


2. 討議議事録

**THE MEMORANDUM OF UNDERSTANDING
BETWEEN
THE MINISTRY OF LOCAL ADMINISTRATION
AND
THE JAPAN INTERNATIONAL COOPERATION AGENCY
ON
THE PROJECT FOR URBAN PLANNING AND DEVELOPMENT
IN DAMASCUS METROPOLITAN AREA**

On the request of the Government of the Syrian Arab Republic, the Government of Japan has approved the Project for Urban Planning and Development in Damascus Metropolitan Area (hereinafter referred to as "the Project"), and entrusted its implementation to the Japan International Cooperation Agency (hereinafter referred to as "JICA"). The arrangement between the two Governments to carry out the Project was made on the date of 2nd September, 2008 in accordance with the Agreement on Technical Cooperation between the Government of Japan and the Government of the Syrian Arab Republic on the date of 18th July, 1985.

JICA dispatched the Project Preparation Team to the Syrian Arab Republic from 13th to 25th December, 2008 and from 21st to 31st March, 2009, and held a series of discussions with the Syrian concerned organizations represented by the Ministry of Local Administration (hereinafter referred to as "MoLA") on the scope of the Project. As a result of the discussions, MoLA and JICA have consented that both sides will sincerely cooperate with each other in implementing the Project and confirmed the implementation details of the Project as the following document set forth.

Damascus, June 21st, 2009



Ms. Akiko Tomita
Chief Representative,
JICA Syria Office
Japan International Cooperation
Agency



Ms. Hala Imad
Director, Co-operation with Asia,
America and Africa
The State Planning Commission
The Syrian Arab Republic



H.E. Tamer Fouad Al-Hajji
Minister,
the Ministry of Local Administration
The Syrian Arab Republic

I. BACKGROUND

The Syrian Arab Republic has been in the transitional period from the socialistic planned economy to the social market economy since 1991. In the meantime, Damascus Metropolitan Area (hereafter referred to as "DMA") has experienced various urban problems, such as population pressure, expansion of informal settlements, degradation of urban environment, tightening water supply-demand balance, water pollution and traffic congestion, partly caused by the increasing number of refugees from the neighboring countries.

Based on the request from the Government of the Syria Arab Republic, JICA implemented the Study on "Urban Planning for Sustainable Development of Damascus Metropolitan Area". The Study completed in March 2008 with recommendations encompassing the planning for the Syria's socio-economy, through DMA, and selected areas within DMA, consistently for the urban development of the capital area to support the sustainable development of Syria.

The needs exist to further capacity development on the Syrian side related to the urban development and planning to realize the recommendations of the Study. Specifically, the administrative capacity of local administrations needs to be further enhanced, particularly for the Damascus and Rural Damascus Governorates under MoLA, to ensure the sustainable and balanced development of Syria.

II. OUTLINE OF THE PROJECT

Summary of the Project is described as follows. The Detailed scope of the Project is shown in the Project Design Matrix (Draft) (ANNEX I).

1. Overall Goal

The officers of the Damascus Governorate (hereinafter referred to as 'DG') and the Rural Damascus Governorate (hereinafter referred to as 'RDG') are capable of formulating and implementing an urban development plan using a participatory approach.

2. Project Purpose

Urban planning administrative capacities of officers of MoLA/DG/RD are improved.

3. Outputs

- 3-1. The present situation and the problems in the field of urban planning were recognized by MoLA/DG/RDG and reflected into the Project implementation.
- 3-2. Officers of MoLA/DG/RDG have acquired the knowledge of urban planning and participatory planning method.
- 3-3. Officers of MoLA/DG/RDG have acquired the skill of urban planning.
- 3-4. Officers of MoLA/DG/RDG have acquired the skill of participatory planning.
- 3-5. Officers of MoLA/DG/RDG have acquired the knowledge of project monitoring and evaluation method.
- 3-6. The results, experiences, recommendations and lessons learned of the pilot projects are compiled into a report and shared with the residents and other stakeholders.

4. Activities

- 4-1-1. Review the result of the Study on 'Urban Planning for Sustainable Development of Damascus Metropolitan Area' and a preparatory study in order to confirm the initial situation.
- 4-1-2. Specify the activities to be implemented in the Project.
 - 4-2-1. Prepare curriculum for the training of the urban planning and participatory planning methods targeting the officers of MoLA/DG/RDG.
 - 4-2-2. Conduct training on the urban planning method (GIS, social survey, etc.).
 - 4-2-3. Conduct training on the participatory planning method.
 - 4-2-4. Evaluate the trainings based on questionnaire surveys to trainees, etc.
- 4-3-1. Conduct a social survey in the target communities to clarify the present status, etc.

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- 4-3-2. Review the laws, regulations and institutional issues as for urban planning in Syria.
- 4-3-3. Conduct detailed stakeholder analysis on the pilot project areas.
- 4-3-4. Prepare for participatory planning and implementation of the pilot projects.
 - 4-3-4-1. Conduct the pilot project basic design.
 - 4-3-4-2. Select the concrete place of the pilot projects.
 - 4-3-4-3. Decide the methods on how to apply the participatory approach to each pilot project.
 - 4-3-4-4. Estimate the construction cost.

- 4-4-1. Hold a series of meetings to select resident representatives for the pilot projects.
- 4-4-2. Hold a series of participatory workshops to review the problems and issues.
- 4-4-3. Formulate the pilot projects through participatory workshops.
- 4-4-4. Prepare implementation plan through the participatory process.

- 4-5-1. Prepare curriculum for the training of the monitoring and evaluation method targeting the officers of MoLA/DG/RDG.
- 4-5-2. Conduct trainings on the project monitoring and evaluation methods targeting the officers of MoLA/DG/RDG, and other relevant agencies.
- 4-5-3. Evaluate the trainings based on questionnaire surveys to trainees, etc.

- 4-6-1. Management system of the pilot projects is formulated.
- 4-6-2. Implement the pilot projects through regular discussions with the residents and other stakeholders in the target communities.
- 4-6-3. Conduct the monitoring of the pilot projects.
- 4-6-4. Conduct the evaluation of the pilot projects.
- 4-6-5. Prepare the participatory urban development guideline for local administrative organizations of DMA.
- 4-6-6. Launch and maintain the Project web-page.
- 4-6-7. Prepare and distribute the Project News-Letter.
- 4-6-8. Prepare and distribute the Project Leaf-let.

5. Input

[The Input from the Syrian Side]

- 1) Counterpart Allocation
- 2) Office space for the Experts and meeting room, etc.
- 3) Local Cost for the Project Implementation such as OA equipment, utilities, etc.
- 4) Cost for the pilot project Implementation

[The Input from JICA]

- 1) Experts
- 2) Training in Japan
- 3) Provision of Equipment
- 4) Assistance to Local Cost

Detail of the Input from the Syrian side and JICA are described in ANNEX II.

6. Project Sites

Damascus Metropolitan Area, Al Qanawat South and Al Ghouta Road

III. PROJECT IMPLEMENTATION

1. Responsible Organization

MoLA will bear overall responsibility as a responsible organization of the Project, and take necessary measures to ensure that the self-reliant operation of the Project will be sustained during and after the period of Japanese technical cooperation through full and active involvement in the Project by all related authorities, beneficiary groups and institutions.

2. Counterpart Agencies

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MoLA/DG/RDG will jointly act as counterpart agencies for the Project implementation and also as coordinating bodies with other relevant organizations for the smooth implementation of the Project. MoLA/DG/RDG will appoint a team of counterpart personnel with relevant qualifications and experience to work with the experts of JICA. The Project Organization Chart is shown in ANNEX III.

3. Responsible Officials

- (1) The Project Director nominated by MoLA will bear overall responsibility for the administration and implementation Project.
- (2) The officials listed below, as the Project Managers will jointly bear responsibility for the managerial and technical matters of the Pilot Projects.
 - Director of Urban Planning, DG
 - Vice Governor, RDG
- (3) The Chief Adviser of JICA expert team will provide necessary recommendations and advice to the Project Manager on any matters pertaining to the implementation of the Project.
- (4) The other experts of JICA will give necessary technical guidance and advice to the Syrian counterpart personnel on technical matters pertaining to the implementation of the Project.

4. The Joint Coordinating Committee(JCC)

The Joint Coordinating Committee (JCC) shall be established in order to facilitate inter-organizational coordination. A list of proposed members of JCC is shown in ANNEX IV.

5. Consultation

JICA and MoLA/DG/RDG will consult each other whenever any major issues arising in the course of the implementation of the Project.

IV. Implementation Schedule

3 Years from August 2009 August to 2012

The period shall be finalized considering the implementing schedule of the pilot projects.

V. PUBLICITY FOR THE PROJECT

MoLA, DG and RDG will actively publicize the Project in order to promote public awareness and support for the Project in Syria.

VI. MODIFICATION OF PROJECT IMPLEMENTATION ARRANGEMENT

The Project implementation arrangement mentioned under this Memorandum of Understanding might be modified based on the mutual consent between MoLA and JICA, if the need arises. Such modifications will be recorded in the written form.

- ANNEX I : Project Design Matrix (Draft)
- ANNEX II : Inputs from the Syrian Side and JICA
- ANNEX III: Project Organization Chart
- ANNEX IV: Joint Coordinating Committee

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Narrative Summary	Objectively Verifiable Indicators	Means of Verification	Important Assumptions
<p>Overall Goal The officers of DG/RDG are capable of formulating and implementing an urban development plan using a participatory approach.</p>	<p>Facts that DG/RDG utilize the guideline for participatory urban planning produced by the Project in their planning and implementation in the field of urban planning</p>		
<p>Project Purpose Urban planning administrative capacities of officers of MoLA/DG/RD are improved.</p>	<p>1. Number of officers of MoLA/DG/RDG who participated in the training in the field of urban planning and participatory planning and obtained the certificate from the Project 2. Results of evaluation made by the target communities on the pilot projects (the change in awareness, environment, and others contracted between before and after the implementation of the pilot projects)</p>	<p>1. Training implementation record 2. Hearing /Questionnaire to the residents and other stakeholders</p>	<p>* Necessary budget for urban development is secured.</p>
<p>Output</p>			
<p>1. The present situation and the problems in the field of urban planning were recognized by the MoLA/DG/RDG and reflected into the Project implementation.</p>	<p>1.1. The implementation plan for the Project</p>	<p>1. The activity plan of this project</p>	<p>* Syrian Counterpart staffs continue working for the Project. * Participatory approach method could be supported by MoLA/DG/RDG.</p>
<p>2. Officers of MoLA/DG/RDG have acquired the knowledge of a urban planning and participatory planning method.</p>	<p>2-1. Degree of understanding on urban planning, e.g. GIS and social survey, is improved to meet the certain standard 2-2. Degree of understanding on participatory planning is improved to meet the certain standard</p>	<p>2. Examination to the participants of the training</p>	
<p>3. Officers of MoLA/DG/RDG have acquired the skill of a urban planning.</p>	<p>3-1. Results of analyzing socio-economic data, statistics and GIS data 3-2. Problems and issues about the laws/regulations and the present system which are to be found through the implementation of the pilot projects 3-3. Results of stakeholders analysis in the pilot project areas</p>	<p>3-1. Project Progress Report 3-2. Workshop Records, Project Progress Report</p>	
<p>4. Officers of MoLA/DG/RDG have acquired the skill of a participatory planning.</p>	<p>4-1. Certificate on the establishment of the pilot project preparatory committees 4-2. Detailed implementation plan for the pilot projects</p>	<p>4-1. Certificate, Project records 4-2. Detailed implementation plan for the pilot projects, Project Progress Report</p>	
<p>5. Officers of MoLA/DG/RDG, have acquired the knowledge of a project monitoring and evaluation method.</p>	<p>5-1. Degree of understanding on monitoring and evaluation methods is improved to meet the certain standard 5-2. Methods for Project monitoring, e.g. kinds of data to be monitored, methods of data collection, standards to be acknowledged as "successful" for the Project, etc.</p>	<p>5-1. Examination to the participants of the training 5-2. Monitoring and evaluation plan of the pilot projects, Project Progress Report</p>	
<p>6. The results, experiences, recommendations and lessons learned of the pilot projects are compiled into a report and shared with the residents and other stakeholders.</p>	<p>6-1. The progress of the pilot projects is monitored jointly with the residents in an organized manner 6-2. Necessary data are compiled for evaluating the pilot projects. 6-3. An evaluation report of the pilot projects is compiled and opened to public. 6-4. Participatory urban development guideline is prepared based on the experiences through the implementation of the pilot projects. 6-5. The project web-page is launched and regularly updated to provide the information on the Project on time. 6-6. The Project News-Letter/Lenf-Lenf are distributed as planned.</p>	<p>6-1. Workshop Records, Project Progress Report 6-2. Monitoring Records, Project Progress Report 6-3. Evaluation Reports, Project Progress Report 6-4. Urban Development Guideline 6-5. Web-Page of the Project 6-6. The distribution number of Project News-Letter</p>	

Activities	Inputs	Outputs
<p>1-1. Review the result of the Study on Urban Planning for Sustainable Development of Damascus Metropolitan Area' and preparatory study in order to confirm the initial situation.</p> <p>1-2 Specify the activities to be implemented in the Project</p> <p>2-1. Prepare curriculum for the training of the urban planning and participatory planning methods targeting the officers of MoL/DG/RDG.</p> <p>2-2. Conduct training on the urban planning method (GIS, social survey, etc.).</p> <p>2-3. Conduct training on the participatory planning method.</p> <p>2-4. Evaluate the trainings based on questionnaire surveys to trainees, etc.</p> <p>3-1. Conduct a social survey in the target communities to clarify the present status, etc.</p> <p>3-2. Review the laws, regulations and institutional issues as for urban planning in Syria.</p> <p>3-3. Conduct detailed stakeholder analysis on the pilot project areas.</p> <p>3-4. Prepare for participatory planning and implementation of the pilot projects.</p> <p>3-4-1. Conduct the pilot project basic design.</p> <p>3-4-2. Select the concrete place of the pilot projects.</p> <p>3-4-3. Decide the methods on how to apply the participatory approach to each pilot project.</p> <p>3-4-4. Estimate the construction cost.</p> <p>4-1. Hold a series of meetings to select resident representatives for the pilot projects.</p> <p>4-2. Hold a series of participatory workshops to review the problems and issues.</p> <p>4-3. Formulate the pilot projects through participatory workshops.</p> <p>4-4. Prepare implementation plan through the participatory process.</p> <p>5-1. Prepare curriculum for the training of the monitoring and evaluation method targeting the officers of MoL/DG/RDG.</p> <p>5-2. Conduct trainings on the project monitoring and evaluation methods targeting the officers of MoL/DG/RDG, and other relevant agencies.</p> <p>5-3. Evaluate the trainings based on questionnaire surveys to trainees, etc.</p> <p>6-1. Management system of the pilot projects is formulated.</p> <p>6-2. Implement the pilot projects through regular discussions with the residents and other stakeholders in the target communities.</p> <p>6-3. Conduct the monitoring of the pilot projects.</p> <p>6-4. Conduct the evaluation of the pilot projects.</p> <p>6-4. Prepare the participatory urban development guideline for local administrative organizations of DMA.</p> <p>6-5. Launch and maintain the project web-page.</p> <p>6-6. Prepare and distribute the Project News-Letter</p> <p>6-7. Prepare and distribute the Project Leaf-Let</p>	<p>1. Experts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Leader / Urban and Regional Development <input type="checkbox"/> Participatory Approach <input type="checkbox"/> Urban Planning <input type="checkbox"/> Detailed District Plan <input type="checkbox"/> Cultural and Historical Building Protection <input type="checkbox"/> Tourist Development <input type="checkbox"/> Agricultural Promotion <input type="checkbox"/> Environmental Preservation (Water / Waste Management) <input type="checkbox"/> Other Relevant Expertise <p>2. Training in Japan The training course in Japan in the field of urban development administration will be considered during the period of the Project</p> <p>3. Provision of Equipment Equipment which is directly necessary for the capacity building in the Project shall be provided</p> <p>4. Assistance to Local Cost Assistance directly necessary for the smooth implementation of the Project activities, such as training in Syria or the implementation of the Pilot Projects, shall be considered.</p>	<p><The Syrian Side></p> <ul style="list-style-type: none"> 1) Counterpart Allocation <ul style="list-style-type: none"> • Project Director • Project Managers • Project Coordinator • Technical Counterpart Staffs for Specific Urban Planning Related Fields 2) Office Space for the Experts and Conference Room, etc. 3) Local Cost for the Project Implementation O/A equipment, utilities, etc. 4) Cost for the pilot project Implementation
<p>• There is no big restriction of urban development laws and decrees for the Pilot Project.</p>		

Note* - Directorate of Urban Planning, Directorate of Urban Development, Directorate of Plans Implementation, MoL, Directorate of Urban Design and Planning, DG and Regional Planning Department, RDG, etc.

ANNEX II INPUTS FROM THE SYRIAN SIDE AND JICA

The Input from the Syrian Side

1. Counterpart Allocation from the MoLA, DG and RDG
 - Project Director
 - Project Managers
 - Project Coordinator
 - Technical Staffs for Specific Urban Planning Related Fields

2. Office Space for the JICA Experts and meeting room, etc
 - The main office space shall be provided in DG building and liaison offices shall be in MoLA and RDG building.

3. Local Expenses
 - Running cost of the office including telephone, internet, and electricity etc.
 - Local Cost for the Project Implementation such as allowance for counterparts

4. Cost for the Pilot Project Implementation

The Cost for the implementation of the Pilot Projects shall be borne, in principal, by the Syrian side. JICA shall make supplementary contribution when it is necessary to facilitate smooth implementation of the pilot projects.

The Input from JICA

1. Experts
 - Leader / Urban and Regional Development
 - Participatory Approach
 - Urban Planning
 - Detailed District Plan
 - Culture and History Building Protection
 - Tourist Development
 - Agricultural Promotion
 - Environmental Preservation (Water / Waste Management)
 - Other Relevant Expertise

2. Training in Japan

The training course in Japan in the field of urban development administration will be

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considered during the period of the Project

3. Provision of Equipment

Equipment which is directly necessary for the capacity building in the Project shall be provided

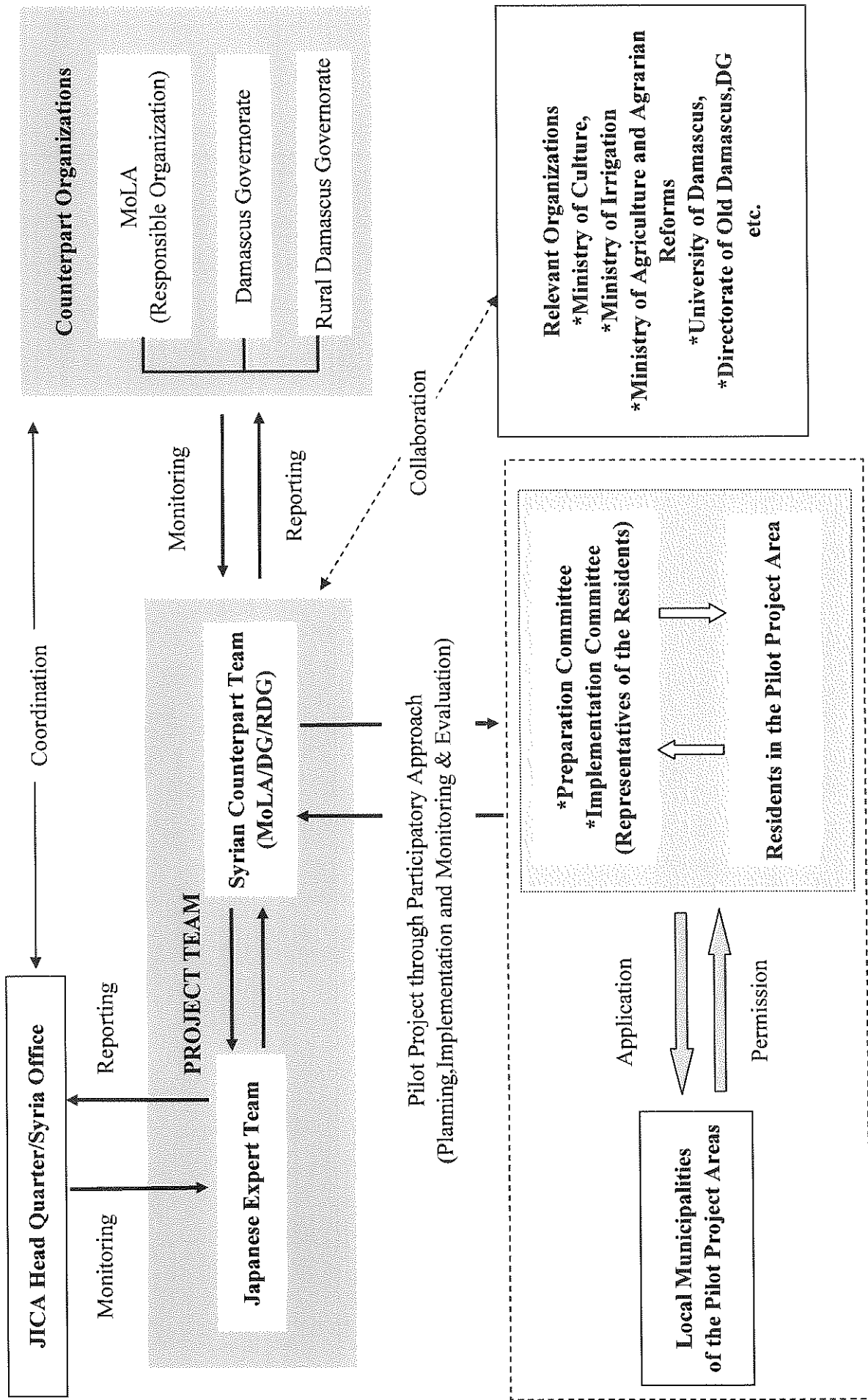
4. Assistance to Local Cost

Assistance directly necessary for the smooth implementation of the Project activities, such as training in Syria or the implementation of the pilot projects, shall be considered.

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ANNEX III Project Organization Chart



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ANNEX IV JOINT COORDINATING COMMITTEE

1. Function

JCC Meeting will be held when necessity arises and at least once a year in order to fulfill the followings:

- (1) to approve the annual work plan of the Project within the framework of the Project,
- (2) to evaluate the result of the annual work plan and overall progress of the Project, and
- (3) to review and exchange opinions on major issue at that arises during the implementation of the Project.

2. Chairperson and Members

(1) Chairperson:

Minister, MoLA

(2) Vice chairperson:

Vice Minister, MoLA

(3) Members:

Syrian Side

- a. Representative, the Department of Plans and Systems, MoLA
- b. Representative, the Directorate of Urban Development, MoLA
- c. Representative, the Directorate of Urban Planning, MoLA
- d. Representative, the Directorate of Planning Implementation, MoLA
- e. Representative, the Urban Design and Planning, DG
- f. Representative, the Directorate of Old Damascus City, DG
- g. Representative, the Directorate of Technical Services, RDG
- h. Representative, the Regional Planning Department, RDG
- i. Any other person concerned to be decided by the Syrian side

Japanese Side

- a. Resident Representative of the JICA Syria Office
- b. Chief Advisor of JICA Expert Team of the Project
- c. Any other person recommended by the JICA

Note: Officials of the Embassy of Japan may attend the meeting as observers.



