

A stylized map of Syria composed of a grid of dots. The dots are mostly grey, with several red dots highlighting specific locations. The map is centered on the page.

Destruct to Reconstruct

How the Syrian Regime Capitalises on Property Destruction and Land Legislation

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July 2017

- Over the past six years, the Syrian regime has destroyed areas and neighbourhoods controlled by the opposition, erased and falsified property records, confiscated property, and reallocated it to pro-regime communities. This was done with the aim of terrorising opposition-supportive communities, consolidating control over large swathes of land, buying allegiance, and broadening Iranian control over strategic parts of the country.
- At the same time, the Syrian regime has passed many laws and regulations to formalise the transfer of public assets to regime cronies. Informal areas have been targeted in a similar fashion under the pretext of preparing for reconstruction and adopting new urban planning schemes. The regime wants to capitalise on the destruction of the country to amass money and grab economic assets.
- Future potential donors should use any leverage they may have to undo as many of these policies as possible and ensure a fairer and more balanced reconstruction. This includes, for instance, the stipulation that any financing must be conditional on the return of the displaced and the refugees to their homes, or if that is not possible, on fair compensation.



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1. Introduction

In the six years since the beginning of the uprising, land and property rights issues have opened a Pandora's box in Syria: raising fears of religious and ethnic cleansing, the grab of public assets by regime cronies, their use as rewards for regime allies, and the imposition of facts on the ground to prevent the return of refugees and manipulate the reconstruction drive.

There is now significant circumstantial evidence that highlights the regime's role in the physical destruction of property, records destruction and falsification, and discloses population displacement and replacement targeted at constituencies supportive of the opposition. Moreover, there are serious reasons to believe that the regime wants to engineer demographic change in various parts of the country – in particular in Damascus, Homs, and in the Qalamoun Mountains along the border with Lebanon. Meanwhile, new laws regulating the management of state lands and assets clearly favour the transfer of public property to private investors – read regime cronies – while regulations on property transactions make it easier to dispossess poor households, again to the benefit of powerful investors.

Moreover, Iran is seeking compensation for its support of the regime through the acquisition of land in various parts of the country. This is being done with the apparent objective of establishing strongholds and zones of influence that will increase its stake in post-conflict Syria and in its broader rivalry with other states in the region.

Property rights issues are also crucial in terms of planning for reconstruction and the return of refugees to their previous homes. Where will they return to and with which property records? Laws and regulations passed in recent years hint at a regime favouring a reconstruction effort driven by upscale real estate developments on land and properties owned by those who have been expelled.

As the war appears to be nearing its end in large parts of the country and talks of reconstruction increase, these issues are particularly timely.

In this paper, I will argue that the regime's policies and efforts with regard to land and property have two broad objectives: 1) to serve as a weapon of war and as a means to further the regime's political control, its bargaining

cards in any potential political negotiation, and its security hold over key areas of the country; 2) to advance the economic interests of the regime's elite and to capitalise on the massive reconstruction drive that is expected, following the destruction the regime itself brought on the country.

2. Historical Background

2.1 The Redistribution of Agricultural Land

In 1958, after several years of not only strong, post-independence economic growth – partly driven by private sector investment in agriculture – but also a largely unstable political scene, Syria united with Egypt to establish the United Arab Republic (UAR). The UAR enforced a socialist economic programme of nationalisation of private assets – including land, banks, industrial establishments, and state-led investment. For the country's new rulers, the ambition was not only to redistribute economic wealth, but also to weaken the economic base of the ruling political elite, and in particular its landowning segment, which had acquired its wealth and assets under the Ottoman Empire and then the French Mandate (1920–1946).

One of this policy's main aspects was to set a ceiling on land ownership and to redistribute land to farmers. Ownership ceilings were set on the following basis: For irrigated lands, which at that time represented only a small part of the total agricultural land, the ceiling was 80 hectares per family; ten hectares were added for every family member with a maximum of 40 additional hectares. For non-irrigated land, the ceiling was set at 300 hectares, with an addition of 40 hectares per family member and a maximum of 160 additional hectares.

The urban centres of Aleppo and Hama,¹ whose fortunes were largely based on land assets and agricultural production, were particularly affected. While compensation was provided, it was far from satisfactory and landowners felt aggrieved by the dispossession they suffered. From then on – and until the 1982 Hama massacre – these two cities spearheaded opposition to the UAR and then to

1. Large landowning families in Aleppo included the Jabiri, Kayali, Qudsi, Mudares, Kikhia, Khanji and Hanano; in Hama, the Azem, Kaylani, Barazi, and Tayfour families. See Philip Khoury, *Urban Notables and Arab Nationalism: The Politics of Damascus, 1860–1920*, 1984.

the Baath regime, through several bouts of both peaceful protests and armed local rebellion.

The period between 1958 and 1961 was tumultuous and ended with a coup d'état that put an end to the UAR and saw the temporary return of some elements of the old bourgeoisie. Among the first measures adopted by the new government were changes to the agricultural reform plan, including an increase in ownership ceilings to 200 hectares for irrigated, and 600 hectares for non-irrigated land. Measures were also adopted to ensure better compensation for landowners.² Again, landownership was at the forefront of economic and political struggles in the country.

In 1963, the Baath Party seized power in a new coup d'état and returned to land redistribution policies, with a further reduction in ownership ceilings and the establishment of government-owned collective farms a few years later. Support to farmers also came in the form of investment in agricultural infrastructure, subsidised inputs, state irrigation projects, and concessionary loans.

This period of instability, upheavals, and the weakening of the traditional economic and political elites caused many members of the Syrian bourgeoisie to flee the country for Lebanon, Europe, and other parts of the world.

Fifty years later, in 2013, a group of leading Syrian experts affiliated with the opposition published a policy document called *The Syria Transition Roadmap* on post-Assad Syria. One of its main policy recommendations in the economic field was the return to their »rightful owners« of land and other properties nationalised by the Baath Party.³ This recommendation not only emphasised the weight of the former bourgeoisie and landowning families among the political opposition, but also the deep scars the land nationalisation of the 1950s and 1960s left in some segments of Syrian society.

