



01-12-2023

The Right to Slums

In Defence of “Building Violations” in Syria

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Introduction

As a university student in the early 2000s, I lived off and on in the informal settlements that surround Damascus. At that time, I did not notice where the capital city ended and its slums began – rather, they formed a continuous urban fabric, where the uglier it was, the more spacious the

housing was. Living in the informal settlements suited my meagre income and modest needs for housing and food. My acquaintances at that time also lived in the slums. There, with comrades and friends from various classes and political backgrounds, especially from the left, we discussed destiny, the future and the past. What I believed at the time was a class affiliation that united us, I see today as yet another type of belonging: living there played a hidden role in papering over our differences and contradictions and united us in the face of Baathist Syria's stifling inequality and discrimination.

I moved between many different rental homes in Jaramana, some of them in newly-sprouted neighbourhoods on agricultural land still laden with traces of damp soil, as well as animals and insects that had not yet adapted to the chaotic human occupation of the place. There, I lived in a basement with no lighting, where the water pumps never rested, scouring for droplets of water to draw from the poorly laid pipes. In Qaboun, I climbed the upper floors of buildings without columns or iron rebar, where you could feel the building swaying beneath you after a heavy step. In al-Hajar al-Aswad, the local mosque was in a nearby apartment, and the noise of the muezzins penetrated the thin walls. Drinking water mingled with the sewage and garbage that accumulated freely between houses. At the edge of the Yarmouk camp, I arrived at a void where rubble and landfills grew like mountains. I visited friends many times in Masaken Al-Arin and Al-Haras and in one of them, I saw a waterfall of sewage. I spent a few nights in Mezzeh 86 and Ashrafiyat Sahnaya, wandered and ate in Al-Tabaleh, and got lost in Dwelaa.

Despite all that strangeness, I was not a stranger in those

areas. I quickly grew accustomed to its ugliness: the sight of bare cinder blocks, hanging electric cables and open sewage pipes. Apart from the chaos and the absence of a unified architectural system, without a building code, structural studies, or any space left for the public – what those slums share is that their main visible elements are limited almost completely to cinder blocks and cement, rather than the aluminium and corrugated metal as some other slums in the world. My eyes grew used to the rectangles of cement blocks, their yellowish-grey hue, the stacked buildings climbing on top of each other. And in the few spaces that this architecture recedes from, where there is a bit of open area, the blue of the sky appears more grey – a background for the rust of antennas and satellites and red plastic water tanks.

In these places, there is no state with institutions, but rather chaos, equipped – when necessary – with the weapons of security forces. It was there that I first witnessed a violent clash between Syrian authorities and the people, when law enforcement forcefully evicted the residents of the Al-Kabas informal settlement to expand a public road. No financial compensation, no alternative housing, nothing for residents who had just been thrown into the street to watch bulldozers demolish the ruins they had lived in. Those people defended their miserable homes with all the strength they had. They defended their right to live in that chaos, in the face of an authority that sees them only as a burden. At that moment, I understood the meaning of having a home, even in a slum.

What is an informal settlement?

The literature that blamed the Baath Party for the

emergence of informal settlements, describing them as the “ruralisation” of cities, mostly came from the Syrian urban bourgeoisie circles. However, this description is not accurate and includes a discriminatory slant against such areas, describing them as a countryside forcibly attached to the city, which is a clear insult to rural areas. The “ruralisation” of the city implies giving it a space or agricultural dimension adjacent to its urban side, which is the opposite of what happened. The uncontrolled expansion of the informal residential slum districts into green spaces and arable land within and around the big cities, was not ruralisation of the city, but rather undermining both the city and the countryside, and eliminating the space between them, turning it into gatherings for new arrivals who had lost their rural roots. These areas also gained only the bare minimum of services from the cities.