3. 面談者リスト

主要面談者（12月）

（シリア側）

1. Ministry of Local Administration and Environment（地方自治環境省）
H.E. Hilal AI Atrash, Minister
Mr. Sadek Abowattfa, Deputy Minister
Mrs. Wafa Daghtani, Director of Urban Planning Implementation
Mr. Ilyas Haddad, Director of Urban Planning
Ms. Jounnar Wannous
Ms. Nouha Mustafa
2. Damascus Governarate（ダマスカス市）
Mr. Abdul Fattah Ayaso, Director of Urban Design & Planning
Mr. Hassan Al-Haj, Vice Director of Urban Design & Planning
Ms. Hiyal Al Ali, Govemor Office
3. Rural Damascus Governarate（ダマスカス郊外県）
Dr. Shaker Tunnisi, Vice Governor
Mrs. Sana Essa, Head of Regional Planning Department
Mr. Issa Nadwe, Director of Decision Support Directorate
Mr. Younis Barghous, Advisor
4. Damascus University（ダマスカス大学）
Prof. Yasser Abdin, Faculty of Architecture, Damascus University

（日本側）

1. JICA シリア事務所
富田 明子 所長
井堂 有子 企画調査員
Mr. Sakher Mrishih Programme Officer, Economic Sector

主要面談者リスト (3月)

■ 国家計画庁

Mr. Nader Sheikh Ali International Cooperation Director General

■ 地方自治環境省

H. E. Hilal Al Atrash (Mr.) Minister

Mr. Sadec Abowafra Deputy Minister

Eng. Wafa Daghistani (Ms.) Director of Planning Implementation

Dr. eng. Iliyas Haddad (Mr.) Director of Urban Planning,

Mr. Khaled Al Kheder Director of Urban Development

Eng. Redwan Darwish (Mr.)

■ 観光省

Arch. Rouba M. Sassila (Ms.) Director of Tourism Development & Planning,
Ministry of Tourism

■ 文化省

Dr. Ghazwan Yaghi (Mr.) Directorate General of Antiquities and
Museums, Ministry of Culture

■ ダマスカス県

Dr. Bisher Al Sabban (Mr.) Governor

Eng. Abdul Fattah Ayaso (Mr.) Director of Urban Planning

Eng. Hassan Al Haj (Mr.) Assistant Director of Urban Planning

Eng. Loubna Al Jabi (Ms.)

■ 郊外ダマスカス県

Mr. Zahed Haj Mousa Governor

Dr. eng. Shaker Al Tounesi (Mr.) Deputy Governor

Eng. Younes Al Barghouth (Mr.) Government Advisor

Mrs. Sana Essa Head of Regional Planning Department

Mr. Aysar Nadweh

Ms. Najah Barakat

■ ダマスカス大学

Prof. Yasser Abdin (Mr.) Faculty of Architecture

Dr. Mauaffak Doughman (Mr.) Professor in Faculty of Architecture
(Damascus Office for Architectural &
Heritage)

Dr. Imad Al Homsy (Mr.) Faculty of Architecture


■ GTZ


Hilmar von Lojweski Program Director, Urban Development Program

4. 調査団説明資料

Action I for Qanawat South:
Establishing Community Development Center

**Community Development Center Converted
from a Traditional Town House**






Functions of the Center:

- ✓ a base for the promotion of community development
- ✓ a place to offer information about town walking in this historical town
- ✓ a model house for the rehabilitation/refurbishment of buildings in this historical town

Usage of the Center:

- ✓ meeting place for community development actors
- ✓ facility for tourists
- ✓ consultation service center for residents those who plan to change external appearance of their buildings




upper left: façade

upper right: floor plan before conversion

below: floor plan after conversion

Action II for Qanawat South:
Developing Parking Lots

Design Guide for Parking Lots/Garages in a Historical Town



A design guide entitled “Etiquettes in Town Building Works”:

- ✓ This Guide was made for house builders and residents of a historic town
- ✓ This Guide was made by local builders/carpenters advised by an academic and some architects

The Guide aims at:

- ✓ preservation and improvement of townscape of the historic town
- ✓ active utilization of vacant lands, vacant houses, water ways and etc. for facility development
- ✓ local peoples’ remodeling homes so as to blend in with the scenery

Importance of ‘etiquettes’ in parking lots/garages construction:

- ✓ ‘careful design treatment in garages and parking spaces is especially need ...’

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The photo shows examples of careful design

Action III for Qanawat South: Traffic Regulation

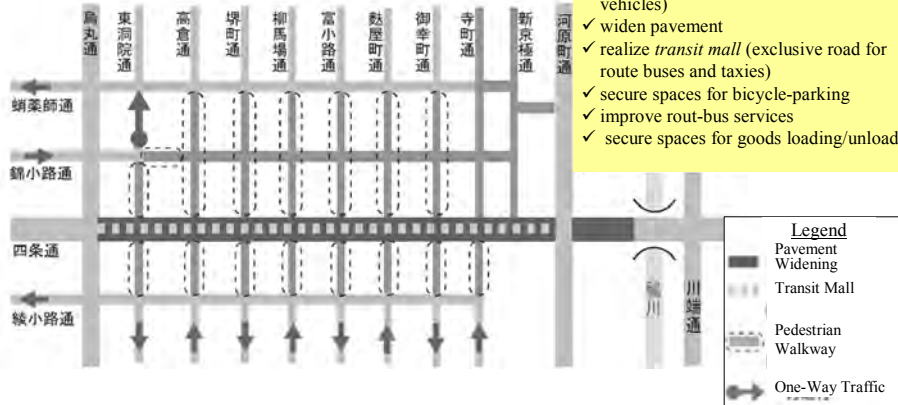
Social Experiment Aiming at the realization of 'Joyful Downtown Walk'

Objective of the Experiment:

- ✓ To test the effectiveness and identify tasks of 'Joyful Downtown Walk' strategy of old capital Kyoto

Components of the Experiment

- ✓ restrain through traffic (passage prohibition; one-way traffic; living street shared by pedestrians and low-speed motor vehicles)
- ✓ widen pavement
- ✓ realize *transit mall* (exclusive road for route buses and taxis)
- ✓ secure spaces for bicycle-parking
- ✓ improve rout-bus services
- ✓ secure spaces for goods loading/unloading



Action IV for Qanawat South: Marking Historical Buildings

'Landscape & Town Walk' Made by Citizens' Group



The map was made by:

- ✓ a citizens' group practicing activities to protect and improve landscape of the city, hoping to attain livable city

Contents of the Map:

- ✓ agricultural lands, groves, parks, historical roads, temples/shrines, old mansions, stone monuments and etc. in one community area (accompanied by photos and descriptions)

Objectives of the Map Making:

- ✓ let local residents know the pleasure of knowing inherited local treasures which need to be pass onto the next generation
- ✓ hear from local residents about their views on local landscape
- ✓ create an opportunity to future 'landscape-cum-community plan' making in the community area



Action V for Qanawat South:
 Converting Historical Buildings into Tourist Stops

Tourist Pavillion and Art Musium converted from traditional mud-daubed storehouses called 'kura'



1F: 1. traditional *kura* shop (municipal-designated cultural property) 2. lounge 3. souvenir shop
 4. *Kura* reference library 5. gallery café 6 & 7. buckwheat-noodle restaurants



2F: 8. *Town of Kura* photo gallery 9 & 11. souvenir shops 10 & 12. local products shops
 guest room 14. multi-purpose auditorium 15. special exhibition room

A story of a "Town of Kura":

- ✓ During Edo era (1603~1868), this city was flourished as a marchantile city characterised by *kura* buildings. A part of city center area is called "Town of Kura" since there still remains about 450 *kuras*.
- ✓ Tourist Pavilion and Art Musium were refurbished and converted by the city government as tourist spots.

upper left: *Town of Kura* Tourist Pavillion upper right: its floor plan
 lower left: *Town of Kura* Art Musium lower right: riverside townscape

Action VI for Qanawat South:
 Improving Road/Public Space

Improvements in "Traditional Architectures Preservation Districts"

■ utility poles removal



↑ before

after →

installing utilities underground

■ utility poles removal + pavement stone pitching + street light replacement



■ utility poles removal + road surface leveling + side ditch installation



■ tiled stop line, fire hydrant



■ pocket park development

■ bench

(usable as a furnace in an emergency)

Action I for AI Ghot Road: Integrating Agriculture and Tourism

‘Fruit Park’ Serving Both for Recreation and Agriculture Promotion



Outline:

- ✓ locating the metropolitan outskirts with quality natural environment
- ✓ agricultural park with fruits as theme

Functions:

- ✓ a place to enjoy plant observation and stroll
- ✓ a place to teach and research fruit cultivation techniques
- ✓ a place to sell locally grown vegetables



Action II for AI Ghot Road: Taking Countermeasures against River Contamination

Actions Taken by Citizens’ Groups to Revive ‘The City of Water’



↑ a river like a sewage canal in 1980s (waste dumping and domestic effluent contributed the pollution)

↓ river cleaning



↑ children playing in a revived river

Background of the Actions:

- ✓ This city, used to be called ‘the city of water’, had beautiful waterscape endowed with many underground springs.
- ✓ Industrialization of the city, however, caused the overuse of ground water leading to the decrease in the river volume.
- ✓ As a result, rivers with underground springs became like sewage canals and dump-sites.

Activities of the Citizens’ Groups:

- ✓ 12 citizens’ groups gathered and formed a committee (a Non-Profit Organization, later) to protect/revive ‘the city of water’.
- ✓ Member citizens of the committee/NPO cleaned rivers ,and among other things, planted local aquatic plants.
- ✓ Waterscape of the city revived, as the result of the the NPO’s efforts with the support of local enterprises who discharged clean cooling water into the rivers.

Spread of Activities after the Revival of Waterscape:

- ✓ Neighborhood communities voluntary designed and manage now-defunct fountains as small parks decorated by flowers.
- ✓ The NPO has promoted the utilization of Idle paddy fields as agricultural-water purifying facilities, contact fields with nature, and places for environmental education.

Action III for AI Ghot Road:
Controlling Land Development including Informal Settlements

**Prefectural Bylaw to Preserve/Rehabilitate/Utilize (PRU)
Traditional Rural Landscape Called ‘Satochi-Satoyama’**



What is *satochi-satoyama*?

- ✓ a combined area of farming lands, forest lands and a village
- ✓ having multiple functions of agro/forestry production, landscape, biodiversity conservation, disasters prevention, living culture succession, recreation, etc.

Why the Bylaw Was Enacted:

- ✓ such functions have been weakened because of spreading inadequate management of *satochi-satoyama*, caused by decreasing number of farming families, their lifestyle change, their aging, etc.

Role Sharing Defined by the Bylaw:

➤ **Prefectural Government:**

- make guiding principles for PRU
- designate ‘Satochi-Satoyama PRU Area’
- Support PRU activities in the Area by land owners and residents
- Inspire active public interest in *satochi-satoyama* through promotional/information activities

➤ **Land Owners:** make efforts to realise PRU

- **Local Residents and Prefectural Residents:** actively participate in PRU cooperating with land owners

Preparatory Stage:
Preparatory committee members (representatives of voluntary action groups)

Formulation Stage:
Public comments & Internet questionnaire

Implementaiton Stage:
Village community hearing for PRU Area selection

Prefectural Residents’ Participation during formulation and implementation of the Bylaw

Background of the Project

JICA Study on Urban Planning for Sustainable Development of DMA (From 2006 to 2008)

➡ Master Plan Report for DMA

- With participation from DG and RDG
- Through series of discussion among MoLAE, DG, RDG and JICA Study Team

In the Report,

“Human Security” is set as one of the three planning concept, with strong emphasis on the need of “voluntary cooperation and participation of city residents”

- ### ➡ Necessity for capacity of administrative officers in participatory planning and implementation

Principle of the Project

Syria: - Needs found for administrative officers in capacity building in participatory approach.
- The 10th FYP sets “People’s participation in community development” as a strategy.

Japan: Has abundant experiences in participatory urban/community planning and implementation.

↓ 【Principle of the Project】

“To improve urban planning administration capacity of MoLAE/DG/RDG officers, particularly in participatory approach, through the implementation of pilot projects”

Participatory Approach to Urban and Community Planning

★ Why Participatory Approach? – Advantages

It can help government/governorates in:

- Collecting necessary information on the target area/community
- Clarifying “interest” of local people
- Developing “ownership” among local people toward the program/activity
- Developing “trust” between government and local people

in order to make appropriate decisions for planning and implementation

★ What the Real Advantages for Governorates?

- Easily collect data through the process
- ➡ Enables “scientific” and “sound” planning with logical justification
- Decrease troubles with / interruption from local people
- ➡ Enables “smooth” implementation of planned activities
- Decrease cost for the implementation

★What Governorates Do in participatory planning – Roles of Governorates (1)

【BEFORE entering into participatory process】

- To prepare district plan for target area
- To clearly set purpose, scale, and process of application of participatory approach
- To analyze potential participants for the participatory process
- To design the contents of the participatory process
- To prepare mechanism for local people to participate in planning/implementing process
- To announce the process to local people
- To organize the meetings, workshops, whatever forms for local people to participate in the planning process

★What Governorates Do in participatory planning – Roles of Governorates (2)

【IN the participatory process】

1) Provide info. on the target area/issue to local people

AND/OR

2) Collect necessary info. on the target area/issue together with local people

To SHARE image/vision of the target area/issue



★What Governorates Do in participatory planning – Roles of Governorates (3)

3) Collect & Analyze comments/opinions from local people



4) Coordinate discussion among local people



Through WS, newsletters, internet, etc.

★What Governorates Do in participatory planning – Roles of Governorates (4)

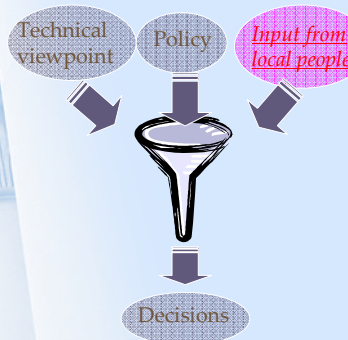
5) Compile the collected info., comments, and opinions

Into the form of *proposed plan from local people*

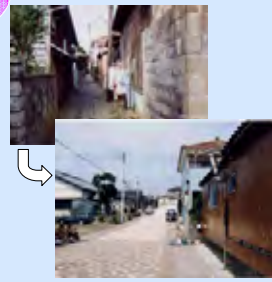


★ What Governorates Do in participatory planning – Roles of Governorates (4)

6) Make decisions & finalize the plans



By considering "priority", "feasibility", "cost-benefit balance", "urgency", etc. of the proposed plan



Basic Concept for Urban Heritage Restoration and Use Program: Qanawat South

【 Main focus for the area 】

- Improvement of living environment
- Development as tourist area

Pilot projects in the area should be in line with these fields.

【 Implementing organizations 】

- Ministry of Local Administration and Environment, as the supervising organization
- Damascus Governorate, as the responsible organization
- Rural Damascus Governorate, as the observer

Basic Concept for *Controlled Urban Development: Al Ghota Road*

【 Main focus for the area 】

- Conservation and Sustainable Use of the Green Area (Ghota)
- Prevention of Sprawl, mainly with Informal Settlements

Pilot projects in the area should be in line with these fields.

【Implementing organizations】

- Ministry of Local Administration and Environment, as the supervising organization
- Rural Damascus Governorate, as the responsible organization
- Damascus Governorate, as the observer

Examples of Issues to be taken in the coming Pilot Projects

- Some cases in Japan are to be shown in the following slides, which would be helpful in setting issues, contents, and frameworks of the pilot projects.
- Some of those cases, not necessarily all of them, are possibly to be taken in the coming pilot projects.

Urban Heritage Restoration and Use Program: Qanawat South①

Action 1	Establishing Community Development Center	<ul style="list-style-type: none"> ■ Renovate existing building to be used as the place for local people's gathering and participating in the Project and also as tourism information center by introducing valuable historical buildings to tourists. ■ It is aimed to support local people to actively collaborate with governorate as well as to become a good model for further renovation works in other area.
Action 2	Developing Parking Lots	<ul style="list-style-type: none"> ■ Develop parking lots for tourists potentially coming from Old Damascus City for tourism promotion
Action 3	Traffic Regulation	<ul style="list-style-type: none"> ■ Traffic regulations set for some fixed time, including one-way traffic. ■ Make a plan for traffic regulation with participation of local people in the target area.

Urban Heritage Restoration and Use Program: Qanawat South ②

Action 4	Marking Historical Buildings	<ul style="list-style-type: none"> ■ Upgrade local people's awareness towards historical buildings by marking them with participatory approach similar to Old Damascus City.
Action 5	Converting Historical Buildings into Tourist Stops	<ul style="list-style-type: none"> ■ Produce new tourist spots such as hotels, cafeterias, theaters, workshops, and the like by converting historical buildings into those forms, aiming to appeal more to tourists.
Action 6	Improving Road/Public Space	<ul style="list-style-type: none"> ■ Upgrade local people's living environment in the target area through improving roads and public space, e.g. setting street lights, paving streets, developing pocket parks, and setting sidewalks.

Controlled Urban Development: Al Ghota Road

Action 1	Integrating Agriculture and Tourism	<ul style="list-style-type: none"> ■ Establishing a park for preserving green area while attracting tourists by, e.g. selling fruits produced from Ghota. ■ Collaborate with agricultural cooperative and make its business plan to promote agricultural tourism. The plan may introduce high value-added cash crops.
Action 2	Taking Countermeasures against River Contamination	<ul style="list-style-type: none"> ■ Conduct survey on sources of contamination, share the survey results, and make a plan for improvement with participatory process. ■ Hold public hearing from local people in case of construction works.
Action 3	Controlling Land Development including Informal Settlements	<ul style="list-style-type: none"> ■ Conduct survey on informal settlement to obtain baseline data. ■ Set local rules for urban/community development with participatory process. ■ Prepare/deliver “newsletters” and conduct other related activities to let local residents know well the agreed local rules.

5. 巻末資料

巻末資料一覧

1. 1974 年法第 9 号「都市の土地分割、整理、建設」関連

- ①Law (9): Partitioning, organization and construction of cities
- ②Implementation Instructions of Law 9 of 1974

2. 1974 年法第 14 号「区画上の建設に関する法律」

Building on Plots Law: Law 14 dated 231311974

3. 1982 年政令第 5 号「都市計画法」関連

- ①Legislative order number/5/
- ②Legislative act number/3/
- ③Binding reasons
- ④Instruction number /1/ for legislative act number /5/ for the year 1982
- ⑤Instruction number /2/ for legislative act number /5/ for the year 1982

4. 1983 年政令第 20 号「土地収用法」

Legislative Decree /20/ of 1983: Expropriation Law

5. 2000 年法第 26 号

Law 26

6. 2002 年法第 41 号関連

- ①Law /41/
- ②The unified instructions for Legislative Decree /5/ of 1982: Amended by Law /41/ of 2002

7. 地域計画法案

Draft Law Regional Planning

8. 歴史地区における文化・芸術活動に係る観光投資のための事業者公募要綱

Terms of References for the Touristic Investment at the Historical Sites for Cultural and Artistic Activities

Law (9)

Partitioning, organization and construction of cities

President of the Syrian Arab Republic;
Pursuant to the provisions of the constitution; and
the ratifications of the People's Council in its session of 31/12/1973;
Issues the following:

Article 1

The following terms shall have the meaning stated beside each wherever they occur in these instructions:

Administrative body: Municipality or Administrative Unit.

Council: Municipal Council in the municipality, or Executive Bureau in the Administrative Unit.

Head of Administrative Body: Mayor or Executive Bureau Director in the Administrative Unit.

Area: all the realties and parts of the specified and compiled realties constituting the land intended to be partitioned or organized.

Sections: segments created by the partitioning of land.

Partitioning: division of land for construction purposes.

Public buildings: they include administrative units premises, schools, police stations, hospitals, fire departments, places of worship (mosques and churches), public libraries, cultural centers, museums of antiquities or historical sites, stadiums and social care centers.

Partitioning petitioner: the body applying for land partitioning, whether a natural or legal person.

General organizational scheme: It is the scheme that represents the current status of a certain city, town, village, and the future constructional development planned for any in all fields.

Detailed organizational scheme: It is the scheme that includes all necessary constructional details in coherence with the general organizational scheme.

Article 2

The land shall be prepared for construction in accordance with the general and detailed organizational schemes via one of the following two methods:

- A- Partitioning pursuant to the owner's wish.
- B- Organization pursuant to the Administrative body's wish.

Section One Partitioning

Article 3

Land owners wishing to partition the area into segments intended for construction shall present an application to the Administrative Body for approval attached with a file containing the following documentation:

- A.** Ownership documentation which include the following:
 - a. Documents proving ownership issued by the Real Estate Register.
 - b. Declaration from holders of in-kind rights recorded in the relevant cadastres, stating their consent to the partitioning and the hachuring the references of their rights, or their removal to the cadastre of one or more sections resulting from the partitioning in proportion with those rights.
 - c. A written commitment shall be presented by the partitioning petitioner stating that there are no in-kind rights unregistered in the land cadastres. Should such rights emerge; the petitioner shall be obliged to compensate the rights holders.
- B.** Partitioning schemes: these schemes shall:
 - 1. Be compatible with the general organizational scheme and its complementary detailed organization schemes, if any. The roads to be included in the partitioning should take into consideration the population growth, traffic and other factors related to urban construction in the land and neighboring areas.
 - 2. One third of the area shall be appropriated free of charge and allocated to roads, squares, gardens and public buildings and shall be deducted. 50% of the width of the public roads included in the partitioned realties shall be deducted out of the free area.
 - 3. Percentage of the above free area shall increase to 50% if the general and detailed organizational schemes require so.
 - 4. Should the appropriated area exceed 50%, the relevant Administrative Body shall pay for the extra space. The price shall be estimated later in accordance with the Appropriation Law
- C.** The receipt of the verification fee, the amount of which will be determined by the Council provided that this fee is not higher than 10 Syrian piasters per Sq.m. of land, and not lower than SP 100 per segment.

Article 4

- a. The Administrative Body, jointly with the Electricity and Water Authority shall produce an estimated costing for equipping sections drawn up in the portioning scheme with public utilities such as roads, sidewalks, sewers, electricity and water, with a detailed list per each section's utilities.
- b. The estimated costs of each section shall be considered preferred debts for the benefit of the relevant Administrative Body, and a mortgage tick

equaling the debt shall be fixed on the cadastres when registering the partitioning in the Real Estate Registry.

- c. Section ownership may be transferred after settling costs of public utilities according to the Administrative Body estimates, or after a written commitment by the buyer to settle those costs. The mortgage tick on the cadastre shall be kept as insurance for payment and the building license shall not be granted unless 50% of the public utilities costs are paid. The Division of building or its transfer, totally or partially, shall be possible only after paying all the public utilities costs or the cost for the particular part to be transferred, according to the Administrative Body's estimates.
- d. Should sums paid exceed actual costs of public utilities, the surplus shall be retained to payees; should the payments not cover those costs, the difference shall be paid pursuant to the Public Funds Levying Law.

