

March 2022

Syria's Law 10 of 2018

A Revisit Four Years After

Manar Rachwani

The Assad regime enactment of Law 10 of 2018 provoked widespread concern and protest, including at the international level, due to its anticipated devastating social, economic, and humanitarian consequences on an unprecedented scale. After four years, the Law is officially to be implemented concerning the redevelopment of one area only, the northern entrance to Damascus, also known as al-Qaboun Industrial Zone. However, activating the Law in only one case, so far, and, at the same time, shifting away from it in other areas should not be interpreted positively but rather the opposite, considering the incentives behind the government's decisions.

Since the start of the Syrian uprising in mid-March 2011, the Bashar al-Assad regime has issued at least 31 Housing, Land, and Property (HLP)-related legislations¹ that many of them violate, directly and seriously, Syrians' HLP rights. Among the most prominent examples is the Anti-Terrorism Law No. 19 of 2012². Per article 11 of this Law and its amendments in the Legislative Decree No. 63 of 2012 (article 1)³, law enforcement forces, including "the designated attorney general or any person delegated by him," are authorized, at the early stage of investigating a terrorism-related crime, to freeze the accused person's moveable and immovable assets.

Furthermore, infringing on property rights was the norm rather than the exception in Syria under the ruling Baath Party and the Assads, Bashar and his father, Hafez. The most conspicuous example is the Agrarian Reform Law No. 161 of 1958, which was initially enacted following the short-lived unity with Egypt that year but reinforced by the Baath Party after it seized power in 1963, with more reduction on the private ownership ceilings to between 15-40 hectares for irrigated land and 80-200 hectares for rainfed land⁴. Consequently, it is estimated that some "22 percent of cultivable land was confiscated" by the state but "was only partially redistributed to [landless] farmers."⁵

More strikingly is Legislative Decree No. 20 of 1983⁶. The Law, which is still in effect, gives every ministry, public administration and institution, administrative unit (governorate, city, and municipality), and public-sector foundation the right to expropriate any privately-owned or endowment-designated land (article 2). While expropriation has to be for establishing public-benefit projects, the list of projects included in the Law is so broad that it contains "all the projects within the jurisdiction of the public and public sector entities and their designated duties" (article 3/G), such as constructing buildings for the Baath Party and its affiliated youth organizations.

Nonetheless, Law No. 10 of 2018⁷ was the legislation to grab the international community's attention and protest like no other law that violates the Syrians' HLP rights, specifically those enacted after 2011. As such,

¹ Syria Report, *The Most Notable Laws and Decrees Issued in Syria Over the Past Decade Related to HLP Issues*, 20/1/2021: <https://syria-report.com/hlp/the-most-notable-laws-and-decrees-issued-in-syria-over-the-past-decade-related-to-hlp-issues/>.

² The People's Assembly, *Law 19 of 2012*: <http://parliament.gov.sy/arabic/index.php?node=55151&cat=4306> (in Arabic).

³ The People's Assembly, *Legislative Decree 63 of 2012*: <http://parliament.gov.sy/arabic/index.php?node=5576&cat=16218&> (in Arabic).

⁴ The People's Assembly, *Law No. 161 of 1958*: http://www.parliament.gov.sy/error_docs/index.php?node=201&nid=10641&ref=tree& (in Arabic); Jihad Yazigi, *Deconstruct to Reconstruct: How the Syrian Regime Capitalises on Property Destruction and Land Legislation*, Berlin, Friedrich Ebert Stiftung, July 2017, pp. 2-3.

⁵ Nadia Forni, *Final Report on Land Tenure Systems Structural Features and Policies*, Damascus, Food and Agriculture Organization of the United Nations and (Syrian) Ministry of Agriculture and Agrarian Reform, March 2001, p. 8.

⁶ The People's Assembly, *Legislative Decree No. 20 of 1983*: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=6485&ref=tree&> (in Arabic).

⁷ The People's Assembly, *Law No. 10 of 2018*: <https://bit.ly/3ikQdmC> (in Arabic).

the first question that begs an answer is: what is exceptional about this Law that allows the government to create redevelopment zones across Syria? Furthermore, although the international pressure has resulted in two minor amendments to articles 6 and 14 (per Law No. 42 of 2018)⁸, by extending the time provided to property owners in designated redevelopment zones to prove their ownership, Law 10 is still in effect. Thus, after four years of its enactment, it seems helpful to examine the Law's actual implementation.

Reconstruction, Informal Settlements Development Façade

Law 10 is an expansion of Legislative Decree No. 66 of 2012⁹ that was justified by “developing unauthorized housing and informal settlements” (article 1) in two specific areas within the Damascus Governorate boundaries: southeast Mazzeh (zoned area 1) and the southern Damascus neighborhoods of Mazzeh, Kafr Sousah, Qanawat Basteen, Daraya, and al-Qadam (zoned area 2). So, it comes with no surprise that the regime and its proponents defend Law 10 as a national level “response” to “the problem of informal housing [that] has long been on the government’s agenda even before the current conflict erupted,” in addition to the “need to rebuild war-torn parts of Syria.”¹⁰

Indeed, addressing the protracted informal settlements phenomenon and the inevitable post-war reconstruction could represent an ideal benchmark against which Law 10’s goals and consequences can be assessed.

