Property Rights in the Syrian Conflict: Remedy for the Displaced

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Abstract

Since the beginning of the Syrian uprising in March 2011, Turkey has been the leading host country for the displaced. As of December 2017, 3.3 million Syrians reside in Turkey under a temporary protection regime and there is an expanding discussion on the future of these people. Despite sporadic reports of individual or family groups returning, measures have evolved around themes of their more or less permanent integration in Turkey. Issues of property rights have barely featured in these discussions. Based on findings from previous research, the article argues that whether Syrians in Turkey return or not, it is in the interest of the displaced as well as the host country to work towards a scheme where their property rights in Syria are restored, or in cases where they did not exist prior to the conflict, granted.

Keywords: *Property rights; Syrians; Turkey; displaced.*

Introduction

Since the beginning of the Syrian uprising in March 2011, Turkey has been a leading host country for the displaced. Based on data provided by the Directorate-General of Migration Management (DGMM), as of August 2018, 3.5 million Syrians reside in Turkey under a temporary protection regime. Given their presence has finally been recognized as being more permanent than temporary, there is an expanding discussion on the future of these people (see for example, Yazgan et. al. 2015). Despite sporadic reports of individual or family groups returning, measures have evolved around themes of their eventual integration in Turkey with exhaustive efforts in the fields of education, health, and labour market regulations. Within this sizeable scheme, there is less focus on issues of property rights. Based on findings of previous research (largely on Bosnia and Cyprus), it is argued that whether Syrians in Turkey return or not, it is in the interest of the displaced – as well as the host country – to work towards a scheme where the property rights of the displaced in Syria are restored, or in cases where they did not exist prior to conflict, granted.

The claim here rests on a modest statement: if the displaced are to return, then there must be a place to which they *can* return. Hence, alongside the right to return, they also need their property rights to be reinstated, or in situations where they had no property rights preceding the conflict, established. There are two connections between property rights and the return and resettlement of the displaced. While it is straightforward to presume that having a place to return to will essentially facilitate return, there is also a more complex relationship. Property rights not only give people a place to live and/or work, but following Hernando de Soto's (2000) pioneering study of the poor, they are also the key to the formation of capital, consequently delivering the means to build new

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lives elsewhere. Thus, property rights are important as catalysts for (1) return (to their initial place), (2) local integration (into where they are) or (3) resettlement (to a third place) of the displaced.

It is important to note that the argument here is not a justification for return. The general assumption about return is that people always want to return to their homes and that return is the best attainable solution. Chimni (2003) has already criticized this focus on return, which is 'driven by the objective of not promoting the goal of protection but of ensuring early return'. While many displaced certainly do want to go home, the assumption that the needs and experiences of these people are homogeneous is mistaken (Sorensen 2003). The displaced, like all social groups, meditate on their choices based on their interests (and sentiments) and take action accordingly (Stefanovic and Loizides, 2017; 2014; Joireman, 2017). Thus, when the situation in Syria becomes ripe, return should be a choice for the displaced based on their free will. Return, ultimately, is the best attainable solution when it is voluntary.

Instead, the argument here is a justification of property rights for the displaced. A decade after the Dayton Accords enshrined the right of displaced populations to return to their homes of origin, and most of the property repatriation claims made by the displaced had positive outcomes, it was assumed that property restitution would result in the physical return home of those who had fled, and the eventually reversal of the effects of wartime policies of ethnic cleansing. It is important to recall that the assumption that property restitution would guarantee the return of the displaced to their former homes proved to be naïve (Sert 2011). Thus, as it has been argued elsewhere, there is a need to separate the question of return and the restitution of property rights (Sert 2010).

While of its nature displacement is a security problem, its solution lies in establishing effective property repatriation mechanisms for the displaced, as well as creating meaningful economic opportunities. The importance of creation of economic opportunities in post-conflict environments is largely elaborated in peacebuilding literature (see, for example, Pugh 2005). The concept of property rights constitutes an important part of the argument here, where property rights are not treated only as ownership of material things, i.e., lands, housing, and other real estate that people had to abandon in conflict, but also as means for new lives and opportunities. As either granting homes that forced migrants could return to, or as means by which they could accumulate capital to resettle elsewhere, property rights are important in dealing with displacement problem. In earlier research, there was a dataset compiled incorporating all the countries with problems of conflict-induced internal displacement, and subjected the competing hypotheses about return to an aggregate statistical test with the aim to detect those variables that affect the patterns of return (Sert 2014). The results indicated that the rate of return was higher where there were effective mechanisms for the restitution of property rights. The hypothesis quantitatively tested better against existing propositions on return such as conflict duration, household vulnerability, and conflict intensity. Thus, based on previous findings, it will be reclaimed here that instituting effective property-rights mechanisms in Syria will be a remedy for the displaced either to reinstate a place for them to return when or if they want to, or to act as capital to build new lives elsewhere.