Article 5

- a. Areas, where the cost of sections resulted from partitioning is connected to public roads stated in the verified scheme, shall be exempted from the provisions of Paragraph (b) of Article 3, and those of Article 4.
- b. The Minister of Housing and Utilities is entitled to exclude 3rd and 4th class municipalities from the provisions of Article 4 upon a proposal by the Council.

Article 6

- a. The Administrative Body shall decide on the partitioning application and inform the concerned within 3 months from the application date.
- b. Endorsement of partitioning application shall be made via a decision by the City Executive Bureau following the Council's approval.

Article 7

The Real Estate Registry shall not record any partitioning unless endorsed accordingly as stipulated in the previous Article.

Article 8

- a. Should realty owners partition a land or allow doing so in contrast with the provisions of this Law, they shall be fined by the Administrative Body with an amount of 25% of the realty value, collected in accordance with the Public Funds Levying Law.
- b. Buildings constructed on partitioned lands in contrast with this Law shall be liable to demolition. Should demolition order be postponed, an annual fine on occupants shall be imposed by the Administrative Body equaling the annual rent calculated as per the financial estimate. The payment of this fine shall clear the occupants' liability (if renters) towards the owner.

Section Two
Organization
Chapter 1
Establishment of organizational areas

Article 9

Administrative Bodies shall carry out the organization in two cases:

- a. For areas affected by natural disasters such as earthquakes or flooding, or those devastated by wars or fires.
- b. For areas, of which the Administrative Body wishes to accomplish the general organizational scheme.

Article 10

The establishment of an area shall be made by virtue of a decree based on a file containing the following:

- a. A recent detailed scheme issued by the Land Registry and Real Estate Enhancement Office specifying the borders of the area as well as its sections, and the constructed buildings with their areas.
- b. A scheme prepared by the Administrative Body and endorsed by the Land Registry and Real Estate Enhancement Office specifying the borders of the created sections and the roads to be built or altered as well as the location and borders of public facilities (gardens and squares etc).
- c. Method of determining construction, antique and adornment free spaces and the resulting conditions especially open spaces to be left between buildings, and the building altitude, architectural design, distribution of sewer system, electricity, water, phone and other facilities.
- d. The Council's proposal as regards establishing the area.

Article 11

The decree of establishing the organizational area shall be published in the official newspaper, and in one of the local daily newspapers if there is such, if not however, the decree shall be published in one of the capital's dailies.

Article 12

Properties within the organizational area shall constitute a common property shared by all right holders, with each having a share equivalent to the estimated value of his realty or the in-kind right he owns.

Article 13

- a. It shall be permissible, via a decree, to determine the number of organizational areas to be established, all at once, at any Administrative Body.

- b. No realty, or part of a realty created by organization of an area, appropriation or partitioning shall be incorporated in new organizational areas unless a special decree pertaining to the realty intended to be re-organized has been issued upon a proposal by the relevant Administrative Body.
- c. The following procedures on realties included in the area shall be prohibited:
 - 1. Division.
 - 2. Consolidation.
 - 3. Granting building licenses.

Article 14

- a. The Administrative Body shall take possession of all lands necessary to build roads, spaces, gardens and public buildings pursuant to paragraph 2, 3 and 4 of Item (B) of Article 3 of this Law.
- b. The Council shall be entitled to change the capacity of public buildings to other public buildings. However, capacity of sections dedicated for building schools and places of worship shall not be changed.

Chapter 2 Preliminary Assessment

Article 15

- a. Should the organizational area be established for any of the reasons stated in paragraph (a) of Article 9, the Administrative Body shall, within one month from the decree issuance, call via an advertisement published in one local newspaper at least, if any, or in one of the capital's dailies, on the area's realty owners and in-kind rights holders to declare their claims.

Those, in addition to others who have also claims whether genuine, by guardianship or by proxy, shall present to the Administrative Body, within 30 days subsequent to the publishing date of the said advertisement, a written statement stating domicile of choice (within the city in which the area is located), attached with the substantiating documents and files (if any) or copies of them. If those substantiating documents are not available, claimers shall state in their statements the locations, borders, shares, juristic or legal category of the realties or rights they claim.
- b. Relatives (of any kinship degree) of those who have claims in the organizational area shall have the same rights and obligations stipulated in the previous Article on behalf of the original claimers. Degree.

Article 16

The Administrative Body shall (following the issuance of the organizational area's establishment decree) request the Real Estate Registry to prepare a list of realty

owners or those who have power or authority to dispose of realties, and all those who have in-kind rights in realties within the area.

Article 17

- a. The Administrative Body shall set up a Committee of First Instance to estimate the value of realties within the area in their current condition and the buildings constructed on them, and the in-kind rights and independent claims in preparation of allocating them to the persons of ultimate rights.
- b. This Committee shall consist of three members, and one of them should be an engineer. The Committee shall issue its decisions unanimously or by majority with all its members present.
- c. The Committee members shall not have any relation or connection (stipulated in the provisions of Article (174) of the Law of Civil Procedure) with claimers or any interest in any of the realties of the area under the jurisdictions of this Law.

Article 18

1. The Administrative Body shall announce in its bulletin board, or in one local newspaper, if any, or in one of the capital's dailies, that the work of the Committee of First Instance stipulated in the previous Article is complete. The announcement shall include a clear reference to the component body to be referred to check the initial estimate rosters.
2. All persons mentioned in Article (15) of this Law are entitled within 30 days from publishing the above announcement:
 - a. To challenge the initial estimate (legal domicile shall be within the Administrative Body's jurisdictions).
 - b. To claim ownership of one of the organizational area's realty or more, or any other right, via a separate application to be filed to the Dispute Resolution Committee created by virtue of Article (19).

Chapter 3 Dispute Resolution Committee

Article 19

A competent committee shall be created at the Administrative Body and shall have the power to examine all ownership claims or disputes on realties within the organizational area. All cases related to the area which were previously referred to courts of law without being settled by a final ruling shall be referred to this committee also.

Article 20

The Minister of Justice shall (upon a request by the Administrative Body and in the case of disputes in the field of specialization of the Dispute Resolution Committee occur) set up this committee as follows:

- a. A judge ranked at least a councilor, to be designated by the Minister of Justice as: **President**.
- b. A representative of the General Directorate of the Real Estate Office (holder of a Law License), to be designated by the Directorate's general manager as: **Member**.
- c. A representative of the Administrative Body (holder of a Law License), to be designated by the Administrative Body's general manager as **Member**.
- d. The two members of the committee shall take the following oath before its President: (I swear by the Mighty Allah to perform my duties sincerely and honestly and not to disclose deliberation secrets).

Article 21

This committee, in order to rule on claims or despites referred to it, shall have all powers of the competent court originally responsible for examining such cases.

Article 22

Committee decisions may be challenged before a Governorate Appeal Court in compliance with the schedules and procedures for appealing against decisions by the judge of summary proceedings. The appeal court shall render a final judgment regarding the appeal in the deliberation chamber.

The damaged party, who was not part of the dispute before the committee, shall have the right to sue the person who caused the damage and claim for compensation before a normal court.

The committee's unchallenged decisions shall be effectuated within the official appointed time and the Appeal Court rulings at any of the public institutions either via a message forwarded by the committee chairman to the competent body attached with a copy of the ruling after collecting the fee stipulated in the Law of Judicial Fees and Insurance for Executing First Instance Rulings, or via a letter forwarded by the Appeal Committee's chief justice attached with a copy of the court's ruling after collecting the official fees.

Article 23

The Committee shall be excused from adhering to the procedures and time limits stipulated in the Law of Civil Procedure, and shall also be entitled to resort to arbitration according to the disputed parties' consent. The Committee shall, with or without conciliation empowerment, issue a decision on disputes referred to it within four months, at the most, of the issuing of its creation's decision.

Chapter 4 Arbitrational estimation

Article 24

- a. The arbitration committee shall be set up as follows:
 - 1) A judge designated by the Minister of Justice: **President.**
 - 2) Two experts (designated by the Administrative Body: **Members.**
 - 3) Two experts representing owners: **Members.**
- b. The two members representing owners shall be elected following an invitation by the Administrative Body for their election, which is considered valid by a majority vote of those attended. The invitation shall be made in accordance with the provisions of paragraph (1) of Article (18) of this law.
- c. Should owners did not respond to the said invitation to elect their representatives at the Arbitration Committee, the judge of first instance, or conciliation judge in the region (should the judge of first instance not available) shall appoint representatives from the list of panel of experts issued by the Ministry of Justice.
- d. Should one or both representatives resigned or fail to attend the sessions; a replacement shall be appointed by the judge of first instance, or conciliation judge depending on the situation. Should the resignation or absence reoccurred, the committee shall complete its work by majority vote, should votes turned equal, the President side shall be given preference.
- e. Conditions apply on the initial estimation committee member shall apply on committee's chairman and members in accordance with paragraph (c) of Article (17); a member of the Arbitration Committee shall not be a member of the committee of first instance. Committee decisions shall be binding and not liable for review or appeal.

Article 25

The Arbitration Committee shall be set up by a decision from the Administrative Body Chairman.

Article 26

The Arbitration Committee shall convene via an invitation from its chairman after verifying that there is no reason hampering members from performing their duties and that is by taking the oath stated in Article (20).

Chapter 5 Re-estimation

Article 27

- a. The above Arbitration Committee shall re-estimate the value of realties and in-kind rights within the area after the passing of five years following

the issuing of decree of establishing the area should organization works not executed. The works shall be considered executed upon the date of recording them in the diurnal archive of the Secondary Real Estate Office Director.

- b. Should the Arbitration Committee meeting not convened due to the absence of one member or more for any reason, the Committee shall appoint a replacement.
- c. The Committee shall accomplish its work within two months subsequent to the date of initiating its work.

Article 28

Should the estimation of one or more realty or in-kind right in the area be unintentionally neglected, whether at first instance or arbitrational, the Committee shall estimate what is neglected in the light of the prices by which all other realties in the area have been estimated.

Article 29

The re-estimation of realties shall not affect the partitioning the area, especially in relation to the procedures of compulsory distribution and occupancy.

Chapter 6 Compulsory distribution

Article 30

- a. The organizational area shall be considered a legal person replacing all owners and holders of in-kind rights in it.
- b. The Administrative Body shall represent this legal person and shall have the powers for clearance of the area's properties and rights after collecting the official fees, charges, taxes and others.
- c. Article 4 of this Law shall be applied on the organizational areas

Article 31

The Administrative Body shall prepare the following two rosters in order for the procedure of compulsory distribution to be based upon:

- a. A roster of right holders for each of the area's realties that include: right holder's name, his share of the realty and his share of the realty's worth or in-kind right(s).
- b. An alphabetic roster of right holders that include the total worth of rights of each in the area.

Article 32

The area's organizational works shall be concluded by the distribution of its properties among the right holders according to their shares.

Article 33

- a. The compulsory distribution shall be made by a committee comprised of:
 1. A judge designated by the Minister of Justice.
 2. Two experts (designated by the Administrative Body).
 3. Two experts (representing the owners).
- b. Members of the Compulsory Distribution Committee shall take the oath stated in Article (20) in this Law before the committee chairman.
- c. Experts representing owners shall be selected in pursuance provisions of Article (24).
- d. Conditions apply on members of the First Instance Committee shall apply on the chairman and members of the Compulsory Distribution Committee.
- e. The Head of Administrative Body shall issue his directive to set up the Committee as stipulated above pursuant to paragraph (c) of Article (17).

Article 34

The Compulsory Distribution Committee shall (before initiating its work) estimate the value of each section marked out in its distributive chart. If the total value of sections exceeded or turned less than that of the area's overall realties and rights estimated, the Compulsory Distribution Committee shall change the share of each right holder in proportion to that increment or decrement.

Article 35

The Compulsory Distribution Committee shall do its best to grant each of the right holders a share in the location of their old realty or close to it. The Committee shall allocate for each of the right holders a section or more amounting to his share. It may also allocate one section to a number of right holders in joint ownership provided that the share of each is determined.

Article 36

Should the value of section(s) allocated for a right holder differs from worth of his share, the Compulsory Distribution Committee shall determine the amount of financial compensation he shall pay in case of increment, or the amount he shall be paid in case of decrement. This financial compensation shall be payable at once, but should the debtor is given a time limit by the beneficiary or by the Committee, his share shall be held in pledged till the debt is paid with the official interest.

Article 37

- a. The distribution scheme shall be prepared by the Committee and forwarded to the Administrative Body who shall invite right holders to be aware of via an announcement published in one local newspaper, if any, or in one of the capital's dailies.
- b. Those concerned shall, within 30 days of publishing the announcement, make their remarks on the distribution scheme through a written list to be presented to the Committee chairman via the Administrative Body.
- c. When the deadline stated in the previous paragraph expires, the Committee shall convene and issue its final decision (that shall be binding) regarding the final distribution of the area's sections on right holders. This decision shall be published in the Administrative Body's bulletin board for a period of 30 days for acknowledgement.

Article 38

After the Compulsory Distribution Committee's becomes binding, it shall be informed by the Administrative Body to real estate departments to finalize ownership registration motions.

Article 39

Should the competent real estate departments find errors preventing ownership registration during its scrutinizing process, the Administrative Body shall refer the remarks forwarded from those departments to the Compulsory Distribution Committee to rectify those errors. Should the Committee is not able to convene for a any of the reasons stated in paragraph (b) of Article (27), it shall proceed its work pursuant to the provisions of this Article. The Committee shall rectify the said errors within 60 days subsequent to the date of its invitation by the Administrative Body.

Committee decisions shall be binding and not liable for review or appeal, and shall be registered.

Chapter 7 General and final provisions

Article 40

The Administrative Body shall be entitled to take possession of public properties and sections established in the area for purposes stipulated in paragraph (b) of Article (10) after concluding the arbitrational estimation, except for arable lands and courtyards which may be seized earlier.

Article 41

In-kind rights that are in the form of payable mortgages to the realty before being organized shall be transferred to the realties, shares and entitlements which replaced the realty or original in-kind right.

Article 42

The Administrative Body shall assign for each of the committees stipulated in this Law a manual to help those committees to provide the needed data and information, prepare the minutes of its meetings, organize work and follow-up. The Administrative Body shall put at the disposal of those committees all their needs of documents, texts, information, and technical expertise.

Article 43

The Head of the Administrative Body shall, after consulting with the Council, issue his decisions to solve matters not provided for in this Law, and make all the necessary measures in pursuance with the provisions of this Law.

Article 44

- a. The Administrative Body shall be entitled to give loans to cover the execution of works, and it shall be repaid those loans when cash is available in the area's treasury.
- b. All the area's expenses: evacuation compensations, destruction of plants, wages and compensations for committees and extra works shall be paid for from the area's account.

Article 45

Initial and arbitrational estimation of the area's realties shall be conducted on the basis that ruins are left for owners and that the organizational area shall bear the costs of demolition and removal of debris after the deadline set by the Administrative Body for owners to remove the debris of their realties expires.

Article 46

The Administrative Body shall undertake to handover vacant sections to their owners within 90 days maximum subsequent to the date of receiving their construction licenses. The Administrative Body shall be entitled to resort to administrative vacating after the said deadline expires.

Article 47

- a. Properties within the area shall be exempted from registration fees in the Real Estate Registry.

- b. Afflicted realties in the areas that are included in the organization procedure due to being hit by natural disasters or devastation due to wars or fires shall be (in addition to the previous exemptions) exempted for one time from construction fees for sections dedicated to owners of afflicted realties and that is after the organization procedure is concluded.

Article 48

The Administrative Body shall, when necessary, set up a committee or more to count, describe and compile detailed accounts of their contents such as buildings, trees, plants and others in order to resort to by other committees.

Article 49

The area's funds shall be collected by the Public Funds Levying Law and its amendments.

Article 50

- a. Violators who built on public property shall be entitled only to acquire wreck of their buildings, and this shall be the only right they hold.
- b. The Dispute Resolution Committee shall examine cases resulted from random building violations affecting the area's private realties, and shall settle the accounts of their owners after set right their violations and collecting the sums due to the Administrative Body against their violations.

Article 51

Compensation due for the plants and fruits to be demolished when necessary by a committee created by Head of the Administrative Body and comprises three members on of which is an expert in agrarian affairs shall be estimated by a binding decision not liable for appeal.

Article 52

Should the organizational area included an arable land ensuing rights for peasants or farmers either jointly or by rent, the contract between the two parties shall be considered terminated partially or totally according to the land in question being included totally or partially in the organization procedure. Holder of the aforementioned right shall be paid the proper compensation stipulated in the Agrarian Affairs Law for terminating the contract from the organizational area's account.

Article 53

- a. By the date of issuing this Law, right holders in existing organizational areas whose sections are not compulsorily distributed or sold in public

auction shall be entitled to announce their claims of property or in-kind rights in one of the organizational area's realty or more to the Administrative Body.

- b. Announcing, submission and settling of claims shall be made pursuant to the provisions of Articles 10, 11, 12, 13 and 14 of this Law.

Article 54

Head of the Administrative Body shall be entitled, within six month of this Law taking effect, to invite the committee that conducted the procedure of compulsory distribution in established areas (before the issuing of the Law and not been registered in the Real Estate Registry due to errors preventing registration) in order to examine the remarks put forward by the real estate departments. Provisions of Article (39) shall be applied on those areas.

Article 55

The Minister of Justice shall be entitled, according to an Administrative Body's proposal, to second a judge or more to work full time on the tasks of Dispute Resolution Committee, Arbitration Committee and Compulsory Distribution Committee.

Article 56

Remunerations for workers at the temporary committees created by virtue of this Law shall be excluded from the ceilings stipulated in Decree (167) of 1963 and its amendments if they accomplished their works within the time limits set by this Law

Syrian Arab Republic
Ministry of Local Administration
No. 6/2
Date: 14/7/1974

Implementation Instructions of Law 9 of 1974

Pursuant to the provisions of Article 58 of the Law 9 dated 27/1/1974, the following instructions shall be implemented:

Regarding Partition

1st. Article 3 of the Law necessitates that the owner who wants to divide his land to partitions to be used for building shall have to prove his ownership by documents issued by the Real Estate Department; thus this Law's provisions shall be applied exclusively to the demarcated and legally possessed areas.

2nd. Paragraph A of Article 3 necessitates that a partition applier shall have to submit the necessary plans that match the master plan and its detailed plans, if there is any. When planning the roads partition plans shall have to take into consideration the potential population increase and traffic movement, as well as the other considerations related to urban planning in the neighboring lands and areas.

Retaining the provisions of Paragraph A of Article 5, and in order to have the plans in coherence with the master plan and its detailed ones, the following procedures shall have to be respected:

- A. The plans shall have to be made by a civil engineer or an architect registered at the Syrian Engineers Syndicate or licensed to work by this Syndicate.
- B. The engineer shall have to visit the technical authority at the relevant administrative body to acquaint the master plan and the detailed one, as well as its recommendations to be taken into consideration when preparing the following plans and documents:
 - 1. A plan illustrating the location of the land to be partitioned within the city or the town using a suitable scale and showing the urban character of the land to be partitioned.
 - 2. A 1/500 or 1/1000 survey of the land showing:
 - Clear land demarcations, the already existing streets around it and the ones leading to it.
 - Leveling lines and points of height.

- The existing real estates and buildings in the nearby, as well as the streets, squares, parks and all other uses that might be affected by the partitioning.

3. A suitable scaled partition draft containing:

- Plans of the proposed roads, squares, playgrounds and parks showing their dimensions, road and pavement widths for each kind.
- Places of public constructions.
- Plots numbers and their demarcations and dimensions.
- Locations and heights of the proposed buildings and park setbacks and others.

4. The executive plans and study related to public utilities occupation.

- Longitude and latitude sections if that is necessary due to the land shape.

C. The plans shall have to contain:

- Project address, drawing scale, north direction, date, a table with the numbers and areas of the partitioned pieces of lands, total area of the land, total area of the pieces and total area of the land left for roads, squares, parks and public constructions.
- Kind of the urban area in which the real estate to be partitioned is located, if it is available.
- Plan of the proposed water, waste water and electricity networks.

D. The competent technical authority shall check the project plans and documents in order to approve it.

3rd. When applying Article 3 of the Law, the following shall be taken into consideration:

1. One third of the area of the land to be partitioned shall be deducted freely for roads, squares, parks and public constructions, even if the master and detailed plans require less than that.
2. If the land is bordered by a public road, half of this road's area shall be deducted from the free third.

If, for example, the area of the free third is 1,000 sq.m, the area of half the road is 800 sq.m, the area to be deducted freely shall be $1,000 - 800 = 200$ sq.m.

4th. Paragraph C of Article 3 necessitates that the partition applier shall have to pay a check fee defined by the Council (this decision shall be ratified by any referential body).

5th. To implement the provisions of Paragraph A of Article 4 of the law:

1. According to a request from the administrative body, both the relevant electricity and water establishments shall estimate the costs of connecting electricity and water to the plots showing the share of each. The administrative or municipal body shall, as well, estimate the costs of connecting roads and waste water system.
2. The administrative body shall arrange a consolidated table of all costs forming the estimated evaluation of the costs due on the area as a whole and on each new plot as well.
3. The a.m. bodies shall have the right to draw upon the study prepared by the engineer who planned the project.

6th. The following shall be taken into consideration when implementing Article 6:

1. The 3 month period shall start as of the date of registering the partitioning application at the registration office of the administrative body associated with the plans and documents mentioned in Article 3 of the Law; the competent body shall have to study the partitioning application and submit it justified to the Council in 2 months as of the registration date.

The council shall make a decision in this regard and submit it to the governorate's executive office to make a decision within the period stipulated in Article 6 of the Law; this decision shall not be ratified by any authorities.

2. The administrative body shall have to deposit at the Real Estate Department a file containing:
 - A. The partitioning plan.
 - B. The public utilities costs estimation.
 - C. The executive office's decision about partitioning ratification.
3. According to a letter from the administrative body's head, the competent Real Estate Departments shall put a mortgage sign on each plot's cadastre against public utilities charges and costs when the partitioning is registered; they shall not transfer any plot's ownership unless informed by the administrative body in writing that it has collected the due charges and costs or that it approves the purchaser's commitment to pay, retaining the mortgage sign.
4. It shall be impermissible for the Real Estates Department to partition a building or transfer its, or a part of it, ownership unless informed by the administrative body that all the due costs have been collected.

7th. When applying Paragraphs B & C of Article 4 and Article 7 of the Law, the following shall be taken into consideration:

1. It shall be impermissible for the Real Estate Departments to accept any dealings about partitioning and plotting real estates subject to plotting project unless a decision from the governorate executive office approving the plotting is attached; that is for the administrative bodies subject to Law 9 of 1974.

