

CASE STUDIES ON LAND AND CONFLICT IN THE ARAB REGION



SYRIA War disrupts land use and results in violations of housing, land and property rights

Figure 1. Syria Source: IHH Humanitarian Relief Foundation.

NATURE OF THE CONFLICT

Since 2011, Syria has been plagued by a war that began as civil unrest and grew into an international conflict, in light of the strategic position of the country and the presence of natural resources vital to food and industrial production: fertile lands, water, oil, and gas, including the newly discovered gas reserves (Sputniknews, 2017).

Conflict, displacement, the destruction of infrastructure, livelihoods, social ties, and the aggravating impact of international sanctions forced 80% of the Syrian population below the poverty line (Maya, 2021) and caused a severe contraction of the national economy.

The conflict claimed over 400,000 lives, caused millions of debilitating injuries (Human Rights Watch, 2021), and created the largest refugee crisis in decades (UNHCR, 2021), with more than 6.7 million Syrians internally displaced, and other 5.6 million who fled the country.

Since 2011, Syria's territory has been undergoing successive stages of occupation, fragmentation, and reunification between the parties to the conflict, domestic and foreign, which occupied strategic and resource areas. Agricultural lands have been severely degraded. Food production systems in the north, east, and south have collapsed, triggering a food crisis in what had been a relatively food self-sufficient country (Syrian

1 The information contained in this report is dated 2021. Subsequent events are not included, such as the 2023 earthquake that struck Northern and Western Syria resulting in widespread death, injury, and destruction of properties, social services, and infrastructure, exacerbating the protection needs of people, including housing, land, and property rights.

Center for Policy Research, 2019). In 2021, 12.4 million people in Syria, nearly 60% of the population, suffered from food insecurity (WFP, 2021).¹

The disruptions caused by conflict compounded pre-existing land governance issues: lack of coordination between various ministries and national institutions, absence of regional level planning, weak institutional and technical capacities, lack of public participation in land use planning, fragmentation of agricultural lands, incomplete land registration, and a complicated set of tenure laws reflecting the pluralistic legal traditions of the country and the web of customary, religious and informal practices (Forni, 2001). In 2013, it was estimated that approximately 32% of urban populations lived in informal housing (Reliefweb, 2013) and just 20% of state land (62% of all land) was registered. Wartime HLP issues build on the chronic pre-existing problems.

■ EFFECTS OF THE CONFLICT ON LAND

■ BREAKDOWN OF INSTITUTIONS AND LAND ADMINISTRATION

The number of residential and industrial masterplans prepared has dropped significantly since the start of the war and the imposition of sanctions, while older plans remain unimplemented due to institutional challenges and a lack of funding, oil, and equipment. The weak legal and institutional systems have spurred the black market for real estate, compounding the disorganization and inequities in the Syrian land tenure system.

The land administration system already had weaknesses before 2011. Many land records are unrecorded, inconsistently updated, and not digitized. Additional challenges emerged with the conflict: property damage and destruction, conflict over tenure rights, fraudulent land transactions facilitated by the absence of owners. Many governmental registry offices have been destroyed along with the records they contained, forcing people to increasingly rely on informal supporting evidence to prove ownership and other forms of HLP rights.

The gap left by the state in providing personal and legal documents, including land and property documentation, civil documentation such as identity documents, marriage

and birth certificates, has been filled by various other actors, including warring factions and informal brokers (*samasira*).

While state-issued documents remain the preferred choice, the breakdown of institutions forces Syrians to resort to unofficial documents by necessity. Lack of civil and housing, land and property (HLP) documentation increases the risks losing HLP rights, particularly in the case of death or disappearance of family members. Women and children are particularly vulnerable, as they are unable to inherit or transfer the properties to their name. As a result, many sales are conducted informally or with unofficial records, leaving owners in a precarious position vis-à-vis state law and under increased risks of property confiscation and theft (Al-Zien, 2019).

Many refugees and IDPs lack formal documents, which threatens their HLP rights. The absence of such documents is made worse by contradictions and inconsistencies in the legal system. For example, Syrian courts have stated that a year-long absence justifies the termination of a lease but have also forbidden evictions due to absentia. Areas outside of state control have also been subject to absentee laws, allowing the de-facto governing actors to confiscate lands of displaced persons (Al-Zien, 2019).

■ INCREASE OF INFORMAL HOUSING

In an emerging post-conflict environment, the presence of large numbers of informal housing can create additional complexities in recovery and reconstruction strategies and may fuel new social conflicts.

Prior to the crisis, over half of Syria's population lived in urban and peri-urban areas. The regional planning commission estimated that approximately one-third of urban dwellers (3.4 million people) lived in informal settlements before 2011, with nearly half of Aleppo and 40% of Damascus residents living in informal housing. The hostilities erupted in 2011 resulted in mass migration from rural areas to relatively safe cities where people sought security and livelihoods, contributing to the expansion of informality.