Property rights are not only important for the return process, but to form capital, consequently delivering displaced Syrians the means to build new lives elsewhere, should they choose to pursue that option. Hence, property rights are vital as catalysts for either the return or the resettlement of displaced as well as being crucial means of integration, resettlement or reintegration. Solving the property problem provides no guarantee that people will physically return to their pre-war localities, but it delivers them the means to resettle and to reintegrate at the end of the conflict if they so choose. It is thus a necessary but not a sufficient condition for return, though it is definitely an

important factor in resettlement. As different cases have shown, property implies housing opportunities (Burundi, Nepal, Lebanon), land for subsistence farming (Burundi, Guatemala, Bosnia), or means of capital to build lives elsewhere (Bosnia) (Sert 2009).

The article is composed of two parts and proceeds as follows. It will first revisit the current situation regarding the Syrian conflict and the question of Syrian refugees in Turkey. The second section reviews the literature on the land tenure and property rights in Syria and presents the implications for refugee reintegration or return. The concluding section reviews the core arguments and points to avenues for further research.

The Syrian Conflict, Displacement and the Question of Return

Based on the figures of the United Nations Commissioner for Refugees (UNHCR) and the government of Turkey, as of 18 December 2017, there are 5,456,108 Syrians registered as persons of concern, including two million Syrians registered by UNHCR in Egypt, Iraq, Jordan and Lebanon, three million Syrians registered by the Turkish government, as well as more than 30,000 Syrian refugees registered in North Africa (UNHCR 2017). The numbers are only indicative of *registered* Syrians. Especially in the case of Turkey, there are also Syrians who are either waiting to be registered, or registered under different categories of regular migration.[1]With the growth of these numbers, and the extended duration of the conflict in Syria, in host countries such as Turkey, initial aid-based policies have become unsustainable, and there is an increasing emphasis on integration. Still, the question, 'when does displacement end?' (Cernea 2003) is seldom asked and even less frequently addressed.

United Nations agencies and their NGO partners, while recognizing the inevitability of maintaining and assisting in the protection of refugees, define four key durable solutions for the displaced from Syria, while insisting repeatedly that no hierarchy exists among them: (1) voluntary, safe, and dignified return to Syria; (2) local solutions and opportunities, such as legal stay; (3) resettlement to a third country; and (4) access to a third country through legal means other than resettlement (complementary pathways) such as through humanitarian visas, family reunification, academic scholarships, private sponsorships, and labour mobility schemes (3RP 2017).

There are sporadic reports on the first option of *voluntary, safe, and dignified return to Syria*. These reports are of Syrians returning of their own initiative. To illustrate, according to reports from the International Organization for Migration (IOM), the UN Migration Agency, and implementing partners on the ground, between January and July 2017, 602,759 displaced Syrians returned home (IOM 2017). Reports specified that while a large majority of those returning (93 percent) had been internally displaced, seven percent returned from Turkey, Lebanon, Jordan, and Iraq – mainly to the Aleppo and Al Hasakeh governorates (ibid). An estimated 27 percent of the returnees stated that they returned to protect their assets or properties and 25 percent referred to the improved economic situation in their area of origin (ibid). These are stated as self-organized returns without facilitation or promotion by the international humanitarian and development community. As a result of their assessment of conditions against established protection thresholds to determine the level and scope of engagement in returns by the international humanitarian and development community, UN agencies and partners define conditions in Syria as not conducive for voluntary return to Syria in

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[1] Statistics published by the Directorate-General of Migration Management indicate that there are approximately 100,000 Syrians currently residing in Turkey under different types of residence permits (DGMM 2018). It worth underlining that there is also anecdotal evidence of dual registries. Thus, the published numbers, while high, are of questionable accuracy.

safety and dignity. Thus, there are no plans under the 3RP to facilitate or promote return in 2018 (3RP 2017).

