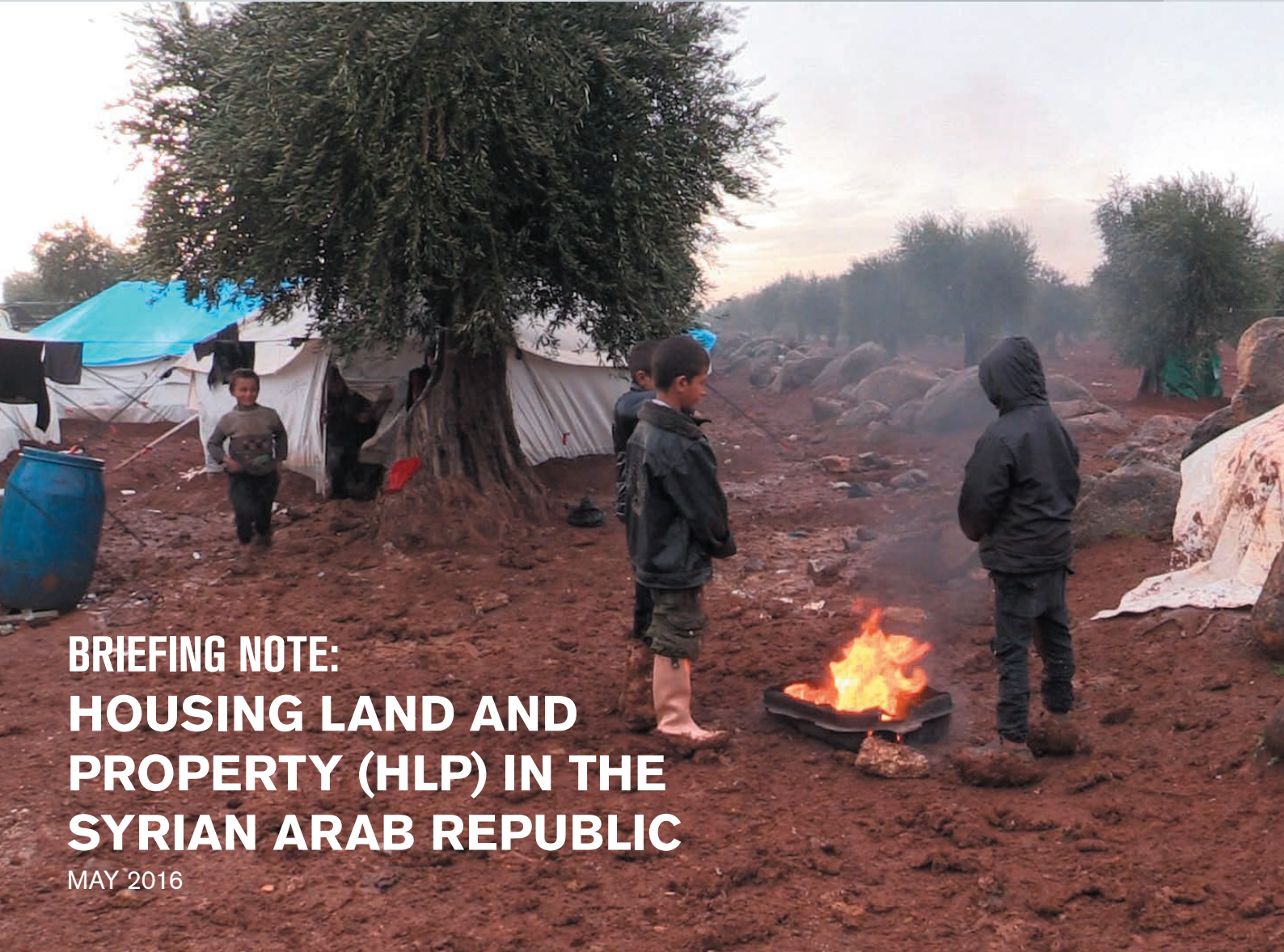




HOUSING, LAND  
AND PROPERTY



**BRIEFING NOTE:  
HOUSING LAND AND  
PROPERTY (HLP) IN THE  
SYRIAN ARAB REPUBLIC**

MAY 2016



NORWEGIAN  
REFUGEE COUNCIL

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# INTRODUCTION

This note explains why housing, land and property (HLP) rights are relevant to the current humanitarian response inside the Syrian Arab Republic (Syria). While attention must remain focused on immediate life-saving actions, steps to address HLP issues should also be considered and included at the outset of any response, as the failure to do so can undermine the efficacy and durability of humanitarian assistance and long-term recovery. Understanding and addressing HLP issues in Syria will contribute to restoring and strengthening the rule of law. Addressing HLP rights will also ensure a more equitable and sustainable humanitarian response, and will ultimately protect, support and strengthen the safety and resilience of those affected by the crisis.

