



HOUSING, LAND AND PROPERTY VIOLATIONS IN GOVERNMENT-HELD AREAS OF SYRIA

Thematic report

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EXECUTIVE SUMMARY

On 25 June, Damascus Governorate officials reportedly approved reconstruction plans for two areas of the Syrian capital – Qaboun in eastern Damascus and Yarmuk camp in southern Damascus. Both areas will undergo redevelopment according to Law 10/2018 and/or other housing, land and property (HLP) legislation, putting at risk the property rights of hundreds of thousands of former property owners and residents. This risks cementing wartime displacements from the two areas (both of which are largely closed off to civilians through a combination of checkpoints and required security permits), and immiserating former residents by denying them compensation payments and alternative housing, as well as their long-term access to sustainable, affordable shelter.

Although these violations of HLP rights are sometimes discussed in isolation from their humanitarian impacts, humanitarian agencies should consider the two as interconnected. Despite the appearance of process and legality, Law 10 (and application of other HLP laws) will lead to severe HLP violations that will impact Syrians' socio-economic and humanitarian conditions; at the same time, Syrians in Damascus and other government-held areas of the country are experiencing a whole range of HLP challenges – restrictions on their freedom of movement and ability to rent housing, homelessness, squatting – that demand expanded monitoring and programming by humanitarian agencies operating in government-held areas of the country.

As such, humanitarian agencies should build contingency in their programming in government-held areas of Syria to respond to the needs of those Syrians dispossessed and/or displaced by reconstruction developments, but also continue (and regularly update) conflict sensitivity and human rights diligence reviews of would-be partners who may be contributing to, or benefitting from, resulting HLP violations.

INTRODUCTION

On 25 June, Damascus Governorate officials approved reconstruction plans for two areas of the Syrian capital – Qaboun in eastern Damascus and Yarmuk camp in southern Damascus – during a special session of the governorate’s council. The Qaboun plans will reportedly see implementation of Law 10/2018, Syria’s principal reconstruction legislation, alongside other urban planning and rezoning laws; whereas in Yarmuk, other housing, land and property (HLP) laws will be used.

Despite the appearance of process and legality, the devil of Syria’s reconstruction plans is usually in the detail. There are also fundamental question-marks over how the Syrian government will actually execute the plans, let alone their humanitarian impacts. The fact that the Syrian government is now opting to apply Law 10 and/or other laws in both Qaboun and Yarmuk means that even residents who verify ownership of their properties will be denied key protections, such as alternative housing and rent payment support (as was previously promised). In Qaboun, the government will implement Law 10 and Law 23/2015 in different designated

zones alongside Law 5/1982, whereas in Yarmuk the government will implement Law 23 and Law 5. The costs of this protracted displacement will hit many displaced residents hard at a time of unprecedented economic crisis in government-held Syria.

Redevelopments in Qaboun and Yarmuk will serve as crucial case studies in how the Syrian government intends to move forward with controversial reconstruction plans that have been in planning stages for several years now. But what will this actually look like on the ground? And what humanitarian risks do they pose? The two case studies in this report will seek to answer these questions by including an analysis of the plans, initial reactions to the plans within local communities and loyalist circles, and the humanitarian risks emanating from the plans themselves.


LAW 10/2018

In September 2012, the Syrian government passed Decree 66/2012, earmarking a 2.15m m² plot of land for redevelopment on the southwestern and southern outskirts of Damascus.¹ According to Damascus Governorate, the development would provide 12,000 housing units for an estimated 60,000 residents, along with malls, parks and other

¹ Tom Rollins, “Decree 66: The blueprint for al-Assad’s reconstruction of Syria?”, *The New Humanitarian*, 20 April 2017.

luxury sites. However, the area was not empty or damaged by war: thousands of people were already living in an area known as Basateen al-Razi (since renamed ‘Marota City’).²

As such, the government encouraged residents to invest in shares for the redevelopment, and in return they would be given shares, rent compensation and alternative housing. Then, in 2016 and 2017 at least two rounds of eviction orders were issued to residents still residing in the area – ultimately, the offers of rent compensation and alternative housing were delayed and as of now have not been provided. Construction on the other hand is already underway, with big-name investors backing the project through the Damascus ash-Sham Holding Company.³



“Human rights groups have long argued that the law effectively gives a procedural veneer to violations of HLP rights that the Syrian government and its allies have been carrying”

Decree 66 became the blueprint for Law 10/2018, now Syria’s principal reconstruction legislation. Law 10 replicated the basic tenets of Decree 66 for application anywhere in the country, giving local authorities and holding companies powers to rezone areas ahead of reconstruction. Once an area is designated for redevelopment, authorities publish the plans. Local property owners and residents then have one year to verify ownership of their properties, either in person or remotely via relatives or an assigned agent acting as proxy.⁴ If residents are able to verify ownership, they can (i) register and receive a share of the profits from the redevelopment; (ii) sell their shares at public auction; or (iii) found a company to invest in the development.⁵ Those unable to verify ownership effectively lose their property – land is turned over to the authorities instead.

Law 10 therefore gives local authorities powers to rezone areas ahead of reconstruction.⁶ Human rights groups have long argued that the law effectively gives a procedural veneer

² Another, larger, zone stretching from Daraya to al-Qadam is also slated for development under Decree 66.

³ The Damascus ash-Sham Holding Company was formed by Damascus Governorate in 2016 under Decree 19/2015, which authorizes local authorities to form private stock holding companies to finance reconstruction developments. Damascus ash-Sham has been the target of US and EU sanctions because of its role in the ‘Marota City’ development.

