1. **Introduction**

The United Arab Emirates currently faces several different land-related issues. Some of the most significant of these are linked to environmental issues such as land degradations and desertification. These issues are a result of the impact of the increasing population and urban real estate development as a result. These conditions lead to over-exploitation of what natural resources they do possess. Additionally, the naturally high temperatures and humidity custom to the country further land degradation.

The United Arab Emirates consists mainly of desert areas however, it should be noted that Dubai has had a large amount of urban growth with a growth of 224 square kilometers in 2005 compared to the previous 149 square miles in 1993. This urban growth also accounts for artificial land along the coast to increase its coastline.

Land use in the United Arab Emirates is governed by the municipality of each Emirate. On the 1st of February 2018, it was announced that the ruler of Dubai had issued his first decree of 2018 to regulate the sale of land and houses granted in Dubai. It aims to not only protect households and preserve the demography of citizen’s residential area but also give housing solutions for the beneficiaries of grants and their families.

1. **Overview of Important Land Legislation and Regulations**

In the UAE, constitutional protection of property rights is mentioned in two different articles. In Article 21 of the constitution of the United Arab Emirates, it states that no one is to be denied their private property with the exceptions to public benefit following the provisions seen in the laws and requires just compensation. Article 22 of the constitution of the United Arab Emirates attaches a duty to citizens to protect public property and sanctions for breach in this duty.

These provisions however are not implemented on a single national-level legislation but are rather implemented by each individual Emirate state. Within each Emirate state there are regulations imposing laws on protection of property rights, which is primarily enforced by the individual municipalities or an appointed authority in control of real-estate regulations.

1. **Land Transfer, Allocation, and Lease**

There are different legal processes involved in how land can be expropriated, leased, or otherwise transferred in the UAE that may be of interest.

The legal process to lease land in each Emirate state may differ in law but in the case of Dubai the relevant rules are found in law stated by the RERA (Real Estate Regulatory Authority). With regards to Abu Dhabi, Law No. 19 of 2005 (later amended by Law No. 2 of 2007) introduced articles relating to ownership, development, leasing and mortgaging of land and real estate in Abu Dhabi.

Currently there are no rules governing the process and compensation in the event of expropriation in the UAE and the individual Emirates have the discretion to deal with it differently. In practice, expropriation would only occur in case of a reasonable development or public interest that would be compensated generously. However, as of 2012, non-nationals have not had land expropriated, thus the process has yet to be seen in practice and is only dealt with theoretically.

1. **Land tenure classifications**

There are three main different land tenure classifications recognized in the UAE.

The first is freehold, the highest form of property right, allowing individuals to own and occupy a property by possessing a title deed from the specific emirates.

Secondly, a usufruct right is the ability to enjoy use of another’s property. The UAE Civil Code governs real estate property under articles 1333 to 1362. Article 1333 defines a usufruct right given to the usufructuary in order to use real estate owned by another and exploit it as long as it remains. Articles 1337 to 1378 deal with the rights and obligations of usufruct agreements. Termination of such an agreement is contained under article 1344 of the UAE Civil Code.

Each Emirate in the UAE governs its own law with regards to usufruct, leaseholds and free-holds for UAE nationals and non-nationals.

A third type of tenure are musataha rights, giving the right to plant or build on land which can be said to be similar to usufruct. This has a maximum duration of 50 years, furthermore, the musataha holder has the right to assign or transfer the right along with any improvements to a third party.

With leasehold property, rights to a property are available to the tenant only for the length of the lease agreement with the freehold owner of that real estate, as well as this, the periods categorizing leases which require registration differ between Emirates.

Another type of tenure is use and residence right which is contained in the UAE Civil Code and per article 1352 that usufruct rules shall apply.

Lastly, easements are rights by one party over the property of another and is generally registerable against the title deed of the property which includes rights to traverse property or receive the supply of utilities over the property of another.

Furthermore, it should be noted that all documents which are non-testamentary that create, declare, assign, limit or extinguish any right, title or interest to or in any immovable property are subject to mandatory registration with the relevant Emirate’s Land Registry which shall be in accordance with the laws of that respective Emirate.

Generally only UAE and Gulf Cooperation Council (GCC) nationals are permitted to own property throughout the UAE, however, non-UAE nationals may acquire the same ownership in what is called designated areas or within investment zones as determined by each Emirate’s governing body. With regards to Dubai, as a result of article 4 of Law 7/2006, UAE nationals, Gulf Cooperation Council (GCC) nationals and companies fully owned by either of these may own property anywhere in Dubai. A non-UAE or GCC national may only own a freehold, leasehold up to 99 years or usufruct also up to 99 years in designated areas of which are listed in Regulation 3/2006 as amended by regulation 1/2010.