

Explained: Ministry of Endowments Properties

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Law No. 31 of 2018 regulates the Ministry of Endowments, as well as its role in administering and investing in endowment real estate properties.

Under Law No. 31, endowment properties are defined as “movable and immovable assets set aside for God Almighty and allocated for the public benefit in accordance with Islamic Sharia law”. The endowments system has long been recognised and is related to allocating properties for the benefit of orphans, the poor, students, the homeless and others. Ownership of such properties is considered to be out of the hands of the actual owner, by his will, such that the properties benefit the public. It is not permitted to transfer ownership of such properties because they are “under the rule of God’s possession”. Such endowments were widespread during the Mamluk and Ottoman eras, and special departments were formed to regulate them. They still exist today in most Muslim-majority countries.

Law No. 31 classifies endowment properties as having a special nature: they are neither state nor individually owned properties, although most were originally owned and then donated by individuals. Endowment properties can include mosques, convents, schools, libraries, cemeteries, and shrines.

Prior to Law No. 31, endowment properties were leased for long periods of time and were subject to [the system of compulsory extension](#). However, the law obligated the tenant to repair and restore the property if it faced damage due to war, within two years of the date the property was granted to them by the Ministry's Directorate of Endowments. Tenants must pay for repairs at their own expense but have the right to claim compensation later on. They must also continue paying rent to the Directorate of Endowments throughout the lease period, or else the rental contract is annulled.

The issue, however, is that many endowments property tenants have fled their homes or been forcibly displaced. Some are unable to return, as they are wanted by the regime’s security forces. This makes it difficult for them to repair and restore the properties within the two-year time period, even if they continue paying rent through intermediaries.

Law No. 31 also grants the Central Endowments Council, which is headed by the Minister of Endowments and has broad powers, the right to prevent tenants from restoring destroyed properties. The council may take the property back if it decides that a more useful building may be constructed in its place. Under the law, the tenant of such a property is given priority to rent another property from the Ministry in the same location, with a different surface area, contract and rental price.

Article 52 of Law No. 31 allows the Ministry of Endowments and the Central Endowments Council to sell, mortgage or exchange such real estate, even though this measure violates the basic principle of endowments, which prohibits the sale or disposal of endowment assets outside the purpose they were intended for.

Recently, the Ministry of Endowments and related agencies began implementing parts of Law No. 31, including taking back endowment properties and offering them for investment. This has occurred so far in Aleppo city’s Masaken Hanano neighbourhood, as well as the Old City centre. Both neighbourhoods were heavily destroyed during the war, with residents forcibly displaced by the regime in late 2016.

Announcement of a public auction of endowment properties

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Source: Ministry of Endowments

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