

Emergency response to Housing Land and Property issues in Syria

Housing, Land and Property (HLP) rights must be protected. The HLP rights of women, men and children affected by the current crisis in Syria are at risk, and the mechanisms to secure them are lacking or disrupted. Groups potentially at risk include the poor (17% of the population), women (50% of the population), children/youth (21% of the population), and internally displaced persons (2 million).

Humanitarian aid should take into account the HLP dimensions of the crisis in order to avoid creating or exacerbating conflicts and putting beneficiaries at risk of being further harmed. Care should be taken to ensure that any emergency relief action does not preclude or militate against access to HLP rights by all affected people in the medium and long-term. Specific priorities for action based on the Humanitarian Assistance Response Plan for Syria are included in this briefing note.

Response to HLP issues faced by affected populations must begin now. Early and effective action is required to ensure HLP issues are incorporated into humanitarian needs assessments, strategy formulation, coordination and response programming. An urgent stock-taking is required to understand and build on pre-crisis urban development and natural resource management plans.

HLP Context in Syria

While attention must clearly remain focused on immediate life-saving actions, all actors should be aware of the following structural HLP challenges that will impact humanitarian assistance and longer-term recovery:

Rapid Urbanisation and Distorted Land Markets

An estimated 12.5 million of Syria's 22.5 million population live in urban areas (2010) and is growing at the rate of 4% per year. Some 32% of the total urban population is estimated to live in informal settlements. In Damascus, some 1.6 million of the city's 4 million people live in informal settlements, in Aleppo the figure is estimated as 1.1 of the city's 2.4 million population. Distorted land markets mean that many Syrians – particularly the large number of youth – cannot afford to buy housing. Many people are tenants (eg. 12% in Damascus) and there is no social rental housing policy. Rental prices are reportedly sky-rocketing in many urban centres.

Informal Settlements

Many informal settlements feature well-built houses, have access to services and are well laid-out. Some neighbourhoods, however, feature clearly unsafe construction. Building code violations are common, though not all entail risks. Housing rehabilitation and reconstruction should build on the significant efforts undertaken to reform law and practice, and that ensure that the needs of all segments of the housing market

are addressed. New legislation aimed at facilitating the demolition and/or repair of housing and other real estate, rendered unsafe or un-usable by the conflict should be extended to property that was structurally unsafe before the start of the crisis (notably in urban informal settlements); this to ensure that poor urban households living in unsafe buildings constructed by unscrupulous informal developers, but not damaged during the crisis, are not discriminated against by the humanitarian recovery process.

Land Tenure & Administration

While Syria's land area is divided into two broad categories – state land (62%) and private land (38%) – the underlying tenure system includes a wider range of customary, Islamic and informal rights. Customary institutions are reported to continue to exercise influence over rangelands. An estimated 20% of state land is registered. No up-to-date inventories of state land are available, which urges caution when attempting to identify "vacant land" for humanitarian purposes. Land registries exist in all 14 Governorates, but there is no overall national register and the register only covers "formally" transacted land and property. In addition, both temporary and permanent registers operate in parallel.



Another unique feature is that land ownership in Syria is structured according to a formula whereby 2,400 shares represent full, individual ownership; joint ownership is common. Local legal expertise is essential for international actors.

Local Governance and Administration

The lowest levels of formal local government and administration are the Mukhtar (appointed by the Office of the President) and quasi-elected Neighbourhood Committees. In addition, virtually every urban low-income neighbourhood has an informal community-based leadership and decision-making structure (usually based on informal land distribution and development processes) generally led by local informal real estate agents and local social/ethnic leadership systems. With regards to dispute resolution, official arbitration committees and courts exist at the Governorate level, and have been reported to be working well before the current events. In rural areas, traditional institutions are reported to play a positive role in dispute resolution. Any support for mediation of HLP-related disputes should build upon and strengthen existing local mechanisms and practices.

Fragile Natural Resource Environment

There is a strong relationship between land and the environment, in particular with regards to the natural resources available to the population settled in the different areas of the country. Only some 3% of Syria is covered in forest. While not normally a major input for housing construction, even this dwindling supply may

come under threat. From 2006 to 2011, up to 60% of Syria experienced the worst long-term drought and the most severe set of crop failures ever. Approximately 75% of agriculturally-dependant Syrians suffered near total crop failure during that period, with a resultant social and economic loss. According to FAO, projections suggest that, the availability of water will be halved by 2025. Humanitarian and recovery interventions in the sector of Water, Sanitation and Hygiene should, therefore, be designed with particular care for this already fragile environment. Furthermore, lack or limited access to scarce natural resources is often a cause of conflicts over ownership of land.

Multiple Internal Displacements

Internal displacement of populations in Syria results from both emergencies linked to natural hazards such as the recent drought which pushed poor destitute rural families towards cities, as well as from political crises and armed violence. Syria has faced multiple waves of displacements in the 1960s (Golan), 1970s (Kurds) and in the 1980s (Hama). Each wave has resulted in land and property claims, many of which have not been addressed. Syria is also accommodating refugees from Palestine, Iraq, Afghanistan, Iran, Sudan and Somalia. Care must be taken to avoid humanitarian assistance being used to validate or invalidate historical HLP claims. Further, particular attention should be given to the situation of displaced non-citizens, including migrants from all continents who have settled in Syria and may encounter difficulties in accessing humanitarian assistance.