2.2 Demographic Growth, Agrarian Counter-reform

Although Syria witnessed few regulatory changes to the status quo on land issues under the rule of Hafez al-Assad (1971–2000), the economy and society changed profoundly during these decades. For instance, land property in rural areas was particularly affected by the death of the first beneficiaries of the land distribution reform. Their inheritance led to the extreme parcelling of land, with heirs owning ever-smaller plots. During that period, Syria also witnessed a demographic boom and improvements in health services, which contributed to an increase in the population and significant rural/urban migration flows, shifting demand for land and real estate property to cities.

Official data indicates that Syria's urban population first became larger than its rural one in 1990,⁴ and that its urban/rural ratio remained relatively balanced up to the beginning of the uprising – it stood at 53/47 per cent in 2011, for instance.⁵ However, this number is misleading, because the definition of what constitutes an urban area is restrictive. Urban centres in Syria are defined as agglomerations of more than 20,000 people, while in most countries the threshold is much lower – e.g. 2,500 or 5,000.⁶ Thus, any agglomeration with less than 20,000 inhabitants is considered rural, hence the relatively high official rural population rate.

The urban rush that began in the 1970s led to an increase in informal settlements in and around all major urban centres. According to Syrian official statistics, in 2004 nearly 40 per cent of Syrians lived in informal areas.⁷ As a result, demand for – and conflict and competition over – land and housing have gradually shifted to urban and suburban areas over the past four decades.

2. Pierre Blanc, *Quand la terre change de main*, in *Proche-Orient, Le pouvoir, le terre et l'eau*, 2012.

3. Syria Transition Roadmap, Syria Expert House, 2013; available at: <http://syrianexperthouse.org/archives/775> (accessed 18.07.2017).

4. Onn Winckler, *Demographic Developments and Population Policies in Ba'athist Syria*, 1999.

5. Central Bureau of Statistics, *Statistical Abstract 2011*.

6. UNStats, *Definition of Urban*; available at: https://unstats.un.org/unsd/demographic/sconcerns/densurb/Defintion_of%20Urban.pdf (accessed 18.07.2017).

7. The Syria Report, *Corporate Syria: Real Estate 2009*; available at: <http://syria-report.com/library/reports-surveys/corporate-syria-real-estate-2009> (accessed 18.07.2017).

2.3 A Tool of Political Control

Land and property management by the Syrian government has also been used as a tool of political control. While land reform served to weaken the economic base and political influence of the urban and mostly Sunni large landowners in the 1950s and 1960s – and reinforce that of farmers, smaller landowners, and the rural bourgeoisie who formed the regime's main support base – regulations on land ownership and transaction were also used as a tool to manage relations with the Kurds.⁸

In the early 1960s, the government established an »Arab belt« policy in north-eastern Syria. The objective was to reduce the proportion of Kurds living in the country's north-east – where they formed a large concentration – and which had witnessed the discovery of new oil resources, in addition to its fertile agricultural areas. The policy induced the transfer and settlement of Arab tribes in the border region with Turkey to undermine the Kurds' demographic dominance in the area and thus stifle calls for more Kurdish autonomy. After the construction of the Euphrates Dam and the rising water level of its reservoir forced the displacement of dozens of Arab villages, their inhabitants were also relocated to the north-eastern border area.

Relations with the Kurds remained uneasy for decades. In 2008, the government issued Decree 49, which required a security clearance for the purchase, sale, and inheritance of land in border areas, which were defined as all areas located within a 25-kilometre belt from the border, up from ten kilometres before the decree. The text was perceived by the Kurds as a provocation targeting them in particular – although people in Daraa, which borders Jordan, were also affected.

A Syrian Kurdish human rights organisation said at the time that the decree would have »catastrophic impacts on the rights of citizens«, and that imposing a security clearance would de facto mean that Kurds wouldn't be allowed to own and manage their lands and real estate properties, »as no citizen of Kurdish origin had obtained a clearance from the security services for a very long

8. The Kurds form the largest ethnic minority in Syria and are geographically concentrated in the north-east. Their size, concentration, ties to their brethren across the Turkish border, and the fact that they are outsiders in a one-party state that based its political identity on Arab nationalism all contribute to a conflictual relationship with Damascus.

time«. Eventually the decree will have »a serious impact on stability«, it added.⁹

2.4 The Liberal Turn

Bashar al-Assad's decade, which preceded the 2011 uprising, saw additional challenges to the land distribution status quo, which were brought about by regulatory changes initiated by the new economically-liberal elite who rose to power alongside the new president.

In December 2000, six months into his presidency, one of the first economic decisions made by Assad was the privatisation of state farms, most of which were located in the country's eastern Jazirah region. State farms owned relatively limited tracts of land – some 140,000 hectares out of six million hectares of total arable land¹⁰ – and their closure was justified by the authorities on the basis of their poor productivity. However, the measure was highly symbolic of the economic policies promoted by the new elite.

The redistribution of land owned by these state farms partly benefitted not only individuals and tribes allied with the regime, but also former large landowners, representing a form of counter-reform, albeit at a small level. The decision created a profound sense of injustice among the inhabitants of the Jazirah region. Then in 2004, the government adopted a new agrarian relations law that was largely unfavourable to tenant farmers; it led to the expulsion of many of them as well as increased land speculation.¹¹

Assad's decade also coincided with a rise in global oil prices and a boom in real estate investment across the Middle East. Syria's economic liberalisation during the period 2000–2010 was largely based on foreign trade liberalisation, the opening of new business sectors to private investment, a friendlier business environment, and a focus on the service industry. To attract Gulf investors as well as Syrian expatriates seeking quick returns and

9. Al-Marsoum 49 li-'am 2008 Intihak Sarikh lilhouqouq Al-Assiyassiyeh lilmouaten Al-Souri, Kurdish Organization for the Defense of Human Rights in Syria, 20085; available at: <http://www.shrc.org/?p=9287> (accessed 18.07.2017).

10. Myriam Ababsa, *Crise agraire, crise foncière et sécheresse en Syrie*, Maghreb-Machrek, 2013: 104.

11. *Ibid.*, 105.

high profit margins, a series of changes to the legal and regulatory framework followed.