⁴ Syria’s parliament issued amendments to Law 10 in November 2018, several months after the law was passed in April that year. One of the key amendments stated that property owners and residents whose names did not appear in real estate registry records when a Law 10 plan was announced for a given area would subsequently have one year to verify their ownership (rather than one month, as the previous version of the law stated).

⁵ Human Rights Watch (HRW), “Q&A: Syria’s New Property Law”, 29 May 2018.

⁶ Decree 19/2015 gives local councils the powers to form private joint stock companies to fund reconstruction projects. The Damascus a-Sham Holding Company, which funds the ‘Marota City’ development in southwest Damascus, was formed under this legislation in 2016.

to violations of HLP rights that the Syrian government and its allies have been carrying out since the early years of the conflict – including arbitrary demolitions and property expropriations. Local authorities have already signalled their intention to implement Law 10 in a range of areas, mostly in Damascus, although areas like Baba Amr (Homs) and the eastern suburbs of Aleppo have also been discussed as potential Law 10 developments in the future.

Informality and the Syrian conflict

Despite the appearance of process and legality, laws like this are enacted by the Syrian government with full knowledge of the widespread informality that typified the Syrian HLP landscape even before 2011, and which has continued throughout the conflict.

In the years leading up to the 2011 uprising, some 50% of Syria's population lived in informal settlements, according to 2007 numbers from Syria's Central Bureau of Statistics. The phenomenon of informality developed over the course of decades – particularly after the 1970s – through increasing rural-urban migration to the outskirts of Syrian cities and a lack of formalized policy on housing. Informal settlements, known locally as *'ashwa'iyaat* or

mukhalafaat, became integrated parts of towns and cities across Syria. Prior to 2011, the Syrian government never struck upon a defined nationwide policy to deal with informal settlements flitting instead between policies of regularization and criminalization. This meant that property ownership was often informal, recorded through a range of documents – including land deeds, notary documents, court orders and water or electricity bills. Informality became generational.

By the time of the uprising, it was many of these informally built areas that turned out in favor of the opposition: first with protests, and later armed clashes. The Syrian government therefore overwhelmingly began to plan for replacement of the longstanding informal settlements and communities, through a kind of 'conflict urbanism' built off punitive lawmaking, arbitrary demolitions and expropriations.

While there has been immense focus on Law 10 from the international community in recent years, it is important to stress that this is not Syria's only reconstruction law, let alone its only law governing HLP rights. Syria has passed hundreds of laws related to HLP rights

Timeline

Syrian government reconstruction, rezoning and HLP laws¹



2014

Decree 66/2012 authorises Damascus Governorate to rezone and redevelop two plots of land on the southwestern and southern outskirts of the capital. This law became the blueprint for **Law 10**.

Law 19/2012 sets out definitions of what constitutes terrorist acts, organisations and funding.

Decree 63/2012 authorizes confiscation of "movable and immovable property" belonging to those accused of terrorism.



2016

Decree 11/2016 restricts the registration of properties in a given area because of the "emergency security situation."

Decree 12/2016 handles digital production of real estate documents and, according to analysts, allows third parties (including local officials) to claim properties through witnesses.



2015

Decree 19/2015 authorizes local authorities to form private stock holding companies to finance reconstruction developments. Damascus Governorate established the Damascus ash-Sham Holding Company in 2016 under this law, and is now being used to finance redevelopments in Marota City as well as Qaboun. Damascus ash-Sham has been the target of sanctions because of its role in the 'Marota City' development in southwest Damascus.

Law 21/2015 exempts property owners from paying construction permit fees provided they are rebuilding a property due to wartime damage ("affected by terrorist acts").

Law 23/2015 also allows for areas to be rezoned and redeveloped.



2018

Law 3/2018 authorises local authorities to remove rubble and demolish buildings. The definition of what constitutes 'rubble' is broad in the text of the law, and has reportedly been used in the past to demolish housing that, residents argued, was not badly damaged to warrant demolition.

Law 10/2018 gives local authorities powers to rezone areas ahead of reconstruction.

Law 42/2018² amended the original version of **Law 10**, by giving property owners and former residents one year in which to verify ownership once plans have been released publicly and objections to the plans reviewed. **Law 10** originally gave property owners one month to verify their ownership. The amendments followed speculation that Syria was actually going to repeal **Law 10**, reportedly following guarantees from Russian officials, although the speculation later turned out to be false and **Law 10** was simply subject to minor amendments.

¹ Sage Smiley, Noura Hourani & Reem Ahmad, Syria Report; "A new Syria": Law 10 reconstruction projects to commence in Damascus, backed by arsenal of demolition, expropriation legislation." *Syria Direct*, 19 November 2018.

² Jamey Keaten, 'UN official: Syria has withdrawn controversial property law.' *AP News*, 18 October 2018.

since the beginning of the conflict – many of them informed by the Syrian government’s pre-war housing policies on the one hand, and its developing use of conflict urbanism after 2011 on the other. Observers suggest housing policies have been weaponized by the conflict.

Arbitrary measures

HLP violations can also be arbitrary and extra-legal in nature. These policies have previously been applied across the country – including in areas now slated for redevelopment under Law 10.

In 2014, Human Rights Watch (HRW) documented how the Syrian government had “deliberately and unlawfully demolished thousands of residential buildings in Damascus and Hama in 2012 and 2013”.⁷

Officials and pro-government media outlets claimed at the time that these demolitions – documented in Hama (Masha’ Al-Arbeen and Wadi al-Jouz) and Damascus (Qaboun, Tadamon, Barza, Harran al-Amawid and around the Mezzeh Military Airport) – were designed to destroy informally built housing that went against official regulations; however,

officials have also acknowledged that demolitions punitively targeted houses or communities deemed to be affiliated with the opposition.