However, the partners state that they continue their ongoing activities of monitoring through voluntary return interviews; border monitoring; intention surveys and focus group discussions; capacity building and training; data analysis and profiling; and other communications with communities (ibid.). Their surveys and discussions indicate that while a large majority of refugees hope to return eventually, most believe current conditions are not conducive to restarting their lives in Syria:

> *The latest findings of focus group discussions and intention surveys conducted with Syrian refugees show that the vast majority want to return to their own place of origin but only when conditions of safety and security exist. Respondents across the region indicate that physical safety is the most important factor in a decision to return, followed by availability of basic services, including access to education, and livelihood/job opportunities. (ibid.)*

It is also important to note here research showing how un-facilitated returns are more successful. Harild et. al. (2015) argue:

> *While formal peace agreements or other political arrangements expected to end conflicts in countries of origin have provided the over-all context for refugee return, the actual return has mostly taken place to areas that were far from being peaceful and stable, or in a trajectory of overall post-conflict recovery. … At the same time, subsequent assisted voluntary return schemes -often to the same areas- have not always resulted in ending the displacement of refugees, even when accompanied by reintegration assistance. Moreover, such assisted voluntary return schemes have often partially or fully forfeited the 'voluntary' dimension of the return, and instead involved provision of logistical and other support to refugees who were reluctant to return, but were subjected to an increasing range of measures 'pushing' them to leave the host country as was most noticeably the case with the Cambodian refugees, but also affected those from Bosnia-Herzegovina, some of the Burundian refugees in Tanzania, Liberian refugees in Ghana, and since the early nineties Afghan refugees in Pakistan and Iran.*

All in all, that return is, for the time being, an unattainable goal should not stop the international community from working towards policies that would help to secure displaced Syrians' property rights. Whether people return or not, property rights are still important for securing capital to build lives in the processes of the three other options for ending displacement mentioned before, i.e., local solutions and opportunities; resettlement or complementary pathways to a third country. However, the research and reports on Syrian conflict, displacement and the question of property is sporadic with more emphasis on the context than rights. There is less discussion on Housing, Land and Property (HLP) rights, which are drawn from international humanitarian and human rights law and enable the displaced to a safe home, free from eviction. While HLP rights are considered an important stepping stone for displaced people to rebuild their lives, they are less discussed in the context of Syria.

The Syrian Conflict, Displacement and the Question of Property Rights

Syria has become more urbanized since the beginning of the conflict in 2011: the rates of urbanization has increased from 51 percent in 2010 to 76 percent in 2014. The United Nations Human Settlements Programme ('UN Habitat') reports that that 40 percent of internally displaced persons in Syria are hosted in cities, mainly in Aleppo, Lattakia, Tartous, and several cities in Reif Damascus (UN Habitat 2017). The reports also show a devastating level of destruction: around 35 percent of urban schools are not operating due to damage or to occupation; more than 50 percent of hospitals in cities are not operational; around 760,000 housing units in Syrian cities have been damaged; and historic and traditional urban centres, such as Aleppo, Homs, Deirez-Zor, Dara'a, Douma, and Daraya, have witnessed massive and widespread destruction (ibid.).

Land ownership in Syria is a complicated matter with basic tenure divided into two broad categories: state-owned land (62 percent) and land held in private hands (38 percent) (NRC, 2016). However, the underlying tenure system includes a wider range of customary, Islamic and informal rights. To illustrate, most of the state land is still considered to be *emiri* land, an Ottoman Turkish term for state-owned land that was, during the Ottoman period, leased to peasants to ameliorate the impact of military conquest if the landholders were killed or did not flee (Mokyr 2003: 190-1). State control of *emiri* land is usually supervisory by nature because land is theoretically given to cultivator or occupants on the conditions that the recipient must cultivate it and must also pay taxes (ibid.). However, the ultimate title is vested in the state, and is held in undivided shares (Kark and Grossman 2003). The occupants of such lands own the property built on the land, but not the land itself. Given the massive destruction in Syria as a result of the war, this has direct implications for the properties of those who have been displaced.

