



# IMPROVING INTERVENTION POLICIES FOR REGULATING INSTITUTIONS INVOLVED IN REAL ESTATE AFFAIRS

Policy Paper

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# Improving Intervention Policies for Regulating Institutions Involved in Real Estate Affairs

2022

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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.

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## Introduction:

Institutions have a crucial role in organizing society, production, services, and facilities. They are key to achieving economic and political progress, including democracy and freedoms. An institution is a social organization that aims to defend a specific idea and ensure its continuity, independent of the personality of its originator or founders.<sup>[1]</sup>

The governance of institutions to fulfill their tasks to the fullest extent involves two main aspects: establishment through laws, and practical application through the relevant institutions. The success of practical application in any institution depends on financial resources, human resources, and corporate culture.

And both of these aspects are interrelated, as the absence of one can lead to the absence of the other, and vice versa. This principle can be applied to institutions involved in real estate affairs, and their ability to carry out their tasks effectively and achieve their goals.

It is impossible to assess the performance of institutions involved in real estate affairs without considering the performance of public institutions in the Syrian state as a whole.

There are common characteristics that define government institutions, including poor institutional capacity and failure to achieve their stated goals. Many institutions often create ambitious plans without developing practical implementation plans, and they may lack the necessary financial and human resources, as well as performance indicators to monitor their implementation and impact. Furthermore, administrative and financial corruption, accompanied by nepotism, further contribute to the challenges faced by state institutions. These factors collectively put forward a realistic picture of the state institutions in Syria, which the regime has strived to achieve.

Accordingly, the reformation of real estate organizations and development institutions necessitates a comprehensive reform of government institutions, as well as addressing corruption and nepotism. In addition, institutions involved in real estate affairs have their own specific issues that further contribute to the overall challenges. These include institutional overlap, with at least ten major government institutions involved in various aspects of real estate regulation and development, from planning to implementation to supervision and follow-up.

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[1] Suad Al-Sharqawi - Political Systems in the Contemporary World - Cairo - 2007 - p. 91

The shortcomings in the real estate sector are evident, as they have failed to keep pace with population growth and have not effectively utilized financial and human resources, resulting in the inability to meet the housing needs of citizens. As a result, slums have proliferated throughout the country, highlighting the clear deficiencies in real estate work. Real estate institutions have a crucial role in safeguarding an important human right, namely the right to housing. Therefore, the culture of these institutions and their employees should be grounded in democracy and human rights, with the ultimate aim of securing this fundamental right.

This leads us to consider the following questions: What effective policies can be implemented to enhance the performance of real estate institutions? How can conflicts in roles, responsibilities, or powers among different institutions involved in real estate affairs be resolved in order to foster complementary relationships among them?<sup>[2]</sup> To address these issues, we propose policies aimed at regulating the functioning of various types of real estate institutions.

### **First: Limiting the duties of the department of real estate affairs to local government.**

The United Nations Development Program has provided a comprehensive definition of local governance, stating that it encompasses a set of institutions, mechanisms, and processes that enable citizens and groups to articulate their interests and needs, resolve differences, and exercise their rights and responsibilities at the local level. The ultimate goal of local governance is to achieve local development and deliver services in a participatory, transparent, accountable, and equitable manner.<sup>[3]</sup>

Based on this definition, local administrations should have supreme authority in matters related to real estate affairs. The local government system, in general, embodies the principle of democracy in administration and governance,<sup>[4]</sup> while drawing on the experiences of developed countries that have entrusted this sector to local councils.

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[2] Syrian Regime Institutions for Real Estate Development and how they Operate Analysis of the Regime's Approach to Real Estate Development in the Post-Conflict Period - A study published by The Day After - 2022 - pg. 12.

[3] UNDP United Nation Development program: A users Guide to measuring local Governance also Governance Centre, 2008, p5

[4] Yassin Muhammad Hamad Al-Ithawi - Local Governments. A Study of the British Model - Journal of Political Issues issued by the College of Politics at Al-Nahrain University - p. 1 - Publication

For instance, in the 1920s, British local governments delegated most of their population-related tasks to local councils, enabling them to implement policies within the framework of existing legislation and employ qualified personnel to deliver real estate services. Today, local councils not only decide on the number of houses to be built for rent, but also determine the type of building designs and oversee construction and maintenance. Furthermore, their employees are responsible for rent collection and addressing any issues related to tenants' right to housing.<sup>[5]</sup>

In order to ensure that building regulations are in line with the unique urban characteristics and vision of each city and town, it is imperative that they are developed at the local level, reflecting the local community's culture and diversity. Building regulations should be treated as a purely local affair, as even violations of these regulations may result in varying material and moral benefits depending on the region. For instance, imposing the same fine for building violations in a city center like Damascus as in a remote village would not take into account the differing circumstances and consequences of such violations.

