms of intervention in urban structures.

This study is important because the topic also affects a number of root issues in the Syrian conflict-including the issue of refugees and their return, the issue of reconstruction, and stakes in restoring stability and building peace in the country as a whole.

2) The website of the Ministry of Public Works and Housing, Al-Thawra Newspaper, June 4, 2017, <https://bit.ly/3pqRESk>, accessed on December 14, 2020.

3) Website of the Ministry of Public Works and Housing, a statement in a news report on Syrian Satellite TV, October 19, 2020, <https://bit.ly/2WKaU0v>, accessed on December 24, 2020.



Methodology

In this paper, we use two parallel methodological approaches. The first is analytical, which relies on collecting maps and databases from various sources, including websites of government institutions, international databases, and published reports and studies on the topic. This approach aims to form an integrated picture, to the extent possible, of the most prominent legislations and government institutions involved in real estate affairs, and the assumed or realized roles for each of them.

The second is investigative and depends on communication and interviews with a variety of sources, including experts in the real estate field, and former or current employees in institutions concerned with real estate affairs, such as real estate registry departments, municipalities, and others. The goal of these interviews is to explore the realities of the applications of these laws and the work of the institutions on the ground. Within this framework, we focus on two areas within the cities of Aleppo and Damascus, and discuss the resulting effects.

Section I: An Attempt to Deconstruct the Components of the Real Estate Development System

As mentioned above, the real estate development system supposedly consists of two levels. The first includes old real estate legislations and more recent ones enacted after the outbreak of the conflict. Taken together, these legislations form the general framework for real estate development. The second, which can be called the executive level, includes state institutions under the Ministries of Housing, Local Administration, and Defense. These two levels are not separate from one another, but rather are linked by a disputatious relationship. The legislations define the institutions working in this field and their roles; but those same institutions have the ability to propose and try to issue amendments to those legislations.

A. Legislations & Laws: The Multiplicity of Legal Frameworks and Their Disregard for Urban Reality and the Population

The principle of state laws is to protect the rights of citizens. However, in the case of authoritarian and military regimes that have ruled Syria-in particular the Hafez al-Assad regime, which seized power in the early 1970s-the legislative authority has never been independent. Laws and legislations have become more of a tool for achieving the regime's goals of establishing its hegemony (dominion) and seizing control over society and the state. This approach remained prevalent throughout decades of Assad rule-both father Hafez and son Bashar. With the outbreak of popular protests and their development into an armed conflict in the country after 2011, the application of the "legislation to enhance hegemony" strategy expanded greatly, and we witnessed the issuance of a set of laws that would strengthen the regime's position in the ongoing conflict while weakening its opponents. These laws affect political, cultural, and security aspects of life, as well as property and housing rights-particularly in areas the regime took back from its opponents.

This section does not aim to enter into a critical analysis of the texts of Syrian real estate laws, nor to discuss their contents, which sometimes contradict international conventions and often the Syrian constitution itself. Many specialized studies have elaborated on this aspect.⁴ Rather, we focus here on two problematic aspects that radically characterize real estate legislation in Syria. The first is **the multiplicity of legal references** that are supposed to address real estate regulation and development. The second is the **blatant disregard of new real estate laws** of the complex real estate reality in the country and the effects that years of conflict have left in most Syrian regions, in terms of urban building destruction and the absence of half the country's population from their properties.

The multiplicity of legal references is embodied in the existence of multiple laws to deal with the same situation without decisive standards defining the scope and application conditions

4) See "The Property Issue and Its Implications for Ownership Rights in Syria," The Day After, June 2019, PDF, accessed December 22, 2020, <https://bit.ly/3aykuM5>.

See also "Property Ownership and the Constitution," Syrian Lawyers Association, April 10, 2020, accessed December 24, 2020, <https://bit.ly/3hdH4Lx>.



of each of those laws. In Syria today, at least four laws are in force concerning real estate regulation and development, but their application scopes overlap—a situation that almost contradicts the idea of law itself as a unified reference for solving problems. The multiplicity of references creates a strange state of contradiction and ambiguity, giving authorities and administrative agencies a margin for maneuver by choosing the most suitable of those conflicting laws to eventually serve the regime’s agenda.

The following is a brief description of each of these four laws:

1–Law No. 5 of 1982: Urban Planning Law (amended by Law 41 of 2002)

This law regulates the process of issuing general and detailed plans and building control systems, as well as the relationship between provincial councils and their executive offices (hereafter referred to as “the administrative body”) on the one hand, and the Ministry of Housing on the other. Although this law is only concerned with the mechanism for issuing organizational and detailed plans—it does not address executive aspects, compensation, and other issues discussed in the following three laws—it was recently approved for several areas in Damascus, including Al-Qaboun neighborhood and the Yarmuk Palestinian refugee camp. According to an official in the Damascus governorate,⁵ the implication of applying this law is that the residents of these areas will not receive alternative housing.

Even with regard to the issuance of the organizational plans under Law 5 of 1982, the following laws contain articles that interfere with the contents of this law and contradict it on some points, especially with regard to the relationship between local and central authorities. Whereas Law 5 stipulates that the administrative body has the right to propose real estate areas and make their organizational plans in accordance with urban planning directions set by the Ministry of Housing, the following laws transfer that authority to other agencies.

2–Real Estate Development and Investment Law No. 15 of 2008

Pursuant to this law, the General Commission of Development and Real Estate Investment was established, granted broad powers, and tasked with proposing the creation of urban development areas inside and outside an organization plan area, including demolishing or rehabilitating existing residential areas as well as creating new urban communities.

Many points within this law are still a matter of controversy among Syrian jurists, especially with regard to facilitations granted to real estate developers, terms of acquisition, compensation mechanisms, granting alternative housing and such.⁶ However, the most serious point relates to how to verify rights-holders in informal settlement areas to be developed. Law 15 uses social surveys as a reference for this. However, implementation of this provision of the law at the present time threatens most refugees and displaced populations with loss of rights to their properties. These are the majority of residents in the neighborhoods and

5) Damascus Governorate: There is No Alternative Housing for the Residents of Yarmouk and Qaboun, *Economic News*, July 7, 2020, <https://bit.ly/2WMITXj>, accessed December 25, 2020.

6) Khaled El Helou, Riyad Ali, and Mohamad Anwar Majanni, “The Property Issue and Its Implications for Ownership Rights in Syria,” *The Day After* (in partnership with The Associate of Peace, Justice and Documentation, Istanbul), June 2019, p. 36, <https://bit.ly/3mLw3SS>.

areas the regime has retaken, as is the case in the eastern neighborhoods of Aleppo and the eastern and southern neighborhoods of Damascus.

3–Urban Planning and Urbanization Law No. 23 of 2015

This law gives the administrative body the power to propose areas for reorganization and real estate development. Article 3 of this law stipulates that if areas within the approved organizational plans have existing collective building violations, the administrative body has the right:

...to apply the provisions of this law, to apply the provisions of the Real Estate Development and Investment Law No. 15 of 2008 and its amendments, based on an agreement between the real estate developer and the owners or between the real estate developer and the administrative body, or to apply the provisions of the Expropriation Law in force for implementation of the organizational plan for the area, in a manner that does not contradict the provisions of Paragraph 2 of Article 15 of the Constitution.⁷

Therefore, Law 23 provides flexibility for the administrative body in choosing which of three laws it prefers to apply. Law 23 also provides a broad and flexible scope of application as well; in addition to areas where the administrative body wishes to implement their general and detailed plan, it also includes areas that have been subjected to natural disasters and wars, and areas that have been attached to organizational plans.

One of the most prominent problems in this law is that it grants authority to administrative units to utilize eminent domain in informal settlement areas, at rates of up to 50% in properties in the cities of provincial centers, and 40% in the countryside and other cities without compensation. Consequently, the owner is not entitled to claim compensation unless the deduction rate exceeds those percentages, and his/her right to compensation at that time is limited to what is deducted in excess of the specified percentages.

4) Law No. 10 of 2018 and its Amendments:

This law came as a circular to Decree No. 66 of 2012, which provided for the creation of two planning areas within the general plan of Damascus to include all Syrian lands. It gives the right to the Minister of Local Administration to create one or more organizational zones within the general organizational plan. The law also stipulated a one-month period for rights-holders to submit documents that prove their ownership. This period was later extended to a year.

