



**Guidance Note on Housing, Land and Property (HLP) for Mine Action
Implementers in the Syrian Arab Republic (Syria)**

Table of Contents

PURPOSE AND SCOPE OF THE GUIDANCE NOTE	2
BACKGROUND TO MINE ACTION AND HOUSING, LAND AND PROPERTY IN SYRIA	2
EXPLOSIVE HAZARDS IN SYRIA	2
HLP IN SYRIA	3
LINKING MINE ACTION AND ISSUES OF HOUSING, LAND AND PROPERTY	4
GENERAL HLP-RELEVANT PRINCIPLES FOR MINE ACTION PROGRAMMING	5
1. ENSURE AWARENESS ABOUT THE RELATIONSHIP BETWEEN HLP RIGHTS AND MINE ACTION IN YOUR TEAM	5
2. MAP KEY HLP ACTORS	5
3. BE AWARE OF LOCAL CONFLICT DYNAMICS	5
4. PARTICIPATE IN SHARING EXPERIENCES AND LESSONS LEARNED REGARDING HLP AND MINE ACTION	5
<small>ERREUR ! SIGNET NON DEFINI.</small>	
INTERVENTION-SPECIFIC REQUIREMENTS	6
REQUIREMENTS RELATED TO COMMUNITY LIAISON AND CONTAMINATION IMPACT SURVEY	6
REQUIREMENTS RELATED TO SURVEY, MARKING AND CLEARANCE OF PUBLIC AND PRIVATE PROPERTY	8
BEFORE IMPLEMENTATION	8
DURING IMPLEMENTATION	9
AFTER IMPLEMENTATION	10
GLOSSARY	11
ANNEX	12

PURPOSE AND SCOPE OF THE GUIDANCE NOTE

Recognising the challenges for mine action in the current Syrian context, this guidance note aims to support humanitarian mine action implementers to conduct housing land and property (HLP) Due Diligence in order to:

- Achieve as much legal certainty about HLP rights¹ as is reasonable in the context of remote management, taking into account existing constraints on access, resources and time.
- Minimize, as much as possible, the risk that mine action programming causes or contributes to HLP disputes to ensure that the conduct of mine action activities and resource allocation protects rights and complies with Do No Harm principle²
- Ensure conflict sensitive and gender sensitive programming, while respecting the “Principles and Parameters for United Nations assistance in Syria”³.

The guidance note seeks to provide a set of underlying principles and requirements that will apply to mine action activities across all of Syria, with the understanding that the HLP issues that mine action organizations are likely to encounter will vary depending on the location. It aims to ensure that HLP is taken into account during the different phases of mine action operations, while encouraging mine action operators to work in close collaboration with HLP experts should they encounter any HLP-related issue.

Given the ongoing conflict and the fluidity of the situation in Syria, the Mine Action Sub Cluster will assess new information as it arises. Finally, it is important to acknowledge that Syria remains in the midst of an ongoing war. The political dynamics remain fluid and it is necessary to constantly seek out and assess new information. Lack of access remains a significant constraint, and information gaps will likely persist for the foreseeable future. This guidance highlights the findings from humanitarian workers, but also points out that there is still much that is not understood, and that analysis will be needed on an ongoing basis.

BACKGROUND TO MINE ACTION AND HOUSING, LAND AND PROPERTY IN SYRIA

Explosive Hazards in Syria

In the seventh year of the Syrian conflict, weapons with wide-area effects continue to be used in densely populated areas, increasing the likelihood of civilians being injured or killed and leading to the contamination of HLP and vital infrastructure.

Approximately 8.2 million people are living in communities reporting explosive hazards, with more than three million children estimated to be directly exposed to these risks⁴. The presence of these explosive hazards restricts movement, is a barrier to meeting basic needs and prevents the delivery of humanitarian aid. Furthermore, key infrastructure such as housing, schools, health centres, and water/sanitation systems have been repeatedly targeted by explosive weapons. Future reconstruction efforts will require the integration of a mine action component. The presence of explosive hazards also poses severe danger to voluntary returns and movements of IDPs.

