

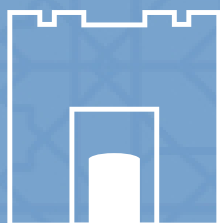
HOUSING RETURNEES IN EASTERN ALEPPO

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THE ALEPPO PROJECT



مشروع حلب

Informal settlements in east Aleppo – now under the control of the Assad government – became the most damaged areas in the battle of the city.

Yet, they are expected to provide accommodation to some **750,000** low-income returnees.

To prevent future conflicts, a reconciliation deal must be enforced that includes clear provisions on housing , land and property (HLP) rights.

HOUSING RETURNEES IN EASTERN ALEPPO

SUMMARY

After a nearly six-year battle the city of Aleppo is now under the full control of the Assad government and begins a new phase: a potentially long and arduous period of reconstruction. Since the conflict started, 33,500 of the city's residential buildings have been damaged. Satellite images taken in September 2016 show that most of destruction occurred in the eastern neighborhoods of Aleppo, particularly in informal settlements, which are expected to accommodate some 750,000 returnees if they are able to return. This area was the most heavily bombed in the city and will need to be reconstructed from the ground up.

Low-income areas in the east are going to be significant components of the post-war reconstruction. However, several threats will potentially arise: warlordism, land grabbing and widespread corruption are all likely to pose serious obstacles to returnees. So far it is not clear if the Assad government will allow people to return; in cities such as Homs it is clear that Sunni Moslems have been denied permission to reclaim their homes. To achieve social and economic recovery, the physical and emotional wounds of the city must be healed together, ensuring that the housing needs and rights of low-income returnees are respected.

To mitigate some of these threats, those involved in reconstruction should consider the following:

- There is an urgent need for a reconciliation deal that includes clear provisions on land ownership. In line with this, the provision of housing, land and property (HLP) rights should be addressed to heal social tensions and to prevent future conflicts.
- The reconstruction plan should be completed with an updated, city-level strategy and action plan for informal settlement regularization as well as for addressing the housing challenges faced by low-income returnees.
- With the number of widows rising, special attention must be given to the gender aspects of the conflict with a focus on addressing the challenges faced by low-income female-headed households.

REPORT

Housing the low-income population is a major concern for consolidating peace and recovery. Competition for land is particularly high after wars and displacement. The problem involves a wide range of actors: IDPs who never had property; those who settled in properties that belong to others; returnees whose property has been damaged or destroyed; state and businesses actors, the international community and foreign private investors. Experience shows that among this complex set of interests, housing and the livelihood needs of low-income populations are among the most neglected in post-war reconstruction, often leading to significant tensions that can undermine peace processes. Informal housing practices are likely to expand further in most post-crisis contexts. Failing to address this issue will increase the risk of new conflict.

How can low-income areas of eastern Aleppo be an exception? This report provides a brief review on history and housing policies on informal settlements in Aleppo, examines the case of post-reconstruction of Beirut and recommends approaches for the reconstruction of low-income areas in eastern Aleppo. It is beyond the scope of this paper to address all housing challenges, which were immense in Syria before the war and will have worsened given that some estimates suggest a loss of half the nation's housing stock. The focus of the paper is to anticipate the challenges that will be acute in the early phase of rebuilding: notably corruption, warlordism and legal disputes.

INFORMAL SETTLEMENTS IN SYRIA

Defining informal settlements is no easy task. According to Syrian law, there are three overlapping approaches: 1) a national legal definition 2) in relation to land tenure and 3) from the aspect of urban morphology.¹ Urban planners use a mix of these definitions to map informal settlements.²

The national legal definition differentiates between two types of illegal construction: a) buildings which were granted a building permit but the builder did not respect the terms of the permit and b) buildings built without any building permit at all. However, since in practice no documentation exists on the number of buildings built without permits, this definition is not appropriate for estimating the number of such settlements. The second definition regards land tenure. Here informal settlements are defined as those without regular land title. The third definition refers to buildings built without adhering to urban planning and building regulations.³

1 Clerc, Valerie. Informal Settlements: the Case of Syria. Public Presentation at the Workshop: „Urban Upgrading and Rehabilitation Experiences in Jordan and the Near East.” 2000.