Of course, this law is still one of the most controversial laws for its conditions on ownership proof. The right-holder (or one of his relatives up to the fourth degree) is required to go to the headquarters of the administrative unit and present a set of documents; the reality, however, is that most IDPs and refugees are outside regime-controlled areas and cannot return to defend their real estate rights, whether due to security concerns or logistical reasons that prevent them from returning, such as their presence in other countries. Most of them will not even be able to ask one of their relatives to defend their real estate rights. Many were

7) Urban Planning and Urbanization Law, Syria Code 23 (2015), §3 et seq.



displaced with their relatives, so they no longer have a relative to act on their behalf, and some fear for their relatives inside Syria if they do act on their behalf.

It is also important to refer to a point within the law, which is no less problematic than the others. Legal experts believe that this law prevents rights-holders from retaining the right to housing within the same area, as the law specifies three options for them as follows:⁸

- Allocation of Housing: Rights-holders will often be unable to access this option, because their shares will be less than their ability to buy an alternative house.
- Establishing a joint stock company: This option will not be available to IDPs especially. The greater opportunity will be available to merchants.
- Selling the share in public auction: This is the only option that will be available to most rights-holders, and absentee property owners might not be able to take advantage of it because they will often lose the opportunity to prove that they are the owners, based on what we have discussed above.

In summary, the overlap between the four legislations/laws in Syria today, with the presumption of good faith, can be described as a legislative defect that requires reform before any implementation that may lead to Syrians' loss of rights. In reality, however, it is difficult to presume good faith in the case of the Syrian regime, which has a long record of abusing laws. It can be argued that the matter is a deliberate policy, so that these laws become a toolbox for the regime, as described by the director of one of the Syrian civil society organizations working on the real estate issue. Each of the aforementioned laws imposes a different path to the course of real estate development processes for the regions, in terms of which agency decides on subjecting areas to development, which agency draws up the plans, and which agency carries out implementation, as well as how to deal with the rights of residents and other issues. Thus, the regime can determine the law that it wants to apply in the areas of its choosing.

This situation of multiple legal frameworks leaves a complex and ambiguous legislative environment, which many professionals are unable to understand and track its effects, not to mention rights-holders who may find themselves the victims of laws they do not understand. The lack of sensitivity of the aforementioned laws towards owners' rights also increases the risks in a country where the percentage of random housing is estimated at about 50% of the total number of housing, according to statements by the regime's former Minister of Housing.⁹ This means these are not documented or identical to the records of the land registry. In such a country, it is assumed that real estate laws respond to this fact by finding innovative and effective methods to prove the rights of inhabitants of these areas, in case the legislator genuinely wants to ensure those rights. On top of that, the new laws issued during the conflict are supposed to take into account the effects of the devastation

8) Phone interview conducted by the researchers with Judge Mohamad Anwar Majanni, legal consultant, located in Gaziantep, Turkey, on November 6, 2020.

9) A statement by former Minister of Housing, Hussein Arnous, Qasiyoun Newspaper, 2018, <https://bit.ly/2WEMcyR>, accessed on December 24, 2020.

left behind, which are clearly visible on buildings throughout Syria. These laws are also supposed to take into account the absence of about half of the country's population from their properties, especially in areas the regime has retaken from the opposition, where the majority of the population are away from their homes.

B - Institutions: Three Ministries and Dozens of Directorates Quarreling Under Lax Real Estate Laws

Like real estate laws, the work of government institutions concerned with real estate affairs also overlaps. There are at least ten major government institutions working in the field of real estate regulation and development at various levels, from planning to implementation to supervision and follow-up. But it is nearly impossible to understand how these institutions relate to each other, and if any of those relationships are complementary.

The official websites of these institutions—the sole outlets for public information and opinion—show a significant dearth of transparency regarding projects and activities, touting only broad headlines for large reconstruction projects undergoing planning and news of meetings that rarely include details of discussions and conclusions.

In addition to the scarcity of information, officials in these institutions often issue conflicting statements. For example, the former Director of Urban Planning in Damascus Governorate, Eng. Ibrahim Diab, told a newspaper close to the regime in early 2020, that the Al-Qaboun area will be reorganized according to Law No. 10 of 2018.¹⁰ Less than a month later, the Damascus Governorate Facebook page posted that the Damascus Governorate Council unanimously approved the detailed organizational plan for Al-Qaboun in accordance with the provisions of Law No. 23 of 2015.¹¹

The following month, the Director of Technical Services in Damascus Governorate stated to another website close to the regime that “the residents of Yarmouk refugee camp and Al-Qaboun will not get compensatory housing, as a result of the two areas being organized in accordance with Legislative Decree No. 5 of 1982, while they will have regulatory shares.”¹²

The discrepancy in the statements of government officials has been repeated on more than one occasion. This reflects a state of confusion and a blurry vision within the institutions themselves.

10) Completion of Al-Qaboun residential plan before mid-2020, Damascus Governorate: Committees for the distribution of properties and equity shares in Urban Al-Quaboun, Al-Thawra Newspaper, February 25, 2020, <https://bit.ly/3aF0Jm9>.

11) Damascus Governorate Council's Facebook page, accessed December 24, 2020, <https://bit.ly/2LY2UHa>.

12) Nawar Al-Dimashqi, Yarmouk Camp and Al-Qaboun Are Worse Than Khalaf al-Razi], Qasiyoun Newspaper, July 13, 2020, <https://bit.ly/2WL2R3z>.



The following is a brief overview of the most important government institutions currently involved in real estate affairs:

1–Governorate, City, and Municipal Councils under the Ministry of Local Administration

Theoretically, it is assumed that local administrations are the supreme authority at the planning and implementation levels of real estate affairs in Syria. The Syrian Local Administration Law granted administrative units-governorate, city/town, and municipal councils-broad powers in real estate affairs. Article 65 of this law stipulates that “it is not permissible for any public, joint, cooperative, or private entity to construct any building within a city, town, or municipality, or carry out any work of change or demolition in an existing building, before obtaining a prior permit from the Executive Office.”¹³ This refers to the executive offices of city and town councils.

According to Law No. 5 of 1982, administrative units are also given the power to prepare general and detailed organizational plans and building control systems for urban areas-whether expansions, reorganizations, or other-in line with the directions of regional planning and the principles established by the Ministry of Public Works and Housing. However, the reality is significantly different from what the legal text suggests.

Local administrations have not played a significant role in decision-making in Syria since the Ba’ath Party seized power in 1963. The party has been used to strengthen the regime’s control over local areas and their inhabitants since that time, while granting symbolic positions in local administration units to party-backed local elites entrusted with the task of establishing patronagenetworks.¹⁴

We can suggest two basic reasons for this. The first is related to the composition and method of forming local councils; the members of these councils have never been freely elected, but are appointed in some way. Consequently, most local council members are more like employees working for the central authority than elected representatives of the residents of their cities, towns, and so on. Secondly, the roles and powers given to ministries and central government institutions have often encroached on the jurisdiction of local administrative councils, especially with regard to proposing or approving real estate planning and development areas, or in matters related to the study and preparation of organizational plans.

13) Local Administration Law, Syria Code 107 (2011), §65 et seq, <https://bit.ly/3mJcACh>, accessed December 14, 2020.

14) Agnes Favier and Marie Kostrz, “Local Elections: Is Syria Moving to Reassert Central Control?,” *Middle East Directions*, 2019, translated by Nabeel Sunbul, <https://bit.ly/3aH1tqY>.

2-The Regional Planning Commission

This commission was created by Law No. 26 of 2010, known as the Regional Planning Law,¹⁵ and is located in Damascus. Its establishment came in line with the Syrian authority's orientation toward adopting the concept of regional development, linking Syrian regions with each other within "unified regions" according to their demographic, economic, and geographical characteristics. In such a system, each region forms an interconnected development unit that then links with other independent regions, becoming an integrated framework at the national level. At the time, it appeared this approach would solve the problem of unbalanced development in Syria.

The Commission is under the Supreme Council for Regional Planning, which includes twelve members, including the Prime Minister, the Ministers of Housing, Agriculture, Local Administration, and other cabinet positions, as well as the heads of government agencies such as the State Planning Authority and the Central Bureau of Statistics.

Theoretically, the Regional Planning Commission occupies the top of the pyramid of governmental institutions concerned with development in general, including real estate development. It is responsible for setting development strategies and regional and spatial development-including the foundations of urban planning-in an apparent overlap with the Ministry of Public Works Housing.

However, to date the Commission has not completed the draft of the national framework for regional planning, which was set as a main goal at its inception over a decade ago. In practice, it seems the Commission's role is largely nominal, as it does not even have a website. Although the Regional Planning Law requires the administrative bodies concerned with developing organizational plans to refer to their regional plan drawn up by the Commission, the reality is that there are organizational plans for several areas in Syrian governorates without corresponding regional plans.