8th. When implementing the provisions of Paragraph B of Article 8 of the Law:

1. The real estates plotted in contradiction to this Law shall mean the ones plotted after its validity.
2. The provision of this paragraph shall not include the lands expropriated by the General Housing Establishment, the administrative units or municipalities in order to plot and distribute according to their regulations.
3. The administrative unit shall continue collecting the annual fine stipulated in this paragraph until the contravention is removed.

Planning

9th. The ministry in charge of drafting a decree establishing a master plan of an area shall be the Ministry of Municipal and Village Affairs because the master plan is related to cities general plans.

10th. By the “administrative body” mentioned in Paragraph B of Article 13, it is meant the council of the administrative body.

11th. The provisions of Paragraph 2 of Article 18 of the Law include all owners and right holders in the planning area whether the planning is due to disasters or to the administrative body’s wish.

12th. The administrative body’s head shall conduct the following:

1. Invite the real estates owners and the right holders in the area by a published announcement (Paragraph A- Article 15)
2. Ask the Real Estate Registration Secretariat to arrange a table with all real estates owners, disposers and in kind right holders in the planning area (Article 16)
3. Form the Initiative Committee (Article 17)
4. Make the announcement mentioned in Item 1 of Article 18
5. Invite the owners to elect their representatives in the Arbitration Committee (Paragraph B- Article 24)
6. Form the Arbitration Committee (Article 25)
7. Inform the real estates departments of the Compulsory Distribution Committee’s decision (Article 38)
8. Nominate the committees’ reporters (Article 42)
9. Prescribe the necessary period to remove the debris (Article 45)

10. Ask the minister of justice to second the judges (Article 55)

13th. The provisions of Paragraph A- Article 27 stipulates re-estimating the values of the real estates within the planning area including the ones estimated initiatively whose owners have not rejected the estimation; the estimation shall be in market prices at the re-estimation date disregarding the price increase generated by the planning.

14th. When implementing the provisions of Article 29, re-estimation shall not require re-considering the compulsory distribution conducted without listening to its contract in the Real Estate Departments; it will affect the calculative aspect of the area's profit or loss only.

The re-estimation shall not cause re-considering dealings of paying evacuation compensations of the real estates whose evacuation or rent compensations have already been paid.

15th. Following Paragraph C of Article 30, the administrative body shall have to estimate public utilities costs according to Paragraphs 1 & 2 of 5th of those instructions and distribute them on the area's plots, then put the mortgage sign on their cadastres when depositing the compulsory distribution tables at the real estate registration.

16th. As the decision of the Compulsory Distribution Committee is considered final due to Paragraph C of Article 37, announcing compulsory distribution tables shall not prevent depositing those tables at the Real Estates Departments during the announcement because the announcement is aimed at making the distribution results known to the owners.

17th. Pursuant to Article 46:

1. The administrative body shall have to deliver the plots evacuated to the owners in 90 days maximum as of the licensing date; it, therefore, shall have to conform the licensing to the evacuation period.
2. Issuing an administrative compulsory evacuation decision by the administration shall not exempt it from getting a public prosecution's permission to enter the real estates to execute the evacuation decision.

18th. Pursuant to Article 53:

The administrative body shall have to inform the right holders in the planning areas initiatively estimated and the results have not been deposited at the Real Estates Departments to claim ownership or any other in kind rights related to the planning area's real estates and to deposit those claims at the Disputes Settlement Committee formed according to the provisions of this Law.

Damascus / /
Minister of Local Administration.

cc:

- Prime Minister's Office /3/
- Ministry of Municipal and Village Affairs /10/
- Ministry of Justice /3/
- Central Commission for Control & Inspection
- General Department of the Real Estates Facilities /3/
- Governorate: to be circulated to the municipalities
- Damascus Governorate
- Directorate:
- The registration office with the original copy.

Building on Plots Law
Law 14 dated 23/3/1974
Amended by Law 59 dated 22/7/1979

The Republic President, pursuant to the Constitution's provisions, and the People's Assembly decisions in its session dated 18/3/1974, Issues the following:

Building on Plots Law

Article 1:

The expressions mentioned in this Law shall have the meanings appearing beside each:

- **The Administrative Body:** a municipality or an administrative unit.
- **The Council:** the municipal council of a municipality or the executive bureau of an administrative unit.
- **The Head of the Administrative Body:** The head of a municipality or an administrative unit's executive bureau.
- **The Division:** a floor or an apartment or any part of building that can be subject to a contract independently.

Article 2:

In the context of this Law plots shall mean any land prepared for building, or the like, that is not possessed by public bodies or public sector bodies, and that is within the urban borders of the administrative unit ; they comprise:

- A. The plots resulted from implementing the Urban Planning Law.
- B. The plots resulted from implementing Law 65 dated 15/6/1958.
- C. Other plots and real estates within the master plan of the residential, commercial and workshops zones.
- D. Parts of the real estates fulfilling the conditions mentioned in the foregoing paragraphs if the building system does not allow considering them as separate real estates usable for building under the same conditions of the original ones.

Article 3:

Licensing to build on plots and real estates shall be according to the following conditions:

- A. The cadastre of the plot or real estate to be licensed is free of any signs preventing disposal.
- B. Building licensing shall be to the real estate owners or the owners of half of its shares at least according to the records of the Real Estate Registry or the records that some administrations and establishments are entitled to do by law temporarily before the real estate registration.

- C. When the owners of a half of real estate shares, or more, apply for a building license, an application to eliminate the joint ownership shall be attached to it. This application shall be considered by a committee formed by the head of the administrative body and presided by a judge nominated by the minister of justice in addition to two other members representing the administrative body and the Real Estate Authorities. The 2 members shall deliver the following oath before starting their work **“I swear by God the Almighty to carry out my task honestly and faithfully and not to disclose any deliberations”**. The Committee shall invite the owners pursuant to the procedures of the Expropriation Law and Summary Proceedings Cases and ask them to make an agreement themselves about the licensing application; in case they could not reach an agreement, the real estate shall be sold by auction to which the stakeholders who have attended the last stand in which the decision of selling was taken, as well as others, shall be invited via a local newspaper, if there is any, or one of the Capital's, 15 days prior to the auction date. The Committee shall be exempted from the principles and dates followed by courts. It shall be permissible for it as well to be an arbitrator to make peace or other according to the parties' agreement.

The Committee decisions shall be final and incontestable; they shall be executed at any public body by a letter sent from the Committee head to the competent body associated with a copy of the decision after collecting the duty prescribed in the Juridical Duties and Insurances Law to execute the initial sentences in favor of the administrative body.

The successful bidder shall have to apply for building license associated with all the necessary documents and legal and technical plans in three month from the auction date and to pay the legal duties in one month from receiving a payment notification at the risk of re-paying the real estate by auction and discounting a quarter of its value to the benefit of the administrative body.

Article 4:

- A. People who are licensed to build according to the provisions of Article 3 of this Law shall have the right to transfer the divisions' ownership before starting the construction of the building or before completing it. In that case they shall have to deliver the divisions subject of the contract to the purchaser ready for housing or use in the field they are prepared for according to the contract. Before the term prescribed for the first delivery is finished, they have to provide all common utilities completely including the exterior unified façade of the building according to the license conditions.
- B. The sales conducted according to the foregoing paragraph shall be subject to the provisions of flats ownership in the Civil Law taking the provisions of this Law into consideration.

Article 5:

- A. A temporary register shall be opened at the administrative body in which the following shall be registered:

1. Names of the license appliers and the real estate descriptions.
 2. The divisions plan showing the conventional number of each division.
 3. Divisions' sales contracts as well as the subsequent sales.
- B. Any sales taking place out of the registry mentioned in the a.m. paragraph shall be insignificant and absolutely invalid; however, that should not breach implanting Article 143 of the Civil law.
- C. Selling a licensed real estate or a division of it in a way other than the registry shall be considered a deception and the seller –on one's own behalf or by proxy- shall be subject to the penalty stipulated in Article 641 of the Penal Law.
- D. A 0.01% registration fee shall be collected from the purchaser for each sale registered at the administrative body.
- E. According to a request from the administrative body, the Real Estate Departments shall cease transferring the licensed real estate ownership or putting any signs on its cadastre but according to a subsequent notification from it.
- F. It is stipulated for the one who has got a building license and wants to cede the real estate to others to get the administrative body approval and transfer the ownership to the purchaser's name at the Real Estate Registry. The license applier and the licensed real estate purchaser shall commit themselves jointly and severally to pay all commitments due on the one who has got the license before the divisions purchasers and the administrative body.

Article 6:

The one who purchases a division in the way shown above shall have an acquired right on it; no one shall have the right to infringe or seize this right but within the direct rights against the purchaser himself.

Article 7:

- A. If the seller is late to discharge his commitments stipulated in the contract or in this Law to the purchaser, the administrative body shall automatically or upon a request from the purchaser alarm the seller in an administrative way to implement the contract or finish the incomplete works within a period whose beginning and end are prescribed.
- B. The administrative body shall have the right to alarm the license holder administratively to finish the incomplete works that deform the building exterior view or the works required technically or If he tarries implementing those works, it shall have the right to complete them on his account and collect the cost in addition to 15% as administrative costs.
- C. If incomplete works similar to the ones mentioned in the a.m. paragraph after registering the divisions under their owners names at the Real Estate Registry, the provision of that paragraph shall be applied to those owners and the costs shall be distributed on them according to the administrative body estimation plus 15% as administrative costs.

Article 8:

Owners of the plots mentioned in Article 2 of this Law shall have to do the following:

- A. Get building licenses for all the floor area permitted in that zone in one year starting on the date of announcing the availability of the two following terms:
 - 1. The real estates are within the urban zones.
 - 2. The earth flattening of the roads leading to the plot as well as the main electricity and water net in the zone. The announcement shall be in the administrative body advertisement board and in one local newspaper, if there is any, otherwise in one of the Capital's.

- B. Build all the floor area permitted by the building system in the zone until it is ready for housing or the uses it is prepared for, according to the following:
 - 1. In three fiscal years following the license date for the buildings not exceeding 6 floors.
 - 2. In four fiscal years following the license date for the buildings exceeding 6 floors.

Article 9:

- A. an annual duty of 10% of the value shall be levied on the plots whose owners have not got a building license including the ones on which a building license can't be gained due a sign preventing disposal on their cadastres as of the end of the year mentioned in Paragraph A of the foregoing article. A plot's value shall be estimated every five years.
- B. The owners who have got building licenses and have not completed the building according to Paragraph A of the foregoing article shall be considered as if have not got licenses.
- C. Collecting the duty from the owner who gets a license after the year mentioned in the foregoing article shall cease; if he completes all the floor area during the total time of the two terms mentioned in the foregoing article, the charge shall be repealed, before that the charge shall be effective.
- D. A division shall not be considered ready unless- in addition to housing or other use requirements within the division- all building parts to be used in common are completed including entrances, ladders, elevators (if the building system obliges that), corridors, cellars, canals, all kinds of piping, the exterior unified façade, tiling the roof, preparing the cellars as well as all common utilities and everything that is necessary for housing and use and confirming that the building is ready for housing by a license given by the administrative body,

Article 10:

Plots' initial and arbitration values shall be estimated while levying the annual duty prescribed in this Law; the concerned shall be informed of the values and objections shall be approved in coherence with the provisions of the Expropriation Law (a real estate zone shall be considered similar to an individual expropriation zone regarding formation and competence of estimation committees)

Article 11:

The administrative body shall levy and collect this duty for its own benefit according to the Law of Collecting Public Money.

Article 12:

Plots specified for residential cooperatives and charitable associations shall be exempted from this duty.

Article 13:

The Council shall have the right to sell the plots mentioned in the foregoing articles at the expense of their owners by auction and deduct a quarter of their values as well as the duty due to the administrative body if four years pass as of announcing their connection to the public utilities according to the provisions of Article 8 of this Law and the owners have not get building licenses or got them but have not completed the building.

Article 14:

The Council shall definitely have to decide selling the plots if five years have passed without getting building licenses or without completing the construction; the percentage stipulated in the foregoing article shall be deducted.

Article 15:

The one who purchases a plot according to the two foregoing articles shall have to build it in two years exempted from plots duty. After that the Council shall have the right to sell the plot; it shall be obliged to sell if three years as of the first sale pass. In that case the duty shall be collected from the owner who has been exempted in addition to a quarter of the value to the benefit of the administrative body.

Article 16:

In order to implement this Law the administrative body shall receive the following:

1. A commission for putting real estates or their shares in possession by auction as mentioned in Paragraph C of Article 3 equal to 1% of the sale price, paid by the purchasers in addition to the announcement costs.

2. A fee of 0.01% of the sale price for registering the divisions at the administrative bodies according to Article 5, paid by the purchaser.

General & Transitional Provisions

Article 17:

The license holder who delays notifying the administrative body, without a justified reason, of completing and delivering the sold division of the building ready for housing or use in the field it is prepared for on time in coherence with the contract concluded with the purchaser, or delays providing the common utilities and the like according to Paragraph A of Article 4, shall be punished of 1-6 months imprisonment and SYL 1000-3000 fine. The same shall be for the one who tarries implementing the administration alarm to finish the incomplete works mentioned in Article 7. The license holder who rejects transferring the ownership of the sold real estate to the purchaser, who conducts all his commitments in the contract, at the Real Estate Registry shall be considered late in completing and delivering the sold division.

The court shall not have the right to give mitigating reasons or order stay of execution when imposing the penalties stipulated in this Law.

Article 18:

The one who is charged with the duty mentioned in Paragraphs A & B of Article 9 of this Law, shall have the right to object that in thirty days as of receiving the notification if his delay has been due to forced reasons. A 10% insurance of the annual fee shall be associated to the objection that is going to be considered by a committee formed in each governorate and presided by a representative from the Ministry of Local Administration, in addition to members representing the Ministries of Economy, Finance and Municipal & Villages Affairs, nominated by the competent ministers.

If the Committee rejects the objection, the insurance shall be confiscated to the benefit of the administrative body. If it approves the objection, it shall have to prescribe the term during which the objector is exempted from the charge, that term shall be added to the terms during which selling is permissible.

The Committee decision, in all cases, shall be final and incontestable.

Article 19:

The provisions of registering the divisions sales mentioned in Article 5 of this Law shall be applied to the following cases:

- A. Divisions sales occurring after this Law validity even if they are parts of real estates with building licenses issued before its validity.
- B. The sales occurring before this Law if the two parties agree to register them according to the provisions of the a.m. Article.

Article 20:

Compensations of the people working in the committees stipulated in this Law shall be defined by a decision from the minister of local administration; those compensations shall be exempted from the provisions of Legislative Decree 167 of 1963 and amendments if they complete their works within the prescribed terms.

Article 21:

- A. This Law shall be applied in Damascus Governorate and the first class municipalities; it shall be permissible by a decision from the minister of local administration to apply it at other administrative bodies.
- B. Minister of local administration shall issue the regulatory decisions to implement this Law.

Article 22:

The signs preventing disposal registered at the Real Estate Registry after the issuance of this Law shall not grant any acquired right to those who are charged with the duty mentioned in it; additionally, they will not exempt them from any of the commitments mentioned in it, whether implementing the law covers their plots at its issuance or later on by decisions from the minister of local administration.

Article 23:

The provisions of this Law shall not be applied on the buildings existing before its validity whose construction has not completed half of their floor area.

Article 24:

Any provisions contradicting this Law shall be repealed, particularly Legislative Decrees 9 dated 26/2/1966 and 39 of 1966.

Article 25:

This Law shall be published in the Official Gazette and considered effective as of its issuance.

Damascus 23/3/1974
Republic President
Hafez Al-Assad

Legislative order number/5/:

President of the republic

Based on the laws of the constitution

The following is to take effect:

Article 1-The following is a definition of the terminology used in this legislative act:

A-Construction Planning fundamentals:

They are the universal principles that organize the operation of planning for complex buildings and include the following:

- General scientific engineering fundamentals for construction planning.
- The steps and procedures that must be followed in preparing for the planning program that deals with general and detailed organizational plan and the building procedure for any complex building.

B- Planning program: It is the program that determines current and future needs for a complex building according to the fundamentals of construction planning and based on the nature of such complex. The program is to specify the number of dwellers, population density, and the type and nature of needed public services.

C-General organizational plan: it is a plan that illustrates the future look of complex buildings and its growth. This is done by determining construction boundaries, the network of major roads, the usage of all lots that fall within the plan, and the building plans for such lots, in away that does not conflict with the fundamentals of the building procedure and program planning.

D- Detailed organizational plan: it is the plan that specifies all planning details for major and non-major network of roads, pedestrian walkways, public areas, and all construction details intended for the lots. All of this must not conflict with the general organizational plan and building procedure.

E- Complex building: the city, the town or the village with distinct uniqueness and the villages and farms that fall under the jurisdiction of any administrative unit.

F- The office: the executive office the county's board.

G- Administrative agency: the municipal or administrative unit.

H- The board: the municipal board of the municipality or the local board in the administrative unit.

Article 2-the ministry of housing and utilities will create the fundamentals of construction planning in order to fulfill the needs for complex buildings, depending on available resources and within the framework of the complete regional planning for the Arab Republic of Syria. All planning guides must be authorized by an official order. Until such official order is granted, work must continue in accordance with the procedures of the ministry of housing and utilities and within the boundaries of this legislative act.

Article 3-

- A- In order to establish the general and detailed organizational plans and construction procedures, the responsible administrative agency for each complex building must create a planning program within the boundaries of the active construction planning fundamentals
- B- The planning program designated for each complex building must be reviewed by the ministry of housing and utilities for approval or for requesting a modification within 20 days from the date it was recorded in the ministry records. Failure to do so will put the planning program in effect, and will make it part of the fundamentals mentioned in the previous section of such complex.
- C- The administrative unit must prepare the projects for general and detailed organizational plans throughout all its phases. It must also prepare construction procedures for complex buildings in accordance with the fundamentals of the construction planning and program planning for each complex.

Article 5

- A- The project for general and detailed organizational plan and for construction procedure must be submitted to the board for review in order to uphold it and approve its announcement.
- B- The project for general and detailed organizational plan, construction procedure, and all amendments related to such project must be announced in the hall of the administrative unit. All personnel involved in the announced project must be invited. The invitations must be delivered personally, or must be announced in two local newspapers or in one of the capital's newspapers that is popular among the announcing agency. Visual and non-visual media throughout the nation can also be utilized depending of the assessment of the administrative unit.
- C- The planning projects and construction procedures mentioned in the previous section can be challenged within thirty days from the date of the announcement. The objection is done in the form of a motion where the objector documents the bases for such objection.
- D- A regional technical committee looks into the objection. The mayor, who is the president of the office, puts together and leads the committee. Committee members will consist of the following personnel:
 - 1- The member of the responsible executive office.
 - 2- The manager of technical services.
 - 3- The manager of archeology in the county.
 - 4- The person in charge of roads in the technical service administration.
 - 5- The person in charge of the construction planning in the technical service administration.
 - 6- Two engineers with experience in the field of city planning. One of the engineers is to be chosen by the minister of housing and utilities, while the second engineer is to be chosen by the mayor.
 - 7- A lawyer with experience in the field of real estate. Such lawyer is to be chosen by the mayor.

- E- The president of the responsible administrative agency along with the engineer responsible for technical affairs must attend the committee meeting. The president of the administrative unit and his engineer shall not have any voting rights. In order for the committee meeting to be legitimate, the president of the committee or more than 50 percent of the committee members must be present. The committee must send its conclusions, studies and results to the agency responsible for the recommendation or release of the announced project as indicated in article number six of the legislative act.

Article 6- In accordance with the fundamentals of building procedures and program planning of each complex building:

- A- General organizational plans and construction procedures for the capital cities of the counties and all amendments related to them are issued by an order of the minister of housing and utilities. Such order will be based on the recommendations of the office.
- B- Detailed organizational plans for the capital cities of the counties, except for the city of Damascus, and all amendments related to them are issued by an order from the office. Such order will be based on the recommendations of the board.
- C- Detailed organizational plans for the city of Damascus are issued by an order from the board of supervisors of the county. Such orders are based on the recommendations of the office.
- D- Organizational plans, construction procedures and all amendments related to them are issued in the remaining administrative agencies by an order from the office.

Article 7-

- A- A copy of any general or detailed organizational plan or construction procedure, or any amendments must reach the ministry of the housing and utilities within fifteen days from the date the decision by the office or the board of supervisors of the city of Damascus is taken. Otherwise the execution of the plans is considered suspended.
- B- The minister of housing and utilities can, within forty five days from the date the decision was recorded into the ministry records, suspend such decision if it conflicts with the fundamentals of the construction and program planning, otherwise; the decision will be in effect.
- C- If a disagreement rises as a result of the previous section, the matter is brought before the board of the prime ministry for review.

Article 8- As long as they is no conflict with the fundamentals of construction and planning program, approved general and detailed organizational plans and construction procedures can be modified based on the following time frames and procedures:

- A- The plan and construction procedure is announced on the anniversary of its first announcement, and challenges to the plan are accepted.
- B- The plan and construction procedure is then announced once every three years and challenges to the plan are accepted.
- C- The administrative agency can recommend modifications to the plan or construction procedure, depending on public interests, and within the time frames put in this legislative act.
- D- The mayor leading the office has the right to exclude any recommendations for adding modifications to property owned by the municipality or the government or to

initiate any vital project as long as such exclusion is done within the time frame specified in this article.

E- All recommendations and objections must be reviewed in accordance with the articles in this legislative act.

Article9-

A- The office will assume the authority of the board in areas and lands not under the jurisdiction of any administrative agency in the county. The office will also assume the authority of the board's president.

B- In accordance with the fundamentals of construction planning and program planning, organizational plans and construction procedures for model villages, towns, and complex buildings are issued by a decision from the minister of housing and utilities based on the recommendations of the office.

C- The high counsel of tourism must create a special system to establish tourism facilities in the territories and lands not under the jurisdiction of the county's administrative agency.

Article10-

A- The minister of housing and utilities has the right to assign employees inside and outside of the ministry to work on establishing the fundamentals for construction planning and to study and carefully examine the planning programs, organizational plans, and construction planning during or outside of office hours. The minister can also make the decision to grant employees rewards and compensations after obtaining the approval of the treasury minister.

B- The mayor, who is the president of the office, has the right to assign government employees to study and execute organizational plans, in field, along with construction procedures. The mayor also has the right to give such employees encouraging rewards in return for their services.

C- The administrative agency can, after obtaining the approval of the mayor, contract any agency to study organizational plans and to perform an in field execution of such plans and to establish construction procedures.

D- The regional technical committee defined in article number five of this legislative law can be granted compensation based on a decision from the mayor, who is the president of the office.

E- All rewards and compensations mentioned in this article are exempt from the codes of legislatives act number 167 for the year of 1963 and its amendments. Such rewards and compensations are granted according to a set of rules put by the prime minister, and based on the recommendations of the minister of local administration and the minister of housing and utilities.

F- All rewards, compensations and expenses mentioned in sections B, C, and D are cashed from the accounts of the responsible administrative agency.

Article11- The minister of housing and utilities is to issue the necessary instructions to execute this legislative act.

Article12- All laws in conflict with this legislative act are cancelled.

Article13- This legislative act is to be published in an official newspaper.