2 Informal settlements regard land and buildings. However, the term is also used to refer to larger informal areas with informal housing practices.

3 Wakely, P. „Informal Settlements in Aleppo”. Syria, GTZ Project Report. 2008.

Informal settlements in Syria share some characteristics. First and foremost, urban poverty in the Syrian context is not restricted to informal areas. Differences between formal and informal settlements are not always profound in terms of physical and social environment. Although infrastructure and services were significantly reduced in informal areas, some settlements were still relatively well-connected to public facilities even if services were not always well-functioning. Most legally settled areas of Syrian cities in all but the wealthier neighborhoods suffer from service deficits. Primarily, the fundamental difference between formal and informal settlements lay in higher population densities.

The urban infrastructure of Aleppo's informal settlements was weak in terms of health and education facilities and lacked public spaces.⁴ However, this did not prevent residents from developing a strong local identity. Additionally, most efforts to improve living conditions was self-organized, commonly leading to building code violations and low-quality buildings.

A SHORT HISTORY OF INFORMAL SETTLEMENTS IN SYRIA

The expansion of informal settlements in Syria is associated with many factors. A key driving force was uncontrolled rapid urbanization that took hold from the from the 1950s, a common phenomenon around the world.⁵ Agricultural land became scarce, leading to massive migration from rural to urban areas.⁶ The population growth rate was very high; averaging 3.17 per cent in the 1960s, then increasing further.⁷ In Aleppo, the rate of urban population growth reached its peak between the 1970s and early 1980s and gradually slowed during the 1990s. A decline in agriculture in the 2000s and a four-year drought increased the movement of people from the country to the city. Still, the demand for housing remained still higher than the land available on the real estate market, leading to a distorted market, where a growing number of people could neither afford to buy nor rent homes. Much of this was to do with government control over land and its release only to organizations linked to the regime. Many people acquired land or housing at below market prices when land was given to government units or the military. Properties were then sold at a profit. Since home ownership was generally high all over Syria - with 80 percent of the population living in self-owned houses⁸ - the housing shortage affected low-income populations the most, particularly those who could not afford to own real estate. Low-income groups were left with no other choice than to building or renting homes in informal areas. Since the government lacked the capacity and will to monitor informal building, many took up this option. In some cases, the construction of informal areas was in effect encouraged by government-linked organizations that controlled land but did not have the capital to develop it.

4 Stellmach T., Saad, A. Aleppo Diverse - Open City - An Urban Vision for the Year 2025. Final Report of the Urban Aleppo Project Urban Development. GTZ and UBERBAU, Berlin. 2010.

5 Winckler, O. Arab Political Demography: Volume 1-population growth and naturalist polities, United Kingdom, Sussex Academic Press. 2005.

6 Ibid.

7 Winckler, O. Demographic Developments and Population policies in Ba'thist Syria, United States of America, Sussex Academic Press. 1998.

8 Beidas-strom, S., Lian, W. & Maseeh, A. The Housing Cycle in Emerging Middle Eastern Economies and its Macroeconomic Policy Implications. IMF Working Paper, Middle East and Central Asia Department, international Monetary Fund. 2009.

By the 2000s, 22 informal areas emerged in Aleppo, situated in the southern, eastern and northern parts of the city. The eastern part became known as the “crescent of the poor.” Forty per cent of the population in Aleppo lived in informal settlements before the conflict. It was this area that became the main center for the uprising against the Assad government in Aleppo and suffered the greatest levels of violence in response.