Agricultural lands are reported to be contaminated in 33% of assessed communities with 90% of all assessed sub-districts somewhat affected. Private property is reported to be contaminated in 17% of

¹ Achieving legal certainty about HLP rights means ascertain, with as much certainty as is reasonable in the context, who has ownership and other rights (e.g. right to use) over the land to be cleared. This process is described at page 4 of this Guidance Note.

² Humanitarian actors must prevent and mitigate any negative impact of its actions on affected populations

³ As attached in the annex.

⁴ 2018 Whole of Syria Protection Needs Overview. Available online:

https://www.humanitarianresponse.info/system/files/documents/files/2018_wos_protection_needs_overview_0.pdf

assessed communities, representing 3 million people¹. These statistics highlight the dangers being faced by urban and rural areas, each with their own sets of challenges. Given the levels of displacement in Syria, the need to incorporate issues of HLP rights into mine action efforts from the outset of an intervention cannot be overstated. Clearance of hazards from homes, schools, and fields will facilitate the safe return of IDPs and refugees, but mine action efforts should involve HLP actors to ensure that clearance does not give rise to new HLP disputes, lead to forced displacement, or serve to reinforce or exacerbate economic or political inequalities and tension in the communities.

HLP in Syria

Housing, land and property rights are about having a home, free from the fear of forced eviction; a place that offers shelter, safety and the ability to secure a livelihood. HLP rights are referenced and defined in several international human rights instruments, and organizations providing protection and assistance to persons affected by crisis should respect the human rights, including HLP rights, of affected persons at all times, and advocate for their promotion and protection to the fullest extent. The concept of HLP includes the full spectrum of rights to housing, land and property held according to statutory or customary law or informally, both public and private housing, land and/or property assets.

HLP rights include:

- The right to adequate housing
- The right of access to natural resources, such as land and water
- The right to security of tenure and protection against forced eviction
- The right to non-discrimination in accessing HLP rights, which often entails special protection for the most vulnerable and marginalized

Land tenure is the relationship among people, as groups or individuals, with respect to land. The rules of tenure define how property rights are allocated within societies, and define how access to rights to use, control, and transfer land, are granted. The land tenure systems determine who can use what resources, for how long, and under what conditions.

There are many forms of tenure arrangements, ranging from full ownership and formal rental agreements, to emergency housing and occupation of land in informal settlements. Land tenure is a relationship, which can (and often does) change over time.

Regardless of the tenure arrangement, all persons still retain HLP rights, and organizations providing protection and assistance to those affected by the war inside Syria should respect these rights at all times, and advocate for their promotion and protection to the fullest extent. Thus, people living in informal settlements, who are often internally displaced, may not possess a “legal” right to occupy the land but do still possess the right to adequate housing and the protection against forced eviction from their home.

In the Syria context, the HLP challenges revolve around a variety of dimensions, including:

- Historical grievances related to HLP;
- Multiple displacement and insecurity of tenure;
- Undocumented and irregular HLP transactions;
- HLP disputes and claims;
- Destruction and pre-conflict quality of official HLP records, including the applicable legal framework and cadastral system;
- Access to land for livelihoods (debris removal, ERW/mine/IED contamination);

- Specific HLP challenges for certain segments of the population, including notably women but possibly also future returnees (IDPs and refugees).⁵

Linking Mine Action and issues of Housing, Land and Property

Mine action interventions do not take place in a political, legal, social or economic vacuum. Activities such as survey, marking and clearance by their nature involve an interaction with land and/or property and therefore may lead to a change in their status, value or use. Organizations must consider the land rights context in which they operate, as well as the short- and long-term land rights implications of survey, marking and clearance through a process of HLP Due Diligence. If managed poorly or if carried out purely on a technical basis without taking land rights questions into account, mine action interventions can re-ignite or create new land disputes or facilitate land grabbing or HLP re-allocation for political or economic motivations. This includes resource extraction or other large-scale business activities, which can lead to forced displacement, serve to reinforce or exacerbate economic inequalities and tensions at community level, and trigger a range of other undesirable outcomes. There are also historical HLP grievances, which have underlined and shaped the current conflict. Thus, a mapping and clear understanding of who has rights to which land and whether any land disputes are apparent are vital considerations in selecting areas for priority mine action operations and in implementing those operations. This highlights the need to set priorities in close collaboration with the affected communities, keeping in mind that areas for mine action interventions will ultimately be determined by national or *de facto* authorities.