Informal settlements in Syria are relatively recent, mostly linked to the surging sizes of major cities such as Damascus and Aleppo in the second half of the 20th century. This period coincided with the expansion of the Syrian state and the growth of its institutions and bureaucracy, especially after the 1963 Baathist coup which led to the party’s dominance over political life in Syria. For an explanation of the phenomenon of state dominance/centralisation, read: Nazih Al-Ayoubi, “Dominance of the Arab State,” Arab Organisation for Translation, 2010. Despite the Baath Party’s main base being rural and agricultural, the Syrian state that the party rebuilt was highly centralised. Its largest presence, through public sector institutions and ministries, was concentrated in the major cities within the governorate administrative centres. The major drivers for the influx to the cities were the newly established security and military apparatuses, which were favourable to those

coming from rural minority groups. Hence, these cities became attractive for rural people seeking work and education opportunities for themselves and their children. Hanna Batatu, "The Peasants of Syria: Sons of Their Lessor Rural Notables and Their Politics," Arab Center for Research and Policy Studies, 2014.

However, the allure of centralised state institutions and the public sector for job seekers soon clashed with the cities' actual capacity to absorb the high number of newcomers, and state expansion in the 1960s and 1970s surpassed the major cities' ability to accommodate the accompanying population growth. The major cities in Syria had never been welcoming to rural migrants from diverse sectarian and ethnic backgrounds, and they treated these newest residents with a form of class discrimination, keeping them away from their commercial and residential urban centres. There, where the cities and their outlying countryside met, they were left to manage the ensuing chaos without intervention. The newcomers bought small pieces of land and built their homes without engineering studies or urban planning. Furthermore, their need for housing was the direct driving force behind the emergence of the first informal settlements in Syria.

It could have been possible to maintain these nexus points as areas of unlicensed construction if the municipalities had zoned and serviced them with basic urban infrastructure: wide streets, public spaces, public transport, health and education services, as well as electricity and sanitation networks. This was supposed to be a fundamental part of cities' expansion functions. However, the Baath Party hindered cities' ability to absorb newcomers and limited possibilities for traditional urban and organisational

expansion by confining centralised planning to bureaucratic institutions that were subject to security constraints and rigid ideological directions. This was in complete disregard for the real needs of residents on the ground, and entirely detached from the concept of the city's residential, functional and aesthetic roles, as well as related rights. In other words, the state's expansion and the hindrance of the free will of the cities coincided with a significant failure on the part of centralised urban planning.

The Syrian state has been directly involved in the housing sector since the 1960s, establishing construction institutions, notably the General Housing Establishment (GHE), with the purpose of building affordable homes for low-income people and selling to them with convenient payment plans and prices close to the construction cost. Over time, the state launched several social housing programmes as well, which were built and either allocated or sold to citizens via monthly instalments for periods up to 25 years. Despite these efforts, the state failed to meet significant housing needs. According to official figures, the annual gap between the country's housing needs and the number of implemented houses, i.e. the average annual housing deficit, was about 130,000 homes annually before the year 2011. And in all cases, social and cooperative housing was unable to achieve the numbers set for them in their five-year plans. Since the launch of the first such programmes 50 years ago, Syrian social housing has implemented only 77,000 homes, while housing cooperative societies have implemented approximately 220,000 homes. Thus, only about 7.3 percent of the total number of housing units in Syria are those implemented by social housing programmes and housing cooperatives, considering the total number of housing units in Syria to be

approximately four million homes, according to the 2010 Census. See: Mazen Ezzi and Wajih Haddad, “[The Housing Crisis in Syria: Do Social Housing and Housing Cooperatives Still Have a Role?](#)”. The Syria Report, Sept. 29, 2021. Amid these failures, and as a vague and unofficial recognition of its shortcomings, the Central Committee of the Baath Party issued a [decision](#) in 1982 to provide the areas of collective unlicensed construction with some basic services.

Syrian authorities issued a series of laws that only exacerbated the crisis. Among these laws were Expropriation Law No. 20 of 1974 and its amendment via Decree No. 20 of 1983; Law No. 9 of 1974 for the division and urbanisation of cities; and the Urban Expansion Law No. 60 of 1979. Sukkar, A., Abou Zainedin, S., & Fakhani, H., “[Informal settlements in Syria: What approach after the conflict?](#)”, Arab Reform Initiative, 2021. These laws aimed to limit the emergence of informal settlements and regulate real estate trade, allowing authorities the right to [expropriate unzoned land](#) within and around cities for public benefit. However, the implementation of these projects was soon obstructed, and the lands remained expropriated for the benefit of public authorities, [without compensation to their owners](#). In these cases, the owners of expropriated lands resorted to subdividing them and selling them to building contractors who quickly built small, unauthorised, informal buildings on them. The process accelerated in the 1980s with the increased demand for cheap housing and the evaporation of expropriated landowners’ dreams of obtaining fair compensation.