HOUSING POLICIES IN THE PRE-WAR PERIOD

In addition to these factors, the expansion of informal areas can be largely associated with inadequate housing policies. Under Syria’s national urban policy, all families were supposedly due a decent home.⁹ The experience of low-income households was however quite different. Implementation of state housing policies and various development plans were far from satisfactory.¹⁰ Housing issues were nominally included in governmental policies since the 1950s. However, it was only in the 2000s when the issue of informal settlements became a policy priority. Local governments of all major cities had to develop a master plan and a strategy for informal settlements. Most plans included ambitious infrastructure projects without addressing their financial or economic feasibility. Later studies noted that many master plans were developed without the involvement of economic or financial expertise.¹¹ The gap between planning and reality was even wider when it came to housing urban low-income people. Planners usually planned with ideal standards in mind and did not pay attention to questions of affordability. People unable to pay for houses that met official planning standards had to build outside the master plan area. This was commonly the case in Aleppo. Originally, most informal settlements developed outside the master plan area, and became part of the formal planning process later.¹²

The two common competing approaches set by master plans towards informal areas were upgrading or eradication. In the case of Aleppo, the two approaches were applied by considering the question of density and structure safety. In general, the upgrading strategy was used in informal settlements with structurally sound buildings and low to medium density. Demolition was considered in the case of unsafe, high-density settlements.¹³

9 Alsafadi, H. Housing in Syria. Difficulties and Visions. Euro-Syrian Cities Congress. Aleppo, Syria, Municipal Administration Modernisation (MAM) 2009.

10 Al Khalaf, Aseel. The Production of New Affordable Housing in the Syrian Cities: The Possible Role of Procurement Processes in Improving Construction Efficiency. Thesis submitted for the Degree of Doctor of Philosophy. Heriot Watt University. School of the Built Environment. 2014.

11 Valerie Clerc. Informal settlements in the Syrian conflict: urban planning as a weapon. Built Environment, Alexandrine Press. Arab cities after ‘the Spring’, 40 (1), p.34-51. 2014.

12 Aleppo Urban Development Project. Informal Settlements in Aleppo – Rapid Profiles of All Informal Settlements in Aleppo. 2009 January. Accessed http://madinatuna.com/downloads/IS-Book_en.pdf

13 American University Beirut. Public Lecture Titled State Interventions: Between Disciplining and Upgrading. 14 May 2013. Accessed https://www.youtube.com/watch?v=EY_xKWIakVI

INFORMAL SETTLEMENTS POLICIES DURING THE UPRISING

The implementation of most urban development projects addressing informal settlements were at an early stage when demonstrations started in Syria in March 2011. Frustration with the government's urban strategy was obvious amongst residents living in informal settlements. Many of them joined the revolt, especially from urban quarters and from peripheral towns.¹⁴

Informal urbanization accelerated after the revolt. Although there are no official statistics on the number of newly built informal houses after the uprising, anecdotal evidence from inhabitants as well as satellite images confirm that illegal construction started to boom in all major Syrian cities. According to interviews with urban planners, the growth rate was around ten percent in Damascus.¹⁵ Urban planner and architect Valerie Clerc explained this phenomenon with the survival strategies of informal settlement residents: many families channeled their investments for the sake of securing financial security.¹⁶ At the same time, the revolts limited local authorities' abilities to control informal growth and thus led to the growth of informal housing. Aleppo's informal settlements expanded significantly in all directions. Later, as the conflict accelerated, many of these newly built housing units were used to accommodate IDPs.¹⁷

In response to the unrest, the government implemented socially targeted programs and slum upgrading strategies to please the public. The most notable example was the Public Establishment for Housing, which aimed at providing subsidized housing for 50,000 low-income households.¹⁸ However, these measures were mostly seen as an attempt to appease public anger after decades of social neglect. The unrest continued, which eventually led to the cancellation of all major international development programs. By the spring of 2011, most international donors and development agencies had terminated their projects and left Syria. It was only after most international organizations had left that the regime changed its strategy and started to use urban policies as a weapon to fight against the rebels.¹⁹

THE IMPACT OF THE CONFLICT ON HOUSING

About 2.25 million residents of Aleppo have been severely affected by damage to housing and building stock and 1.2 million inhabitants have been forced to leave their homes due to severe housing damage.²⁰

14 Valerie Clerc. *Informal settlements in the Syrian conflict: urban planning as a weapon*. Built Environment, Alexandrine Press, 2014, Arab cities after 'the Spring', 40 (1), p.8

15 Anonymous Middle East professor. Phone interview. 2016.03.25.

16 Valerie Clerc. *Informal settlements in the Syrian conflict: urban planning as a weapon*

17 Ibid. p. 9.

18 Sana. "Le ministère de l'Habitat annonce la souscription au projet de /50/ mille logements dans les gouvernorats syriens" 22 January 2012. Accessed <http://www.sana.sy/fra/51/2012/01/22/395851.htm>.