It is essential to note that in addition to several previous legislations that had aimed to deal with informal settlements, this issue is covered by the relatively new Law No. 23 of 2015 Concerning City Planning and Construction¹¹, which also deals explicitly with reconstructing “areas hit by natural disasters, such as earthquakes and floods, or destroyed as a result of wars or fires” (article 5/A). Thus, how and to what extent does Law 10 diverge from other legislations meant to solve the country-wide informal settlements issue?

Furthermore, the still effective Law 23 of 2015 represents the final reference concerning any issue not being dealt with in Law 10 and Legislative Decree 66 (clause 29 (article 63) of article 2 of Law 10). So, how can this “legislative duality”¹² be explained and justified? For example, while al-Qaboun Industrial Zone is to be redeveloped according to Law 10, al-Qaboun residential area zoning plan (as well as al-Yarmouk Palestinian refugee camp zoning plan) was approved by Damascus Governorate Council within the framework of Law 23 of 2015¹³.

Informal Settlements-Responsibility Whitewashing

The informal settlements problem could be as old as the post-independence Syrian state. Nonetheless, the main driver behind its aggravation over the past decades can, naturally, be found in the policies and laws adopted by the Baath Party, which has predominated and shaped most of the country’s post-independence dynamic and evolution.

Besides the Agrarian Reform Law, several housing-related laws were enacted, especially in the 1970s, that made the Syrian state “the dominant player in land and housing provision.”¹⁴ Most notable is Law No. 9 of 1974¹⁵, which laid the foundations for zoning areas¹⁶. Aiming to promote the construction of vacant urban lands, the Law provided two alternatives: the owners’ voluntarily division of their land or the creation of zoning areas by the administrative units that allows for private land’s expropriation. However, the outcome of the state efforts to meet the growing demand for housing in urban areas – whether for natural causes,

⁸ The People’s Assembly, *Law No. 42 of 2018*: <https://bit.ly/3N16wU1> (in Arabic).

⁹ The People’s Assembly, *Legislative Decree No. 66 of 2012*: <http://parliament.gov.sy/arabic/index.php?node=5588&cat=4300&> (in Arabic).

¹⁰ Syrian Law Journal, *The New Urban Renewal Law in Syria*, 14/5/2018: <https://www.syria.law/index.php/new-urban-renewal-law-syria/>. Also, Firas al-Shoufi, *Law No. 10: Illusions and Facts*, Al-Akhbar (newspaper), 28/5/2018: <https://al-akhbar.com/Syria/250904> (in Arabic, accessed 16/11/2021); Embassy of the Syrian Arab Republic in Bucharest, 18/12/2020: <https://bit.ly/3wvMb34> (in Arabic, accessed 16/11/2021).

¹¹ The People’s Assembly, *Law No. 23 of 2015*: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=15732&ref=tree&> (in Arabic).

¹² Aref al-Shaal, *Spotlight on Law No. 10 of 2018*, Equal Citizenship Centre, 4/5/2018: <https://bit.ly/3iuiHud> (in Arabic, accessed 17/11/2021).

¹³ Damascus Governorate, 25/6/2020: <http://www.damascus.gov.sy/Home/HomeNews/NewsView/Id/490> (in Arabic, accessed 1/12/2021).

¹⁴ Ahmad Sukkar, Sawzan Abou Zainedin, and Hani Fakhani, *Informal Settlements in Syria: What Approach after the Conflict?*, Arab Reform Initiative, 2021, p. 4.

¹⁵ The People’s Assembly, *Law No. 9 of 1974*: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=7507&ref=tree&> (in Arabic).

¹⁶ Yousif Faker Al-Deen and Rabee Al-Sharity, *A Crime Titled "Reconstruction" (The Second Book)*, Syrian Center for Legal Studies and Research, p. 21.

mainly population growth, or wars and rural migration to the cities – was “a story of government failure [...] which led to the rise of informality as a coping mechanism by the population to meet its acute needs for housing.”¹⁷ As of 2010, on the eve of the 2011 Syrian revolution, it is estimated that 32% of the total urban population in Syria was living in informal settlements¹⁸. For instance, the majority of Aleppo and Homs’ urban population (around 50% and 59%, respectively) and 40% of Damascus’ used to live in informal settlements¹⁹.

It is also important to note that aside from government inefficiency, the widespread corruption under the Baath and the Assads has played a crucial role in mushrooming informal settlements in Syria. As the legal advisor Anwar Majnani put it: the people behind constructing informal settlements “were but contractors connected with the regime; otherwise it wouldn’t have allowed them to build. In fact, most of the dwellers were not the builders themselves, but rather people who bought real estate and lived in them.”²⁰ In the same vein, while informal housing is usually associated with poor and underpaid individuals and households, corruption has allowed for the existence of luxurious informal settlements constituted of residences owned by influential people close to the regime²¹.