Law 15 of 2008, for example, gave incentives to large-scale construction projects with the aim of attracting money for upscale residential and commercial developments. Legislative Decree No. 8 of 2007, which eased private investment, allowed foreign investors to own land, encouraging the inflow of Gulf money, which pushed up prices. Between 2003 and 2006, housing prices increased on average by 30 per cent annually across Syria, while in 2009 they increased by 40 per cent annually.¹² Smaller scale investments in residential housing sprung up everywhere across the country. Beyond the traditional role as a store of value, land and real estate had become profitable investments with relatively high return prospects.

However, while the wealthier segments of society had profited from this property boom, those with lower incomes were pushed further away from city centres, migrating to crowded suburban districts and informal housing areas, which also continued to receive new streams of rural migrants. In the years preceding the uprising, land and property issues – including rising housing prices, legislation favouring upscale real estate investments, distressed rural areas, legislation that created obstacle to property transactions in border areas, etc. – had increasingly become a source of tension and discontent.

In March 2011, a few days after the uprising began, Assad sent a Baath Party delegation to meet protesters in the city of Daraa. Although the protestors' demands were mainly political in nature, they also had requests specifically related to land and property ownership, transactions, and registration. Protesters wanted the government to scrap Law 60 passed in 1979 and amended in 2000 (Law No. 26 of 2000), which authorised the expropriation by the government of lands in urban centres with unfair compensation prices; as well as Law 41 passed in 2004 and amended in 2008, which requires a security clearance for the sale and ownership of land and property in border areas, forcing people either to pay bribes or to sell their properties to regime-affiliated figures at discount prices.¹³

12. Linda Matar, *The Political Economy of Investment in Syria*, Palgrave Macmillan, 2016.

13. The Syria Report, *The Demands of the People of Daraa of March 20, 2011*; available at: <http://www.syria-report.com/library/political-doc->

3. The Political and Security Dimensions of Regime Policies on Land and Property

Almost since the beginning of the Syrian uprising in March 2011, the regime has been carrying out the systematic, large-scale destruction of areas and neighbourhoods controlled by the opposition. While this policy initially appeared designed to suppress the opposition – in particular its armed element – the targeting of land and property has taken many other forms and seems to have several objectives.

Apart from the physical destruction of property, the regime has also destroyed and falsified property records, confiscated property and reallocated it to pro-regime communities, and prioritised the rehabilitation of areas inhabited by these same communities. The regime's objectives include instilling fear and terrorising opposition-supportive communities into submission; discouraging sideliners from joining the opposition; consolidating control over large swathes of land; buying allegiance and rewarding supporters; and broadening Iranian control over strategic parts of Damascus and the border with Lebanon.

3.1 Physical Destruction, Records Erasure, and Falsification

In a 2014 report, Human Rights Watch (HRW) documented seven cases of large-scale destruction conducted by the regime in the cities of Damascus and Hama.¹⁴ All seven neighbourhoods were opposition strongholds, and according to the report the destruction was primarily motivated by the wish to punish the population and prevent it from returning.

The report presented a small sample of the large-scale destruction Syrian cities and towns have faced since 2011 – almost exclusively at the hand of the Syrian regime and its allies, and with the primary aim of frightening, forcing into submission, and expelling their populations.

ments/demands-people-daraa-march-20-2011 (accessed 18.07.2017).

14. Human Rights Watch, *Razed to the Ground, Syria's Unlawful Neighbourhood Demolitions in 2012–2013*, January 2014; available at: <https://www.hrw.org/report/2014/01/30/razed-ground/syrias-unlawful-neighborhood-demolitions-2012-2013> (accessed 18.07.2017).

Also significant is the »legalised« destruction of two other areas in 2012 in Damascus. That year, Assad issued Decree 66/2012,¹⁵ which legalised the destruction of two districts located in the south-western parts of the Syrian capital and allowed the expulsion of their inhabitants, who were largely supportive of the opposition. The construction of upscale residential projects was planned instead. The decree followed months of peaceful protests against the regime and then of armed opposition by the Free Syrian Army in these districts. The regime justified expelling the population with the need to apply a long-standing urban planning scheme that aimed at ending informal housing areas, redeveloping them under guidelines that are better regulated, and improving living conditions. These claims, however, did not withstand scrutiny.

Indeed, there are many other informal housing areas around Damascus that would theoretically necessitate »improvement in living conditions«, such as Mazzeh 86 and Sawmarieh in the western part of the Mazzeh district, Ish Al-Warwar, on the north-eastern part of the capital, and the Duwailaa and Jaramana suburbs to the east of Damascus. All of these suburbs, which are largely supportive of the regime, have been left untouched.

The regime has also conducted a large-scale erasure and falsification of property records across the country – again, with the aim to prevent the population from returning and from claiming any rights. On 1 July 2013, for instance, the land registry of the central city of Homs was bombed by regime forces, and the resulting fire destroyed many of the city's property records.¹⁶ The destruction was believed to be deliberate »because it was the only structure burned in the most secure part of the city«. ¹⁷ Other land registries have also reportedly been burned in Zabadani, Daraya, and Qusayr.¹⁸ The destruction of records not only prevents the original owners from

reclaiming their property, but also allows the transfer of the property to pro-regime individuals and groups.

In some cases, destroyed records have also included electricity and water bills that could be used to establish the residences' rightful owners.¹⁹ Again, only opposition constituencies have been targeted. The absence of the original owners in many parts of former opposition strongholds also appears to have enabled many cases of records falsification, including the use of forged documents to carry out the sale and transfer of property to new owners.²⁰

Partly as a reaction to the Homs fire in 2013 and fear of the loss of more property records, there have been efforts to gather and safeguard these records. The Day After, a Syrian organisation based in Istanbul, has embarked on a large-scale digitisation of property deeds, in addition to judicial files related to disputes over property rights. The ongoing project has already digitised hundreds of thousands of records in the northern provinces of Aleppo and Idlib.²¹ In addition, local councils in opposition areas have set up their own cadastral registries to enable people there to conduct land and real estate transactions.

Yet, one major challenge to these efforts is the limited volume of registered land. According to some estimates, only around 50 per cent of land in Syria is officially registered, while an additional 40 per cent has demarcated boundaries but is not yet registered. Furthermore, many of the records are still paper-based.²² Furthermore, in informal areas – where the opposition draws much of its support – property records are weak from a legal perspective and barely serve as a proof of ownership. Given the size of these areas – around 40 per cent of all housing units in Syria are informal – the property rights of millions of Syrians over their homes, or in the case of many refugees and the displaced what used to be their homes, are therefore particularly endangered.