19 Valerie Clerc. *Informal settlements in the Syrian conflict: urban planning as a weapon*.

20 REACH. *Key Informants Assessment Report*. Syria Crisis – Aleppo City. June 2014.

It is estimated that 33,500 residential buildings have been damaged since 2012. Satellite images taken in September 2017 show that most of destruction occurred in the east of Aleppo.

While most damage analysis has focused on identifying the number and level of housing destruction, little attention has been paid to the issue of housing maintenance. The half-decade of civil war postponed most housing maintenance work, with some housing becoming uninhabitable. If these houses are also counted, the number of damaged houses is even higher. Much of the damaged housing in Aleppo is in multi-story buildings with multiple owners, meaning that reconstruction will be slow and complicated.

According to a recent report of the United Nations Office for the Coordination of Humanitarian Affairs published in January 2017, around 56,000 residents have been officially registered in east Aleppo.²¹ Others suggest that an additional 750,000 people could potentially return to these devastated areas. Although the pattern in other cities such as Homs, has been for the government to restrict the return of Sunnis to areas that were once held by the rebels.

BEIRUT'S POST-WAR RECONSTRUCTION

The reconstruction of Beirut after the Lebanese civil war offers a rich case study on how the rebuilding of a city can go wrong and have a disastrous impact on the welfare and security of residents. The shortcomings of the reconstruction still pose a heavy burden on the residents of Beirut.

The Lebanese civil war fundamentally changed the landscape of informal settlements. Before the civil war, most informal settlements were concentrated close to the industrial areas in the northeastern suburbs. After evictions followed by the outbreak of the civil war, many residents looked for shelter in southern suburbs and occupied public and private lands,²² which incrementally led to the expansion of urban slums.

The reconstruction of Beirut started in 1991 with two ambitious national plans, the National Emergency Reconstruction Plan (NERP) and Plan Horizon, financed mostly from through foreign and internal loans.²³ The most notable projects included the reconstruction of downtown Beirut; the rehabilitation of the North Coast (Linord) and the Elyssar Project, designed to rehabilitate the southern suburbs of the city.

21 OCHA. 2017. Syrian Arab Republic: Aleppo. Situation Report 13. 12 January 2017. Available at: http://reliefweb.int/sites/reliefweb.int/files/resources/aleppo_sitrep_13.pdf

22 Fawaz, Mona and Peillen Isabelle. The Case of Beirut, Lebanon. In UN-Habitat UNDERSTANDING SLUMS: Case Studies for the Global Report 2003.

23 Fawaz, Mona and Peillen Isabelle. The Case of Beirut, Lebanon

The reconstruction of downtown Beirut occupied a central place among these projects. The post-war Hariri government put most of its resources into redeveloping the city center for business and tourism and did not pay much attention to addressing wider social needs such as public transit and low-income housing.²⁴ Similarly, its approach towards informal settlements was based on the government's neo-liberal agenda. The Hariri government used large-scale infrastructure projects plans to eradicate informal areas, especially on lands where squatters lived with high market values such as the city core and the old green line. Some monetary relocation packages were given to families displaced by the civil war who squatted in these abandoned buildings.²⁵ Upgrading informal settlements was rarely considered as an option with a preference for evictions and for the realization of new development projects. With the lack of affordable housing alternatives, many evicted families moved to the crowded southern suburbs and other distant areas.

