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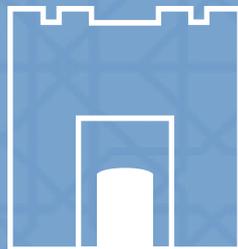
# IS MAROTA CITY THE TYPE OF RECONSTRUCTION SYRIANS NEED?

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THE ALEPPO PROJECT



مشروع حلب

# IS MAROTA CITY THE TYPE OF RECONSTRUCTION SYRIANS NEED?

## EXECUTIVE SUMMARY

Marota City is a new construction project that was launched by the Syrian government in Damascus in 2012. This project is presented as part of a more modern, aspirational 'master plan' for urban development to move away from the traditional patterns of informality in housing that had developed over generations. This paper elaborates on the issue of Housing, Land and Property rights (HLP) in the conflict and post conflict periods in Syria, particularly concerning reconstruction and informal settlements. As reconstruction policies tend to ignore informal ownership systems and are based on proving ownership through documentary evidence only, millions of people are losing their rights to a just, sustainable and inclusive reconstruction process.

Marota City is designed for a small elite of wealthy people who are not the obvious focus of reconstruction. However, this focus is what the government, along with the private sector, are promoting, by pushing the architectural firms to focus on the exterior without developing new housing options that fit the changing and urgent demands of the majority of Syrians living in the area. As an example of what is being advanced as a post-conflict reconstruction agenda, Marota City illustrates how this reconstruction needs to be rethought – urgently – in order for people to obtain housing, for the economy to rebound, and for communities to begin developing again. In the absence of a political resolution, it is important for the international community to find tools and mechanisms that assist displaced populations to secure their HLP rights. This includes practices that will assist displaced Syrians in proving ownership of their homes and property, regardless of their current location, and in ways that are transparent and secure.

Currently in Syria more than 1.7 million homes are destroyed or damaged, 6.3 million people are internally displaced and 5 million more are out of the country. Amidst these circumstances, Marota City in Damascus, Syria is a pilot for upcoming post-conflict reconstruction. It is reconstruction on land where more than 50 thousand people once lived, but where now new laws are being applied that formalize dispossession and favor profiteering. This area on which the new city is being constructed was home to 6,733 informal units. Many of whom have lived there for generations, but often without formal documentation. Under the current plan for Marota City, skyscrapers for the phantom wealthy will replace houses, shops and workplaces for war-weary ordinary citizens. It's a grim warning of the current 'reconstruction' agenda.

The government launched Marota City, which means sovereignty in Syriac, as a new construction project in 2012. It was presented as part of a more modern, aspirational 'master plan' for urban development to move away from the traditional patterns of informality in housing that had developed over generations. It was meant to represent modernity over informality; high tech planning over older style patterns of urban working and living. The city's master plan spreads over 215 hectares, equaling 115 football fields. This space is intended to accommodate many luxurious housing towers in addition to commercial spaces, such as hotels, restaurants, cafes and entertainment facilities. It is planned as a new city – home for companies, banks, sport facilities, educational institutions, religious buildings and health facilities – with huge areas of gardens and green spaces – a dream city. Marota City is claimed by the Damascus Governorate to be the first project in Syria's reconstruction to address informality and introduce luxury and high-tech planning into Syrian cities.

By the mid-90s in Syria informal housing had become a norm, providing an estimated 50% of housing demands in Syria and up to 65% in Damascus. Many citizens simply relied on themselves to build their own homes due to the lack of either state or private sector building, resulting in an estimated 30-50% of people in Syria living in formal settlements. The circumstances of the current conflict and the emerging post-conflict reconstruction agenda bring severe vulnerability to many Syrians now challenged to prove their housing and land rights. The case of Marota demonstrates this clearly as most residents were 'informal' as the land area used for this "new" city was based on a tradition of informal settlement on zoned agricultural land.

The Marota project piloted new property ownership laws that have become the national 'reconstruction' policy. These policies are ultimately powerful tools for clearing large areas of often damaged or destroyed Syrian cities – rewarding the favored few and dispossessing many others. This is not reconstruction, but continued conflict that perpetuates the crisis of internal displacement, lack of available housing, and economic suffering. The new legal policy began in 2012 as Decree 66, and since then has been the blueprint for the new national Law No.10 introduced in 2018.

Before Decree 66 a previous law, Law 9 enacted 1975, stated that any cemented informal unit built on private land has the right to compensation regardless of the ownership. But Decree 66 radically altered this legal recognition of the informal patterns of property ownership that were the norm for many people in the identified area. The new legislations such as Decree 66 and Law 10 demanded that residents prove their residency rights in order to then be in line for compensation when the area was redeveloped. This compensation should have included either 'shares' in future property to be built in the area, or rehousing elsewhere.