These policies have continued; the government has used HLP legislation to create a broad selection of justifications for their actions: rubble clearance, demolitions of badly damaged or ‘unsafe’ buildings, counter-terrorism, de-mining and removal of other explosives.⁸ Local residents have repeatedly questioned the level of damage in areas where demolitions have been conducted on the pretext that houses are no longer inhabitable and must be razed and rebuilt rather than rehabilitated.⁹

The combined effect of all these policies is that authorities can pick and choose HLP laws for implementation in a given city, neighborhood or even street based on local political, security and demographic objectives. This is demonstrated by developments in Qaboun and Yarmuk seeing application of Law 23 and Law 5 (despite reportedly being slated for development initially under Law 10).

⁷ Human Rights Watch (HRW), “[Razed to the Ground: Syria’s Unlawful Neighborhood Demolitions in 2012-2013](#)”, 30 January 2014.

⁸ Many of the areas subject to unlawful demolitions witnessed anti-government protests in 2011-2012, or armed clashes after the beginning of the conflict.

⁹ This legal range can make it difficult to accurately monitor what laws are being applied where. According to local sources, the Syrian army’s elite Fourth Division has conducted demolitions in several areas of Damascus and the outlying countryside including in Harasta, Daraya and al-Assali. Local sources state that: “As for the issue of Law 10, it is possible that the demolitions that the Fourth Division had committed in the last period are related to this matter, but without the reason behind them having been announced. Some of the demolitions were organized in some areas; in others, it was just random in order to steal and sell the steel reinforcement of buildings.”

EU, US sanctions targeting reconstruction developments

The punitive nature of Syria’s HLP wartime legislation – and specifically Decree 66 and Law 10 – has attracted the attention of western sanction investigators in recent years, with the US and EU recently targeting officials and businessmen because of their involvement in reconstruction projects. The Syrian government has used reconstruction contracts to reward stalwart allies and new war economy actors, thereby playing host to a complex range of pro-government individuals and groups, including officials and businessmen acting on their behalf. In January 2019, the EU imposed sanctions against eleven Syrian businessmen and five business entities who had invested in the Marota City development.¹⁰ More recently, the US Congress-passed Caesar Syria Civilian Protection Act¹¹ – otherwise known as the ‘Caesar Act’ – paved the way for far-reaching sanctions against both Syrian government officials and non-Syrian individuals and



Road digger carrying out small-scale works on Yarmuk St. inside central Yarmuk camp earlier this year, at a time when many former residents of Yarmuk were speculating about the imminent release of reconstruction plans. Released on social media, early 2020.

business entities engaging in economic activity with the Syrian government in key sectors of the economy (including the construction sector).¹²

There is arguably evidence that these sanctions are already having an impact. The fact that the Syrian government is said to be preparing Law 5 for redevelopments in Qaboun and Yarmuk points to its issues with financing redevelopments, likely a combined result of the current economic crisis as well as (to a lesser extent) targeted sanctions against key reconstruction investors. This new approach would allow the Syrian government

¹⁰ The sanctioned individuals were: Anas Talas, Nazir Ahmed Jamaledin, Mazen al-Tarazi, Samer Foz, Khaldoun al-Zoubi, Hussam al-Qateri, Bashar Muhammad Assi, Khaled al-Zubaidi, Hayan Muhammad Nazem Qaddour, Maen Rizk Allah Haykal and Nader Qaleji; the sanctioned entities were: awafed Damascus Private Joint Stock Company, Aman Damascus Joint Stock Company, Bunyan Damascus Private Joint Stock Company, Mirza and Developers Private Joint Stock Company.

¹¹ US Congress, ‘H.R.31 - Caesar Syria Civilian Protection Act of 2019’.

¹² Many initial sanctions of the Caesar Act on 17 June 2020 targeted prominent members of the security apparatus, as well as members of Assad’s inner circle. Additional sanctions introduced on 17 June also targeted 24 individuals and entities for “actively supporting the corrupt reconstruction efforts”.

to avoid providing potentially costly alternative housing options to former residents who verify ownership in these areas.

CASE STUDY: QABOUN

Relevant legislation to be applied

Law 10/2018

Law 23/2015

Law 5/1982

Background

Qaboun is an area east of central Damascus, previously home to some 90,000 residents of formal and informal housing settlements. The area also contained the only official industrial zone with the city-limits of Damascus.

As part of wider hostilities in the eastern suburbs, Qaboun was besieged by pro-government forces in late 2013 before opposition groups in the area signed a truce agreement in January 2014. Qaboun's truce largely held for several years – and, as a result, came to be regarded as one of the conflict's more 'successful' truces. That truce then collapsed in spring 2017, and the Syrian government tightened its siege of the area and

resumed military activities. Large numbers of Qaboun residents and IDPs fled further into opposition-held territory via Barza and the Eastern Ghouta suburbs before the area was completely besieged. Qaboun and Barza were heavily bombarded with artillery and air-strikes, resulting in large-scale damage and destruction to areas of industrial infrastructure as well as (largely informal) residential housing.

Reconciliation and evacuation agreements were imposed in May 2017, with all remaining opposition fighters and civilians boarding evacuation buses north.¹³ Since then, Qaboun has been closed to civilians while the government prepares reconstruction plans – preparations that have included administrative procedures as well as demolitions. Damascus Governorate is said to be preparing for construction of “modern buildings and residential towers” in Qaboun, whereas both the pre-existing industrial zone and zone of government ministries, security branches and army bases in the west of Qaboun will be relocated outside the capital.¹⁴ This points to a wholesale redesign of the area, and erasure of its informal settlements and agricultural land further east.