Real estate is a local matter that directly impacts the needs of citizens within a specific geographic area. Therefore, local authorities are better positioned than centralized entities to match local needs with available resources. People should not be excluded from the decision-making process until plans are finalized and they are given the right to raise objections. Rather, their involvement should start from the inception of plan development, and their opinions on what kind of city they desire<sup>[6]</sup> are equally important as those of planners in determining the future of their city.

Consequently, it is crucial to affirm the competence of local councils in organizing and developing the real estate sector within their regions. These councils should also be responsible for monitoring and supervising all matters related to this sector. Provincial councils and their offices should have a pivotal role in coordinating the efforts of affiliated municipal councils in this regard, with specific and exclusive responsibilities, including:

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[5] Jones, G. and Stewart's. The case for local Government London George Allen and Unwin, 1983, p29

[6] Patrick McAwslan and Eng. Hussam Al-Safadi - On Urban Planning in Syria: An Overview with Suggestions for Reform - During a Mission to Syria between August 25 - September 19, 2007 - published on the link: <https://syrianengineer.files.wordpress.com/2011/03/on-urban-planning-in-syria-no-2-arabic2.docx>

The local administrative authority has a critical role in drafting both general and detailed organizational plans, as well as building regulations, for population centers. These plans should align with the principles of urban planning,<sup>[7]</sup> while promoting sustainable and balanced development<sup>[8]</sup> in line with contemporary practices observed in other countries. For example, in many Western democracies, local governments, such as in the United States, adopt the principle of "zoning," which allows each local government in a city or county to design and shape the areas in their community or guide their future development.

While there may be certain fixed specifications related to building height and safety conditions,<sup>[9]</sup> lands within the administrative unit cannot be divided, allocated, or organized without a plan that has been approved in advance by the local administrative authority.

Similarly, any corrections or modifications to building descriptions must be approved in advance by the local administrative authority to ensure compliance with regulations. This approach ensures that local planning and development adhere to established guidelines and promote responsible urban growth.

To prevent unnecessary interference from other entities, it is imperative to limit the scope of Article 65 of Legislative Decree 107 of 2011 to local councils exclusively. Any legal articles that exceed or deviate from this principle should be abolished.<sup>[10]</sup> Building permits should be the sole responsibility of local councils and should not be granted to other institutions.<sup>[11]</sup>

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[7] The text of Article 4 of Legislative Decree No. 5 of 1982

[8] This was stipulated in Article 30 of Legislative Decree No. 107 of 2011

[9] (Rhodes, R.A. W (1999). Control and power in central-local government relations 2nd ed, Aderholt, Ash gate 1999.p 41

[10] Article 65 of Legislative Decree No. 107 of 2011 stipulates the following: "It is not permissible for any public, joint, cooperative or private entity to construct any building within the city or town or to carry out any alteration or demolition work in an existing building before obtaining a prior license from the executive office, the city or town manager is responsible for supervising the departments concerned with controlling violations."

[11] The British local authorities have been given powers to grant planning licenses once approved by the central government, which controls the necessary planning. The first planning law was issued in 1909, and it was strengthened during the war years. These powers were strengthened after passing laws in 1947 AD and 1952 AD, which confirmed that any new building must be approved by the district authority to ensure that it does not negatively affect the environment and the safety of its structures. These powers were founded by basic and exclusive authorities in the municipal councils that were decided through the members of their real and economic environmental councils, and it is appropriate to the requirements of the market, and with that, these authorities are not in order to make the government, and all of the states of the government are not. For more, see: Yassin Muhammad Hamad Al-Ithawi - Local Governments... A Study in the British Model - A Journal of Political Issues published by the College of Politics at Al-Nahrain University. Publication: <https://www.iasj.net/iasj/article/159873>



The development of real estate plans and projects for social and public housing should be limited to securing appropriate land, drafting necessary plans, contracting with relevant public or private sectors,<sup>[12]</sup> and overseeing their implementation. Local councils should also be responsible for issuing statistical reports, indicators, and specialized research related to the real estate sector in their respective regions. This includes preparing bulletins and data that support research efforts, as well as establishing mechanisms for resolving disputes pertaining to the real estate sector within their jurisdictions.