To assist in the understanding of Syria's HLP system, this document provides an overview of the country's pre-crisis land governance, HLP legal framework, and current HLP issues; and offers recommendations for action and remedy.

## HLP AS A HUMANITARIAN AND HUMAN RIGHTS CONCEPT

Housing, land and property (HLP) rights are about having a home, free from the fear of forced eviction; a place that offers shelter, safety and the ability to secure a livelihood. The concept of HLP includes the full spectrum of rights to housing, land and property held according to statutory or customary law or informally; both public and private housing, land and/or property assets. Land rights are rights held to both land and natural resources.

HLP rights are held by tenants, cooperative dwellers, customary land tenure owners and users, and informal sector dwellers without secure tenure. Since the early 1990s humanitarians have called attention to the importance of HLP rights in providing durable solutions for both IDPs and refugees. From a human rights perspective, the concept of HLP is essential to ensure the protection of people in all these categories.<sup>1</sup>

HLP rights are referenced and defined in several international human rights instruments which include universally recognised human rights, particularly the right to adequate housing. Organisations providing protection and assistance to persons affected by disasters and crisis should respect the human rights, including HLP rights, of affected persons at all times, and advocate for their promotion and protection to the fullest extent.<sup>2</sup>

Common HLP issues in emergencies include: tenure discrimination leading to inequitable assistance; loss of HLP documentation; access to land for shelter and livelihoods; access to natural resources, such as water; land and property crisis; forced eviction; secondary occupation; land grabbing; restitution; and disinheritance, particularly of women and children.

The Global Protection Cluster's HLP Area of Responsibility (AoR)<sup>3</sup>

1 Norwegian Refugee Council, 2011, *Housing, Land and Property, Training Manual*, p.11. <http://www.nrc.no/?did=9165948#Vs7BE8dMFQZ>.

2 IASC, 2011, *Human Rights and Natural Disasters. Operational Guidelines and Field Manual on Human Rights Protection in Situations of Natural Disaster*, General Principle III, p.3.

3 <http://www.globalprotectioncluster.org/en/areas-of-responsibility/housing-land-and-property.html>.

# THE HLP CONTEXT IN SYRIA

## Land governance before the crisis

Although Syria's land area is divided into two broad categories – state land (62 percent) and private land (38 percent) – the underlying tenure system is pluralistic and includes a wider range of statutory, customary, Islamic and informal rights categories.<sup>4</sup> The simplistic public–private land division reflects the ownership of the asset, but not the different types of access and use rights, which differ for every context, and are based on historical tenure patterns and various overlapping and coexisting legal systems.<sup>5</sup>

Initial figures suggest that only twenty percent of state land was registered before the crisis. State land includes registered state properties (e.g. state farms and agricultural land that was rented or otherwise allocated to private individuals); unregistered open access and communal land resources (e.g. forest land and pasture land); and state land used for roads and other public purposes. As the ultimate owner of a large portion of the territory, the State played a very important role in land management. The HLP market should, in theory, concern only private land and property, but in reality there are parallel markets where use rights over public land are informally transacted.

During the French mandate (1923-1946), a land cadaster<sup>6</sup> was established with land registers in all the governorates. However, these only covered transactions within the statutory system (i.e. they did not include customary and informal transactions), and there was no central, national-level registry. In addition, the process of digitalising these records that started in 2010 was only used for new records, so did not include transactions that occurred before 2010.<sup>7</sup>

## Urban, peri-urban areas and informal settlements

Prior to the crisis, over half of Syria's population lived in urban and peri-urban areas, and approximately one-third of the urban population lived in informal settlements. In Damascus and Homs, for instance, between forty and fifty percent of the population lived in informal settlements.<sup>8</sup> These settlements had services such as electricity and

4 Nadia Forni, 2001, *Land Tenure Systems Structural Features and Policies*, FAO, p. 9.

5 Forni, 2001, op. cit., p.4.

6 A cadaster is an official public register of the real properties of one country. It usually provides details of ownership and boundaries of real properties within the statutory system.

