

Explained: Law No. 23 of 2015 - Seizure of Properties in the Name of the Zoning

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Numerous studies have provided in-depth analysis on [Decree No. 66 of 2012](#), which created two zoning areas within Damascus Governorate, as well as [Law No. 10 of 2018](#), which allows for the creation of one or more zoning areas within the general zoning plans of administrative units. However, there has been less interest in [Law No. 23 of 2015](#), which concerns the implementation of zoning and urbanisation, despite the legislation being no less important regarding the [confiscation and expropriation of private properties](#) under the pretext of zoning.

Officially named the Planning and Urban Development Law, Law No. 23 of 2015 was issued with the goal of clarifying the vision for the future of residential communities and their expansion through drawing new urban boundaries and main road networks and outlining how land within those boundaries would be used, according to the text of the law.

To achieve this, the law grants administrative units, such as municipalities and governorates, the right to deduct land, free of charge, from private properties located outside zoning areas. In return, the law offers the "benefit" obtained by adding the rest of the property to the zoning areas.

Law No. 23 also allows administrative units to expropriate informal housing areas located within zoning areas. Informal housing areas cannot be licensed because they are located in sites not designated for housing according to the general zoning plan.

More specifically, 40 percent of the total area of the property may be deducted, free of charge, from sites outside provincial centres, while 50 percent may be deducted from properties within those centres. Such deductions are meant to be for [public benefit](#).

If the deducted area of the property exceeds the previous percentage, the owner can do nothing but request compensation for the extra deducted area. This is done before a Preliminary Appraisal Committee formed in accordance with Law No. 23, and whose decisions are issued definitively. The size of the compensation payment is based on Expropriations Law No. 20 of 1983.

For its part, the Administrative Court, which handles administrative grievances, limited its role to examining how proportionate the compensation was for extra deducted areas, as is stated in its Decree No. 243 of 1977, in accordance with an earlier law for zoning and urbanisation, Law No. 9 of 1974. The rule of the court is still valid for Law No. 23 of 2015. The court justified this decision by reasoning that property deductions exceeding the previously determined percentages must be "necessary" to implement a given construction project. However, the court did not clarify what "necessary" means.

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