15. <http://66.damascus.gov.sy/>

16. The Syrian Human Rights Committee, Harq Al-Sijl Al-Iqari fi Homsmin Qibal Al-Quwat Al-'Askariya Al-Hukumiyah, July 2013; available at: <http://www.shrc.org/?p=15314> (accessed 18.07.2017).

17. Jon D. Unruh, Weaponization of the Land and Property Rights system in the Syrian civil war: facilitating restitution?, *Journal of Intervention and State building* 10 (March 2016); available at: <http://www.tandfonline.com/doi/abs/10.1080/17502977.2016.1158527> (accessed 18.07.2017).

18. Martin Chulov, Iran repopulates Syria with Shia Muslims to help tighten regime's control, *The Guardian*, January 2017; available at: <https://www.theguardian.com/world/2017/jan/13/irans-syria-project-pushing-population-shifts-to-increase-influence> (accessed 18.07.2017).

19. Jon D. Unruh, Weaponization of the Land and Property Rights system in the Syrian civil war (see note 17).

20. Pax, The Syria Institute, No Return to Homs, A case study on demographic engineering in Syria, February 2017; available at: <https://www.paxforpeace.nl/publications/all-publications/no-return-to-homs> (accessed 18.07.2017).

21. See: The Day After, <http://tda-sy.org/>

22. The World Bank, Will forcibly displaced Syrians get their land back?, August 2016; available at: <http://blogs.worldbank.org/arabvoices/will-forcibly-displaced-syrians-get-their-land-back> (accessed 18.07.2017).

Adding to its efforts at dispossession, the government issued Decree 11/2016 in May 2016 suspending all records of real estate transactions conducted in areas outside regime control, on the basis that cadastral offices in these areas were closed. Instead, a supplementary registry has been opened at the government-run General Directorate of Cadastral Affairs (GDCA), where transactions conducted in areas outside regime control will be recorded and incorporated into the main property register once the war ends and the cadastral offices reopen.²³

Then August 2016, AbdulKarim Idriss – the head of the GDCA – announced that his office had a copy of all property deeds across Syria stored in a safe place.²⁴ If his claim is true, the government's possession of such a large number of property records would give it additional leverage in the context of post-conflict reconstruction efforts or the potential expropriation of property in former opposition strongholds.

It is clear, though, that at this stage, there are enough facts on the ground – in terms of the destruction of physical properties and records – to render the return of refugees and the displaced particularly cumbersome and to prevent them from recovering their properties.

3.2 The Sectarian Dimension

The sectarian dimension of the Syrian regime's policy towards land and property issues, and in particular its targeting of Sunni communities to the benefit of Alawites, remains widely debated.

Regime supporters refute any such motive and argue that in various parts of the country, the regime has relied on militias comprised of Sunnis – such as the large Berri family in Aleppo or tribes in Raqqa and Deir-ez-Zor – and that it continues to receive the support of some segments of the upper middle class and bourgeoisie of Aleppo and Damascus. In addition, when Sunnis live in areas with a large concentration of minorities they have not been targeted. Finally, the targeting of Sunni areas may merely be the reflection of the demographics of the uprising – i.e.

the fact that for a host of reasons Sunnis are supportive of the opposition, while minorities back the regime.

Though these arguments are to some extent true, there is still enough circumstantial evidence pointing at sectarian-motivated policies implemented by the regime, at least in some parts of the country. Also, while not all Sunnis in Syria have been targeted by the regime, each time communities have been targeted they have been Sunnis,²⁵ so there has been a perception among these communities that they were targeted because of their sect and not merely their opposition to the regime.

Adding to the sectarian dimension is the fact that the regime and the Iranians have relied to a large extent on foreign militias made up of Shia fighters from Afghanistan, Iraq, and Lebanon. In order to mobilise these recruits, the discourse adopted has been sectarian,²⁶ thus many of the crimes committed by these militias – as evidenced by countless videos and social media comments – have had a sectarian dimension.

The two districts of Decree 66 destroyed by the regime in Damascus, the seven cases highlighted in the HRW report, and almost all of the areas destroyed by the regime that have seen their populations expelled are largely inhabited by Sunnis. In contrast, the informal areas of Damascus mentioned earlier that were preserved from destruction are all populated by minorities: Mazzeh 86, Sawmarieh and Ish Al-Warwar are mostly inhabited by Alawites; Duwailaa has a majority of Christians; and Jaramana a mix of Christians and Druze.

Moreover, in some cases, such as the city of Homs where sectarian tensions were particularly high even before the uprising,²⁷ reallocation of properties owned by people expelled – i.e. Sunnis – have gone to Alawis.

23. The Syria Report, New Decree Highlights Potential Future Confusion over Property Deeds, May 2016; available at: <http://syria-report.com/news/real-estate-construction/new-decree-highlights-potential-future-confusion-over-property-deeds> (accessed 18.07.2017).

24. Ibid.

25. There have been numerous massacres of civilians committed by regime thugs, known as *shabeehas*, with a clear sectarian dimension. Among the most notorious of these, in May 2012 in the Sunni village of Al-Houla north of Homs, 108 people – half of whom were children – were killed in two bouts of summary executions carried out by militiamen loyal to Bashar Al-Assad, according to the UN Human Rights Office. In May 2013 in the village of Bayda and the city of Baniyas north of Tartous, hundreds of civilians were killed in mass summary executions in the space of two days, according to Human Rights Watch.

26. Naame Shaam, Silent Sectarian Cleansing, Iranian Role in Mass Demolitions and Population Transfers in Syria, May 2015; available at: http://www.naameshaam.org/wp-content/uploads/2015/05/Silent_Ethnic_Cleansing_in_Syria_NaameShaamReport_ENGLISH_May20151.pdf (accessed 18.07.2017).