¹³ These negotiations were handled on the government side by Riad Shalish, a cousin of President Assad, and affiliated businessmen. It is widely rumoured that Shalish will invest in the redevelopment in Qaboun.

¹⁴ SY24, “Assad government proposes building residential towers instead of buildings in Qaboun and Masaken Barzeh in Damascus” (Ar), 22 January 2020.

“According to local sources, former residents are forbidden to return to the area on the pretext that their homes are too badly destroyed to be habitable.”

Much of the informal housing in Qaboun not destroyed during the government offensive to retake the area has since been demolished by Syrian army engineering units (a process that began in late 2018). Recent satellite imagery shows few buildings have been left standing across almost the entirety of Qaboun’s former industrial zone and areas of informal settlements.



Recent Satellite imagery of Qaboun showing extent of demolitions
Credit: Maxar Technologies, 2020

According to local sources, former residents are forbidden to return to the area on the pretext that their homes are too badly destroyed to be habitable. National Defense Forces (NDF) militias are stationed at

entrances to Qaboun to prevent residents attempting to return, while fighters from the Syrian army’s elite Fourth Division are stationed between Qaboun and Masaken Barza (another residential area just west of Qaboun). Small numbers of fighters’ families are reportedly living in available housing in Qaboun.

While government officials have repeatedly signaled intentions to redevelop Qaboun under Law 10, it now appears a combination of laws will be used. Law 10 will be used to redevelop Qaboun’s former industrial zone, while the planning and urban development Law 23/2015 will be implemented in former residential and agricultural areas.¹⁵ The rationale for this move is still unclear.

Reactions to the plans

Public criticism of the Qaboun plans has largely come from the city’s loyalist business community, as Qaboun was previously an important industrial hub (and the only industrial zone in the capital). Figures within the Damascene business community had wanted to see Qaboun partially rehabilitated and redeveloped, however since 2019, there has been a broader push towards total redevelopment.

¹⁵ Syria Report, “Qaboun to be Rezoned Under Controversial Reconstruction Laws 10 and 23”, 8 July 2020.

An initial study of the industrial zone was met with some 740 complaints by former business owners from the area.¹⁶ The main contentions reportedly focused on plans to redevelop much of Qaboun as a residential area (thereby forcing former business owners to relocate to another, new, industrial zone), as well as the study's assessment of levels of damage. This has ultimately created fierce debate between the governorate and the Damascus Chamber of Industry.¹⁷ There are suspicions that prominent businessmen close to the president may be pushing for total redevelopment in order to profit from preferential contracts

In June 2019, an urban plan for Qaboun under Law 10 was approved, ruling that the industrial zone would be relocated and the area redeveloped as largely residential. Local business owners would be compensated with land in the Adra Industrial City on the northeast outskirts of the capital. The dispute between different sections of the business community continued throughout much of 2019 until the urban plan was frozen, pending direct approval by Assad himself in September of that year. By early 2020, it appeared that the plans were back on the table: in response, an

association of industrialists from Qaboun took the unprecedented step of issuing a public statement criticizing the plans. Atef Tayfour, one of the leading business figures associated with the statement, also stepped up criticism of the plans in the media.¹⁸ This dispute has made public a growing narrative that reconstruction plans chiefly benefit big business interests (tied to the government) rather than local communities: a sentiment that has become more prevalent with regards to the Yarmuk plans in recent weeks.

Humanitarian risks

Given the level of destruction inflicted on areas of residential housing during the Qaboun offensive, and then afterwards through controlled demolitions, there are serious risks of large-scale permanent displacement of former residents from the area who have had to evacuate throughout the conflict. Some estimates suggest that as many as 50% of Qaboun's former population will be unable to return, although it is unclear how this figure was calculated.¹⁹ A recent announcement that Qaboun residents will not be offered alternative housing in return for the

¹⁶ *Syrian Industrial News*, "[740 objections to the industrial Qaboun scheme](#)" (Ar), 27 August 2019.

¹⁷ *Al-Akhbar*, "[Industrial Qaboun: Supporting the economy by demolishing factories!](#)" (Ar), 30 April 2019.

¹⁸ *Syria Report*, "Qaboun Redevelopment Project Generates Rare Public Criticism", 26 February 2020.

¹⁹ SY24, "[Assad government proposes building residential towers instead of buildings in Qaboun and Masaken Barzeh in Damascus](#)" (Ar), 22 January 2020.

development, in line with Law 5, only heightens that risk. Residents unable to verify ownership of informal housing will simply be dispossessed, what remains of their properties turned over to local authorities.

US-sanctioned individuals are reportedly preparing to invest in the Qaboun developments, a point that could be problematic in the return of former residents who are able to meet the various requirements stipulated in Law 10 (by verifying property ownership). Existing sanctions targeting the Damascus ash-Sham Holding Company could problematize the value of shares offered to verified property owners (in lieu of rental support and alternative housing). The involvement of big-name pro-government investors has also likely made the plans more punitive in their application, raising the stakes for civilians from Qaboun. Muhammad Hamsho, one of Syria's most significant businessmen, and someone with close links to Assad's inner circle, reportedly purchased significant amounts of land in Qaboun before collaborating with local merchants to ratchet up real estate prices (to benefit Hamsho-owned companies in the future).²⁰ Local sources also state that the Hamsho Company participated in demolitions,

in part to secure scrap metal and rubble from the former industrial zone and industrial areas. Hamsho is already under a series of sanctions for his reconstruction activities and role in financing the Syrian government's war effort.