This series of laws dealing with the zoning, expansion and urbanisation of cities were also accompanied by a series of [decisions](#) issued by administrative units to classify lands as

agricultural, industrial, residential or commercial. These decisions aligned with the slow, arduous process of **issuing general and detailed zoning plans** under **regional planning directives**. They also led to the designation of large areas within and near cities as agricultural, prohibiting construction on them. The best means of prevention, from the authorities' perspective, was not to issue regular building permits in these areas – despite the urgent need to provide housing and the high demand for it. But the fear of their expropriation in the future prompted the owners of these private lands to subdivide and sell them to building contractors, who **built unorganised, unlicensed settlements** on them and sold them to people seeking cheap housing. In other cases, informal settlements appeared on **endowment lands** or undivided, **commonly owned private properties**.

In all cases, the growth of informal settlements accelerated astonishingly on reclaimed or private land classified as agricultural, where construction is prohibited. By the 1990s, informal settlements accounted for 30-40 percent of the housing stock in Syria. Because they were unorganised and not properly subdivided, real estate authorities refused to recognise the existence of these large residential areas, considering them in their records merely as reclaimed or agricultural lands where construction was forbidden. Consequently, around 30-40 percent of housing in Syria is undocumented in the official real estate records.

Language, power and informal settlements

Before 2011, informal settlements had reached their utmost expansion in the two largest cities in Syria, with 22 such areas in the city of Aleppo, and 18 **in Damascus**. One of the complications created by the formation of these

settlements in major Syrian cities is that they not only grew on the outskirts but also often became intertwined with zoned areas, making it difficult to determine the administrative, organisational and service boundaries between them. Usage of the same building materials allowed informal settlements to adopt the characteristics of the urban fabric of zoned areas. The term “informal settlement” has only recently entered the everyday vocabulary of Syrians. In many cases, residents referred to these areas as shaabi, or “popular”, areas, softer than simply describing them as “poor”. This description typically depended on the external appearance of the intended area, amid a clear confusion between the boundaries of low-income zoned areas with bad services and adjacent informal settlements.

This might be related to the official language used in dealing with informal settlements. The language in which Syrian laws are formulated refuses to name informal settlements, referring to them only as areas of “collective violations”. This official language, and the institutional mindset behind it, sees the informal settlement only as areas with collective unspecified “violations”, understood in context to mean “construction violations” – that is, unlicensed construction. The official language prefers not to talk about “unlicensed buildings,” and less about “un-zoned areas,” and instead focuses on describing those areas as being in violation of zoning plans, or **building code systems**. In the term “violation” itself, there is a pre-set act of discrimination, referring to the commission of an act that is against the law. This description carries a negative connotation: rather than neutrally describing the phenomenon, this discriminatory description preemptively brands these settlements as against the law. Those living in

or owning them are, by extension, necessarily in violation of the law.

Though filled with talk of so-called building violations, Syrian laws have yet to provide a clear definition for them, and this has deepened the negative generalisation of the phenomenon. Instead of defining what a building violation is, the four consecutive laws on such violations (and these laws' executive instructions) have associated it with another concept: **violation of construction permits**. A **construction permit** is an approval for construction granted by the administrative unit to the landowner in accordance with applicable regulations and laws. Any construction that occurs without a permit or violates some of what is stated in the permit is considered a violation subject to the provisions of **Decree No. 40 of 2012** related to building violations. Decree No. 40 defined a building violation as constructing a building without a permit, or carrying out construction work in violation of the granted permit. Decree No. 40 stipulated the demolition of many types of building violations, including unlicensed buildings or partial violations of the concerned permits. Ministry of Local Administration, **Decree No. 40 of 2012** on Building Violations and its Executive Instructions While Decree No. 40 allowed the possibility of settling some violations under complex conditions, this meant linking the issue of licensing those buildings to engineering and technical committees, and thus submission to **corruption and nepotism**.