Decree 66 defined multiple phases of the Marota City Plan that extend over a period of four years (2012 – 2016) and ends in the delivery of alternative housing. The four phases include documentation of ownership, assessing the value of homes, issuing the compensatory 'shares' to be used for securing new homes, and implementation and engagement with private sector. The implementation of each phase has serious implications for what might occur in the broader 'reconstruction' of Syria, impacting millions of already

vulnerable people intent on rebuilding their lives, homes and livelihoods. The actual implementation of the plan required extensions during most phases, which allowed various amendments affecting many aspects especially the delivery of alternative housing to the residents. Decree 66 states that the property owners will become shareholders within a collective ownership of the entire area of Al Razi (Mashaa). This system of shares was also later used for residents whose homes were in designated reconstruction areas introduced with Law No. 10.

### **Phase I: Documentation:**

The documentation phase was scheduled for one month after Decree 66 was announced in September of 2012. In the context of mostly informal ownership, this documentation phase was fraught with stress and problems. Residents were required to prove their ownership rights through documentation and given one month to present and register these documents. At that time committees were also established by the Damascus Governorate to resolve ownership disputes. This phase has faced many delays due to the complexity of presenting recognized ownership documents of an area that has 6,733 informal houses built on agricultural land, especially dealing with inheritance issues of the inhabitants in a very limited time. Many homeowners could not access the necessary documentation or had major challenges in gathering this proof. For example, if residents were relying on electricity bills as proxy proof of ownership (which was a common method), but lacked some electricity bills that covered the entire time of their residency, they could not prove their ownership. Another challenge was that if owners had left their properties before the documentation process began they lost their right to compensation.

### **Phase 2: Property Appraisal & Shares**

Decree 66 outlined a system whereby property owners were given shares in planned projects based on the value of their existing properties. This phase focused on valuation of homes and issuing of compensatory 'shares' to be used for obtaining new homes. This phase has proved to be deeply problematic due to the low value of shares for most informal units, which makes it more difficult for the inhabitants to get rehousing in the new projects. The Damascus Governorate established an expert committee to estimate the shares value of each property, which has been based mostly on the location. This stage focused on two factors: the shares value and the procedures to get alternative housing.

According to Decree 66, there are four categories of informal settlers, each receiving different levels of modest compensation. The first includes informal residents who occupy public or private land but cannot prove residence or ownership. These inhabitants receive two years rent compensation, which is very low due to inflation after the conflict started. The second consists of tenants of informal units who do not own the land but have been renting for a very long time (since before 2000). These tenants receive 30% of the unit shares in the case of residential settlements and 40% in the case of commercial. The owner gets the land value. The third category includes informal owners who built their homes themselves, illegally on agrarian land, but can prove they have been renting the land and occupying for some time. Informal owners in this category are potentially eligible for rehousing based on shares. If they have built an informal settlement on public land, as opposed to private land that they rent, then they are not eligible for any compensation. Lastly, the fourth category includes inhabitants with ownership status of an agrarian land

plot still used for agriculture and who have proved their ownership. They receive the land price and the values of trees based on the government rate (see figure 1).

The lessons from the documentation & appraisal phases of the Marota City Case are the following: many informal inhabitants are completely vulnerable and subject to losing both their home and their rights to any compensation. This results in more Syrians being internally displaced, causing more informal housing in areas such as the outskirts of cities. In war-stricken Syria, reconstruction projects such as Marota City should help Syrians to rebuild their houses rather than increasing their vulnerability of losing their homes forever. Therefore, Marota City as a reconstruction project is the opposite of what it should be achieving.

In addition to these issues, many problems have been faced by the inhabitants of Al Razi. One of which has been the problem of low appraisal of properties. The system is such that eligible residents are given a compensation in the form of shares – according to the value of their homes. These shares are then to be used to purchase alternative housing in the same area or are available to sell in order to purchase land somewhere else. However, the value of most homes has been undervalued because the shares are related to the size of property – and most properties are small. This element of Decree 66 compounds the problem of ‘alternative housing’ because access to alternative housing is tied to what ‘shares’ people have to spend to get a new house in the project. To obtain alternative housing people need to have a certain number of shares. This number is equivalent very often to properties of a much larger size than what many people had been living in, meaning the shares they received are not enough to then ‘buy’ alternative housing. This was the case for many people who then had no alternative but to sell the small compensation of shares they received and find accommodation somewhere else. In addition, some clauses of the Decree 66 were changed during this phase. For example, Decree 66 stated that the rent compensation is paid by the local administrative unit, yet the Damascus Governor declared that this rent will be deducted as the down payment for the alternative housing unit. In other words, the inhabitants are paying their rent themselves and this means that they are paying more in advance for their rehousing unit. Another problem faced during this phase is the estimated value, and hence compensation, which has counted only the land value, ignoring other values that residents have created over the years, such as the value of various commercial and retail premises.