CASE STUDY: YARMUK CAMP

Relevant legislation to be applied

Law 23/2015

Law 5/1982

2004 organizational plan for Yarmuk

Background

Yarmuk camp was once Syria's largest Palestinian community, home to approximately one-third of the estimated 560,000 Palestinian refugees residing in Syria on the eve of the 2011 uprising. Originally established to house some of the estimated 90,000 Palestinian refugees who fled Palestine for Syria during the 1948 *Nakba* (catastrophe). Yarmuk later became an integrated suburb of Damascus. Large numbers of Syrian rural-urban migrant and Damascene families later

²⁰ Ghouta Media Centre (GMC), "Qaboun after the destruction...Reconstruction in the style of Marota City" (Ar), 22 September 2019.

moved in, to the point that Palestinians were vastly outnumbered by Syrians on the eve of the 2011 uprising. Still, as an ostensibly Palestinian area of the capital, there are several aspects that make Yarmuk's residential landscape different to other Damascus suburbs.



“Different residents of the same building may have owned their homes through different documents, making verification all the more complicated”

Despite not being one of the nine ‘official’ UNRWA-administered Palestinian camps in Syria,²¹ the camp was first established in 1957 on land expropriated by the Syrian government from land-owning Damascene families,²² before being handed over to the General Administration for Palestinian Arab Refugees (GAPAR), a Palestinian-led sub-ministry of the Ministry of Social Affairs.²³ GAPAR and UNRWA later coordinated in providing services to Yarmuk – it was then

subject to an organizational urban plan in 2004.

Unlike other Palestinian camps, GAPAR owns the land on which Yarmuk was built.²⁴ This means that the vast majority of Palestinian residents did not own the land on which their homes were built (a system of ownership known in Syria as *tabeq al-akhdar*), with most residents instead owning properties through notary documents stored at Yarmuk's municipality. Others may have regularized informal housing through court orders or electricity bills. As such, different residents of the same building may have owned their homes through different documents, making verification all the more complicated (especially in cases where buildings were badly damaged, destroyed or demolished).

Like Qaboun, levels of destruction in Yarmuk are severe. In late 2012, Yarmuk became a major frontline between government and opposition forces.²⁵ Key infrastructure and

²¹ UNRWA defines camps as ‘official’ based on whether the UN agency conducts solid waste management services in a camp. GAPAR recognized all 12 Palestinian-Syrian camps in Syria as ‘official,’ though, and UNRWA also cooperated with GAPAR in providing basic infrastructure services to unofficial camps.

²² These families include the al-Hakim and al-Mahayneh families. Local sources report that there are currently rumours within Damascus that these families may seek to have a stake in any future Yarmuk development, and to sideline Palestinian business interests.

²³ GAPAR has served as the Syrian government's main body governing Palestinian affairs in Syria since its foundation in the late 1940s. Originally founded as the Palestine Arab Refugee Institution (PARI) in January 1949 through *Law No. 450/1949*, the body was later renamed as GAPAR in the 1970s. GAPAR provides official paperwork, services and other functions, and jointly services Palestinian camps in coordination with the UN's Palestinian refugee agency, UNRWA.

²⁴ *Impunity Watch & Pax for Peace*, “[Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria: What can International Policymakers do?](#)” March 2020.

²⁵ Pro-government forces besieged the camp in mid-2013. After the entry of hardline Islamist groups including Jabhat al-Nusra and the Islamic State in Iraq and Syria (ISIS), Yarmuk increasingly fell into inter-factional clashes between various opposition groups. When ISIS seized the camp in April 2015, barely six thousand civilians remained inside. ISIS remained in control over most of Yarmuk until the 2018 offensive led by the Syrian army and its allies.

housing was badly destroyed in the events following – a 2014 UNITAR/UNOSAT study of satellite imagery ranked Yarmuk among the worst damaged areas of the country at that time – while the final pro-government offensive to oust ISIS in 2018 wrought unprecedented damage and destruction.²⁶

Conducted between April and May, the offensive saw widespread use of airstrikes, artillery and tank units, and reportedly destroyed whole swathes of Yarmuk. Since then, Yarmuk has remained largely empty and closed to its former residents. A small community has been permitted to return to the ‘Old Camp’, assumed to be largely because of their connections to pro-government Palestinian militias.²⁷

Late last year, officials from Damascus Governorate began reviewing three reconstruction proposals for Yarmuk. Each

plan included different scales of application of organizational zones, ranging from the entirety of Yarmuk to a more limited application covering one area of the camp.²⁸ The second plan, which combined organizational rezoning with rehabilitations conducted through other HLP laws, was reportedly selected in January.²⁹ According to Damascus governor Adel al-Olabi, the selected plan would prioritize the “return of the largest number of Yarmuk residents...to their homes as soon as possible” and focus on repairs to the “central area of Yarmuk, which has [sustained] the most damage.”³⁰

Damascus Governorate has begun administrative procedures ahead of implementation of the plans,³¹ and in early July, GAPAR issued Decision No. 145/2020, forming a specialist committee to review the organizational plan for Yarmuk.³² According to

²⁶ UN Institute for Training and Research (UNITAR) & UNOSAT, “[Four years of suffering: The Syria conflict as observed through satellite imagery](#)”, 2014.

²⁷ According to local sources, this small community estimated to number up to 200 families includes elderly Palestinians who did not leave the camp during the 2018 offensive (40 families), the families of pro-government Palestinian fighters who moved in after the offensive (130 families), and families who succeeded in getting security permits to return to the camp (30 families). Sources suggest that these 200 families are generally understood to enjoy links with security branches and/or pro-government Palestinian factions, which allowed for their return while other former residents are forbidden from returning until now.