In order to effectively implement these terms of reference, local councils need to be empowered to manage resources and develop their capabilities, enabling them to function as participatory institutions that are responsive and accountable to the concerns and needs of all citizens. Local councils may also engage the assistance of legal entities to work under their supervision and exercise their powers and authorities. They may also delegate some or all of their powers and authorities to other public institutions, as long as those institutions work under their supervision and responsibility.

## **Second: Enabling Local Councils' Role in Real Estate Development and Investment**

Law No. 15 of 2008 was enacted in Syria to attract investments to the real estate development process, with the aim of addressing the housing needs of low-income individuals and mitigating the issue of informal housing. The scope of the law encompasses various aspects of real estate development, including public and private properties, whether built or unbuilt, within or outside designated areas. The most recent authority responsible for real estate development and investment is the General Authority for Real Estate Development and Investment, which reports to the Minister of Housing and Construction.

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[12] This is not limited to the Public Housing Corporation, which was established pursuant to Presidential Decree No. 683 of 1961.

This authority is tasked with formulating general policies and plans for real estate development and investment, as well as monitoring their implementation.

Prior to the completion of its tasks, and in light of the historical confusion in real estate legislation in Syria, Law No. (2) dated 18/1/2023 was issued, stipulating the repeal of Law No. (15) of 2008 and its amendments, and dissolving the Syrian Investment Commission Authority, and replacing it with the General Commission for Real Estate Development and Investment, along with its corresponding rights and responsibilities.

Article 3 of Law No. 2 of 2023 delineates the scope of the law with regards to real estate development and investment projects, taking into account the updated areas for real estate development and investment in light of Law No. 15 of 2008 and its subsequent amendments.

As a measure to support real estate development companies, certain concessions have been granted by the legislator. Furthermore, the authority to propose insurance for privately-owned state real estate and its parts, regardless of whether they are located within or outside regulatory plans, necessary for the establishment of real estate development and investment areas, has been transferred to the Syrian Investment Authority. Real estate development companies are mandated to bring their status in line with the provisions of this law within one year from the date of its enforcement. The Council has the authority to extend this period for a similar duration.

To promote decentralization and improve the management and development of real estate affairs, it is recommended to reconsider the abolishment of the "General Authority for Real Estate Development and Investment," as done in Law No. 2 of 2023. Instead, a proposal can be made to transfer the powers related to real estate affairs and development from the Syrian Investment Authority to the executive offices in the governorates, in alignment with the objective of promoting decentralization.

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[13] Paragraph (b) of Article 4 stipulates the following: (The authority created according to the provisions of this law shall replace the authority established by Legislative Decree No. (9) of 2007 and the authority created by virtue of Law No. (15) of 2008, with their rights and obligations. )

As stipulated in Article 10 of the same law (the phrase "Syrian Investment Authority" shall replace the phrase "General Authority for Real Estate Development and Investment," and the phrase "Minister of Economy and Foreign Trade" shall replace the phrase "Minister of Public Works and Housing" wherever they appear in Escrow Account Law No. (25) for 2011.)

[14] The second paragraph of Article 7 stipulates the following: Real estate development and investment projects licensed in accordance with the provisions of this law benefit from the temporary admission during the completion of the project for all their needs of machinery, machinery, devices, equipment, and work vehicles necessary for the implementation of these projects, provided that they are used exclusively for the purposes of the project and in accordance with the laws and systems in effect.

It is observed that centralization of authority often leads to inefficiencies, bureaucratic routines, and performance disparities among different governorates. Therefore, it is suggested to transfer the powers stipulated in Article 3 of Law No. 15 of 2008 to the executive offices in the governorates,<sup>[15]</sup> in accordance with the perspective of enhancing decentralization in the management and development of real estate affairs.