On the other side, informal settlement-related legislations can be traced back to 1956 with the enactment of the Municipality Law No. 172²² that prohibited unlicensed occupation of public-owned properties (article 117), while unauthorized constructions should be eliminated at the owner or occupant’s expense (article 118). However, the first law dealing specifically with informal settlements (buildings) was Legislative Decree No. 44 of 1960, which stipulated the demolition of contravention buildings as the general rule (article 1)²³. Although Legislative Decree No. 15 of 1971 reiterated the same demolition mandate (article 40)²⁴, the only real action concerning informal settlements was in the opposite direction, to the extent that in 1982, the Baath Party’s Central Committee issued its decision to provide informal settlements with services, mainly water and electricity²⁵. Thus, as of 2000, more than “90% of informal areas had access to public electricity networks, and access to water to a slightly lesser degree,”²⁶ and in “2004 some 97% of the informal neighbourhoods in Damascus,” for example, “had running water; rubbish was collected, and most streets were tarred.”²⁷

The other turning point occurred in the first decade of the 2000s through several laws, namely Law No. 1 of 2003, Law No. 46 of 2004, Law No. 33 of 2008, Legislative Decree No. 59 of 2008 (that replaced Law No. 1 of 2003), and Legislative Decree No. 40 of 2012. Although they toughened penalties on all of those involved in (future) constructing or using informal buildings, these laws, in general, aimed to rehabilitate and, consequently, legalize informal settlements. Article 8 of Law 40 of 2012 stipulated that violations in the informal settlements are to be legalized following the latter’s rehabilitation and legalization of its properties and the area’s inclusion in the zoning plan²⁸. Even Law 23 of 2015 allows for the option of implementing Law No. 15 of 2008 concerning informal settlements located within the boundaries of a zoning area, through an agreement between the developer/investor and the owners or the developer and the administrative unit (article 3). Per Law 15 of 2008, the developer “is obligated to provide proper substitute housing for the occupants” of an informal settlement “or “to compensate them in cash” before being evicted from the area (article 20)²⁹.

¹⁷ Ahmad Sukkar, Sawsan Abou Zainedin, and Hani Fakhani, *Informal Settlements in Syria: What Approach after the Conflict?*, p.6.

¹⁸ UN Habitat, *Emergency Response to Housing Land and Property Issues in Syria: Briefing Note*, Nairobi, 30/1/2013:

<https://reliefweb.int/sites/reliefweb.int/files/resources/Emergency%20response%20to%20Housing%20Land%20and%20Property%20issues%20in%20Syria.pdf>.

¹⁹ Jon D. Unruh, *Weaponization of the Land and Property Rights system in the Syrian civil war: facilitating restitution?*, Journal of Intervention and Statebuilding, 2016, p. 5, DOI: 10.1080/17502977.2016.1158527; Islamic Development Bank and UN-Habitat, *Informal Settlements in the Arab Region, “Towards Arab Cities without Informal Areas” Analysis and Prospects*, Nairobi; Giza, February 2020, p. 77.

²⁰ The Day After, *Reality of Housing, Land, and Property Rights in Syria*, Istanbul, December 2020, p.74.

²¹ Ahmad Sawan and Feras Haj Yahya, *Informal Housing Areas in Syria: Housing Rights and Property Disputes*, Doha; Istanbul, Harmoon Center for Contemporary Studies, April 2021, pp. 22-3 (in Arabic).

²² The People’s Assembly, *Law No. 172 of 1956*: <http://www.parliament.gov.sy/laws/Law/00087867.tif> (in Arabic).

²³ The People’s Assembly, *Legislative Decree No. 44 of 1960*: http://parliament.gov.sy/laws/Law/1960/structure_20.htm (in Arabic).

²⁴ The People’s Assembly, *Legislative Decree No. 15 of 1971*: <http://parliament.gov.sy/laws/Law/00040773.tif> (in Arabic).

²⁵ JHR, JHR: Syrian Data, and Ain, *Landmarks in the History of Real Estate Registry and Properties in Syria*, 3/5/2021: <https://syrdata.com/27207-2/> (in Arabic); Ahmad Sukkar, Sawsan Abou Zainedin, and Hani Fakhani, *Informal Settlements in Syria: What Approach after the Conflict?*, p.5.

²⁶ Samir Aita, et. al., *Urban Housing and the Question of Property Rights in Syria*, n.d., p. 25: <https://drive.google.com/file/d/1bra99ucA6EIPQVj6p-wVIVxXdjThWh4B/view>.

²⁷ Valérie Clerc, *Informal settlements in the Syrian conflict: urban planning as a weapon*, Built Environment, 40 (1), 2014, p. 3.

²⁸ The People’s Assembly, *Legislative Decree No. 40 of 2012*: <http://www.parliament.gov.sy/arabic/index.php?node=5588&cat=4311> (in Arabic).

²⁹ The People’s Assembly, *Law No. 15 of 2008*: <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=4801&ref=tree&> (in Arabic).

Based on that, Law 10 of 2018 – and before it, Legislative Decree 66 of 2012 - represents a massive setback to previous policies and laws adopted by the government itself to deal constructively with informal settlements. More precisely, the Law, in essence, is nothing but a whitewashing of the government's responsibility, through inefficiency and corruption, for the country-wide informal settlements.

According to Law 10 (and Legislative Decree 66), owners of buildings built on public or private state-owned lands are entitled only to the rubbles of their demolished buildings (article 43 of Legislative Decree 66). This outcome, logically, also includes those who fail to prove their ownership. Additionally, the occupants of illegally-built residents are only entitled to two years rent compensation, which equals five percent of the evacuated residential unit's estimated value (clause 24 (articles 44) of article 2 of Law 10).

Politicized Redevelopment, Reconstruction

While Legislative Decree 66 is applied to two specific areas that are generally informal settlements, Law 23 of 2015 also sets, at least ostensibly, criteria concerning areas to be subject to reconstruction, including being suffered from natural disasters or destroyed by war or fire. Law 10, on the contrary, is void of any standard against which a given area is decided to become a new zoned one.