3-The General Commission of Development and Real Estate Investment

The General Commission of Development and Real Estate Investment was established pursuant to Decree 15 of 2008¹⁶ as an administrative public authority under the Minister of Housing, enjoying legal personality with both financial and administrative independence. The decree assigns broad and ambitious tasks to the Commission, such as "regulating real estate development activities, encouraging the role of the national private sector and local, Arab, and foreign investment in the building and reconstruction process." Decree 15 defined the objectives of this Commission as follows:¹⁷

- To establish integrated cities and suburbs.

15) Damascus Bar Association Message Board, "Law No. 26 of 2010: Regulating Spatial Regional Planning and Development Law," June 27, 2010, <https://bit.ly/2KO7PKi>, accessed December 24, 2020.

16) See the text of the law here <https://bit.ly/38wrJBQ>, accessed on December 24, 2020.

17) "About Us: Targets," Syrian Arab Republic General Commission of Development and Real Estate Investment, accessed December 24, 2020. <https://bit.ly/34Y9nsz>.



- To secure lands for construction.
- To establish specialized and cognitive service areas.
- To develop and rehabilitate existing residential areas within the organizational plans.
- To address the issue of informal settlement.

We note that the Commission was given broad powers to create real estate development zones, whether inside or outside an organization plan. The establishment law stipulates: “Contrary to any text in force, the real estate development zone is created inside or outside the organization; its boundaries are defined and the administrative body responsible for it named by the Prime Minister, based on a proposal from [the Commission’s board of directors] after consulting with the administrative unit.”¹⁸

The latest report issued by the Commission in 2018¹⁹ mentions the creation of 25 real estate development areas, as of the report issuance date, distributed mainly in the governorates of Aleppo, Hama, and Homs. According to the report, the Commission was studying the creation of 20 new real estate development areas, and looking into the situation of 23 housing informal settlement areas, including in Darraya in the Damascus countryside, Handarat in Aleppo, and other areas in Hama.

The Commission was also given power to grant and withdraw licenses for real estate development companies. The 2018 report stated that 56 real estate development companies had obtained their final license, and about 40 others have obtained an initial license.

4–The General Company for Engineering Studies

The General Company for Engineering Studies was created according to Law No. 12 of 2019,²⁰ as a public economic company under the Minister of Public Works and Housing, enjoying legal personality and financial and administrative independence. Its headquarters is located in Damascus. It replaced both the General Company for Technical Studies and Consultations and the General Company for Water Resources; these companies were abolished under this same law.

The regime has promoted the new company as the “Syrian engineering expertise house.” In accordance with the provisions of the law, the new company carries out studies and consultations in the field of construction and public works. Within its competence, it carries out the study, audit, and supervision of projects included in the plans of the public and joint sector entities, and any other party in agreement with them. It is also tasked with preparing detailed plans as stipulated in the law establishing it.

But it seems that the company’s work extends beyond that, as it discusses and develops planning frameworks and prepares general organizational charts as well. For example, the

18) See the text of the Real Estate Investment and Development Law <https://bit.ly/34Koh5o>, accessed on December 24, 2020.

19) “Altaqrir Alsanawi 2018 [Annual Report 2018],” Syrian Arab Republic General Commission of Development and Real Estate Investment, PDF File, 2018, <https://bit.ly/3aFnE0T>.

20) See the text of the law here <https://bit.ly/3pkemv3>, accessed on December 24, 2020.

Company signed a contract with the Governorate of Rural Damascus in mid-2020, “to prepare the detailed and organizational plans necessary to create the suburb of Wadi Barada.”²¹ It also provides technical services and consultations in several areas of Damascus and Aleppo. It supervises the stalled alternative housing project in Janoub al-Motahaliq and Khalaf al-Razi, which are covered by Decree No. 66 of 2012 in Damascus, currently known as Basilia City and Marota City, respectively.

5–The General Housing Establishment

The General Housing Establishment was created by virtue of Presidential Decree No. 683 of 1961,²² and it is under the Ministry of Public Works and Housing. It is one of the oldest governmental institutions in Syria concerned with housing, and has traditionally been active in the field of providing social and traditional housing. It has undergone many changes over the years, the last of which was through Decree No. 26 of 2015, which defined its tasks as securing social housing and participating in the development of five-year housing plans. The decree also mandated it to deal with informal settlement areas and work as a real estate developer, in addition to granting it the authority to prepare general and detailed plans for lands allocated for its projects.²³

There is a significant overlap between the roles and functions of this institution, the General Commission for Development and Real Estate Investment, and local administration councils. Likewise, the General Housing Establishment manages a group of youth, social, and labor housing projects in several Syrian governorates, the most important of which are in Rural Damascus, Lattakia, and Sweida. According to its 2019 report, the General Housing Establishment completed about 5,000 houses during that year, while it contracted to implement more than 27,000 houses.²⁴ It is reported that it is also managing the previously mentioned Marota City and Basilia City alternative housing projects in Damascus.

6–Construction Institutions

The executive arm of the government in the real estate field consists mainly of four institutions:

- The General Company for Building and Development (Ministry of Housing)
- The General Company for Roads and Bridges (Ministry of Housing)
- The Military Housing Establishment (Ministry of Defense)
- The Institution for the Implementation of Military Construction (Ministry of Defense).

Although each institution has a specialization and a field of work indicated by its name, their fields of work practically overlap with each other. The General Company for Roads and

21) Rural Damascus: The conclusion of a contract to prepare the organizational plans to create the Wadi Barada suburb, Syrian Arab News Agency, August 17, 2020, <https://bit.ly/3poZ08D>.

22) See the website of the General Housing Establishment <https://bit.ly/34HAiZw>, accessed on December 10, 2020.

23) See the text of the Decree No. 26 of 2015, published on the General Housing Establishment, <https://bit.ly/2Mbfzpn>, accessed on December 27, 2020.

24) 2012 Annual Plan, General Housing Establishment, PDF file, <https://bit.ly/353QG6P>, accessed December 27, 2020.



Bridges, for example, is currently working on the removal of rubble from areas in the eastern neighborhoods of Aleppo, which might be surmised to be the purview of the General Company for Building and Development.

Here, too, we have official contradictions regarding the nature of the work of each of these institutions, and the projects they are involved in on the ground. For example, regarding the Marota City and Basilia City alternative housing towers in Damascus, the General Housing Establishment website stated that the agency executing the project is the Military Housing Establishment,²⁵ while the official website of the Marota City project published that the executing agency is the General Company for Roads and Bridges.²⁶

Regardless of which agency is entrusted with the execution, the alternative housing project, which was supposed to have been delivered to its beneficiaries within four years of the issuance of the 2012 decree - by 2016 - has not yet been delivered and is not expected to be completed for several more years. The evidence for this is that the works are still in the stage of laying the building foundations, amid a lack of funding.

7) The Directorates and the Specialized Committees

Announcements have been made by the regime over the past years about the establishment of directorates and committees in specialized areas or in charge of specific decrees, including the **Decree 66 of 2012 Implementation Directorate** under Damascus Governorate, and the **Committee for Resolution No. 940**, headed by the Minister of Housing, which is in charge of preparing plans for Damascus areas, including Al-Qaboun, Al-Yarmouk, and Jobar, in addition to the towns of Ain al-Fijah.²⁷

Whereas the **Directorate** appears to be concerned with the executive level in allocating alternative housing divisions and paying the reasonable rent allowances to eligible residents, the **Committee** seems to play a more pivotal role. However, it is not known exactly what the relationship is between the local administrative bodies in the two governorates of Damascus and Rural Damascus and this committee, or to what extent those bodies contributed in preparing the plans, as information on this Committee is very scarce. We have been unable to find the text of the aforementioned resolution on the Council of Ministers Presidency website or any other government website.

The number of these committees and directorates is expected to increase with the expansion of the regime's plans and projects. The ambiguous powers and roles granted to them can constitute a legal tool and cover for practices that harm rights-holders.

Therefore, the situation at the administrative and executive level within the real estate development system is no less complicated and intertwined than the level of laws. More

25) See the news on the General Housing Establishment website <https://bit.ly/3aAHme6>, accessed on December 16, 2020,

26) Preparation for the implementation of the works of the two residential towers (Bb64) and (Bb127), Marota City website, <https://bit.ly/37M6WuM>, accessed December 16, 2020.