HLP Due Diligence

It is important that organizations which are involved in mine clearance conduct HLP Due Diligence to ascertain, with as much certainty as is reasonable in the context, who has ownership and other rights over the land to be cleared. The process of HLP Due Diligence involves collecting information and/ or documentary and witness evidence of ownership and other HLP rights such as the right to use. This can be done as part of the community liaison process. In addition, however, HLP due diligence tools should be developed in consultation with the HLP sub-cluster, organizations working on HLP issues, appropriate stakeholders in order to establish agreed verification procedures. Documentary evidence such as the presence of a *tabou* (land title deeds)⁶, a Court decision and utilities bills are a very good source of information regarding HLP rights. However, in Syria documentation to prove land ownership is problematic. While many Syrians had *tabou* or other papers documenting land ownership or use, many others never did – even before the start of the current conflict. Additionally, some who did possess relevant documents have lost them during displacement. Land registries have also sustained significant conflict-related damage and sometimes appear to have been directly targeted. It is not clear what records remain or how secure they are. As such, in the interests of triangulating information and confirming veracity, information should be gathered from multiple sources that have knowledge and history of the land such as: Government authorities, *de facto* authorities, long term residents and community representatives (such as *mukhtars* and religious leaders). Organizations should document the steps they have taken and the sources of information with contact details and evidence from stakeholders mentioned above, including the date it was collected.

⁵ For more information on HLP issues in Syria please refer to the NRC Briefing note “Housing land and property in the Syrian Arab Republic” available at <https://www.nrc.no/resources/reports/syrian/> and the NRC reports “Displacement, housing, land and property and access to civil documentation in the north west and in the south of the Syrian Arab Republic” available at <https://reliefweb.int/report/syrian-arab-republic/displacement-housing-land-and-property-and-access-civil-documentation> and at <https://reliefweb.int/report/syrian-arab-republic/displacement-hlp-and-access-civil-documentation-south-syrian-arab>

⁶ The “*tabou*” is the official document that is issued by the Real Estate Directorate for a private owner to hold as proof of ownership. Many Syrians will refer to the documents as the “green *tabou*,” as the original forms were on green paper.

If ownership/right to use of the contaminated land is unclear, it leaves open the possibility that someone may come and claim ownership in the future, increasing the likelihood that IDPs may be at risk of actual, or threats of, forced eviction or demands for payment. Such claimants may also attempt to block humanitarian activities.

Limitations in current context

At the time of writing, there are limited humanitarian explosive hazard clearance operations taking place inside Syria. Such operations are restricted to areas where technically trained mine action personnel can access and supervise mine action teams directly. The Mine Action Sub Cluster (MASC) continues to advocate for conditions conducive to increasing the humanitarian clearance capacity within Syria, given the foundational nature of the removal of explosive hazards for emergency humanitarian response and as an enabler for development projects in the future. This guidance note will focus on general guidance for the activities currently undertaken by mine action implementers in the current Syrian context. Revisions will be made as the range of mine action activities expands, for example, to include land release.

GENERAL HLP-RELEVANT PRINCIPLES FOR MINE ACTION PROGRAMMING

These general principles should be integrated throughout the programme cycle of any mine action intervention. The Protection Cluster, along with the Mine Action and Housing, Land and Property Areas of Responsibility (global and Syria-specific) are resources for partners to call on in adhering to these principles.

1. Ensure awareness about the relationship between HLP rights and mine action in your team

Ensure that key staff and partners understand the links between HLP rights and mine action by attending basic HLP training. Ensure that outreach teams include women to facilitate outreach and accessibility to and for female beneficiaries.

2. Map key HLP actors

Conduct a stakeholder analysis to identify the main actors working on HLP administration and management. This includes government entities, *de facto* authorities, Sharia courts, *mukhtar*, host community representatives, IDP representatives, and other humanitarian organizations working in the area. Assess how these actors relate to each other and if/how you may want to engage with them. Actors should also seek to understand any existing property disputes, as well as dispute resolution mechanisms, and whether these are accessible for vulnerable groups.