7 Jon D. Unruh, 2016, *Weaponization of the Land and Property Rights system in the Syrian civil war: facilitating restitution?*, *Journal of Intervention and Statebuilding*, DOI: 10.1080/17502977.2016.1158527 p. 7.

8 Unruh, 2016, op. cit., p.5.

running water, but had only limited official recognition and registration.<sup>9</sup> The informal status of these settlements usually resulted from the lack of adherence to official regulations regarding land tenure and registration requirements, and/or land use, planning, and building requirements. Most residents of informal settlements lacked security of tenure.<sup>10</sup>

## Rural areas

Before the crisis, land rights were acquired largely through a form of prescription<sup>11</sup>. Sharecropping, renting and purchase of land were also common, and were usually effected through extended family or lineage relationships. Such an approach, together with marriage and inheritance, means that certain family names are specific to some geographic areas.<sup>12</sup> In rural areas, customary land systems and institutions were prevalent, and played an important role in land dispute resolution, thus complementing the role of the official arbitration committees and courts that existed at national and governorate levels.



9 Housing, Land and Property Area of Responsibility (HLP AoR), 2013, *Emergency response to Housing Land and Property issues in Syria*, p. 1.

10 HLP AoR, 2013, *op. cit.*, p.2.

11 Prescription is the process of acquiring land rights, and in particular obtaining land ownership, as a result of continuous land use over a period of time.

12 Unruh, 2016, *op. cit.*, p.12.

# KEY HLP LEGAL FRAMEWORK

## The Ottoman Influence, the Civil Code and Customary Law

The system and practice of land administration put in place during the Ottoman Period heavily influenced Syria's current land tenure systems. Examples include the use of the "tapu" documents to represent ownership rights over land; the use of witness testimony where documents were lost; and the role of Shari'a Courts to effect the transfer of property rights.

Syria's land tenure system also reflects historical social dynamics, particularly with regards to agricultural land. Historically, large swathes of land were held in relatively few hands, while the majority of peasants had only various types of use rights.<sup>13</sup> Significant law reforms were put in place after World War II, responding to demands for more equitable access to land. These policies established maximum amounts of land that could be held by individual families, with the aim of giving access to land to peasants, and ensuring that farmers obtained fairer shares of production in the case of sharecropping.<sup>14</sup> By the time the major reforms were completed in 1970, 1,513,000 hectares of land had been expropriated by the State; the reforms most affected the Governorates of Quneitra, Damascus, Al-Hasakeh, Homs, Ar-Raqqa, Aleppo, Idleb, and Hamah.<sup>15</sup>

The Syrian Civil Code of 1949 has played an important role in the development of the current land tenure system. The Code divides land into five categories:

1. *mulk* – Land "susceptible to full ownership lying within the perimeter of administratively determined built-up areas;"<sup>16</sup>
2. *amirié (or miri)* – Land owned by the State;
3. *métrouké murfaka* – Land owned by the State but subject to a right of use in favour of a collectivity of people, usually governed by local customs or administrative regulations;

13 M. Mundy and R. Smith, 2007, *Governing Property: Making the Modern State Law, Admin & Production in Ottoman Syria*. In 1951, 90 percent of the Jazira agricultural land was owned by 40 Bedouin chiefs and town notables, 10 of whom owned 70 percent of the irrigated land in the Euphrates; in Al-Hasakeh, 13 landowners owned all irrigated parcels larger than 1000 hectares. M. Ababsa, 2013, *50 Yrs of State Land Distribution in the Syrian Jazira: Agrarian Reform, Counter-Reform & The Arab Belt Policy, 1958-2008*.

14 Maximum Limit of Individually Owned Landholdings under Agrarian Reform Laws or Decrees of 1958, 1963, and 1980 (i.e. Law No. 161 of 27 September 1958; Legislative Decree No. 88 of 23 June 1963, With the Changes Made in Legislative Decree No. 31 of 14 May 1980 in parentheses) and Agricultural Relations Law (Law No.134) of 1958.