27) Syrian Presidency Council of Ministers' Facebook page, <https://bit.ly/3ppRI4u>, accessed December 25, 2020.

than one party has the power to propose areas for real estate development or reorganization. Likewise, multiple bodies have the authority to prepare organizational plans.

But in the end, regarding Syrian governmental institutions, we should not forget that the laws and administrative systems in Syria are not the only references for the work of these institutions. Rather, the regime has established a parallel authority for decades, using the power of the security apparatus and a network of close associates and patronage. These dominate and interfere in the work of all these institutions.

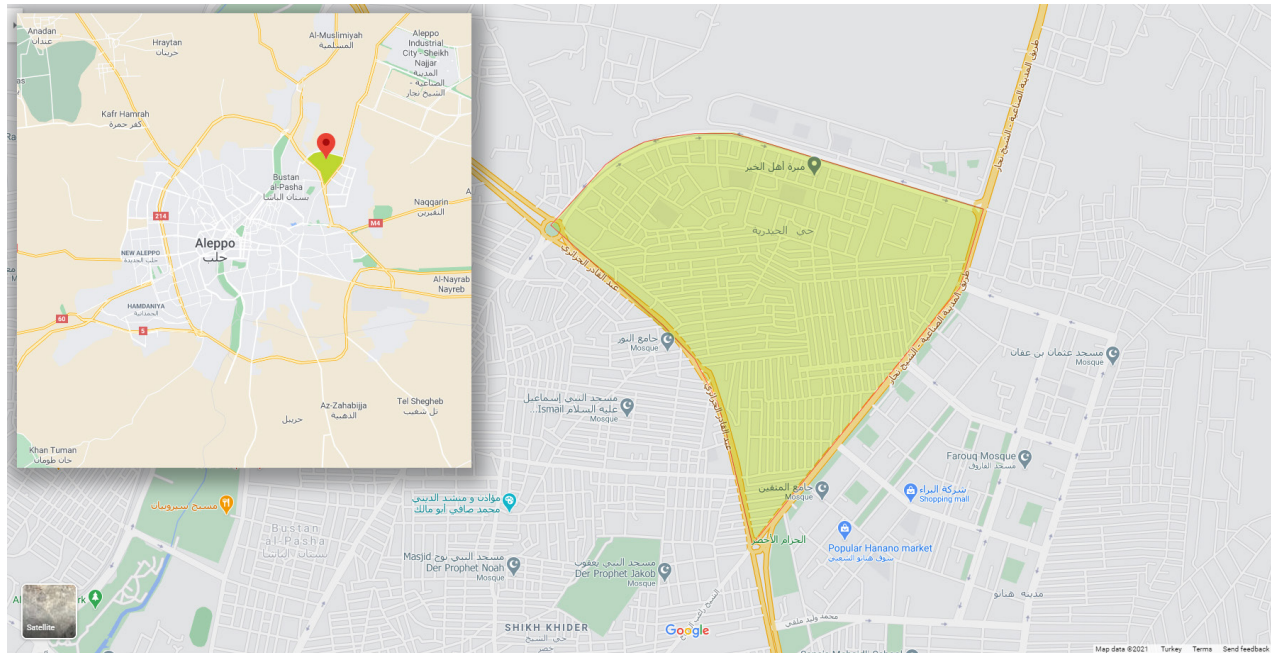
We must also not forget the issue of widespread corruption in these institutions. Syria ranked 178th out of 180 countries in the Corruption Perceptions Index for 2019, according to Transparency International.²⁸

28) "CPI 2019 Global Highlights," Transparency International, <https://bit.ly/3ruisCW>, accessed December 22, 2020.

Section II: A Close Look at Two Neighborhoods in Damascus and Aleppo

A. Case Study: Al-Haidariya Neighborhood in Aleppo City

1–The Demographic and Urban Reality Before the Conflict



Al-Haidariya neighborhood is located in the northeastern section of Aleppo city; it is one of the most densely populated informal settlement areas (35–42% of the city’s population).²⁹ Before the outbreak of the Syrian revolution in 2011, its population was 100,000–120,000 people,³⁰ mostly Sunni Arabs and some Turkmen.³¹

The lands in this neighborhood have different types of ownership. There is a separate and organized section of land prepared for construction in the old Al-Haidariya area. State property is also present, as in the Jabal Al-Haidariya area in the neighborhood; this is land seized in the 1980s by intelligence officers who then sold it illegally, known locally as “intelligence lands.” The final section consists of agricultural lands on which informal settlements were built without permits.³²

29) Informal Housing Enters Official Records: 50% of Syrian housing is informal, Al-Iqtisadi News, July 1, 2011, <https://bit.ly/2OeU09w>.

30) Figure estimated from a number of interviews with activists from Al-Haidariya.

31) Sima Naana, Syrian Turkmen: Their Origins, Their Distribution, and Their Role in the Syrian Revolution, Enab Baladi Newspaper, February 12, 2017, <https://bit.ly/2YniaQS>.

32) The Al-Haidariya Organization Project: Unclear Information and Lost Properties, Rozna Radio website, <https://bit.ly/3q5jeVH>.

2–The Most Prominent Changes in the Neighborhood During the Conflict

With the arrival of the protests opposing the Syrian regime in Aleppo city, Al-Haidariya neighborhood became a center for protest and anti-regime gatherings. By July 2012, it came under the control of Liwa al-Tawhid, which is affiliated with the Free Syrian Army. During that period, the regime’s bombing and attacks focused on the eastern neighborhoods of Aleppo city and areas surrounding Al-Haidariya, such as Masaken Hanano, which displaced a number of families into Al-Haidariya.

Consequently, at the beginning of 2013, Al-Haidariya became a target for attacks by regime forces—starting with artillery attacks and later with aerial- and barrel-bombardments—which caused numerous massacres and the destruction of many of its buildings and infrastructure.³³ This pushed a large number of Al-Haidariya residents to leave for other areas, such as the Aleppo countryside, Idlib governorate, and Turkey.³⁴

With Russian military intervention to support the Syrian regime in September 2015, air and ground attacks from regime forces escalated, with new participation by the Russian air force along with Syrian, Iraqi, Lebanese, and Iranian militias,³⁵ until the regime regained control over a number of opposition neighborhoods in Aleppo, including Al-Haidariya on November 28, 2016.³⁶

The large-scale military operations and daily bombardment, and the accompanying siege, destruction, and targeting of vital installations,³⁷ have led to a gradual departure of most of Al-Haidariya’s residents. Its population had declined to 41,466 in 2014, according to the Syrian Statistics Center.³⁸ As estimated by activists in and refugees from the neighborhood, by the end of 2016 only 12%–15% of original residents remained in the neighborhood. This figure has dropped to 1.5%–2% at the present time, due to the absence of basic services such as water and electricity, and the regime’s reluctance since it regained control over the neighborhood to make any contribution for renovation or reconstruction of destroyed buildings.³⁹

With most original Al-Haidariya residents unable to return, fearing security prosecutions, several

33) The outcomes of the regime’s attacks on the neighborhood have been documented by a large number of media and news reports, and media outlets and social media including YouTube <https://bit.ly/2Nemakd>.

34) Rami Sweid, Here was Aleppo: The Map of the Great Catastrophe with its Massacre, Destruction, and Forcible Displacement, Al-Arabi Al-Jadeed, <https://bit.ly/38rjLtE>.

35) Koujan Obadah and Hassan Mutlaq, The Beginning of the End, or Pitfalls Followed by the Rise? The Resurrection of Aleppo: The Causes of Defeat and Possible Repercussions, Enab Baladi News, December 4, 2016, <https://bit.ly/3iVLyr0>.

36) The Syrian Observatory: The Opposition Has Lost Control of the North Aleppo’s Eastern Neighborhoods, France 24 News, November 28, 2016, <https://bit.ly/2WAHmr5>.

37) According to the Atlas of Destruction in Syrian Cities published by the United Nations Institute for Training and Research (UNITAR) in March 2019, the city of Aleppo witnessed the largest percentage of destruction in Syria, with 4,773 buildings totally destroyed, 14,680 buildings severely destroyed, and 16,269 were partially destroyed, bringing a total of 35,722 damaged buildings.

38) Number of Population According to the Areas Under Study in the Population Survey 2014, Aleppo, Syria Central Bureau of Statistics, PDF file, 2014, <https://bit.ly/36kSKru>.

39) Connecting electricity is the first and most important of their demands. The residents of Al-Haidariya Neighborhood demand the restoration of schools, street maintenance, and sanitation, Al-Jamahir News, <https://bit.ly/3pw8NtX>



former residents now living in Turkey and the northern countryside of Aleppo have reported receiving news indicating the regime's intention to settle a number of residents from Kefraya and Al-Foua in the Al-Haidariya neighborhood. However, this information is still unconfirmed, especially in light of the neighborhood currently undergoing a real estate reorganization and development process.