While informal housing construction continued well into the early years of the conflict, massive housing

CORRUPTION AND THE TRANSFER OF PROPERTY

I had to leave my home in Dummar, Damascus, and travel with my family outside Syria to escape the violence and war, looking for safety and security for my children and my family. I came back after a year to finish transferring and ownership registration of my house, which I had been paying in installments from 1984 to 2014. When I went to the concerned authority, they told me that there is not any house in my name, and that it was sold by the Housing Cooperative Association to one of the influential judges, who sold it to another judge. Of course, I have all the supporting documents and receipts for paying the installments of the house over a period of thirty years, in addition to all the invoices with the companies that carried out the painting and repairing the house. However, the issue of reclaiming my house has been going on for more than seven years in the basements of the courts that are rife with corruption and bribery, as there are hundreds or even thousands of cases of this kind. Judges and lawyers were often involved in such transactions, which in turn contribute to threatening the social and economic structure of the Syrian people.

(Maya, interview with Fadi, who left Syria in 2014)

damage was sustained, especially in these areas. Due to the diminished state control over some areas and to the desire of avoiding confrontation with local communities in others, informal housing spread further. The collection of reliable data on informality also became more difficult.

Many informal areas were targeted by violence and destruction. In the outskirts of Damascus, Hama and Aleppo, some neighbourhoods were completely or partially destroyed, and in some cases new residential areas have appeared. During the recent years, several new real estate development initiatives targeting damaged locations and informal settlements emerged in major cities in Syria. These initiatives posed significant risks to HLP rights that were already in jeopardy in these locations.

INCREASED STRESS ON URBAN RESOURCES

The conflict has exacerbated urbanization rates and the pressure on land and natural resources. In 2020, 55.5% of the population lived in urban areas. Refugees are concentrated in certain cities, such as Aleppo, Latakia, Tartous, and other urban centres in the greater rural Damascus which hosts 40% of Syria's 6.7 million IDPs. These new arrivals place further strain on badly damaged housing and urban infrastructure (UN-Habitat, 2021). The war has taken an immense toll on infrastructure and residential districts. The historic centres of Aleppo, Homs, Deir ez-Zor, Dara'a, Douma, and Daraya have

been destroyed or severely damaged (UN-Habitat, 2022). Around 35% of urban schools and over half of hospitals are not operational. Around 760,000 urban housing units have been damaged or destroyed, making access to adequate housing in Syria a hard to reach target. Moreover, the 2021 Humanitarian Needs Assessment estimates that 5.88 million people are in need of shelter due to the loss of capital and destruction of housing infrastructure. According to the same report, 31% of the population live in inadequate housing conditions, 50% of returnees live in damaged buildings and 26% of IDPs



Figure 2. Informal housing in Latakia. Source: Authors.



Figure 3. Destruction of urban infrastructure, Homs, Syria, 2013. Source: Authors.

live in damaged/unfinished buildings or public and non-residential buildings.

■ LAND DEGRADATION, DROUGHT AND LOSS OF ARABLE LAND

The fighting dramatically accelerated land degradation. The Arab Center for the Studies of Arid Zones and Dry Lands (ACSAD) found that 68% of Syrian lands were susceptible to desertification in 2009 (ACSAD, 2011), due to climate change-driven drought destabilizing ecologies, rural livelihoods, and population pressure, prompting unsustainable resource use. The drought was worst in areas home to Syria's most vulnerable, agriculture-dependent families.

These effects, coupled with the war's continuous destruction of agricultural lands and projects, contamination of the productive agricultural lands with UXOs/ERWs, shrunk cultivated areas by 943,000 ha per year between 2010 and 2018. As of 2019, only 24% of available lands were cultivated, while the desertification rate peaked in 2014 at 75% (Mohamed, Anders, and Schneider, 2020).

As Syria enters its second decade of warfare, both displaced and local communities continue to suffer from inadequate access to basic amenities, such as water and fuel, pushing them to resort to mechanisms that come

at huge financial and environmental costs. The excessive pumping and use of water, unsustainable management of land, soil contamination due to makeshift oil refining and the use of wood and plastic as alternative energy feed stock resulted in high rates of desertification, salinization and pollution (Planning Commission and International Cooperation, 2020). Syria was not able to adopt disaster mitigation strategies to address such negative adaptation measures and their impact on ecological welfare.