15 Hanna Batatu, 1999, *Syria's Peasantry, the Descendants of Its Lesser Rural Notables, and Their Politics*.

16 Syrian Civil Code, Art. 86(2).

4. *métrouké mehmi* – Land that belongs to the State at the governorate or municipality level, and which is part of the public domain;
5. *khalié mubah* – Amirie land that has not been inventoried and delimited, and on which the first occupant with the State's permission acquires a right of preference.

These categories still apply today; however, substantial overlap of different types of tenure coexists. Although officially abolished in 1958, customary laws, institutions and practice were very strong and influential before the crisis. Customary law is fused with Islamic law in Syria as it is throughout the Muslim world. Before the crisis, customary institutions had authority over rangeland management and benefited from implicit recognition by the State; accordingly, HLP dispute management and resolution was also a key function they performed.

### Most recent HLP reforms

In 2000, President Bashar al-Assad began a process of economic liberalisation to reverse the collectivist policies put in place after World War II.<sup>17</sup>

Throughout the crisis, the Government of Syria has continued to issue laws and regulations that affect the management and use of land. The most important are:

- ▶ *Landlord and Tenant Law 20/2015*<sup>18</sup>: Seeks to put an end to manipulation of rent and other problems that arise between landlords and tenants. The Law maintains the principle that the terms of leases shall remain subject to the will of the contracting parties. The parties are still permitted to conclude fixed-term leases and set rental prices as they see fit. Landlords and tenants are still able to determine conditions for rescission, but the new Law added new restrictions to protect tenants from undue pressures to vacate leased properties. In addition provisions have been reinforced that protect public sector employees and military personnel from eviction.
- ▶ *Legislative Decree 26/2015 (Housing Law)*<sup>19</sup>: Regulates the activities of the General Housing Establishment (GHE) to meet the needs of the population in light of the current crisis, particularly through social housing. (The GHE is mainly tasked with satisfying the housing and construction requirements in the country and setting five-year plans to meet these targets).

17 For example, Ba'th Party Decision No. 83, December 16, 2000 privatized the state farms.

18 Promulgated by President Bashar Al-Assad on November 11, 2015. The Law 20/2015 replaces the previous Law 6/2001. Syrian Law Journal <http://www.syrianlawjournal.com/> .

19 Promulgated by President Bashar Al-Assad on May 27, 2015. Syrian Law Journal <http://www.syrianlawjournal.com/> .



- ▶ *Urban Planning Law 23/2015*<sup>20</sup>: Deals with planning and the division and organisation of land. It has a particular focus on zoning provisions. The Law also helps to curb the number of illegal housing settlements and to develop urban expansion.
- ▶ *Law 21/2015 (Building Permit Fees Exemption Law)*<sup>21</sup>: Exempts property owners from paying building permit fees if they intend to carry out repairs on their properties to fix damages sustained as a result of the crisis.

In addition, new regulations have required property owners to seek clearance from law enforcement authorities before proceeding to sell any of their real estate assets.<sup>22</sup> New measures have also been put in place to verify the authenticity of real estate transfer documents by public notaries in an effort to prevent title deed forgeries.



20 Promulgated by President Bashar Al-Assad on December 8, 2015. It repeals Law 9/1974 and Law 60/1979, which previously governed these matters. Syrian Law Journal <http://www.syrianlawjournal.com/>.

21 Promulgated by President Bashar Al-Assad on November 23, 2015. Syrian Law Journal <http://www.syrianlawjournal.com/>.

22 See <https://www.newsdeeply.com/syria/articles/2016/04/25/new-damascus-housing-law-feeds-bribe-culture>.

# MAIN HLP CHALLENGES IN SYRIA

The main challenges currently revolve around displaced individuals' living conditions; illegal and undocumented HLP transactions; HLP disputes; access to land for livelihoods; land contamination with landmines; and lack of personal and HLP documentation. In addition, displaced women are facing particular barriers in accessing their HLP rights. The list below, while not exhaustive, summarises the main current HLP challenges in Syria today:

## 1. Multiple displacement and security of tenure

According to the 2016 Humanitarian Needs Overview, an estimated 6.5 million people are displaced inside Syria, the majority of whom live in urban areas (4 million people, equivalent to 35 per cent of the current urban population).<sup>23</sup> During the past five years of the crisis, people inside Syria have faced multiple displacements. Lack of secure tenure is among the many causes of these repeated displacements. Waves of short and long-term displacement often involve different claimants and occupants for the same parcel of land. Multiple displacements have also contributed to a significant deterioration in living conditions, and increased the risk of eviction. They have also exacerbated competition over land, natural resources and employment with host communities.<sup>24</sup>

