



Impact of Early Recovery and Reconstruction Projects on HLP Rights in Syria



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Impact of Early Recovery and Reconstruction Projects on HLP Rights in Syria



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The Day After Association (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.

Research Team:

The main researcher: Zaki Mehchy

The researcher assistant: Mohamad Alsatouf

The Day After Team:

HLP Program manager: Ahmad Taha

The Director of programs: Anwar Majanni

Excutive managre: Mutasem Syoufi

Design:

Adeeb Alhariry

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Introduction

Settling HLP rights issues post-conflict requires significant efforts and different approaches specific to each country, whilst protecting these rights whichever the approach. The current context in Syria means HLP issues are faced with factors that complicate them, including the ongoing conflict; despite a decrease in security and military tensions, the absence of a just settlement and the behaviour of parties to the conflict, especially the Syrian regime which behaves as if it were the “victor” with the right to impose its agenda on the future of the country, including HLP rights violations that serves its interests. The many changes in the Syrian conflict have imposed new related research requirements. Return of security control by the regime and its allies over large areas of Syria, the rehabilitation of and normalizing relations with this regime by many countries, and exploitation of the disastrous February earthquake, has given greater impetus to early recovery activities and pushed for a transition towards “reconstruction and economic stability” under the regime’s wing. Therefore, the importance of this research is in shedding light on the impact of early recovery and reconstruction processes on HLP rights within the current contexts of power dynamics in Syria.

The report analyses this impact by adopting a procedural definition of the concepts of early recovery and reconstruction, and by determining the types of activities this includes based on relevant literature. The report preparation team conducted a study of each of these types under the current situation, as well as the general context, influential actors, and the impact they have on HLP rights, based on available secondary data from researched topics and the results of semi-structured online interviews with nine key individuals (experts) from all areas of control in Syria, distributed as follows: 4 from regime-controlled areas, 3 from northern and northwestern regions, and 2 from northeastern regions. We also benefited from informal interviews with two employees of UN organizations working in Damascus, in addition to relevant studies previously conducted and currently being conducted by The Day After Association. The study covers all Syrian regions, with a focus on the regime’s areas of control, which cover the largest area geographically and the highest in population. The regime’s control over the Syrian state’s legislative and executive agencies

and its rehabilitation internationally have increased its control over the outcomes of early recovery projects in a way that serves its interest, including the impact of these projects on HLP rights.

The first section of the report defines the conceptual framework of the study based on relevant literature, and the second section briefly addresses HLP rights in the Syrian context from the socio-economic and legal aspects. The third section includes an analysis of each of the seven types identified in the conceptual framework as early recovery and reconstruction activities, with a focus on their impact on HLP rights. The report concludes with a brief description of the most important findings of the study and some practical recommendations to overcome them.

I: Conceptual Framework of the Study

Most of the literature indicates the need to include HLP rights as a primary focus in emergency humanitarian response and early recovery operations during or after disasters and conflicts; neglecting these rights reduces the effectiveness of intervention efforts and excludes marginalized and most affected groups (IOM, 2018). Therefore, it is important to know the extent to which these rights are to be included in early recovery and reconstruction projects in Syria after a conflict that has continued since 2011, in addition to understanding the impact of these projects on HLP rights. This requires developing a procedural definition of the concept of early recovery and reconstruction, and determining the types of projects that fall under this definition, and then knowing the nature of the work to take place under each of these projects, identifying actors responsible for the work and its impact on HLP rights.

The concept of early recovery is considered a relatively new one in discussions of development issues regarding countries suffering from crises and disasters. There are many definitions proposed for this concept that differ greatly in terms of content and time (Baily et. al, 2009). The UNDP is considered one of the most prominent promoters of the concept of early recovery, leading a group called the Global Early Recovery Cluster which includes 31 international institutions and organizations working in the fields of development and humanitarian support. This group defines early recovery as an approach that seeks to provide emergency humanitarian aid, building on this to support local development initiatives, ensuring a long-term recovery process and ensuring the application of development principles such as inclusion and local participation.^[1] On the other hand, many researchers consider the definition of early recovery ambiguous, including that adopted by the UNDP, as it sometimes refers to dealing with needs resulting directly from a natural disaster, and at other times to development support to local communities during and after long-term

[1] Introduction to the Global Early Recovery Cluster -
Link: <https://www.undp.org/geneva/global-cluster-early-recovery-gcer>

armed conflict (Chandran et al, 2008). Accordingly, there is a need for a comprehensive definition of early recovery which goes beyond emergency humanitarian needs to include all necessary efforts to improve living conditions, provide services, facilitate access to markets, ensure stability, and build peace (Ibid.).

The research is based on the broader definition of early recovery in Syria: that it includes all humanitarian and development efforts made by local and international bodies to improve economic and social conditions in various parts of the country, in addition to efforts made to develop the effectiveness of the work of institutions involved in improving these conditions. The research also links activities directly related to reconstruction and early recovery, including rehabilitation and reconstruction of infrastructure and residential, commercial, and industrial buildings in Syria. The research focuses on understanding the impact of early recovery and reconstruction projects in Syria on housing rights and home and land ownership, as they are the most obvious forms of damage in the Syrian context.

As such, the research has identified seven types of projects under the procedural definition of early recovery and reconstruction in Syria, based on the nature of projects funded by international bodies and implemented for the benefit of Syrians,^[2] and this definition helps to avoid generalization and clarifies the extent to which HLP rights are included in each of these projects and their effects. Types of projects include the following: infrastructure rehabilitation projects, rebuilding and restoring damaged residential buildings, building new residential complexes. These three types focus on activities directly related to reconstruction; while the remaining four types are more related to the limited concept of early recovery, and include projects that support health services, educational services, private work and create job opportunities, and social cohesion.

[2] Link to financial follow-up services by the United Nations Office for the Coordination of Humanitarian Affairs regarding projects funded and implemented in Syria in 2022: <https://fts.unocha.org/countries/218/flows/2022>

Infrastructure rehabilitation projects are directly linked to rights to adequate housing,^[3] as the right to housing is not limited only to the presence of a home, but includes the availability of basic services and appropriate housing infrastructure. Accordingly, the rights to adequate housing are incomplete without the availability of these services, and it is the authorities' duty to provide them for all without discrimination (NRC and IFRC, 2016). On the other hand, infrastructure rehabilitation may be accompanied by acquisition of land and property by the ruling authorities, and this acquisition often has a negative impact on the housing and land rights of local communities (UN, 2015).

Projects to rebuild and restore damaged residential buildings pose major challenges, such as financing, human capital, setting priorities, and the role of governing authorities, in addition to the legal challenge of protecting ownership of the homes being restored, especially after long periods of conflict; the literature indicates that many homes are deprived of rehabilitation and restoration due to the owners' inability to prove ownership as identification papers have been lost and transfer of ownership during the conflict happened without records, or homes that are rehabilitated are inhabited by non-owners as a result of prolonged displacement and the confiscation of property that usually occurs during conflicts extending for years, thereby giving "housing" rights to those who have no right to it (Barakat, 2003). Projects for rebuilding and restoring damaged buildings also raise the problem of dealing with rubble resulting from destruction during the conflict, including legal responsibility for removing the rubble, who owns the rubble, and what priorities are in this process in terms of affected areas.

[3] In successive constitutions or laws, the right to housing was not given as much importance as the right to property, nor was the right to housing specified, nor even the right to obtain adequate housing. Rather, the laws mentioned a few exceptional cases of protecting the right to housing, such as Article 302 of civil court procedures, which do not permit executive seizure of a house that does not exceed the debtor's need. If it exceeds the need, it can be confiscated and sold, and then a house can be purchased for the debtor that suits his condition, provided debts are paid from the price in excess of that.

Building new residential communities during or after long periods of conflict comes with many challenges to housing and land rights, the most important of which is ownership of the lands on which these communities are to be built, how they are selected, the extent to which environmental sustainability and the availability of appropriate infrastructure are taken into account during the selection process, as well as financing difficulties, securing building materials, and long periods of time required to build these communities (Ibid.).

Following construction, challenges appear in terms of the right to own housing, who has priority in ownership, which is the authority that determines this priority, the standards adopted for distributing new housing to families in need and the impact of this on social cohesion amongst those families as well as between them and local families of the region.

Providing health services, including restoration and rehabilitation of health units damaged as a result of the conflict, is considered one of the most important early recovery projects supported by international organizations; there are two connections between such projects and housing rights. The first is in the definition of the right to adequate housing and to a healthy environment within the dwelling, including adequate space, ventilation, and safe building materials; the literature indicates a direct link between poor housing conditions and health problems in families, especially respiratory diseases and problems related to mental health, Krieger and Higgins (2002). The second is the indirect effect from the residential areas in which these services are provided: if services are provided to families who have seized the properties of others, it gives them an additional incentive to continue seizing other people's homes regardless of who legally owns them. Of course, this "incentive" cannot be obstructed, as the right to obtain appropriate health services must be guaranteed to everyone without exception.

In addition to health, education is an essential part of the human capital necessary to achieve the desired recovery. There are two types of educational services provided within the framework of early recovery, linked directly or indirectly to HLP rights: the first is

school and university education, where the literature indicates a clear link between preserving the right to adequate housing and educational attainment for school-age children (OHCHR and UN-Habitat, 2009). Additionally, the provision of educational services to families residing in homes where they are not the owners encourages these families to settle in these homes and continue to violate HLP rights of others. However, as in the case of health services, the right to obtain education must be available to everyone without exception. The second type is increasing people's awareness of HLP rights through specialized courses. The quantity and quality of these courses - if available - can indicate the level of interest from international organizations, local authorities, and relevant actors in ensuring HLP rights.

Many international organizations fund projects to provide employment and income opportunities for communities affected by long-term crises and conflicts. Although there is no direct relationship between these projects and HLP rights, generating employment opportunities can contribute to increasing families' incomes and thus stabilizing and empowering them, which may reflect negatively on housing rights if these families are residing in homes belonging to somebody else. The nature of private projects and training courses funded by international organizations also has an indirect impact on housing rights: funding projects and vocational courses relating to the rehabilitation of damaged housing can help lower the prices of such services and be an advantage for homeowners. However, this may also contribute to settling families violating someone else's property.

Crises and conflicts severely impact social cohesion and social capital, as well as the trust among communities, both the displaced and locals, and between governing institutions (Fiedler and Rohles, 2021). The literature indicates that early recovery and reconstruction projects that do not take into account the preservation of HLP rights; the deterioration in social capital resulting from disasters has become deeply rooted, and these projects must go beyond construction to strengthen social relations and social solidarity within and between local communities. In general, the form of governance of early recovery and

reconstruction projects and the extent of their commitment to HLP rights greatly affects social cohesion and community trust (Haigh et al, 2016).