The licensing process for real estate development companies should follow two tracks:

The first track involves obtaining a company license and a commercial register, with a distinction made between national and foreign companies. To attract foreign investment in real estate, the legal conditions and practical procedures should be streamlined to facilitate such investments. This is important as the Syrian state may need external funding for real estate investment in order to address the issues of housing shortage and slums.

The second path involves obtaining a license from the executive office of the governorate as a real estate development company. The conditions for licensing are determined by law, and the executive offices in the governorates have the authority to grant or cancel licenses in case of violation of the conditions.

The lands that can be used for real estate development are determined by an authority, with the terms and conditions set by law. The local councils operate within these conditions and limitations to provide and prepare lands for establishing residential areas, ensuring their services and facilities, constructing new housing and buildings, or renovating existing residential areas through demolition, rebuilding, rehabilitation, or renovation.

Executive offices are responsible for maintaining a comprehensive Real Estate Development Register, which includes the following information related to real estate development projects:

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[15] Article 3 of Law No. 15 of 2008 states the following: "The Authority aims to regulate real estate development work and encourage investment in this field to increase its contribution to the construction and reconstruction process, activate the role of the national private sector in this framework, and attract Arab and foreign investments to participate in real estate development, including:

- A- Supplying the housing and construction sector with the necessary land for construction, buildings, services and utilities needed for it.
- B- Establishing integrated residential cities and suburbs as new urban communities.
- C- Addressing the problem of slums
- D- Securing the housing needs of people with limited income on easy terms.

- a. Data or documents related to licensees.
- b. Data or documents related to project guarantee accounts.
- c. Data or documents related to marketing permits for real estate development projects.
- d. Details of the main or subsidiary development plans of the real estate development project.
- e. Any other data or documents deemed necessary to be entered in the Real Estate Development Register.

Transferring the responsibility of real estate development to local councils fosters healthy competition among them, resulting in balanced development across various regions and administrative units in Syria. This approach reduces the centralization of decision-making and its negative impacts, expedites work processes, and minimizes routine procedures that may hinder the timely completion of projects. Overall, empowering local councils in real estate development brings about increased efficiency, effectiveness, and local decision-making.

### **Third: Building Effective Relationships between Local Administration and Construction Companies**

The local administration often needs to prepare plans or establish real estate areas, requiring contribution from both the public<sup>[16]</sup> and private sectors. To ensure fairness and competition, public construction companies follow contracting laws that promote equity with private companies. However, the monopoly on work by public companies may hinder their development and lead to delays in project completion.

To address this issue, implementation and establishment can be done through administrative contracts, where both private-sector companies and public sector institutions can submit their offers. This approach eliminates the outdated ideology that monopolizes work for the public sector and allows the private sector to contribute to real estate development out of necessity. It is essential to recognize the role of private capital in urban development, as the informal and random real estate sector in Syria is predominantly driven by private capital.

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[16] There are four public sector companies that oversee real estate affairs in Syria: the General Company for Building and Development and the General Company for Roads and Bridges, which are affiliated with the Ministry of Housing, in addition to the Military Housing Corporation and the Military Construction Implementation Corporation, which are affiliated with the Ministry of Defense. These institutions constitute the executive arm of the government in the real estate sector.

Therefore, efforts should be made to transform private capital investment in the real estate sector from an illegal state to a legitimate and legal state that serves urban planning and development, prioritizing the private sector's leadership in real estate development.

#### **Fourth: Enhancing Oversight of Local Bodies in Real Estate Affairs**

The local councils responsible for real estate affairs should have financial, administrative, and technical independence to carry out their duties effectively. They should be able to exercise their competencies without unnecessary obligations, restrictions, or direct orders from the central authority, while adhering to the required administrative procedures, such as obtaining public lands for urban expansion. Once approved, the ownership of state lands within the expansion area should be transferred to the municipality.

While local bodies should not be exempt from oversight by the central authority, this oversight should be specialized and not compromise the autonomy of the local bodies. It should be a balanced and systematic form of control aimed at preventing deviations from the principles of the urban system and illegal actions, rather than being overly strict or burdensome on the local bodies.

The importance of oversight lies in providing support to local bodies to address any technical deficiencies and promote coordination between local administration units and the central government.