3. Be aware of local conflict dynamics

The survey, marking and clearance of land can easily become entangled in efforts by certain groups in a community to strengthen ownership over a particular piece of land or property. To mitigate this, it is therefore very important that you obtain information about any intent or any demographic changes that may have been brought about by the conflict in your area of operation. Otherwise, the risk of unintentionally contributing to land disputes and conflict-induced demographic change is high.

4. Collaborate closely with HLP Technical Working Group of the Protection Cluster

This collaboration should begin as early as possible during planning and continue throughout implementation, monitoring and evaluation, to ensure protection concerns related to HLP are considered and addressed. Bring any HLP issues arising during mine action activities to the attention of relevant Cluster coordination mechanisms, i.e., the Mine Action Sub Cluster, HLP Technical Working Groups of the Protection Cluster or relevant HLP focal points. This will enable lessons and best practices regarding HLP rights and mine action to be discussed, documented and shared among

all members. This will become increasingly relevant as the range of mine action interventions underway in Syria expands. Before sharing case-specific information, assess each instance separately to determine what level of information you can provide without the disclosure posing potential risks to beneficiaries or partners on the ground. In some cases, the need to protect beneficiaries may override the need to share information.

INTERVENTION-SPECIFIC REQUIREMENTS

Requirements related to community liaison and contamination impact survey

Effective preparatory activities such as community liaison and contamination impact survey are essential to ensuring that mine action interventions are prioritised appropriately and that they do no harm by helping to gather information on the status of contaminated land or property before marking or clearance take place. The primary goal of community liaison in mine action is to place the needs and priorities of communities affected by explosive hazards at the centre of the planning, implementation and monitoring of mine action. As an established activity within mine action, community liaison offers an opportunity to gather information that is key to ensuring that mine action interventions take account of HLP issues.

The Mine Action Sub Cluster will endeavor to provide as much information as possible on HLP actors working in Syria, as well as information on HLP issues in particular communities, in collaboration with the HLP Technical Working Group. However, nothing can replace direct engagement by mine action organizations with the communities in which they are working.

1. Identify and map local HLP actors

- In collaboration with organizations working on HLP issues, collect this information from a broad variety of locally knowledgeable and influential actors (official authorities, *de facto* authorities, local courts, *mukhtar*, *imam*, community elders, etc.), which in turn will provide you with a network of people that can help you address the HLP issues as they arise. Always try to engage with a variety of actors to triangulate information.
- Use knowledge of local staff, the Mine Action Sub-Cluster, the Protection Cluster, the HLP Technical Working Group and other protection actors to map HLP actors in the target area.
- Establish whether a local Land Registry is still functional.
- Establish which authorities (including governmental or *de facto* local authorities, Shari'a or local courts) are in charge of land and property administration.
- Reach out to local host and IDP community leaders to understand who they see as the key actors of land and property administration. Understand how these interact with each other.
- If possible, record contact information of the identified key HLP actors and share the list among your team.

2. Map HLP issues and dispute resolution mechanisms and identify potential HLP-related concerns in the community

Identify potential HLP-related concerns in the community before any intervention, through pre-intervention risk analysis/assessments. Refer to the HLP experts within the Protection Cluster and your identified network of local HLP actors to obtain this information. The following questions should be used by HLP-trained staff to collect the required information:

- What laws determine who has rights over land in the target area? In areas outside the Government control, is Syrian state law still applied? If not, which other laws are being applied?
- Are land rights generally clear in the community? How do most people obtain land here? (for

example, inheritance, purchase, etc.)

- Which HLP ownership documents were available among community members before the conflict, and how do community members prove ownership, right to use and other HLP rights today?
- Is there a Land Registry which is still functioning? If not, when did it stop functioning?
- What has happened to the private properties left behind by those displaced from the community?
- Who has taken over the management of public properties?
- Are disagreements or conflicts over HLP ownership/right to use common? What kinds of disputes are common? Has the number of HLP disputes increased since the beginning of conflict?
- Do local inheritance or other practices threaten rights to access and use of HLP for marginalized groups, such as female-headed households?
- What are the HLP dispute resolution mechanisms in place at the moment, and are these deemed effective? Are they accessible to all, including female-headed households?
- Has the demographic context considerably changed since the beginning of the conflict? Based on the feedback, assess whether this is a situation where you should be limiting the mine action intervention. Consider working elsewhere if current dispute resolution mechanisms are largely perceived as ineffective and/or inaccessible, land-related disputes seem to be running high and/or the community has experience large-scale population changes.

