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HOUSING, LAND AND PROPERTY RIGHTS: A MAIN DETERMINANT FOR SYRIAN POTENTIAL RETURNEES

JIHAD YAZIGI

ANALYSIS

ABOUT THE AUTHOR

Jihad Yazigi is an IFI Associate Fellow, founder and editor-in-chief of The Syria Report, a prominent online economic digest specializing in Syria. With a career spanning over two decades, he has extensively covered Syria's economy, political economy, finance, business landscape, and international relations. Yazigi has contributed to research papers for esteemed institutions such as the European Council on Foreign Relations, Chatham House, the European University Institute, and the Friedrich Ebert Foundation. He is also engaged in co-authoring a forthcoming report on Syrian Lebanese financial ties.

Furthermore, between 2013 and 2014, Yazigi played a pivotal role in establishing and managing a working group on Syria's post-war economic reconstruction challenges in collaboration with the Carnegie Middle East Center. Leveraging his expertise, he provides research, advisory, and consultancy services to both regional and international businesses and organizations. Currently, Yazigi holds the position of visiting fellow at the European Council on Foreign Relations, contributing further to the discourse on Syria's economic and geopolitical landscape.

On February 14, the U.S. House of Representatives approved with an overwhelming majority a bill aimed at actively opposing normalisation efforts between foreign states and Bashar Al-Assad 's government.

The Assad Regime Anti-Normalisation Act of 2023 obtained 389 votes in favour and 32 against in the House and is now expected to be greenlighted by the Senate in the coming months, before being signed by the U.S. President and becoming law.[1]

The large number of votes obtained in favour of the bill indicates that isolating Assad still has considerable bipartisan support in the U.S., in marked contrast, for example, to the conflict in Ukraine. As former U.S. diplomat Joel Rayburn said on X (formerly Twitter), "not many other foreign policy bills could get 389 votes now."

The bill broadens the scope of the Caesar Act sanctions and extends them until December 31, 2032. The text also codifies into law previous sanctions and tackles the widely reported aid diversion.[2]

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The bill also addresses one aspect of the Syrian conflict that is too often neglected, namely the violation of the housing, land, and property rights, also known as HLP rights, of Syrians. The text targets "those that knowingly, directly or indirectly engage or attempt to engage in the seizure, confiscation, theft, or expropriation for personal gain or political purposes of property in Syria or owned by a citizen of Syria."

Analysts generally cite a multitude of factors to explain why refugees and internally displaced person (IDPs) do not return home, such as pressures from the security services, the militias, or the army; conscription; the lack of economic opportunities; the poor infrastructure and quality of services (electricity, water, etc). For countries neighbouring Syria, where many of these refugees live, understanding these factors is important to properly assess the obstacles preventing them from returning.

Syria remains divided into four areas of control with regular bouts of violence between them, in addition to the continuous repression of dissent in regime-controlled areas but also in other parts of the country. Meanwhile, Syria 's GDP is currently estimated at around only a third of its level in 2010 and the government is still unable to attract funds to finance any reconstruction drive, more than seven years after it took back control of most Syrian cities. The Syrian business community also regularly complains of systematic harassment by the security services and of the suffocating grip of the Presidential palace on the most lucrative business sectors.

[1] The Syria Report, 'Anti-Normalisation Act Extends Caesar Sanctions,' February 20, 2024, https://syria-report.com/anti-normalisation-act-extends-caesar-sanctions/

[2] U.S. Congress, 'H.R.3202 - Assad Regime Anti-Normalization Act of 2023,' February 14, 2024, https://www.congress.gov/bill/118th-congress/house-bill/3202/text?format=txt&q=%7B%22search%22%3A%22HR+3202%22%7D&r=1&s=6

However, one important but not reported enough factor is the violation of people 's (HLP) rights, which stands as a main obstacle for many Syrian refugees and IDPs to return to what they once called home.[3]

These violations include, of course, the vast destruction of housing during the conflict, hundreds of thousands of housing units having been partly or entirely destroyed. Nonetheless, the challenges and violations of HLP rights impacting the return of people are much more far-reaching than that. They include:

- Legislation to deprive people from returning home, facilitate their expropriation or make it harder for them to return home.
- Laws regulating urban zoning that in effect evict existing residents and prevent the returns of others.
- Pressure by security services including preventing the return of absentees.
- Obstacles to obtaining documents required for the restoration of homes.
- Widescale looting of existing properties to the extent, for example, that Syria is now a net exporter of copper despite having no copper mining activity taking place in the country.
- Higher taxation on real estate transactions.
- Contradictory legislation on zoning and property documents.
- Inflation of building materials prices.

Probably the best-known piece of legislation passed by the Syrian government during the conflict is Law No.10 of 2018,[4] which enabled it to rezone large parts of urban landscape across the country. However, since 2011, the government has passed dozens of laws on housing and real estate matters, far more than on any other sectors.[5]

Legislations have included a text on investment in large real estate development projects, a law on building violations, a rental law for housing, a planning and urban development law, a text regulating the reproduction of lost or damaged real estate documents, another on rubble removal, and the list goes on. The latest of these laws is a text enacted in December 2023 that will make it easier for the government to dispose of properties seized under a judicial ruling for reasons such as terrorism charges, which the government often levy on many opposition members.