Hence, customary institutions remain important in the context of the overall regime of property rights and ownership. UN Habitat reports state that while an estimated 20 percent of state land is registered, there are no up-to-date inventories of state land available, which urges care when attempting to identify 'vacant land' for humanitarian purposes (UN Habitat 2013). Existing land registries in the governorates of Syria only cover 'formally' transacted land and property (ibid.). There is no overall national register and both temporary and permanent registers operate in parallel in a context where joint ownership is common (ibid.). Local legal expertise becomes essential for international actors (ibid.).

Within this setting, there has been what Unruh (2017) describes as a *weaponization* of Syria's land and property rights system by the main combatant groups in the country. To illustrate, in a news article from November 2017, the *Economist* underlined the arbitrariness of the regime's counter-terrorism court, which has tried opponents of the regime *in absentia*, and as a punishment, routinely seized their property. Thus, the Syrian regime has to date been the most active in its manipulation of the tenure system to re/place, seek out, terminate, seize, cleanse and earn profits. It has done so through institutions and attributes such as registration records, lists, demarcations, maps, titles, deeds, rental and lease contracts, as well as supporting documentation within the system (Unruh 2017, Yazigi 2017). Unruh's fieldwork with Syrian refugees in Lebanon, Jordan and Turkey, reveals the different means through which the Syrian regime has exploited the land and property rights system in its military-on-civilian engagements. He cites three broad purposes. The first of these is to support the regime's kinetic operations; in other words, the locating, targeting, capturing and destroying of specific peoples – but also of housing, land and property, property records and the connections between all of these. The second purpose is to conquer civilian

constituencies supporting the opposition through permanent demographic change, and the third is to fund the war (Unruh 2017: 467).

In a similar vein, Yazigi (2017) describes in detail how the Syrian regime has passed many laws and regulations to validate the transfer of public assets to its allies, as well as its targeting of informal areas, i.e., clearing land occupied informally, under the pretext of preparing for reconstruction and new urban planning schemes. Like Unruh, Yazigi focuses on physical destruction, the erasing or falsification of records, and the use of legislation as way to transfer public assets to cronies. In addition, Yazigi underlines the sectarian dimension, land purchases by business or private individuals from Iran, and attacks on property rights in Kurdish areas (2017). In what is described as 'destruct to reconstruct', the regime seeks to exploit the destruction of the country to accumulate cash and seize economic assets (ibid.). Moreover, there is extensive news coverage on the internet by various sources about foreign investors, more specifically from Iran, buying land in Syria, which, in the long run, will further complicate property claims.[2]

Within all this context, building on Herscher's (2008: 42) theory of 'warchitecture' – whereby 'violence against architecture transforms, often fundamentally, the values, meanings, and identities of architecture' (cited in Unruh 2017: 468) – Unruh, quite optimistically, claims that the regime's *weaponization* of Syria's land and property rights system in fact generates evidence that can be useful for effective restitution of lands and properties after the war. Unruh argues:

> *In the case of Syria, Islamic law combined with customary practice will prove useful in this regard, especially if supported by the Civil Code—itself a result of hybridization. Any subsequent HLP mass claims process supported by the international community would do well to then build on such a foundation with robust use of innovative forms of evidence, in order to engage in an effective, legitimate HLP restitution that will be critical to any peace process, reconciliation and recovery (2017: 468).*

However, opinions on the peace process, reconciliation and recovery are rather mixed. On the one hand, realizing the fact that Syria today is a patchwork –where some areas are devastated such that massive investment will be needed to re-build while many others would see small investments making a huge difference– the international community claims it has already started to promote stabilization and recovery. To illustrate, UN Habitat's Syria program is being built on a 'Neighbourhood Approach' focusing on those cities and neighbourhoods that have been free from conflict, whereby a different stabilization, recovery and even peace-building agenda will be needed (UN HABITAT 2016). These efforts to start promoting stabilization and recovery are based on the claim that because some areas have been relatively untouched there is no need to wait for a general peace to begin work in Syria.