Current HLP Issues

Beyond the visible destruction and damage to housing, land and property caused by the crisis, other acute HLP issues are highlighted in the revised Humanitarian Response Plan for Syria, including:

- Recurrent droughts and conflict-related violence have pushed populations living in rural areas towards urban centres, forcing families to abandon their homes, farming and herding fields. Consequently, many families have settled in urban areas. HLP Strategies should recognise this and not expect that every displaced household will return to their place of origin. Secondary occupation of properties abandoned by displaced populations may heighten the risk of local conflicts.
- During displacement, families may have lost personal documentation, in particular records and evidence relating to ownership of land, housing or property. Combined with damage to their residence, the absence of HLP documentation may prevent them from returning to their place of origin.
- Efforts to increase the availability of land for humanitarian purposes (shelter, establishment of warehouses to stock and preposition non-food items, the construction of critical infrastructure, etc.) may have unintended and negative impacts for the population such as forced evictions and forced relocation, notably for unregistered tenants and families living in informal settlements.
- Many families may have lost their primary income earners, typically male heads of households to whom the house, land and/or property titles or rental agreements are attached. Displaced widows and orphaned children are at risk of being disinherited from their house, land or properties.
- Public administrative records and management systems related to housing, land and property may be at risk of loss, damage or destruction, creating the potential for conflicts over tenure rights.
- There is no clear national framework regarding the demolition of damaged and unsafe housing units, as well as for the removal of rubble, with regards to tenure rights.
- Humanitarian assistance for affected families to repair damaged homes, to restore their livelihoods and/or to resume farming and herding activities could cause tensions if there is a situation of competing or overlapping rights and claims.
- The threat of unexploded ordinance in urban and peri-urban areas creates risks for HLP rights. Ordinance clearance and release of land, houses and properties may be used to legitimize secondary occupation or exacerbate pre-crisis disputes.
- Loss of commercial property (eg. destruction of bakeries) has a critical impact on the availability as well as the price of essential food items available to affected populations.

Priorities for Action

The list of priorities below should inform relief interventions carried out by national and international actors within the different sectors of the Humanitarian Assistance Response Plan for Syria, in particular:

Food Security

In addition to food distributions, support as early as possible the re-establishment of local food supply capacities, jointly with local authorities and private sector associations, through a compensation scheme for lost commercial property and assets of food traders and vendors, adopting a gender-sensitive approach and taking into account relevant commercial property legal frameworks.

In order to prevent and mitigate conflicts over agricultural and grazing fields, establish primarily the status of beneficiaries who will receive farming and livestock inputs, in relation to their use, occupancy or tenure of the land and agricultural properties covered by the assistance. Ensure that provision of assistance is not seen as conferring HLP rights or claims.



Community Services/Protection

Advocate for and provide support to the Ministry for Local Administration and Governorate-level registries to safeguard public administration records and management systems related to HLP rights.

Provide information and assistance to affected populations for the conservation of civil documents, including birth/death certificates, property records – incorporate appropriate safeguards.

Include in protection monitoring and reporting mechanisms violations of HLP rights, such as incidents of forced evictions, forced relocation, unlawful occupation, etc.

Ensure explosives clearance takes into account distribution and segmentation of rights in and between multi-story buildings in urban areas. In the event of ERW in abandoned apartments, local authorities and building committees, where they exist, should be consulted during removal and cleared properties secured afterwards.

Special attention should be given to mitigate the risk of damage to cultural heritage and neighbouring properties in dense urban areas. Handover in some rural areas should take into consideration the full range of land rights and claims. Mine action training should include an HLP component.

Shelter and Non-Food Items

Avoid as much as feasible selecting shelter sites at the periphery of urban centres. Instead, work jointly with local authorities to develop, where feasible, shelter solutions for displaced urban populations in their neighbourhoods of origin where they will have access to livelihoods, services and social networks. This will also mitigate the risk of secondary occupation and complicated restitution programmes.

Establish with relevant authorities and partners clear criteria for the selection of sites required to build temporary shelters and to stock/preposition NFI with the view to avoid forced evictions/relocations, as well as conflicts over tenure if the owner is still displaced or missing.



Advocate and provide support to relevant local authorities and stakeholders to restore lease agreements for displaced tenants with the view to facilitate the return in dignity to their residence of origin.

Advocate and provide support to relevant local authorities, stakeholders and shelter actors for the repair or reconstruction of rental housing, and for strengthening the tenure rights of informal landholders.

In addition to NFI distributions, support as early as possible the re-establishment of local businesses through “cash for work” schemes that support the revival of small businesses.

Livelihoods

Ensure that residential rubble is removed only after written consent by the owner is given (or by authorities if the owner cannot be found), since this represents evidence of land and property rights, as well as important material for the construction of temporary shelter or for permanent reconstruction.

With regards to assets and tools replacement for small shops and business owners, assess and establish the status of targeted beneficiaries in relation to rental or tenure of their commercial properties. Consulting neighbours and local authorities may be a useful approach.

Livelihood assistance through the replacement of assets and tools for women’s home-based businesses should take into account how women’s land and property rights are protected in Islamic law.

Water, Sanitation and Hygiene

Consult and agree with local authorities/stakeholders before providing permanent solutions for water and sanitation, or conducting fixed system repairs, notably in informal settlements at the periphery of the main urban centres, in order to avoid undermining longer-term urban development planning efforts.

In places where displaced persons are staying in unofficial collective centres or occupying/using private land or property as shelters, no permanent water or sanitation facilities should be provided without the permission of the owner (or by local relevant authorities if the owner cannot be found).

Health

Consult and agree with local authorities/stakeholders on the site selection for temporary health centres or services, with the view to avoid forced evictions or occupying privately-owned land without prior consent of its owner or renter who may be displaced or missing.

Coordination

Technical assistance on HLP issues should be included in coordination support at the earliest possible stage to ensure that HLP issues are incorporated into ongoing needs assessments, strategy formulation and response planning.

Coordination training should incorporate components that will help refer humanitarian actors to the appropriate local authorities and experts on HLP issues.