■ LOSS OF FINANCIAL AND TECHNICAL SUPPORT AND CHANGE IN LAND USE PATTERNS

Land use patterns in Syria have deteriorated since the start of the conflict, which led to urbanization, displacement and severe shocks that hindered access to land and resources. In the first three years of the war, more than 70% of the country's area fell out of government control, mainly the Jazira and Afrin regions. Damascus lost most of its agricultural and food supply, and farmers lost their main source of financial and technical support that had sustained them on their lands. Before the war, the Syrian government provided financial support, including agricultural loans, and technical assistance, including an annual agricultural plan. Also, the state stabilised markets by purchasing farmer production. Farmers in each village were supported by the Ministry of Agriculture and local agricultural cooperatives that provided localized technical support, production plans,

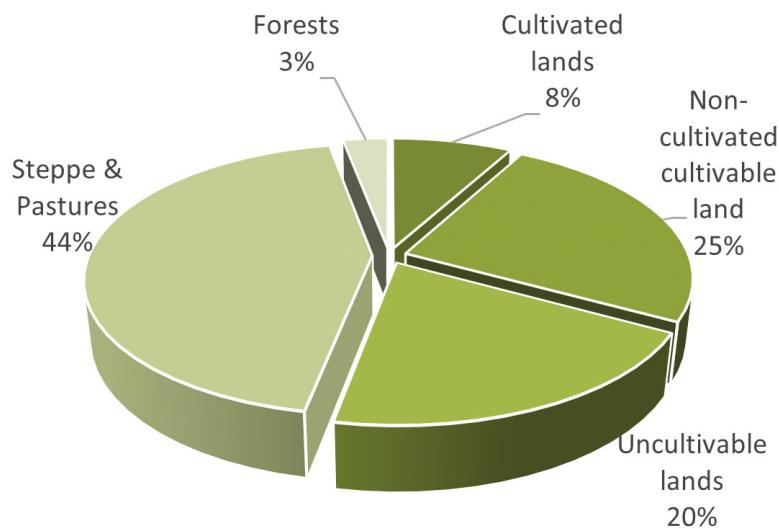


Figure 4. Land use distribution in Syria. Source: Planning Commission and International Cooperation data (2020). *The first Voluntary National Review of the Sustainable Development Goals, Syria*.

seeds, and countermeasures against pests and crop diseases. The government played an important role in facilitating the production of strategic crops: cereals and cotton in the Jazira region; sugar and olives in Aleppo and Idlep; vegetables and fruits in the southern Darra, Swaida, Qunaitra and the coastal regions. This support was stopped during the war in most regions outside the state control. These effects, coupled with the war's continuous destruction of agricultural lands and projects led cultivated areas to decline by 943 thousand hectares per year between 2010 and 2018 (Mohamed, M.A.; Anders, J.; Schneider, C., 2020). As of 2019 only 24% of cultivable lands were cultivated. Meanwhile, the rate of desertification reached a peak in 2014 at 75%.

■ ADDRESSING THE IMPACTS OF CONFLICT ON LAND

Syria needs to develop a comprehensive and integrated strategy for land administration and management, which allows public participation and guarantees people's housing, land and property rights. Land governance institutions in Syria must strengthen their capacities and coordination between national, regional, and local levels

and among the various sectors that affect and depend on land (such as housing, transportation, energy, water, agriculture, tourism, and economic development). IDPs, refugees, and all suffering from wartime insecurities in land tenure should be invited to participate in property restitution processes, including the possibility of voluntary, safe and dignified return, and the necessary protection.

Urban infrastructure requires rehabilitation and expansion to accommodate the growth in Syrian cities, and rural areas require ecological and infrastructural restoration work to facilitate the revival of livelihoods and food security levels. These expensive, politically challenging, and time-consuming measures require international, regional, and national efforts to stop hostilities, support peacebuilding and unity, end foreign occupation, and find negotiated solutions to lift the harsh sanctions² placed on Syria, to unlock recovery efforts and sustainably address poverty and food insecurity. The resolution of the refugee crisis and the HLP rights' violations are tightly linked with overall socio-economic welfare of the country, the improvement of which will be a precondition to address the needs of IDPs and refugees.

2 UN Security Council Resolution 2254 effectively banned nearly all development assistance, including technical support to Syrian land governance and administration (Council of the European Union, 2016).

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ABOUT THE CASE STUDY

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Authors: Roula Maya, Mariam Al Jaajaa, Rami Zurayk, Elle Ambler, Minerva Sadek

Reviewers and contributors: Clarissa Augustinus, Francesca La Monaca, Sina Schlimmer, Eleonora Francesca Serpi, Ombretta Temptra, Lisa Shahin, Razan Zuayter

Layout: Francesca La Monaca

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UNITED NATIONS HUMAN SETTLEMENTS PROGRAMME

UN-Habitat

P.O. 30030, Nairobi, 00100, Kenya

Tel: +254 20 762 3120

Fax: +254 20 762 4266

www.unhabitat.org

GLTN Secretariat

Facilitated by UN-Habitat

P.O. 30030, Nairobi, 00100, Kenya

Tel: +254 20 76 5199

Fax: +254 20 762 4256

E-mail: gltn@unhabitat.org

www.gltn.net



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