On the other hand, there are reports arguing that certain models used by the international community are in effect paying the Syrian regime so-called 'war crimes dividends' rather than holding it to account. One such report references the city of Homs, which is argued to be a showcase of the regime's displacement strategy through demographic engineering – namely, the permanent reorganization of the population along sectarian lines in order to strengthen the regime's power base (PAX 2017). While the methodology of the report can be questioned, it does – based on a number of interviews with the former residents of Homs – pinpoint a list of physical and administrative

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[2] See for example (Accessed 5 January 2018) http://syrianobserver.com/EN/News/30775/Iran_Plan_Seize_Damascus_Continues_With_Support_From_Assad_Regime/

barriers created by the Syrian regime that prevent them from returning to their homes. The result is the effective exclusion of former residents from rebuilding efforts undertaken by the Syrian regime in cooperation with UN agencies with the support of foreign donor states (ibid.). The report underlines:

> *Under these conditions, international support for Syrian government efforts to rebuild the Homs neighbourhoods that it intentionally destroyed and depopulated may serve to incentivize similar atrocities elsewhere by paying the government 'war crimes dividends' instead of holding it accountable. Indeed, the 'Homs model' has served as a blueprint for the destruction and depopulation of other key locations such as Darayya and eastern Aleppo in 2016 (ibid.).*

Similarly, a survey of more than a thousand Syrians located in areas where truces were agreed – specifically, Rif Damascus (Barzeh, al-Qaboun, Babibla, Yalda, Bait Sahem, al-Tal and Madaya) and Homs (al-Wa'er) – between 1 March and 19 April 2016 presents in the starkest terms the respondents' views on local truces between the regime and residents (TDA 2017). Arguably the most critical finding of the survey is that most Syrians have perceived the local truces as cruel tactics of war that have pushed civilians to surrender in the face of starvation and siege, instead of seeing them as genuine and sustainable efforts leading to real peace (ibid.). TDA Executive Director Mutasem Alsyoufi states online:

> *In our new survey, Syrians from the regions where local truces have been attempted thus far identify significant flaws with these agreements that any nationwide peace proposal will have to avoid in order to succeed. [...] Given the one-sided nature of these truces, respondents do not believe they will lead to real peace –offering a cautionary tale to policymakers seeking to craft a nationwide agreement (ibid.).*

Thus, the international community's readiness for a complete rebuilding effort that promotes a sustainable peace is rather questionable. The international community seems to be serving the interests of the Syrian regime where the gains from demographic engineering during the war are increasingly institutionalized, and all opposition –whether armed or not– is forced outside –for example, the transfer of the opposition to Idlib within Syria. Also, the displacement caused by the opposition groups are largely overlooked. These significant flaws, both with the truce agreements and the international community's ongoing efforts at reconstruction, must be avoided for any nationwide peace proposal to succeed.

Still, there is room for optimism. Along the lines of Unruh's positivity, the government's open acts of property relocation during the conflict can be traced back via investigation. There are certain organizations working towards this end: The Day After Association (TDA), which is an independent, Syrian-led civil society organization working to support democratic transition in Syria, has embarked on an HLP Program, which is a project to digitalize title deeds and court documents related to property. As of December 2017, they have scanned half a million title deeds and more than one million court documents, safeguarding them in digital platforms, which, in the future, will serve as important evidence for HLP claims (Interview, 20 December 2017). TDA is one of the few organizations working towards a future political system that is 'realized by the Syrian people themselves through a process of civic education, national dialogue, and public consultation that allows the people to express their fears, needs, and aspirations directly to their leaders and each

other' (TDA 2017). This latter point about Syrian people's agency is an important element for any peace deal to prevail in Syria.

By Way of Conclusion: A Word of Caution and a Call to Action

Looking at the war-time measures of the Syrian regime regarding land tenure and the obstacles these create, Prettitore (2016) –who was the property law coordinator at the Office of the High Representative in Sarajevo for several years after the signing of the Dayton Peace Agreement– argues that there is a basis for *de facto* expropriation of land of displaced persons through *de jure* means. He urges us to remember Bosnia and Croatia, where conflict-era legislation on property was used to subjugate the displaced in an effort to reinforce displacement and resettlement along ethnic lines (ibid.).

Thus, there is a need to stop doing 'the right thing for the wrong reasons', and 'the wrong thing for the right reasons'. What is meant by 'the right thing for the wrong reasons'? Former analyses have declared a strong relationship between property and return of the displaced where the conventional wisdom has supposed that granting people their property rights would expedite their physical return home (See for example: Leckie, 2003; Black et. al., 2006; also cited in Sert, 2017; Stefanovic and Loizides, 2017, 2014; Joireman, 2017). Yet, as Sorensen (2001: 8) observes, 'while we tend to think of displacement as a temporary deviation from normal life, a disruptive event to be corrected, the possibility also exists that some people see displacement as an opportunity for change. People do not only look back; they also look to the future and try to plan for it.' People do not always return home, but sometimes resettle based on strategic calculations of interests. Hence, re/establishing displaced people their property rights to make them return is doing the right thing for the wrong reason.