Within this conceptual framework of seven types of early recovery and reconstruction projects, the research examines the impact of these projects on HLP rights in Syria, including understanding the power dynamics that control the governance of these projects. The study considers the impact of the Syrian context on HLP rights from two viewpoints: the first relates to the consequences of armed conflict and violation of rights that usually accompanies it, including seizure of property, then legalizing, and changing official records accordingly (Unrah, 2022). The second is linked to the economics of authoritarian regimes, such as the Syrian regime, which always employ all available resources, including housing and land, to serve its interests of self-preservation.

II: Housing, Land and Property Rights in the Syrian Context

Since Independence, HLP rights in Syria have faced many challenges that increased under unification with Egypt and subsequent periods of large-scale nationalization and agricultural reform, according to the ideology of the ruling authorities rather than being an individual's protected right. After Hafez al-Assad assumed power in 1970, these rights turned into a bargaining chip with society and part of the regime's political economy. An example of this is the problem of slums which spread widely in the 70s and 80s for many reasons, including migration from the countryside to the city as a result of poor planning and the centralization of basic services in major cities. The regime and its executive branches overlooked this phenomenon. Moreover, a decision was taken during a meeting of the Central Committee of the Al-Baath Party in 1982 to provide basic services to irregular housing areas (TDA, 2020). This reflects the desire of the regime at that time to expand its popular legitimacy, especially among families living in slums at a time when he was faced with security and political unrest threatening his ability to remain in power.

In addition to using HLP rights for irregular housing dwellers as a bargaining chip with the community, the regime threatened to withdraw housing rights from those who might pose a threat, by continuing to impose emergency law and Article 4 which allows martial law rulers to issue the order to seize any property, whether regular or irregular, and refer violators of these orders to military courts.^[4] In other words: Under Hafez al-Assad, HLP rights became a bargaining chip and a way to control power dynamics on the ground in a way that served his ability to remain in power.

The situation continued like this with Bashar al-Assad assuming power in Syria in 2000, and rights were considered a grant from the ruler, granted to or withheld from whomever he wished. However, this period also brought the regime's adoption of policies of economic liberalization that favoured its cronies and the wealthy; accordingly, many laws were issued allowing them to invest the state's lands and resources. An example of this is Local Admin-

[4] Link to the text of emergency law on the website of the Syrian Human Rights Committee:
<https://www.shrc.org/?p=7450>

istration Law no.107 of 2011 ^[5] which opened the way for the private sector to acquire state lands and resources under the pretext of investing in them. The Public-Private Partnership Law no.5 of 2016 also allowed administrative authorities to act freely in selecting private companies they deem appropriate to invest in services and public projects.^[6]

With the outbreak of protests demanding justice, equality, and freedom in March 2011, the regime's repressive apparatus took over and with-it institutionalized violations of HLP rights. Most of the de facto forces that emerged during the conflict adopted an approach similar to the regime's in treating these rights as a source of influence, not as an individual's protected right.

This section briefly reviews socio-economic and legal changes that have affected HLP rights during the ongoing conflict since 2011 in Syria.

1. Socio-Economic Changes

The demographic changes that resulted from the conflict in Syria are considered one of the most important factors that directly or indirectly affected HLP rights, as estimates indicate that the total number of Syrians at home and abroad in 2020 reached about 28.7 million, 52% of whom left their original place of residence to become displaced (TDA, 2022); in many cases, entire families left, whether to escape security threats, destruction of homes, or lack of any economic opportunities for breadwinners. Additionally, de facto forces, especially the Syrian regime, used violence and intimidation to force families to leave their homes, as happened to families forced to leave their homes in Homs and Ghouta to Idlib and the northern regions (Ibid.).

[5] Article 33, paragraph 3, of Law 107 states: The Provincial Council shall establish the foundations for investing local resources (...). Paragraph 8 of the same article also stipulates that the Provincial Council shall establish the foundations for disposing of the governorate's private movable and immovable funds for sale, rent, and investment, following legal procedures regarding the disposition of public funds. Article 61 of Law 107 gave powers to local councils, as paragraph 6 of Article 61 states: "Local councils may invest in local resources not invested in by other public bodies," as well as dispose of the governorate's movable and immovable funds. Link to Law No. 107 of 2011 on the website of the Syrian Ministry of Local Administration: <https://bit.ly/46G9yqr>

[6] Link to Law No. 5 of 2016:

<http://www.pministry.gov.sy/contents/12539/القانون-رقم-5-لعام-2016-حول-التشاركية-بين-القطاعين-العام-والخاص>

The destruction of residential homes due to military operations is one of the key factors that affected and will continue to affect the housing rights of thousands of families. The violent bombing of residential areas no longer under its control was a basic tool used by the Syrian regime in particular to bring these areas back under its control. Estimates indicate that military operations in Syria led to the partial or total destruction of about a third of residential homes in Syria (World Bank, 2017), and most families lost their right to return even to the ruins of their homes, which the ruling authorities dispose of in a way that serves their interests.

Displacement in Syria has greatly affected the right to adequate housing, as a portion of displaced people, numbering a total of 6.7 million in 2020 (TDA, 2022), settled in the homes of relatives and acquaintances, leading to an increase in the density of residential homes and negatively impacting housing conditions. Another portion was forced to rent alternative residences, but, due to the deterioration of the economic situation and inability of the majority to pay high rents, most tenants went to small unsuitable houses, and with time and depleting savings, many displaced families were no longer able to pay rent even for inappropriate housing; this was accompanied with a considerable deterioration in exchange rates since 2019 and rise in prices of goods and services, including rents, with prices rising around 61 times at the end of 2021 compared to those in 2010, accompanied by the absence of decent job opportunities and the deterioration of income levels (Ibid.).

Many Syrian families losing their homes is not only considered a loss in the present of their right to adequate housing, but also a loss in their future ability to compensate for this housing, as real estate in Syria is not only for housing, for most families it is a traditional means of saving and a safe investment. Accordingly, families who lost their homes also lost the accumulation and investment of their income, which took many years of work and saving. Since housing is considered an essential part of the savings of many Syrian families, losing it is a loss of these savings, diminishing the ability of these families to obtain adequate housing in the future, especially with the absence

of job opportunities, continued deterioration of economic and living conditions, and depletion of cash savings.

The conflict also led to the destruction and plunder of means of production, including factories and agricultural lands. Additionally, there have been many cases of the seizure of such properties by various de facto forces, becoming systematic in areas under the regime's control. As an example, after the regime regained control over parts of Idlib and Hama governorates, it offered agricultural lands up for investment in public auctions, while their owners had fled to the northern regions for fear of arrest by the regime.^[7] There has also been an increase in cases of blackmail against factory owners by the regime to pay large sums of money to the state treasury or have their property confiscated under the pretext of evading taxes, which in many cases has forced them to flee and the regime's institutions have taken control of their means of production.^[8] In addition to the fact that these examples constitute a systematic violation of property rights, they also increase uncertainty and mistrust in the business environment, which negatively impacts the current and future economic situation.

Among the socio-economic changes related to HLP rights is the expansion of the economic dominance of external powers, including their increased ownership of land, especially public property lands. This is part of the political economy of de facto powers, specifically the Syrian regime, which controls state institutions. The regime receives political, military, and economic support from its allies Russia and Iran, and abandons any ability to negotiate concessions these countries aspire to within Syria, including privileges related to HLP rights. An example of this is Russia's investment in phosphate fields and the port of Tartous for extended periods in a manner that resembles ownership (Mehchy et al., 2020). Iran, through its intermediaries and facilitated by the regime's agencies, also exploits destroyed buildings or a presence in "security" areas and the absence of owners, to buy these properties at low prices or confiscate them.^[9]

[7] Journalistic investigation on Al Jazeera website about the Syrian regime's confiscation of agricultural lands: <https://bit.ly/43c3EKM>

[8] Article in Al-Jumhuriya about financial extortion in Syria: <https://bit.ly/3pCIIPr>

[9] Journalistic investigation in the Middle East about Iran's ownership of real estate in Syria: <https://bit.ly/3O3EbyU>

2. Legal Changes

The problem of the legal framework for HLP rights worsened shortly after protests broke out in Syria in 2011, and repercussions of the continuing conflict in Syria. With de facto powers using these rights as a source of influence to achieve their interests, especially the Syrian regime, they proceeded to legitimize the assault on property by issuing a number of laws and legislative decrees related to urban planning, in addition to many decisions issued by executive authorities restricting property rights.

Among the most prominent of these laws is Legislative Decree no.66 of 2012, on the establishment of two regulatory regions within Damascus Governorate, and its amendments by Decree no.10 of 2018, also amended by Law no.42 of 2018, which expanded the scope of Decree no.66 to include the whole of Syria. These laws allow the authorities to designate specific areas for redevelopment as per the government's vision, freely appropriate property for the benefit of the administrative unit, confiscate properties belonging to displaced people, and deprive irregular housing owners of compensation for their homes, all of which make it harder for displaced people to return to their homes (TDA, 2019).

Law no.23 issued in 2015, regarding implementation of urban planning, also gave authorities the right to freely expropriate private property under the pretext of regulation, granting administrative units the right to freely appropriate private property located in irregular areas as well as existing irregular areas falling within approved regulatory plans.^[10]

Decrees 12 of 2016 and 33 of 2017 pertain to the work of the land registry. The first regulates digitizing the land registry and allows objections to the process within a period of only four months. The second regulates reconstructing lost or damaged property documents in affected areas. This raised concerns among Syrians about the fate of their properties, especially regarding the displaced and forcibly disappeared, detainees and missing persons. Similarly, Law no.3 of 2018 gave the local governor the authority to determine which

[10] Article No. 4 of Law No. 23 of 2015 regarding implementation of urban planning, website of the Presidency of the Council of Ministers, date of publication 12/8/2015, link to the law: <https://2u.pw/3bpMSr>

damaged districts and buildings must be removed, and the authority to remove buildings about to collapse, while the property owner was only given one month to prove ownership and no right to appeal the governor's decision. ^[11]

The laws and decrees did not cover only buildings, but also affected lands and properties, such as the Agricultural Land Reclamation Law issued by Legislative Decree no.29 of 2012, which gave powers to the Ministers of Irrigation and Agriculture to declare public benefit in reclaiming certain lands, and does not require that landowners agree to such a decision; they were not given the right to object and they were prevented from disposing of their lands and transferring ownership. ^[12]

The regime issued criminal legislation by which to punish its opponents under the pretext of terrorism, by passing the Anti-Terrorism Law no.19 of 2012 and Law 22 of 2012 establishing the Terrorism Court. These two laws permit freezing and confiscating all movable and immovable funds of anyone accused before the court, leaving the door wide open for security services to confiscate properties of those fleeing the conflict and security prosecutions. ^[13] Law no.39 of 2019, amending Military Service Law, gave authorities the power to seize movable and immovable assets of conscripts who refuse to pay exemption fees for skipping service. This means confiscating the taxpayer's property for the benefit of the state, or selling them at public auction. ^[14]

[11] Article 2 of Law No. 3, 2018: "Regarding removal of rubble from buildings damaged as a result of natural or unnatural causes, or because they are subject to laws requiring their demolition"; website of the Presidency of the Council of Ministers, date of publication 2/12/2018, link to the law: <https://2u.pw/iSP6pEq>.