²⁸ Several areas neighboring Yarmuk are subject to separate plans: areas of Hay al-Qadam (just west of the westernmost street in Yarmuk, 30th St.) will be redeveloped according to Decree 66 for the year 2012; while Hay al-Tadamon and Hajar al-Aswad (to the east and south of Yarmuk respectively) are due to be redeveloped according to Law 10.

²⁹ *Al-Watan*, “[A proposal to move ministerial facilities and headquarters from Qaboun to an alternative area and build residential towers instead](#)” (Ar), 19 January 2020.

³⁰ Tom Rollins, “[Talking about water pipes: The fraught reconstruction of Syria’s Yarmouk camp](#)”, *Middle East Institute*, 6 May 2020.

³¹ Property owners and former residents from Yarmuk were given 30 days during which they could raise objections about specific details in the plan. Former residents are currently in the process of submitting those objections, with the deadline for objections ending in early August. The governorate will then release updated plans that take into account complaints raised during this review process, before former property owners begin the process of verifying ownership of their properties within areas designated for wholesale redevelopment/reconstruction.

³² The committee members were named as Taha Farhat (committee head), Khaled Baheej, Ibtisam Younis, Mahmoud Abu Khareish as well as Rula Mahmoud Mawed. All of the above individuals are either employees of GAPAR or the Yarmuk Services Department previously based in the camp’s

copies of maps shared to social media, Damascus Governorate has effectively divided Yarmuk into three sections, to be redeveloped in three stages:

- (i) Authorities will begin by redeveloping the worst affected area, 93.2 hectares in total size, which covers the southern half of Yarmuk between 30th St. to the west and the Palestine Roundabout to the east. This organizational zone also follows the length of Yarmuk St. to a far northern neighborhood called ash-Shami. Throughout this area, an organizational plan will be applied in line with Law 23;
- (ii) The second section, 47.8 hectares in size, comprising the al-Arouba and Taqadom neighborhoods further south of the main organizational zone, will then be redeveloped and rehabilitated;
- (iii) Remaining areas of Yarmuk in the northern half of the camp, 79.2 hectares in size, including the northeastern section known as the Old Camp, will be rehabilitated in line with the 2004 organizational plan rather than rebuilt wholesale.³³

As such, a majority of the 220 hectares that made up Yarmuk camp will see implementation of organizational zoning and redevelopment, putting current and former residents at risk of losing their claims to property and unable to return.



A map showing the organizational areas to be redeveloped and/or rehabilitated in Yarmuk camp. Released on social media: July 2020.

municipality office. According to local sources, Farhat is affiliated with As-Sai'qa (a pro-government Palestinian faction) while Abu Khareish and Mawed are members of the Palestinian wing of the Ba'ath Party.

³³ In tandem with these organizational zones, GAPAR, UNRWA and Palestinian factions will likely rehabilitate their former facilities within all three of these areas. For example, Al-Khalsa, former Yarmuk headquarters of the pro-government faction Popular Front for the Liberation of Palestine - General Command (PFLP-GC), is located within the planned organizational zone. The 'Old Camp,' outside the organizational zone, was once home to several key facilities, including GAPAR offices, Yarmuk's municipality building as well as UNRWA health facilities and schools.

Reactions to the plans

So far, there has been broad, vocal criticism of from Palestinian-Syrians inside Syria as well as the diaspora. Although this criticism is unlikely to change the overall structure of the plans, it could serve as an important case study for other communities undergoing similar reconstruction in the future. As seen in Qaboun, public criticism of reconstruction proposals is not unheard of in government-held Syria, although criticism related to the Yarmouk plans seems broader in nature.³⁴

Social media pages related to Yarmouk have seen widespread criticism from former residents, some of whom have started posting personal appeals to either Assad or Palestinian-led authorities (such as GAPAR) to withhold application of the organizational plan. Various civil society formations have also voiced their concerns: on 18 July, a robustly worded open letter criticizing the plans began circulating on social media³⁵ that has since been signed by at least 350 signatories comprising journalists, writers and community figures as well as activists now in

the diaspora who were previously affiliated with post-2011 civil society movements in Yarmouk. The General Union of Palestinian Engineers - Syria also issued a more muted statement, addressed to Assad directly, questioning the efficacy of the plans. Lawyers and community figures in Damascus have launched an online campaign in an attempt to help former residents identify their homes and verify ownership.

Interestingly, there also appears to be rankling within Palestinian loyalist circles. On 25 June, the Damascus-based Alliance of Palestinian Forces discussed the Yarmouk plans in a meeting attended by senior representatives from pro-government groups, including Talal Naji, assistant secretary-general of the Popular Front for the Liberation of Palestine - General Command (PFLP-GC).^{36,37} According to the Free Palestine Movement's Abdelqader Haifawi, one of the loyalist figures who attended the meeting, other factional representatives also criticized the Yarmouk plan. Haifawi, writing on his Facebook page the following day, added that the alliance

³⁴ This can perhaps be attributed to the generally higher levels of political organization that existed in Palestinian-Syrian camps compared with Syrian communities before 2011 (through, for example, Palestinian factions, civil society networks and local political associations), but also the many promises of return offered by government officials to Yarmouk residents in recent years.

³⁵ *Shaam Network*, "[Palestinian writers and journalists call in a statement for preventing change to the identity of Yarmouk camp](#)" (Ar), 19 July 2020.

³⁶ The Alliance of Palestinian Forces (also previously known as the 'Alliance of 10') was originally formed as a group of Damascus-aligned Palestinian factions in rejection of the Oslo Accords signed between Israel and the Palestinian leadership in Ramallah in 1993.