## 2. Destruction of property and infrastructure and lack of adequate shelter

More than five years of crisis has resulted in mass destruction of residential and commercial areas, including essential infrastructure and services. The severity of housing damage is unprecedented in both urban and rural areas. For example, over half of Homs' 36 neighbourhoods were already heavily damaged by 2014,<sup>25</sup> and in 2014 74 out of 125 of Aleppo's neighbourhoods were either not or only partially functional.<sup>26</sup> According to a UN HABITAT city profile exercise carried out in May 2014, in Aleppo, the majority of heavy damage was to informal settlements.<sup>27</sup>

Shelter support remains a critical need for the crisis-affected population. The 2016 Humanitarian Needs Overview estimated that 2.4 million people need shelter support. Host communities remain the primary providers of emergency shelter for IDPs and adequate shelter stock is insufficient. Evictions, insecure tenure and repeated displacements are

23 2016 Humanitarian Needs Overview: Syrian Arab Republic (2016 HNO), p.4 and IDMC Global Internal Displacement Database, available at <http://www.internal-displacement.org/database/country?iso3=SYR>. In addition, according to UNHCR, there are 4,840,000 Syrian individuals registered in neighboring countries. See <http://data.unhcr.org/syrianrefugees/regional.php>.

24 2016 HNO, op. cit., p.12.

25 UN HABITAT, 2014, Homs city profile, p.9.

26 UN HABITAT, 2014, Aleppo city profile p.13.

27 Ibid.

chronic problems.<sup>28</sup> In order to ensure more sustainable solutions to shelter shortages, IDPs must be supported to have more secure tenure, reducing the risk of eviction.<sup>29</sup>

As noted above, land registries have been damaged and/or destroyed as a result of the crisis, and therefore reliable land records are not always available. This means that humanitarian actors should exercise caution when attempting to identify “vacant land” for shelter programmes, support the establishment of camps, or clear land for livelihoods, etc.

### 3. Living conditions for IDPs

Many IDPs are struggling to meet their basic shelter needs. Displaced families are living in camps/informal settlements, collective shelters (such as public buildings), private residences with host families, and rented accommodations. The challenges vary significantly from one area to another. In general, despite ongoing efforts, the living conditions remain sub-standard and overcrowded. Host communities’ living conditions are often also very poor.

#### a. Living conditions for IDPs in camps/informal settlements

Camps/Informal settlements, also called spontaneous settlements, often consist of groups of tents or other types of housing units established by the IDPs themselves, and constructed on land to which occupants have no legal claim. The majority of these settlements do not comply with international standards for site planning and service provision. Living conditions are sub-standard, and these settlements lack security of tenure. Based on the latest information available from the CCCM Cluster, there are 220 documented Informal Settlements/Camps hosting approximately 188,323 individuals in northern Syria;<sup>30</sup> reliable data for elsewhere in Syria is not yet available.

#### b. Living conditions for IDPs in collective centers

Based on the latest Needs and Population Monitoring Report, around 10 percent of Syrian IDPs are residing in collective centres.<sup>31</sup> Technical assessments completed by CARE indicate that the vast majority of these are inadequate from a Shelter and/or WASH<sup>32</sup> perspective.<sup>33</sup> Occupied collective centres typically lack adequate sealing-off (i.e. climatic protection) and access to bathing facilities. Assessment data indicates considerable variation in size (between 4 and 400 households), ownership (e.g. private or public), and previous use of buildings now functioning as collective centres. CARE’s assessment found that schools often serve a dual purpose as both collective centres and education facilities. Initial findings from NRC’s

28 2016 *Humanitarian Response Plan : Syrian Arab Republic*, January – December 2016 (2016 HRP), p.42.

29 2016 HNO, op. cit., p.35.