[12] Article 2 of Legislative Decree No. 29 of 2012: "Reclamation of Agricultural Lands," People's Assembly website, publication date 4/26/2012, link to the law: <https://2u.pw/mnXhuuy>.

[13] According to Article 1 of Law 19: "Freezing funds is prohibition of the disposal, transfer, or changing form of movable and immovable funds for a specific period of time or for the duration of investigation and trial," and Article 12 of Law 19/2012 states: "In all crimes stipulated under this law, the court shall rule by conviction to confiscate movable and immovable property, their proceeds, and objects used or prepared for use in committing the crime," Law 19 of 2012, Anti-Terrorism Law, People's Assembly website, date of publication 7/2/2012.

Law link: <https://2u.pw/57eM1Wm>.

[14] Law No. 39 of 2019, "on the Amendment to Military Service Law issued by Legislative Decree No. 30 of 2007, and its amendments regarding service exemption fees," website of the Presidency of the Council of Ministers, date of publication 12/24/2019, link to the law: <https://2u.pw/NKxneAS>.

In addition to these laws and decrees, since 2012 the regime's government has issued many administrative rulings restricting HLP rights. Among the most prominent were rulings requiring prior security approval before permitting sales, inheritance, and transfer of ownership. Circular no.30 was issued by the Ministry of Justice in September 2021, requiring prior security approval for power of attorney in order to manage the funds of an absent or missing person,^[15] in addition to previous rulings requiring security approval, restricting displaced peoples and even families of missing persons in their ability to dispose of their own or their relatives' funds, whether in sales or investments.

In northwestern regions of Syria, controlled by the Salvation Government affiliated with Tahrir al-Sham in Idlib and by the Syrian Interim Government, many violations have been committed affecting HLP rights, including, for example, forcing the original Kurdish residents to pay rent for houses they occupy, even if it is their own property. All new displaced people to the area were also required to pay rent for the homes they live in.^[16] Despite the work by international and local NGOs on a variety of projects relating to property rights and highlighting procedures in areas beyond the regime's control (TDA, 2020), the general situation in the regions of northern and northwestern Syria remains unregulated and chaotic, as there are no approved laws to control and regulate HLP rights.^[17]

In areas under the control of the Autonomous Administration of North and East Syria (AANES) in northeastern Syria, many HLP violations were committed, the most prominent of which was under Resolution no.6 in 2021 which prevented affiliated courts from considering any real estate lawsuit relating to original rights to Amiri land lying outside regulatory plans, and prevented adjudication of lawsuits relating to original ownership rights, and dismissed all lawsuits relating to those rights at any stage of the lawsuit, thereby

[15] Circular No. 30: "The necessity of obtaining required security approvals, as a required and prior condition for beginning the procedure of issuing powers of attorney for the absent or missing person, similar to other types of public and private representation," the official page of the Ministry of Justice, Facebook, date of publication 9/15/2021, link to the circular: <https://2u.pw/RE3TUHH>.

[16] Report from Syria Report: "Violations by residents of Sheikh Hadid district in Afrin and threats towards complainants," Housing, Land and Property Rights, publication date 1/25/2022, report link: <https://2u.pw/9pTVSmq>.

[17] Report from Syria Report: "The Salvation Government enters the sphere of property regulation!", Housing, Land and Property Rights, publication date 9/30/2020, report link: <https://2u.pw/V3sjYQb>.

obstructing people's access in northeastern Syria to their property rights and to securing their legal ownership documents.^[18] Law no.7 of 2020 for the Management of Absentees' Properties allows AANES bodies in northeastern Syria to seize properties of absentees in the region. In recent years, the Autonomous Administration in northeastern Syria has seized many absentee properties; if those absentees return and demand their properties, the occupying authorities offer to rent them their own properties, with no compensation for using these properties while owners were absent,^[19] as was confirmed by a journalist and activist from Al-Qamishli during an interview. It should be noted that this law has been temporarily suspended.

The earthquake disaster of 6 February 2023 exacerbated the problem of HLP rights, as it left widespread destruction in many areas, especially northwestern Syria, revealing how fragile the Syrian legislative system is and the lack of specialized laws and institutions that regulate early response and natural disaster management and handling of the devastating effects, which may continue for years. The regime also used the earthquake to cover up destruction caused by bombing in areas such as eastern Aleppo, as some Syrian officials have stated that many collapsed buildings in Aleppo had already been damaged in military actions in the region.^[20]

A brief analysis of economic, social and legal changes in Syria during the conflict affecting HLP rights, indicates that the causes of these violations are deeply rooted, especially in areas under regime control, as it has legitimized these violations by issuing relevant laws and decrees that reward its supporters and punish its opponents, thereby contributing to continuity of the power dynamics that protect its interests and increase its ability to remain in power. Therefore, during design and implementation, early recovery and reconstruction projects must take into account HLP rights and the causes behind related violations, so as not to contribute directly or indirectly to institutionalizing and normalizing these violations.

[18] Liz Moffa, Solen Mohamed Amin: With no real estate registry: Legal paralysis has afflicted northeastern Syria for two years," a report by Syria Direct, date of publication 1/30/2023, link to the report: <https://2u.pw/ibqXC7d>.

[19] Report by Syria Report: "AANES occupies the properties of absentees without compensation, or rents them by force," Department of Housing, Land and Property Rights, 2023, link: <https://2u.pw/vNQB5T2>

[20] Press report by Al-Nahar Al-Arabi on February 13, 2023, including an interview with the mayor of Aleppo, link: <https://bit.ly/3OHYHUC>

III: HLP rights in early recovery and reconstruction projects

By the end of 2018, the intensity of military operations in Syria decreased and lines of conflict became semi-permanent, with the regime controlling the largest part of Syrian territory (approximately 65%) covering governorates around the coast, central and southern Syria, parts of the eastern governorates, and Aleppo Governorate; together comprising the largest share of the population inside Syria. Meanwhile the Syrian Democratic Forces control 25% of Syria, covering large parts of Deir Ezzor Governorate, its eastern countryside, Raqqa, Al-Hasakah, and parts of Aleppo Governorate; areas where lie Syria's basic reserve of underground resources of oil and gas, and which are the primary source for wheat. Opposition and Tahrir al-Sham control is limited to about 10% of Syria, concentrated in Idlib, northern Aleppo, Tal Abyad, and Ras al-Ayn in the countryside of Raqqa and Hasakah.^[21]

Many international organizations and bodies are seeking to shift assistance to Syria from predominantly emergency humanitarian aid, such as food and health baskets, to expanding early recovery projects, including development projects and limited reconstruction and rehabilitation projects. The Syrian regime has pushed towards more early recovery and reconstruction projects on the condition that they are carried out through coordination with the Syrian state, whose institutions are all controlled by its security apparatuses. This can be due to a number of factors, the most important of which are the regime's deteriorating financial situation and inability to restore what was destroyed during the conflict without financial assistance from international organizations; because of the difficulty of obtaining direct international aid due to sanctions, the regime endeavours to open channels of communication with Western countries through early recovery projects and via international organizations, in an attempt to strengthen its popular legitimacy through early recovery projects that improve, albeit relatively, deteriorating public services, while also benefiting

[21] Report by Jusoor Centre for Studies: "Map of military control in Syria at the end of 2022 and beginning of 2023," Jusoor Centre for Studies website, January 2, 2023, link: <https://2u.pw/1qa9h6>.

from early recovery and reconstruction funds by diverting some of it to benefit its cronies and guarantee their loyalty and continued financial support, and using these projects to reshape economic structures and residential areas in a way that guarantees and protects its continued rule.

Accordingly, the regime and most de facto forces attach immense importance to controlling early recovery and reconstruction projects, causing most donors to be wary of providing this type of aid, and numbers indicate that humanitarian and food aid continues to be the largest form of aid provided to Syria. Food security projects constitute about 44% of the total aid budget allocated to Syria in 2022, while limited early recovery projects did not exceed 2% of this budget.^[22] However, deteriorating services and economic conditions for the majority of Syrians has prompted many organizations to seek increased aid for reconstruction and early recovery projects, while they endeavour, in earnest or not, to limit the regime's attempts to benefit from these projects. In theory, these endeavours often focus on adhering to sanctions imposed on the regime and ensuring sanctioned persons and entities cannot benefit from UN-funded projects. Meanwhile, areas no less important than financial benefit, including HLP rights, are neglected. Thus, the following sections offer a general analysis of the impact of early recovery and reconstruction projects on those rights, following the above-mentioned seven types.

1. Infrastructure Projects

The ongoing conflict in Syria has resulted in extensive destruction of basic infrastructure including electricity, water, sewage, roads, bridges, and irrigation networks, caused by hostilities, bombing, looting and theft, and the lack of financial resources necessary to restore damaged infrastructure (TDA, 2022). The absence of security and political stability and the deteriorating economy have prevented urgent repairs to infrastructure; instead, relying on scattered works that form a fraction of what is needed, and short-term alternatives for public services, such as private generators (amps) or low-quality unsustainable

[22] Link to the Financial Follow-up Service for aid projects in Syria:
<https://fts.unocha.org/countries/218/summary/2022>

individual solar installations for electricity. Despite limited infrastructure projects all over Syria to begin with, their current poor state and the alternatives currently in use, on top of the legal framework for rehabilitation of infrastructure, have a direct impact on HLP rights. This impact can be split into two: first, the impact on the right to adequate housing; and second, the existing and potential future impact of these implemented alternatives on property, on worn-out infrastructure, and on the rehabilitation and reconstruction of this infrastructure.