Despite its name, and all references to it with regard to unlicensed construction, Decree No. 40 is applied mostly to individual cases of unlicensed construction or to buildings that do not comply with permit conditions within zoned areas. In this context, municipal authorities use the term

“combating violations” as part of their regular campaigns to demolish unlicensed buildings. The term “combating” also indicates a general approach to dealing with problems, diseases or pests. Municipalities have consistently warned people against using holidays and official breaks to construct “violations” and have always encouraged residents to report violations via social media or through official administrative websites. This means that the municipal authorities have encouraged citizens to inform on each other if they take part in unlicensed construction: instead of basing the identification of a violation on clear engineering standards, they rely simply on “engineering security intuition”. This results in additional pre-criminalisation of unlicensed construction and alleged perpetrators.

On the other hand, Decree No. 40 has authorised legal settlement of unlicensed construction in informal settlements on the condition that they are qualified, that the status of existing properties in such areas are settled, and that they be entered into the zoning plan after payment of fees. However, in reality, Decree No. 40 has rarely been used to address informal settlements, which the Syrian authorities have covered with planning, regulation, urban development, and successive investment laws. This package of laws, which expanded after 2011, aimed to rezone such areas, especially those affected by the war. In practice, with this package of laws, Syrian authorities essentially declared war on some informal settlements, a continuation of the armed warfare it waged against certain other communities.

Informal settlements and the war

After 2011, residents of informal slums in several large cities embraced the popular protests. This was partly due to the significant marginalisation these areas had experienced, and the poor conditions and class discrimination against their inhabitants. Public squares in some informal settlements opposed to the regime provided an outlet for city residents who were unable to gather and protest in other public squares and city spaces, due to the removal of public space by security and military authorities. Over time, some informal settlements began to coalesce into rebel areas with some ability to secure and protect their residents. However, with time and the use of heavy weapons by the regime, these areas fell under siege. Residents were forced to seek shelter from airstrikes and artillery fire while also suffering from starvation and siege tactics. Despite desperate attempts by opposition forces to break the sieges and advance toward the city centres, regime forces were able to isolate informal settlements and bomb them mercilessly, aiming to inflict the greatest possible destruction. Syrian authorities launched a devastating campaign of warfare against the largest city slums, without regard for their residents' rights to life, housing and property. This gave authorities an opportunity to get rid of some of the largest informal settlements, as well as their low-income residents, through wholesale destruction.



Azza Abu Rebieh, "Slums of Damascus: Mezzeh 86", etching and aquatint, 2010

Meanwhile, wartime construction actually increased in informal settlements whose residents were neutral or favourable to the regime, mostly for sectarian reasons.

These settlements expanded and their populations increased, while municipalities turned a blind eye to violations as a reward for residents' loyalty. Mazen Ezzi, "[On the edge of the capital: social engineering in north-eastern Damascus](#)", Technical Report, Middle East Directions (MED), Wartime and Post-Conflict in Syria, European University Institute, November 2021. This included settlements like Ash Al-Warwar, Al-Mezzeh, and Al-Dweila in the Damascus governorate, and Jaramana in the Rural Damascus governorate.

East Aleppo, which is home to the largest and most densely populated informal settlements, was among the biggest urban areas that the opposition managed to control between 2012-2016. It was subsequently subjected to severe aerial and artillery bombing and continuous military invasions by regime forces. At the end of 2016, after significant intervention from Russian and Iranian forces, the opposition in East Aleppo surrendered and was forcibly expelled to opposition-controlled areas in northwestern Syria. The destruction in East Aleppo was extensive. Municipal authorities in the city estimated at the end of 2022 that there were more than 1,500 buildings [on the verge of collapse](#).