Per article 1 of Law 10, such a decision, which takes the form of a decree, is based solely on a proposal by the Minister of Local Administration and Environment. Thus, other than the economic feasibility stipulated in the Law, the latter “does not state any principles of urban planning that should be adhered to, nor any books, reports or decisions from the ministry or governorate that should be used in the discussion of an area's organizational [zoning] plan.”³⁰ Accordingly, any area could become subject to rezoning, “whether it demands reconstructing or not or is an informal settlement or not.”³¹

Such absence of criteria, consequently, opens the door wide for politicized decisions driven by punishing opponents, rewarding proponents, and, more seriously, demographic changes in some areas. This is especially true as demolition of entire neighborhoods under the pretext of eliminating informal settlements³² has become, since an early stage of the war, one of the regime's weapons to punish the residents of opposition strongholds and opposition-leaning areas.

In the same vein, as one-third of the Syrian urban population lived in informal settlements on the eve of the 2011 revolution, several of these settlements – mainly in Damascus, Homs, and Aleppo – are inhabited by pro-regime Syrians who took the regime side over the past eleven years. Therefore, it is highly doubtful to see the expansion of “redevelopment” or zoning to these areas. For instance, in December 2019, Feisal Soror, the member of Damascus Governorate's Executive Bureau, assured the residents of the informal neighborhood Mazzeh 86, also known as the *Mukhabarat* (Secret Police) neighborhood, that the area is currently not considered for redevelopment, and the inhabitants will not be forced to cede their properties if the governorate decided such redevelopment in the future³³.

Furthermore, post-war reconstruction decisions can also be politicized through official exaggeration of estimated destruction in a given area, as is apparent in the case of al-Qaboun Industrial Zone of Damascus. While a Syrian Engineers Association-affiliated committee, commissioned by owners and occupants of the Industrial Zone, assessed the destruction of the area's buildings at less than 20 percent, Damascus Governorate's Executive Bureau estimated the destruction at around 80 percent. Hence, the Zone has become subject to demolishing and redevelopment as a residential and commercial area under Law 10³⁴.

³⁰ Isabel J., *Law No. 10, Property Rights Violations in Syria Against Sustainable Solutions for Returnees*, Budapest, Shattuck Center on Conflict, Negotiation and Recovery, Central European University, July 2019, p.3.

³¹ Aref al-Shaal, *Spotlight on Law No. 10 of 2018*.

³² Human Rights Watch, *Razed to the Ground, Syria's Unlawful Neighborhood Demolitions in 2012-2013*, Washington DC, January 2014.

³³ Ahmad Sawan and Feras Haj Yahya, *Informal Housing Areas in Syria: Housing Rights and Property Disputes*, p. 27.

³⁴ Fo'ad Azzam, *Assad Regime Seeks Destroying 750 Factories in al-Qaboun: Commercial Centers First*, The New Arab, 16/1/2021: <https://bit.ly/3lpWHez> (in Arabic, accessed 10/1/2022).

Moreover, the political, sectarian dimension of implementing the Law becomes further evident when considering its timing and requirements to prove ownership in a designated development area under the guise of both legalizing/eliminating informal settlements and post-war reconstruction in general.

'Lawful' Stripping of Ownership

As amended by Law No. 42 of 2018 due to the international community pressure, Law 10 offers owners in a designated redevelopment zone whose ownerships do not exist in the official records of the real estate registry or similar entities one year (up from 30 days in the original article of Law 10) to submit necessary documents proving their claims. In addition, relatives to the fourth degree of kinship or agents with power of attorney can submit claims on behalf of the owners (article 1).

Still, it is noteworthy that "only around 50 per cent of land in Syria is officially registered" before 2011³⁵, while several real estate registries, including in Zabadani, Daraya, Homs, and Al-Qusayr, had been destroyed during the war³⁶. More importantly, is the fact that the enactment of Law 10 concurred with the Syrians' displacement crisis approaching its peak, accompanied by an ever-growing number of detainees and forcibly disappeared persons.

Although Syria has become since years before 2018 the source of "the largest forcibly displaced population globally,"³⁷ the total number of the forcibly displaced Syrians by the end of 2017 was estimated at 12.6 million "comprising around 6.3 million refugees, 146,700 asylum-seekers, and 6.2 million [Internally Displaced Persons] IDPs,"³⁸ just slightly below the most recent estimates of 6.6 million refugees and 6.7 million IDPs³⁹. In this context, "a 2020 UNHCR/NRC study with Syrian refugees in Jordan originating from Dar'a Governorate" revealed that "over half of those interviewed did not have their HLP documentation due to loss or destruction during the conflict." Also, according to a 2019 UNHCR/NRC survey with Syrian refugees, in general, in Jordan, "only one in five of the survey's respondents stated that they were still in possession of their property documentation while in displacement, with even lower proportions for those originating from some governorates (e.g., only 9 per cent in Aleppo and 11 per cent in Hama)."⁴⁰

Of course, all warring parties have contributed to the displacement crisis. Nonetheless, it is well known that the Assad regime forces – and their allied Russian and Iranian-sponsored multinational forces and militias – are responsible for the displacement of the vast majority of the Syrians over the past 11 years. The same applies to arrested and forcibly disappeared Syrians.