Why is the government so focused on regulating and legislating on property matters?

One reason is that real estate is a prized source of investment, and, as the country crumbles, it is considered a safe bet that also serves as a store of value. It is particularly important as many members of the elite that emerged from the war are under Western sanctions and, hence, struggle to find safe ways to store their money. For average Syrians too, investing in real estate is a means to protect themselves from inflation and the loss of value of the local currency, particularly in a country where buying dollars without proper justification is considered a crime.

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[3] The Syria Report HLP Portal, https://hlp.syria-report.com/
[4] The Syria Report, 'Law No. 10 of 2018: Establishing Development Zones within Administrative Units,' July 18, 2022, https://hlp.syria-report.com/hlp/law-no-10-of-2018-establishing-development-zones-within-administrative-units/
[5] The Syria Report, 'The Most Notable Laws and Decrees Issued in Syria Over the Past Decade Related to HLP Issues,', January 20, 2021, https://hlp.syria-report.com/hlp/the-most-notable-laws-and-decrees-issued-in-syria-over-the-past-decade-related-to-hlp-issues/

Another reason is that legislation helps cement what is called demographic engineering, that is the displacement of segments of the population to the benefit of others, often on the basis of political loyalty towards the regime.[6] Many laws and regulations have made it almost impossible for people to return to their original place of residence. Many informal housing areas around Syria's main urban centres, where up to 40% of Syrians lived before 2011, were hubs for opposition to the regime. New legislation passed in the past decade has ensured that few former inhabitants of these areas will be able to return to what they once called home, partly because they have no property deeds.

At the same time, many laws, regulations, and practices have both an economic and political facet. Legislative Decree No.66 of 2012, for example, helped zone two areas in Damascus which at the same time hosted segments of the population that supported the uprising and were close to the capital's city centre, hence particularly valuable. The decree was used to expel large segments of the population, officially because they did not have formal property documents, but also to establish an upscale real estate mixed development close to the centre of Damascus that Syrian decision makers hoped to see become a new "Solidere." While people expelled from the area never returned, investment into the area, called Marota City, never materialised because of Syria's very poor business environment.

Also, extensive looting of housing units by regime-affiliated militias is at the same time a means of ensuring that people do not return and a significant source of economic revenues in a country where business opportunities are increasingly scarce.[7] Another example of dual-facet policies is the requirement for many people wishing to return home to formerly opposition areas, that they obtain a prior clearance from the dreaded security services, which serves as an obstacle for people affiliated, or believed to be affiliated, with the opposition, but also as a bribery-generating scheme, that is, a source of enrichment for the security services.

Real estate is also a means for the government to repay part of its debt to its allies, particularly Iran. Although the extent to which Iran is purchasing land and property in Syria is often exaggerated, in some parts of the country, such as the surroundings of the Sayyida Zeinab shrine near Damascus, Deir-ez-Zor, or Aleppo, the purchases of assets by Iranians are significant.[8]

However, the regime is not alone in violating housing and property rights. In the northern part of the country, in areas under the control of militias affiliated with Turkey, it is the original Kurdish inhabitants who are seeing their right of return increasingly compromised. Several new housing

[6] The Syria Report, 'Displace and Dispossess: How Property Laws Ensure Those Displaced by War Can't Return,' September 16, 2020, https://hlp.syria-report.com/hlp/displace-and-dispossess-how-property-laws-ensure-those-displaced-by-war-can%e2%80%99t-return/
[7] The Syria Report, 'Looting and Illegal Property Sales in Palestinian Refugee Camp,' February 7, 2024, https://hlp.syria-report.com/hlp/looting-and-illegal-property-sales-in-palestinian-refugee-camp/
[8] The Syria Report, 'Sayyida Zeinab Shrine Property Site Doubled in Size as Construction Nears End," August 26, 2020, https://hlp.syria-report.com/hlp/sayyida-zeinab-shrine-property-site-doubled-in-size-as-construction-nears-end/

projects are being developed there with little regards for the rights of the Kurds.[9] Ironically, many of these new housing units will host internally displaced people or refugees who were expelled from other parts of the country, often by the regime.

For refugees wishing to return to Syria, a host of political and economic factors stand in the way and HLP rights rank among the most important of these. Because the violation of the HLP rights of Syrians is, before anything else, a political act it is unlikely that many Syrians will be able to go home until a political settlement of the Syrian conflict is reached.

[9] The Syria Report, 'Palestinian Aid Group Builds Settlement for Displaced Syrians in Afrin,' May 9, 2023, https://hlp.syria-report.com/hlp/palestinian-aid-group-builds-settlement-for-displaced-syrians-in-afrin/

Issam Fares Institute for Public Policy & International Affairs American University of Beirut P.O. Box 11-0236 Riad El-Solh / Beirut 1107 2020 Lebanon

961-1-350000 ext. 4150

+961-1-737627

ifi.comms@aub.edu.lb

www.aub.edu.lb/ifi/

Issam Fares Institute for Public Policy & International Affairs IFI

aub.ifi

@ifi_aub

@ifi_aub

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