27. Heiko Wimmen, Carnegie Middle East Center, Syria's Path From Civic Uprising to Civil War, November 2016; available at: <http://carnegieen->

A report by Pax and The Syria Initiative on the city of Homs published in early 2017 had the following to say on the reallocation of properties: »Two interviewees described attempts to dispose of three properties in Homs after fleeing the city, only to learn that their homes had been unlawfully sold using falsified documents. These incidents occurred in Bayada, Hay Al-Arman, and Al-Zahraa neighborhoods in the northeastern part of the city. These were either Alawite-majority or adjacent to Alawite-majority neighborhoods and were not subject to the siege in the city center and building damage was minimal. Both interviewees described similar scenarios of speaking with real estate agents by phone about their properties and being told the homes had already been sold and there were records to prove it. One said: »We didn't understand this because we had not put it up for sale ... All the buildings were sold to Alawites, through the authority of the Syrian government. Documents were forged saying that I had sold my home to Alawites. This happened all over the neighborhood.« (...) Another interviewee explained that his family »contacted a real estate agent who said that they have papers that prove that the Alawites own the house... It was as if we sold it, except we didn't get anything from selling it, it was just taken.«²⁸

The perception that Sunnis have been targeted is reinforced by the name given to the newly-established markets for stolen furniture and goods. Again in Homs, where homes of opposition-supportive communities were looted by the *shabeehas*²⁹ and resold, these markets became known as »Souk Al-Sunna« or the Sunnis' market.³⁰ The use of this expression has spread to other Syrian cities.

Meanwhile, in the Qalamoun Mountains bordering Lebanon, the hundreds of thousands of people who have been displaced, mostly to Lebanon, have still not returned despite the battles having stopped years ago. The area is now under the control of Lebanon's Hezbollah – a Shia Islamist political, military, and social organisation – which

is reportedly intent on keeping this strategic area under its control and aims to repopulate it with constituencies that are sympathetic.³¹

Therefore, while the Syrian regime and Iran have no systematic countrywide sectarian cleansing policy, they have not hesitated to expel Sunnis when their political and security needs so required – because they are seen as a threat – and replace them with Alawites or other minorities.

3.3 Iran's Land Purchases

Iran's involvement in the Syrian conflict is now widely documented. Its military and security support to the regime, combined with substantial economic help, has had a significant impact on the fortunes of its ally. However, there is also evidence of land and property purchases by Iranians – at least in some parts of the country – raising question about Tehran's long-term objectives in Syria.

In the Sayyida Zaynab suburb of Damascus, where a prominent Shia shrine named after the Prophet Mohammed's granddaughter is located, the Iranian media have confirmed these purchases. In August 2014 Hossein Palarak, the head of the Iranian Department of Reconstruction of Holy Shrines, was quoted as saying: »The urban planning of the area near Sayyeda Zaynab is to be revised. A new model is being prepared now and we are buying the properties around the shrine.«³²

There is also anecdotal evidence of several real estate purchases in the Old Town of Damascus by Damascene Shias, although no substantive evidence that they are acting as fronts for Iranians or that this is part of a large-scale and systematic effort.³³ Despite many reports from opposition constituencies and media, direct evidence of Iran-linked purchases in other parts of the country is also difficult to gather.

Various rumours have also circulated in Damascus about the purchase by Iran – either directly or through agents –

dowment.org/2016/11/22/syria-s-path-from-civic-uprising-to-civil-war-pub-66171 (accessed 18.07.2017).

28. Pax, The Syria Institute, No Return to Homs, A case study on demographic engineering in Syria (see note 20).

29. Common name for regime thugs.

30. Jihad Yazigi, Syria's War Economy, April 2014; available at: http://www.ecfr.eu/publications/summary/syrias_war_economy (accessed 18.07.2017).

31. Martin Chulov, Iran repopulates Syria with Shia Muslims to help tighten regime's control (see note 18).

32. Naame Shaam, Silent Sectarian Cleansing, Iranian Role in Mass Demolitions and Population Transfers in Syria (see note 26).

33. Interviews with Damascus residents conducted in Beirut in 2015 and 2016.

of plots of land and properties in the Mazzeh district around the Iranian Embassy, in the Bahsa area near the Iranian Cultural Centre, as well as in the city of Homs. Furthermore, in April 2016, a fire that destroyed several shops in the historic Old Town was attributed to Iranians wanting to clear the way for Shia buyers, although others blamed regime cronies.³⁴ While most of these claims are unsubstantiated, they were considered serious enough for Sheikh Mohammad Karim Rajeh – an influential Islamic scholar who supports the opposition and now lives in exile – to issue a fatwa in August 2015 outlawing the sale of Syrian land to Iranian nationals on the basis that this would serve an Iranian plan to take control of the country and spread Shiism.³⁵

Iran's objectives in acquiring Syrian land and property are manifold. First, there is an ideological and theological motive in controlling religious shrines in line with similar efforts in Najaf, Samaraa, and Karbalaa in Iraq.³⁶ There is an economic motive as Tehran seeks to capitalise on the massive financial support it granted to Damascus, while it knows that the regime does not have the money to repay it in cash. At the same time, Iranian companies want to position themselves for reconstruction and know that real estate and the construction sectors could attract significant business activity. In June 2014, Wael Halqi – Syrian PM at the time – said that »Iranian companies are Syria's main partners in the reconstruction of our country«. ³⁷ In January 2017, the Syrian and Iranian governments signed a contract under which Iranian companies would acquire about 11,000 hectares of land in the coastal area to develop agricultural projects and set up oil storage tanks.³⁸

The political and security motives are also obvious. While it cannot build on the Syrian Shia community, which is

too small to play a significant political and military role (less than 1 per cent of the population), the acquisition of land could potentially help it gain some control over specific strategic areas, in particular in the Qalamoun Mountains along the border with Lebanon.

The acquisition of land would also strengthen a potential land corridor stretching from Iran to the Mediterranean through Iraq. In May 2017, *The Guardian* claimed that Tehran had changed the course of a land corridor that it aims to carve to the Mediterranean coast and that the new route would go »from Deir-ez-Zor to Sukhna to Palmyra, then Damascus, and towards the Lebanese border, where the central goal of emboldening Hezbollah could partially be achieved through demographic swaps. From there, a path to Latakia and the Mediterranean Sea has also been envisaged, giving Iran a supply line that avoids the heavily patrolled Persian Gulf waters«. ³⁹ This claim has been reinforced by recent developments in the battlefield, which have seen Iranian-backed Shia militias first take Sukhna and then advance quickly towards the Iraqi border.

