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Brief

Evolving Ownership Structures in Syrian Ongoing Conflict and Future Policies for a Sustainable Reconstruction

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Abstract

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Current conditions of cities and territories in the MENA region pose serious design questions in terms of possible future reconstruction strategies. The tabula rasa conditions offer many chances but the ownership structure represents a major obstacle towards a sustainable reconstruction. Urban borders in Syrian cities before, during and after the civil war are undergoing processes of urban metamorphosis dictated by economic, social and historical causes. The comprehension of the complex concurrent factors that shaped current conditions is a starting point for the development of future strategies capable of acting as an alternative to current reconstruction laws that tend to intensify rather than diminish conflict.

01

The Conflict

The Syrian conflict, which has almost reached the ninth year of combat, seems to be in its conclusive phase. It is not a formal peace between the fighting forces, but a precarious balance in which the unresolved conflicts and punctual clashes currently affect mainly the Idlib area in the north of the country. In the rest of the Syrian territory the condition of apparent peace allows the start of reconstructive

processes that do not yet involve international organizations (United Nations, World Bank) that are still waiting for a formal resolution of the civil war. The main field of debate and comparison is currently represented by the future ownership structure in urban areas with the aim of modifying pre-war structures and favouring old and new power groups.

02

The Ownership Structure

In war areas, the ownership structure is used by authorities and fighting groups to pursue military ends and to assert their authority and legitimacy during and especially after military operations. Expropriations for political purposes began well before 2011 in the MENA region addressing long-standing grievances: in the 1980s and 1990s, in the north of Iraq, the Iraqi government ousted tens of thousands of Kurdish and Turkish farmers and transferred their lands to Arab settlers; in 1970, the Libyan government legislated to redistribute tribal lands and in 1986 abolished private land ownership. None of these laws have yet been repealed. During and after armed conflicts in the region, expropriations were commonly used by non-state and state actors not only as a form

of retaliation against perceived enemies, on an individual or collective basis, but also to assert their authority through enforcement of their legal order [WB, 2019]. Even ISIS, in the period of territorial government in Iraq and Syria, articulated elaborate rules for land ownership justifying the expropriation of agricultural lands that belonged to apostates before the group captured them, and further regulations for the distribution of assets confiscated as charity for the poor [Revkin, 2016].

It is significant that the first laws promulgated by the Syrian regime on the subject of reconstruction focus almost entirely on ownership structures. Law 10 was ratified on April 2nd 2018 and amended on November

11th 2018, after protests by the international community and human rights associations [Albakkor, 2018]. Law 10 establishes a legal regime that allows the government to designate areas in any part of the country as development zones for reconstruction. In these areas the authorities have a week to request a list of property owners in the existing property records that must be provided within 45 days. The owners whose names do not appear in the land registry, mainly the people settled in informal areas or with ownership certificates for agricultural lands, will have a year to reclaim their property for the purposes of compensation, since all property owners will be displaced and their properties requisitioned following development plans. Law 10 makes it almost impossible for owners living abroad or internally displaced to return to areas that were against the regime in order to reclaim their properties, for economic or personal security reasons. Law 10 represents the extension of a series of laws aimed at redefining Syrian ownership structures: Decree n. 66 of 2012 [Rollins, 2017] authorized the central government to intervene with specific regulations in two areas south of Damascus, Decree No. 63 of 2012 [Risk, 2018] authorized the immediate expropriation of movable and immovable property to those who were designated, with a very vague definition, as terrorists; Decree No. 11 of 2016, suspended and effectively cancelled properties in areas with emergency conditions and Law No. 3 of 2018 [Haugbolle, 2018] allowed the removal of war ruins, with another vague definition that favours targeted destructions.

The underlying intent of this powerful legislative apparatus is clear: to foster the ethnic and economic homogenization of Syrian cities through either the complete expropriation of property or in the best case scenario the transformation of the owners into shareholders of public-private partnerships. The bureaucratic apparatus and administrative complexity are seen as tools for the definition of homogeneous groups ('us' and 'them') in a conforming process that reaches the absurdity of a country with half of the population emigrated that imports inhabitants from the neighbouring Iran [Chulov, 2017]. The ultimate goal of demographic engineering is to change the religious balance between Sunnis, Shiites and minority groups within the country, a process already implemented in large and small urban centres and in different regions: Al-Qusair, Daraya, Wadi Barada, Aleppo, Homs, etc. Obviously the first development zones identified by the government under Law 10 in November 2018 were Qaboun, Barzeh, and Jobar, three peripheral areas of Damascus that were the strongholds of the Free Syrian Army during the conflict. It is easy to match the ownership structures proposed in development zones to a speculative reconstruction that involves the economic exploitation of the most interesting areas and the use of urban planning as a tool for the definition and strengthening of insurmountable physical and social borders. The country sketched by reconstruction laws is radically different from the pre-2011 one within a process that is already ongoing: Syria's pre-conflict urbanization index was 53%, among the lowest in the region, while UN-Habitat estimates that the current rate is 73, one of the highest.

03

The Reconstruction Process

The first project carried out following Decree No. 66 clearly shows the physical and urban consequences of reconstruction laws. Marota City [Hanna & Harastani, 2017] is currently under construction in the area of Al Razi, in the southern outskirts of Damascus. The masterplan draws clear inspiration from the Dubai model, with a collection of architectural objects of dubious taste that maximize the developed volumes by raising up to 70 floors in an urban landscape where only a few years ago the minarets were the only high elements above a dense urban fabric. Marota City

abandons all reference to the urban quality of the historic Arab city, replaces the model of the covered road and the souq with the globalized shopping mall, abandons the typology of the court house or of the small multi-family building in favour of oversized single-floor apartments and has very bad climate performance and very high energy consumption due to the use of materials and construction techniques that are totally unsuitable to the local climate.

Policy Conclusions

Current policy-making in Syria goes in the direction of a large-scale reconstruction of entire urban parts with high-rise buildings modelled on the Asian and Gulf cities. Ownership structure represents a current battle-ground between loyalist and opposition forces with selective demolitions and clearances often used as a way to alter the prewar situations in favour of future financial exploitation. Decree n. 66 is the first law addressing the postwar reconstruction of the country, and it is totally focused on ownership structures, the tracing of development zones allows the identification of the future main areas of intervention. Sustainable reconstruction proposals must start from the construction of alternative ownership models that allow a fair redistribution of resources and tackle the causes of conflict recurrence.

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