³⁷ The PFLP-GC is an influential pro-government Palestinian faction that has supported the Syrian government politically and militarily through much of Syria's 2011 uprising and ensuing conflict.

agreed to raise their objections in the coming days. However, it remains unclear what leverage, if any, pro-government Palestinian groups actually have to push for changes.³⁸ Some within those loyalist circles will likely invest in, and benefit from, the plans.

Humanitarian risks

There are still several key legal points related to Yarmuk's reconstruction that are unclear. There are also question-marks over the legal status of Palestinian refugees under Law 10 and other HLP laws, given that Palestinians were subject to different property ownership laws than their Syrian counterparts.³⁹ This lack of clarity also means that even UN agencies that would be expected to cooperate with the Syrian government on rehabilitating Yarmuk in the future were not aware of the exact repercussions of the plans when they were being floated in the media earlier this year.⁴⁰ Conflicting statements from officials also have not helped in this regard.

Many former residents of Yarmuk, who owned properties and homes in areas now slated for



“Poverty rates among Palestinian-Syrians are, on average, higher than Syrians: in 2019 90% of the estimated 438,000 Palestinian refugees still inside Syria are living below the poverty line.”

redevelopment under the new organizational plan, will struggle to verify ownership of those properties given the levels of informality in the camp before 2011. Given that most Palestinians in the camp did not own the land on which their homes were built, residents of the same building may have owned their homes through different documents, making the verification process all the more complicated (especially in cases where buildings were badly damaged, destroyed or demolished). Historically lower-income neighborhoods, such as Al-Aroubeh and Taqadom, are regarded as having higher levels of informality than the rest of the camp. Yarmuk's municipality once contained records of housing ownership, however it's widely speculated that many of those documents may have been destroyed as the municipality was badly damaged during the conflict.

³⁸ At the same time, it is also worthy of note that groups are not united on the issue: a voice note attributed to Khalid Jibril, son of PFLP-GC Secretary-General Ahmad Jibril, appeared to blame displaced Palestinian residents from Yarmuk for “selling off Yarmuk” by fleeing the country for asylum in Europe.

³⁹ Property ownership of non-Syrians with a right to reside in Syria (including Palestinians) is governed by Law 11/2011. According to a March 2020 report: “Palestinian refugees have the right to own one apartment on condition that they are married. They may also own additional apartments or agricultural lands, but the deeds for this property may only be registered by a notary, not at the cadastre registry department, which weakens their rights.” For more information, see: *Impunity Watch & Pax for Peace*, “Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria: What can International Policymakers do?” March 2020.

⁴⁰ Tom Rollins, “Talking about water pipes: The fraught reconstruction of Syria's Yarmouk camp”, *Middle East Institute*, 6 May 2020.

Even for those former property owners and residents able to verify ownership, there are key issues in the plans that problematize their return. It is likely that Damascus Governorate will treat the ‘Old Camp’ differently to other areas of Yarmuk, given that small numbers of former residents have been allowed to return since the end of the 2018 offensive; however because Law 5 is going to be applied, Yarmuk residents (with homes in the new organizational zone) even able to verify their ownership will not receive alternative housing or rent support. This point is especially crucial given the massive rates of displacement from Yarmuk, with many displaced residents now living in unaffordable rented housing, homes of relatives, shelters, and even squatted homes. Former residents also face heavy restrictions on renting within Damascus through security permits and approvals, making it more difficult to rent and/or move between housing.

While a study of displacement movements by Palestinian-Syrian refugees from Yarmuk is not within the scope of this report, it is important to note that there are different sub-communities with divergent experiences as a

result of these displacements.⁴¹ Generally speaking, humanitarian needs within the Palestinian-Syrian community remain great. Poverty rates among Palestinian-Syrians are, on average, higher than Syrians: UNRWA reported in 2019 that more than 90% of the estimated 438,000 Palestinian refugees still inside Syria are living below the poverty line.⁴² Given recent socio-economic developments in Syria, that number is likely now even higher.

HUMANITARIAN IMPACT

Recently announced reconstruction plans will violate the HLP rights of many former residents of Qaboun and Yarmuk, but as a result also impact their humanitarian conditions (by increasing short- and long-term shelter needs at a time of unprecedented economic instability in government-held Syria).

The situation requires careful humanitarian programming from agencies and organizations operating in government-held Syria. Both the Qaboun and Yarmuk plans present several thorny issues to humanitarian actors: engagements that indirectly cement the plans’ key tenets risk leaving organizations

⁴¹ For example, thousands of Palestinian IDPs boarded evacuation buses after the conclusion of the Syrian government’s offensive in spring 2018. Several thousand Palestinian IDPs currently reside in the ‘three villages’ of southern Damascus (Yalda, Babila and Bayt Sahem) immediately east of Yarmuk, which were held by opposition forces until the Russian-brokered reconciliation/evacuation agreement imposed on the area in May 2018. Tens of thousands of Palestinian-Syrians from Yarmuk fled to Lebanon, other neighboring countries and Europe after 2011, and particularly December 2012.

⁴² UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), “[2020 Syria Regional Crisis Emergency Appeal](#)”, 2020.

effectively precipitating HLP violations; while engagements in an area where residents are permitted to return and regularize their HLP conditions (compared with residents from the same area who cannot) could also impact principles of humanitarian neutrality and conflict sensitivity.⁴³ As the Syrian government has also used the reconstruction file to reward wartime allies and war economy actors, increasing the risk that humanitarian agencies could be unwittingly working alongside partners either contributing to, or benefitting, from HLP violations, again impacting the nature of that humanitarian work.⁴⁴

Before that, however, the Qaboun and Yarmuk plans will impact the lives of hundreds of thousands of displaced former residents, both through violations of HLP rights and their impact on humanitarian needs. The humanitarian impacts of these plans chiefly concern two groups, IDPs and refugees:

IDPs

Lessons learned from other areas of the capital being prepared for so-called

reconstruction – not least Marota City (formerly Basateen al-Razi) in southwest Damascus – suggest that many residents of both areas stand to lose their properties without adequate compensation and/or replacement housing.⁴⁵ In Qaboun and Yarmuk, former residents able to verify ownership will be denied alternative housing and rent support (but offered shares in the development), while former residents who lack adequate proof of ownership of their homes will simply lose their properties without any compensation. This point is crucial at a time of economic crisis in government-held Syria, meaning that shelter needs will only increase as the plans develop further. Given the Syrian government's stipulation that it will not provide social housing to those effectively displaced, the onus to support displaced families will fall on humanitarian agencies.