As of August 2021, "at least 149,862 individuals" were "still arrested/detained or forcibly disappeared at the hands of the parties to the conflict and the controlling forces in Syria," 87.73% of them or "131,469 individuals, including 3,621 children and 8,037 women, are still detained or forcibly disappeared by the Syrian regime."⁴¹

It is needless to say that detained and forcibly disappeared persons, as well as most of the displaced and even migrant Syrians, will not be able to claim their property rights even through a third party, either relative or legal agent. For the regime, people of the pro-opposition areas are, in general, nothing but terrorists or, at best, constitute the social incubator for terrorists, as Bashar al-Assad explicitly said in a speech on April 26, 2014, estimating their number at millions⁴². Thus, relatives of displaced, detained, or forcibly disappeared persons will most probably fear being linked to 'terrorists.' At the same time, power of

³⁵ Jihad Yazigi, *Destruct to Reconstruct: How the Syrian Regime Capitalises on Property Destruction and Land Legislation*, p. 6.

³⁶ The Day After, *Informal Housing in Syria Harvest of Decades of Neglect*, Istanbul, December 2020, p. 17; Jihad Yazigi, *Destruct to Reconstruct: How the Syrian Regime Capitalises on Property Destruction and Land Legislation*, p. 6.

³⁷ UNHCR, *Global Trends, Forced Displacement in 2017*, Geneva, 2018, p. 6: <https://www.unhcr.org/5b27be547.pdf>.

³⁸ UNHCR, *Global Trends, Forced Displacement in 2017*, p. 6.

³⁹ UNHCR, *Syrian Emergency*, March 15, 2021: <https://www.unhcr.org/syria-emergency.html>.

⁴⁰ Norwegian Refugee Council and UNHCR, *Legal Identity and Housing, Land and Property Rights of Syrian Refugees from a Durable Solutions Perspective: Challenges and Opportunities*, December 2021, p. 19.

⁴¹ Syrian Network for Human Rights, *The Tenth Annual Report on Enforced Disappearance in Syria on the International Day of the Victims of Enforced Disappearances; Long Years of Constant Grief and Loss*, 30/8/2021, p. 8: <https://bit.ly/3wiErSa>.

⁴² Bashar al-Assad Speech to Religious Scholars and Figures, 26/4/2014: <https://www.youtube.com/watch?v=bwTdf-YRGMg> (accessed 2/1/2022).

attorney in general, especially one for real estate property-related acts, is subject, at least since 2015, to the approval of the regime security apparatus⁴³.

But losing private properties to the government is not limited to those who fail to prove their ownership in a designated redevelopment zone. It also includes, in another difference from Law 23 of 2015, a considerable portion of all other properties in the area under the guise of “appropriation with no compensation.”

Law 23 is already considered problematic and controversial for granting the administrative unit, for the purpose of building public facilities and utilities and social housing units, the “appropriation for free” of no more than 40% and 50% of the total size of a zoning area located outside the governorate center cities and the one inside those cities, respectively (article 4)⁴⁴. However, Law 10 allowed for the appropriation with no compensation of an unspecified size of the zoning area. As such, an administrative unit in charge of implementing the zoning plan could appropriate “even more than 70% of the land for no compensation other than vertically increasing the size of the of the new units’ flats” to be no less 80% of the owners’ original land, as stipulated in Law 10⁴⁵.

Such so-called appropriation is nothing but an utter confiscation⁴⁶ that explicitly violates the constitutions that the Assad regime itself has adopted since the 1970s. According to article 15 of the current constitution of 2012,

“Collective and individual private ownership shall be protected in accordance with the following basis:

1. General confiscation of funds shall be prohibited.
 - a. Private ownership shall not be removed except in the public interest by a decree and against fair compensation according to the law.
 - b. Confiscation of private property shall not be imposed without a final court ruling.
 - c. Private property may be confiscated for necessities of war and disasters by law and against fair compensation.
2. Compensation shall be equivalent to the actual value of the property.”

Nonetheless, considering the many laws enacted by the Assad regime over the past five decades, which allow for appropriation, expropriation, or confiscation without any compensation⁴⁷, renders any constitutional argument wholly trivial and irrelevant.

Legalized Displacement

Due to the demolition of informal settlements and the inability of many land and building owners to prove their claims, displacement seems a highly expected result for a large number of those who still live in designated redevelopment zones. Further, such ‘legalized displacement’ is next to guaranteed by the distribution mechanism detailed in Law 10 of the plots/sectors of a redeveloped zone.

According to Law 10 (article 3 of the Legislative Decree 66 of 2012), properties within the boundaries of a designated redevelopment zone become jointly owned by the owners who become shareholders. However, in another contrast to Law 23 of 2015, Law 10 (and Decree 66) has introduced an unprecedented mechanism concerning the owners’ ability to keep or sell their shares.

⁴³ Enab Baladi, *Security Apparatus Approval, Protection of Citizens’ Properties or Obstruction of their Lives*, 14/7/2020: <https://www.enabbaladi.net/archives/400529> (in Arabic, accessed 4/1/2022).

⁴⁴ Syria Report, *Explained: Law No. 23 of 2015 – Seizure of Properties in the Name of the Zoning*, 21/10/2020: <https://syria-report.com/hlp/explained-law-no-23-of-2015-seizure-of-properties-in-the-name-of-the-zoning/>; Ahmad Sukkar, Sawsan Abou Zainedin, and Hani Fakhani, *Informal Settlements in Syria: What Approach after the Conflict?*, p. 35.