3–Aspects of the Real Estate Development Plan in Al-Haidariya Neighborhood

In October 2018, Ahmed Homsy,⁴⁰ Director of the General Commission of Development and Real Estate Investment, announced that the Aleppo City Council had launched a real estate development project in the informal settlement areas of Aleppo, including an area of 28.8 hectares in the Al-Haidariya neighborhood, as part of a comprehensive real estate development program. On an area of 118 hectares, 42.12% is earmarked for residential buildings, and 12.27% for services. This program falls within the framework of the Real Estate Development and Investment Law No. 15 issued in 2008.⁴¹ The project includes more than ten real estate development areas inside and outside the organizational plan of the city of Aleppo, including the areas of Al-Haidariya, Tel al-Zarazir, other areas in the west of the city, and the suburbs and the nearby countryside of Aleppo city, which are semi-empty areas whose residents have fled to the northern countryside of Aleppo and Idlib, or outside the country.

In the announcement, Al-Haidariya neighborhood was mentioned as being an area owned by the City Council and classified as a real estate development area, in accordance with Article 11 of Law No. 15, which gives the council the right to expropriate “property located within real estate development areas belonging to individuals, for the benefit of the administrative body and is registered in its name in the real estate registry by a Prime Minister, whether it is an individual property or a waqf property.”⁴²

The actual implementation of the plan began in August 2019, when the Aleppo Governorate Council⁴³ issued written warnings it was about to demolish hundreds of homes in the neighborhood, compelling the remaining residents to leave. According to testimonies from neighborhood activists, the people evicted under coercion were forced to seek refuge in parts of Al-Haidariya not included in the demolitions, or to rent housing in neighboring areas such as the Masaken Hanano neighborhood. At no point did they obtain compensation or clarification from the City Council or the competent government agencies regarding their material rights in demolished and expropriated real estate.

The Military Construction Institution began carrying out the demolition and removal operations in the neighborhood in cooperation with the Aleppo City Council and the Technical Services Corporation in January 2019.⁴⁴

40) Starting a real estate development project in informal settlement areas in Al-Haidariya, Aleppo, Syrian Arab Republic Ministry of Local Administration and Environment, October 21, 2018, <https://bit.ly/2Ja6AVc>.

41) Real Estate Development and Investment Law, Syria Code Law 15 of 2008, <https://bit.ly/3hd1nZB>

42) Real Estate Development and Investment Law, §11.

43) The Regime's Municipality in Aleppo Asks Residents to Evacuate the Al-Haidariya Area to Begin Demolishing Hundreds of Homes, Jorf News, August 14, 2019, <https://jorfnews.com/?p=31306>.

44) “Real estate development” demolishes eastern Aleppo neighborhoods, Al-Modon, February 2, 2019,

The neighborhood witnessed a massive demolition of homes and residential buildings in Al-Haidariya roundabout and Jabal Al-Haidariya, from the end of the 40th Street until the highway from Al-Haidariya roundabout towards Bai'din roundabout north of the city, paving new roads linking Al-Haidariya and Hanano, and removing the rubble of destroyed houses to be used as material for paving roads.

The first phase of the project—estimated to cost more than 2.1 billion Syrian Pounds—was completed at the beginning of July 2020;⁴⁵ houses and apartments within the project's executive plan had been demolished, and the public services network and infrastructure constructed, including roads, sewers, sidewalks, and water. It was then ready for the General Commission for Development and Real Estate Investment to put up for investment, under the supervision of the Ministry of Public Works and Housing. According to Hussein Makhlof, Minister of Local Administration and Environment, the reconstruction project takes into account "the economic, social, and service dimensions ... [it] allows building 2,700 residential apartments"⁴⁶ in its first phase.

In light of the owners' absence, and with no specialized studies, it is difficult to estimate the number of neighborhood buildings demolished since the regime took control of it. However, what can be clearly seen by comparing available satellite images of the neighborhood between 2017 (the beginning of the regime's control over the neighborhood) and 2019 (the latest available images) is that entire urban blocks have been removed throughout the neighborhood, especially in its southwestern part.



Image 2: Aerial view of the southwestern part of Al-Haidariya Neighborhood, taken February 20, 2017. Source: Google Earth.

<https://bit.ly/36le67Z>.

45) Qusay Razzouk, Completion of the First Phase of the Real Estate Development Project in the Al-Haidariya of, Aleppo, Syrian Arab News Agency, July 1, 2020, <https://bit.ly/39rvutV>.

46) "Completion of the First Phase of the Real Estate Development Project in Al-Haidariya, Aleppo." URL.



Image 3: Aerial view of the southwestern part of Al-Haidariya Neighborhood, taken November 28, 2019. Source: Google Earth.

It is likely that the large-scale demolitions carried out by regime institutions in Al-Haidariya—as well as in Al-Qaboun neighborhood in Damascus, discussed later in this paper—were conducted under Law No. 3 of 2018, known as the Rubble Removal Law. This is another problematic law, receiving heavy criticism from Syrian human rights defenders due to it being used as a pretext for the demolition of undamaged or partially damaged buildings. This claim is supported by the fact that Law No. 3 ignored the necessity of having engineering and technical expertise within its committees; rather, the committee members were limited to:

- Employees of the real estate registry directorates
- The administrative authority
- A real estate judge named by the Minister of Justice
- A real estate expert named by the Governor
- Two representatives for the residents.

This is based on Article 4 of the law, which specified the method of forming the committees responsible for describing damaged buildings and the initial confirmation of ownership.⁴⁷ The absence of engineers from the description committees in this law results in demolition operations dependent not on objective and scientific grounds, but more on the decisions of administrative employees and the directives they receive. Several residents of Al-Haidariya neighborhood we spoke with during the preparation of this study indicated that demolitions often affect homes whose residents have been absent, regardless of their technical condition.⁴⁸

47) Law No. 3 of 2018 Rubble Removal Law, §4, Syrian Arab Republic Ministry of Local Administration, February 15, 2018, <https://bit.ly/39ZQfMb>.

48) A series of interviews conducted by researchers with residents of Al-Haidariya Neighborhood in November 2020.

Finally, it is necessary to address the issue of alternative housing for the evicted residents. Law No. 15 of 2008 states,

The real estate developer shall provide alternative and suitable housing for the occupants of the project area and hand it over to the administrative body according to the social survey prepared by the administrative body for the area on the date of its approval as a real estate development area, or provide cash compensation for those who prefer. The administrative authority shall also evacuate the occupants after handing them the alternative housing and handing over the project site free of occupancies to the real estate developer, in accordance with the applicable regulations and the contract concluded between the two parties.

Despite this, this point was not mentioned in any statement issued by officials of the Ministry of Public Works and Housing, the Ministry of Local Administration and Environment, the Aleppo Governorate, or the Aleppo City Council. Rather, the legal and human rights consequences of conducting a social survey in the region at the present time have been obscured, depriving people of rights, the majority of them internally displaced or refugees.

4–A Summary of Al-Haidariya’s Case Study

The effects and dimensions of the real estate development and planning processes undertaken by the regime in eastern Aleppo can only be understood by taking into account the circumstances surrounding them. Despite the fact that the reconstruction and real estate planning of informal settlements in Syria is of utmost importance, desperately needed in order to reduce the suffering of citizens, the policies pursued by the regime and its institutions in eastern Aleppo city are a significant indication of the regime’s true intentions. According to accounts from local residents and activists who follow the situation and developments inside Aleppo city, in addition to news reports on pro-regime websites, the launch of the real estate development project was preceded by the entrenchment of hostile policies against the people of these neighborhoods.

Multiple accounts from residents of the neighborhood suggest that the Syrian government and its institutions have neglected Al-Haidariya since regaining control over it at the end of 2016, procrastinating the restoration of services such as water, electricity, and sanitation. The Syrian government’s Education Directorate opened one school in the neighborhood, which had been destroyed by previous regime air strikes; but rather than repairing the school, the directorate merely equipped it with a small number of prefabricated rooms. The City Council of Aleppo prevented the reopening of the Jabir bin Hayyan and Salim Melku Jurbaqa schools, despite their readiness. Militias loyal to the regime also prevented Al-Azizi Bakery from reopening, forcing the people of Al-Haidariya to buy bread from the Masaken Hanano bakery instead.