Damascus in 29/4/1402 Hijri-----23/02/1982 AD

President of the republic

Hafez Alasad

Legislative act number/3/

President of the republic

Based on the laws of the constitution

The following is to take effect:

Article1-Article number /10/ of legislative act number /5/ issued on 23/1/1982 is to be cancelled

Article2-This legislative act is to be published in an official newspaper.

Damascus in 1/5/1403 Hijri -----13/2/1983 AD

President of the republic

Hafez Alasad

Binding reasons

Article number /10/ of legislative act number /5/ issued on 23/1/1982 stipulated to give compensations and rewards to those working in studying and carefully examining planning programs, organizational plans and construction procedures, whether working within or outside office hours. Such rewards and compensations are granted by a decision from the minister of housing and utilities, or by a decision from the respected mayors. Due to the fact that interests demand granting compensations based on active rules specified in article /12/ of the year 1963 and its amendments, the following legislative act has been prepared.

Please review it

Damascus / /1403 Hijri ----- / /1983 AD

Prime minister

DR. Abd Alraouf Alkasem

Instruction number /1/ for legislative act number /5/ for the year 1982

Legislative act number /5/ issued in 23/2/1982 has organized the steps to be taken in order to assemble organizational plans, and construction procedures for the national administrative agencies with specifications to the role played by each central and local agency.

It was stipulated in the second article of this legislative act that the ministry of housing and utilities is to prepare the fundamentals of construction planning and to announce it in the form of an official order. Until such order is issued, the second article talked about a transitional period where work is done in accordance with the temporary active planning fundamentals that the ministry has, and which we will independently release. We will mention below some of the terminologies used in this legislative act and how to use such terminologies. For clarity, we will refer to the legislative act as "the act"

- 1- Until the fundamentals of construction planning are issued, the temporary fundamental organizational plans are to take effect in preparing organizational plans for complex buildings based on the conditional sections put by the ministry.
- 2- The procedure mentioned in section five of article 1 of the act and the rest of its sub sections refers to the construction conditions that enable building permits in different areas based on the purpose intended for it in the organizational plan, especially in the following matters:
 - The maximum and minimum limits for the area of the lot that can be built.
 - The minimum limit of the ratio between the building and the lot.
 - The building percentage in relation to the lot, including the garage area (if applicable) and its height.
 - The front, side and back areas that must be left empty(not built) including passages (if applicable)
 - The definition of building permit.
 - The number of floors that can be built per lot.
 - The maximum height of the building.
 - The maximum investment factor per lot (if applicable)
 - All regulations pertaining to the building procedure(if applicable)

The construction procedure is to include all regulations pertaining to it (if any) and to take the form of a table. Such table is to be attached to the organizational plan and is to be announced with it. A field at the bottom of the table should be left blank. The field will be designated for the dates and numbers of approval decisions made on the plan by the regional technical committee, the local board, and the agency in charge of such a plan.

- 3- The planning program mentioned in article number three of the act must be prepared in the form of a complete report. Such report

must contain current and future planning needs for complex buildings for a period of twenty years. The report must also contain the population, its distribution and the suggested density for such distribution among the different facilities of the complex, such as industrial facilities, public facilities, and dwellings. The area of each facility in the complex, with respect to the complex's total area, must be known. Also the ratio between the facilities and each person in the proposed population of the complex must be noted. The report must also contain the number of all facilities and the network of all major roads, the width of such roads, and road classifications. The report must also include the direction in which the population should grow, with a scientific explanation for choosing such direction. All studies proposed in the planning program along with its coordinates must be shown in the topographic map of the complex with a scale of (1/1000 or 1/2000) for small complex buildings and a scale of (1/5000 or 10.000) (whichever is available) for large complex buildings.

- 4- The regional technical committees mentioned in section D of article 5 are formed by a decision issued by the responsible mayor. Two expert engineers must be selected. Such engineers must have experience in urban planning or architecture. An expert of real estate must also be selected. Such person must have experience in the laws and regulations pertaining to real estate. The expert must be a government employee and must also be a lawyer. Since the county of Damascus has only one city, all needed services and resources are available. For this reason, the formation of the regional technical committee, which was mentioned in sub sections (5-42) of section D, article 5 depends on the employee's job specialty as follows:
 - The president of technical services or a person performing the same duties within the county.
 - The person in charge of roads in the administration of technical services or a person performing the same duties within the county.
 - The person in charge of planning in the administration of technical services or a person performing the same duties within the county.
- 5- The executive office of the county's board will recommend the release of organizational plan and construction procedures mentioned in article number nine of the act. The executive office will also apply to such procedures all the specifications of the local board of the administrative agency. The president of the office will issue building permits in such areas, either according to

organizational plans or building procedures specified for such area. The president of the office will also practice all other duties of the president of the administrative agency.

- 6- The organizational plans are executed according to section D of article 10 of the act by actually applying the contents of the plan in field and showing the boundaries of streets and the rest of public places, such as parks, schools, health and education centers, and other places intended for the public. The rest of the boundaries shown in the plan must also be put in field (such as divided lots). Accuracy is a must when applying plans in reality as it directly affects real estates that fall within the boundaries of such plan. It also affects people and the legal relationship between them and between the administrative agencies. Applying such plans in reality must be done, as indicated in the conditional sections that are prepared by the ministry, by contracting with specialized technical agencies.
- 7- Compensations are given in accordance with section D of article 10, based on the findings of the regional technical committees, and on the amount specified by a decision issued from the prime minister as indicated in section E of this article
- 8- Once the act is published in the official newspaper, the following will be cancelled: all sections and articles pertaining to the announcement of plans and the studies of its rejections or approvals in the laws of the local administration issued by legislative act number /15/ for the year 1972 and its executive lists, and municipal law number /172/ for the year 1956 and all amendments related to it, and procedural law number/983/ of the year 1965, and all amendments related to it. Also all procedures and instructions in conflict to the act or its instructions are cancelled.

Minister of dwelling and public services
Ahmad Salim Darwish

Instruction number /2/ for legislative act number /5/ for the year 1982

Article1- The following is a definition of the terminology used in this document:

- Administrative agency: The administrative unit or the municipality
- The board: The local board in the administrative unit or the municipal board of the municipality.
- The act: Legislative act number 5 dated 23/12/1982.

First- to establish general and detailed organizational plan for the first time:

Article2-

- A-** According to article 4 of the act, it is within the specifications of the administrative agency to prepare general organizational plans and detailed organizational plans that relate to such agency and its building procedures in all its phases and according to the annual programs that are indicated in a five-year plan. The agency must start preparing such plans immediately through its technical staff, if such staff exists. For capital cities of the counties, if a technical staff doesn't exist, the administrative agency can contract with special agencies in accordance with the active regulations of the administrative agency, and the instructions of the prime minister and also according to the general technical conditions put by the ministry for such purpose. As for the rest of the administrative agencies, same procedures are followed but the approval for contracting with other agencies must be obtained from the mayor in advance. The ministry must also receive a copy of the contract. Article number /3/ of the act stipulated that the first step in preparing any general organizational plan for any complex building is to put a planning program for such complex in accordance with the active planning fundamentals. Once the planning program is prepared, it must be reviewed by the ministry of housing and utilities for approval or for a modification request. Such request must be done within twenty days from the date the planning program was recorded into the ministry records. The planning program is given to the ministry by registered mail. The ministry must also use registered mail when approving or requesting modifications to the program. The administrative agency must comply with all observations and modifications requested by the ministry in preparing for the general organozational plan project.
- B-** In accordance with articles (5-6-7) of the law, the final general organizational plan project, which was put together along with its building procedures, must go through the following steps:
- 1- It must be reviewed by the board for approval
 - 2- It must be displayed for thirty days in the hall of the administrative agency, where people can view it. People that are concerned with the project must be invited to look at it. They can challenge the project within the thirty day time frame, if they desire.
 - 3- All objections to the plan and its building procedures must be submitted in a formal complaint by the objector to the regional technical committee via the technical service administration. The complaint will be presented in a folder containing the following documents:

- The board's decision, which contains the approval for announcing the plan.
- A copy of the plan.
- A table containing the name of the objectors. Such table must be sorted by the dates the objections were submitted.
- The announced plan project, illustrated on it the locations of objections and the objection numbers as indicated in the table that contained the names of the objectors.
 - 4- The regional technical committee will study and respond to the objections according to the conditions talked about in the previous section. The committee must prepare a separate report for each announced plan. Every amendment that is added to the plan must be signed by the president of the committee, the ministry expert, and the person in charge of building procedures in the administration of technical services. The plan and report must also be signed by the president and members of the committee.
 - 5- The report of the regional technical committee and its objection documents must be submitted to the department of construction planning located in the administration of technical services, in order to make the changes that have been approved by the regional technical committee. The changes are to be made on the Conter Calk copy of the announced organizational plan. A Conter Calk copy is a special paper used for engineering drafts. Absolute accuracy is a must when making amendments. The decisions made by the regional technical committee must be literally followed. The following must also be recorded when changes are made: the number and date of the regional technical committee's report, the signature of the person supervising the amendments, the name and signature of the drafter, and the date of the amendment. Recorded data must be done in the designated field of the table that appears in the plan. As for the capital cities of the counties, the report of the regional technical committee is sent along with its folder to the administration of technical services. Such administration will be in charge of making the changes on the Conter Calk copy of the announced procedural plan. The written changes must follow the procedures explained in this section.
 - 6- The administration of technical services and the regional committee must finish reviewing and making the changes on the Conter Calk copy of the announced organizational plan, as mentioned in sections /4 and 5/, in a period of no more than six months from the date the objection report was delivered to the regional technical committee.
 - 7- The report for amending the general procedural plan, the report of the regional technical committee, and five copies of the amended Conter Calk copy must all be submitted to the executive office of the county's board to be signed and distributed to all administrative agencies in the county, except for the city of Damascus and the rest of the capital cities of the counties. In the city of Damascus and the rest of the capital cities of the counties, the executive office must sign the plan

and must recommend its release. The recommendation, along with the plan's folder, must be submitted to the minister of housing and utilities, who then makes the decision to announce the plan.

- C- Every construction expansion that requires adding new lots in order to meet the demands for current and future needs is considered, according to the regulations of the act, a general organizational plan that is put for the first time. The organizational plan put for the new expanded area must coincide with the general organizational plan. The new plan is then given to the ministry to either approve it or to put a request for modifications. After that, all steps that were mentioned in this article must be followed.

Article-3-

- A- The detailed organizational plans of the general organizational plan must be done in accordance with the steps mentioned in the previous article. The steps for preparing the detailed organizational plan are identical to those taken to prepare the general organizational plan, as long as there is no conflict with the planning fundamentals and planning programs for the complex buildings and the general organizational plan for the city.
- B- The detailed organizational plan, its building procedure, and its folder which contains the announcements, the objections and the report of the regional technical committee, is submitted to the proper agency as follows:
- 1- The board of the executive office of the city of Damascus will sign the plan and recommend its release. The report is then sent to the county's board to make the decision to approve the plan's announcement.
 - 2- The boards of the capital cities of the counties will sign the plan and recommend its release. The report is then submitted to the executive office of the county to approve its announcement.
 - 3- As for the rest of the administrative agencies, the executive office of the county's board is to approve the plan's announcement.

Article-4

- A- Article /7/ of the act made it mandatory for the ministry of housing and utilities to receive copies of any general organizational plan, or building procedures, or detailed organizational plan along with its building procedures and amendments within /15/ days from the date it was announced, so it can review such a plan and suspend it if it is in conflict with any of the following:
- Planning fundamentals
 - The approved planning program of the complex buildings in which the program was made for.
- Article /7/ of these instructions talked about the documents and information that must accompany the folder of each plan that is submitted to the ministry for review.

Second-

Modifying general organizational plans and its building procedures and detailed organizational plans and its building procedures periodically:

Article-5

- A- Article /8/ mandated the display of active general and detailed organizational plans according to the following time frames:
 - 1- On the first anniversary of the plan's announcement.
 - 2- On the third anniversary of each announcement that follow the previous announcement, or after three years from the date of the previous announcement in case the plan was not announced due to the fact that no one objected to it or all objections against such plan were rejected.
- B- According to section /C/ of article /8/ of the act and within the time frame of the plan's announcement, the administrative agency can make a decision recommending modifications that it sees fit based on public interests. The decision is to be taken inside the modification board. The modifications are applied to a copy of the plan and announced along with the plan, so they can both be reviewed and challenged. The board's decision is submitted to the regional technical committee along with the modification plan so it can be reviewed along with the objections.
- C- The regional technical committee is to view all objections and to approve those that are acceptable as long as they don't conflict with the fundamentals of construction planning and program planning that relate to the plan, which was announced within the time frame specified in article /2/, section 6, sub section B of these instructions. This law limits the duties of the committee to only review those objections submitted against general plans.
- D- After modifying the general organizational plans and its building procedures and the detailed organizational plans and its building procedures according to the steps and procedures mentioned in section /B/ of article two of these instructions, documents and decisions must be prepared according to the samples attached to these instructions.
Reason for applying modifications must be pointed in the announcement and in the decision taken by the executive office of the county's board. These reasons are:
 - One year had passed since the first announcement of the plan.
 - Three years had passed by from the previous announcement as indicated in section /2/, sub section A of this article.

Third- Announcing the modification of general organizational plans and its building procedures and detailed organizational plans and its building procedures in an exceptional fashion:

Article 6-

- A- Section D of article /8/ permitted the mayor, who is the president of the executive office, to exempt from the specified time frames, by one year, or by three years, the recommendations that have to do with modifying the plans pertaining to real estates and lands that belong to the administrative agency or government property or projects that hold public interests.
- B- The following should be considered when applying the previous section:
 - 1- The modification request must fall within the categories mentioned in the previous section.

- 2- Request for modification is to be submitted to the mayor in the form of a written agenda. Such agenda must be prepared by the administration of technical affairs in the capital cities of the counties or the division of construction planning in the administration of technical services for the remaining administrative agencies in the county.

The agenda must explain the reasons for requesting such exceptional modifications. Such modifications must coincide with the instructions and regulations of the act and with the approved fundamentals and program planning for the complex buildings

- 3- In the event the mayor approves the agenda, the administrative agency or municipality must apply the recommended modifications to one of the copies of the organizational plan, in red ink, in order to announce the agenda, review the objections, and make the modifications according to the regulations mentioned in article /5/ of these instructions.

Fourth- The documents and information that must accompany plans submitted to the ministry either for release or review after it has been announced by the designated local agency:

Article 7-

A- requesting approval for any planning program to any complex building:

The folder sent to the ministry must contain the following documents and information:

- 1- The forwarded document sample number /1/
- 2- The planning program sample number /2/
- 3- The model of the planning program sample number /3/

B- Request to issue the general organizational plan for the county of Damascus and for the capital cities of the counties for the first time or request to modify the general procedural plan:

The folder sent to the ministry must contain the following documents and information:

- 1- The forwarded document sample number /4/
- 2- The board's decision for upholding the project for general organizational plan and their approval to release it sample number /5/
- 3- A copy of the newspaper's announcement of the project. (Sample number /6/)
- 4- A copy of the document that requested the assembly of the regional technical committee (sample number /7/)
- 5- The report which resulted from the meeting of the regional technical committee (sample number /8/)
- 6- The decision of the executive office of the county's board that recommended the announcement of the plan (sample number /9/)
- 7- The plan that was recommended to be announced.

C- Request for carefully examining the detailed organizational plans for the capital cities of the counties or modifying them:

The folder sent to the ministry must contain the following documents and information:

- 1- The forwarded document (sample number /10/)

- 2- The board's decision to uphold the detailed organizational plan and the decision to announce it (sample number /11/)
- 3- A copy of the newspaper's announcement of the detailed procedural plan (sample number/12/)
- 4- A copy of the document that requested the assembly of the regional technical committee (sample number /13/)
- 5- The report which resulted from the meeting of the regional technical committee (sample number /14/)
- 6- The decision of the board that recommended the announcement of the detailed organizational plan (sample number /15/)
- 7- The decision of the executive office of the county's board to issue the detailed organizational plan (sample number/16/)
- 8- The detailed organizational plan, which was issued by a decision of the executive office of the county's board

D-request to carefully examine the detailed organizational plans in the county of Damascus:

The folder sent to the ministry must contain the following documents and information:

- 1- The forwarded document (sample number /17/)
- 2- The board's decision to uphold the detailed organizational plan and the decision to announce it.
- 3- A copy of the newspaper's announcement of the detailed organizational plan.
- 4- A copy of the document that requested the assembly of the regional technical committee.
- 5- The report which resulted from the meeting of the regional technical committee
- 6- The decision of the executive office of the board that recommended the announcement of the detailed organizational plan
- 7- The decision of the county's board to issue the detailed procedural plan.
- 8- The detailed organizational plan, which was issued by a decision of the county's board.

Note: The samples showed in section C of these instructions are to be used in the county of Damascus.

E- Request for approval of general organizational plans and detailed organizational plans in the cities, towns and municipalities (except for the county of Damascus and the capital cities of the counties)

The folder sent to the ministry must contain the following documents and information:

- 1- The forwarded document (sample number /18/)
- 2- The board's decision to uphold the detailed organizational plan or the general organizational plan and the decision to announce it (sample number /19/)
- 3- A copy of the newspaper's announcement of the plan's project (sample number /20/)
- 4- A copy of the document that requested the assembly of the regional technical committee (sample number /21/)
- 5- The report which resulted from the meeting of the regional technical committee (sample number /22/)

6- The decision of the executive office of the board that recommended the announcement of the detailed organizational plan and the general organizational plan (sample number /23/)

7- The general organizational plan and the detailed organizational plan that was issued by a decision from the executive office of the county's board.

Fifth- organizing the folder that is submitted to the ministry for the purpose of requesting the release of the plan or carefully examining it.

A- All documents and information are put in a binder. A summary of the folder is written on the outside of the binder. Inside the binder there should be a list of the folder's contents. The list should be signed by an employee from the agency submitting the binder. Such employee must be in charge of organizing the binder. His signature is a confirmation that all instructions pertaining to how to put the binder together have been followed.

B- At least three copies of the plan that was sent for release or to be carefully examined, and three copies of the decision taken by the responsible source must be included in the binder.

We hope that you follow all instructions. Any folders not complying with the instruction mentioned will be returned.

Minister of housing and utilities

Mahmoud Noor Intabi

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Legislative Decree /20/ of 1983

Expropriation Law

Republic President,

Pursuant to the Constitution's provisions,

Decreases the following:

Article 1:

In the context of this Legislative Decree the following expressions shall have the meanings appearing beside each:

- **The administrative body:** the administrative unit or the municipality.
- **The council:** the executive bureau in the administrative unit or the municipal council in the Municipality.
- **The administrative body head:** the executive bureau head in the administrative unit or the municipality head.

Chapter (1)

Permissible Expropriation Cases

Article 2:

It shall be permissible for the ministries, administrations, public institutions, administrative bodies and public sector bodies to Expropriate built and non-built real estates, whether they are pure properties, endowment or weighted with endowment right properties, in order to implement their projects of public benefit stipulated in this Legislative Decree.

Article 3:

By "projects of public benefit" it is meant everything related to the following actions:

- A. Construct new roads, expand or repair the existing roads and their related facilities, construct squares, play grounds, markets, parks, lakes and water channels.
- B. Construct worship places, military barracks, airports, harbors, railways, police stations, hospitals, health centers, schools, institutes, universities, slaughterhouses, orphanages, infirmaries, cultural centers, sportive clubs, constructions owned by the Ba'ath Party and people organizations; and in general all buildings and constructions used for public works or utilities.
- C. Agricultural works and constructions, irrigation and drinking water projects and dams.
- D. Oil, gas, electricity, mineral resources and industrial zones projects.

- E. Construct boltholes, trenches, passages and projects necessitated by security and defense requirements.
- F. Tourism and supply constructions and the constructions and projects related to implementing the properly defined development and investment plans.
- G. All projects implemented within the public bodies' and the public sector's specialization and their tasks defined by the effective laws and regulations pursuant to the properly defined state plans.

Article 4:

- A. Taking into consideration the provisions of Article /2/ of Law /60/ Of 1979, it shall be permissible for the administrative bodies and the bodies supervising or specialized in housing to Expropriate real estates in order to plot and divide them to be used for constructing popular dwellings; or to be sold to parties that ready to build those dwellings. It is permissible also for the Ministry of Defense to Expropriate real estates to establish military residential collections or to build dwellings to be sold to military persons, to martyrs families, to the Ministry of Defense workers or to other bodies defined by a decree.
- B. The administrative bodies shall have the right to Expropriate real estates to establish industrial zones and to plan, divide, exploit or sell the plots resulted from that. Pursuant to a proposal from both Minister of Housing and Utilities and Minister of Local Administration, the Prime Minister shall define, by a decision, exploitation and sale principles, taking into consideration that It shall not be permissible to sell those plots or the constructions built on them before 15 years from the purchase date.
- C. The plots mentioned in the two foregoing paragraphs shall be sold at cost price, which shall be defined according to the region's total cost and the following costs:
 - 1. Expropriation fees of the whole possessed area.
 - 2. Vacating and plants impairment fees, topographic and cadastral studies and works, Expropriation committees fees and all other costs.
 - 3. Public utilities costs assumed by the region.
 - 4. Administrative expenditures; 5% of the total amounts mentioned in the foregoing items of this Article.
 - 5. The interests assumed by the Expropriating body on any of the amounts mentioned in /1, 2, 3/. If it is impossible to define one of the expenditures mentioned above, the Expropriating body shall have the right to calculate them according to evaluations approved by the Ordonnateur.

Article 5:

- 1. It shall be permissible for administrative bodies to Expropriate the real estates or their parts that are unusable for building according to the effective building regulation or due to other technical reasons such as their area or

geometric shape in order to merge or unify (or classify) them in such a way that they become useful for building according to the technical regulations and considerations.

2. It shall not be permissible to use the Expropriation mentioned in the foregoing paragraph, unless it becomes impossible for the owners to make an agreement unifying, merging or parting their real estates so that they can be used for building; such a thing is determined by the Expropriating body. The agreement impossibility shall be confirmed by a minutes arranged by the administrative body after calling the concerned parties. This minutes shall be reference for Expropriation.
3. When Expropriating real estates or their parts according to this Article, the administrative body shall have to use public auction among the owners, then it adds 15% of the value defined by the auction in return of its administrative services. If the price defined by the auction has not mounted to [original text unclear] pursuant to the provisions of the Legislative Decree /228/ of 1969.

Article 6:

When Expropriating real estates or parts of them to construct new roads, expand or repair the existing ones and their subordinate constructions, or to construct squares, play grounds, markets, parks, lakes and water channels, the administrative body shall have the right to Expropriate some areas of 40 meter depth on each side, or on one side, as the case requires, to be used for the project implementation. Expropriating those additional parts is considered kind of public use works and the administrative body shall have the right to dispose of them (including selling them) as it does with its pure property; and it shall have the right to dispose of them pursuant to the provisions shown in Article /4/ of this Legislative Decree. The 4th class municipalities and the equivalent administrative units shall have the same right.