Regarding the impact on rights to adequate housing, many Syrian regions are facing a major collapse in infrastructure services, such as electricity, water, and roads, which has prompted residents of these regions to leave their homes and search for places to live where minimum services are available. As a civil society activist from Deir Ezzor pointed out, “the infrastructure has worsened over the past years, leading residents to leave their places of residence [in many areas of the eastern countryside of Deir Ezzor] to search for better living conditions”, and given the difficult economic conditions, most of these residents must resort to selling their property at low prices to cover the expenses of their search for better living conditions. This applies to much of the regime-controlled areas, as the collapsing infrastructure and absence of services have prevented many residents from returning to their homes, as well as authorities using this collapse as an excuse to prevent residents from returning to their homes because the area is not qualified for adequate housing. A media activist from Eastern Ghouta comments on this is by saying: “Many Eastern Ghouta residents were forced to sell their homes and possessions at cheap prices to buyers, some of whom were foreign fighters and investors close to the regime”.^[23] This has been repeated in a number of areas such as Yarmouk camp, the southern countryside of Homs, and Aleppo, where a local employee indicated that “the negative impact

[23] Law No. 11 of 2011 on foreign ownership in Syria stipulates that: “It is permitted to establish, modify or transfer ownership rights in the territory of the Syrian Arab Republic in the name of or for the benefit of a naturally or legally non-Syrian person.” Law 11 sets conditions for foreigners to own property, including that a single family must own one house for the purpose of residence. However, in February 2021, the People’s Assembly approved amendments to some articles of the Law on Non-Syrian Ownership Rights No.11 of 2011. Among the most prominent is the abolition of restricting ownership to the foreigner’s family. Any foreigner could now own only one property. The new amendments also abolished the requirement for a property to cover a specific area.

of delayed rehabilitation of infrastructure [in eastern Aleppo] was an additional factor that pushed most of the population to move to places where decent housing was available”; the problem is not only one of obtaining security approvals to return, but of families losing hope in appropriate infrastructure for their homes.

On the other hand, control by active forces on the ground over dynamics of infrastructure restoration has allowed them to benefit financially and in turn to benefit their cronies and allies; the above-mentioned employee in eastern Aleppo considers that “the private sector and war lords are the most prominent investors in energy and electricity projects [in Aleppo]. Corruption and nepotism dominate these projects.” The de facto forces’ control over restoration works has allowed them to focus on certain areas of importance to these forces, at the expense of others which may be more in need. As an example of this, a media activist from Homs countryside pointed out that “since the regime’s control of the northern and eastern Homs countryside, and until mid-2023, there has been limited progress in infrastructure and service projects, with preference given to areas where foreign militias loyal to the regime have taken up residence in the eastern countryside.” Likewise, areas controlled by the Syrian Democratic Forces have witnessed multiple projects to restore infrastructure, mainly concentrated in the cities of Al-Hasakah and Qamishli, where the popular base for these forces is concentrated, and to a lesser extent in Raqqa. Limited projects are implemented in Deir Ezzor eastern countryside with the support of American organizations. In the northern and northwestern regions of Syria, limited infrastructure restoration

projects have helped many displaced people to return to their homes. In general, and in the various areas of control in Syria, these projects, although limited, have contributed to encouraging displaced people and occupants of abandoned homes to remain in these homes, complicating the return of their original owners and threatening them with loss of their ownership rights.

In regime-controlled areas, especially in areas bombed and destroyed during the conflict, the potential impact on property is evident as a result of laws regulating rehabilitation and investment of public service provision. For example, Article 4 of Law no.23 of 2015 allows administrative units to freely appropriate up to 50% of the planning area and allocate it to provision of basic services,^[24] while Cooperative Law no.5 of 2016 and its executive orders allow administrative units to contract investors in the sector to restore or establish infrastructure.^[25] In the current political economic environment in Syria and the dominance of corruption and nepotism, these two laws have provided the appropriate legislative cover for transfer of land ownership from their original owners into long-term investments for the benefit of the regime's cronies, under the pretext of developing infrastructure and public services for regulated areas. The authorities also often set relatively short deadlines for land and property owners to provide proof of their ownership, almost impossible for displaced people due to security and logistical obstacles encountered in submitting these documents. On the other hand, the Syrian regime can use the Cooperative Law to secure long-term investment contracts for lands on which private electricity generators (amps) are used to benefit the generator owners who are close to the regime, under the pretext that they provide basic services to homes in the region.

2. Restoration and Rehabilitation of Residential Buildings

During the ongoing conflict in Syria, residential buildings, especially in areas that witnessed violent hostilities, suffered massive destruction that forced their residents to leave. Data indicate that, as of 2022, the number of destroyed or severely damaged homes has reached about 328,000 in addition to about 1,000,000 partially damaged homes (UN-Habitat, 2022). The February 2023 earthquake exacerbated the problem, leading to the collapse of 1,700 buildings and damaging 8,500 in northwestern Syria alone,^[26] considering that many of the buildings that were already damaged in bombings quickly collapsed in

[24] Law 23 of 2015,

link: <http://www.pministry.gov.sy/contents/12504/الخاص-بتنفيذ-التخطيط-وعمران-المدن-2015-لعام-23-رقم-القانون>

[25] Link to Law No.5 of 2016:

<http://www.pministry.gov.sy/contents/12539/القانون-رقم-5-لعام-2016-حول-التشاركية-بين-القطاعين-العام-والخاص>

[26] Situation report in Syria after the earthquake, issued by the World Health Organization -

link: <https://www.emro.who.int/images/stories/syria/whole-of-syria-sit-rep-20-26-february-2023.pdf?ua=1>

the earthquake, especially in eastern areas of Aleppo. Despite the relative calm in military operations since 2019, most areas in Syria have not witnessed organized and large-scale rehabilitation and restoration of damaged homes, for several reasons, including security obstacles imposed by de facto authorities preventing families from returning to their homes, and military tensions at points of contact between warring forces, landmines still present in a number of areas such as Homs eastern countryside, poor financial resources, collapse of the economic situation, and a huge rise in prices which has hindered any large-scale or individual efforts to rehabilitate buildings and houses, in addition to complications in proving ownership and obtaining approvals from local authorities to begin any restoration work, and as a result, these works have remained limited.

Rehabilitation and restoration of residential buildings has taken various forms in all the Syrian regions, ranging from individual efforts to institutional projects. Accordingly, the impact of these works on HLP rights varies. At the individual level, a number of displaced families are trying to return to their homes and carry out appropriate repairs, while seeking to obtain as much aid as possible from international and local institutions. However, they face many difficulties with various impacts on housing rights. A basic challenge is the prevention of families from returning to their properties, as happened in Daraya, Jobar, and Harasta in Damascus countryside, and Qaboun in Damascus,^[27] as well as confiscating homes under the pretext of terrorism and resorting to the Anti-Terrorism Law no. 19 of 2012, which allows regime authorities to confiscate property and real estate owned by “terrorists” and sell them at public auctions or invest in them.

On the other hand, a media activist in Eastern Ghouta pointed out that “some community initiatives, with the support of [local] merchants in the Damascus countryside, helped a number of families carry out simple renovations to their homes,” and in other areas such as the eastern neighbourhoods of Aleppo and Homs, limited and simple restoration works are carried out by the owners of damaged properties. However, city councils place

[27] Muhammad Al-Jazairi, Al Jazeera Net website: “Mysterious explosions in the outskirts of Damascus... Who is behind them?”, 2018 - link: <https://2u.pw/t2EiWng>

obstacles amounting to prevention of restoration work, especially structural works to the damaged building. Eastern Aleppo has even witnessed some cases in which the city council demolished homes or parts of homes after they had been restored, despite the owners obtaining the necessary permits for restoration, and this demolition is carried out under the pretext that the area will be re-planned and regulated and this must be adhered to.^[28]

Projects to support home restoration works in areas outside regime control have directly or indirectly strengthened attacks on housing rights, as a journalist activist in Idlib points out a number of donor organizations were “signing contracts with the owners of damaged homes inhabited by displaced people, to be restored on condition that the displaced are not removed from them until after a certain period”, considering that the cost of restoration is a form of rent to the owner in return for holding the displaced until they are transferred to alternative housing and the buildings are returned to their original owners, with the exception of properties belonging to “members of the regime forces and Shabiha (mercenaries)”, most of which were confiscated by military factions and later sold, invested, or kept.

This was pointed out by a civil society activist and a lawyer, both residing in northwestern Syria. The problem arises from the absence of transparent mechanisms that clarify which properties have been confiscated and which are temporarily sheltering displaced people. It should be noted that the approach adopted by some organizations - repairing homes to house the displaced while preserving ownership of their original owners and obtaining their approval - was successful in the short term, but it could cause many problems between the owner and the resident in the medium and long terms.

In the northern regions of Syria, armed factions have committed serious violations against home ownership, as homes were seized in many areas such as Afrin under the pretext of being owned by terrorist organizations, and then some of these homes were handed over at low prices after carrying out simple repairs, if necessary, and in the event of the owner's

[28] Report by Enab Baladi website: “The damaged homes of Aleppo... Demolition, or sell to “Qaterji” and “Khoder”, date of publication 2021 - link to the report: <https://www.enabbaladi.net/archives/519990#ixzz87ezURIXD>.

return, it becomes a problem between the owner and the current resident^[29]. In the north-eastern regions, measures taken by the Autonomous Administration have limited the ability of homeowners to repair their homes damaged in the conflict; according to an interview with a journalist from Qamishli, “the Syrian Democratic Forces have seized a lot of private property, and lawsuits in the AANES’s courts indicate cases of assault on properties and houses, especially those belonging to displaced people.” Owners of damaged housing - as in other Syrian regions - face a huge increase in repair costs, prompting many of them to sell their homes at low prices, often to the benefit of the cronies of controlling powers.

As for institutional projects for restoring homes, most of these are implemented by institutions affiliated with de facto forces, funded locally or by international organizations. These works are often formal and take the form of propaganda promoting the image of stability, and therefore cover commercial areas, such as the old markets in Homs where repairs were limited to restoration of facades and floors, and was funded by the UNDP^[30].