Even worse was the City Council’s refusal to issue permits for people to renovate their homes and properties. This is in addition to the regime’s prevention, whether directly or through



local and foreign militias loyal to it, from allowing people to return to the neighborhood, forcing a large number of families to reside in nearby neighborhoods awaiting compensation or permission to return.⁴⁹

With the project's commencement and the issuance of eviction orders by the governorate council, the regime's intention to strip the residents of their rights became fully clear. No evicted family has been compensated, nor have they yet been informed of any mechanism or legal framework to compensate them for their properties that were demolished or expropriated by the City Council.

Here it must be noted that those from Al-Haidariya neighborhood who are still in the city of Aleppo are a minority; most of them were forced to flee or seek refuge in neighboring regions and countries. They cannot return for various reasons, including fear of security persecution if they return and claim their rights. Even if they are able to return, Al-Haidariya is an informal settlement neighborhood; most of the residents have no ownership documents for their homes, as they were illegally built and not licensed or registered in the real estate registry. They have no land ownership, either. Any rights or evidence of ownership have disappeared with the regime's demolition of the buildings and homes.

The few people who still possess legal ownership documents, and have the ability to go to the City Council, seem to be no better off. The Aleppo City Council⁵⁰ issued a declaration in November, asking residents of properties located within Block B in the organizational plan and the surrounding streets in Al-Haidariya to go to the Hanano Service Directorate and submit a file containing all of the following:

- The rights-holder's identification documents
- The identification documents of all those residing at the property
- A certificate from the area's mukhtar ("village chief")
- A site plan showing the residence location issued by the Hanano Service Directorate
- A record of the electricity or water meter installation, specifying the property number and the date of installation
- A letter of undertaking endorsed by a notary that these papers are not considered to prove ownership

An official martyrdom document⁵¹ for a family member at the property (the husband or one of his children) and an official war casualty document for the beneficiary

- A document of affiliation with the Syrian Arab army for the rights-holder or one of his children.

This is almost impossible for the majority of rights-holders, given that the region was one of the main centers of the anti-government movement. Also, the use of papers proving service

49) The November 2020 interviews.

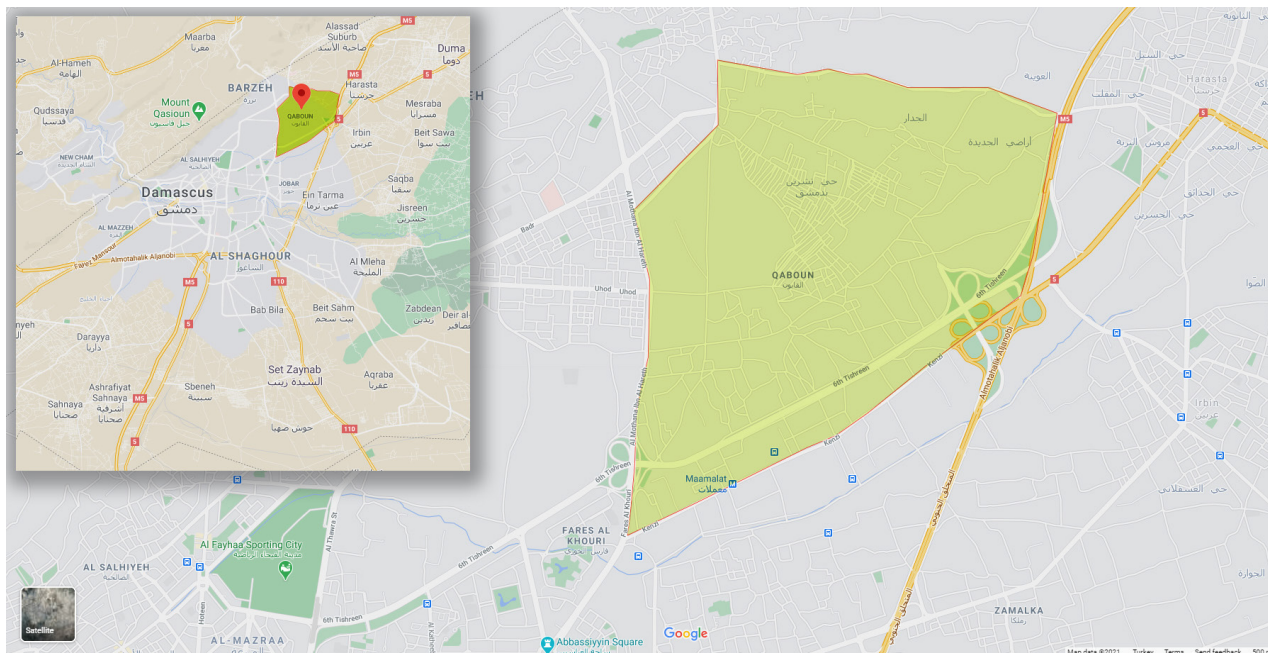
50) City Council Demands Residents of Al-Haidariya Provide Eight Identification Documents for Their Properties, Syria TV, November 12, 2020, <https://bit.ly/2LTf588>.

51) Martyrdom here means the death of an individual while serving in the Syrian regime army.

in the Syrian army as proof of ownership is a violation of the law and the rights of citizens. The situation in Al-Haidariya neighborhood is similar to many of the eastern neighborhoods of Aleppo targeted by the real estate development project. They are almost all empty of their residents and largely destroyed. This policy reinforces persistent concerns that real estate regulation and development laws are nothing but tools that protect the regime and the long-term interests of itself and its allies. In addition, these laws allow the government to strip real estate and property and later hand it over to investors loyal and close to the regime's leadership, establishing a corrupt economy that serves Assad and those close to him at the expense of the Syrian people.

B. Case Study of Al-Qaboun Neighborhood in Damascus City

1-The Demographic and Urban Reality Before the Conflict



Al-Qaboun Neighborhood is located 4 km northeast from the city center of the Syrian capital, Damascus. The neighborhood is considered a gateway to Damascus from Eastern Ghouta, and the Damascus-Homs road crosses through it. Before the outbreak of the revolution, Al-Qaboun's population was 80,000–100,000, more than half made up of newcomers who had settled there from the Damascus Countryside, Damascus, Lattakia, and Tartus in the preceding decades.

Due to the strategic location of the neighborhood, the regime has set up military barracks around it, most prominently the Special Forces Command, the Military Police Command, the Police College, fuel tanks, Branch 211 of Military Intelligence, and a branch of Air Intelligence.



2–The Most Prominent Changes in the Neighborhood During the Conflict

Al-Qaboun, along with neighboring Barzeh, was one of the first and most prominent centers of peaceful protest and movement against the Syrian regime; the first demonstration in Al-Qaboun was on March 25, 2011. As the regime cracked down on demonstrations and initiated campaigns of arrest and the targeting of activists, the people of Al-Qaboun suffered systematic persecution by security and intelligence services. These same services targeted peaceful demonstrations with live bullets and sniper fire, leading to a number of massacres in the neighborhood. With the transformation of the unrest in Syria from peaceful movement to armed conflict, Al-Qaboun became the center of heated confrontations between Syrian regime forces and Free Army factions. The Free Army gained control in mid-2012, but the strategic nature of Al-Qaboun as an entrance to the city of Damascus did not allow for its stability. The regime made continuous attempts to storm it and targeted it with shelling, which led to tremendous damage in the area.⁵²

The siege on Al-Qaboun also displaced most of its people. By 2014, its population had dwindled to only 3,617.⁵³

By 2014, Al-Qaboun and the nearby neighborhoods of Barzeh and Tishreen had reached a semi-official truce with Syrian regime forces, which included providing water and electricity to the neighborhoods in exchange for opposition forces allowing the regime to reach a strategic road connecting Barzeh and Tishreen Military Hospital. However, according to the people of Al-Qaboun, the reality was closer to a siege.

With the expansion of the regime's control over a number of villages and towns in Eastern Ghouta and eastern Aleppo at the end of 2016, the regime and its allies focused on the outskirts of Damascus in preparation for regaining full control over Eastern Ghouta.

During February 2017, the regime and its allies targeted the region with a barrage of rockets and heavy artillery fire on the locations of Jaish Al-Rahman and Jaish Al-Islam in Al-Qaboun and the surrounding areas. After that, negotiations began between the regime and opposition forces. Those negotiations failed, and the regime began a ground offensive on February 26, in which it seized the majority of the agricultural area between Al-Qaboun and Barzeh. Regime forces continued to advance, taking advantage of infighting among the opposition factions.