While property can be reinstated to its previous owner(s), this is not the same thing as restoring a 'home'. Home involves both physical and psychological security, a security that can only be secured with the presence of trust. We must recall that the war in Bosnia victimized all the main nationalities in the country, whereby many people became agents and/or objects of ethnic cleansing. Thus, trust emerged as a crucial issue in post-war Bosnia and people were reluctant to go back to places that reminded them of their suffering. The post-war Dayton system has imposed a major structural constraint on the return of the displaced. Through institutionalizing the wartime gains and losses, the Agreement has made it harder for people to take the decision to return as a minority under the jurisdiction of the opposite party. All in all, people got their property back, but did not go back. Agency was an important factor then; it is an important factor now.

This brings us to the question of doing 'the wrong thing for the right reasons'. Like in Dayton, the international community is criticized for institutionalizing the Syrian regime's war gains through its peace and reconstruction efforts. While it is important to start to rebuild Syria in areas where the armed conflict has halted, it is as important to remember the grounds for transitional justice. Reconstruction is also about time, space, and public memory. There is a wide literature on reconstruction that the international community can dwell upon. For example, Sawallah's (2010) ethnographic study of Beirut shows precisely how *not* to rebuild a war-torn city. The international community must use all means possible to reverse as many of the regime's policies of demographic engineering and to safeguard an impartial reconstruction effort (Yazigi 2017).

What should be done? Based on lessons learned from different cases of (post-)conflict settings, there are three propositions not only to take into consideration in relation to property issues, but within any effort of peacebuilding in Syria: *First*, as stated elsewhere, any policy of post-conflict

reconstruction needs to address issues of *transitional justice* (Sert 2017). The United Nations defines transitional justice as 'the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation' with five components: prosecution initiatives, facilitating initiatives in respect of the right to truth, delivering reparations, institutional reform, and national consultations (2010, also cited in Sert 2017).The transitional justice literature states that there is a need to follow a holistic approach, given that,

[…] truth-telling in the absence of reparations can be seen by victims as an empty gesture, as cheap talk [...]. Reparations in the absence of truth-telling can be seen by beneficiaries as the attempt, on the part of the state, to buy silence or acquiescence of victims and their families turning the benefits into 'blood money' [...]. By the same token, reparative benefits in the absence of reforms that diminish the probability of repetition of violence are nothing more than payments whose utility, and furthermore legitimacy are questionable […]. The punishment of a few perpetrators without any effort to positively redress victims could be easily seen by victims as a form of more or less inconsequential revanchism (De Greiff 2006: 461, also cited in Budak 2015: 17, and Sert 2017: 154).

Thus, when we are dealing with property issues, only using compensation policies do not go beyond serving as material commitments that try to bypass important issues such as apology and responsibility.

Second, *institutionalize* the peace effort. Even in cases where property rights – i.e., rights to land, housing, and other immovable property – have been accounted for in peace agreements (such as in El Salvador and Bosnia and Herzegovina), the displaced still faced the problem of ineffective implementation of these rights, which has been due to a lack of effective enforcement mechanisms – i.e., lack of effective institutions and/or the economic means necessary to implement the provisions. Empirical evidence from El Salvador shows that although the Chapultepec Accords dealt with land issues, the peace process has not resulted in return to the extent expected. This is because the Accords did not include property rights in particular, and because there have been financial constraints in the implementation of this part of the agreement. The recognition of the need to establish the property commission in the case of Bosnia and Herzegovina illustrates that once institutional arrangements are in place to deal with problems related to the exercise of property rights, the return of internally displaced people begins to increase. The focus here on implementation (or enforcement) is important, where there is a need to monitor whether these provisions are being put into effect and whether they are producing results.