3.4 Attacks on Property Rights in Kurdish Areas

Nevertheless, the regime does not have a monopoly on attempts to affect property rights. Similar suspicions of wrongdoing involving the Kurdish Democratic Union Party (PYD) were raised in September 2015 after the Legislative Council of the Jazireh Region – a body established by the PYD to legislate in one of the three districts under its control – issued a law confiscating the properties of residents who left the region, officially to »protect« these assets from seizure from third parties and use them to the benefit of the community.⁴⁰

In theory, the measure affects everyone who left the region, irrespective of their ethnic and sectarian background. However, the Christians who left in larger numbers and are on average wealthier – hence own

34. The Syria Report, Fire in Damascus Raises Suspicion of Regime and Iranian Involvement, April 2016; available at: <http://syria-report.com/news/real-estate-construction/fire-damascus-raises-suspicion-regime-and-iranian-involvement> (accessed 18.07.2017).

35. The Syria Report, Islamic Scholar Bans Sale of Lands to Iranians, 2015; available at: <http://syria-report.com/news/real-estate-construction/islamic-scholar-bans-sale-lands-iranians> (accessed 18.07.2017).

36. Long War Journal, Qods Force front group develops shrine in Iraq, September 2016; available at: <http://www.longwarjournal.org/archives/2016/09/qods-force-front-group-develops-shrine-in-iraq.php> (accessed 18.07.2017).

37. Naame Shaam, Silent Sectarian Cleansing, Iranian Role in Mass Demolitions and Population Transfers in Syria (see note 26).

38. The Syria Report, Revolutionary Guards Get Hold of Syrian Mobile Phone Licence as Part of Broader Tehran Grab on Economic Assets, January 2017; available at: <http://syria-report.com/news/economy/revolutionary-guards-get-hold-syrian-mobile-phone-licence-part-broader-tehran-grab-econ> (accessed 18.07.2017).

39. Martin Chulov, Iran changes course of road to Mediterranean coast to avoid US forces, *The Guardian*, May 2017; available at: <https://www.theguardian.com/world/2017/may/16/iran-changes-course-of-road-to-mediterranean-coast-to-avoid-us-forces> (accessed 18.07.2017).

40. The Syria Report, Syrian Christians to be most impacted by Confiscation of Properties by Kurds, 2015; available at: <http://syria-report.com/news/real-estate-construction/syrian-christians-be-most-impacted-confiscation-properties-kurds> (accessed 18.07.2017).

more property – felt particularly targeted.⁴¹ The Assyrian members of the Council were the only group to oppose the bill and, within a few weeks, the PYD – which is the real power behind the council – was forced to backtrack, likely because of the backlash it feared among foreign backers particularly sensitive to the plight of Christians. Assets owned by Christians that are seized are now handed to the Church.

Meanwhile, Manbij, a city disputed by Kurdish and Arab armed groups, witnessed a destruction of its property records. The building hosting the civil and land registries caught fire following the PYD's takeover of the town in August 2016 raising suspicions that the Kurdish party wanted to destroy records of Arab property in the town to prevent any ownership claim they may have.⁴² With its majority of Arab and Turkmen residents, Manbij is indeed in the midst of an East-West corridor along the Turkish border, which has a large Kurdish population.⁴³ While the actual responsibility of the PYD in the fire is unclear, the substantial number of articles published about the event on Syrian opposition media highlighted the sensitivity of the issue and how the event was largely perceived. The fact that in Manbij, as in Homs, sectarian and ethnic tensions are high, only reinforced suspicions of intentional wrongdoing.

4 Capitalising on Destruction: The Economics of Land and Property

The massive scale of Syria's destruction will require a significant reconstruction drive: according to many estimates, rebuilding Syria may require investments of up to 200 billion US dollars. The fact that the regime is overwhelmingly responsible for this destruction has not prevented it, however, from seeking to be at the forefront of this reconstruction effort whenever it starts.

In particular, the regime has been very active in regulating the real estate sector in a bid to enable its cronies to control an increasing share of assets in the main urban centres. The need to fund reconstruction has been used as a justification to change the legal framework in a manner that effectively eases a gradual grab of not only public land, but also of illegal housing areas where the poorer segments of the population live, to the benefit of regime cronies.

Given the destruction of most of the economy and international sanctions, business opportunities have been limited and real estate is seen as a rare area of potential future profits. In addition, the scale of the destruction makes real estate by far the most lucrative sector for years and decades to come, hence the regime's need to ensure that its cronies control as much land and property as possible pending reconstruction.

The building materials sector, which is directly linked to reconstruction, is already seeing much preparation. At the end of 2015, for instance, the government established the Syrian Metals Council (SMC), which is tasked with overseeing the metal and steel sector, setting prices, promoting private companies, issuing certificates of origin, etc. The board of the SMC is filled with powerful regime-linked investors, including Mohammad Hamsho, one of the country's most powerful business figures.⁴⁴ Similarly, Samer Foz and Imad Hamsho, two other prominent investors have joined forces to run one of the largest steel melting plants,⁴⁵ while others are planning to establish cement production units.

However, land in or around the main city centres remains the most prized asset. Much of the land and property in the country is owned by the state, including local councils,⁴⁶ and the regulations have therefore been framed to ensure that they can be transferred in one way or another to private investors.

41. Ibid.

42. The Syria Report, Fire in Manbij Land Registry Highlights Issue of Land Property in Syria, 2016; available at: <http://syria-report.com/news/real-estate-construction/fire-manbij-land-registry-highlights-issue-land-property-syria> (accessed 18.07.2017).

43. Syrian Kurds live across the country, including in the cities of Aleppo and Damascus. However, their largest two concentrations are in the north-east, along the border with Iraq and Turkey and northwest of Aleppo, as well as along the Turkish border and close to the Mediterranean Sea. These two areas – which, at the time of this writing, are under the control of the PYD – are separated by an area inhabited by a majority of Arabs and Turkmen, where Manbij is located.

44. The Syria Report, Mohammad Hamsho Leads newly-established Syrian Metals Council, December 2015; available at: <http://syria-report.com/news/manufacturing/mohammad-hamsho-leads-newly-established-syrian-metals-council> (accessed 18.07.2017).