In 2015 the documentation and appraisal phases were completed with the formal distribution of ownership deeds and the opening of the ‘stock exchange’ for selling the shares in September of 2015. However, due to inflation occurring after the conflict the system has failed people as the share value has plummeted. Moreover, due to the severe deterioration of income per capita in Syria, most of the low-income residents of Razi could not buy the shares they needed to register for a plot or apartment. Therefore, they had to sell their shares and leave the area once and for all.

### **Phase 3: Implementation & Private Sector Engagement**

The shareholders were given a period of one year (from February 14th, 2016 until February 14th, 2017) to register their shares in one of the site’s plots which was a very short window of time. Then, the stock exchange market was opened in September 2016. The evacuation of settlers was fully completed in October 2017 after three stages of demolition. After, the infrastructure works were executed in mid-2018.

The pattern for private sector engagement was set with the foundation of the main body that governs this engagement. This body is represented by the Damascus ‘Cham’ holding company founded in 2016, and owned by The Damascus Governorate. The plan was to invest the 68 plots belonging to The Damascus Municipality through partnerships formed with other private companies. Many private companies registered in 2017 and 2018 and established partnership with Damascus Cham holding with 49% for the latter, with plans to build luxury ‘Dubai style’ properties including three landmark skyscrapers of

between 50-70 floors, seven residential towers of luxurious flats by the company Aman Dimashq; two residential towers and a mall by the joint stock company Al-Moutaweroun, two 15-floor residential towers by Rawafed Dimashq and Partners, and four luxury residential towers by the company Mirza (see figure 1 for more information about these companies).

This private sector engagement is characterized by luxury over need, which is irrelevant in a context of crisis and displacement combined with middle class wealth decreasing from 60% in 2010 to 10% in 2017, and massive unemployment increasing from 8.5% in 2010 to 70% in 2017. Hundreds of thousands of people need affordable housing – yet the current plan is for luxury housing.