In an interview, a journalist from Daraa highlighted the role of international organizations and charitable societies in restoring residential homes, giving as an example: “the project to [renovate some houses] in Izraa of Daraa countryside, funded by a religious charitable entity,” pointing out that all bodies operating in regime areas must coordinate with it and obtain necessary approvals, including security approvals, before starting any project. Recently, Latakia Governorate opened the way for residents of its northwestern regions to apply for restorations to their homes damaged by “terrorist acts”;^[31] a project supported by the First Aid Organization^[32] and UNHCR. In general, these projects protect ownership but

[29] Press report on the Syria Direct website,

link: <https://syriadirect.org/عقارات-مفصولة-في-عفرين-تباع-بتراب-ال/?lang=ar>

[30] News about the rehabilitation of shops in Homs, Al-Watan semi-official newspaper in Syria -

link: <https://www.alwatanonline.com/تأهيل-681-محللاً-تجارياً-في-الأسواق-الأثر/>

[31] News about registration to restore damaged homes in Latakia Governorate from the website of the Presidency of the Council of Ministers -

link: <http://www.pministry.gov.sy/contents/25614/فتح-باب-التسجيل-لترميم-المتضررة-جراء-الإرهاب-في-ريف-اللاذقية-الشمالي/>

[32] The Premiere Urgence International website indicates that the organization is active in rehabilitation and reconstruction projects in affected areas of Syria: <https://www.premiere-urgence.org/en/mission/syria/> It expected to support restoration of homes damaged in the earthquake, but Latakia Governorate’s proposal to restore homes damaged by “terrorist acts” may be motivated by the desire to increase the deteriorating local popular support for the regime by exploiting international funds allocated for impacts of the earthquake.

are implemented based on the regime's priorities and goals to increase its popular base in specific areas, and are not based on priorities of local communities and their need for adequate housing.

On the other hand, institutions directly affiliated with the Syrian regime, such as the Syrian Development Trust supervised by Asma al-Assad, with financing and cooperation from international organizations and coordination from local authorities, launch projects to restore residential apartments in specific areas in limited numbers. In 2019, 128 apartments were restored in Al-Shaar area in Aleppo, and in another project, the rubble was recycled to manufacture cement bricks for construction in Ramouse, Aleppo, without any consideration for the rights of homeowners to even the rubble of their homes.^[33] These examples indicate that residential home restoration projects are limited. For example, in Aleppo, about 250,000 residential apartments need rehabilitation to UN-Habitat, 2022; thus, these projects constitute an insignificant percentage of the total actual need. These projects also neglect the rights of owners to their home or its remains, noting that Law no. 3 of 2018 gave owners of demolished properties the right to the value of remains, but left it to administrative units to determine that value, provided that owners prove their ownership within a period of 30 days, which definitely excludes displaced people and those persecuted by security forces (see appendix 1). In this context, two journalist activists from Aleppo and Damascus countryside pointed out that the regime's local authorities are demolishing and removing damaged buildings which are about to collapse without financially compensating owners for the rubble or providing alternative housing. Demolitions often occur in the absence of rights holders. In general, any projects related to home restoration are carried out only with the coordination, supervision, and implementation of de facto force institutions, especially under the regime which is able to create a legal and institutional environment that allows it to control these projects, determine beneficiaries, and strip people whose loyalty is suspect of their right to renovate their homes or even their right to the rubble.

[33] Report from Syria Report: "Syrian authorities insist on treating rubble recycling as a technical issue, not a legal issue." Publication date: 12 June 2022 - link to the report: <https://2u.pw/Ykhg6cL>.

3. Building New Residential Complexes

Since the first years of the conflict, de facto powers, specifically the Syrian regime, began to create legal and legislative conditions to build new residential complexes that would serve its security interests and help it shape the dynamics of a new political economy that would serve its continued rule. One of the most prominent steps taken by the regime in this context is Decree no. 66 of 2012 and its amendments of 2018 which, as previously mentioned, aims to create regulatory areas serving the vision of the authority. Based on that decree, the two Marota City projects in Basateen Al-Mazzeah of Damascus were announced: irregular housing areas from where many demonstrations sprang at the beginning of the uprising; and Basilia City, which extends from south Damascus to Al-Qadam and Assali, areas that witnessed extensive military operations resulting in massive destruction of residential buildings. Establishing such projects carry a symbolic as well as actual necessity for the Syrian regime: they signify its victory, defiance of foreign sanctions, and return of its control via new cities built on the ruins of people's properties, some who tried to liberate themselves from the authority of tyranny. The necessity is based on HLP violations: in addition to appropriating private property, by imposing tight deadlines to prove ownership or the requirement to obtain security approvals, regulatory plans and executive orders preventing many families from obtaining their rights have meant their properties were seized for the benefit of the state, to invest in or sell in public auction to its cronies, in addition to its distributing future project investments to these cronies,^[34] and thus the regime has been able to transfer wealth to its advantage.

In light of the deteriorating economy, the regime's government is trying to promote the flow of Arab investments into the reconstruction process, especially after normalization of relations between the Syrian regime and most Arab countries. For example, an Emirati-Syrian project was announced in Aleppo aimed at investing in areas destroyed in military actions, rebuilding them for tourism and service provision.^[35] Since the project is being built on destroyed properties, the legal and legislative framework established by the

[34] Newspaper article about investors in the Marota City project - link: <https://www.enabbaladi.net/archives/198504>

[35] Article on Emirati-Syrian project in the city of Aleppo -

link: <https://arabi21.com/story/1515234/أول-مشروع-إماراتي-سوري-في-حلب-هل-بدأت-إعادة-الإعمار>

regime allows, as previously mentioned, administrative units to acquire and sell land or to authorise investment by the private sector for long periods of time, and thus the rights of the original homeowners are lost, especially with new amendments to Law no. 2 of 2023, which includes amendments to some provisions of Investment Law no. 18 of 2021, and the abolition of the Real Estate Development and Investment Authority. This will be replaced by the Investment Authority, illustrating that the Syrian government is viewing real estate development as purely for investment to attract capital, thus abolishing the law regulating real estate development no. 15 of 2008, cancelling with it all guarantees to property rights stipulated in this law. (TDA, 2003).

In another context, a media activist from Eastern Ghouta pointed out that some areas of Ghouta are witnessing the construction of new, limited residential complexes by private companies owned by cronies of the regime, “and they obtain lands either from state property or private property confiscated by the state under the pretext of terrorism after selling them at public auctions.”,^[36] which is a clear violation of land ownership rights. It should be noted that new residential complex projects in regime-controlled areas, although the land has been acquired at low prices through rights violations, still face great difficulties, including corruption and bureaucracy in government institutions, the impact of economic sanctions on investors in these projects, deterioration of the economic situation, lack of a market for purchasing real estate, the interruption of supply chains for materials needed for construction, and the collapse of the exchange rate, and thus instability of the price offers submitted under these projects.

[36] Article 12 of the Anti-Terrorism Law 19/2012 stipulates that “in all crimes stipulated in this law, the court shall rule by conviction to confiscate movable and immovable property.” After the conviction ruling becomes final, the court sends a letter to the State Property Administration, which is in charge of confiscation in two ways: Either by transferring ownership of the property and registering it to the Syrian Arab Republic with the Real Estates Directorate, or selling it in public auction.

In northeastern Syria, projects to build new residential complexes are being completed under the supervision of civil councils affiliated with the AANES, but these projects are limited to a number of areas in Al-Hasakah, Qamishli, and Raqqa, but are completely absent in eastern Deir Ezzor. According to a journalist activist in Qamishli in an interview, the private sector companies affiliated with the AANES are implementing these projects after obtaining building permits from them, in an environment of corruption and infringement on private property rights, “the AANES gives private companies land to build on in exchange for large amounts of money, some of these lands are owned by displaced people”.

In northern and northwestern Syria, externally funded local and international charities or organizations are implementing reconstruction projects for new residential complexes, specifically aiming to shelter displaced people. The private sector implements these projects in coordination with controlling forces, and these companies are often owned by wealthy warlords and cronies of the controlling authority.^[37] The authorities directly supervise the purchase of lands from their owners, often at reasonable prices, and offer state-owned lands or abandoned lands^[38] to be built on in a way that serves their interests. On this, a civil activist in Idlib points out: the Salvation Government established the Housing Directorate, which participates in registering displaced people, in order to distribute homes to them and transferring them from random camps to new residential clusters.

The distribution process is supposed to take place according to the priorities and needs of the displaced families, but the de facto authorities “often distribute some homes to its members and those affiliated.” In general, and in various Syrian regions, the construction of new residential complexes and the distribution of lands on which they are built, are linked to the interests of the de facto powers, who always seek to strengthen their hold

[37] One of the clearest examples is investment contracts of the Marota and Basilia projects, which, according to press reports, refer to individuals affiliated with the regime, such as Samer Al-Foz, noting that names change depending on the regime’s interests, so the report focuses on the mechanisms of the violation and not the executive details -

Link to a press report about investors: <https://www.enabbaladi.net/archives/198504>

[38] According to Syrian Civil Law No.84 of 1949, there are two types of abandoned lands that belong to the state and a specific group has the right to use them, and its features and areas are determined by local customs or administrative systems. The second type is protected lands that belong to the state, governorates, or municipalities, and are part of public property, Article 86 of the law.

on power whether by increasing their popular base through distribution of new housing to the needy, or economic exploitation through redistribution of wealth and property for the benefit of its cronies.

4. Health Service Projects

The ongoing conflict in Syria has led to the collapse of the health sector, due to several reasons, the most important of which is the destruction of health facilities as a result of war, the severe shortage of medicines and medical equipment, and the lack of qualified medical staff. Data indicate that about half of public hospitals are out of service or partially functioning, and more than half of all doctors have emigrated from the country, leaving more than 12 million people inside Syria in need of health assistance (WHO, 2023). The public health situation has deteriorated further with the massive rise in drug prices, the Covid pandemic, and finally impacts of the February 2023 earthquake. Early recovery projects in the health sector play a pivotal role in preventing the collapse it faces, and de facto forces depend on the work of international organizations and aid from abroad to continue to provide the minimum basic health services.

In terms of HLP rights, support for health service projects, including restoration of health facilities, did not come with systematic assault on these rights, as was the case during military operations that targeted these facilities and used some of them for military purposes.^[39] All interviews in the research with local experts indicate that many international organizations and external parties are contributing to the restoration of health facilities without compromising their public or private ownership. However, most of the interviews indicated the indirect impact of these projects, as their absence contributes to pushing residents to leave their homes or sell them at low prices and move to other places with adequate housing and availability of health services, as is happening in the eastern regions of Aleppo, northern and eastern Homs countryside, and Ghouta in Damascus. Sometimes residents are forced to sell their property or parts of their property in order to receive treatment in private hospitals, due to lack of availability and poor health services in state

[39] Press report on targeting medical facilities in Syria -
link: <https://www.alaraby.co.uk/politics/استهداف-ممنهج-للمنشآت-الطبية-في-سورية>

hospitals. As a journalist activist from Eastern Ghouta pointed out, those who exploit this need “are people wealthy by the war and those affiliated with the regime” who bought these properties at the cheapest prices after forced displacement in 2018.