⁴⁵ Aref al-Shaal, *Spotlight on Law No. 10 of 2018*.

⁴⁶ Arab Reform Initiative, *Law no. 10 on Reconstruction: A Legal Reading of Organized Mass Expropriation in Syria*, 28/6/2018.

⁴⁷ Arab Reform Initiative, *Law no. 10 on Reconstruction: A Legal Reading of Organized Mass Expropriation in Syria*.

Since the 1933 City Planning Law, all previous related laws, including Law 23 of 2015 (articles 32-41), adopted the so-called 'compulsory distribution' mechanism of the resulting plots in the redevelopment zones. Accordingly, a judge-headed committee distributes these plots among the owners with the condition of making the necessary effort to ensure that the shareholder's allocated new plot is in or proximate to the location of his original property⁴⁸. Law 10, in contrast, offers the shareholders entirely three different options: Allocation, creating/contributing to a company, or selling the shares in a public auction (clause 17 (article 27) of article 2 of Law 10).

Per the first option, a group of shareholders could request, within six months of issuing the share certificates, to be allocated with a particular plot equal in its value to their shares. But while the request is subject to the approval of the administrative unit and could easily be politicized, enjoying this option also demands "the shareholders' prior knowledge of the zone's master plan, the specifications of the resulting buildings in terms of their stories and size, and the shares required to acquire each building,"⁴⁹ which seems beyond the ordinary owners' ability.

On the other hand, request by shareholders to be included individually in an allocated plot is strict to those who originally or due to inheritance own properties in the area before creating the new redevelopment zone. Thus, while the Law allows the shareholders to sell, wholly or partially, their shares within a year of publishing the final ownership charts, the buyers can't benefit, individually, from the latter possibility.

The second option, available also for six months since issuing share certificates, includes the owner's contribution to a company that aims to construct, sell, and invest in plots in the redevelopment zone. Other than that, the administrative unit will sell in public auctions, which is the third option, the remaining plots, i.e., that have not been allocated, following the first two options, to a group of shareholders or companies.

Law 10 at Four: Only One Zoning Area

Since the enactment of Law 10 four years ago, on April 2, 2018, Syrian government officials publicly announced that several areas, mainly in Damascus and Homs Governorates, are to be developed or reconstructed under that Law, including introducing amendments to some areas' zoning plans already finalized according to other laws. Based on statements by officials, the targeted areas include, for example, but not necessarily exclusively, al-Qaboun and Harasta in Damascus Governorate, and Baba Amr, Jubar, Jorat al-Shayah, and al-Sultaniyya neighborhoods in Homs Governorate, as well as al-Qusayr City, al-Rastan City, al-Quryatayn town, and Palmyra City (some neighborhoods), also in Homs Governorate⁵⁰.

Nonetheless, creating a zoning area under Law 10 demands, as the final legal procedure, the issuance of a presidential decree that needs, in return, to be published in the official gazette. So far, only one such decree has been issued, which is Decree No. 237 of 14/9/2021 concerning the northern entrance to Damascus⁵¹, or al-Qaboun Industrial Zone of the size of 200 hectares (including 50 hectares carved out of neighboring Harasta⁵²).

More interestingly, while many zoning plans are yet to be finalized or approved (as is al-Qusayr's, which was first issued in October 2018, as "the first practical implementation of Law No. 10"⁵³), the law under which those plans are to be implemented could be subject to a change. The most prominent example in this context is al-Qaboun area itself.

⁴⁸ Aref al-Shaal, *Spotlight on Law No. 10 of 2018*.

⁴⁹ Aref al-Shaal, *Spotlight on Law No. 10 of 2018*.

⁵⁰ Syria Report, *Amending Zoning Plans in Homs under Law No. 10*, 21/12/2021: <https://syria-report.com/hlp/homs-amending-zoning-plans-under-law-no-10/>; Ahmad Sukkar, Sawsan Abou Zainedin, and Hani Fakhani, *Informal Settlements in Syria: What Approach after the Conflict?*, pp. 12 & 17; Syria TV, *Homs.. Law 10 Goes into Effect*, 16/12/2019: <https://www.youtube.com/watch?v=dFVIXGEwXHE> (video in Arabic, accessed 15/2/2022).

⁵¹ Official Gazette, Vol. 102, No. 37, 29/9/2021, p. 601.

⁵² Syria Report, *Law No. 10 Goes into Effect at the Northern Entrance to Damascus*, 18/1/2022: <https://syria-report.com/hlp/law-no-10-goes-into-effect-at-the-northern-entrance-to-damascus/>.

⁵³ Syria Report, *Amending Zoning Plans in Homs under Law No. 10*.

The 2018 Zoning Plan of Homs Governorate's al-Qusayr City



Source: Al-Qusayr City-Local Development Facebook page, October 10, 2018: <https://bit.ly/3tmrqoK>

Al-Qaboun as a whole was supposed to be redeveloped according to Law 10. However, per Decree 237, only the neighborhood's Industrial Zone has become subject to that Law. Al-Qaboun residential area zoning plan, on the other hand, was approved by Damascus Governorate Council, in June 2020, according to Law 23 of 2015. Later, in July 2020, Mo'ammar Dakkak, the Director of Technical Studies at Damascus Governorate, stated that the redevelopment of the area (and al-Yarmouk Palestinian Refugee Camp) would be per Legislative Decree No. 5 of 1982⁵⁴.