45. The Syria Report, Syrian Investor, Enriched by War, Rises to Prominence, June 2017; available at: <http://syria-report.com/news/economy/syrian-investor-enriched-war-rises-prominence> (accessed 18.07.2017).

46. Jon D. Unruh, Weaponization of the Land and Property Rights system in the Syrian civil war: facilitating restitution? (see note 17).

4.1 Legislation as a Means of Transferring Public Assets to Cronies

In May 2015, the government enacted Decree 19/2015, which allows local administrative units (LAU) – such as governorates, cities, and towns – to establish fully-owned holding companies to carry out infrastructure works on behalf of the LAU, set up service centres for the residents, issue building licences, and manage all LAU properties. The assets managed by the holdings and any of their subsidiaries are exempted from any taxes and fees.⁴⁷

The logic of the decree is that holding companies operating under the holding company law are much more flexible than state entities. They are assumed to reduce bureaucratic red tape, limit corruption, and provide more efficient services. By specifying that these holding companies are wholly owned by the LAU, the decree gives a veneer of respectability and pretends to protect public interest. However, there are no such restrictions on the ownership of the subsidiaries established by the holding – by law a holding cannot conduct business activities; it only serves as a vehicle to consolidate ownership in various subsidiaries. In other words, the holdings can establish subsidiaries in joint ventures with private investors with no ownership cap, in effect allowing the latter to own a majority of the shares. Government officials have confirmed that the subsidiaries will be created in joint ventures with private interests and that the aim of these holdings is primarily to develop real estate projects.

This set-up creates three advantages for investors. First, powerful private investors – which in Syria's current context means regime cronies – will be able to indirectly manage all the large real estate assets owned by Syrian governorates and cities. Second, because they have been established under the company law, rather than being state entities, the holdings and their subsidiaries will not have to go through public tender processes and can instead award contracts to companies of their choice. While official tender processes are fraught with corruption, they provide at least some minimal level of transparency and safeguards to protect public interest – these will now disappear. Finally, the assets transferred to the holdings and their subsidiaries are exempted from all taxes and

fees because they are public property. In other words, holding companies created under this decree benefit at the same time from the advantages of operating under the company law and of owning public assets.

Therefore, rather than protecting public interest, as is claimed, the holdings will be used as a cover to protect private investors and contractors involved in the development of projects on state lands or on private lands that have been expropriated.

In December 2016, the Governorate of Damascus finalised the establishment of the Damascus Cham Private Joint Stock Company with starting capital of 60 billion pounds – equivalent to around 120 million US dollars – to take charge of the development of the two sites identified in Decree 66 (see below). In March 2017, the Homs Governorate followed with its own holding company.⁴⁸ Also in March 2017, a real estate development company with starting capital of 50 billion Syrian pounds (around 90 million US dollars) was established by regime-affiliated investors – including Nader Qalei, a former shareholder and general manager of Syriatel, a company owned by Ramzi Makhoul, Bashar Al-Assad's maternal cousin and the country's most powerful businessman. Bidding for projects promoted by Damascus Cham was cited among the company's main objectives.⁴⁹

Another key text, the public-private partnership (PPP) law, was passed in January 2016.⁵⁰ Prior to the uprising, there were already talks of a PPP law that would reduce the need for the government to provide short-term funding for infrastructure projects, which are usually capital-intensive. While in theory PPP projects can make sense given the huge funds needed to finance reconstruction, the text of the law has been largely perceived as a means to legalise the transfer of state assets – many of which are in the form of real estate properties or land – to private investors. The absence of safeguards, along with the lack of any form of independent judicial or civil society checks and balances, turns PPP processes into serious

47. The Syria Report, Presidential Decree Enables Privatisation of Management of Syrian Towns and Cities, 2015; available at: <http://syria-report.com/news/economy/presidential-decree-enables-privatisation-management-syrian-towns-and-cities> (accessed 18.07.2017).

48. The Syria Report, Homs Governorate Announces Set-up of Holding Company, 2017; available at: <http://syria-report.com/news/real-estate-construction/homs-governorate-announces-set-holding-company> (accessed 18.07.2017).

49. Tishreen, Bi-Ra'ismal Qadrahou 40 milliar Lira Diraset Li-lhdath Shari-kat Moushtarakeh lil-Moussahamet Bi-l'adet Al-l'mar, 2017; available at: <http://tishreen.news.sy/?p=76651> (accessed 18.07.2017).

50. The Syria Report, Syria Approves PPP Law as Step Towards Reconstruction, 2016; available at: <http://syria-report.com/news/economy/syria-approves-ppp-law-step-towards-reconstruction> (accessed 18.07.2017).

challenges to the ownership rights of the Syrian states over its assets.⁵¹

In May 2017, a preliminary list of projects to be offered to investors under PPP rules was established, although the number of projects involving land or property assets was still limited.⁵²

4.2 The Regime's Targeting of Informal Areas

The regime has also set its eyes on the various and large informal areas surrounding its cities. While there are other important dimensions to the targeting of informal areas that are discussed earlier in this paper – political, security, and sectarian – there is an obvious economic one.

Informal areas have the particularity of being located in or around urban centres – hence they are particularly valuable. In addition, the inhabitants of these areas usually have weak legal documents to back their ownership claims, making dispossession easier. In addition, laws already exist that ban or curb informal areas, making it easier from a legal and political view to target them.

The most emblematic of the laws targeting informal areas is the previously mentioned Decree 66 passed in 2012, which facilitates the expropriation of properties in two large illegal housing districts in Damascus. The first, located in a strategic area between the Mazzeh motorway and the Kafr Sousseh development, has seen its inhabitants gradually pushed out to create space for the development of an upscale housing project. About 12,000 housing units in high-rise tower blocks are planned, together with a shopping mall, parks, schools, and restaurants.⁵³ The second is located on the other side of the capital's southern ring road and includes the town of Daraya, stretching to Al-Qadam in the east. All of

these areas were key centres of opposition activities and saw their populations largely expelled – either because of the repression, bombing, and destruction by regime forces or through the decree's provisions that legalise their expulsion and expropriation.