The same occurred in the Qaboun, Tishreen, Jobar and Al-Tadamon neighbourhoods and the Yarmouk refugee camp in the capital Damascus, as well as Al-Hajar Al-Aswad in its countryside. The informal settlements in Damascus were bombed with various types of weapons, even during military truces. After the opposition's surrender, these areas underwent extensive demolition campaigns, eventually displacing all their residents. HRW, "[Razed to the Ground: Syria's Unlawful Neighborhood Demolitions in](#)

2012-2013”, 30 January 2014, Also see: HRW, “**Syria: Residents Blocked From Returning Government Demolishes Homes, Denies Property Rights**”, 16 October 2018. While pro-regime militias took over neighbourhoods in East Aleppo and allowed their fighters to return and reside there, the informal settlements in Damascus and its countryside remained off-limits to displaced residents wishing to return – that is, until recently. Even then, return is always conditional on obtaining prior security approvals, limiting such movement to residents who remained politically loyal to the regime. In addition, all of these areas have undergone renewed zoning studies with the intention of rezoning them in future should the financial resources become available to local municipal authorities.

When the results of the war were not enough, Syrian authorities began projects to **regulate the informal settlements via legislation**. Indeed, the government issued a **broad package of laws** concerning planning, zoning, urban development and real estate investment, complementing regime forces’ military campaigns against these areas. Among them was Decree No. 66 of 2012, which identified two areas for implementation within the capital Damascus, later known as the Marota City project (which includes informal settlements in Kafr Sousa and Al-Mezzeh) and Basilia City (which includes settlements in Al-Mezzeh, Kafr Sousa, Qanawat Basatin, Darayya, and Qadam). To establish these two projects, residents of these areas were expelled without compensation or being provided immediate housing alternatives. Construction work began piecemeal in 2012, but it does not seem that it will end in the foreseeable future. Mahmoud Al-Lababidi, “**Damascus businessmen: the phantoms of Marota City**”, Technical Report, EUI RSCAS, 2019/07, Middle East Directions (MED),

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Afterwards came Urban Planning and Development Law No. 23 of 2015, which aimed to eliminate unlicensed construction within zoned areas and enter them into official zoned real estate areas. The law also aimed to rehabilitate areas that have witnessed disasters or wars, as well as to implement zoning plans via expropriation and establish residential areas according to the Real Estate Development and Investment Law. For example, Law No. 23 was applied to the **residential area of Qaboun**, for which Detailed Zoning Plan No. 105 was issued in June 2020.

The year 2018 saw the government issue its oft-criticised Law No. 10, which allowed the creation of one or more zoned real estate areas within the general zoning plan for administrative units. It was subsequently amended by Law No. 42 of 2018. Presidency of the Council of Ministers, "**Law No. 10 of 2018**, Stipulating the Creation of One or More Zoned Real Estate Areas within the General Zoning Plan of Administrative Units by Decree Based on the Proposal of the Minister of Local Administration and Environment, and Amending Some Articles of Legislative Decree No. 66 of 2012," April 2, 2018. In practice, Law No. 10 is simply a generalisation of Decree No. 66 of 2012 that can be applied to any area of the country and allows for a longer period of time for authorities to field objections to the results of the zoning committees' work. One example of Law No. 10 being applied in practice was through Decree No. 237, issued on September 14, 2021, to create a **zoned real estate area at the northern entrance of Damascus** designated for Qaboun Industrial Zone.

These three laws - Decree No. 66, Law No. 23 and Law No.

10 – considered all properties within the zoned real estate areas to be common shared property among the “rights holders” there, with shares equal to the estimated value of each person’s property or to their right in rem. Decree No. 66 and Law No. 10 allowed local administrative units to deduct up to 80 percent per square metre of land free of charge, while Law No. 23 allowed administrative units to similarly deduct up to 50 percent of the property area when it enters the zoning area. Laws No. 23, 66, and 10 targeted informal settlements affected by war for reconstruction, giving the entitled residents **zoning shares** in the new plots prepared for construction, to build with their own personal funds. Although Law No 23 did not stipulate alternative housing for occupants of properties in these areas, Decree No. 66 and Law No. 10 set many conditions for occupants to obtain paid **alternative housing** within certain social housing programmes.

