

- 124 The dollar values of banking figures are reached by converting the figures of each year to dollar using the average exchange rate of the relevant year.
- 125 Based on another assumption that the social hiring under certain criteria (such as Syrian Arab Army's martyrs' first-degree relatives) in the public sector offsets the impact of the drain in the human resources that happened in the public sector due to the internal and external displacement of the people.
- 126 In 2009, 58 per cent of firms stated that intermittent electricity was a serious concern, demonstrating the war's toll on infrastructure.
- 127 Salmon, Assaf and Francis, 2018.
- 128 Hausmann, Rodrik and Velasco, 2005.
- 129 World Bank, 2011.
- 130 The government estimated the informal sector to be 30-60 per cent of GDP, and hiring 32 per cent of workers in 2008.
- 131 World Bank, 2020.
- 132 Regulatory quality captures perceptions of the government's ability to implement and formulate sound policies that promote the development of the private sector. As per the World Bank Group's definition, rule of law reflects the perception of contract enforcement and property rights, as well as the police, courts and the likelihood of crime and violence. It implies: (1) government bound by law; (2) equality before the law; (3) law and order; (4) predictable and efficient rulings; and (5) human rights.
- 133 Corruption reflects perceptions of the degree to which public power is used for public gains, as well as the elite's "capture" of the State.
- 134 World Bank, 2017c.
- 135 World Bank, 2009b.
- 136 On average, from 2000-2011 yearly domestic credit to government and state-owned enterprises was 11 per cent higher than that to the private sector.
- 137 World Bank, 2011.
- 138 Macroeconomic environment falls under macroeconomic policies; access to finance, cost of finance, infrastructure, appropriability and market failures under structural policies; and human capital under social policies.
- 139 ESCWA, 2018.
- 140 Nazemi and Decina, 2019.
- 141 OCHA, 2017 and OCHA, 2019.

## Chapter 4

- 142 UNDP, 2012, 2019.
- 143 See National Agenda for the Future of Syria Programme, 2017.
- 144 The principles for the vision are: (1) All components of Syria seek to achieve a voluntary, safe and dignified return of the displaced Syrian people. Return is treated as a long process of reintegration that involves the rehabilitation of millions of lives, which leads to the rehabilitation of Syrian social capital and towards achieving the long-term development of the country; (2) Syria is a country where peace is the only way to achieve political will and human security is a major priority. Both find in national reconciliation the foundation for nationally owned peacebuilding and State-building processes. The priority should be given to rebuilding the culture of peace and eliminating structural violence; (3) Syria is a country where management of cultural diversity relies on the concept of citizenship, and on the common values of the Syrian society; (4) The value of solidarity is reinforced to achieve social cohesion and rebuild human capital; (5) All components of Syrian society are present and active partners in administering a dynamic public space; (6) Syria is a country where all the social fabric is represented in an inclusive and balanced manner across all domains; (7) The national Syrian economy is founded on a balanced macro-economic model that serves the achievement of comprehensive development and ensures the social protection of all its citizens, who actively participate in the inputs and outputs of the development process; (8) Syria is a country where public institutions are run by the principles of good governance, are capable and administratively decentralized, and the national administrative structure is transparent, accountable and inclusive; (9) Syria is a country that seeks to achieve recovery and reconstruction of the infrastructure, to generate knowledge, creativity and innovation and deploy them in the administration and protection of resources to account for the needs of coming generations. It uses information technology and communication to support peace and growth.
- 145 Gobat and Kostial, 2016.
- 146 Hinnebusch, Imady and Zintl, 2016.
- 147 From the NAFS Programme Strategic Policy Alternatives Framework (SPAF), 2017 document, and reflect the type of the Syrian Arab Republic it is hoped will emerge from this tragedy.
- 148 According to UNHCR, non-refoulement constitutes the cornerstone of international refugee protection. Enshrined in the 1951 Refugee Convention (or Geneva Convention) it provides that no contracting State shall expel or return (refouler) a refugee in any manner to the frontiers of territories where his/her life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion.
- 149 See Walter, 2004; Fearon and Laitin, 2003; and Collier and Hoeffler, 2004.