30 CCCM Cluster, April 2016, *IDP Sites Integrated Monitoring Matrix (ISIMM)*.

31 UN OCHA, January 2016, *Needs and Population Monitoring (NPM) Report – Round 5*.

32 Water, Sanitation and Hygiene.

33 CARE, 2016, *Collective Centres in Southern Syria – Initial Assessment*.

ongoing WASH assessment indicate that many collective centres are operated by local councils or small local organisations with inadequate resources for full service provision and significant needs and gaps.<sup>34</sup>

#### c. Living conditions for IDPs in damaged/unfinished buildings

Available data indicates that around 1.2 million individuals from the displaced and non-displaced population have taken up accommodation in damaged/unfinished or abandoned properties.<sup>29</sup> It is hard to distinguish whether some of these properties are temporarily unoccupied or permanently abandoned. Many of these houses have been subjected to pillaging, burning and destruction, and often do not provide minimal protection against the elements.

#### d. Living conditions in hosting/rented accommodations

The majority of displaced populations are living in rented or hosted accommodation. In areas that have experienced high levels of displacement, there is a high level of cohabitation of multiple families and over-crowding in both rented and hosted accommodation. NRC and partner assessments have found that the majority of IDPs in southern and western Syria co-habit with three or more households. The majority of landlords are not eager to enter into formal rental agreements and instead favour informal verbal arrangements, which used to be common before the crisis. Rent payment is a major drain on income.<sup>35</sup> The prices for rental accommodation have been escalating since the beginning of the crisis, and many IDPs are forced to move from one accommodation to another when they are not able to afford rent. The rent burden further limits household expenditures on essential items and services.



<sup>34</sup> Norwegian Refugee Council, *WASH Needs Assessment – Idleb Governorate*, NRC, on-going.

<sup>35</sup> 2016 HNO, *op. cit.*, p.12.

#### 4. Undocumented and illegal HLP transactions

HLP transactions have been taking place inside Syria throughout the crisis. These are often done as private contracts/agreements between buyers and sellers. As one of the effects of the ongoing crisis has been the breakdown of many government structures and services, these transactions are not recorded in the statutory system.<sup>36</sup> Some of these transactions are done in “good faith” by IDPs, refugees and members of host communities. However, the seizing of HLP assets by opportunists taking advantage of the lack of documentation and weakened legal and institutional environment is also very common in Syria.<sup>37</sup> Some of these “bad faith” transactions are reported to be formalized in land records, and can sometimes be followed by “good faith” transactions. In a future return context, there will be many challenges in tracing such claims, or in determining superiority where there are multiple competing claims to the same property.

#### 5. HLP disputes

HLP disputes can occur during all phases of displacement. In the current context, disputes around rental agreements, payment of utilities, etc. are very common. This also contributes to escalated tensions between IDPs and host communities. In addition, as mentioned above, there are multiple and overlapping claims over the use and occupancy of land and property by secondary occupants, illegal occupants and others. Disputes over property occupied by armed groups are reported to be very common.<sup>38</sup>

The return of IDPs and refugees to their communities of origin will likely result in a very high number of disputing claims over HLP assets. This underscores the importance of the existence of functioning dispute resolution mechanisms where legal safeguards and redress are available.

#### 6. Access to land for livelihoods

Access to land varies significantly in different regions of Syria. In areas of crisis, displaced farmers and members of host communities have only intermittent or insufficient access to their land, which limits their ability to tend to their crops. Burning of land prior to harvests has been reported as a direct and indirect consequence of the crisis.<sup>39</sup> Destruction of olive tree groves, with the purpose of undermining subsequent claims to the land based on claims to the trees, has also been reported. Available land for grazing is further jeopardised by military activities and damaged irrigation infrastructure. As a result, crop production has been adversely affected; for instance, although cereal production in 2015

<sup>36</sup> Norwegian Refugee Council, May 2016, *Syrian Refugee HLP and Civil Documentation Research Project: Dataset*. These figures come from data collected as part of the Syrian Refugee HLP and Civil Documentation Research Project Dataset. NRC used household questionnaires to collect data from 362 refugee households (n=362) in Jordan and Lebanon. The data is not representative of all refugees in these countries, but is representative of people assisted by NRC's ICLA program in specific regions since program start-up.

<sup>37</sup> Unruh, 2016, *op. cit.*, p.8.