Oversight also serves to prevent local authorities from excessively acquiring financial resources, such as through fines for violations or raising real estate prices to levels that hinder citizens from accessing affordable housing. It ensures that local financial resources are not misused and that expenditures are directed towards the best interests of the local population, in legitimate channels such as infrastructure development and public services.

#### **Fifth: Strengthening the Departments for Property Preservation**

Real estate ownership is a crucial form of property, known for its stability and security. However, disputes often arise regarding the legal status of property and associated rights and responsibilities. Therefore, regulations governing real estate ownership must be carefully implemented and overseen to facilitate conflict resolution, promote stability, and foster development in the local communities.

The Syrian legislator has intentionally regulated real estate ownership since the establishment of the state, issuing decisions numbered 186 and 188 on March 15, 1926. These decisions established the Departments of Survey and Land Registry, which are responsible for the identification and editing processes, including the creation of two documents for each property: a technical document (demarcation) and a legal document (drafting of estates).

In Syria, lands are categorized as public lands (62%) and private lands (38%). However, statistics reveal that only twenty percent of public lands were registered prior to 2011, indicating a significant percentage of real estate that has not undergone the identification and regularization process.<sup>[17]</sup> This highlights the shortcomings of the Survey and Land Registry departments, which need to enhance their performance. It is imperative to propose intervention policies to raise the level of performance of these departments and address these deficiencies.

### **1- Department of Surveys and Land**

Before proceeding with real estate registration operations in the real estate registry, a thorough real estate survey process must be conducted, which is prepared by experts under the supervision of a real estate commissioner.

The real estate survey is a technical process that requires the intervention of organizations and professionals who rely on technical means.<sup>[18]</sup> It involves the identification of real estate by experts, leading to the purification of real estate and the resolution of the complexity of the current real estate situation. Additionally, it equips the state's lands with useful plans and bonds for social and economic development.<sup>[19]</sup>

However, the selection process for real estate surveys has clear shortcomings, resulting in only about 31% of the expected total number of maps in the areas subject to identification and editing work being finalized, which amounts to approximately 74,000 maps.<sup>[20]</sup>

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[17] Laura Conyall - Brief Note: Housing, Land and Property in the Syrian Arab Republic - Norwegian Refugee Council - 2016 - p.5

[18] Takhdameet Yasmina and Oudan Amal - Land Registry as a mechanism for refining real estate ownership - Master Thesis - Abd al-Rahman Mirah University - Punjab - 2014-2015 - p.10

[19] Zahra bin Ammar - The role of the real estate governorate in the real estate registration system and its dispute before the Algerian judiciary - A memorandum for obtaining a master's degree - specializing in administrative law - Faculty of Law, Annaba - 2010 - p. 96.

[20]] Khaled Al-Helou - Riyad Al-Ali - Muhammad Anwar Majanni -The Property Issue and its Implications for Ownership Rights in Syria- Peace, Justice & Documentation Forum and The Day After - June 2019 - p. 7

The shortcomings have increased after 2011 due to the conflict and destruction of these plans, especially since most of them are not stored electronically.

In order to address the absence of the survey process and facilitate the identification and editing processes for real estate registration in the Land Registry, it is crucial to develop the competent departments, particularly the Surveys Department. Several measures can be undertaken in this regard:

A. Provision of material and technical resources that are aligned with the reactivation and revitalization of the survey process.

B. Provision of necessary technical expertise and support for the department's staff through internal and external technical training programs.

C. Organizational restructuring of the department in line with real estate, technical, and technological advancements to ensure increased efficiency and effectiveness.

D. Monitoring and providing compensation that is commensurate with the effort exerted by the technical cadres of the surveying department, and rewarding timely completion of tasks.

E. Involvement of civil society organizations in raising awareness among citizens about the importance of the survey process.

F. Reconsideration and amendment of the Syrian legislation, which is nearly a century old, to align with the current technical developments.

By implementing these interventions, the surveying department can be strengthened, leading to improved performance and effectiveness in the identification and editing processes for real estate registration, and ultimately enhancing the overall efficiency of the Land Registry system.

## **2- The Land Registry: Importance and Proposed Intervention Policies**

The Syrian legislator defined the real estate registry in the first article of Resolution No. 188 of 1926 as "a set of documents that show the descriptions of each real estate and specify its legal status, and stipulate the rights accruing to it and to it, and show the transactions and amendments related to it."