On May 7, the Syrian army ceased hostilities in Al-Qaboun after opposition forces agreed to surrender and begin negotiations to evacuate the area. On May 13, the Syrian regime announced that it had completely captured Al-Qaboun, with the announcement of a deal with the opposition forces to transfer 1,500–2,400 fighters and their family members from Al-Qaboun to northern Syria. Evacuations began the next day.⁵⁴

52) Video: Photos show for the first time the extent of destruction in Al-Qaboun neighborhood of Damascus, The Orient, October 14, 2015, <https://bit.ly/3t4D59w>.

53) Population Survey 2014, Syria Central Bureau of Statistics, PDF file, 2014, <https://bit.ly/3pgPjJA>.

54) A New Forced Displacement in the Center of the Capital, Damascus: The Departure of Residents and Fighters from Al-Qaboun Neighborhood, Syria Net, May 14, 2017, <https://bit.ly/39sxWQU>.

According to the estimates of some residents of the city - most of whom were displaced in northern Syria-only a fraction of its original residents remained in Al-Qaboun by the end of May 2017.

3-Aspects of the Real estate Development Plan in Al-Qaboun Neighborhood

According to a Human Rights Watch report,⁵⁵ based on an analysis of satellite imagery, the Syrian regime began large-scale demolitions in Al-Qaboun in late May 2017, immediately after taking control of the neighborhood. The organization's report also confirms that demolitions are ongoing—including the destruction of intact homes not damaged by previous bombing—using bulldozers and excavators, in addition to highly explosive materials. The photos in the report show the transformation of the neighborhood, starting from the Al-Ba'la area near the Air Force Intelligence branch, then the Hawarneh Bridge area, and a completely destroyed area devoid of any building or housing unit.⁵⁶

The report indicated that the regime is carrying out demolition operations without prior warning, without providing alternative housing, and without providing information about any compensation mechanisms for property owners and those who were forcibly evicted. The organization also stressed that the regime—despite the claims promoted to its allies in Moscow for the return of the displaced and refugees—has prevented displaced residents from Al-Qaboun and other neighborhoods that were under opposition control from accessing their properties in areas that were previously outside the regime's control.

In 2018, a few weeks after the passage of Law No. 10 in April, the Syrian regime announced that "Al-Qaboun will be subjected to the law."⁵⁷ The announcement provided no additional information on what the decision meant for the neighborhood and its residents, given that most of them were forcibly displaced, leaving it impossible for most to prove their property ownership within the conditions specified in the text of Law No. 10.

In September 2018, a member of the Executive Office of the Governorate of Damascus stated that "the governorate is preparing a new organizational plan for Al-Qaboun in accordance with Law 10, and that it has carried out a complete inventory of the houses in the neighborhood and will allow the owners of habitable houses to return to them within a short period of time, as the new plans are being prepared. The organized buildings in the neighborhood will not be covered by the new organization."⁵⁸

By the end of August 2019, the Governorate of Damascus announced⁵⁹ that it had contracted

55) Syria: Residents Blocked from Returning, Human Rights Watch, October 16, 2018, <https://bit.ly/3cleyqG>.

56) Ninar Khalifa, "After expanding the area of destruction, the organizational plan for Al-Qaboun does not care about the rights of the people", Enab Baladi, October 31, 2020, <https://bit.ly/3pvr4rn>.

57) "The First Fruits of Law No. 10: The regime puts its hand on Al-Qaboun", Zaman Al Wasl, May 27, 2018, <https://bit.ly/2Mzwd3a>.

58) Adel Ibrahim, "Al-Qaboun Neighborhood: Between the Hammer of Time and the Anvil of Investment", The Popular Will Party, September 30, 2018, <https://bit.ly/3hb8O38>.

59) "The regime begins to implement Law No. 10 on the ruins of the destroyed Damascus Al-Qaboun neighborhood", the Al-Durar al-Shamiya, August 25, 2019 <https://bit.ly/3pxtlm7>



with the General Company for Engineering Studies to prepare Al-Qaboun's Residential Plan, which would include several residential, commercial, and service towers, in addition to investment buildings, hospitals, schools, and several other service centers for the city. On February 26, 2020, Director of Urban Planning in Damascus Governorate Ibrahim Diab⁶⁰ stated that the Al-Qaboun residential plan, which includes an area of 215 hectares, will be completed before the middle of this year. He added that the peculiarity of the Old Al-Qaboun area and the previously licensed and regulated areas have been taken into account in the plans, which will convert both parts of the residential and industrial neighborhood of Al-Qaboun into a residential commercial service area (55% of the project is residential, 36% for investment projects, and more than 12% for educational projects) that includes residential towers, investment buildings, hospitals, and commercial centers.⁶¹

In July 2020, Damascus Governorate released pictures of the proposed organizational plan for Al-Qaboun, announcing that residents' real estate would be converted into shares, distributed according to their ownership, and that objectors should go to the Governorate within 20 days of the announcement, at which point the plan would be approved by the Governorate and referred to the Ministry of Public Works and Housing for endorsement and issuance of a regulatory decree for the two areas in accordance with the provisions of Law 23 of 2015. This coincided with a statement by Muammar Dakak, Director of Technical Studies in Damascus Governorate, that the people of Al-Qaboun would not receive alternative housing, as a result of organizing the two areas according to Legislative Decree No. 5 of 1982. Alternatively, they would receive regulatory shares, due to the large financial burden on Damascus Governorate and its inability to secure the necessary funding for the construction of alternative housing in Marota City⁶² (also known as Mezzeh Khalaf al-Razi), which is still faltering eight years after its announcement.⁶³

According to claims on social media, tens of thousands of citizens have submitted objections to the plan, but Ibrahim Diab stated that only 2,050 objections from Al-Qaboun residents would be studied, and then the plan would be referred to the Executive Office of the Governorate Council, which in turn raises it to the Ministry of Public Works and Housing for endorsement of the regulatory plan and issue the decree governing the organizational area in accordance with the provisions of Law 23 of 2015.⁶⁴

In spite of the successive decisions regarding the organization of the neighborhood, no step was taken on the ground, with the exception of demolitions and the removal of rubble. It is likely that these activities were also carried out in accordance with Law 3 of 2018.

60) The statement is posted on the Facebook page of the Syrian Council of Ministers Presidency.

61) "Damascus Governorate: Al-Qaboun Project will be completed before the middle of this year", Enab Baladi, February 26, 2020 <https://bit.ly/2M2nGpd>

62) "The Housing Establishment opens the door for subscription to alternative housing apartments in the Marota City and Basilia City", Athr Press, September 28, 2020 <https://bit.ly/3cnQ9AX>

63) Ninar Khalifa, "After expanding the area of destruction, the organizational plan for Al-Qaboun does not care about the rights of the people," Enab Baladi, October 31, 2020, <https://bit.ly/3pvr4rn>

64) "Modification or Cancellation, an official to Al-Khabar TV: The Yarmouk and Al-Qaboun plans are under study", Al-Khabar TV, August 28, 2020 <https://bit.ly/3t7Tk5J>

A comparison of satellite imagery between 2017 and 2019 shows that demolition areas in Al-Qaboun are more extensive than their counterparts in Al-Haidariya. The following photos of the area adjacent to the Damascus-Homs highway show that most of the neighborhood's buildings that existed before the opposition left were leveled with the ground after the regime took control.



Image 5: An aerial photo of the southwestern part of Al-Qaboun Neighborhood, taken March 12, 2017. Source: Google Earth.



Image 6: An aerial photo of the southwestern part of Al-Qaboun Neighborhood, taken on October 31, 2019. Source: Google Earth.



In recent years, demolition operations and the removal of rubble have become a field for economic investment by businessmen close to the regime, recycling and converting the waste of destroyed buildings into construction materials. Among the most important names associated with Al-Qaboun is Muhammad Hamsho, a businessman close to Maher Al-Assad.⁶⁵ Hamsho, along with Samer Al-Fouz, is considered one of the biggest beneficiaries of the neighborhood's organizational plan issuance.

According to sources in the city of Damascus, both Hamsho and Al-Fouz are exploiting the harsh living conditions of the neighborhood residents and their fear of security prosecution, to force them to sell their lands and properties at a discount, in addition to seizing some properties in the absence of their owners. This is done with the condoning and complicity of the regime's security services, officers in the Republican Guard, and in cooperation with the popular committees' militias.⁶⁶

This complicity has been evident since the regime regained control of the neighborhood. The security agencies and militia leaders re-zoned Al-Qaboun to a "military zone," under the pretext that it is a mine-infested area, and used intimidation to prevent residents from entering the neighborhood except with security clearances. In this case, entry is limited to Thursdays and Fridays, on foot (no vehicles), with the requirement that those entering Al-Qaboun leave their IDs at the entrance checkpoints.