<sup>38</sup> Norwegian Refugee Council, 2016, *op.cit.*

<sup>39</sup> 2016 HNO, *op. cit.*, p.43.

was considerably better than in 2014 due to favourable rainfall, it is still less than forty percent of the pre-crisis average.<sup>40</sup>

## 7. Land contaminated with landmines and other explosive remnants of war

The presence of landmines, explosive remnants of war (ERW), improvised explosive devices (IEDs), artisanal mines, and cluster munitions in Syria presents a significant risk to civilians trying to access their property and land. UNMAS estimates that 5.1 million people are living in highly contaminated areas. While urban areas are the targets of most attacks, landmine-related incidents are recorded more often in the countryside. Landmines are planted along roads, or are concealed in fields and pasturelands, near wells and riverbanks, affecting farmers. Key infrastructure such as housing, schools, health centres, and water/sanitation systems have been frequently targeted.<sup>41</sup>

## 8. Displaced women's housing land and property rights

Women are guaranteed the same inheritance rights as men under the Syrian Constitution.<sup>42</sup> However, in pre-crisis Syria, women's access to HLP was usually determined and limited by their relationship with a man. Women were often pressured to give away their inheritance rights in favour of their brother or sons.<sup>43</sup> Almost half of the Syrian refugee households interviewed in Jordan and Lebanon stated that prior to the crisis, inheritance disputes were the most common type of HLP dispute.<sup>44</sup>

In pre-war Syria, rural women were largely responsible for caring for the livestock and poultry, and were also heavily involved in all stages of crop production. However, they had little role in marketing the products and limited decision-making power within the household over disposal of family income.<sup>45</sup> Only twenty-five percent of female refugees interviewed in Lebanon stated that they were involved in making key decisions for their household.<sup>46</sup>

The challenges facing Syrian women in exercising their HLP rights have been exacerbated by the crisis, and many displaced women face significant difficulties in recovering land, as they are prevented from securing or restoring titles and/or inheritance rights. Only four percent of female refugees interviewed by NRC in Jordan and Lebanon had property in Syria registered in their name.<sup>47</sup> These refugee women will face serious legal, social and economic barriers to accessing their HLP

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40 UN FAO, 2016, *FAO in Emergencies: the Crisis in Numbers, and FAO Syrian Arab Republic – Situation Report* (April 2016).

41 UNMAS, March 2016, *Syria Situation Analysis and Needs*.

42 Syrian Arab Republic Constitution, Arts. 25, 45.

43 Forni, 2001, *op. cit.*, p.33.

44 Norwegian Refugee Council, 2016, *op.cit.*

45 Forni, 2001, *op. cit.*, p.33.

46 Norwegian Refugee Council, 2016, *op.cit.*

47 Norwegian Refugee Council, 2016, *op.cit.*

rights upon return to Syria, particularly with regards to their inheritance rights as they might not have the necessary documents to prove death and/or the legal right to inherit (i.e. death/marriage certificates, HLP documents).

## 9. Lack and loss of HLP documents

Before the crisis, a significant proportion of Syrian individuals did not possess legally valid documents attesting to their HLP rights. These included many from the rural areas who relied on customary rights, as well as inhabitants of the urban informal settlements. While three-quarters of the Syrian refugee households surveyed in Jordan reported that they had, at one point, some documentation of their HLP rights, only twenty percent had that documentation in their possession after displacement. Thirty-five percent reported that the document was destroyed or lost.<sup>48</sup> Many displaced individuals left their home without their documents. HLP and personal identity documents are also reported to be regularly confiscated at checkpoints. Many of the existing documents are also incomplete, inaccurate, not-recorded or improperly recorded, and of uncertain legal standing.

In Syria, destruction of HLP administration buildings and offices in the Governorates of Homs and Damascus has been common.<sup>49</sup> Destruction of these buildings, along with the records they contained, has weakened claims over HLP assets by original owners. The loss of these records may enable the occupation and transfer of these properties to other individuals and commercial interests.

## 10. HLP and civil documentation

Civil documentation and the ability to prove one's legal identity are paramount to protection, and provide the foundation for the enjoyment of other key rights. Lack and loss of civil documentation limits peoples' ability to cope, can compromise freedom of movement and, in some instances, access to humanitarian assistance. Civil documentation is also essential for proving identity in order to file HLP claims or otherwise engage in dispute resolution.