The real estate registry holds significance due to its principles<sup>[21]</sup>, such as evidential power and reliability of the facts and rights mentioned in it towards other persons.<sup>[22]</sup> Registered real estate rights in the registry hold absolute evidential power<sup>[23]</sup> and become a valid argument against anyone from the date of their registration. Ownership of a real right cannot be invoked if it has not been previously declared, and unregistered real estate ownership does not exist, neither between the parties nor when confronting others.<sup>[24]</sup> Furthermore, the real estate registry is the sole legal mechanism that grants the title deed, which serves as an identity or civil status for the property, providing comprehensive knowledge of real estate properties and protection for the rightful owner.<sup>[25]</sup> To enhance the performance of the real estate registry in Syria and overcome previous shortcomings, we propose the following intervention policies:

### **A- Consolidation of the Land Registry**

In most countries around the world, there is a tendency towards unity and permanence in the real estate registry system, given the inherent characteristics of the registry in protecting real estate property. However, in Syria, due to legislative inflation in the real estate system and a lack of coordination, some public agencies have been granted the right to keep temporary real estate records, such as the temporary registry and the records of the General Corporation for Housing, the Corporation Military Housing, and Union Housing Cooperation.<sup>[26]</sup> As a result, a significant gap has emerged between the basic real estate records held by the real estate registry and these temporary records,<sup>[27]</sup> as these temporary records lack a cadastral map and do not accurately represent the current status of real estate.

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[21] For more information on the principles of the real estate registry, see: Syrian real estate legislation: Prospects and Challenges- a working paper submitted by experts in the Syrian Arab Republic, published on the link: [https://arabstates.glt.net/wp-content/uploads/2021/03/TechnicalSession3a\\_Syrian-legislation\\_paper.pdf](https://arabstates.glt.net/wp-content/uploads/2021/03/TechnicalSession3a_Syrian-legislation_paper.pdf) Seen on 28 March 2023

[22] This was stipulated in Article 8 of Resolution 188 of 1926.

[23] This was stipulated in Article 17 of Resolution 188 of 1926

[24] Omar Hamdi Pasha and Laila Zerrouqi - Real Estate Disputes - Eleventh Edition - Dar Houma = Algeria - 2009 - p. 46

[25] Mustafa Muhammad Zerhani - The real estate registry as a mechanism for refining real estate ownership - Master's thesis - Business Law Branch - Faculty of Law and Administrative Sciences - Algeria 2010 - p. 5-6.

[26] Khaled Al-Helou - Riyad Al-Ali - Muhammad Anwar Majanni - The Property Issue and its Implications for Ownership Rights in Syria - Peace, Justice & Documentation Forum and The Day After - June 2019 - p. 20

[27] Syrian real estate legislation: prospects and challenges - a working paper submitted by experts in the Syrian Arab Republic, published on the link: [https://arabstates.glt.net/wp-content/uploads/2021/03/TechnicalSession3a\\_Syrian-legislation\\_paper.pdf](https://arabstates.glt.net/wp-content/uploads/2021/03/TechnicalSession3a_Syrian-legislation_paper.pdf) Seen on 28 March 2023.



To address this issue, General Communiqué No. 15/273 was issued in 2017, requiring these authorities to take necessary measures to transfer their records to the real estate registry in accordance with the laws and regulations in force. However, the transfer process has been facing obstacles, which has been hindering the progress of transferring the temporary records to the real estate registry.<sup>[28]</sup>

Given the circumstances mentioned above, it is crucial to promptly initiate the transfer of all records to the Real Estate Registry. To streamline this process, a joint committee will be formed, comprising employees from both the Real Estate Registry and the administrative authority currently in possession of the temporary registry.<sup>[29]</sup> The committee's main objective will be to identify and address any potential obstacles that could impede the seamless transfer of records.

## **B- Advancing Real Estate Registry Digitization and Documentation**

Despite the significant advancement of digital technologies in modern society, the real estate registry system still relies on traditional paper records. However, it has not kept pace with the evolving needs of the times, including the increasing demand for digitization of real estate documents and records. Digitization can result in faster and more efficient real estate services, enhanced data protection, and prevention of damage.