In areas under AANES control, these projects also negatively and indirectly affected property rights in areas east of Deir Ezzor where health services are not properly available, prompting many residents to leave their homes or sell them at low prices and head to areas more suitable for housing in or outside Syria; in complete contrast to the situation in the north-east, where there is relative improvement in the quality of health services, contributing to displaced people staying for longer, including those living in someone else’s property. Similarly, health service projects in northern and northwestern Syria contributed to displaced people settling in houses they had acquired without the knowledge or consent of the owners.

On the other hand, the limited efforts to build new health centres, in all regions, did not come with HLP violations. In regime-controlled areas, damaged hospitals are either restored or state-owned lands are used to build new centres, such as the Sheikh Mohammed bin Zayed Field Hospital near the Conference Palace in Damascus countryside, which was supported by the Emirates Red Crescent Authority, as part of the humanitarian response to the Covid pandemic.^[40] In northwestern Syria, many new health centres were established with support and funding from international organizations and built either on state property or private land purchased by local councils, organizations, or owners of private hospitals. While efforts to build health centres were limited, on state property or purchased land from owners in northeastern Syria, the focus was on rehabilitating public centres and hospitals and providing them with equipment.

[40] Report by SANA: “With a capacity of 135 beds. opening of the Sheikh Mohammed bin Zayed Field Hospital in Damascus countryside - video,” July 2022 – Link of report: <https://www.sana.sy/?p=1703604>.

5. Educational Services Projects

The education sector, like other service sectors, has suffered profound and long-term negative effects as a result of the conflict in Syria. Military operations destroyed educational buildings and equipment, and many qualified educational personnel left the country as a result of the collapsed security and economic conditions. Various de facto forces used education to impose their ideologies onto students and gain their affiliation, and thus educational facilities have turned into tools for political exploitation instead of scientific and knowledge production. Data indicates that about a third of schools in Syria are partially or completely out of service and that there are 6.4 million children in need of assistance in educational services, and 2 million children dropped out of schools (UNICEF, 2022). Therefore, early recovery projects related to educational services are important to overcome some of the devastating effects of the conflict on education. These services include, in addition to training teachers, developing curricula, and providing the necessary educational equipment and tools, restoring, and rehabilitating damaged schools in various regions. The financial need for these services in the first eight months of 2022 was estimated at approximately 83 million USD, with a deficit of approximately 35 million USD (Ibid.).

In general, international organizations supervise early recovery projects concerned with educational services, but they must coordinate continuously with institutions affiliated with de facto forces, which have the greatest influence on directing aid and investing it in ways that serve their interests. For example, the Syrian Trust for Development in regime-controlled areas plays a major role in educational projects and related infrastructure, and it implements many school restoration projects in addition to projects to ensure safe access to educational facilities, such as the project carried out in cooperation with the Spanish Rescate Organization in the city of Aleppo.^[41] Such projects often do not infringe on private or public property and aim primarily to increase the popularity of the ruling powers in the region.

[41] The unofficial Al-Jamahir newspaper: Implementation of project for safe access to schools in the neighbourhoods of Dahrat Awad, Al-Firdous, and Karm Al-Dodo, 2022 - Link: <http://jamahir.alwehda.gov.sy/?p=77107>

However, the education sector is witnessing public ownership violations of educational facilities in most areas, especially areas under regime control. A media activist from Homs countryside told us in an interview, “The Fourth Division forces demolished many damaged schools in the city of Rastan despite the objection of the Homs Education Directorate, and offered the lands up for investment for their benefit.” In a more institutional way, the regime’s Ministry of Education proposed a number of government schools for investment by the private sector, controlled by influential people close to the authority.^[42] Considering that public educational facilities are public facilities, this proposal is considered to be in violation of the constitution that the regime itself adopted in 2012 in Article 14, which stipulates that the state is responsible for managing and investing in public facilities for the benefit of the people.^[43] There are also similar violations in northeastern and northwestern Syria, where de facto forces seize educational facilities and offer them up for investment for the benefit of the private sector, according to those interviewed from these regions. Educational service projects indirectly affect HLP rights, as their absence constitutes an additional factor pushing residents to leave their homes or sell them at low prices and migrate to other areas where these services are better available, such as eastern Aleppo and Damascus Ghouta. . Education policies adopted by controlling powers or the decline in the quality of education can also contribute to pushing families to leave their properties and move to other places, and this was evident in the regions of northeastern, and to a lesser extent, northwestern Syria, which imposed new curricula on schools instead of the state one. This makes it difficult for students to obtain recognized certificates that enable them to continue their university education. On the other hand, the availability of educational services contributes to the stability of displaced people in their places of residence, in houses which might not belong to them, and thus they continue to violate ownership rights of others.

[42] News of offering state schools for private investment, link: <https://damascusv.com/archives/52078>

[43] Constitutional Referendum Decree and text of the 2012 Constitution on the People’s Assembly website - link: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=15740&ref=tree&>

6. Projects to Support the Private Sector and Create Job Opportunities

The labour market in Syria has been greatly affected by repercussions of the ongoing conflict since 2011. The hostilities have caused the destruction of a large number of economic facilities on top of the deteriorating business environment, infrastructure, rule of law, and the ability to access sources of financing and domestic and foreign sales markets. Accordingly, unemployment reached 42.3% at the end of 2019, accompanied by the loss of about 3.7 million job opportunities compared to what the labour market would have been had the conflict not occurred (Syrian Centre for Policy Research, 2020). The encroachment by all parties involved in the conflict on privately owned facilities and means of production contributed to the deterioration in the labour market, as many areas witnessed seizure of these facilities by armed forces or looting of their contents. After the relative stability in the security situation in recent years, violations of the private sector property have become more institutionalized, especially in areas under the control of the Syrian regime, which has witnessed many cases of seizure of properties if owners refuse to pay required royalties under the pretext of tax evasion.^[44]

In this context, international organizations are working to find relevant projects in the labour market to alleviate the market distortions occurring, through supporting individual work initiatives and small and micro private projects and supporting rehabilitation and vocational training programs to compensate for the shortage of qualified personnel. However, the current business environment in Syria does not help to sustain the impact of efforts made by these organizations, according to an employee in an international organization working in Damascus, who confirmed that the impact of related projects on the labour market is limited due to the presence of a large number of challenges, most notably “the absence of sovereignty of the law, the spread of corruption, weakness of the local market, and collapse of the population’s purchasing power.” As for the impact on HLP rights, it is limited and indirect. For example, some of the initiatives rent workplaces in residential

[44] A press report in Al-Jumhuriya about the financial extortion practiced by the regime on the private sector - link: <https://aljumhuriya.net/ar/2022/01/03/المكتب-السري-للابتزاز-المالي-في-سوري>

areas of major cities such as Damascus, Aleppo, and Latakia, which contributes to the rise in house rents in those areas and the deterioration of housing conditions in buildings where these workshops operate, some of which cause audio, visual and environmental pollution.

The absence of job opportunities and deterioration of the economic situation constitute one of the causes of displacement among Syrian families, especially young people, which is accompanied by selling property at extremely low prices, so that ownership is often transferred for the benefit of war lords and those close to de facto authorities. Therefore, early recovery projects linked to the labour market can play a limited and short-term role in creating job opportunities and sources of income that help families remain settled in their homes. On the other hand, a civil activist in Idlib pointed out that such projects “contributed to helping displaced people in northwest and northeastern Syria to stay longer in their places of displacement,” which reflects positively on displaced people but may lead to confrontations and problems with the original homeowners in the area if political and security conditions allow them to return to their homes.

In terms of priorities of early recovery projects concerned with creating decent job opportunities, a journalist from Homs countryside referred to the issue of mines and their impact on job opportunities in the agricultural sector, especially in eastern Homs countryside, where the spread of mines in this region has negatively affected some farmers’ access to their agricultural lands and ability to cultivate, prompting many of them to leave their homes to search for relatively safe areas of work and stability inside or outside Syria. It should be noted that many international organizations support the agricultural sector and create opportunities for work or re-employment by farmers. For example, the UNDP has funded agricultural projects in areas of rural Aleppo controlled by the regime,^[45] keeping in mind that agricultural lands in those areas are witnessing widespread property violations by offering them up in public auctions for investment under the pretext of the absence of owners (see appendix 2).

[45] News on the website of the Ministry of Agriculture and Agrarian Reform about these projects was published on 5 January 2023 - link: <http://moaar.gov.sy/article/744443>

7. Social Cohesion Projects

All parties to the conflict in Syria have invested in strengthening affiliations, whether ethnic, religious, sectarian, or regional, through media campaigns and educational curricula with the aim of maintaining loyalty to the controlling de facto forces and enabling them to impose their influence on the rest of the regions and sustain their rule. These practices further undermined trust between the people of different regions in Syria and between residents and displaced people in the same region. The collapse of the economic situation also contributed to relations based on material benefit rather than relations of citizenship and common interest. Distrust among local communities and between them and ruling institutions, in addition to the dominance of materialistic values and deterioration of universal values such as justice and equality, has deepened social disintegration and the negative effects it has on the Syrian identity in the long term. A number of activists who were interviewed indicated that some practices by de facto forces, carried out under the banner of social cohesion projects, are also supported by foreign forces. For example, the Syrian regime launched in eastern Homs free Iftar campaigns during Ramadan, and distributed money to the people of the region, “and this was done under sectarian cover and with direct support from Iranian charitable societies, which attacks the social fabric of the region,” a journalist from Homs countryside commented.

In this context, social cohesion projects undertaken by international organizations are governed by security and political restrictions and authorities intervene directly in them. Therefore, most of these projects revolve around activities that have limited impact and do not cross over into other regions, such as women’s economic empowerment and encouraging volunteer work, without addressing fundamental topics for enhancing social cohesion, such as encouraging cooperation between regions under the control of different powers or deepening the values of participation, transparency and justice within governing institutions to strengthen relationships and trust with the society. The protection of HLP rights is directly linked and proportional to the degree of social cohesion. However, current social cohesion projects do not address housing rights at all, which authorities

consider a thorny issue that directly affects their ability to control the dynamics of the political economy within their regions.

Therefore, the negative impact of social cohesion projects on HLP rights lies in an absence from these projects of awareness and monitoring programs concerned with these rights. Additionally, similar to other services early recovery projects, current projects, mostly supported by international organizations in coordination with local authorities, indirectly affect HLP rights, as their presence contributes to people settling in their places of residence by enhancing opportunities for community cooperation, economic empowerment and work opportunities, and of course this plays a positive role in families remaining in their homes. However, this stability also includes some displaced people residing on other people's properties, which may cause future problems with the original homeowners.