A noteworthy exception was the Elyssar project, the public agency responsible for upgrading slums in the southern suburbs. Elyssar was the first public institute which recognized the importance of providing housing solutions for displaced populations.²⁶ Though this new approach was undoubtedly important, in practice it was not consistently applied. The vast majority of investment was still spent on building roads, serving the needs of upper-income populations with cars. Investment in the rebuilding of the city gradually slowed down in the 1990s and the issue of low-cost housing became less of a priority.

While each post-conflict situation is unique, assessing failures encountered in the rebuilding of Beirut offers some powerful lessons. The rebuilding of the city center should be a key component of the post-war reconstruction plans, but it is equally important to develop an integrated master plan for the whole city. By focusing on large-scale showcase projects that served upper class interests, the reconstruction plan of the post-war government missed the opportunity to heal social tensions within Lebanese society.²⁷ This shortcoming still has tangible effects on everyday life in Beirut, where 28 per cent of the population still lives below the poverty line.²⁸ Poor city management and design has also been a factor in sustaining the deep sectarian divisions in the city as people turn not to a city or national government for responses to problems but to religious groups and their political parties.

CHALLENGES FOR POST-CONFLICT HOUSING RECONSTRUCTION

Low-income areas in eastern Aleppo are expected to accommodate some 750,000 returnees. However, numerous challenges are likely to arise in the early phase of the rebuilding of the city.

24 Martinez-Garrido, Lourdes. Beirut Reconstruction: A Missed Opportunity for Conflict Resolution. The Fletcher School Online Journal on Southwest Asia and Islamic Civilization. Fall 2008. Available at: <https://alnakhlah.org/2008/10/31/beirut-reconstruction-a-missed-opportunity-for-conflict-resolution/>

25 Fawaz, Mona, Peillen Isabelle, The case of Beirut, Lebanon

26 Ibid.

27 Lourdes Martinez-Garrido. Beirut Reconstruction: A Missed Opportunity for Conflict Resolution.

28 UNDP. Poverty Growth and Income Distribution in Lebanon. International Poverty Centre. Country Study Number 13. 2008 January.

Corruption, land grabbing and warlordism

Construction tends to be among the most corrupt sectors of all societies.²⁹ The legacy of the war will make bribery and corrupt practices even more widespread. Land grabbing is extremely common in post-conflict environments. In post-war Afghanistan, warlords used dubious means to capture public land, often at little or no cost, which they sold to middle-income groups at higher market prices. During the Syrian conflict, we have seen clear signs of land speculation. According to unconfirmed sources, the Assad regime government established a Ministry of Reconstruction in Damascus to realize its lucrative urban redevelopment programs. Additionally, some unidentified sources have claimed that the regime burnt land registry offices and already started to sell properties before the full siege of Aleppo. The competition for land will be particularly high in well-situated, informally used areas close to affluent parts of the city. Residents of informal settlements with unclear land tenure are particularly likely to be affected.

The problem is amplified by the fact that returnees, landlords and sometimes even municipalities are not aware of housing rights, in general, either under Syrian law or international human rights law. According to the Resolution on 'Housing and Property Restitution In the Context of the Return of Refugees and Internally Displaced Persons' adopted in 1998 by the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, "refugees and IDPs have the right to "return freely to their homes and places of habitual residence in safety and security forms an indispensable element of national reconciliation and reconstruction and that the recognition of such rights should be included within peace agreements ending armed conflicts."

In 2005, the resolution was followed by the establishment of the 'Pinheiro Principles', the Principles on Housing and Property Restitution for Refugees and Displaced Persons. The document provides practical guidance to ensure housing and property restitution. It states that "all refugees and displaced persons to have the right to return voluntarily to their former homes, lands or places of habitual residence, in safety and dignity". However, in practice, due to the lack of knowledge and legal empowerment, housing and property disputes often remain unresolved. The situation is more challenging for lower income populations, who are less likely to possess clear title to land and to afford to pay for legal service to protect their informal land rights.