Third, get *engaged* on all levels. As stated above, and as TDA rightfully asserts, there is a need to engage the Syrian people on all matters not only in relation to property issues, but with regard to peace in general. Yet, there is also a need to enhance a regional engagement policy. Regarding the fact that the largest groups of displaced Syrians are located in the neighbouring countries of Jordan, Lebanon, and Turkey, it is also in the interest of these host governments to pursue policies where the property rights of the displaced are guaranteed and safeguarded. The argument is simple: if the displaced are to go back home, then they need a home to go back to. Not only their right to return, but also their property rights need to be granted, or in situations where they had no property rights preceding the conflict, established.

Why focus on property? The argument here is also relevant for a larger literature, which makes a distinction between greed theory (concentrating on economic causes of civil war) and grievance theory (focusing on ethnic and religious divisions, political repression, and inequality). Property

being both a significant economic asset and – as the case studies show, in societies where certain caste and ethnic divisions exist, an important determinant of identity, social status, and horizontal inequality – it can provide a means to synthesize these two main theories of civil war into one. Here, both greed (property as an economic asset) and grievance (property as a determinant of identity) develop around different conceptualizations of property (ibid.).

There remains a need for more globally comparative studies to extend the questions raised here on the future of Syria, and to investigate the effects of securing property rights in post-conflict environments in the long term for other parts of the population. This is especially so for women whose property rights are in continuous violation or completely disregarded in many parts of the world. Further investigation of the existing alternatives to Western concepts of private property (largely based on Roman law) – such as local customary rights – is also needed. This will both address the Western bias in the dominant liberal approach to peacebuilding and yet potentially offer successful remedies for the problems of the displaced.

References

3RP (2017) Regional, Refugee & Resilience Plan 2018-2019 in Response to the Syrian Crisis: Regional Strategic Overview, UNDP & UNHCR.

Black, R., et al. (2006). "Introduction: Sustainable Return in the Balkans: Beyond Property Restitution and Policy", International Migration, 44 (3): 5–13. https://doi.org/10.1111/j.1468-2435.2006.00369.x

Cernea, M. (2003). "The question not asked: when does displacement end?" Forced Migration Review, 17: 24-26.

Chimni, B. S. (2003). "Post-conflict peace-building and the return of refugees: concepts, practices, and institutions". In E. Newman and J. Van Selm (eds), Refugees and Forced Displacement: International Security, Human Vulnerability, and the State, Tokyo, New York, Paris: United Nations University Press.

De Soto, H. (2000). The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else, New York: Basic Books.

DGMM (2018). Directorate General of Migration Management Migration Statistics at http://www.goc.gov.tr/icerik3/gecici-koruma_363_378_4713 (Accessed on 15 August 2018).

Harild, N., Christensen, A., Zetter, R. (2015). Sustainable Refugee Return: Triggers, constraints, and lessons on Addressing the development challenges of forced displacement Washington: The World Bank Group.

Herscher, A. (2008). "Warchitectural Theory", Journal of Architectural Education, 61 (3): 35-43. https://doi.org/10.1111/j.1531-314X.2007.00167.x

International Organization for Migration. (2017). https://www.iom.int/news/over-600000-displaced-syrians-returned-home-first-7-months-2017Accessed on December 2017.

Joireman, S. (2017). "Ethnic Violence, Local Security and Return Migration: Enclave communities in Kosovo", International Migration, 55 (5): 122-135. https://doi.org/10.1111/imig.12316

Kark, R., Grossman, D. (2003). "The communal (musha') village of the Middle East and North Africa". In W. Leimgruber, Majoral, R. and Lee, C-W. Hants (eds.), Policies and Strategies in Marginal Regions, London: Ashgate, pp. 223-236.

Leckie, S. (2000). "Housing and property issues for refugees and internally dis- placed persons in the context of return: key considerations for UNHCR policy and practice", Refugee Survey Quarterly, 19 (3): 5-63. https://doi.org/10.1093/rsq/19.3.5

Leckie, S. (2003). Returning Home: Housing and Property Restitution Rights of Refugees and Displaced Persons, Ardsley: Transnational Publishers.

Mokyr, J. (2003). Ed. The Oxford Encyclopaedia of Economic History Vol. 3. Oxford: Oxford University Press.

NRC. (2016). Housing Land and Property (HLP) in the Syrian Arab Republic. Briefing Note of the Norwegian Refugee Council, May 2016.

NRC. (2017). Displacement, housing land, and property access to civil documentation in the south of the Syrian Arab Republic. Report of the Norwegian Refugee Council, July 2017.