However, activating Law 10 in only one case and, at the same time, shifting away from that Law in other areas should not be interpreted positively but rather the opposite, considering the incentives behind the government's decisions.

On one side, it is critical to note that the actual activation of Law 10 concerning the Qaboun Industrial Zone was relatively recent. More importantly, the issuance of Decree 237 came in spite of lengthy opposition over the past few years from pro-regime industrialists⁵⁵, as well as rare pro-regime media criticism⁵⁶ to the decision that will result in the demolition of one of the oldest industrial zones in Syria, which hosts around 750 factories⁵⁷.

On the other hand, the limited actual use of Law 10 and even Law 23 of 2015 is far from being driven by the owners' and residents' best interests. In justifying the redevelopment of al-Qaboun residential area (and al-Yarmouk Palestinian Refugee Camp) according to Legislative Decree 5 of 1982, the Director of Technical Studies at Damascus Governorate explicitly stated that the reason is the "tremendous financial burden that

⁵⁴ Wael al-Dughli, *Damascus Governorate: No Substitute Housing for al-Yarmouk Camp and al-Qaboun Residents at the Time of Redevelopment*, aliqtisadi.com, 7/7/2020: <https://bit.ly/3iumjml> (in Arabic, accessed 16/2/2022).

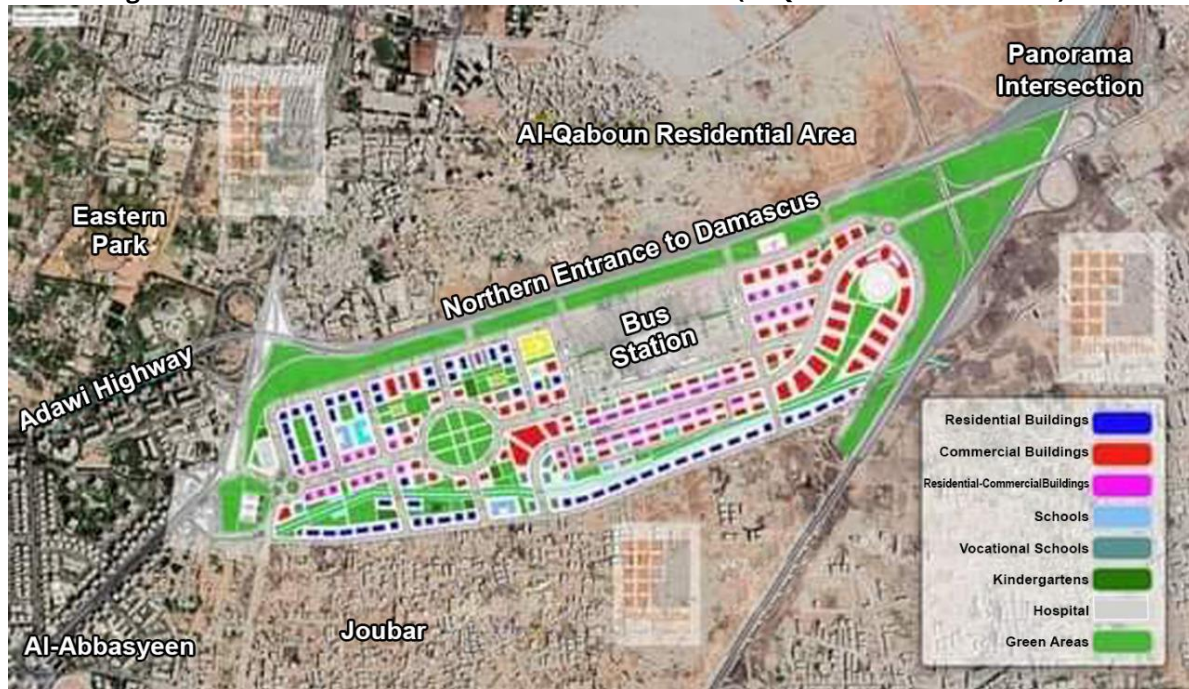
⁵⁵ Hana Ghanem, *Al-Qaboun Industrial Dispute to the Forefront Again*, Al-Watan (newspaper), 31/12/2020: <https://alwatan.sy/archives/241495> (in Arabic, accessed 10/1/2022).

⁵⁶ Suheib Anjrini, "Al-Qaboun Industrial": *Bolstering the Economy through Demolishing Factories!*, Al-Akbar (newspaper), 30/8/2019: <https://al-akhbar.com/Sham/275644> (in Arabic, accessed 10/1/2022).

⁵⁷ Hana Ghanem, *Al-Qaboun Industrial Dispute to the Forefront Again*; Fo'ad Azzam, *Assad Regime Seeks Destroying 750 Factories in al-Qaboun: Commercial Centers First*.

has fallen on the Governorate due to paying rent for those evicted [from the two areas included in Decree 66 of 2012], and the Governorate's inability to secure the necessary fund to build substitute housing."⁵⁸

The Zoning Plan of the Northern Entrance to Damascus Area (al-Qaboun Industrial Zone)



Source: Syrian Economic News, December 6, 2021: <https://bit.ly/37zigg3> (The original in Arabic)

Per Law 10, Decree 66 of 2012, and Law 23 of 2015, legal owners and residents of an area to be redeveloped according to these laws are eligible for substitute housing. They are also entitled, per Law 10 and Decree 66, to annual rent equivalent to 5% of the values of the evacuated unit through the period of constructing the substitute housing.