The few families who did not leave the neighborhood and still live in Saha Al-Qahwa or Abniyat Ugarit suffer from restricted movement, and are often prevented from leaving without reason. They are also suffering from abuse by militias and security forces, whose aim is intimidation and forcing residents to leave and sell their property at low prices.

The current stalemate in the real estate organization operations can be considered a direct result of the intense economic crisis afflicting the Syrian regime, whose impact was doubled by the implementation of the Caesar Act by the United States, U.S. sanctions on the Iranian regime, and Moscow's failure to persuade international supporters to finance reconstruction operations in exchange for guaranteeing the return of Syrian refugees. Also, the spread of COVID-19 and the inability of the health sector in Syria to respond appropriately have also led to the freezing of any operations related to organizational plans.

This stagnation has recently been reflected in a laxity of security authorities with the people of the neighborhood. Recent reports from Damascus indicate that some of Al-Qaboun's people who reside in Damascus proper have begun to return to their homes—after obtaining permits allowing them to return, as they can no longer afford high rents in the Syrian capital in light of the current economic crisis. Residents have also been allowed to enter the neighborhood in their cars.

65) Haba'a Shihada, "Mohammed Hamsho, "Corruption" with Multiple Entities and One Head", Enab Baladi, August 25, 2019 <https://bit.ly/3puDccc>

66) Ninar Khalifa, "After expanding the area of destruction, the organizational plan for Al-Qaboun does not care about the rights of the people," Enab Baladi, October 31, 2020, <https://bit.ly/3pvr4rn>

4-A Summary of Al-Qaboun's Case Study

Despite the difference in the organizational frameworks, the intersection between the cases of Al-Haidariya and Al-Qaboun is evident in the absence of the majority of the residents of these two areas, the inability or impossibility of their return, and the inability or impossibility of proving their ownership, due to security or logistical reasons or the lack of necessary supporting documents. This reinforces the hypothesis that the regime's goal in proposing or planning reconstruction projects in these areas is nothing but a cover for the processes of dispossession, collective punishment, and a framework to facilitate a change of demographics in strategic areas for the benefit of the regime and its allies. In short, preventing the return of displaced persons and refugees to their home areas.

The appeals mechanisms included in the announcement of organizational plans are nothing but a flimsy framework for conferring legitimacy on these projects, as most real estate owners cannot file appeals. Most of the residents are displaced; in some cases, entire families have migrated and there are no relatives left in the area to be legally appointed to follow up on these issues.

The biggest challenge facing the people of these areas, whether they are inside or outside regime-controlled areas, is to prove ownership. There are no ownership documents available equating to a title deed registered with the real estate registry, especially in informal settlements, and the property owners are absent. This facilitates manipulation and falsification of court verdict documents in favor of pro-regime influential figures, with the support of its security and military services, to control and invest in the real estate. Here it must be noted that the issue will become more complicated over time when the heirs of these properties try to prove their ownership.

Additionally, there is a marked lack of transparency surrounding the announcement of organizational plans, their details, and legal aspects, especially with regard to compensation and shares in the areas subject to these plans. The value of the shares is not clear, and real estate owners are not given guarantees that they will return to live in the same neighborhood or be allowed to buy the same property. There is also uncertainty and ambiguity regarding the implementation timeline of the plans.

We can clearly see the regime's disorganization and inability to follow up and complete these projects. The focus has been only on issuing plans, demolishing real estate, and consolidating unfair regulatory laws without any future vision beyond excluding the original neighborhood residents and robbing them of their properties while providing generous gains for those close to the regime and its allies.



Conclusions and Recommendations

- There are two distinct flaws in the legislative environment that is supposed to frame the processes of reconstruction and organization of urban areas in Syria:
 - Multiple and overlapping real estate laws. The legal effects of each of these laws overlap and create spaces of ambiguity that are difficult even for specialists to deal with. In this paper, we reviewed four laws related to real estate regulation and development, each of which includes a different course of procedures and involved parties, in terms of planning, implementation, nature of rights, methods of compensation and others. Each of these four laws has many problematic clauses and prejudice to property rights, but their combined existence represents the biggest problem, as it gives the regime's institutions the freedom to implement measures that best serve its interests in each region. State institutions would grant alternative housing to some regions while depriving others, and grant housing rights to some areas and not others.
 - A general disregard in real estate laws for the decades-long problematic reality of real estate in Syria and the significant changes that occurred during the years of the conflict regarding urban structures and the populations in most Syrian cities. New laws are legislated and adopted as if the country is stable; they require residents of destroyed areas—the majority of whom live outside Syria or in Syrian areas outside the regime's control—to appear before the regime's institutions and conduct ownership verification procedures. This blatant disregard of very solid facts and the application of legislation enacted for the pre-conflict reality are nothing but a cover for property abuse, and it is not difficult to interpret this as an approved policy. In the long run, there must be radical reform in the environment of Syrian real estate legislation, to ensure the regulation of what is now legal chaos and the adoption of more consistent and fair laws. Although lasting reform is a laborious process that will require special political arrangements, and years of experts' and specialists' work to accomplish it, the process should start now. In the short term—and at a time when the regime is issuing plans and launching new projects under these problematic laws at a breakneck pace, soon after which they falter—it is necessary to demand a halt of the implementation of these laws, and exert pressure at the international level to limit the regime's ability to expropriate the property of Syrian citizens. Laws more sensitive to property should alternatively be proposed.
- The apparent overlapping and ambiguous spaces in these laws are most entrenched at the executive and governmental institution levels involved in real estate affairs. The roles of local institutions overlap with central institutions; there are conflicting statements by government officials about the areas approved for development. All of which reflects a state of confusion among the institutions themselves. Widespread corruption in these institutions and the interference and patronage of the security services constitute additional factors demonstrating these institutions as fronts and executive arms that serve the agendas of the authoritarian regime above all else. Administrative reform here will be related to legislative reform and require political foundations, but for the foreseeable future it may be useful to have a specialized, impartial, and official mechanism or body whose mission is to search for

ways to establish the ownership of properties by population outside and inside the country and to deal with problematic cases of ownership.

● Regarding the implementation frameworks closer to the field of work and rights-holders—such as committees concerned with assessing damages and establishing rights, or field work teams in the areas of real estate reorganization and development—there appears to be a large degree of improvisation and inconsistency in the application of legal texts. For example, the remaining residents of the Al-Haidariya neighborhood in Aleppo were evicted without provision for alternative housing, in violation of Law No. 15 of 2008, specifically adopted in this case. The same applies to Al-Qaboun. While demolitions continue and new studies and plans are issued, and at the same time residents are prevented from returning, contradictory statements are issued about the nature of the legal text by which the neighborhood is being reorganized. Whereas the fate of hundreds of regime-reclaimed neighborhoods and areas are more ambiguous than the two neighborhoods in this study, all these measures suggest that the priority is for military and security forces to maintain control. They decide where to demolish and where or when residents can return. Without intervention, the next step will be to legalize all these practices with institutional legislation.

● In this complex scene, there is a clear absence of the judiciary's role in resolving property disputes. This is expected in light of the lack of independence and the corruption afflicting the Syrian judiciary. Consequently, the Syrian people do not have confidence in their judiciary. However, a more impartial and independent judiciary could play a pivotal role in dealing with problems of ownership proof in its many forms in Syria, especially since it was the judiciary who previously played a fundamental role in the improvisation of quasi-legal forms of property rights in informal settlements for decades before the outbreak of the Syrian conflict. The judiciary has the capability to resolve real estate issues, but not before undergoing a wide reform process.

● Looking at any of the aforementioned legislative, administrative, and executive problems leads us to the single great complex problem: the form of government in the country. If this central issue is not addressed, it becomes useless to deal with any of the other problems. There will be no just and responsive legislation without an independent legislative authority. There will be no development of the urban infrastructure without independent local authorities. State institutions will not be rid of corruption and inefficiency unless they clear their own halls of domination and interference by the security services and their patronage. Correcting the existing system of real estate development requires creative legislative, developmental, and engineering efforts in the aftermath of a war that followed decades of real estate chaos; but none of these efforts will be fruitful unless the politicization of the real estate issue and its use as a weapon in the conflict comes to an end.

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Syrian Regime Institutions for Real Estate Development and how they Operate

Analysis of the Regime's Approach to Real Estate Development in the Post-Conflict Period