PAX. (2017). No Return to Homs: A Case Study on Demographic Engineering in Syria. The Syria Institute, PAX/2017/01.

Prettitore, P. (2016), "Will forcibly displaced Syrians get their land back?" Brookings Institute at https://www.brookings.edu/blog/future-development/2016/07/21/will-forcibly-displaced-syrians-get-their-land-back/ (Accessed on 2 January 2018).

Pugh, M. (2005). "The Political Economy of Peacebuilding: A Critical Theory Perspective", International Journal of Peace Studies, 10 (2): 23-42.

Sawallah, A. (2010). Reconstructing Beirut: Memory and Space in a Postwar Arab City, Texas: University of Texas Press.

Sert, D. (2009). Property Rights of Internally Displaced Persons: Ideals and Realities, Saarbrücken: Lambert Academic Publishing.

Sert, D. (2010). "Cyprus: Peace, Return and Property", Journal of Refugee Studies, 23 (2): 238-59. https://doi.org/10.1093/jrs/feq016

Sert, D. (2011). "Reversing Segregation? The Property Restitution Process in Post-war Bosnia", Ethnopolitics, 10 (2): 219-33. https://doi.org/10.1080/17449057.2011.570984

Sert, D. (2014). "Internal Displacement: Return, Property, Economy", International Migration, 52 (5): 227-44. https://doi.org/10.1111/j.1468-2435.2010.00629.x

Sert, D. (2017). "Turkey's Position on IDP Properties: Lessons (Not) Learned", International Migration, 55: 150–161. https://doi.org/10.1111/imig.12290

Sorensen, B. R. (2001). "IDPs: an anthropological perspective", Response Strategies of the Internally Displaced: Changing the Humanitarian Lens, Seminar Proceedings, Oslo, 6–8.

Sorensen, B. R. (2003). "Researching internal displacement: what is our field and what is our goal?" Researching Internal Displacement: State of the Art, Conference Report, Trondheim, 11–12.

Stefanovic, D., Loizides, N. (2017). "Peaceful Returns: Reversing Ethnic Cleansing after Bosnian War", International Migration, 55 (5): (217-234). https://doi.org/10.1111/imig.12382

Stefanovic, D., Loizides, N. and Parsons, S. (2014). "Home is where the heart is? Forced migration and voluntary return in Turkey's Kurdish regions", Journal of Refugee Studies, 28 (2): 276-296. https://doi.org/10.1093/jrs/feu029

TDA. (2017). "Local truces and forced demographic change in Syria: Surveys in Homs, Damascus and the Damascene Suburbs". Report by The Day After: Supporting a Democratic Transition in Syriahttp://tda-sy.org/en/ (Accessed on 2 January 2018).

The Economist. (2017). "Bulldozing over the revolution: Syria's regime is stealing land from its opponents." Print Edition: Middle East and Africa, November 2.

UN HABITAT. (2013). Emergency response to Housing, Land and Property Issues in Syria. HLP Briefing Note: 30 January.

UN HABITAT. (2016). Country Profile Syria. United Nations Human Settlements Programme.

UN. (2010). Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice at: https://www.un.org/ruleoflaw/files/TJ_Guidance_Note_March_2010FINAL.pdf (Accessed on 5 January 2018).

UNHCR. (2017). Syria Regional Refugee Response Inter-Agency Information Sharing Portal at http://data.unhcr.org/syrianrefugees/regional.php (Accessed on 25 December 2017).

Unruh, J. D. (2016). "Weaponization of the Land and Property Rights system in the Syrian civil war: facilitating restitution?" Journal of Intervention and Statebuilding, 10 (4): 453-71. https://doi.org/10.1080/17502977.2016.1158527

Winter, S. H. (2009). "Province of Raqqa under Ottoman Rule, 1535–1800: A Preliminary Study", Journal of Near Eastern Studies, 68 (4): 253-268. https://doi.org/10.1086/649610

Yazgan, P., Utku, D. E., Sirkeci, İ. (2015). "Syrian Crisis and Migration", Migration Letters, Special Issue: Syrian Crisis and Syrian Movers, 12 (3): 181-192. https://doi.org/10.33182/ml.v12i3.273

Yazigi, J. (2017). Destruct to Reconstruct: How the Syrian Regime Capitalises on Property Destruction and Land Legislation. Friedrich Ebert Stiftung Study, July.