The initial steps towards digitizing real estate records were taken with the issuance of Decree No. / 12 / on 5/19/2016, which approved the use of digital copies of in-kind rights incidents as valid evidence and served as the basis for creating paper copies of real estate records. However, there is a pressing need to expedite the digitization process of real estate records, as well as other documentation records in the Land Registry. This requires allocating adequate human resources and necessary equipment to ensure a swift and effective transition to digital record-keeping.

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[28] Syrian real estate legislation: prospects and challenges - a working paper submitted by experts in the Syrian Arab Republic, published on the link: [https://arabstates.glt.net/wp-content/uploads/2021/03/TechnicalSession3a\\_Syrian-legislation\\_paper.pdf](https://arabstates.glt.net/wp-content/uploads/2021/03/TechnicalSession3a_Syrian-legislation_paper.pdf) Seen on 28 March 2023.

[29] Syrian real estate legislation: prospects and challenges - a working paper submitted by experts in the Syrian Arab Republic, published on the link: [https://arabstates.glt.net/wp-content/uploads/2021/03/TechnicalSession3a\\_Syrian-legislation\\_paper.pdf](https://arabstates.glt.net/wp-content/uploads/2021/03/TechnicalSession3a_Syrian-legislation_paper.pdf) Seen on 28 March 2023.

## Conclusion

Without an independent unit to evaluate the performance of Syrian state institutions, including those responsible for real estate affairs, it is challenging to accurately assess individual or institutional performance levels. However, by examining performance results, we can gain insight into the reality. These institutions have a primary mandate to regulate real estate ownership and ensure access to housing for citizens.

A simple survey reveals that a significant portion of real estate areas remain unregistered, despite almost a century passing since the establishment of the land registry. Additionally, slums have become extremely common in Syria, accounting for over 50% of the population, and individuals with limited incomes struggle to find affordable housing due to the absence of supportive institutions to help them exercise their right to adequate housing.

The current situation in the field of real estate affairs can be attributed to the overlapping competences of various institutions involved, resulting in duplication and conflict in their specializations. There is a lack of integration, organization, and coordination among these institutions, and their duties are not clearly defined. As a consequence, the tasks of each institution are unclear, which has led to difficulties, laxity in responsibility, and a lack of accountability. An evident example of this is the absence of any institution in Syria taking responsibility for the provision of adequate housing for citizens or addressing the issue of increasing slums. All institutions have been operating in the field of real estate affairs for years without being held accountable for their actions.

In order to establish effective policies for organizing the work of institutions involved in real estate affairs and ensure their proper functioning without overlap, it is necessary to limit real estate specializations to local administrations. Local administrations should be the highest authority in matters related to real estate, with jurisdiction and consistency with democratic principles and the contemporary spirit. This approach allows for more knowledgeable and capable handling of local real estate issues, reflecting the culture and diversity of society. Building regulations should be derived from the local community's vision, and penalties for building violations should be tailored to each community's estimated amount of fine.

Furthermore, the administrative authority should develop comprehensive and detailed organizational plans at all stages, as well as building regulations for population centers, in alignment with the principles of urban planning approved by the local administrative authority. This ensures that building regulations are in line with local needs and considerations while adhering to urban planning principles.

The administrative authority should have the capability to prepare technical plans for real estate affairs. In case of insufficient in-house staff, the authority should be able to contract external parties for this purpose. Additionally, the administrative authority should announce opportunities for construction contracts, both for public and private buildings, while ensuring that private capital is invested in legal and constructive ways in alignment with organizational plans and the legal system. These responsibilities should be carried out by the administrative authority with technical and financial independence, but subject to central control that is not overly burdensome for local authorities. The purpose of such control should be to prevent deviation from urban planning principles and illegal actions, rather than being excessively restrictive or punitive towards local authorities.

To enhance the efficiency of departments responsible for preserving real estate property, the Survey Department should be developed by ensuring it has adequate technical personnel, as well as providing the necessary technical and financial resources, including appropriate compensation for the effort exerted. Civil society organizations should also be involved in raising awareness among citizens about the importance of the survey process.

As for the real estate registry, a single and permanent registry should be established nationwide. This would require that all temporary records documenting real estate be promptly referred to the real estate registry, and any issues arising from transfers be resolved through a committee formed within the Land Registry. Additionally, efforts should be made to accelerate the process of electronic documentation of all records in the Land Registry, and to provide the necessary human resources and equipment for this purpose.

**2023**

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