- 150 On 15 October 2011, President Bashar al-Assad issued decree no. 33 appointing a national assembly for crafting a new constitution. The draft was put to a referendum on 26 February 2012 and approved by a declared 89.4 per cent, amid widespread condemnation and boycott of the process by several leading opposition groups. Since 2011, more than 665 laws, presidential decrees and decisions have been passed; 435 were presidential decrees, implying a persistent centralization of power and the executive dominating all three branches of government. These include laws on the functioning of the judicial and court system, such as establishing a Supreme Constitutional Court to arbitrate on the legality of laws and decrees (decree no. 35/2012, law no. 7/2014) cancelling the State Security Court that operated without due process and targeted political dissidents (decree no. 53/2011), and establishing anti-terrorism laws and a terrorism court (law no. 19/2012, law no. 22/2012) and a communications and information technology-related crimes court (law no. 9/2018). They also include those related to basic political rights and freedoms, including lifting martial law (decree no. 161/2011), organizing the right of peaceful protest (decree no. 54/2011, decree no. 110/2011, decree no. 9/2012 amending law no. 148/1949 to increase fines on illegal protests), regulating the role of judicial police (decree no. 55/2011), punishing state employees for moral or material support for terrorism (decree no. 20/2012) and regulating internet and informational crimes (decree no. 17/2012) and general amnesties (decree no. 15/2016; 7 March 2011). Laws organizing political parties (decree no. 100/2011) and elections (decree no. 101/2011, law no. 5/2014) and those related to the media were established (decree no. 108/2011, decree no. 23/2016).
- 151 There are flaws in the substance and content of the laws and policies. As the ratio of presidential decrees to laws indicates, they reflect extreme centralization of power. The Supreme Constitutional Court's (law no. 7/2012) independence is compromised by being appointed by the president, and the scope and purview of its judicial review is restricted. The laws governing political life were flawed and restricted, and in practice not observed. While martial law was lifted (decree no. 161/2011), the upper limit of detention fixed at 60 days (decree no. 55/2011) and the right to protest recognized (decree no. 54/2011), the reforms were ignored, and the security sector continued to act with impunity.
- 152 According to the United Nations Rule of Law "requires measures to ensure adherence to the principles of supremacy of the law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency". For more please see: "United Nations and Rule of Law" <https://www.un.org/ruleoflaw>.
- 153 National Agenda for the Future of Syria Programme, 2016.
- 154 Property and land tenure systems were complex, consisting of several types of tenure, including: (1) mulk (private ownership); (2) amiri (state land); (3) matrukah murfaqah (State land with collective usage rights); (4) matrukah mahmiah (public land such as public gardens, roads, streets, at all levels of governance and part of public domain); and (5) khaliyah mubaha (State land that has not been delegated), among other rights of usage, renting, sharecropping, mortgage and lease. In reality, they are part of a spectrum, with the public-private distinction blurred due to rent, usufruct and other usage rights. Significant informal housing existed where property ownership was unclear. War has resulted in massive displacement, forced displacement after property seizure, and destruction of property. Seizing property of alleged dissidents has been a practice, along with attempts at forging land deeds.
- 155 National Agenda for the Future of Syria Programme background papers on housing, land and property for analysis of real estate laws.
- 156 S/2019/639.
- 157 S/2019/674.
- 158 The Counter-Terrorism Court had been established through Law No. 22 of 2012. See Human Rights Watch, 2013; الجمهورية العربية السورية، مجلس الشعب، 2012.
- 159 See Syrian Center for Policy Research, 2017; Koizumi, 2019.

## Annex

160. 2017, حميجو
- 161 Syrian Arab News Agency, "The war on Syria: its implications and prospects", Conference report, 25 May 2017.