The first development, named Basatin Al-Razi, is already at a relatively advanced stage and has been presented by the regime as a blueprint for future reconstruction. Bashar Al-Assad himself laid its foundation stone in March 2016.⁵⁴ The government then ordered a state-owned bank, the Commercial Bank of Syria, to provide the seed funding needed to finance the initial infrastructure investment.⁵⁵

In Homs, local authorities announced in August 2015 the approval of the urban planning scheme for the Baba Amro, Sultanieh, and Jobar districts, all of which were held by the opposition and destroyed by regime forces.⁵⁶ The development revives the controversial Homs Dream project, which had been opposed by the local community in 2007.⁵⁷ After regime forces razed to the ground the Wadi Al-Jouz district in Hama, the area was declared open to investment by the Real Estate Investment and Development Commission.⁵⁸

Furthermore, in December 2015, a new urban planning law was enacted (Law 23/2015⁵⁹) replacing the symbolic Law 60/1979, whose revocation was among the demands of the Daraa protesters (see the historical background section). However, rather than ending expropriation as

51. PPPs are long-term contracts under which the state or other public entities grant private investors the right to offer a public service or an asset. Typical deals involve the private investors bearing the cost of the project in exchange for receiving the operating profits it generates. At the end of the contract period, the asset is handed back to the state. For instance, PPPs can involve the construction of power plants, airports, or other capital-intensive projects.

52. The Syria Report, Syrian List of PPP Projects Unlikely to Materialize Anytime Soon, May 2017; available at: <http://syria-report.com/news/economy/syrian-list-ppp-projects-unlikely-materialize-anytime-soon> (accessed 18.07.2017).

53. <http://66.damascus.gov.sy/>

54. The Syria Report, Bashar Al-Assad Lays Foundation Stone of Sectarian Cleansing Real Estate Project, March 2016; available at: <http://syria-report.com/news/real-estate-construction/bashar-al-assad-lays-foundation-stone-sectarian-cleansing-real-estate-> (accessed 18.07.2017).

55. The Syria report, Government Funding Underscores Importance of Damascus Real Estate Project, September 2016; available at: <http://syria-report.com/news/real-estate-construction/government-funding-underscores-importance-damascus-real-estate-project> (accessed 18.07.2017).

56. Syrian Arab News Agency, Majlis Madinat Homs Yuqer Al-Mukhatat Al-Tanzimi li-Mashrou' laadet Emar Baba Amro wa Al-Sultanieh wa Jobar, August 2015; available at: <http://www.sana.sy/?p=257736> (accessed 18.07.2017).

57. The Syria Report, Qatari Diar project faces objections from local community, December 2007; available at: <http://syria-report.com/news/economy/qatari-diar-project-faces-objections-local-community> (accessed 18.07.2017).

58. European University Institute, Local Reconciliation Agreements, in *Syria: A Non-Starter for Peacebuilding*, June 2017; available at: http://cadmus.eui.eu/bitstream/handle/1814/46864/RSCAS_MED_RR_2017_01.pdf?sequence=1&isAllowed=y (accessed 18.07.2017).

59. The Syria Report, New Urban Planning Law Issued, December 2015; available at: <http://syria-report.com/news/real-estate-construction/new-urban-planning-law-issued> (accessed 18.07.2017).

protesters had demanded, the law provides greater ease for expropriation and the redevelopment of real estate projects.

The large number of laws and regulations related to property and housing that have been enacted in recent years highlights the importance of that sector in the eyes of the regime, as it prepares to begin the post-war era. Ultimately, destroying the country might enable it to reap economic benefits.

Conclusion

The demographic engineering conducted by the Syrian regime since 2011 through destruction, expulsion, dispossession, and reallocation will have a strong impact on the post-conflict period. The deep sense of injustice and dispossession will be felt for an extended period of time, and conflicts are likely to erupt among dispossessed owners and new beneficiaries of regime destruction and record falsification.

If and when reconstruction begins, decisions about land and property rights, ownership, and transactions will impact issues such as who returns where, what assets returnees will have, and where reconstruction will be prioritised. Will regime cronies who have grabbed large tracts of land and real estate properties be forced to give them back? And what should be done with people who have bought properties on lands unfairly expropriated?

While the regime seems to be winning and unstoppable in its drive to hold all of the cards for any future political negotiations, it will face obstacles on its way. For instance, a reconstruction geared too heavily towards the wealthy will likely fail, because of the now extremely reduced size of this population segment; many of the country's upper middle class and bourgeoisie have left the country, and those remaining in the country have become much poorer.

The fact that reconstruction will necessarily require external funding will also give leverage to whomever is in a position to provide it. Hence, donors should exert their relative strength not only to weigh in on political choices, but also to undo as many of the land and property policies as possible enacted by the Syrian regime in

the last six years, and ensure a fairer and more balanced reconstruction.

Financing must be conditional, for instance, on the return of the displaced and the refugees to their homes, or if that is not possible, on fair compensation – part of the money they allocate could be directly earmarked for these compensations. The United Nations Pinheiro Principles on housing and property restitution for refugees should guide these policies.⁶⁰

So far this has not been the case. As highlighted in the report by Pax and The Syria Institute on Homs, the rehabilitation of some parts of the old city of Homs, to which UNDP and UNHCR contributed, was done without taking into account the rights of the original property owners, while the repaving of roads reached many parts of the Old City but inexplicably skipped the former opposition stronghold of Bab Hood. The authors went as far as calling international funding and support for the reconstruction of that area «a war crime dividend.»⁶¹

This scenario has to be avoided in other areas, if donor countries do not want to share responsibility for and legitimise the dispossession of Syrians under the cloak of a post-conflict reconstruction drive.

60. The Pinheiro Principles, United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons, <http://www.unhcr.org/protection/idps/50f94d849/principles-housing-property-restitution-refugees-displaced-persons-pinheiro.html> (accessed 18.07.2017).

61. Pax, The Syria Institute, No Return to Homs, A case study on demographic engineering in Syria, February 2017; available at: <https://www.paxforpeace.nl/publications/all-publications/no-return-to-homs> (accessed 18.07.2017).



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Imprint

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Hiroshimastraße 28 | 10785 Berlin | Germany

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Dr Ralf Hexel | Head | Dep. for Middle East and North Africa

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This publication is printed on paper from sustainable forestry.



ISBN
978-3-95861-887-9