According to the 2015 Whole of Syria protection assessment overseen by the protection cluster, over ninety percent of Syrians considered this an issue of concern.<sup>50</sup> In addition, the failure of many to register births, deaths and marriages, coupled with the loss of HLP documents, is a barrier to the enjoyment of rights and services during displacement, which has short term as well as significant long-term negative consequences.<sup>51</sup>

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48 Norwegian Refugee Council, 2016, *op.cit.*

49 Unruh, 2016, *op. cit.*, p.7.

50 Whole of Syria Protection Sector, October 2015, *2015 Protection Needs Overview*, October 2015.

51 2016 HNO, *op. cit.*, p.24.

# CONCLUSIONS AND PRIORITIES FOR ACTION

Humanitarian actors, in coordination and consultation with the authorities, have a vital role to play in promoting and protecting HLP rights, and tailoring their response to the Syrian context. However, the breadth and complexity of HLP in Syria presents real challenges for engagement by operational agencies.

The following are suggested priority actions for humanitarian organisations operating inside Syria, and emphasize the need to understand the essential role of national and local authorities in HLP work:

## **1. Protection of HLP assets during displacement**

Where possible, humanitarian actors should assist authorities to take basic steps to protect properties abandoned by IDPs/refugees from destruction, unlawful use and occupation, legal and/or physical appropriation, looting and trespassing.

## **2. Improve IDPs living conditions and security of tenure**

The vast majority of IDPs require support with rental agreements and rent transparency. It is important to expand initiatives focusing on awareness-raising and increasing understanding between homeowners and displaced households; such as the provision of support with rental agreements and collaborative dispute resolution to strengthen security of tenure for displaced households.<sup>52</sup>

## **3. Support families to prepare to address their HLP issues in the future**

Ensure that IDPs are aware of their HLP rights and responsibilities. They should be informed of the need for HLP documents or any corroborating evidence that could help them to support an HLP claim in the future. In refugee and IDP situations it is important to move quickly to capture and document the recognition and recollection of land and property features before they are lost.

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52 2016 HNO, *op. cit.*, p.43.



#### 4. Increase HLP knowledge and response capacity

Limited capacity to identify and address HLP issues was noted by the 2016 Humanitarian Response Plan as a gap in current efforts.<sup>53</sup> It is important to continue to raise awareness of the operational challenges that HLP issues can cause for humanitarian actors. Actors who work on HLP can help to break down their complexities through the provision of Syria specific guidance and provide operational support. This includes:

- ▶ Ensuring integration of HLP guidance into inter-sector initiatives, and working with specific sectors and assessment agencies to ensure that more information is gathered about people's HLP rights.
- ▶ Continuing to monitor the HLP legal landscape, which is changing regularly with new laws and regulations being enacted by the Government of Syria, and new systems being set up by non-state actors.

#### 5. Provide technical support and guidance on HLP to humanitarian actors

There are immediate opportunities for engagement with humanitarian actors on HLP issues, that can have significant impact. The 2016 Humanitarian Response Plan recommends that where possible, information and counselling on HLP should be integrated into shelter and livelihood interventions in order to mitigate risks associated with insecure tenure, including the risk of eviction and exploitation. Weak protection of HLP rights exacerbates the negative impacts of crises, especially on the most vulnerable groups of the population. The extent and effectiveness of HLP activities will be contingent upon the ability of humanitarian actors to work across local administrations.<sup>54</sup>

HLP actors should coordinate with mine action (MA) actors to ensure that relevant information on HLP and dispute resolution is provided to affected local communities. The clearance of landmines and other ERW, while removing a physical security risk, can create or exacerbate existing land grievances, as the release of previously contaminated land can lead to an increase in its value and spur land grabbing. This can be mitigated through close cooperation between MA and HLP actors.

#### 6. Improved coordination on HLP issues and activities

The Syria crisis has revealed critical gaps in coordination and response guidance. The cross-cutting nature of HLP issues means that many sectors of humanitarian assistance are affected; thus close collaboration with relevant Sectors and Areas of Responsibility as well as other actors outside of the cluster system is critical. The establishment of an HLP coordination mechanism should be prioritised; it should collaborate with the Protection Sector and its Areas of Responsibility (including Mine Action), as well as with the Shelter Sector and the Camp Coordination and Camp Management Sector.

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<sup>53</sup> 2016 HRP, *op. cit.*, p.22.

<sup>54</sup> 2016 HRP, *op. cit.*, p.43.