For IDPs from both areas still residing in government-held areas, plans could cement wartime displacements, and could ultimately

⁴³ As one example, displaced Yarmuk residents now in the southern Damascus suburbs face restrictions from security bodies that do not apply to the small numbers of returnees now residing in the Old Camp. According to local sources, Palestinian residents of the 'three villages' (Yalda, Babila and Beit Sahem) must present a prepaid rent contract of six months or more in order to receive a security approval from the Sidi-Meqdad checkpoint between the three villages and Damascus proper. As not everyone possesses this documentation, there have been restrictions on access to aid and freedom of movement for unknown numbers of Palestinian IDPs in the area. Previously, a system was devised whereby Palestinian IDPs unable to cross the checkpoint could select a proxy who would collect UNRWA aid on their behalf.

⁴⁴ While in the case of Yarmuk, there are already rumors about the looming involvement of Palestinian factions, businessmen and NGOs in the local reconstruction file; several media reports regarding the Qaboun plans suggest that major government investors including Muhammad Hamsho are already engaged in the development.

⁴⁵ In Marota, promises of alternative housing have been repeatedly delayed, and the Syrian government appears to be now cancelling that promise altogether from future reconstruction developments.

contribute to future small-scale cross-border irregular migrations (particularly if Syria's economy continues to deteriorate, and IDPs in government-held areas further struggle to make ends meet). Because Qaboun and southern Damascus were both subject to evacuation agreements, there are also IDPs affected by the plans already outside government-held areas who will particularly struggle to maintain ownership.⁴⁶

Refugees

The fate of the many refugees who previously fled Qaboun and Yarmuk, bound for either neighboring countries or Europe, has arguably never been more in doubt. This could create greater need for long-term, sustainable humanitarian programming (focused on resilience-building) in neighboring countries as the prospect of return becomes even slimmer for refugees denied HLP rights and shelter. A majority of refugees in neighboring countries lack even the most basic identification documents required to verify property ownership in Syria, meaning that even with the one-year verification period under Law 10 (following amendments stipulated in Law 42 issued that same year), many refugees will be unable to verify

ownership. Refugees may also be disinclined to attempt to verify their ownership via connections still in government-held Syria given the potential security risks it would present to the individuals acting as proxies.

Other areas will face similar experiences in the future. According to local sources, some formerly opposition-held areas earmarked under Law 10 have witnessed small-scale returns of former residents, who are generally regarded locally as either loyalist and/or affiliated with pro-government militias including Hezbollah. Areas already slated for redevelopment (largely under Law 10) provide insights into the future of communities in government-held Syria prior to their reconstruction, how the Syrian government will rebuild and for whom.

In the neighborhoods of Baba Amr, Jouret Arees and Jouret ash-Shayah in Homs, these areas have not witnessed large-scale demolitions in preparation for reconstruction, although looting (*ta'afeesh*) from vacant housing has been commonplace. Local sources estimate that barely 15% of the area's original population still reside in Baba Amr, with many living in poverty and without sufficient aid access. In Dar'a, local sources

⁴⁶ Pervasive fears of the security services among displaced communities mean that some former residents will not remotely participate in legal processes to verify ownership so as not to endanger relatives still in government-held areas (who would otherwise act as proxies). Many families may also have no record of their property ownership in Damascus, either because of loss of documents during their displacement, or because they never possessed them.

state that the key needs among civilians are food and water, clothing and winter items. As local sources report; “There is a great deal of poverty but people prefer to live in their

homes, even if they are damaged as it’s better than living in homes where they must pay rent [or] in camps.”

RECOMMENDATIONS

- › Advocate with Damascus-based UN agencies, INGOs and partner organizations operating in government-held areas for the Syrian government to permit resumption of legal aid programming on behalf of beneficiaries who reside in, or previously resided in, areas now subject to redevelopment under Law 10 and other HLP laws;
- › Step up humanitarian programming to assist individuals and families at risk of dispossession and displacement as a result of Law 10 and other legislation impacting HLP rights;
- › Conduct regular conflict sensitivity and human rights diligence reviews of would-be partners from the aid and private sectors to ensure aid organizations do not engage with partners funding and/or benefitting from violations of HLP rights.
- › Clarify the distinct legal status of Palestinian refugees in Syria, compared with Syrian nationals, in Syria’s post-2011 HLP laws;
- › Improve humanitarian monitoring of a broad range of HLP issues including homelessness and squatting.

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The Humanitarian Access Team (HAT) was established in Beirut in March 2015 in response to the collective challenges facing the remote humanitarian response in Syria. Successful humanitarian and development interventions require a nuanced and objective understanding of the human ecosystems in which these interventions occur. To this end, the HAT's most important function is to collect, triangulate, synthesize, analyze and operationalize disparate data and information. Since 2015, HAT analysis has provided a forward-looking template for international interventions in Syria, and facilitated an increasingly nimble, adaptive, integrated, and ultimately impactful international response to the Syrian conflict.