Chapter (2)

Expropriation Procedures

Article 7:

Expropriation shall be according to a decree proposed by the competent minister, containing a statement showing the public use. Issuing the decree shall refer to the following:

1. A plan showing the estates and estate parts to be Expropriated.
2. A statement containing the estimated value of those estates.
3. The opinion of the administrative body, which within its administrative borders the Expropriation takes place, or the relevant governorate executive bureau, if the Expropriation is outside those borders.

4. The opinion of the Union of Peasants executive bureau in the governorate, regarding the real estates to be Expropriated if they are located out of the administrative units and municipalities master plans. Expropriation decree shall be final and irrefutable.

Article 8:

Expropriation decree shall be published in the Official Gazette and in a local newspaper, or in one of the Capital newspapers if there is no local one.

Article 9:

- A. The Expropriating body shall send a copy of the Expropriation decree to the relevant administrative body and the real estate departments to mark the real estates records notifying that they are Expropriated. The new real estate owner shall be subject to the same legal procedures applied on the former owner.
- B. It shall not be permissible for the administrative body or the real estate departments, since they receive a copy of the Expropriation decree, to approve any partition or merging of the Expropriated estates or to license building on them. It shall not be permissible for the owners as of putting the Expropriation mark to change those real estates features; any changes occurring after that shall be disregarded when calculating the Expropriation compensation.

Article 10:

With no violation to the Land Reform Law, if the Expropriation took place in non-demarcated areas, disregarding the provision of Article /14/ of Legislative Decree /145/ of 1966, only the Expropriated pieces of land shall be demarcated and registered according to simplified rules and procedures defined by a decision from the minister of agriculture pursuant to a proposal from the General Department for Real Estates. Delaying the start of the Expropriated lands demarcation and registration process shall not prevent possessing them after describing their current situation and evaluating their primary value by the Primary Evaluation Committee.

Article 11:

If part of a real estate was Expropriated and the other part of it is unusable, the Expropriating body shall have to Expropriate it if the owner requires that in three years from the date of possessing the Expropriated part. In that case, there is no need to issue a decree of Expropriating that part, that shall be done by a decision from the local council or the Expropriating body. This decision shall be final at all cases.

Chapter (3)

Primary Value Evaluation & Objection Right

Article 12:

1. The Expropriating body shall form, by a final decision, a primary committee of three members, one of them is an engineer, to evaluate the Expropriated real estates value.
2. The committee decisions shall not be valid unless they are made in the attendance of all members, it shall be permissible to issue them according to the majority.
3. It shall not be permissible for anyone who has any cognation or relationship stipulated in the provisions of Article /174/ of the Law of Procedure with the right holders of the Expropriated real estates to be a member of the committee.

Article 13:

The committee shall have to evaluate the real estates values just before the issuance of the Expropriation decree disregarding any price increase resulted from the Expropriation project or commercial speculation, if this value increase is not justified by a similar increase in the neighboring regions.

Article 14:

1. The value of the Expropriated real estates shall be evaluated according to the value of the land, the building and the other constructions. The land value shall be evaluated according the provisions of Law /3/ of 1976 and its amendments.
2. If the owner chooses to destruct the building and he makes that within the defined period, he will have the right to take the wreckages in return. If the destruction has not been implemented within the defined time, the Expropriating body will destruct the building and take the wreckages.
3. If the owner does not choose to destruct the building within the defined time, the Expropriating body will destruct it and take the wreckages.

Article 15:

1. If the Expropriated real estate is a planted land, the evaluation will be according to the land and the trees value. Trees value shall be evaluated by a primary committee according to their kind, age and product; one of the committee members shall be an expert in agricultural affairs.
2. The plants and the fruits shall be evaluated at the impairment date by a special committee formed for that purpose; one of the members shall be an expert in agriculture affairs; the committee evaluations shall be final.
3. If the Expropriated land is agricultural, and it is exploited by a farmer according to a partnership or rent contract, the contract will be revoked

between the two parties, totally or partially, according to the Expropriated part of the land, is it total or partial. In that case, the Expropriating body shall pay 70% of the Expropriation compensation to the owner and 30% to the farmer.

Article 16:

According to the Expropriated body's request, the real estate department shall arrange a list containing the names of the Expropriated real estates owners, the names of the right holders and the share of each one of them, showing the areas, the legal kind of property, the rights in rem and the easements due on those real estates.

Article 17:

1. The Expropriating body shall inform the owners and the right holders of their real estates and rights evaluated values including the trees compensation. It shall, at the same time, announce in the hall of its center, in the Expropriation region and in a local newspaper (or in one of the Capital newspapers if there is no local one) that the primary evaluation actions are finished. Then it shall invite all owners and right holders to attend at the place it defines to acquaint the file, the plan and the evaluation minutes. Those actions shall be presented in 15 days. This announcement shall replace the notification to which it is impossible to notify. And that means anyone whose residence address is unknown by the local chieftain (Mukhtar) of the Expropriation area, anyone who lives out of the city where the Expropriation is on or the inheritors of a dead real estate owner if they have not finished the legal inheritance enumeration and the ownership transfer procedures at the real estate department.
2. All people mentioned in the forgoing paragraph shall have the right, in 30 days as of the day following publishing the announcement or the notification mentioned in the foregoing paragraph, to:
 - A. Object the primary evaluation and to define their addresses within the administrative body's borders. The evaluated values shall be considered final if they are not objected during the defined period; one partner objection shall be considered as all partners objection.
 - B. Claim their ownership or any other rights related to one or more of the Expropriated real estates by a separate application deposited in the file of the Settling Disputes Committee formed pursuant to Article /18/.

Chapter (4): Settling Disputes Committee

Article 18:

The Expropriating body shall form a juridical committee to judge all the ownership claims or the in kind disputes related to the Expropriated region. All the region

similar cases non-settled by final court decisions shall be transferred to this committee.

Article 19:

1. If there are disputes that are within the Settling Disputes Committee authorities, the minister of justice will make a final decision to form that committee according to a request from the Expropriating bodies, as follows:
 - A. A judge nominated by the minister of justice. president
 - B. A representative from the General Department for Real Estates holding a license of laws, nominated by its manager general member
 - C. A representative from the Expropriating body holding a license of laws, nominated by its head member
2. The committee's two members shall perform the following oath in front of its president:

“I swear by God the Almighty to carry out my commission honestly and faithfully and not to disclose the deliberations secrets”

Article 20:

In order to make decisions about the claims and disputes presented or transferred to it, the committee shall have all rights enjoyed by the original court judging the dispute.

Article 21:

The committee's decisions are contestable before the governorate court of appeal according to the time and rules followed in appealing decisions of summary proceedings judge. The court of appeal shall make a final decision at the Court of Appeal about the contest. The harmed party who has not been a party in the dispute before the committee shall have the right to make a case before the ordinary judiciary against the damage causer demanding compensation for that damage.

The non-contested committee decisions and the court of appeal decisions at the public bodies, shall be implemented either by a letter sent from the committee president to the competent body accompanied with a copy of the decision in the Duties and Insurances Law to implement the primary sentences, or by a letter from the court of appeal president accompanied with a copy of the court decision after receiving the legal fees.

Article 22:

The committee is exempted from the procedures and terms defined by the Law of Procedure. It is permissible for it, as well, to be an arbitrator, authorized to make reconciliation or not, if the litigants agree.

The committee shall have to make decision about the presented disputes in four months maximally as of its formation date.

Chapter (5)
Objecting the Primary Evaluation

Article 23:

1. The objections to the primary evaluation shall be re-considered by a committee formed by a final decision from the head of the governorate executive bureau, as follows:
 - A judge nominated by the minister of justice. president
 - A representative from the Expropriating body
nominated by the competent minister. member
 - A representative from the Expropriated real estates owners member
 - A representative fro the Union of Peasants nominated by the head of the
union executive bureau in the governorate member
 - A governorate representative nominated by the governor member
2. The real estates owners, who have defined their addresses, shall elect their representative. The election shall be valid according to the majority of attendants. The election place and time shall be defined in the invitation.
3. If the owners do not respond the invitation to elect their representative, the judge of first instance or the justice of peace (if there is not a judge of first instance) shall nominate that representative.
4. It is stipulated for the re-consideration committee members to realise the same stipulations applied on the primary evaluation committee pursuant to Paragraph /3/ of Article /12/ of this Legislative Decree. It shall not be permissible for the primary committee members to be members in the re-consideration committee.

Article 24:

1. The reconsideration committee shall meet according to an invitation from its president. After checking that there is nothing preventing the members from performing their commission, he asks them to take the following oath:

“I swear by God the Almighty to carry out my commission honestly and faithfully and not to disclose the deliberations secrets”

Then it shall launch judging the objections against the primary evaluation.
2. The reconsideration committee shall make its decisions unanimously or by majority. Its decisions are final and uncontestable.
3. If it is impossible for the reconsideration committee to meet due to the absence of its president or a member (or more), the competent body will nominate a substitute to replace him; except the owners representative, who is nominated pursuant to provisions of Paragraph /3/ of the foregoing article.

Article 25:

1. Re-consideration of the primary evaluation shall be done according to the same rules followed at the primary evaluation and that shall have to be stated in the final minutes. The money shall be paid to the beneficiaries or deposited at the bank on behalf of them in five years from the date of the Expropriation decree.
2. It shall be permissible for the Expropriating body to possess the Expropriated real estates when their value evaluation is final and uncontestable. If the Expropriated real estate is a building, the occupiers shall be given an extra term of 3 months to clear out; after that the Expropriating body shall vacate it itself.
3. If the payment or the deposit are delayed after the term defined in Paragraph /1/ of this Article, no new evaluation shall be made, but the beneficiary shall receive a simple legal interest (6% of the value annually for the delay term). This interest shall be applied after 5 years as of the issuance of the Expropriation decree or as of the possession date, whichever one comes earlier. The interest shall be raised to 8% annually for the possessed real estates after five years from the possession date.
4. The beneficiaries shall receive the delay legal interest if the pay or depositing delay or notifying the owners of the deposit are caused by the Expropriated body.
5. The Expropriating body shall pay to the beneficiaries annually the legal interest for the delay terms; year fragments exceeding 6 months shall be considered full year.
6. The legal interest stipulated in this Article shall prevent any compensation resulted from issuing the Expropriation decree, from putting the Expropriation mark or from the possession, including the rent of the like or the pay delay.
7. If the delay is not justified by reasons accepted by the competent minister, the administration shall have the right to charge the officials causing this delay to pay the legal interest in solidarity.
8. The primary evaluation non-contested according to Article /17/ of this Legislative Decree and the reconsideration committee evaluation shall be final and It shall not be permissible to re-evaluate it for any reason.

Article 26:

Taking provisions of Article /25/ or this decree into consideration, renewing the Expropriation decree shall not require re-evaluation in the two following cases:

1. If the new Expropriation decree is issued to avoid a formal imperfection resulted from issuing a juridical decision abolishing the former Expropriation.

2. If the regulative nature of the Expropriated real estate is changed pursuant to the effective regulations, so that it will be used for another public use purpose of the one mentioned in this decree.

Article 27:

- A. It shall be permissible for the administrative bodies to Expropriate on behalf of other public bodies having the right to Expropriate, also on behalf of the Ba'ath Party institutions and the popular organisations. They shall have the right, as well, to follow up the Expropriation processes on behalf of those bodies, but all that shall have to be according to written requests.
- B. The administrative body Expropriating on behalf of another body shall receive from that body all Expropriation compensations and all costs it pays for that.

Chapter (6)
Urgent Expropriation

Article 28:

It shall be permissible to make urgent Expropriation, in the following cases, provided that the "urgency" is stipulated in the Expropriation minutes:

- A. Disasters requiring immediate launching of the works.
- B. Expand or complete an existing project.
- C. Construct boltholes, trenches, passages and projects necessitated by security and defense requirements.
- D. Construct popular dwellings and find the suitable plots for that.
- E. Construct education buildings and find the suitable real estates for that.
- F. Construct dams, irrigation nets and roads, including railways.

Article 29:

Regarding the cases mentioned in the foregoing article, it shall be permissible for the Expropriating bodies to possess the non-built real estates as soon as the Expropriation decree is issued and before evaluating the value, but if there are trees or plants on that real estates, inventory minutes shall be arranged before the possession, so that that inventory shall be the evaluation reference.

It shall be permissible to possess the built real estates after the decree issuance and making the proceedings.

- A. Evaluate the real estate value by the committee mentioned in Article /12/.
- B. The Expropriating body shall form a committee of an engineer, an expert and an official to arrange a minutes containing the building descriptions in the attendance of the owner or his representative. All necessary photographs and plans helping to know the building conditions and shape

shall be attached to the minutes. It shall be obligatory to inform the owner in advance to attend the minutes arrangement and to give his opinion, but the committee work shall not be delayed if he does not attend on the defined appointment.

Article 30:

- A. The real estate occupier shall be given at least one month to vacate the building to be destructed; the Expropriating body shall destruct the building as soon as the vacating term is finished.
- B. The provisions of Article /25/ of this decree (except Paragraph /2/ of it) shall be applied on urgent Expropriation cases.

Chapter (7)

Value Payment & Cadastre Registration

Article 31:

1. The administrative bodies, the local administrative units, the municipalities, all state bodies, the General Establishment for Syrian Railways, the General Department for Civil Aviation and the General Department for Harbors shall freely Expropriate a quarter of the whole area of the partially Expropriated real estate to construct or expand roads and streets and to construct or expand lakes, airports, harbors, squares, parks and markets and to implement railway projects and irrigation, drinking, oil, gas and electricity projects, whenever the rest of the real estate is usable. The Expropriation compensation shall be paid completely if all the real estate is Expropriated. The area registered at the cadastre at the date of issuing the Expropriation decree, shall be the base of the compensation calculation. The value of the destructed building and the value of what is Expropriated above the free quarter shall be evaluated by the committee mentioned in Article /12/ of this decree, and the value shall be paid to the beneficiaries.
2. If the real estate is subject to many partial Expropriation, the free quarter will be applied only once.
3. Though Law /272/ of 1946 and its amendments has been abolished, and taking into consideration the final judicial sentences, provisions of the free possession stipulated in that law and its amendments shall be applied for one time only on the real estates already Expropriated pursuant to its provisions, if the value of those real estates has not been paid or deposited in the account of the beneficiary until the date of this Legislative Decree' validity. That includes the Expropriated real estates on behalf of the General Establishment of the Syrian Railways, which is exempted from paying the value of those real estates free quarter.

Article 32:

- A. When the value of the final Expropriation is paid to the owners or to the beneficiaries, or deposited in their accounts as a trust with no interest, the Expropriating body or the public properties [original text missing].

When the compensation is deposited in the bank, the owner or one of the partners shall be notified of that by an open postal card sent to the address defined in his objection to the primary value or his ownership claim. The notification shall be handed to the owner or the partner personally, or to his agent or employee, or to whom he lives with of ancestors, descendants, spouse, brothers or sisters if it is obvious that they have complete 18 years old. If the notifier does not find in the defined address a suitable person to hand the notification to, or if the person he finds rejects to receive the notification, he should hand it to the local chieftain (Mukhtar).

In this case, the notifier shall have to stick on the door of the person to be notified a statement telling that the notification is delivered to the local chieftain. This procedure shall be done in the attendance of the chieftain, or two neighbors or policemen. The notification way shall be written on the postal receipt by the notifier. The owner who does not object the primary value or does not defines his address, shall be notified through publishing an announcement in newspapers pursuant to the provisions of Article /17/ of this decree.

- B. The Expropriating body shall arrange a statement containing the numbers of the partially Expropriated real estates within the limits of the free quarter for the goals shown in Paragraph /1/ of Article /31/ of this decree, the areas of those real estates and the areas of the Expropriated parts. This statement shall be deposited at the Land Registry Office, which should immediately register those parts as public properties or as the Expropriating body properties, as the case.

Article 33:

The funds deposited at the bank shall be paid to the beneficiaries after finishing the legal procedures and approval of the Expropriating body. The beneficiaries shall lose the right to receive those money after 15 years from the depositing date, thus they shall be returned to the Expropriating body account unless the prescription is cut pursuant to the law provisions.

Chapter (8)

Expropriation for Housing Goals

Article 34:

- A. The administrative bodies and the public bodies supervising housing or specialized in it, when Expropriating for popular housing goals pursuant to Article /4/ of this decree, shall have the right to pay in installments divided on five years the value of the Expropriated real estates, on which almost there are no buildings. The payments start on the possession date or on the date of the Expropriation decree, which one comes first, and that shall be done by securities with 5% annual interest free of taxes. Paying in installments and the value of each installment shall be defined by a decision from the governorate executive bureau pursuant to the Expropriating body's

request. Handing the securities to the owner this way shall be equal to the pay mentioned in this Legislative Decree.

- B.** The way of securities issuance, circulation, extinguishment, discount, mortgage and using them to pay the administrative bodies debts, shall be defined by a decree.
- C.** If it is impossible to define the Expropriated area for a beneficiary, the Expropriating body shall make a primary calculation of his due amount and the foregoing documents shall be corrected pursuant to the final due amounts after defining those areas by the survey departments.
- D.** The Expropriated real estates whose final values are more than SP15,000 shall be exempted from the installment precondition.
- E.** The minister of housing & utilities shall issue regulative decisions prescribing the popular dwelling specifications, who have the right to acquire the building plots and dwellings, how they purchase and pay the value of those plots and dwellings, what are their commitments before the Expropriating body and terms of transferring the ownership to the purchasers. Those decisions shall have to take into consideration that the owners of the Expropriated real estates shall have priority to get a plot or a dwelling, or more according to their need, then the priority shall be to the residential cooperatives.

Chapter (9)

General & Concluding Provisions

Article 35:

1. If some real estates are Expropriated for public use and they are really used that way, then the public use nature ceases to exist, they will be considered state's private properties and they will be registered at the cadastre as properties of the Expropriated public body, which shall have the right to dispose them the way it decides.
2. If the Expropriated real estates, whose public use nature ceased to exist, are originally agricultural lands, and the Expropriating body decides to sell them pursuant to the provisions of Paragraph /1/ of this Article, and they are still usable for agriculture, the former owners shall have the priority to purchase them if they approved the prices defined by the Expropriating body.

Article 36:

1. It shall be permissible, in the Expropriation regions exiting at the issuance of this Legislative Decree, where the results have not been registered at the cadastre yet and the primary evaluation has finished, to announce to the right holders to present to the Expropriating body their ownership claims or any other rights in rem related to one, or more, Expropriated, real estate.

2. The announcement, claims presenting and making decisions about them by the Settling Disputes Committee, shall be done pursuant to the provisions of articles /17, 18, 19, 20, 21, 22/ of this Legislative Decree.

Article 37:

The bodies mentioned in Articles /2, 4/ of this Legislative Decree shall have the right to create easements on the real estates that they have the right to Expropriate to implement their projects.

Those rights shall be created by a decree pursuant to the competent minister's proposal, in return of compensation pursuant to the provisions of this Legislative Decree.

Article 38:

The people working in the committees mentioned in this decree shall be granted compensations defined by a regulative decision from the competent minister. Those compensations shall be excepted from the provisions of the Legislative Decree /167/ of 1963 and its amendments if the works are achieved within the achievement periods defined in this Legislative Decree. The compensations shall be paid from the allocations of the Expropriation projects.

Article 39:

The Expropriating body shall assume all Expropriation costs including vacating and plants & fruits devastation compensation.

Article 40:

Putting the Expropriation mark on the real estate records and all registration processes at the cadastre resulted from implementing the provisions of this Legislative Decree, as well as, demarcation and registration works, shall be exempted from the real estate and technical costs, duties and charges.

Article 41:

It shall be permissible for the minister of justice pursuant to the Expropriating body proposal to second a judge or more to work fulltime in the settling disputes committees and the reconsideration committees.

Article 42:

Excepting the final juridical sentences made about the Expropriation disputes, interest provisions stipulated in Article /25/ of this decree shall be applied as of its issuance on the real estates Expropriated before that if they realise the terms stipulated in that article. This interest shall replace claiming any right of the like rent or requesting reevaluation.

Article 43:

The provisions of Articles /23, 24, 25/ of this decree shall be applied on the real estates Expropriated before its issuance, whose evaluation has not become final yet.

Article 44:

The provisions of this decree shall be applied on lawsuits existing at its issuance date. The rent of the like and the re-evaluation lawsuits that are not subject to final sentences shall be rebutted

Article 45:

The provisions of the Law /18/ dated 28/06/1971 amended by the legislative Decree /18/ dated 05/07/1976 and the Legislative Decree /15/ dated 07/07/1983 shall remain effective.

Article 46:

The Law /20/ dated 20/04/1974 and its amendments shall be abolished.

Article 47:

This Legislative Decree shall be published in the Official Gazette and shall be effective as of its issuance.

Damascus 24/08/1983

Republic's President

Hafez Al-Assad

Law 26

The State President, pursuant to the Constitution provisions; and
The decisions of the People's Assembly during its session dated 06/12/2000,
Decreases the following:

Article 1

Article 1 of Law 60 of 1979 shall be amended as follows:

when implementing the provisions of this Law, urban expansion areas shall mean:

- a. Housing expansion areas and their requirements of the real estates allotted to the public properties and buildings mentioned in Article 1 of Law 9 of 1974 and the service buildings including the markets, shops and free professions which shall be stated and added to the overall Master Plan as of the validity of this Law pursuant to the provisions of Legislative decree 5 of 1982.
- b. The following procedures shall be implemented on the Housing areas located in the ratified master plans at the validity time of this Law and have a ratified detailed master plan or shall have such plan:
 1. The administrative body has the right to determine applying the provisions of 2nd section of Law 9 of 1974 on these areas within 6 months from the ratification date of the master plan or the validity date of this Law. The owners have the right to divide their real estates according to the 1st section of Law 9 within 3 years after the 6 month mentioned above if the administrative body does not determine to apply that section within the stated period.
 2. The real estates which are not organized by the administrative body and not divided by the owners within the period stated in the previous clause (b-1) shall be considered areas for urban expansion and shall be subject to the provisions of Article 2 from this Law.
 3. When implementing this Law, the urban expansion areas located in the ratified Master Plan of Damascus governorate shall be appended to it even if they are out its administrative boarders.

Article 2

Article 2 of Law 60 of 1979 shall be amended as follows:

The expropriating, organizing and dividing the urban expansion areas in Damascus city and other governorates centers shall be exclusively made by the administrative body for its utilization and for utilizations of the other public bodies stated in Article 2 of the Expropriation Law issued by Legislative Decree 20 of 1983. These expropriating works shall be considered as projects with public benefits and can be considered as urgent cases. The bodies stated in Article 2 of law 20 of 1982 are not allowed to take possessions directly to its utilization.

Pursuant to this Law, the entailed estates related to different religious sects are not subject to expropriating.

Article 3

Paragraph **b** of Article 4 of Law 60 of 1979 shall be amended as follows:

The people who bought one of the plots sold according to the provisions of this Law (except the individuals and bodies whose real estates were expropriated), and without prejudice to the provisions of Law 3 of 1976, are not allowed to sell or do anything with their property until they build all the floor area admissible according to the housing regulations of the area or to use it for the purpose it was allotted to.