3. Keep community members informed about the intervention to promote transparency and trust

Keep local community members informed to obtain the support of relevant community leaders, as they need to see mine action activities as legitimate. **Keep this relationship as transparent as possible.** Explain your planned activities in the area. You must clarify very early on in the process of liaison what your organization is and is not prepared to clear and the reasons why. Ensure that local community members understand the type of planned mine action activity and its expected duration. Provide contact details of your team to enable follow-up in case of any concerns/queries by community members.

Checklist of requirements to be met for community liaison and CIS

- ✓ Coordination with HLP experts established
- ✓ Local HLP actors identified
- ✓ Complete mapping of HLP issues in relevant community to guide approach
- ✓ HLP-related issues, dispute resolution mechanisms and concerns in the community identified and documented
- ✓ Feasibility of intervention in local HLP context established
- ✓ Relationship with community members and relevant stakeholders established

REQUIREMENTS RELATED TO SURVEY, MARKING AND CLEARANCE OF PUBLIC AND PRIVATE PROPERTY

Before implementation

1. Clearly establish HLP eligibility criteria

Establish clear HLP-relevant criteria in relation to ownership over the property that is suspected to be contaminated. Such criteria need to be fully met in order for clearance to take place. These criteria should be reflected in relevant questions during the community liaison/verification process, for example:

- Why is clearance of the land or property required? Was it requested? By whom?
- Is the person(s) requesting clearance the owner, the tenant, or someone who has possession/use right of the land/property? What ownership, rental documents or other documents are available as evidence of the right? What community verification mechanism is available to verify ownership/ other rights over land? (see section 2. below)
- If owner, was the land/property purchased after the start of the conflict in this area?
- If tenant, is the owner present in the community? What is the duration of the lease agreement and does the owner grant permission for clearance?
- If any other type of right, is the owner present in the community? Does the owner grant permission for clearance?

2. Conduct HLP Due Diligence

The HLP ownership/right to use situation over the property or land in question needs to be clear **before** any work can begin. Early coordination and consultation with HLP experts is advised. Official authorities, *de facto* authorities, established community representatives (e.g. *mukhtar*, religious leaders and community elders) and neighbours are often best placed to verify ownership/right to use claims. As mentioned above, the information collected through documentary evidence (such as *tabou*, Court decision, utilities bills, etc.) should be triangulated through a verification process that involve at least three community members. Relevant community members will vary from area to area but can include official authorities, *de facto* authorities *Mukhtars*, religious leaders, other people who familiar with HLP rights, including women and men from different age groups and backgrounds. Mine action actors should engage with the broader community to ensure that the selected members involved in the verification exercise will be considered to be a legitimate and authoritative member of the community.

- Ask the land or property owner to provide an identity document (ID, family booklet, driving license or any other document) and available ownership/right to use documentation (e.g. *tabou*, land registry statement, court document, building permit contract, rental agreements, lease agreements, and housing association membership document). If the owner/user does not have an ID and/ or HLP documents, their legal identity/ rights over the land/ property should be verified through a documented community verification.
- In parallel, consult the official authorities or *de facto* authority and the community verification panel for the given piece of land/ property to verify property ownership claims (refer to community above outline of community verification mechanism). All answers need to be documented for accountability purposes, including details of who provided the information and the date it was provided. Questions should include:
 - Who owns the land/property in question? Is the person requesting clearance the rightful owner/tenant?
 - Is the ownership/tenancy status of the land/ property in question currently disputed?
 - What is the history of the land/property in question? Has the ownership over the land/ property been subject to dispute(s) before? If yes, how was it solved?

- How does the wider community feel about the planned clearance intervention? If there are strong objections, why is this the case?
- Do those who are currently living on the land/ in the property have security of tenure (i.e. do they have a clear enforceable agreement in place with the landowner regarding how long they can stay on the land/ in the property, how much rent they will have to pay etc.)? What steps have been taken to ensure that they will not be evicted from the land/ property once it is cleared or to ensure that suitable alternative accommodation (where they will have security of tenure) will be available for them?