The Syrian tenure system is built on a range of customary, Islamic and informal rights. Whereas legal disputes in urban areas are dealt with by arbitration committees and courts at the Governorate level, traditional institutions are dominant in rural areas. Due to the civil war, however, mechanisms to secure housing, land and property rights have been disrupted throughout whole Syria. Moreover, land and property records as well as land administration systems are likely to be lost or damaged. Poor female-headed

29 Peter Matthews. This is Why Construction is so Corrupt. World Economic Forum 4 February 2016. <https://www.weforum.org/agenda/2016/02/why-is-the-construction-industry-so-corrupt-and-what-can-we-do-about-it/>

households are at risk of being disinherited and losing property, as in most families it is typically the men who hold property titles. This is going to be a significant problem given that the number of widows and female-headed households is large in any post-conflict setting.

Regrettably, in its previous efforts to facilitate post-conflict recovery, the international community failed to deal with land and property rights in a comprehensive and integrated manner. Partly, this was due to the capacity and expertise gaps around land issues in the humanitarian and the development sector. For instance, in Afghanistan, international experts advised to return land to its pre-1978 owners. This approach was later heavily criticized because it neglected the fact that defining ownership was far from obvious in the Afghan context. In Southern Sudan, international donors had no long-term strategy for addressing land issues, which resulted in unclear guidance and inappropriate technical assistance.³⁰

Land disputes are frequently a source of conflict in transitional countries and yet there is rarely sufficient investment in mechanisms to help resolve them. In Syria, there were some efforts to protect cadastral maps and land records during the conflict but not enough has been done to start planning for the resolution of post-conflict land disputes.

Reforms can be highly challenging in matters of land and property. It would be thus naïve to rely solely on post-conflict governance for tackling land tenure reforms and for resolving property debates after the fall of Aleppo. The role of international donor agencies cannot be underestimated in this situation. Therefore, the international community cannot abandon Aleppo after the end of its siege.

Many of the forces fighting on the side of the government in recent years have been foreigners or local militias that have gained considerable power. In the immediate aftermath of the fall of eastern Aleppo there was widespread looting by militias. In this environment it is likely that warlords will emerge as key actors in any reconstruction. In many post-conflict environments, armed groups emerge as important economic actors, controlling key resources such as land, housing, water, electricity and food. Access to these resources is used as a way to limit returns to those who support the regime or are willing to pay to recover property. For poorer households, these demands are onerous and result in the creation of yet more marginal settlements.

In the longer-term, armed groups often become major landgrabbers, aided and abetted by governments. Eventually allied with foreign investors, the tendency is to rebuild in a manner that shows little concern for the

30 Alden Wily Liz. Tackling land tenure in the emergency to development transition in post-conflict states: From restitution to reform in *Uncharted Territory: Land Conflict and Humanitarian Action*. Practical Action 2009.

existing urban fabric or for the poor. Housing developments tends to focus on providing highly secured enclaves for wealthier investors and foreigners. In many cases, international agencies and organizations are complicit in this process as they rent accommodation and offices from those involved in land seizures and evictions.

RECOMMENDATIONS

- A clear provision of land ownership is needed that should be included in any eventual reconciliation deal. Moreover, this deal should address the provision of housing, land and property (HLP) rights to heal social tensions and to prevent future conflicts.
- Planning and preparation should start to consult Syrians and local councils on mechanisms to resolve land disputes, train paralegals, and establish law clinics for marginalized groups.
- The number of widows and female-headed households at risk of being disinherited from property is likely to be significant. Special attention must be given to providing information and legal assistance to affected populations.
- The reconstruction sector should be closely monitored to track results and unfold corrupt practices. Evictions should be completely forbidden unless full compensation to those affected has been agreed and paid.
- The reconstruction plan must be completed with an updated city-level strategy and action plan for informal settlement regularization. This should be ideally done in consultation with local and international urban planners and with the wide involvement of the Aleppian residents.
- Lastly, besides physical reconstruction, there is a need for social reconciliation to enable that Syrian people can live together after the siege of Aleppo. This is unlikely to occur as long as the regime is in a triumphal mood and to date it has shown no interest in reconciliation.

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