A certificate issued by the expropriating bodies shall prove the readiness of the building and any action contrary to the provisions of this Law shall be considered null and without prejudice to the provisions of Law 143 of Civil Law. If it decided to sell one of that plots by public auction as stated in the valid laws and regulations of the execution or financial directorates or any other competent body, the auction shall be replaced by giving the plot back to the administrative body and the payments shall be paid back to the purchaser.

Article 5

Article 7 from Law 60 of 1979 shall be amended as follows:

- a. The expropriating body has the right to collect advanced payments from the plots buyers to the credits of their property's value to be exclusively spent on the topographic, organizing, cadastral and real estate works and on committees, plant's destroying and clearing out compensations and on securing water, electricity, telephone, drainage system, and lighting and on constructing roads, public squares and gardens, every thing needed to prepare the area for constructing.
- b. The expropriating body has the right to borrow the amounts needed for the works mentioned above from the competent bodies.

Article 6

Article 11 from Law 60 of 1979 shall be amended as follows:

The compensations arising from implementing the provisions of this Law shall be exempted from the Fundamental Law of State Workers No. 1 of 1985.

Article 7

The governorates centers can do the following toward the mass contravention buildings which may be found in the urban expansion areas or in the ratified master plans:

1. Apply the 1st and 2nd sections of Law 9 of 1974.

2. Take possession of the areas needed to build the roads, public gardens and squares and buildings and housing plots, or expand the existing ones pursuant to the provisions of Law 20 of 1983, or apply the Law on them if they are considered as expansion areas pursuant to Article a.

Article 8

This Law shall be published in the Official Gazette and shall take effect as of its issuance.

Damascus 11/12/2000

State's president

Bashar al Assad

Syrian Arab Republic
Ministry of local administration

No.: 3858/y/51/2/d

Dated: 03/01/2001

Minister of local administration

Salam Al-Yaseen

Copy to:

- governorate/ for circulation and doing the necessary.
- Governorates centers.
- Institution of Retired Employees and Municipals Workers.
- The Local Committee of Yarmouk Camp.
- Studies Department (4).
- The file with the original.
- Directorate: ...

Law /41/

The Republic President, pursuant to the constitution provisions and the decisions by the People's Assembly in its session dated 28 /5/2005,

Decreases the following

Article 1:

Article 5 of the amended Decree 5 of 1982 shall be amended as follows:

Article 5:

A:

1. The Council Chairman shall present the draft general & detailed urban plan and the building regulations during the first Council meeting for endorsement and issuance.
2. The council should promulgate the above draft and the building regulations within one month from the meeting date. In case the Council did endorse the promulgation, it should during the said period write down its notes in order to be presented to the Regional Technical Committee in the relevant governorate to make a decision about those notes; otherwise the urban plan should be considered endorsed and should be promulgated by the Council Chairman.
3. The topics endorsed by the Regional Technical Committee and which are seen by a committee member as violating the building regulations and planning program should be submitted to the Minister of Housing and Utilities to settle the dispute within thirty days from registration in the Ministry; otherwise it should be considered endorsed and binding to the involved parties and should be promulgated by the Council Chairman.

B. The draft general & detailed urban plan and the building regulations and their amendments shall be announced in the administrative unit's billboard. All involved parties shall be notified via personal notification or announcement published in two local newspapers or one of the most widely circulated dailies of the Capital. The official media may be used by the administrative unit if necessary.

C. The plans and regulations mentioned in the pervious article may be challenged within thirty days from announcement or notification date. The objection should be submitted to the relevant administrative unit in a motion stating the objection reasons.

D. The Directorate of Technical Services shall scrutinize the dossier documents and refer them to the Regional Technical Committee after ensuring their appropriateness for presentation within one month from referral date.

E. Objections shall be considered by a regional technical committee formed and chaired by the Governor (Head of Executive Bureau), with the other members being:

- 1- Member of the competent Executive Bureau.
- 2- Director of Technical Services.
- 3- Director of Antiquities in the governorate.
- 4- Head of City Planning at the Directorate of Technical Services.
- 5- Two experienced engineers in the field of city planning designated by Minister of Housing and Utilities.
- 6- One experienced engineer in the field of city planning and one jurist experienced in real estate issues designated by the Governor.
- 7- Head of the competent administrative unit.

If any of the following bodies has any relation with the objections submitted, the Governor shall invite one representative from each, which shall be considered a committee member having the right to vote: General Union of Farmers, General Union of Housing Cooperatives, Craftsmen Union, Engineers' Syndicate, Ministry of Defense, Ministry of Communications, Ministry of Irrigation and Ministry of Tourism.

- F. Meeting held by the committee shall be attended by the official in charge of technical affairs at the competent administrative body without having the right to vote. The said committee shall not be considered valid unless attended by committee chairman, the designated engineer from the Ministry of Housing and utilities and more than half of committee members. Decisions shall be made by majority of votes and in this case the committee shall send the results of its study and its recommendations to the competent authority in order to propose or issue the announced project by virtue of the amended Decree /5/ of 1982.
- G. The topics endorsed by the Regional Technical Committee that are seen by a committee member as in violation of the building regulations and planning program should be submitted to the Minister of Housing and Utilities to settle the dispute within thirty days of date of registration in the Ministry's registration office attached with the urban plan brought before the committee. The decision taken by the Minister shall be communicated to the Regional Technical Committee for approval.

Article 2:

Article (7) of the amended Decree /5/ of 1982 shall be revised to become as follows:

Article 7:

The Ministry of Housing and Utilities shall be communicated a copy of the decision taken by the Office or the Damascus Governorate Council attached with the general & detailed urban plan and the building regulations or their revised version issued pursuant to it within thirty days of decision date in order to be kept by it. The Ministry shall not be entitled to challenge any of the revisions endorsed by the Regional Technical Committee.

Article 3:

Article (10) below shall be added to the amended Decree /5/ of 1982:

Article 10

- A. The Minister of Housing and Utilities shall be entitled to designate workers inside and outside the Ministry to formulate the principles of urban planning and study and scrutinize the planning programs, urban plans and building regulations during working hours and grant them allowances and bonuses pursuant to the laws and regulations in force.
- B. The Governor: Chairman of the Executive Bureau shall be entitled to designate state workers to study the urban plans and the building regulations and grant them bonuses in return pursuant to the laws and regulations in force.
- C. The administrative unit shall be entitled, subject to approval by the Governor: Chairman of the Executive Bureau, to contract with any body to study and implement the urban plans and formulate building regulations.
- D. The Regional Technical Committee stipulated in Article (5) of Decree /5/ of 1982 amended by this Law shall be granted an allowance via a decision by the Governor: Chairman of the Executive Bureau pursuant to the laws and regulations in force.
- E. Bonuses, allowances and all payments mentioned in articles (B, C and D) shall be disbursed from the allocations of the competent administrative unit.

Article 4:

This Law shall be published in the Gazette.

Damascus: 06.06.2002

Republic President

Bashar Al-Assad

The Syrian Arab Republic
Ministry of Housing and Utilities
1945

Date: 31/3/2003

Circular

To the Governor of Damascus

We are sending you a copy of the unified executive instructions of Legislative Decree /5/ of 1982, amended by Law /41/ of 2002, issued on 29/3/2003 under No. 16/28/6.

Please take notice and circulate to the Technical Service Department and other administrative units in your governorate to implement them.

Minister of Housing & Utilities
Eng. Adham Wanly

Copy to:

- Minister's office
- Ministry of local administration with a copy of the Instructions
- Ministry of state for Prime Minister's affairs with a copy of the Instructions
- Deputy Minister for Technical Affairs
- Director of Construction Planning
- Deputy Director
- Heads of departments (5)
- Legal affairs of the Construction Planning
- Construction Planning Registry with a copy of the Instructions
- The Registry

Syrian Arab Republic
Ministry of Housing and Utilities
Re: 16/28/6
Date: 29/3/2003

**The unified instructions for Legislative Decree /5/ of 1982
Amended by Law /41/ of 2002**

Preamble:

Legislative Decree /5/ of 1982 amended by Law /41/ of 2002 has regulated the procedures for setting and issuing the organizational schemes and construction codes of the administrative bodies in the country, and specified the competence of central as well as local authorities.

Article 2 of this Decree stipulates that the Ministry of Housing and Utilities shall prepare guidelines of construction planning and issue via decrees. It stipulates also that, until this Decree has been issued, there will be a transitional period, during which the currently effective interim organizational guidelines will be the only rules to govern the preparation of organizational schemes for residential areas according to the technical books issued by the Ministry.

Article 1:

The following terms shall have the meaning stated beside each wherever they occur in these instructions:

- **The Administrative Body:** Municipality or Administrative Unit.
- **The Council:** the local council in the administrative unit or the municipal council in the municipality
- **Legislative Decree:** Legislative Decree /5/ of 1982 amended by Law /41/ of 2002
- **The Committee:** the Regional Technical Committee in the governorate

Article 2:

The Building Control System, referred to in Paragraph (c) of Article 1 and other articles of the Legislative Decree, means the building conditions, according to which, building licenses are issued in different regions, as per description laid in the organizational scheme, especially the following:

- Minimum and maximum areas permitted to be built provided that the maximum limit does not exceed twice the minimum limit.
- Minimum length of the frontage of permitted building.
- The percentage permitted to be build out of the total area.
- Area and altitude of garages if any. The garage area shall not be included as part of the percentage permitted to be built.

- Frontal, lateral, rear areas which should be left without building including corridors if any.
- Definition of the licensing level.
- Maximum number of floors.
- Maximum height of the building
- Maximum investment factor of the property if any.
- Supplementary construction provisions if any.

The Building Control System, with the supplementary provisions if any, shall fixed as a reference schedule on the organizational scheme and shall be issued with it.

A blank space should be left under this schedule to fix dates and numbers of approval decisions on the scheme by the Regional Technical Committee, the local council and the issuing authority.

Article 3:

The planning program referred to in Article 3 of the Legislative Decree should be prepared as a comprehensive report stating the present and future planning needs of the residential areas for a period of 20 years. This report should include the number of people, their geographic distribution and the population density in different residential areas according to the proposed activities: housing of different categories, public facilities, industry, tourist sites and others, according to the needs. There must be a specification of the necessary area for each of these regions out of the total area and its percentage for each individual of the expected number of residents and also the number of the sites and buildings of these services such as public buildings and network of main roads (with their width and classification). It should also include any expansion possibilities to this area and the scientific justifications for such expansion.

The planning program's main data and lines are clarified by fixing them on the topographic scheme of the residential area, with the scale being 1/1000 or 1/2000 for small areas and 1/5000 or 1/10000 as available for bigger areas.

Article 4:

Setting the general organizational scheme and detailed organizational scheme for the first time:

- a. Based on Article /4/ of the Legislative Decree, the Administrative Body shall set out the drafts of the general organizational schemes as well as the relevant detailed schemes together with the construction regulations at all stages, in accordance with the annual programs stipulated in the Five-year Plan. The Administrative Body, in the Governorate centers, shall handle this task either directly through its technical staff or by subcontracting relevant expertise, according to the laws in place and the instructions of the Cabinet, and also according to the general technical books issued by the Ministry in this regard. The other administrative bodies shall follow the same line but should get the Governor's approval

on the contract, and should send a copy of this contract to the Ministry according to Article /3/ of the Legislative Decree. So the first step in preparing any organizational scheme of a residential area is to set a planning program for this area according to the planning rules in place.

This planning program shall be submitted to the Ministry of Housing and Utilities to get approval or to be amended within 20 days from the date of registry. The program should be sent to the Ministry by registered mail and sent back after approval or amendment in the same way. The Administrative Body should abide by the notes and amendments required by the Ministry while preparing the draft of the general organizational scheme.

- b. According to Article /5/ of the Legislative Decree /5/ of 1982 amended by Article /1/ of Law /41/ of 2002, the final draft of the general organizational scheme with its construction regulations shall follow the following steps:
- 1) The Council President shall present the draft scheme and the construction regulations for approval and issuance during the first Council session after notifying the Administrative Body.
 - 2) In case the Council does not approve the draft within one month from that session, it should put remarks on the this draft.
 - 3) The Council's remarks on the draft should be fixed clearly and accurately (written in ink with identical numbering as in the Council decision.
 - 4) The Council sends a file containing the Council resolution including the remarks on the draft to the Technical Services Department. This file shall be presented to the regional committee and will be given priority treatment.
 - 5) The Regional Technical Committee shall study the remarks and take a decision to be fixed in the minutes. The decision is taken by majority of votes. The head of the committee, two Ministry experts and the person in charge of construction planning in the Technical Services Department shall sign every approved amendment and fix it down on the scheme. The Committee head and members including the rapporteur shall sign the minutes.
 - 6) If the Committee does not approve any of the Council remarks, the draft scheme shall be sent back to the Council Head to be announced within a period not exceeding 15 days from the date of the file registry in the Administrative Body.
 - 7) If any committee member sees that one or more subjects, adopted by the Regional Technical Committee, violate the construction regulations or planning program, these subjects should be presented to the Minister of Housing and Utilities in a file containing the following documents:
 - A letter explaining the disputed subjects.
 - The minutes of the Regional Technical Committee
 - The plan presented to the Regional Committee with the amendments approved by the Regional Committee.

- 8) The Minister of Housing and Utilities shall have the right to accept (partially or totally) or refuse the opinion of the Regional Technical Committee as regards every subject, and his decision is binding to everyone and the Regional Technical Committee should implement it in accordance to the meeting minutes signed by the head and members of the Committee.
- 9) The minutes mentioned in Paragraph /5/ and those mentioned in Paragraph /7/ (if any) shall be submitted with the presented scheme to the Technical Services Department to fix the amendments decided by the Regional Technical Committee in its final draft of the organizational scheme. Accuracy and literal content should be strictly considered while dealing with the Regional Technical Committee decisions. As for the governorates centers, the minutes of the Regional Technical Committee shall be submitted with the file to the Technical Affairs Department to handle the amendments as stated in this paragraph.
- 10) The amended draft scheme is sent in accordance to the previous paragraph properly signed by the Technical Services Department attached with a minute of the Regional Technical Committee to the following bodies:
 - Three copies to the head of the Administrative Body with a request to announce the amended draft scheme.
 - A copy to the Ministry of Housing and Utilities.
- 11) The draft scheme, approved according to Paragraph 1 or sent in accordance with Paragraphs 6 or 10, shall be fixed for 30 days, at a visible site in the lobby of the Administrative Body to make it easy for people to read it and enable those concerned to see it, as stated in the Legislative Decree and submit their objections within this period by providing the Administrative Body with their remarks and a sketch specifying the borders of their estates and their site on the organizational scheme.
- 12) Objections to the organizational scheme and construction regulations shall be submitted to the Regional Technical Committee via the Directorate of Technical Services, in a file containing the following documents:
 - The Council decision ratifying the scheme and announcing it.
 - Copy of the announcement and the publishing newspapers, as well as the letter endorsing the planning program of the draft scheme.
 - The letter mentioned in Paragraphs 6 or 10 of these instructions if any.
 - A list containing all objections with the names of their applicants, arranged according to the dates of their objections.
 - The announced draft scheme stating the sites of the objections and their numbers as per the objectors' list.
- 13) The Technical Services Department shall examine the documents of the file and check its completeness in order to be presented to the regional committee during the period determined by the Legislative Decree. It shall also suggest to the Governor (head of the Committee)

to invite the representative of one or more bodies of those stipulated by the Law in Paragraph /e/ of Article /5/ whenever they are related to the scheme and the objections, clarifying the reasons for this invitation.

- 14) The Regional Technical Committee shall study the objections and make decisions according to the list and the scheme mentioned in Paragraph /12/. It shall prepare an independent minutes for every announced scheme. The head of the committee, two Ministry experts and the person in charge of construction planning in the Technical Services Department shall sign every approved amendment and fix it down on the scheme. The Committee head and members including the rapporteur shall sign the minutes.
- 15) In case one of the committee's members considers that one or more subjects approved by the committee are inconsistent with the construction regulations or the planning program, these subjects should be extended to the Minister of Housing and Utilities in a file containing the following documents:
 - A letter explaining the disputed subjects.
 - The minutes of the Regional Technical Committee
 - The plan presented to the Regional Committee with the amendments approved by the Regional Committee.
- 16) The Minister of Housing and Utilities shall have the right to accept (partially or totally) or refuse the opinion of the Regional Technical Committee as regards every subject, and his decision is binding to everyone and the Regional Technical Committee should implement it in accordance to the meeting minutes signed by the head and members of the Committee.
- 17) The minutes mentioned in Paragraph /14/ and those mentioned in Paragraph /16/ (if any) shall be submitted, with the presented scheme as well as the relevant objections, to the Technical Services Department to fix the amendments decided by the Regional Technical Committee in its final draft of the organizational scheme. Accuracy and literal content should be strictly considered while dealing with the Regional Technical Committee decisions. As for the governorates centers, the minutes of the Regional Technical Committee shall be submitted with the file to the Technical Affairs Department to handle the amendments as stated in this paragraph
- 18) The Technical Services Department and the Regional Technical Committee shall study the objections and finish them and shall make amendments of the published copy of the organizational scheme as mentioned in the previous articles within a period not exceeding five months from the date of submitting the objections' file to the Regional Technical Committee.
- 19) The Technical Services Department shall send the file of the amended draft of the general organizational scheme to the executive bureau to sign the scheme and disseminate it to all administrative bodies in the governorates except in Damascus City and other governorate centers.

In Damascus City and other governorate centers, the executive bureau shall sign the scheme and extend a publishing suggestion to the minister of Housing and Utilities who shall issue the decision.

20) The Department of Construction Planning and Organization in Damascus governorate shall handle the works of the Directorate of Technical Services mentioned in paragraphs (4-9-12-13-17-18-19) of these instructions.

21) Regional committees stated in paragraph /e/ of Article /5/ amended by Article /1/ of Law /41/ of 2002 shall be constituted by a decision of the competent governor. Engineering experts shall be selected from specialists in cities' planning or architecture with experience as well as an expert in real estate affairs who is well-acquainted with the real estate laws and regulations, provided he has got a degree in Law.

As for Damascus governorate which consists of only one city, the composing of Regional Technical Committee shall take the following into consideration:

- Item /7/ of Paragraph /e/ related to the membership of the Administrative Body Head in the Committee shall be omitted because the Governor, as the head of the regional committee, is the head of the Administrative Body.
- In item /4/ of paragraph /e/ the director of Construction Planning and Organization in Damascus shall replace the person in charge of the Construction Planning in the Technical Services Department. The Head of Organizational Studies Department in the Department of Construction Planning and Organization shall replace the person in charge of the Technical Affairs in the Administrative Body.

C. Every expansion by adding new residential areas to an effective general organizational scheme to cover the needs of present and future residential areas, shall necessitate a new organizational scheme, regulating the new extended areas in coherence with the general organizational scheme. The new scheme should be submitted to the Ministry for approval or amendment. After that, other steps stated in this Article will be completed such as submitting the new scheme to the Council, announcement, considering the objections and issuance.

Article 5:

A- The detailed organizational schemes of the general organizational scheme are set according to the procedures stated in Article /3/, and the preparation of the detailed organizational scheme go through the same stages of that of the general organizational scheme with no contradiction to the planning basics or the relevant planning program. The minister of Housing and Utilities must approve the draft of the plan.

B- The draft of the detailed organizational scheme, together with the construction regulations and other components of the file (Ministry's approval on the draft plan, announcement, objections, minutes of the Regional Technical Committee) shall be submitted to the competent authority to be issued according to the following:

- 1) *Governorate of Damascus*: the Executive Bureau of Damascus Council to sign the scheme and propose the issuance, then it is extended to the Council to make the decision.
- 2) *Governorate centers*: the city council to sign the scheme and suggest issuance then it is submitted to the governorate council to make the decision.
- 3) *Other Administrative Bodies*: The executive bureau of the governorate council which makes the decision.

Article 6:

Article /7/ of Legislative Decree /5/ of 1982 amended by Article /2/ of Law /41/ of 2002 states that the Ministry of Housing and Utilities should be sent a copy of any general/detailed organizational scheme or construction regulations with the relevant amendments within 15 days from the issuance date. The Ministry has no right to object to any amendments decided by the Regional Technical Committee. They are only sent to be kept. In case the decision includes a suggestion to issue the general organizational scheme or construction regulations of Damascus City or any other governorate center or any amendments, the file shall be sent to the Ministry to be issued according to the provisions of Article /6/ of the Legislative Decree.

Article 7:

Amendments on general or detailed organizational schemes and the construction regulations shall be done on regular basis:

- a. Article 8 of the Legislative Decree states that announcing the effective general and detailed organizational schemes and those issued after the Decree has taken effect will be done according to the following periods:
 - 1) The passing of a whole year after the first issuance of the scheme.
 - 2) The passing of three years after every issuance which follows the previous one, or the passing of three years after the announcement of the current scheme in case there are no objections over it or because they are refused.
The Council's decision is sent to the Regional Technical Committee in order to be studied with the rest of the objections.
- b. According to paragraph /c/ of Article 8 of the Legislative Decree and within the period of the announcement, the Administrative Body could propose amendments to be taken in the Council for the public interest. The amendments are set on a copy of the published scheme and announced with it in order for notification and object on both.
- c. The Regional Technical Committee shall make decisions regarding the objections to decide what can be accepted provided that they do not conflict with the construction planning and the planning program of the announced scheme within the period specified in Item /18/ of Paragraph /B/ of Article /3/ of these instructions. The committee role

according to the Decree is only to study the objections and proposals as regards the announced schemes.

- d. The amendment of general/detailed organizational schemes and the relevant construction regulations shall be subject to the same stages and procedures mentioned in paragraph /B/ of Article /3/ of these instructions. The forms attached to these instructions shall be used in preparing the documents and decisions.

The amendment reasons shall be mentioned in the announcement and decision by the Executive Bureau of the governorate council which are:

- 1) The passing of a whole year after the first issuance of the scheme.
 - 2) The passing of three years after the previous issuance or the previous issuance or announcement, whichever the case, according to Item /2/ of paragraph /A/ of this Article.
- e. Paragraph /D/ of Article /8/ of the Legislative Decree allows the governor, as head of the executive bureau, to exclude from the precondition of period (1 or 3 years) the scheme amendment proposals related to real estates and lands owned by the Administrative Body, public property, or intended to build a vital public utility. Applying this paragraph must take into consideration the following:

- 1) The amendment request must be related to one of the mentioned cases only.
- 2) The amendment request shall be extended to the governor in a written memo prepared by the Technical Affairs Department in the governorates centers or by the Construction Planning Unit in the Technical Services Department.

As for other administrative bodies, the memo should identify the reasons behind the exceptional amendment in coherence with the provisions of the Legislative Decree and its instructions and without contradicting the planning rules and planning program of the residential area.

- 3) If the governor approves the exceptional announcement, the Administrative Body will write down the suggested amendment in (red ink) on one copy of the organizational scheme to be announced and to study the objections and to issue the amendment according to the procedures stated in this Article.