Checklist of requirements to be met before clearance

- ✓ HLP eligibility and exclusion criteria established
- ✓ HLP Due Diligence process completed

During implementation

1. Monitor possible HLP issues by establishing clear reporting lines

Both female and male community members must be able to contact you to report HLP-related issues they are confronted with during implementation of clearance. This will enable the team to identify and respond to HLP issues before they escalate:

- Nominate (a) member(s) of your team as focal point(s) (FPs) responsible for HLP-related concerns that emerge. The FPs have to be trained in HLP and know how to address the HLP issues they are confronted with. The FP position has to remain in place throughout the entire mine action project. FPs should also include women.
- Identify local community representatives and *de facto* local authority representative(s) responsible for reporting HLP issues *as relevant to mine action* to the FPs, if and when they arise.
- Identify international and/or national organizations that are working on HLP and can provide support when needed. Establish referral mechanisms.

2. Address HLP issues as they arise

For HLP issues arising during mine action implementation that you cannot deal with yourself, it is important to have a referral system in place. To avoid the creation of a parallel referral system, link up with existing disputes resolution structures. All instances of HLP issues have to be documented and shared with relevant Cluster coordination mechanisms (Mine Action Sub Cluster, HLP Technical Working Group, Protection Cluster).

- If possible, ensure conflict mediation capacity among your team.
- Know where to refer beneficiaries to if dispute cannot be solved – e.g. local authorities, local court, community representatives and other agencies.

Checklist of requirements during a survey, marking or clearance intervention

- ✓ Monitoring system for HLP issues put in place
- ✓ Have a referral system in place for when HLP issues arise

After implementation

1. Ensure that beneficiary/complaints mechanisms are accessible

Ensure that beneficiary complaint/feedback mechanisms are accessible beyond the implementation period, to the extent possible in the given context (e.g. complaint hotline, regular site visits, feedback books).

2. Integrate HLP related questions into post-implementation monitoring

Even after implementation of a mine action project in a community, HLP issues may arise and adversely affect community members.

Integrating questions related to HLP in existing monitoring tools is one important way in which to continue obtaining knowledge about land issues related to mine action as they arise, and allows your team to either address or refer those issues to the relevant actors.

Relevant questions include:

- Has the mine action intervention been completed to your satisfaction?
- Are there any disputes over ownership/usage right of the cleared/land property?
- Have any of those living on land/ in buildings that were cleared been evicted?

Checklist of requirements after a survey, marking or clearance intervention

- ✓ Establishment of feedback mechanisms that last beyond implementation period
- ✓ HLP-relevant questions integrated into post-implementation monitoring of mine action activities.

GLOSSARY

These definitions are intended to explain some of the terms related to HLP in this document.

HLP Due Diligence: A HLP Due Diligence process involves mine action actors trained in HLP who are involved in humanitarian response ascertaining, with as much certainty as is reasonable in the context, who has ownership and other rights over the land or property which will be cleared. The process of HLP Due Diligence involves collecting information and/ or documentary and witness evidence of ownership and other HLP rights (e.g. right to use). This can be done as part of the community liaison process. In the interests of triangulating information and confirming veracity, information should be gathered from multiple sources that have knowledge and history of the land such as: official authorities, *de facto* authorities, long term residents and community representatives (such as *mukhtars* and religious leaders). Mine action actors should document the steps they have taken and the details of those they have collected information and evidence from, including the date it was collected.

Land tenure: Land tenure defines who can use what land resources, for how long, and under what conditions. Land tenure can be established in many ways, for example through statutory law or customary, informal or religious arrangements.

Land registry or cadaster: State institution administering the registration of land records within the statutory system (i.e. not including customary and informal transactions records).

Mine Action: activities and efforts aiming at reducing the impact of explosive hazards contamination on communities. In this note, mine action refers particularly to activities aiming at releasing affected land to communities, such as survey, marking and clearance.

Mukhtar: A local leader appointed by Syrian central government in an executive function at community level in Government of Syria controlled areas. Since 2011, sub-districts outside the control of the government may have appointed their own *mukhtars* in the absence of central government control.

Security of tenure: Degree of confidence that land users will not be arbitrarily deprived of the rights they enjoy over land or property, or the benefits that stem from it. Security of tenure is normally concerned with the protection from forced eviction, but in a humanitarian response it is broader than that and it helps ensure that all affected populations have security of tenure during the emergency response and beyond.