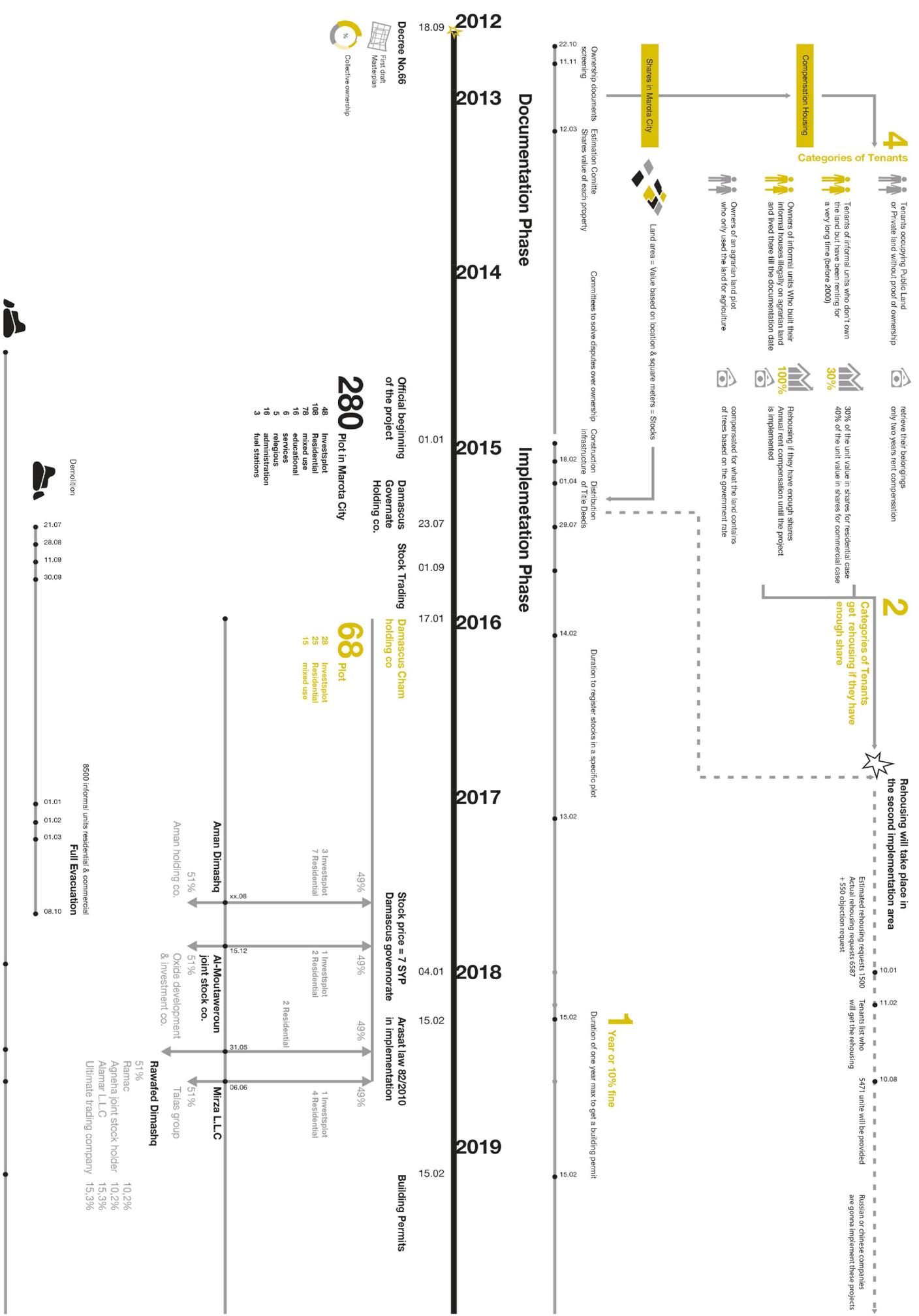


Figure 1: Timeline shows the phases of documentation and implementation in Marota City from 2012 to 2019

## Is Marota City the type of reconstruction Syrians want or need?

Marota City shows that it is possible – even though seemingly contradictory to what is needed by most residents – for urban plans of irrelevant and damaging fantasy developments to become reality in the stark face of urgent need for more affordable and appropriate solutions. Marota City shows that even long-established patterns of informal settlements can be turned into ways to dispossess homeowners. This urban development has shown this direction and now serves as a blueprint for reconstruction across the country. Bearing in mind the context of massive war damage where an estimated 1.7 million damaged houses in Syria, (150,000 in Damascus and its suburbs alone), Marota City forms a critical warning for this direction. It has shown how people can be legally dispossessed of homes or the ability to adequately obtain a home, and how this contributes to continued instability and the creation of more informal settlements.

This case study is important as an alarming precedent for ‘reconstruction’ in post-conflict Syria. It shows the central use of a legislative approach to legitimizing an urban strategy that is unjust and counter to peace building. It shows an urban strategy of a system of shares and an implementation that demonstrates shifting timelines to reward some groups over others.

Marota City is designed for a small elite of wealthy people who are not the obvious focus of reconstruction. However, this focus is what the government, along with the private sector, are promoting, prompting architectural firms to focus on the exterior without developing new housing options that fit the changing and urgent demands of the majority of Syrians living in the area. As an example of what is being advanced as a post-conflict reconstruction agenda, Marota City illustrates how this reconstruction needs to be rethought – urgently – in order for people to obtain housing, for the economy to rebound, and for communities to begin developing again. Phantom skyscrapers that few can afford are not the answer, and such housing is not what the country needs.

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This paper was presented by Edwar Hanna at the 5th Lemkin Reunion, held in March 2019 and organized by the Shattuck Center at the School of Public Policy, Central European University in Budapest. Each year the Shattuck Center hosts the Lemkin Reunion, a gathering named in honor of Raphael Lemkin, the Polish lawyer who lost his family in the Holocaust and first coined the word genocide. He campaigned tirelessly during his life to ensure that the crime of genocide was enshrined in international law. The Lemkin Reunion will gather policymakers involved in responding to atrocity crimes and assess the lessons they learned.

March 2019 marks eight years since people in a wide web of villages and cities across the Syrian landscape took to the streets in defiance of the Assad family's rule. Initially responding with gunfire, imprisonment and torture, the regime's strategy evolved into the carpet bombing and mass destruction of whole rural and urban communities, culminating in the forced transfer of all remaining residents from areas such as Ghouta and eastern Aleppo, which remain largely uninhabited. Although the fighting has ebbed, the war in Syria has not ended and a political settlement has not been reached. The near ten million displaced, mainly in harsh conditions in and around Syria, do not feel safe to return to their neighbourhoods and villages. However, the Syrian government has promulgated laws enabling the construction of development projects where displaced communities once resided with no or few guarantees of compensation for displaced property owners. One such project, Marota City, plotted over the demolished informal district of Basateen al-Razi, is already under construction. What will reconstruction under the current conditions serve? Under what conditions can reconstruction in Syria be equitable?

Edwar Hanna and Nour Harastani founded [Syurbanism](#) in 2017. To communicate this research to a wider audience, they created a video explainer.

To view the video in Arabic, [click here](#).

To view the video in English, [click here](#).

[Other publications from the 5th Lemkin Reunion](#) can be found in the papers section of the Aleppo Project's website.

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