Recommendations & Concluding Remarks

The study findings indicate that most of the early recovery and reconstruction projects of Syria do not consider the housing, land, and property rights. On the contrary, the on-ground authorities in all areas are using these projects, which are mainly funded by international organization and actors, to recycle the properties and serve the interests of their figures and close circles. To overcome the intended and unintended violation of rights, action should be taken on two integrated and connected groups of recommendations; the first group of recommendations is related to the early recovery and reconstruction projects in terms of selection mechanisms and implementation and scope dynamics; and the second group of recommendations is related to the general legal and institutional environment of the housing, land, and property rights. The recommendations may include the following:

1. Work on addressing the gaps in the selection mechanisms for the early recovery and reconstruction projects to be implemented by the international organizations, as the on-ground authorities, especially the Syrian regime, are exploiting these gaps to use these projects as tools to further violate the housing, land, and property rights. Based on an informal interview with a staff member of an international organization operating in the regime-held areas, the annual plan for the early recovery projects mainly considers the preferences of the donors, the suggestions of the organizations operating in Syria, the available human and financial resources, as well as the recovery needs of the targeted area. However, the ministry of foreign affairs and the ministry of labour and social affairs, and the associated security services, greatly interfere in the processes of preparing the annual plans of the projects and directly guide the nature of interventions and the targeted areas. For example, the agricultural projects may contribute to violating the land rights (see appendix 2) in the regime-held areas in rural Aleppo, while referencing that the plan will be obstructed in case of the demands are not met. The negative implications of such interference in the selection of projects over the housing, land, and property rights can be addressed through:

- a.** Maintain the general framework of the annual plan and mention that the selection of areas will be determined later according to the needs assessment and validation of the status of property rights, to avoid any interference/guidance by the regime.
- b.** Adopt the requirement of validating the lack of any HLP violations as essential for funding any project in the annual plan, and for such validation to be conducted by an independent body.
- c.** Donors must ask the organizations operating in the regime-held areas to strictly negotiate with the governmental authorities regarding the projects and targeted areas, as several interviews with key stakeholders indicated that organizations are immediately approving and responding to the demands of the Syrian government, and avoiding any negotiations, especially regarding the targeted areas and scope of projects. It is worth noting that these organizations are not fully exploiting their negotiation leverages, as the regime needs any early recovery projects considering the deteriorating economic and financial conditions.

2- Verify the credibility of the HLP rights status and studies conducted by several international organizations and UN agencies, based on a request by the donors, to ensure that the early recovery and reconstruction projects, especially in relation to rehabilitation of destroyed buildings and markets, do not violate these rights. This process is mostly conducted internally, i.e., by a staff member of the organization. This step is important but insufficient, as the verification process require an independent body or on-ground legal activists who operate independently, as an officer of one of these organizations mentioned that the results of the internal verification processes mainly rely on information provided by the governmental authorities in the regime-held areas, and no other resources are inquired to learn whether such information is correct or not. However, one of the main findings of the report indicates that the regime has legalized the violation of the HLP rights, hence the verification process results cannot be trusted in based on the data provided by the government only. Thus, we suggest the following:

a. Assign an independent civilian body to conduct a verification process, additional to the internal verification processes of the organizations, to validate the accuracy of the data provided by the governmental authority regarding the proposed areas for intervention by the early recovery and reconstruction projects.

b. Provide financial and technical support to train Syrian specialists on spotting violations of the HLP rights. Such training programs can be conducted virtually to ensure the safety of all trainees who must be selected according to specific criteria (e.g., education, civil activism, lack of affiliation to the regime's oppressive institutions, knowledge and awareness of relevant laws and dynamics of HLP rights in the targeted area, ability to think objectively, accessibility to data, evidence-based analysis).

3- Support more early recovery and reconstruction projects which can influence the dynamics guiding the HLP rights, and not only relying on the validation mechanisms related to the lack of violations of rights by the projects to be implemented, while considering the following points:

a. Research and awareness-raising programs for such rights must be an integrated key part of the social cohesion programs across all areas, and particularly the regime-held areas.

b. Organizations must exploit their negotiation leverages with the governmental organizations to propose projects related to rehabilitation of schools which are being used, or were used, for non-educational purposes, such as military or security purposes.

c. Set up the early recovery and reconstruction plans, which are proposed by the organizations, jointly with the residents of the targeted area, whether original inhabitants or the displaced people, with a focus on understanding their actual needs to return to their areas of origin.

4. Regarding the general legal and institutional environment, technical and financial support must be provided to Syrian activists and human rights activists to advocate and mobilize against the strategies of the on-ground authorities, especially the Syrian regime,

that are using the legal and legislative environment to exploit the current and future early recovery and reconstruction projects to serve their influential figures by legalizing their violations against the HLP rights. In this context, it is possible, for example, to support interactive platforms specialized on HLP rights to enable the following:

- a.** Providing regular evidence-based news regarding the violation of rights.
- b.** Refuting the negative implications of the relevant laws in a scientific manner, such as law no.3 of 2018 and its associated executive regulations.
- c.** Building a credible and evidence-based data base for the individuals whose rights were violated.
- d.** Highlight relevant subjects such as management of rubble, exposing private lands for investment, violating public properties, and recycling the properties to serve the influential figures, by displaying factual and evidence-based cases.
- e.** Preparing the required files and associated documents to legally follow-up on the violations in courts inside and outside Syria.

The continuous presence of the on-ground authorities, their associated and escalating mechanisms of oppression and exploitation, and their control over the laws and regulations, further scale up the challenges to overcome the negative impact of the early recovery and reconstruction projects over the HLP rights on the short term. However, it is possible to mitigate and gradually address such negative impact by adopting practical actions, including those mentioned in the recommendations of this report, if adopted jointly by the donor bodies, international organizations, and the Syrian civil society organizations. In general, the economic and living conditions inside Syria require regular support for the early recovery and reconstruction projects in Syria, however, the results of this study flags the need to adopt the required precautionary measures to protect these projects from being exploited by the on-ground authorities and using them to violate the HLP rights in Syria and therefor control a great source of wealth in country and strengthen the foundation of their power.

Appendix 1: Case Study “Removing the Rubble of Damaged Buildings”

Since the relative stability of the security status in 2018, the Syrian regime worked to create the proper legal environment to manage the rubble, and issued Law no.3 to address removing the rubble of damaged buildings, which may result from natural or unnatural drivers, including being subject to decisions related to its destructions. Thus, this law, in addition to the response to the Syrian conflict and the destruction of properties which resulted from the military action, covers the removal of rubbles from the buildings identified by the provisions of laws governing the construction violations, with the latest decree no.40 of 2012.^[46]

The second Article (section C) of the Law no.3 of 2018 states that “The owners of the properties of the real estate area, private assets, and the rubble, in addition to their legal representatives and relatives until the fourth degree relatives, and stakeholders, can file an application to the relevant administrative authority, within 30 days of the announcement, demonstrating his location of residence with the required supporting documents, or copies of these documents in case the original copies are unavailable, and indicate the locations, borders, shares, and the legitimate and legal type of the property, assets, and other rights which they are claiming”^[47]. Thus, the law granted the right for the rubble and private assets to the right owners on the pretext they demonstrate a valid property document to be verified and approved by the titling committee after validating the property identified by the law. The law identified the “damaged buildings” as the collapsed buildings due to natural or unnatural reasons, or to being subject to applicable decisions regarding its demolition, whether an entire real estate area, a real estate, or a separate section. Additionally, the law identified the “rubble” as the debris of the collapsed buildings, including all the embedded construction and cladding materials, and the items which cannot serve as

[46] Decree no.40, 2012: Construction violations - The website of the ministry of public works and housing - Article no.2 of the decree states the removal of violating buildings which were built after the date of the decree, regarding of its title, location, investment type, or use, and to destroy and remove the rubble of these building on the expense of the benefiting violators. - <https://2u.pw/ZHC5ZrV>

[47] Law no.3 of 2018: Removing the rubble of buildings damaged due to natural or unnatural reasons, including buildings identified for removal by law - Website of the presidency of the council of ministers - <https://2u.pw/N1CtKai>

private assets or those without an owner. As for “private assets”, the law identified them as any movable funds capable of being acquired, used, invested, exploited, or disposed of, such as furniture or mattresses.

The law grants the governor the power to identify the real estate area and damaged buildings for removal, in addition to issuing decisions for the removal of buildings which are likely to collapse, after forming a committee to “title the damaged buildings, verifying its ownership, and the ownership of the rubble”, which does not necessarily include any engineer. The committee prepares a list including the name of the real estate area, land registration numbers, the constructional safety status, name of owners, borders of the real estate and nearby real estates, the condition of the buildings, level of damage, and recommendations regarding its full or partial removal, or non-removal. The law grants the right owners a window of 30 days to demonstrate their rights, without granting them the right to object or appeal the decision of the committee regarding the assessment of the titling committee and the associated decisions for removal or non-removal.

Despite the attempt of Law no.3 to organize the rubble removal process, it is hindered with several legal issues which concerns the HLP rights, which may potentially lead to loss of properties and homes by the Syrian people, especially the displaced people and immigrants. Despite that the law has granted the owners of collapsed properties the right for a compensation worth the value of their rubble, but it assigned the administrative units to determine the value of this compensation, after the owners of the real estate provide evidence of their ownership within 30 days, a regulation which naturally excludes the displaced people and those wanted by law. Also, the law did not determine the fate of the land where the rubbles and collapsing buildings were removed, and whether if the owner has the right to rebuild their land, neither did it indicate any financial compensation or provision of alternative housing for the right owners, especially as they are not responsible for the damages which affected their properties due to the shelling and military opera-

tions. Additionally, the law did not explicitly reference the case of rubbles of damaged or collapsing buildings in the random settlements (informal areas) which are associated with a lack of real estate documentation, however, the facts identified by this study team indicate that most of the areas where the rubble removal projects took place are random settlements which were targeted with heavy shelling by the Syrian regime and its allies, hence the owners of these properties will be deprived from their houses, as well as the rubble of these properties.

Despite that the regime has used the Law no.3 to pave the legal ground for dealing with the rubbles matter and serve its best interest, the administrative units assigned to apply this law in the different cities and governorates have witnessed a significant confusion in relation to the issuance of administrative decisions which are inconsistent, incompliant, and sometimes against the applicable law, as well as handling the rubbles without a clear mechanism in some cases, including a lack of documentation for these rubbles and their relevant owners, and recycling and using them to reconstruct public facilities and areas “without compensating the property and right owners, or even without their own knowledge”, according to a confirmation by a civil society activist from Aleppo city. Also, several administrative units do not commit to the publishing and announcement schedule regarding the rubble removal operations and the official mechanisms of the rubble removal law. In this context, it is challenging for donors and international organizations to commit to actual standards to reserve the HLP rights in case of funding any projects related to the handling or removal of rubble.^[48]

In Aleppo city, the city council started to conduct the removal of collapsing building and rubbles of damaged buildings in 2020, according to a civil activist from Aleppo, who referenced that the city council forces several residents to evacuate their houses, while the machineries of the council demolished several buildings at the eastern part of the city.