In any case, only people who own licensed properties that are registered in the Department of Cadastral Affairs, and who are able to show legal property documents, are entitled to zoning shares via the above laws. **Under Decree No. 66** and Law No. 10, those who built their homes on public properties or on lands that were later expropriated will receive rental compensation for only two years, and they can obtain paid alternative housing only if there is a surplus of housing stock available in the administrative unit. Those who owned agricultural land and built a residential or commercial property on it will get an annual rental allowance until they are provided with alternative housing. Finally, those who owned unbuilt agricultural land will get only financial compensation.

To put it more simply, the package of laws related to zoning

informal settlements directly aims to strip residents of their housing, land and property rights – turning them from residents and owners of their own properties to merely holders of zoning shares entitled to alternative housing and rent compensation. Furthermore, people in this situation may languish for many years, possibly decades, before acquiring even a fraction of that compensation. This is not a mere hypothesis but a conclusion based on the close observation of Syrian state institutions and public sector construction companies, and what they have so far been able to accomplish in this regard.

In defence of informal settlements

Through its own legislation, the Syrian state is the primary creator of informal settlements. This may appear as a form of forfeiture, after which discussion on the matter ends. But the law itself refuses to define so-called “building violations”, instead insisting on linking this issue to another administrative-technical procedure: the construction permit. Consequently, a violation could be a breach of building codes, the zoning plan, licensing conditions, property conditions, Land Registry data, or local technical standards set by administrative units. Therefore, we face many different possibilities for what could constitute a “violation”, or in fact, potential transgressions that the laws could classify as violations.

Many of these “violations” do not affect the actual structural safety of buildings but instead fall within the realm of public aesthetics – in other words, the city is supposed to be beautiful and organised, and authorities should demand violators to amend their unlicensed construction, if possible, or fine them. However, for the

authorities to reject the existence of entire neighbourhoods (and prevent their documentation in the Land Registry as properties for their owners and residents) on the pretext that they are “violations” goes against HLP rights. The owners of these buildings and homes did not steal them, and they did not descend upon them from the ether. Instead, they built or bought them, and invested labour in them, endowing them with exchange and use value (according to the Marxist tradition). There may not be much surplus value in these homes, but they have a real value equal to the human effort that built them, the price of construction materials, and in many cases, the value of the land they stand on. The result of this human work, for generations, has produced this form of self-organised construction that evades the authority’s scrutiny and is marred by its complexities and prohibitions. But that does not make it a crime, nor its participants criminals. Those who should be blamed in this case are the authorities who have refused, through their unjust and inhumane laws, to recognise the informal settlements and their residents.

Within this conflict – between law and authority on one side, and people and their right to housing on the other – informal settlements have grown and expanded into cities themselves, existing both parallel to and overlapping with existing Syrian cities. Moving between organised and informal areas within a single city, new horizons and expansions open up: cultural, class, sectarian and ethnic. In this sense, slums are additional temporal and spatial dimensions within the ordinary Syrian city. They are images of the restructuring of rural Syrian societies on the margins of cities, overlooked by authority and its prohibitive laws. At the same time, they leak the unconscious natures and functions of the city into these communities. Thus, if the

informal settlement is the child of conflict between law and the right to housing, it is also the space where sections of poor Syrian migrants have been able to integrate into the city, or flee from it, and from each other.

Much ink has been spilled about the right to the city, and much has been theorised about it. Many hypotheses have been proposed about it and about the meaning of formation in social, political and urban spaces within the city. What is said about cities also applies to informal settlements. They are a natural part of Syrian cities, and an authentic part of them no matter how much distortion they witness. The right to such areas for their residents is the right to more structurally sound housing and better-serviced and managed neighbourhoods, as well as areas that elect their own authoritative committees and decide what is best for their residents – more humane settlements, where people do not live with the threat of eviction under the pretext of “zoning”.

In English, the word “home” can carry the meanings of both “house” and “homeland.” I realised this when I was walking with someone from the Yarmouk camp near Potsdam Square in Berlin, where he lives in exile. He told me that his only remaining wish is to return to live in his house and among the dusty paths of his old neighbourhood in the camp. When I teased him saying, “Don’t you see all this beauty in front of you?”, he replied, “There is no doubt that it is very beautiful, but it is not home!” To him, as to many other people, informal settlements mean so much more than simply a poorly built and serviced area. For them, those settlements are home, in all their bitterness and sweetness.