Tabou: Formal title deed issued by the General Directorate of Cadastral Affairs ("Land Registry") as proof of ownership over private property.

ANNEX

Parameters and Principles of UN assistance in Syria (October 2017)

The following initial parameters and principles shall apply to all UN actors operating in Syria in order to ensure support and assistance is provided to those in need in all areas of Syria. Note that these parameters and principles are to be developed further and would also require setting a due-diligence process to ensure implementation. These principles and parameters, including any further revisions, must also be consistent with the **principles of the Charter of the UN and relevant Security Council resolutions**.

PARAMETERS:

- Life-saving humanitarian needs remain enormous in Syria and assistance delivery through the most direct routes remains critical. **Humanitarian principles of neutrality, impartiality and independence apply to life-saving humanitarian assistance as well as early recovery and resilience activities with humanitarian objectives.** The UN, with the active engagement of the Secretary-General, will endeavour to secure the maximum possible flow of humanitarian assistance into Syria, including through the most direct route, ensuring non-interference with its operations, to sustain operations envisaged in the Humanitarian Response Plan (HRP).
- The HRP must remain humanitarian in order to ensure the United Nations can deliver on essential humanitarian activities to save lives and ensure the basic needs for people. Development or reconstruction activities that are outside this will need to be reflected in other frameworks that are by nature a longer negotiation with governments. This is essential given the complex legal and political issues involved.
- Early recovery and resilience activities in Syria, as currently outlined in the HRP, offer an opportunity to go beyond immediate life-saving assistance and offer minimum living conditions for local affected communities.
- The UN will advocate for the full range of durable solutions for IDPs and refugees, in the whole of Syria, support host communities and promote rights-based approaches in accordance with international law and standards. The UN will not promote the return of refugees and IDP, but will support returnees with a view to ensuring the safe, dignified, informed, voluntary and sustainable nature of return and reintegration, as well as the right of Syrians to seek and enjoy asylum.
- **Only once there is a genuine and inclusive political transition negotiated by the parties, would the UN be ready to facilitate reconstruction.**

PRINCIPLES

- The aforementioned activities are delivered under the following principles:
 - Principles of neutrality, impartiality and independence in mind and keeping with basic principles of **human rights-based approach** to programming, including participation, empowerment, local ownership, and sustainability.

- Assistance must be **prioritized based on the needs of the population** (rather than government driven) with a particular focus on the needs of vulnerable groups and individuals, in a manner that protects human rights as an outcome.
 - It must be **delivered in a fair, equitable, non-discriminatory and non-politicized manner**.
 - The UN shall **work directly with communities and households, such that United Nations assistance is delivered with uniformity throughout Syria, regardless of zones of influence**.
 - The UN shall consider carefully **human rights and protection implications**, especially with regard to where and how assistance is provided. UN assistance must not assist parties who have allegedly committed war crimes or crimes against humanity.
- UN assistance shall be determined consciously and explicitly without prejudice to the goals of accountability for serious human rights violations, and the goals of legitimate, equitable, and sustainable political settlement.
 - The specific needs and vulnerabilities of women shall be at the forefront of UN response planning and implementation.

Implementation and next steps

- A multi-disciplinary working group under the auspices of the UN Syria Inter-Agency Task Force (IATF) will monitor adherence to the principles and parameters agreed by the UN system in this strategy, including political, legal, and human rights as well as humanitarian and development dimensions, and will report on this to the Secretary-General.
- UN agencies, funds and programmes should strengthen internal control, monitoring and tracking systems for the implementation of UN and partner programmes in Syria, with a view of taking all reasonable steps to avoid the diversion of or interference with aid assistance.
- A consultative needs assessment would be required that takes account of both needs and principles, including future expectations. Rigorous standards of due diligence should apply, drawing from the principles of the Human Rights Due Diligence Policy.
- The UN shall apply the UN Guiding Principles for Business and Human Rights in all areas of its work in Syria, including in its post-agreement planning.
- UN funding modalities should be independent of both government and donors, to the extent possible. In this context, the UN, with the active engagement and advocacy of the Secretary-General, will endeavour to ensure sufficient donor support.
- These agreed parameters shall form the basis of common positions and coordinated advocacy with key member states and donors.