According to Decree 66, substitute housing is supposed to be ready in no more than four years of the date of the Decree, i.e., September 2016. However, Law 10, which states that the two zoning areas included in Legislative Decree 66 "benefit from the rules of this law" (article 6), made the four-year period starts with the actual evacuation of the targeted area. This makes the deadline 2021 at best, as the eviction of the areas' residents took place between 2015 and 2017. Nonetheless, in June 2021, construction of the first building of the substitute housing started, and eligible people are expected to be delivered their homes in 2025, according to Mo'ammr Dakkak, the Director of Technical Studies at Damascus Governorate⁵⁹. In the meantime, while the annual rent has become worthless due to the skyrocketing inflation, the payments by Damascus Governorate interrupted more than once⁶⁰.

As such, there is no doubt that the government implements the laws that suit its agenda and interests, even at the expense of people's and national economic interests. While not using Law 10 in some areas means freeing the government of the substitute housing financial burden, the activation of the same Law in the case of al-Qaboun Industrial Zone can also be explained by the government's expected financial gains. So, rather than the false pretext of vast destruction, the demolition of the industrial zone to become a residential and commercial area is primarily driven, according to a pro-regime newspaper, by allowing the Governorate to acquire the "right" to "invest 40 hectares of the total area, a percentage capable of accommodating a huge number of residential towers to be sold at exorbitant amounts."⁶¹

⁵⁸ Wael al-Dughli, *Damascus Governorate: No Substitute Housing for al-Yarmouk Camp and al-Qaboun Residents at the Time of Redevelopment*.

⁵⁹ Fadi Baik al-Shareef, *Dakkak to al-Watan: 6,000 Residences in the Substitute Housing Project by 2025*, al-Watan (newspaper), 21/2/2022: https://alwatan.sy/archives/293367?utm_campaign=nabdapp.com&utm_medium=referral&utm_source=nabdapp.com&ocid=Nabd_App (in Arabic, accessed 23/2/2022).

⁶⁰ Syria Report, *Delayed Rent Allowance Payments for Marota City: Is Covid-19 the Cause?*, 13/1/2021: <https://syria-report.com/hlp/delayed-rent-allowance-payments-for-marota-city-is-covid-19-the-cause/>.

⁶¹ Suheib Anjirini, "Al-Qaboun Industrial": *Bolstering the Economy through Demolishing Factories!*.

Conclusion: One of Many Abusive HLP Laws

The Assad regime and its proponents justify Law 10 by addressing the informal settlements problem and the inevitable post-war reconstruction. However, the Law's primary aim seems to be nothing but freeing the government from most constraints and obligations stipulated in previous related laws, most of them still in effect. Accordingly, Law 10 can be employed arbitrarily, resulting in devastating social, economic, and humanitarian consequences on an unprecedented scale, considering that it is applicable nationally. The outcomes of Decree 66 of 2012, which constitutes the origin of Law 10, would be helpful to envision the probable consequences on the national level. The number of affected people by Decree 66 is estimated by some reports as high as 150,000 persons⁶². Aside from those who lost their properties permanently in the two areas targeted by that decree, only 5516 persons are officially eligible for substitute housing that has yet to be built⁶³. Simultaneously, the Law raises the government benefits and profits through the so-called appropriation.

The recent activation of Law 10 shows that the regime is tenacious in using the Law whenever that serves its agenda, regardless of any pressure and objection from the international community or loyal figures and entities inside Syria. At the same time, the regime's inability to employ the Law widely due to lack of necessary financial resources highlights the crucial future role international donors could play to deactivate and revoke Law 10 as a condition to funding post-war reconstruction in Syria.

More importantly, it is critical to note that Law 10 is only one in a large arsenal of abusive HLP-related legislations that many of them predate 2011 and are considered among the major causes of the 2011 uprising⁶⁴. Accordingly, it is essential that HLP rights, in general, be central in any actual, lasting future settlement of the Syrian conflict. This means going beyond Law 10, as well as before post-2011 legislations.

Manar Rachwani is a Syrian journalist and researcher based in France. He was the Editor-In-chief of Syria Direct website, the Research Manager for Southern Syria at the Stabilisation Response Mechanism (SRM) program implemented by Adam Smith International, and the opinion editor and columnist at Al-Ghad daily newspaper of Jordan.

Mr. Rachwani has M.A. in Political Science from Al al-Bayt University of Jordan, and B.A. in Law from the University of Jordan.

⁶² Habib Shehadah, "Fake Houses": Decree 66 Breaches Its Promises And Expels Syrian Families, Syrian Investigative Reporting for Accountability Journalism (SIRAJ), 4/4/2020: <https://sirajsy.net/fake-houses-decree-66-breaches-its-promises-and-expels-syrian-families/> (accessed 13/1/2022).

⁶³ Mahmoud al-Saleh, In Four Years, All people Qualified for Substitute Housing will Get their Residences in "Marota City," al-Watan (newspaper), 31/10/2020: <https://bit.ly/3isTFM0> (in Arabic, accessed 13/1/2022).

⁶⁴ Samir Aita, et. al., Urban Housing and the Question of Property Rights in Syria, p. 9; Jihad Yazigi, Destruct to Reconstruct: How the Syrian Regime Capitalises on Property Destruction and Land Legislation, p. 5.