Additionally, many sources mentioned that heavy machineries and workshops of foreign

[48] Section B of the second Article of law no.3 of 2018 stated that the decision of the governor must be published in the gazette and announced in one of the newspapers of the capital, which is a local newspaper if any, and on the announcement board of the administrative unit, and the hallway of the governorate building and the area directorate, for a duration of 15 days, with a possibility to further share the announcement on visual and audio media platforms and social media websites.

military militias participated in the demolishing and rubble removal works in the eastern neighbourhoods of Aleppo city.^[49] Considering this clear violation of rights for properties and rubble, the UNDP cooperated with Syria Trust for Development, Aleppo city council, and the Spanish Rescate organization, funded a project to remove and recycle the rubble to produce construction materials in Ramouse, Aleppo.^[50]

In Rif Dimashq governorate, the municipality councils of the cities announced the buildings for demolishing and removal of rubble on their official websites or randomly using the local newspaper, which violates the regulations of Law no.3. For example, the council of Darayya city announced the buildings for removal on its official Facebook page on social media several times in 2020, and informed the owners of real estates with the decision to remove their properties in a month duration, and attached pictures of the damaged real estates to their posts which read “If not removed, the municipality will remove these buildings at the expense of the building owners, and distribute the cost according to the number of apartments”.^[51] Additionally, the official page of the media department of Rif Dimashq governorate referenced that the city council of Darayya has collected the bricks of the rubbles of damaged buildings, and used them to rehabilitate the pavements at Al-Alam square in the city.^[52]

In Damascus, the provincial council regularly announces public bids to recycle the rubble of damaged buildings, as the rubbles are transported to factories for separation, and then recycled to be used for construction. Tens of contractors, who are connected to the regime, take turns in winning these bids, and there are even “military battles resulting from the competition between the figures connected to the regime to win the bid for rubbles, which was the case in Qaboun area, where Mohammed Hamsho and his workshops en-

[49] A report by Syria Report website: “Aleppo: The earthquake destroyed the infrastructure which was formerly damaged by the shelling of the regime... while the pro-IRGC militias remove the damaged buildings”. 2023 - <https://2u.pw/9nBSrO5>

[50] A report by Albaath Media: “Initiating the production of construction material by recycling the rubble” March 2023 <https://2u.pw/gUrV9o6>

[51] A Facebook post by Darayya city council, Rif Dimashq, June 2020 - <https://2u.pw/Yv5zVYm>

[52] The post of the media department of Rif Dimashq governorate, July 2022, “using the rubble to rehabilitate pavements in Darayya” - <https://2u.pw/QR03IKM>

tered to demolish the buildings and remove the rubbles, before the workshops of Riyadh Shaleesh, the cousin of Bashar Al-Assad, expelled them and took their place”.^[53] Similar to the governorate of Rif Dimashq, the Damascus governorate shared an announcement for the locals and owners of real estates in Al-Yarmouk area, to attend the service department of Al-Yarmouk, in order to demolish and remove their damaged or collapsing buildings fully or partially, within a month duration, otherwise the rubble will be removed, and they will be fined with the applicable fees.^[54]

The implementation of the rubble removal projects for the damaged buildings is carried out similarly across the different regime-held areas. In Latakia, the rubble resulting from the earthquake was removed to a rubble dump on the new highway of Aleppo, on the pretext that this rubble will be recycled to use some of its components, such as the stones for the pavement of public roads, while the items such as iron, copper, and aluminium, will be recycled informally by the influential vendors.^[55]

This brief review of how the regime is dealing with the rubble file indicates that this issue is not only related to the rubble and associated rights, but rather the exploitation of the rubble to be recycled and benefited by the regime figures or affiliated commercial companies, and this may be associated with another part of the violations committed by the donor and funding bodies, in relation to violating the rights of owners to obtain their rubble, and ignoring the revenue benefited by the regime figures and companies which exploit this process. Additionally, several areas of the rubble removal lack any documentation for these processes or the required verification of the ownership of these rubbles and assets by the relevant administrative authorities.

[53] Al-Jumhuriya Net website: “The Syrians’ Shelter (3): The Real Estate Market in Damascus”, 19 December 2021 - <https://2u.pw/u8xjuJi>

[54] The official Al-Baath newspaper: the announcement bulletin of Issue no.769 on 23 January 2023 - <https://2u.pw/aYvFJjb>

[55] A report by Syria Report website titled: “Latakia: Where has the rubble gone after the earthquake?” on 11 July 2023 - <https://2u.pw/OXWTnlp>

Appendix 2: Violations against Property of Agricultural Lands

Many international organizations are supporting the agricultural sector, creating work opportunities, or re-engaging farmers back to work, and as referenced before, the UNDP funded agricultural projects in the rural areas of Aleppo, which are regime-held areas, noting that the agricultural lands of these areas are witnessing a major violation of property, including exhibiting the lands in the public auctions for investment, on the pretext of the absence of their owners.

In general, and since 2017, the regime security and administrative authorities started the operations to invest the lands of those absent and displaced from their areas, using the public auctions to announce the investment opportunities, and renting these lands for a duration of one season, on the pretext that their owners are out of country or have displaced from their regions, especially in the rural areas of Hama, Idlib, Deir Ezzor, Aleppo, and Raqqa, which are all controlled by the regime. The approach followed by the regime to deal with the lands of the displaced people raises many concerns regarding the possibility of turning such investment into a legal seizure of property, especially considering the ongoing auctions conducted every year. The targeted lands exhibited in the auctions in Hama and the southern rural areas of Idlib, varied into olives and pistachio farms, and fertile, irrigated and rain-fed lands in rural Aleppo, which are planted with several types of grains and irrigated crops such as cotton and potatoes.

The decisions of the administrative units to announce the land investment auctions rely on the general contracting Law no.51 of 2004, which stipulates the contracts associated with the public properties,^[56] and other administrative decisions issued by the council of ministers and the ministry of agriculture. Thus, according to the aforementioned basis, the administrative authorities of the provincial councils, and through formed committees, conduct a survey of the lands of absent individuals and exhibit them for investment at the public auctions, while directing the associated revenues to the treasury of the state

[56] Law no.51 of 2004, as shared on the website of the Syrian Ministry of Justice.
Link: <http://www.moj.gov.sy/ar/node/586>

and relevant administrative authorities.^[57] For example, the directorate of agriculture and agrarian reform in Aleppo governorate announced, for the second year, in September 2023, a list of the lands whose owners have been absent from in the southwestern rural Aleppo area, as available for investment through public auctions. The interesting aspect of the new announcement is its inclusion of all the lands in the area, including the lands whose owners still reside in them, especially in the villages of Al Bawabiya, Kusaybiyah, and Jop Kass, near the highway connecting Aleppo and Damascus.^[58]

Thus, the legal grounds used by the regime authorities to invest the lands of both absent and present farmers in the public auctions are vague and unclear. In case the legal grounds were the general contracts Law no.51 of 2004, as stated by the decision of the administrative authorities in Hama, Idlib, and Aleppo, this law is applicable to the property of the public authorities, and does not state any Article allowing the administrative authorities to invest the lands of farmers, including those absent, and this constitutes a major violation of the Syrian constitution which sponsors the protection of the personal properties of individuals, as Article no.15 of the constitution of 2012, states that the personal properties are protected, noting that the public seizure of funds is prohibited, and that personal properties cannot be seized unless to serve the public interest and only based on a decree, which must entail a fair compensation, according to the law. Additionally, the investment of the individuals' private properties without their permission by the state constitutes a violation of the property rights of these individuals, as the civil code, Article no.768, states that "Only owners are allowed to use and benefit from their properties, within the applicable laws". Also, Article no.770 of the civil code references that "only owners have the right for all their productions, fruits, and associated benefit, except in the case of a conflicting agreement or text is presented", even if a part of the lands being invested was a public land.

[57] In Hama governorate, the auctions were announced in 2020 based on the decisions of the military and security committee and in accordance with the administrative decision no.4400, which was issued by the head of the military and security committee in the governorate.

[58] A report shared on Syria Report website in September 2023. Link: <https://bit.ly/3rUEoMm>

In this context, the regime is attempting to exploit Article no.775 of the civil code, which references that the right to dispose the public real estates is forfeited in case the land is not farmed or remained unused for a duration of five years. However, this Article cannot apply to the public lands and take them away from their owners, even if displaced or forcibly displaced, as Article no.379 of the civil code stipulates that “The statute of limitations exceeding five years does not apply to a person who lacks legal capacity, or to an absent person, or to a person convicted of a felony, if they do not have a legal representative”. It is worth noting that an absent person is identified as a person declared as absent by a judicial decision, and according to Articles no.202 and no.203 of the Syrian civil affairs Code no.95 of 1953, an absent person is a person declared alive but has no known residence information, or a person with a known residence information abroad who cannot conduct their own affairs. Thus, the forcibly displaces Syrians and those fleeing the security pursuits and dangers of war, are considered as absent, and therefore the statute of limitations does not apply to them. Absence can be proven in the same lawsuit filed regarding the forfeiture of the right to dispose of public lands, and considering that absence is a material fact, it can be proven by all means of proof available by law. Additionally, owners of public lands can also interrupt the statute of limitations stipulated in Article no.379 by issuing a judicial power of attorney (the Sharia court) to manage the funds of absent individuals. However, the regime recently worked to disable such power of attorney after the announcement no.30 of 2021, issued by the ministry of justice, which requires obtaining prior security approval to grant the power of attorney.

Thus, the law disallows the application of the deadline for the forfeiture of the right to dispose the lands of those absent if it was proven that the absence occurred unlawfully, which applies to the Syrian case and the war conditions in general. Also, Law no.61 of 2004, which amends the decrees for land distribution by state, stipulates that “the beneficiary of state lands, agricultural reform, or private state property, is considered the owner of the land distributed to them from the approved date of distribution by the accreditation committee in the governorate, to be registered in their name at the real estate records

based on a request from the relevant directorate of agriculture and agrarian reform”. Thus, the laws protect the rights of properties and their owners, and do not allow the investment or lease of properties, an action taken by the general authorities responsible for the agricultural lands in the regime-held areas.

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