Article 8:

- a. The executive bureau of the governorate Council shall propose the issuance of the organizational scheme and the construction regulations related to the regions mentioned in Article /9/ of the Legislative Decree. It also practices the rest of the functions of the Administrative Body's local council, and the president of the bureau will issue the building licenses in these regions according to the organizational schemes or the construction regulations and will practice the other functions of the head of the Administrative Body.

- b. The organizational schemes are executed on site according to paragraph /c/ of Article /10/ added by Law /41/ of 2002 which has amended the Legislative Decree by setting the stated information in the scheme on land, by means of stating the roads boundaries and the rest of utilities such as public squares, parks, schools, health centers, and cultural centers and other utilities of public interest in addition to fixing the relevant boundaries on the scheme.
Total accuracy should be ensured while executing the scheme on site because of its direct impact on real estates situated within the boundaries of the scheme and on the people's rights and legal relations with each other and with the Administrative Body.
- c. Regional committees and its rapporteur shall receive compensation in return for attending their sessions according to paragraph /D/ of Article /10/ added by Law /41/ of 2002 amending the Legislative Decree. The compensation amount shall be specified in a decision by the governor within to the laws and regulations in place.

Article 9:

The documents and data attached with the schemes which are submitted to the Ministry either for issuance or to keep a copy after issuance by the local body are:

- a. The request for approval on the planning program of any residential area, which should be sent to the Ministry in a file containing the following documents and data:
 - 1) Submitting letter (Form 1);
 - 2) Planning program (Form 2);
 - 3) Map of the planning program (Form 3);
 - 4) all information, data, and the requested schemes requested by the Ministry in the circulated note /726/ dated 30/1/2002.

- b. The request to issue the general organizational scheme of Damascus City and other governorates centers for the first time or amending it.

The file to be sent to the Ministry shall contain the following:

- 1) Submitting letter (Form 4);
 - 2) The minutes of meeting of the Regional Technical Committee (Form 8);
 - 3) The decision of the executive bureau of the governorate council proposing the issuance of the scheme (Form 9);
 - 4) The proposed scheme to be issued (four authentic copies).
- c. Informing the Ministry to send the general as well as detailed organizational schemes to the other administrative bodies (except Damascus Governorate and the governorates centers) to be kept according to the following:
 - 1) Submitting letter (Form 10);
 - 2) Two copies of the decision of the executive bureau of the governorate council including the issuance of the scheme (form 16 or 23);

- 3) Two copies of the issued scheme according to the decision of the executive bureau of the governorate council.
- 4) Two copies of the minutes of meeting of the Regional Technical Committee (form 14 or 22).

Article 10:

Instruction No. /1/ circulated in letter 90/25/6 dated 5/4/1982 and Instruction No. /2/ circulated in letter 220/25/6 dated 3/8/1982 shall be cancelled.

Minister of Housing and Utilities

Eng. Adham Wanly

Draft Law Regional Planning

Status / /

**The President of the Republic,
Pursuant to the provisions of the Constitution,
and pursuant to the decision of the People's Assembly, No .. of (date)**

Decrees as follows:

Section 1: Definitions and Objectives

1. Definitions

In this law the terms and words used have the following meaning:

Regional Planning: Integrated and comprehensive planning which informs and is guided by economic, social, cultural, tourist ecological and other policies with regard to all matters related to inhabitants, space and time; it is an interdisciplinary and comprehensive approach aiming at a balanced and sustainable regional development; it is based on an overall strategy on both national and regional level and it describes all activities that ensure the desired balanced and sustainable development to which the stakeholders of both public and private sector are committed.

Higher Council: The Higher Council for Regional Planning

Commission: The Regional Planning Commission

Board of Management: The Board of Management of the Regional Planning Commission

General Director: the General Director of the Regional Planning Commission

Branch of Commission: A branch of the Regional Planning Commission in the region.

National Framework for Regional Planning: The basic guiding principles of the regional, economic, social, ecological, health, educational, and demographic and other developments and its plans and implementation programs adopted by the Council of Ministers and covering the entire Syrian Arabic Republic.

Regional Plan: A collection of documents, maps and studies describing the current spatial situation and the future spatial development of the region according to a specific timeframe.

Urban Plan: The plan specified in Legislative Decree No 5 of 1982 and its modifications.

Region: A specific spatial unit with common geographic, social, economic, and ecological characteristics and common developmental issues.

Central urban place: The urban settlement of central importance – existing or planned - that provides basic services at least with regard to public administration (education, health, tourism, or culture).

Development corridor: Areas between central places where linear forms of infrastructure like roads, railway lines, power lines and oil or gas pipelines are grouped together. They may be defined at various levels.

Hinterland: The area served by a central place and the development corridors. They may be defined at various levels

Major development projects: projects that have spatial effects beyond the level of the administrative unit in which they are situated.

2. Goals of National and Regional Planning

1. To achieve balanced and sustainable development of the entire territory, to preserve the national and regional resources, to insure the integration and coherence of the social, economic, and natural structure in the country and to work on solving development issues in each region.
2. To achieve balanced, sustainable and healthy living conditions in all regions through a regional plan that limit themselves to the local circumstances of each region.
3. Overall coordination of sector interests and goals under the principles of spatial order, to explicitly state the main objectives of the region, the content and characteristics of each region, implementing balanced urban planning policies and specifying the locations for them, improving and coordinating roads, transportation, water and sewage networks, directing investments and technical projects without any contradictions to the Five Year Plans of the country and considering the economic and social aspects.
4. The regional planning goals may be reached through preparing and complete implementation of regional plans at different levels and specifically at:
 - a. The national level: including the entire territory of the Syrian Arab Republic and its relations with neighboring countries, aiming at setting common objectives and a national framework for regional planning.
 - b. The regional level: including preparation of regional development plans in a region or a part of it, following directions of the national tier and the sector ministries.

Section 2: The Agencies.

3. The Higher Council of Regional Planning

The Council of Ministers is considered to be the Higher Council of Regional Planning, together with the Chairman of the State Planning Commission and the Chairman of the Regional Planning Commission.

4. The Higher Council of Regional Planning

1. The competencies of the Higher Council.
 - a. To develop general policies and strategies for regional planning in the Syrian Arabic Republic.
 - b. To develop the draft National Framework for Regional Planning.
 - c. To approve regional plans submitted by the Commission and endorsing them.
 - d. To approve cooperation with Arab or Foreign Agencies
 - e. To decide on issues submitted by the Board of Management of the Commission.
2. The meetings of the Higher Council
 - a. The Higher Council convenes at least once per year or more often as need be at the invitation of the Chairman.
 - b. The Chairman of the Higher Council may invite anyone concerned whom he sees fit to attend the Higher Council meetings.

5. The Regional Planning Commission

A Commission is established called the Regional Planning Commission. It has legal entity and has administrative and financial autonomy. It is linked to the Prime Minister and its seat

is in Damascus. The commission employees are subject to the rule of the Basic Law for State Employees, number /50/ of the year /2004/ and to the financial regulations applicable to public agencies of administrative nature.

6. The Goal of the Commission

The Commission aims at preparing and implementing the national policies for regional planning and to promote an environment favorable to regional planning in the Syrian Arab Republic. In order to achieve this goal it may:

1. Propose general strategies and policies for regional planning to the Higher Council of Regional Planning, according to the analysis of data on current conditions and the proposed development projects.
2. Set the technical specifications and standards for the National Framework for Regional Planning and the Regional Plans and oversee their application.
3. Prepare the National Framework for Regional Planning and submit it to the Higher Council.
4. Supervise the procedures to adopt the Regional Development Plans coming in from the region branch offices and to follow up their completion.
5. Offer coordination and advice to the Higher Council, the Ministries and the Governorates in all matters related to Regional Planning, evaluate the achievements, and review the adopted Regional Plans.
6. Submit an annual report on the state of Regional Planning.

7. The Management of the Commission

The management of the Commission consists of:

- a. The Board of Management
- b. The General Director

8. The Board of Management of the Commission

1. The Board of Management of the Commission consists of:
 - a. the General Director, Chairman
 - b. The Directors working in the General Commission and one of them will act as Deputy-Director.
2. The tasks of the Board of Management are:
 - a. To draw up work plans and programmes.
 - b. To propose work regulations for the Commission.
 - c. To set the budget of the Commission its annual report and balance, and to submit them to the Higher Council.
 - d. To propose the draft National Framework for Regional Planning and the Regional Plans and submit them to the Higher Council.
 - e. To prepare follow up reports on regional planning projects and to submit them to the Higher Council
3. The Board of Management convenes at least twice a month and more often if need be at the invitation of the General Director.
4. The Board of Management convenes with the majority of its members and decides with the absolute majority of the attending members. In case of equal votes the General Director has the casting vote.

5. The General Director may invite anyone concerned whom he sees fit to the meetings of the Board of Management without right of vote.

9. The General Director

1. The General Director is appointed by a Decree at the proposal of the Prime Minister who will determine his salary and remunerations.
2. The General Director will have the following tasks:
 - a. To prepare the regulations concerning the work of the Commission to submit them to the Board of Management;
 - b. To prepare the budget of the Commission, its annual report and balance to submit them to the Board of Management;
 - c. To prepare the agenda for the sessions of the Higher Council and attend its meetings;
 - d. To supervise the implementation of the policies and work plans of the Commission;
 - e. To carry out the decisions of the Higher Council, the Board of Management and any decision issued by virtue of this law;
 - f. To manage the activities of the Commission, to supervise its employees and administrative, technical and financial affairs, including the preparation of the organizational structure of the Commission;
 - g. To act as paying and contracting authority according to the laws and regulations in place on administrative organizations;
 - h. To grant incentives and encouragement compensations and impose sanctions on employees within the current laws and regulations;
 - i. To contract with foreign and local specialists and experts for specified tasks and periods if need be, with the approval of the Prime Minister
 - j. To appoint, promote, transfer and depute employees within the current laws and regulations;
 - k. To represent the Commission in court;
 - l. To carry out any other task assigned to him by the Higher Council or its Chairman.

10. The Revenues of the Commission

1. The Commission has a separate budget line in the budget of the Prime Minister's Office budget as part of the General State Budget with all income and expenditure.
2. The local and foreign grants, gifts and donations in accordance with the current law and regulations

11. Issuance of the Statute of the Commission and its staff formation

1. At the proposal of the Board of Management the Prime Minister issues the Organisational Statute and the regulations specific to the work of the Commission.
2. The authorized staff formation of the Commission is issued by a Decree.

12. The Branch Offices for Regional Planning

1. By decision of the Higher Council and at the proposal of the Chairman of the Council, within each Region a Branch Office of the Commission is established taking up the

task of Regional Planning, in coordination with the Governors of the concerned Governorates in the region.

2. Until these branches have been established, the Governorates shall carry out the regional planning tasks through the existing organizations within the Governorates.

Section 3 The Regional Planning Requirements

13. Methods of National and Regional Planning

1. Taking into account the natural, human, and economic components of the geographical position of the country in all development projects.
2. Definition of planning regions and if necessary sub-regions.
3. Definition of central places and development corridors at their various levels in the National Framework of Regional Planning and the Regional Plans
4. Definition of major development areas, among which are at least industrial areas tourism areas, and urban expansion areas, at their various levels
5. Definition of areas in which development is to be restricted by specific conditions or which have to be protected, among them at least water reserves, agricultural lands, environmentally protected areas, forests, monumental places, valuable landscapes, all at their various levels.
6. Coordination with neighboring countries on matters of regional planning at the national level.

14. The Obligatory Character of National and Regional Plans

1. After its approval by the Higher Council, the National Framework of the Regional Planning is considered binding for all relevant agencies.
2. Regional Plans shall not be in conflict with the National Framework of the Regional Planning.
3. After their endorsement by the Higher Council the Regional Plans shall be binding for all relevant agencies.
4. The agencies affected by regional planning adhere and comply with the implementation of the approved regional plans in the areas for which they are responsible.
5. The public bodies concerned with drafting local urban plans shall comply with the Regional Plans.
6. The public bodies concerned with approval of local urban plans according to the Law 5 of 1982 and its modifications shall verify that the local urban plans are in compliance with the stipulations of the approved Regional Plans.
7. Urban Plans shall not be in conflict with the Regional Plan. If new developments impose deviation of the Regional Plan, the concerned agencies have to adapt the Regional Plan as well.
8. The Commission may request the local administrative units to adapt their approved urban plans to new regional plans

Section 4: The National Framework for Regional Planning

15.

1. Within the principles for economic and social development contained in the successive Five Year Plans a National Framework for Regional Planning shall be formulated, which is also based on the goals and principles laid down in the paragraphs 2 and 13 of this law.
2. The National Framework shall concentrate on the overall vision and goals and the principles for regional development and shall be detailed in Regional Plans.
3. The National Framework for Regional Development shall determine the
 - a. The appropriate planning regions including specific sub-regions where necessary.
 - b. The central places, the major urban agglomeration areas, the major development corridors, and the major environmental protection areas (in compliance with the national environmental development programme), the major tourist areas (in compliance with the tourism development strategy), the protected heritage sites and the mineral resources.
4. The period of validity of the National Framework for Regional Planning shall not exceed 10 years, and if necessary it can be reviewed and amended during this period.
5. The National Framework for Regional Planning shall be subjected to a strategic environmental assessment procedure.

16. The National Framework for Regional Planning and its Approval

When preparing the draft National Framework for Regional Planning or changes to it, the Commission shall coordinate with all relevant Ministries and Governorates.

1. The final draft of the National Framework for Regional Planning shall be published and distributed to the concerned Agencies, Ministries and Governorates. The concerned Agencies and Governorates may submit their remarks and objections to the Commission within a period of three months.
2. The Commission will study the incoming remarks and objections within three months and will decide on them.
3. The Commission will then submit the draft National Framework for Regional Planning to the Higher Council together with the remarks and objections from the relevant Agencies and Governorates
4. The Draft National Framework for Regional Planning shall be approved by the Higher Council.
5. The finally approved National Framework for Regional Planning shall be sent to all Agencies concerned.

Section 5: Regional Plans

17. Regional Plans

1. The Regional Plans strive to coordinate and reconcile future visions and land use interests between development projects in national sector plans, and between national sector plans and local urban plans and other local plans.
2. The Regional Plans are based on the principles and methods of National and Regional Planning.
3. The Regional Plans are based on the goals and measures of the National Framework for Regional Planning. They take into account sector plans and policies of sector Ministries and local plans in the region concerned.
4. The Regional Plan shall at least contain the following:

- a. A classification of central places which can be categorized from at least two and up till four categories according to a suitable scale and identifying the Hinterland.
 - b. A determination of the major extension areas for the main central places and guidelines for the extension of other urban settlements
 - c. A programme for the establishment of new central place, the extension and upgrading of the existing ones, and including it in the regulating network of central regional places.
 - d. The infrastructure corridors between the central places
 - e. The areas for development and protection, and the special areas
 - f. Development measures with regard to housing, transport, tourism, health, agriculture, industry, education, and other aspects, and the measures related to economic, social and cultural infrastructure.
 - g. Implementing the main policies and recommendations of the Annual Report on the State of the Environment issued by the Ministry of Local Administration and Environment, especially concerning environmental, natural, cultural and monumental resources.
 - h. The development specifications and regulations concerning preserving the natural resources in both quantity and quality.
 - i. Providing and surveying the requirements, and developing the National Traffic and Transportation System in the regions and on international corridors.
 - j. Studying and surveying the needed water resources.
 - k. Defining the priorities in implementing the policies and executing investments.
5. The period of validity of the Regional Plan shall not exceed 10 years with the possibility to review and amend it during this period if need be.

18. Preparation of Regional Plans

1. Under the basic principles of the National Framework for Regional Development and the principles of Regional Planning and on the basis of accurate and documented data, the draft Regional Plans shall be prepared by the Branch Office of the Commission.
2. When preparing the draft Regional Plan or changes to it, the Branch Office of the Commission shall coordinate with the Ministries, the Local Administrative Units, the Governorates and the Branch Offices in neighboring Governorates to achieve the horizontal and vertical linkage in the light of local development initiatives and the National Framework.
3. The Commission shall coordinate between its Branch Offices in order to prepare the Regional Plans together within the period defined in the National Framework for Regional Planning.

19 Approval of Regional Plans

1. The final draft of the Regional Plans shall be sent to the relevant Agencies, the neighboring Governorates, the Local Administrative Units, and other Agencies concerned in the Governorate or Governorates in order to submit their remarks and objections within a period of three months.
2. The Branch Office of the Commission will study the incoming remarks and objections within three months
3. The Branch Office of the Commission will then submit the draft Regional Plans to the Commission together with the incoming remarks and objections for approval, together with its proposals.

4. The Commission will study the draft Regional Plan within three months and then submit the draft Regional Plan to the Higher Council together with the proposal to solve the incoming remarks and objections, for final decision and publication.
5. The Regional Plan finally approved by the Higher Council shall be sent to the Ministries concerned, the Governorates, the Local Administrative Units in the Governorates, and to the neighboring Governorates

Section 6: Implementing Regional Development Planning

20. Major development projects

1. Major development projects are defined by public bodies as projects that have spatial effects beyond the location where they are planned, and they shall be sent to the Branch Offices of the Commission to be taken into account when preparing the draft Regional Plans.
2. Major development projects must undergo an environmental assessment procedure as well as an assessment of their economic and social effects before being approved.

Section 7: Information Base and Supervision

21. Obligation of Providing Information

1. The Ministries, public and private bodies are obliged to provide full and timely information to the Commission and its Branch Offices on all spatially relevant plans and projects, i.e. their own projects as well as private-sector plans under their jurisdiction, without any compensation.
2. The Ministries and the public bodies are obliged to continuously provide data sets on the developments and programmes they are responsible for.

22. Monitoring and Analysis of Spatial Development

The Commission and its Branch Offices shall follow up, collect and analyze data and statistics on spatially relevant development, in order to monitor spatial developmental changes.

Section 8: Related Procedures and Regulations

23 Ministerial Regulations under This Law

The Prime Minister- Chairman of the Higher Council- shall issue Implementation Instructions and decisions necessary to apply this Law on proposal of the Board of Management of the Commission.

24 Contradictory provision in other Laws

Provisions in other Laws contradicting this Law are abrogated, with the exception of the stipulations in Law No 61 of 24/12/2006 concerning front line villages and Law No 91 of 19/03/2006 concerning boarder areas.

25 Promulgation

This law shall be published in the Official Gazette.

Damascus, dd/mm/2008, dd/mm/1429 A.H

The President of the Republic

Bashar al-Asad

Syrian Arab Republic
Ministry of Tourism

Terms of References for the Touristic Investment At the Historical Sites for cultural and Artistic activities

Article – 1: Definitions

Administration: Ministry of Tourism
Antiquities authority: Directorate General of Antiquities & Museums
Company: Syrian Company for Tourism, which will have the task of site management and enables the investor to invest the site.
Site: one of the 21 archaeological sites defined in the agreement between Ministry of Tourism and Ministry of Culture.
Offeror: the one who presents an offer to finance, study, implement, invest and manage the project.
Candidate offeror: whose offer was accepted and candidates to sign a contract with.
Investor: who signed a contract with the administration and was informed to start investing the project after the ratification of the contract.

Article – 2: Site Description

- 1- The site⁽¹⁾ locates at
- 2- The area ism² and consist⁽²⁾ of :
 - a. Consisted of.....
 - b.
- 3-

Article – 3: The Schedule:

The schedule of the project will be defined by⁽³⁾

- (1) the site should be described in terms of location boundaries from 4 directions.
- (2) Current buildings at the site should be described.
- (3) Current occupancy of the site or the current use of the site should be defined.

- f. A letter from first class and recognized bank on the company's reputation and commitment.
 - g. Copy of the bid bond payment
 - h. Copy of the identity card or passport for the agent of the company.
 - i. Letter from the agent or legal representer stating some information and nationality of the company.
 - j. Copy of the TOR signed by the investor showing that he agrees all articles and terms and any offer contains reservations of the TOR will be rejected
 - k. Copy of the payment for the file value
 - l. Other documents by the investor showing his qualification
- 2- In case the offeror is individual:
- a. Application for presenting an offer with the address, tele. No. and fax no.
 - b. Documents mentioned in (f, g, h, i, j, k, l)
 - c. Statement on his previous works.

The second envelop will contain /technical offer/:

- a. The suggested schedule presented by the offeror to implement his commitment according to the TOR
- b. Summary on his previous similar commercial or touristic works and any other documents on his qualification
- c. Previous works in this field
- d. The offeror's vision for the required works including (projection, sections, facades)...
- e. Other technical necessary statements

Third envelop will contain /financial offer/ as follows:

- a. Definition of investment amount due to administration
- b. Feasibility study for the project including the total estimated cost of the project, economical indicators and expected total income during the specifies investment period
- c. Other necessary information to clarify his financial offer.

Article – 6:

- a. The company coordinates with the administration and antiquities authority and the investor by defining the locations of the equipment, areas included in the investment and

The investor should be committed to the condition of the antiquities authority regarding the maintenance and preservation of the site during the investment period, and this will be under the joint supervision by the administration and the authority through a special committee, which will report to the administration and the authority on the violations.

Article – 10:

- a. Bid bond is s.p or \$ according to TOR of each site to be paid by a check to one of the national banks or as a bank bond as an insurance at the ministry's account for the project.
- b. Final bonds: as follows: - 10% of the total value of the contract if the revenue is more than 1 million s.p to be paid before the letter of commencement. – 5% of the total value if the revenue is less than 1 million s.p be paid before the letter of commencement.

Article – 11:

The offers will be opened by a sub committee consisted from the director of tourism and the director of antiquities and a member of the executive bureau and financial and legal affairs staff, and another technical committee is formed to study the technical offers and offers will be evaluated and the most suitable one will be selected, and the relevant director of tourism will sign the investment contract and he authorized by the minister in case the revenues are less than 1 million s.p and by the minister in case they are more than 1 million s.p.

Article – 12:

- a. An investment contract will be signed by the administration and the candidate offeror considering the a.m articles.
- b. There will be no obligation to the administration and the authority for the presented offers for not signing or ratifying the contract.
- c. The ministry or the antiquities authority has the right to abstain from implementing the project any time before the investor is

the investment periods, and by the end of the investment period the site will be free of any occupancy, commitments and contracts.

Article – 17:

All offers, documents and plans presented by offerors are considered as owned by the ministry or the authority and the offerors have no right to withdraw their offers after presenting them, except for the bid bonds.

Article – 18:

In addition to the TOR, the file of the project should include a plan for the site approved by the antiquities authority.

Article – 19:

Whatever comes out from the site during the works (antiquities or economically valuable materials) will be state property and the investor should notify the authorities in case they come out and preserve them till delivering to the antiquities authority.

Article – 20:

All disputes raised between the investor and the administration or the authority should be solved amicably, if not, at court according to the valid regulations and the Syrian legislation is the only reference for interpreting the articles of this TOR.

Article – 21:

The file and TOR can be bought from At the amount ofs.p and the receipt should be enclosed with the presented documents.

Article – 22:

In case of any misinterpretation of this TOR the Arabic version is adopted.

Article – 23:

