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Housing, Land, and Property Rights in Post-Conflict Settings and Refugee Return: A

Comparative Study of Guatemala, Kosovo, and Syria

A Thesis submitted in partial satisfaction of the

requirements for the degree Master of Arts

in Global Studies

by

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June 2022

The thesis of Majed Bashar Altaian is approved.

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June 2022

ABSTRACT

Housing, Land, and Property Rights in Post-Conflict Settings and Refugee Return: A

Comparative Study of Guatemala, Kosovo, and Syria

by

Majed Bashar Altaian

Housing, Land and Property (HLP) rights are based on human rights and international law entitling displaced persons to a safe residence free from eviction. Across several disciplines, the end of violence in a prolonged conflict situation results in a "post-conflict" state in which peace building, reconciliation, and restorative justice processes can begin. While post-conflict peace building involves many reconciliation processes, land rights and property restitution have been some of the most difficult to address. HLP rights in post-conflict settings can affect internally displaced persons and refugees by severely complicating their reintegration and readjustment processes, and in many cases act as a barrier to return. HLP rights are central issues before, during, and after conflict, and should be prioritized by governments and international actors in post- conflict settings due to the complexity of many land tenure systems and customary HLP law. This thesis will examine HLP history, laws, and disputes for three specific cases with particular emphasis on post-conflict settings, property claims, and property restitution. The primary focus of this study will be conflict and HLP rights in Syria, which involves a complicated land tenure system, demographic engineering through property expropriation, and pressure placed on refugees to return home by host countries. Additionally, this thesis looks at two past cases, Guatemala and Kosovo, to assess some best practices and shortcomings of previous attempts to address HLP issues in post-conflict settings.

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I. Introduction

Housing, Land and Property (HLP) rights are based on human rights and international law entitling displaced persons to a safe residence free from eviction (NRC 2016). According to Scott Leckie (2005), an expert on HLP rights, disputes over HLP often turn violent, which can be devastating in a post-conflict setting. HLP rights are central issues before, during, and after conflict, and should be prioritized by governments and international actors in post-conflict settings due to the complexity of many land tenure systems and customary HLP law. This thesis will examine HLP history, laws, and disputes for three specific cases with particular emphasis on post-conflict settings, property claims, and property restitution.

Studying the complexities of land tenure systems, customary law, and post-conflict HLP claims will provide guidance in developing a more effective international regime for the HLP rights of displaced persons. The primary focus of this study will be conflict and HLP rights in Syria, one of the most pressing humanitarian and displacement crises today, which involves a complicated land tenure system, demographic engineering through property expropriation, and pressure placed on refugees to return home by host countries. Additionally, this thesis looks at two past cases, Guatemala and Kosovo, to assess some best practices and shortcomings of previous attempts to address HLP issues in post-conflict settings. The Guatemala and Kosovo cases also introduce vastly different approaches to HLP restitution and disputes, highlighting the need for clear post-conflict humanitarian response and recovery frameworks that are refugee centered and promote safe and voluntary return.

As will be discussed throughout this research, inconsistencies in land tenure systems, inability to enforce international and humanitarian law, and lack of transitional justice measures result in weak HLP rights for displaced persons, which in turn acts as a barrier to

voluntary, sustainable return. People in post-conflict settings are faced with numerous difficulties, but many international actors fail to address and prioritize the HLP rights of those displaced during conflict. The status of abandoned property, what approach to take with regard to secondary occupation (when those who remain in the country of origin occupy the homes of those who left), and how to address HLP disputes are just some of the issues faced by governments, organizations, and humanitarian actors in the post-conflict setting.

While HLP is not the first area of concern in post-conflict debates, it should be a priority for several reasons including the potential for HLP disputes and grievances to lead to conflict resurgence. HLP restitution, the act of reinstating HLP to its rightful owner, can also encourage sustainable return, which in turn promotes post-conflict reconstruction and development. Additionally, internationally agreed upon HLP rights in post-conflict settings, or support for domestic and local efforts to resolve disputes, can undo some of the unfair HLP policies and laws implemented before and during the conflict. As will be demonstrated throughout this project, HLP rights, conflict, displacement, and return are interconnected issues that arise in all post-conflict settings. Although there have been efforts to address post-conflict HLP rights, many approaches have lacked consistency or did not address underlying issues.

A. Arguments and Contributions

This thesis aims to highlight a major issue affecting one of the most vulnerable populations in the world while also putting forth arguments on how to best address post-conflict HLP. This research is situated within studies of conflict, forced displacement, refugee return, human rights, and land rights. It also contributes to academic fields including political science, international relations, global studies, and peace and conflict studies. Although there

is a vast amount of scholarship on issues relating to human rights, land rights, conflict and displacement, the existing literature rarely analyzes all of these together. Additionally, existing research on HLP in Syria has only scratched the surface and is constantly evolving due to the changing situation. Scholars who have concentrated on many of these issues often focus on one particular case or region, giving less attention to the wider global context surrounding displacement, return, and HLP.

What this project contributes to the multiple fields it is engaged with is 1) original, cross disciplinary qualitative research, 2) comparative analysis, utilizing both past and ongoing cases from vastly different regions, and 3) utilizing global perspectives from documented accounts of returnees and HLP disputes. This work will not only contribute to academic discussions on conflict and return, but it is also useful to organizations and governments who are faced with facilitating future returns, peace building, and reconstruction. This research also uses original interview data to gain insight on Syrian refugee attitudes toward return and HLP. This original research and the policy recommendations made can contribute to both the academic literature on return and land rights and to the international humanitarian and conflict resolution agendas implemented and upheld by governments, nongovernmental organizations, intergovernmental organizations, and advocacy groups.

Perhaps the most beneficial contribution this research provides is a framework for analyzing potential HLP disputes and issues. Academics and policy makers may conclude from this thesis that:

1. HLP systems prior to conflict are a major factor in potential issues in the conflict and post-conflict setting; ethnic, religious, and sectarian divides can

play a major role on HLP in terms of targeted expropriation and demographic engineering through deliberate displacement.

2. secondary occupation, property expropriation, and damage/destruction to infrastructure will all have impacts on HLP rights and claims.

3. and lastly, beyond the issues returnees may face, what mechanisms and governing bodies may be needed/established in order to address HLP disputes and restitution.

Figure 1: Framework for Analyzing Post-Conflict HLP in Past and Ongoing Cases

Pre conflict HLP systems, laws, and practices

Ethnic, Religious, Sectarian divides

Understanding of conflict and impact conflict had or is having on HLP
(Secondary occupation, property expropriation, destruction)

Potential issues faced by returnees, mechanisms to address HLP disputes, country specific
policy recommendations
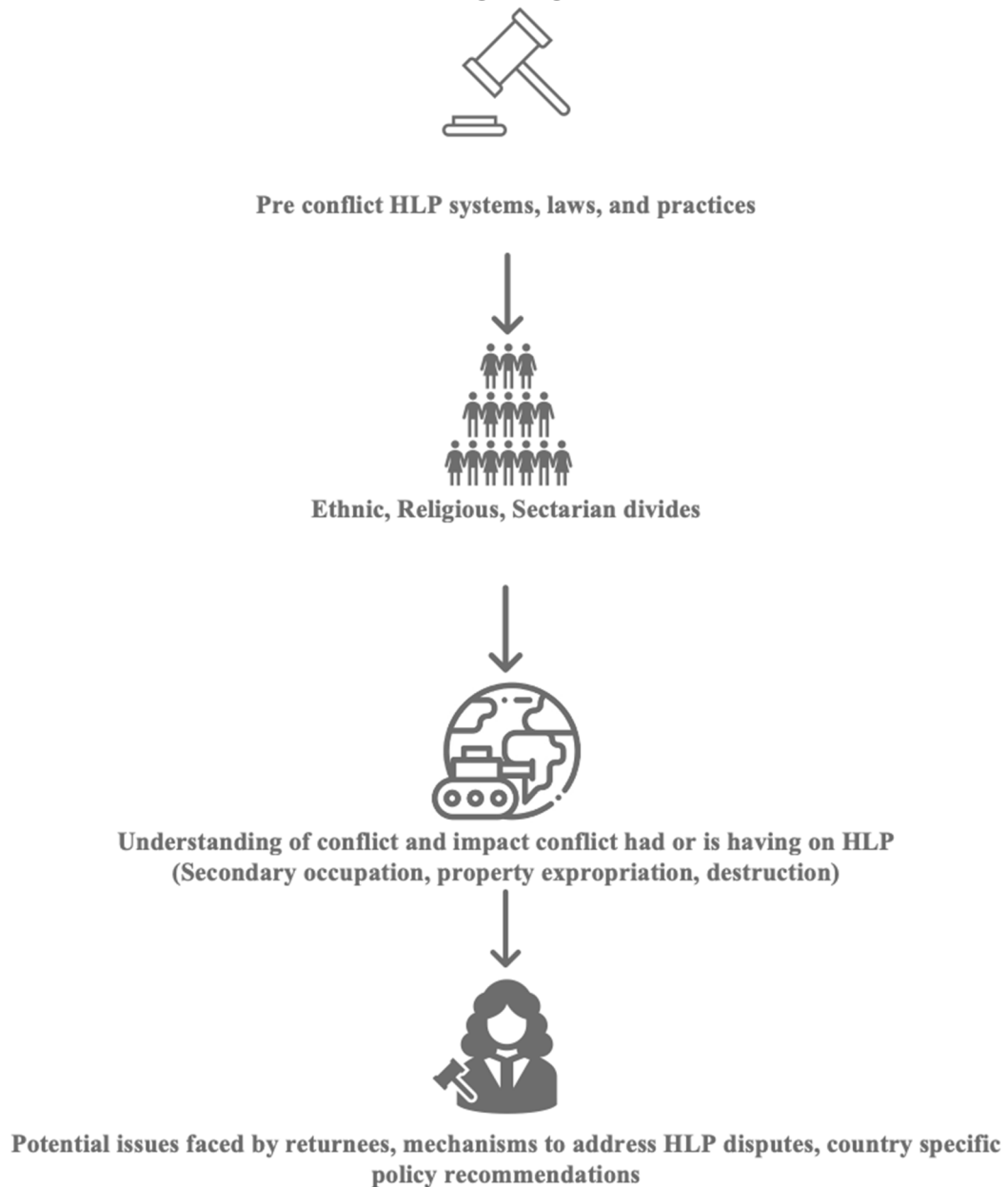
B. Situating Research

The international community is faced with several ongoing challenges related to conflict and displacement. Countries bordering Syria are facing economic troubles in accommodating millions of refugees; approximately 20,000 refugees have died or gone

missing crossing the Mediterranean Sea; and many are left in situations of prolonged displacement with little focus on long-term solutions, including the approximately 12.8 million displaced by the conflict in Ukraine (UNHCR 2021; United Nations High Commissioner for Human Rights 2022). Forced displacement has been a major issue that engendered international organization and what Stephen Krasner (1977) would refer to as a regime, "implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations" (19). Norms and principles surrounding displacement were established in the mid-twentieth century with the 1951 Convention Relating to the Status of Refugees, while global responses to forced displacement began decades earlier in the aftermath of the First World War (Gatrell 2013, 39). These responses continued to develop at the international level, forming a refugee regime. Regime theory states that regimes can have influence on state behavior, and while this has been the case throughout the history of the refugee regime, we continue to see these norms shifted by states' attitudes and willingness or unwillingness to adopt and follow policies in line with the principles of the regime (Krasner 1977).

The refugee regime has developed what are called durable solutions for displacement which aim to offer several outcomes or solutions for displaced persons including voluntary return, resettlement to a third country, or integration into the host country. Many host countries do not favor integration due to economic and political factors as well as costs and contradictions for their own populations. Resettlement, while framed as a "durable solution", is not a permanent solution, can be a difficult process, and is not an option for many refugees. Roger Zetter (2011) argues that resettlement, return, or integration are not sufficient or even achievable for most refugee populations (3). Looking specifically at Somalia and Iraq, Zetter

describes how voluntary return is not an option for refugees due to conditions in the home country; integration is limited by the host countries who suffer from weak economies and instability; and resettlement in the West is only achievable for a select few due to the securitization of immigration controls. Zetter states that these limitations also apply to Internally Displaced Persons (IDPs) and are a common issue for refugees in Afghanistan, Sudan, and many other post-conflict countries (8). Harild (2015) also engages with these durable solutions, suggesting that they should take place within a framework of institutional collaboration amongst the private sector, humanitarian, government, and development actors (xvi). The most favored durable solution in the refugee regime is return, which involves the voluntary repatriation of refugees to the country of origin. While UNHCR and other major refugee focused organizations have high standards for a country to be deemed "safe for return," host countries are often not as concerned about conditions upon return.

While there are many barriers to return, one of the most prominent seen in many post-conflict situations is the issue of HLP rights. The Norwegian Refugee Council (NRC) (2016) defines HLP rights as those drawn from international humanitarian and human rights law that entitle displaced persons to a home or shelter where they are given the ability to secure a livelihood (5). Access to secure and stable housing in a post-conflict situation is not just a property rights debate, but a humanitarian and human rights one that falls under the frameworks of the United Nations Principles for Housing and Property Restitution for IDPs and Refugees, also known as the Pinheiro Principles. The Pinheiro Principles state that refugees and IDPs have a right to HLP restitution or compensation and that these rights should be prioritized by states in efforts toward restorative justice regardless of whether these individuals return or not. Refugees face difficulties in accessing proper ownership documents

to prove their HLP rights, and post-conflict settings often lack the resolution mechanisms for compensation or restitution of HLP.

C. Literature on Return and HLP

As of 2022, UNHCR declared the total number of worldwide displaced populations to be over 100 million people (UNHCR 2022). Refugee return can be either a voluntary or involuntary process, often referred to as repatriation and voluntary return or involuntary return and forced repatriation. Voluntary repatriation is seen as the primary solution to protracted refugee situations and is preferred by the international community (Long 2011, 1; Milner and Loescher 2011, 17; Rohwerder 2015, 1). Conclusions drawn from past instances of protracted refugee situations suggest that return has taken place mostly to areas where peace and stability have not yet been achieved (Harild et al. 2015). Past research in the field as well as the more contemporary Syrian case show that refugees are "purposive actors" that will not return to their home country due to push factors such as deteriorating conditions or treatment in the host country (Rohwerder 2015, 15; Harild et al 2015, xi; Steputat 2004, 5; Alrababa'h et al. 2020). Although this may be true in many cases, work by Harild et al (2015) suggests that poverty in the host country can both drive and restrain return as seen in cases such as Afghanistan and Iraq. The evidence showing poverty can prolong refugee situations supports the push for further integration in host countries which in the long term can facilitate return due to refugees' ability to build up assets (Harild et al, 2015; Starup 2014; Steputat 2004).

Scholars looking into the drivers of refugee return and decision-making processes conclude that conditions in the home country play a major role in refugee decision making. They argue that security, economic well-being, and social networks are major factors in refugee decisions on return (Müller-Funk 2019, 17; Içduygu and Nimer 2019; UNHCR 2019;

Ala' Alrababa'h et al. 2020, 25). More specifically, security in their hometown, the availability of jobs and services, as well as an end to military conscription were most significant in determining whether refugees intended or planned to return in the case of Syria (Ala' Alrababa'h et al. 2020, 27; Vignal 2018, 70). Work by Finn Stepputat (2004) looks at debates on return versus integration and echoes many of the claims made in works by Harild and Starup. These scholars argue that further integration can actually have a positive effect on return due to the fact that refugees may have more assets and skills training that they can bring to the home country. Stepputat also finds that refugees are more likely to return if granted rights of re-entry to the host country, should conditions deteriorate, or conflict resurgence occur (7). Many scholars and organizations also point out the relative success of "go and see" operations, also called "return facilitation visits" which can present refugees with an accurate representation of conditions in the home country while also guaranteeing them re-entry into the host country. These visits have a long history and have most recently been adopted by Turkey toward Syrian refugees with some deciding not to return after the trip home (Mencutek 2019). Steptuat suggests that these visits can help refugees in deciding whether to fully invest in integration or return.

Içduygu and Nimer (2019) explore discourse surrounding refugee repatriation in Turkey, Jordan, and Lebanon, and present information surrounding refugee return and emphasize the trend in government and media discourse advocating for repatriation of Syrian refugees. They emphasize the three primary conditions for return: voluntariness, safety, and sustainability, but show that these factors are not always considered when engaging with refugee return. In analyzing the international refugee regime, the authors review the transition over the past century from resettlement to "safe return" and then to the more exclusionary

attitudes we see today. As a result of this shift in attitudes since the end of the Second World War, many countries now turn to the idea of repatriation, and in some cases involuntary return, as seen in Turkey and other cases throughout history. Ala' Alrababa'h et al (2021) suggests refugees do not want to return to just any location within Syria, but to their hometowns, and are not planning to do so until there is some structural and economic recovery. Içduygu and Nimer's (2019) work echoes the same concerns by refugees, also stating that what they need most of all in regard to return is safety, economic opportunity, and sound infrastructure to facilitate their repatriation.

In a refugee regime that has transitioned from accepting integration to primarily focusing on return, refugees' lives in the country of origin do not end once they emigrate. When refugees flee their country of origin, they leave behind HLP that is often destroyed, damaged, expropriated, or occupied while they are gone. Refugees are returning to less-than-ideal conditions, and they will face a multitude of challenges related to HLP upon returning. Returnees oftentimes struggle to assert their rights relating to compensation, restitution, disputes, and documentation of ownership. Not only do they face difficulties in asserting their rights, but post-conflict governing powers will often weaponize HLP systems to target opponents. The bordering host countries tend to implement policies and take actions that make life harder for refugees and often push them to return to the country of origin despite safety risks. Considering these factors, there must be mechanisms in place to deal with HLP claims and disputes, as well as avenues for restitution or compensation.

Iraq is an illuminating case in that the country has seen constant emigration, internal displacement, and minority persecution since the 1920's that has extended into recent decades (Romano 2005). Under authoritarian leader Saddam Hussein, the process of "Arabization"

took place in which hundreds of thousands of Turkmens, Kurds, and Assyrio-Chaldean Christians were displaced or expelled from Iraq and had their land confiscated and distributed to Arab Iraqis (ibid, 432). Along with the genocidal 'al-Anfal' campaign against Kurds in Iraq in the late 1980's, the Arabization campaign in the north and the counter-insurgency campaign in the south in 2001 displaced hundreds of thousands of individuals within Iraq and to neighboring countries. David Romano (2005) argues that refugee and IDP return in Iraq required financial assistance, return programs, community/housing/school infrastructure, local and international assistance, assurance of security for these groups, and the desire to return (436).

These requirements are echoed in several other works on refugee return that emphasize the economic and infrastructure necessities to facilitate repatriation. Many post-conflict instances of refugee return face the same issues of multiple governing authorities, lack of security, and an unclear future in the country of origin. Madawi Al- Rasheed (1994) addresses the myth that refugees have a natural desire to return to their homeland or necessarily possess some attachment to their country of origin. Al-Rasheed argues that while many immigrants maintain ties to the homeland that support the idea of return, the circumstances for refugees are drastically different with many having problematic or "abruptly severed" relationships with the country of origin (202). Al-Rasheed looks at Assyrian and Arab refugees from Iraq in London and points out common characteristics and differences between the two groups. While both groups share common language, culture, behavior, and tradition, their connection to the country of origin and ideas on return are vastly different. Iraqi Arab refugees see their time in Britain as temporary and maintain political and social ties to the country of origin when possible. Assyrian refugees on the other hand see their migration to London as a positive step

and favor integration. Al-Rasheed's work on this issue helps to better understand that not all refugees seek to return to the country of origin and several factors play a role in refugee decision making and drivers for return.

Ala' Alrababa'h et al. (2021) look at the dynamics of refugee return and what factors play a role in the decision-making process for Syrian refugees. The authors conducted research in Jordan and Lebanon utilizing surveys in major cities with refugees living outside of camps. The host countries' push factors differ greatly, with Jordan implementing less political pressure to return to Syria. The drivers of return in Jordan are similar to those in Lebanon with the data showing a positive correlation between safety, economic prospects, public services in the home country and plans to return. While this information is key to understanding how to facilitate voluntary and sustainable return, it appears that the question of HLP is left out. For example, the research by Ala' Alrababa'h et al only briefly mentioned property rights and housing in the introduction of the study and the topic of HLP is not mentioned in their survey questions.

Refugee and IDP return can play a major role in legitimizing governments and contributing to post-conflict development. As mentioned before, a lack of HLP rights, restitution, and compensation can act as an obstacle for sustainable return which in turn prolongs the post-conflict phase in which resurgence is most likely to occur (Hurwitz 2005). Scott Leckie (2009) assesses whether UN and other peace operations have included HLP rights within their operational design and implementation of peace agreements and the effect this has on post-conflict settings. Leckie analyzes mostly UN-led peace operations from the 1990's onward, pointing to the many failures in addressing housing, land, and property in post-conflict settings. The HLP challenges faced in the post-conflict setting include refugee and IDP return,

secondary occupation of HLP, HLP damage/destruction, and ownership disputes, which are all prominent in the cases analyzed (8). HLP rights are described in many international human rights laws, conventions, and debates, yet refugees and IDPs in the post-conflict setting are provided only with shelter approaches as opposed to property restitution or compensation. Leckie points to the fact that no two post-conflict peace operations in the two decades prior to 2008 have had consistent policies on HLP issues. This lack of consistency on HLP rights in post-conflict situations exacerbates refugee crises and can prevent return, leading to destabilization in host countries.

Hurwitz and others (2005) argue that HLP disputes play a major role in causing or contributing to civil conflict, and the same can be said about resurgence of conflict. The NRC (2016) found that at least 18 conflicts have been motivated by exploitation of land and property since 1990, and when not addressed, exacerbate further conflict (24). Similarly, Collier, Hoeffler, and Soderbom (2008) argue that development plays a major role in preventing conflict resurgence which ties back to HLP rights, restitution, and disputes in several ways (474). Not only can issues arise from disputes over HLP, but grievances regarding these disputes can reduce local productivity and private investment, further slowing post-conflict development (Hurwitz et al. 2005, i). Grievances and tensions coming out of HLP disputes can negatively affect economic cooperation locally and in some cases lead to further conflict or conflict resurgence. Even when post-conflict authorities or governments do engage in property restitution and address HLP rights, those negotiating these claims and rights may have engaged in or supported the violence and factions that displaced individuals in the first place. Many who have lost their homes and livelihood through conflict can also be enticed by opportunities from rebel groups or organizations that incentivize or reward membership (Weinstein 2003,

30). For example, Schmeidl (2009) found that in Afghanistan, secondary displacement due to disputes or lack of HLP restitution/compensation resulted in returnees being an easy recruitment pool for insurgency (20). This is also the case in the Syria conflict when the Islamic State in Iraq and Syria (ISIS) enticed new recruits with free housing and monthly stipends (Khraiche and Syeed 2015).

D. Methodology

The research for this project utilizes existing literature in combination with qualitative interviews to analyze and compare cases of refugee return and HLP issues. I conducted interviews in Amman, Jordan between the summer and fall of 2021. They were semi-structured and conducted in Arabic at the interviewees' homes or agreed-upon public settings such as restaurants or coffee shops. Interview questions and the overall research plan were approved by the UCSB institutional review board for research with human subjects. Interview subjects were informed of the project and asked if they would like to participate; once participation was confirmed, the participants were read a consent script that informed them of the scope of questions, ability to withdraw at any time, and anonymity in the final thesis project. Pseudonyms have been provided to ensure anonymity of participants. The interview questions were formulated based on the research question at hand and sought to answer the following questions: what happens to property that refugees were forced to abandon during conflict? How do governments approach secondary occupation? How is informal or unregistered housing dealt with? What happens to refugees who lost their ownership documents or identification documents? What is the outcome for those whose property was destroyed or damaged? The questions asked largely focused on this set of issues, but with the interviews

being semi-structured the conversation flowed freely and expanded beyond the set of questions asked.

The conditions at the time of my field research played a major role in deciding which methodological approach to take with the project. At the time of planning for this thesis in the winter and spring of 2021, the COVID-19 pandemic was ongoing, and we had not seen enough improvement to declare travel or fieldwork safe. There were many uncertainties about internships, getting projects approved by the Institutional Review Board, international travel, and other factors. Considering these conditions, it would have been difficult to travel and conduct interviews without putting all parties at risk, therefore I had planned to intern with a human rights organization remotely from the US and try to find participants to interview virtually. By the summer of 2021, conditions in Jordan had improved as a result of widespread vaccination and the organization I was interning with encouraged me to travel to Jordan. While conditions had improved, there were still safety concerns making it difficult to conduct interviews and gain access to refugee communities in Amman. The Jordanian Government had also restricted access to refugee camps and none of my contacts in Jordan were able to find a way to bypass these restrictions.

Overall, these conditions left me with a small pool of participants I could interview and a project that relied heavily on qualitative data. While I was not able to conduct surveys or focus groups as a result of the conditions at the time, individual interviews allowed for very in-depth and semi-structured conversations surrounding displacement, HLP, and return. During my time in Amman, I was able to conduct ten interviews throughout the course of about four months. Several barriers got in the way of conducting interviews including the COVID-19 pandemic, lack of access to refugee camps, other obligations relating to the project and

internships, and some refugees simply not wanting to participate. I encountered several cases where no significant information was drawn from the interviews, for example when interviewees owned *registered* HLP in Syria that was being looked after or occupied by family and faced no damage or threat of expropriation from the regime.

Although I had no experience conducting qualitative interviews prior to this project, I was able to form connections with interview subjects that made the process much smoother. Positionality is critically important in qualitative research, especially amongst refugee communities. Both sides of my family are from Syria, I speak Syrian colloquial Arabic, and spent several summers in Syria prior to the conflict. These factors played a major role in my interviews because, as one interviewee stated, I am, *Ibn al Balad,* which roughly means "of the same country" but translates directly to "son of the country". While I did share cultural connections with interviewees, I was aware of my position as someone who grew up in the West and was still likely seen as an outsider to participants. I treated these interviews like conversations, showed interest in the participants' stories, and made sure not to interrupt or correct them throughout the interview process which would sometimes go on for over an hour.

Aside from qualitative interviews, the remainder of the research done for this project comes from existing work on HLP in Guatemala, Kosovo, and Syria. These works utilize interviews, archival research, and ethnographic research to document HLP disputes, ownership claims, and other case studies. These works are key to understanding what a post-conflict environment is like, what HLP issues arise, the consequences of not addressing these issues, and how ongoing HLP disputes can prevent sustainable peace. The project first focuses on introducing the key concepts covered including modern migration and displacement; housing, land, and property (HLP) rights; and refugee return. After providing context and an overview

of the literature on these topics, this project shifts to focus on case studies including Guatemala and Kosovo. These cases are introduced to highlight conflicts in which return took place and HLP rights became a major issue. They also provide lessons to apply to ongoing and future post-conflict settings such as Syria, the focus of the final case study chapter. Both sections give a brief overview of the country's history and conflict, then analyze existing literature and documented HLP disputes or issues that emphasize the importance of HLP restitution in facilitating sustainable return. Guatemala and Kosovo saw vastly different conflicts influenced by varying cultural and political relations yet saw similar HLP issues in the aftermath of conflict, specifically ownership disputes, purposely destroyed property, safety concerns, and social division. The Guatemala case is significant because it highlights an instance of refugee return that was organized, voluntary, overseen by international actors, but faced with issues over land ownership, HLP restitution, and divisions amongst different cultural/identity groups. As can be seen in Table 1 below, these three cases have aspects that make them unique, but also share many similarities with regard to HLP.

Table 1: HLP Related Issues Faced in Syria, Kosovo, and Guatemala

Issues faced related to HLP, return, and displacement	Syria	Kosovo	Guatemala
Demographic engineering	x	x	x
Deliberate destruction of property/homes	x	x	x
Documented cases of ethnic cleansing	x	x	x
Informal HLP system prior to conflict	x	x	x
Secondary occupation of property	x	x	x
Existing pre-conflict disputes amongst two or more groups over HLP	x	x	x
Political/government transition from beginning to end of conflict		x	x
Major shift away from socialized to privatized HLP	x	x	
Include transitional justice measures in approach to post-conflict recovery			x
Refugee-negotiated return			x

The aim of this research is to present and analyze past cases of post-conflict return and HLP in order to develop and improve reconciliation and restitution schemes. Many of the lessons from past cases can be applied to cases like Syria and this project highlights ways forward in Syria and suggested actions for policy makers and international actors. As Scott Leckie (2005) and others have described, intergovernmental organizations and those who play a major role in

post-conflict settings have long overlooked HLP rights and issues, not realizing the role they play in grievances, cultural division, and conflict resurgence. From the research and past cases, this project concludes that in order for a post-conflict setting to transition to sustainable peace, HLP rights and return must be at the forefront of negotiations or reconstruction efforts.

II. Comparative Case Studies: Guatemala and Kosovo

In order to understand the complexity of post-conflict Syria and return, it is important to reflect on previous cases of conflict and displacement. With the aim of extracting useful lessons and best practices for a post-conflict Syria, this chapter utilizes qualitative case studies to compare past instances of conflict and displacement and aims to assess how housing, land, and property (HLP) issues were addressed and where they succeeded and failed. Although international actors should take lessons in all aspects of post-conflict recovery from past cases, particular attention should be paid to best practices, as well as identifying missing or unaddressed issues that prevent sustainable return and reconciliation. The two cases covered in this chapter, Guatemala and Kosovo, reveal several common aspects shared amongst post-conflict settings in relation to HLP, demonstrating recurring patterns that can be addressed through policy at local, national, and international levels. The chapter presents these cases in an effort to 1) reveal that there are common HLP issues that arise in conflict and post conflict settings that can be addressed through broad and expansive humanitarian policy 2) uncover best practices (such as Guatemalan refugees negotiating their own return, being given land credits) and shortcomings (such as Kosovo's lack of transitional justice and post-conflict reconciliation) 3) provide clear examples of the issues and challenges many Syrian refugees and IDPs will face upon their return and the influence HLP can have as a driver for return.

The Guatemala case was selected because it was the first instance in which refugees played a key role in negotiating return and established conditions and rights for themselves as returnees. Looking at a prolonged conflict like the Guatemalan Civil War (1960-1996) helps to further understand how ongoing conflicts might be dealt with and what can be done to ensure safe and sustainable return. The Kosovo case was selected to demonstrate the impact that ethnic

divides can have on a post-conflict setting and instances in which HLP restitution was not effective in encouraging return. This case also emphasizes the importance of truth and reconciliation commissions in the aftermath of The Kosovo War (1998-1999) and how the lack of these restorative justice measures can prevent sustainable return. Each case study will cover the history of conflict, displacement, return, and HLP rights to provide context to the primary case study in the following chapter. Both of these cases reveal the importance of land systems prior to conflict; government laws, policies, and actions implemented during the conflict; and the importance of reconciliation efforts post-conflict. The Syria case in the following chapter shares many similarities with these two cases and the figure below briefly covers what each case shares in common.

A. Guatemala

Post-conflict refugee return to Guatemala is a unique case in comparison to past instances of repatriation and return. The first large-scale returns to Guatemala began in 1993 and were organized by refugees who had fled in previous decades and were initiated in coordination with the Guatemalan government (Egan 1996). Although this case of return was distinctive from previous ones in that the negotiations involved refugee participation, it followed a recurring pattern of post-conflict issues relating to housing, land, and property (HLP) rights.

The Guatemalan civil war began in 1954 after a US-backed coup overthrew democratically elected president Jacobo Arbenz. Arbenz had taken several actions that made him a target of cold war aggression by the west including legalization of the Communist Party, nationalization of United Fruit Company plantations, and land redistribution (Bradley, 2014). Land systems in place prior to the conflict were rooted in Spanish conquest and the land

trusteeship system (*encomienda*) established between 1530-1600 which functioned on the forced labor of indigenous people. The following centuries saw a transition to the Hacienda system, one which was very similar to the feudal system in Europe and continued the exploitation of peasants and indigenous populations. In the 19th century, Guatemala embarked upon a coffee export-based state project and began liberal land reforms that pushed the appropriation of property to secure land for cash crop production. Although production of cash crops was a priority in the land reforms, forcing Mayan labor onto private estates by limiting their access to land was also a key outcome of the reforms (Stepputat 2008). Mayans in the highlands also saw their lands seized and sold by the government, forcing the indigenous populations to work on the newly developed estates in exchange for a fraction of the land used for subsistence, making them *mozos colonos* or indebted day laborers and tenants (ibid).

Guatemala did not see major land reform until presidents Juan Jose Arevalo and Jacobo Arbenz both attempted to free unused land for peasants between 1944 and 1954. This attempt at significant land redistribution included compensation for owners whose land was redistributed but was faced with backlash particularly from the U.S.-owned United Fruit Company. United Fruit was set to lose large amounts of land, and as mentioned earlier, were at the root of the 1954 US backed coup. One of the first actions Carlos Castillo Armas took as the new president following the coup was returning land to United Fruit. Land rights were therefore a central issue in Guatemala decades before the civil war and at the center of armed conflict (Stepputat 2008).

While the 1954 coup sparked violence, the civil war was initiated after a failed coup by disaffected pro-Arbenz military officers. This coup attempt was in response to President Miguel Ydigoras Fuentes allowing U.S. sponsored Cuban exiles to secretly train in Guatemala.

Despite the failure of this coup attempt, one outcome was the formation of Cuba-inspired formal revolutionary factions, Movimiento Revolucionario 13 de noviembre (MR-13) in 1961, and Fuerzas Armadas Rebeldes (FAR) in 1962 (Garrard 2010, 27). These events led to the formation of the *Kaibiles*, a special counterinsurgency military faction, and the beginning of military governance.

Over the next few decades, the country would see coups, the formation of leftist insurgent groups, and military rule leading to one of the most violent and prolonged conflicts in the history of modern Latin America. Conflict between the military and revolutionary groups continued over the next few decades with an estimated 200,000 civilians killed or disappeared, and an additional half a million to 1.5 million being displaced (CEH 1999, 528; Schwartz and Strauss 2018, 227). Several massacres and cases of large-scale violence occurred within this time, a majority of which targeted Mayan communities. Much of the violence was at the hands of the state; two separate truth commissions charged the state with 80-90% of killings that occurred over the course of the conflict (Garrard 2010, 6). While the 1960's and 1970's saw extreme conflict and violence, it was in the early 1980's that acts of genocide and mass displacement occurred. The end of 1981 saw mass terror campaigns lasting up to 18 months in which there were no distinctions made between guerilla fighters and civilians, causing many large areas to become depopulated (Manz 2004).

While this period marked an intensely violent moment in the civil war, the actions of General Jose Efrain Rios Montt were particularly heinous, and he was later found guilty of genocide and crimes against humanity. Montt was named president of the military junta in 1982 and was head of state for seventeen months between 1982 and 1983. Montt engaged in scorched earth policy (*tierra arrasada*) and extreme violence targeting primarily Mayan

populations. This genocide took place through direct violence as well as through strategic action such as the burning of corn fields (a vital crop to Mayan communities), enforcing the use of Spanish language, and attacks on culture through the destruction of villages under scorched earth campaigns. Not only did scorched earth campaigns aim to destroy Mayan culture and villages, but they also played a major role in issues related to housing, land, and property (HLP) following the conflict. These campaigns took the homes, livestock, crops, and possessions of those who fled, and left the temporary and long-term displaced persons without any ties to their homes. This would lead to further issues in post-conflict Guatemala such as damaged or destroyed HLP and insufficient proof of ownership in an already informal land tenure system.

B. Displacement and Peace Process in Guatemala

Forced displacement took place throughout the conflict in Guatemala, but many people fled during the scorched earth campaigns. Between 1981 and 1984, over 200,000 Guatemalans fled to Mexico with approximately 46,000 registering in UNHCR refugee camps; approximately one million Guatemalans were also displaced internally (Goldberg, 2001; Jonas 2013). Considering the large-scale displacement and long-lasting conflict, the question of return became more complex and difficult to resolve.

Although multiple entities including governments and organizations aimed to achieve a peaceful and sustainable life for returnees, ongoing cases of violence and conflict deterred many refugees from returning. The large-scale killings that shaped the early 1980's had come to an end by 1984, but conflict continued to fuel displacement and discourage return. Human rights abuses continued throughout the 1980's and 1990's, with the Patrullas de Autodefensa Civiles (PACs, a paramilitary group established during the war) maintaining power and

continuing to terrorize civilian communities in rural areas. In December of 1992, over 30 years

after the conflict began, UN Special Expert Christian Tomuschat stated, "The internal armed

conflict which has affected Guatemala for many years now is continuing. Because of the

conflict, the armed forces are the only authority present in vast areas of the national territory,

especially in the rural areas where military detachments have installed themselves, together

with the military commissioners and the civilian self-defense patrols (PAC)" (Costello 1995).

In 1996, Guatemala and Unidad Revolucionaria Nacional Guatemalteca (Guatemalan

National Revolutionary Unit, URNG) signed the Accord for a Firm and Lasting Peace, a

comprehensive peace agreement that covered multiple areas including displacement,

reparation, and government reform. Despite efforts to implement the accords through several

mechanisms including the United Nations Verification Mission in Guatemala in 1997 and

establishment of the Office of the High Commissioner for Human Rights (OHCHR) in 2005,

the country still faced major barriers to sustainable peace (COHA 2011).

C. Return in Guatemala

In the aftermath of violence in the early 1980's and the transition to a new government

under President Vinicio Cerezo, calls for refugee return began with the hopes that a voluntary

repatriation would legitimize the new leader and signify a return to democracy in

Guatemala. Although advocacy groups and organizations aimed to facilitate safe return, those

who returned starting in the mid 1980's were often faced with interrogation and detention by

the army. In response to such cases, many refugees did not feel safe returning home to an area

still under heavy military influence and susceptible to conflict resurgence.

President Cerezo established the Special Commission for the Assistance of Repatriates

(Comisión Especial de Atención a Repatriados - CEAR) in 1986 which was charged with

overseeing the return of Guatemalan refugees from abroad (Hanlon et al. 2000). The creation of CEAR resulted in the official number of returnees doubling between 1986 and 1987 and then doubling again in the following two years. The Cerezo government pressured refugees to return by invoking article 114, a law which stated that settlers would lose rights to lands they had abandoned for more than one year. While the government did not implement the law, invoking it did place pressure on the refugee populations abroad who would slowly make their way back to Guatemala following the government's suggestion of land repossession.

Although some refugees returned to Guatemala independently to reclaim their land, a majority of displaced Guatemalans in Mexico mobilized to form the Permanent Commissions (Comisiones Permanentes, or CCPP) in 1987, which called for organized and collective return through negotiations with the government. The CCPP aimed to fulfill several return conditions, but firstly focused on removal of those occupying refugee lands in Guatemala, as well as the dismantling of civil patrols and ensuring the right to political participation (Manz 2004, 184). In 1991 and 1992, refugee organizations aimed to negotiate conditions for voluntary return which resulted in the basic accord of October 8th, 1992, which laid the foundation for negotiated return between refugee representatives and the Guatemalan Government. While this was a major accomplishment in implementing voluntary return, a coup d'état in 1992 left many refugees unsure of the security situation in Guatemala. Despite setbacks, collective return began in 1993 and total returnees had reached 23,000 by 1999 (Hanlon et al. 2000, 44). The agreement did have several flaws including the fact that it did not address the military's barrack and patrol proximity to the returnees, which could potentially lead to conflict amongst returnees and civil patrols or the military. A second major issue with the agreement was the weakness of the language on land and property restitution. While it did entitle returnees to their

land and stated the government would negotiate with occupiers to leave, it left room for conflict amongst those evicted from refugees' original homes and returnees (ibid). Though this language was in the accord, many different communities did their own negotiations on a local level as discussed in the following section.

D. Conflict over land in Guatemala

Major issues relating to land ownership and distribution existed prior to the conflict, which further complicated the issue of HLP in post-conflict Guatemala. Wealth and class in Guatemala were largely determined by land ownership; Finn Stepputat (2008) states, "...private property became a governmental space defining the owner as a rights-holding citizen while excluding non-property owners….as disenfranchised subjects with access to the state through the property owner only" (343). As with other cases of discrimination and marginalization of the Mayans in the country, the Indigenous majority owned little to no land.

Many Guatemalans were forced from their land throughout the conflict and the army occupied the land, including seven agricultural cooperatives. Most of the land expropriation was done to exploit natural resources and further concentrate land in the hands of the elite and military. By 1979, 2.2% of landowners controlled 65.4% of land while 90% only controlled about 16%. These numbers worsened as the conflict reached its height in the early 1980's, and by 1984, refugee lands had been taken over by other farmers who were often encouraged to do so by the Guatemalan military (Egan 1996).

Illustrating the dynamics of post-war land conflict, Beatriz Manz (2004) looks specifically at the case of Santa Maria Tzeja, a remote Mayan Indian village in Guatemala, that saw a great deal of the violence incurred by indigenous populations in the early 1980's. Following the massacres of 1982, Santa Maria Tzeja began rebuilding their now fractured

village which remained divided amongst three groups: Antiguos, Nuevos, and refugees who had fled to Mexico. Manz describes the Antiguos as, "a group of original settlers now under army control," and Nuevos as, "army- recruited peasants desperate for land".

In the case of Santa Maria Tzeja, antiguos and nuevos were not supportive of refugee return to the village, with some even threatening violence against potential returnees. The potential returnees also did not take a liking to the nuevos who they saw as occupiers and supporters of the military. It did not help that the government and Instituto de Transformación Agraria (INTA, National Institute for Agrarian Transformation) were registering nuevo lands and collecting payment on the parcels, further complicating the return process.

The antiguos and refugee leadership, in coordination with the United Nations (UN), negotiated to have the nuevos leave the village, while still maintaining potential for a new life outside of Santa Maria Tzeja. This encompassed financial restitution and funds for purchasing land elsewhere. The return to Santa Maria Tzeja was slow at first, seeing only seven families return in 1988. Official return to the village occurred in May of 1994, and reunification was largely successful, being one of the rare cases in which refugees regained their lands from settlers without issue.

Finn Stepputat (2008) observed land disputes between 1994-95, describing the conflict surrounding 300-400 households of *mozos colonos* in three villages. The villages were located on one estate, Finca La Gloria in the municipality of Nentón, and the *mozos colonos* were bound to the property through debt relations until debt peonage was banned in 1944 (344). The *mozos colonos* continued working and living on the land until 1960 when the owner left them the land to work and protect. The *mozos colonos* left the land in 1982 during the peak of the violent army offensive and fled to Mexico. Some of the inhabitants, the first group which

Stepputat addresses, returned in the years that followed and became aligned with the Guatemalan military, forming civil defense patrols (345). The second group of individuals that Stepputat discusses were an additional 10 households of former *mozos colonos* who remained in exile for 12 years after their initial departure from Guatemala. After the 1992 accord, this second group began negotiating with the new owner to purchase an uninhabited portion of the estate, *Yoltun*. The second group was able to purchase the property due to their status as returning refugees, which under the 1992 accord, granted them access to credits for purchase of land. In similar fashion, factions of established settlers and returnees were pitted against each other as the first group caught wind of the land purchases and began to protest, claiming that they had worked the land and utilized its resources but were unable to purchase it because they did not have access to the same credits.

As the return of the second group approached, those residing on the land claimed there would be "trouble" if the plan proceeded, and the 44 refugees returned as property owners. This potential for conflict between the first and second group prompted the mayor to cancel the repatriation and hold a meeting between representatives from UNHCR, government branches, the church, the army, and counselor of the villagers (Stepputat 2008, 346). After four months of negotiation, the first group was granted land-buying credits to purchase half of the disputed land, the other half being reserved for the second group of returning refugees. Both parties agreed to reconciliation and peace processes under a pact of nonaggression, and return took place five months after the initial planned date.

Although this return was negotiated, it took place prior to the measuring and division of land amongst the two groups. The first group saw this as a breach of the accord and the "secret" return was widely protested by villagers who, "waved machetes in the air, cut down

CEAR's flag and 'welcome-to- Guatemala' sign, urinated in the pond that was supposed to supply the water for the settlement and shouted threats at the scared returnees." (Ibid 347). This resulted in further negotiations and a rapid response from INTA, CEAR's director, and UN representatives resulting in the signing of a new agreement. INTA began the measurement of land, which included communal participation, and after several days the land was officially split between the groups (ibid 353).

Larger returns occurred in the Ixcan region, with twenty-six families returning in 1987 alone (Egan 1996). Similar to the Santa Maria Tzeja case, many of the refugees' lands in the rest of Ixcan were occupied by newcomers who viewed them as guerilla sympathizers and outsiders, and the settlers were relocated into the area by the army who they largely supported. These new settlers showed similar fears to the previous case in that they invested time and effort into cultivating lands over the years and feared the returnees would reclaim this land. Early returns saw land restitution and new settlers moving to other parcels in the nearby area, but as returns gradually increased, this resolution was no longer feasible. Alongside the issue of limited land, the INTA and army had differing views from CEAR relating to land restitution for refugees. Despite these obstacles, the 1992 accord assisted in ensuring the rights to land restitution for returnees and the following year saw the return of 1300 refugees to the Ixcan (ibid).

One case in the Ixcan region was the community of Xalbal who had established cooperatives prior to fleeing and whose land was recognized as privately owned property by the government. The returnees hoping to regain access to this land faced opposition from the new settlers who were relocated to the area by the army in the early 1980's. The returnees petitioned for restitution of 111 land parcels in 1994 but were refused the request by occupants

of the land who had been living there for over a decade at this point. Returnees who sought to purchase new land also found this difficult considering the farming methods required in the northern lowland that required large plots of land. In addition to these issues, there was also price speculation by landowners that took advantage of the fact that returnees outside of the cooperative would be looking to purchase (Egan 1996, 8).

Returnees from El Quetzal in the Peten region also faced institutional obstacles that obstructed their return and caused ongoing issues in the restitution process. By 1992 only sixty-three refugees returned to the region. Similar to the Ixcan, returns gradually increased following the 1992 accord, but in both regions, returnees were met with hostile settlers and the local military. A group of approximately 255 families attempted to return to Finca El Quetzal in 1994 but faced major obstacles because this area was deemed a biosphere reserve in 1990, twenty years after they had originally settled in the area. The returnees had to negotiate their return with multiple government agencies. The main obstacle was gaining approval from Guatemala's National Protected Areas Council (CONAP) and return was postponed several times over the course of a year. This ended when refugees from the Peten region grew frustrated with the stalled negotiations and organized a brigade to prepare the lands in El Quetzal, leading to their return in 1995. This was just one case of many in Ixcan and Peten, but an example of the complications and obstruction refugees faced in reclaiming their land not only from settlers, but from government agencies as well (Egan 1996, 8).

Land issues were at the center of conflict in Guatemala, and the post-conflict situation and return saw the persistence of this issue with potential for tensions and conflict resurgence amongst those who remained in the country, those who returned shortly after the violence of the early 1980's, and those who returned as part of the 1992 accord negotiations. While further

conflict was avoided, this may not have been the case without the involvement of international organizations and the CCPP as mediators between the Guatemalan government, returning refugees, and those who remained or had promptly returned to Guatemala. Although the cases discussed were mostly successful instances of land restitution for returning refugees, there are an unknown number of undocumented cases, the outcomes of which remain unknown. These mostly successful cases of refugee return and HLP restitution set the stage for additional cases in which return was not a success or occurred in a different manner.

E. Kosovo

Kosovo has seen periodic outbreaks of conflict for centuries, and the events in the late 1990's were just one of many violent eruptions due to ethnic divides in the region (IICK 2000, 35). Although the main conflict in Kosovo lasted around one year, the aftermath was complex, similar to any prolonged conflict faced with destroyed property, forced displacement, and ongoing ethnic division. While the international community implemented interim governments and organized agencies to assist with return and HLP restitution, the situation called for efforts beyond state building and reconstruction.

Kosovo has been the center of deeply rooted nationalist visions for both the Albanian majority and Serbian minority. The country has been significant for Serb population due to its position as a holy place of the Serb nation, resulting in widespread nationalism amongst Serbs, especially with regard to Kosovo's independence. Kosovo was not only the center of the Serbian Medieval Empire (1346-1371), but also the site of a major historical battle that played a key role in the Serb national narrative (Daskalovski 2003, 12). The Battle of Kosovo (1389) was fought between Christian armies led by Serbian prince Lazar Hrebeljanovic and the invading Ottoman Empire. Although the national narrative accepts that the Ottomans were

victorious, the event has been mythologized and given spiritual dimensions (Bieber 2011, 96). Oral histories and mythology around Kosovo have been passed on for centuries, but it was not until the late nineteenth century that these were resurrected in rivaling narratives of Serb and Albanian national movements (IICK 2000, 33). This Serb nationalism heavily impacted the majority Albanian population living in the country and the policies implemented by the Federal Republic of Yugoslavia. Through the mid-20th century, Albanians faced heavy repression under the government of Josip Broz Tito to the point where Albanian and Slavic Muslims were encouraged to emigrate to Turkey. Although the situation improved for Kosovar Albanians in the 1960's, there was still a major divide between the treatment of Serbs and Albanians, with many Albanians treated as second class citizens (IICK 2000).

In 1981, demonstrations by Albanians calling for greater freedoms resulted in further repression from Yugoslavia and led to a state of emergency which only worsened the situation for the already repressed ethnic group. Major purges of Albanian professors and educational materials followed the 1981 events, and tensions were heightened alongside rising unemployment and austerity measures. In addition to the conditions flaring tensions amongst the two groups, the Albanian population was booming while Serb population numbers were declining. Serb nationalism also began to increase with Serb claims of repression and violence at the hands of Albanians. Some events encouraged this nationalist behavior including the 1987 visit of Slobodan Milosevic and the validation he gave to Serb nationalists. In 1990, Kosovo's autonomy from the Yugoslav Federation was revoked, a new constitution was implemented, and a series of decrees were made, aimed at changing the ethnic composition of Kosovo (IICK 2000). Some of these measures included restricting the rights of Albanians to own property,

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incentives for the return of Serbs to Kosovo, family planning for Albanians, and encouraging Albanians to find work elsewhere in Yugoslavia (ibid, 41).

The policy of "Serbianization" was implemented and heightened alongside increases in human rights abuses against Albanians. Kosovar Serbs, including those encouraged to return by the government, also gained immense privilege over their Albanian counterparts including free land and easily accessible loans. While the Albanians countered these disparities by creating a parallel system in the early 1990s through the League for a Democratic Kosovo (LDK), they still faced violence, repression, and rising ethnic tension. More radical Albanian factions formed the Kosovo Liberation Army (KLA) in the early 1990s, becoming active in the latter half of the decade. The Serbian Radical Party under Vojislav Seselj gained power resulting in direct confrontations between the KLA, Serb nationalists, and Yugoslav forces. Events in 1998 sparked the war, most importantly the arrest and killing of KLA member Adam Jashari along with 58 members of his extended family. A second event seen to mark the beginning of war was the shooting of four police officers in Likosane which prompted Serbian police to burn houses, empty villages, and kill dozens of Kosovar Albanians in the Drenica region (Todorovski 2016, 319).

The region was already being surveilled by the international community and human rights observers as the Yugoslav Wars (also referred to as the Balkan Wars of the 1990's) had devastated Slovenia, Croatia, Albania, and Bosnia Herzegovina between 1991 and 2001. These conflicts were a result of an amalgamation of factors including ethnic divide, secessionist movements, and efforts to maintain the former Yugoslavia (Kiper & Sosis, 2020). By the time that the Kosovo war had begun, there were international tribunals established by the United Nations that had indicted over twenty people for violations of humanitarian law, which

illustrates the severity of conflict in the region and the measures to which the international community was willing to reach in order to prevent further war crimes (Human Rights Watch, 1995).

The Organization for Security and Cooperation in Europe (OSCE) is a regional intergovernmental organization focusing on conflict, security, human rights, and post-conflict recovery. The organization consists of 57 member states, a majority of which are in Europe. The OSCE began a field operation in Kosovo (referred to as the Kosovo Verification Mission) in 1998 to monitor the conflict in Kosovo, found the situation to be a human rights crisis and documented human rights and humanitarian law violations in hundreds of towns and villages (OSCE-KVM 1999). Federal and Serbian government forces had destroyed many villages by shelling and burning throughout the conflict and were responsible for numerous cases of forced disappearances and arbitrary detention, similar to the actions taken less than two decades earlier during the scorched earth campaigns in Guatemala. According to the OSCE-KVM report (1999), within just three months in 1999, Federal and Serbian government forces had forcibly expelled an estimated 863,000 Kosovar Albanians (167).

The direct confrontations and mass displacement of Kosovar Albanians and Serbs prompted intervention from NATO forces. Although diplomatic efforts to settle the conflict took place after events of ethnic cleansing in the city of Rocuk, the talks failed due to the refusal of Serbia to accept the autonomy of Kosovo. Additionally, another several hundred thousand Kosovar Albanians were internally displaced throughout the conflict, with the number estimated to be over 500,000 IDPs (Iacopino et al 2001, 1).

Not only were Albanian Kosovars displaced, but many Serbs also fled the country because of the violence; approximately 245,000 people from minority groups fled to Serbia,

Montenegro, or other areas in Kosovo (Ozerdem and Payne 2019). Estimates place the number of Albanian refugees by the end of the conflict at 848,100, but other sources provide higher estimates (Burema 2012, 7). While much of the Albanian population returned promptly after the conflict ended, the war in 1999 and further unrest that took place in 2004 brought the number of displaced Serbs to 220,000 (Joireman 2017). Serbs' return rates were already very low due to retaliatory attacks from KLA members and the continuing ethnic divisions among the two groups. Of the 220,000 displaced, approximately 25,400 returned as of 2014 (Joireman 2017).

F. Return and HLP in Kosovo

Land administration prior to the conflict in Kosovo was based in a socialist system composed of privately owned family homes and socially owned apartments (Todorovski et al 2016, 319). The year 1992 saw privatization of the socially owned apartments, enabling private ownership as opposed to occupancy rights (ibid). While individuals were now entitled to private ownership, all property transactions required approval by the Directorate of Property Rights Affairs of the Ministry of Finance. Keeping in mind the repression of Kosovar Albanians during this period, the Ministry of Finance denied 98% of files in an effort to maintain the Serb population and essentially ban property transfers from Serbs to Albanians, resulting in many informal and unregistered property transactions (ibid). This effort to prevent Serbian exodus from Kosovo as well as preventing Albanians from attaining property was implemented through the Law on Changes and Supplements on the Limitation of Real Estate Transactions and upheld by the Ministry of Finance (Kretski 2007).

Ozerdem and Payne (2019) found that major factors encouraging refugee return to Kosovo were reestablishing home ownership, reclamation of assets, land acquisition, and a

sense of home, community, and belonging (409). Their research found that homes deemed uninhabitable due to damage or neglect discouraged return, as did the ongoing tensions between receiving communities and returnees, especially when land allocation was involved (ibid 411). It was found that many refugees would go through with the return process in order to claim their land, receive compensation for reconstruction or repair, and then proceed to sell and resettle elsewhere. The disproportionate rates of return among the two ethnic groups also did not help facilitate a balanced return. Additionally, urbanization and secondary occupation became an alternative for those who returned, resulting in illegal occupation of homes, and in some cases, the burning of Serb homes in the aim of reclassifying them as public land to be reconstructed and designated for returnees (Todorovski et al 2016). Many beneficiaries of such actions and property reallocation were supporters of the new political elite who were rewarded for their loyalty with abandoned HLP. This is documented by court cases that charged persons in high positions with fraud relating to property reallocation, including the head of Pristina's municipal cadastre office (ibid).

In the aftermath of war, the HLP system in Kosovo was disorganized and difficult to maneuver. As Carlowitz (2006) explains, "With ethnic tensions rising and the court system collapsed, there was no independent and impartial mechanism to solve the various disputes in a fair and equitable manner, or to regularize housing and property rights. Moreover, the existing property registration system was outdated and ineffective and many records had either been destroyed or removed by the withdrawing Serb authorities." (551).

Following the end of conflict in 1999, the European Union (EU) and UN assisted with reconstruction and installed an interim government, the United Nations Mission in Kosovo (UNMIK). A comprehensive settlement proposal was put forward and implemented into the

new constitution. This proposal committed to a multi-ethnic state, granted special protection to the Serbian population, reserved seats in parliament for minority communities, and included several other measures in hopes of prompting the return of Serbs and other minority groups back to Kosovo (Joireman 2017).

UNMIK established the Housing and Property Directorate and Claims Commission (HPD/CC) to settle property claims and disputes. The HPD/CC was officially mandated to adjudicate cases and claims in 2000 and primarily focused on three specific claims categories (UN Habitat; Carlowitz 2006, 552). Two of the categories concentrated on the issues relating to HLP prior to the conflict including the privatization of socially owned apartments and the informal housing and lack of legal registration, both of which were directly related to discriminatory housing practices by Serbian authorities. The last claims category focused on encouraging the return of the Serb population through property restitution and restoration (ibid). The HPD/CC estimated a case load of approximately 60,000-100,000 claims beginning in June of 2000 but had only filed around 29,000 claims by July of 2003 (Carlowitz 2006, 553). Part of this restitution process included evicting over 900 illegal occupants and implementing over 10,000 claims by 2005. Although the HPD/CC faced many administrative and funding obstacles, the process was deemed successful.

UNMIK law 1999/10 repealed discriminatory laws enacted by the Milosevic government aimed at stripping Kosovar Albanians of HLP rights. This law brought about several questions including whether those who acquired property during the Milosevic period would be asked to return it. Essentially, UNMIK was tasked with addressing how property acquired under policies that discriminated against Albanians would be dealt with. The HPD/CC was also tasked with settling claims by the minority Serb population who were seeking

restitution of illegally occupied HLP while also attempting to address the discriminatory Milosevic policies that left Albanians without formal property rights. In addition to these two areas of dispute, more complex HLP claims were those relating to the user/ownership rights to the socially owned apartments that were lost during the reallocation of these properties from Albanians to Serbs and the introduction of property privatization.

In the aftermath of the conflict, large-scale return of Albanians and the persecution and displacement of Serbs in 1999 resulted in many disputes and conflicting claims to these socially owned apartment properties. Albanian returnees who formerly resided in these apartments prior to the discriminatory Milosevic policies reclaimed and occupied the dwellings. Disputes over these properties would be complex, with both Albanian and Serb parties to the disputes holding documents of possession.

One of these cases involved 25-year-old Albanian Xhevdet L., whose father was allocated an apartment in the city of Pristina through employment with a mining company. His father was unable to obtain the property due to the discriminatory policies of 1992 and the apartment was passed on to a Serb but became unoccupied in the aftermath of the conflict. Xhevdet and his family occupied the empty property which they believed rightfully belonged to their family but were evicted in 2005 and another time after that when they reoccupied it. Although the Serb owner did not return to the property due to security concerns, he was given the right to sell it, which Xhevdet and his family continued to oppose, going as far as putting ads in the local paper to "not buy Albanian property from Serbs!" (Ibid 669).

Other relevant cases saw similar outcomes in which the HPD/CC ruled in favor of the Serbian party to the dispute. The Albanian claimants still argue that the HPD/CC, "appears to restore only those ownership rights that were in practice the result of a policy that was

discriminatory against the Albanian population" (Ibid, 670). These cases demonstrate that despite UNMIK's repealing of past discriminatory HLP laws, claims stemming from this former HLP legal system remain intact and legitimate in the eyes of those entities settling HLP disputes (Ibid 671).

Kretsi (2007) claims that the post-conflict HLP system in Kosovo was largely dependent upon "post-conflict redistribution of power and group dynamics related to the prewar era" (664). Kretsi references the "standards before status" policy implemented by UNMIK, explaining that Kosovo "had to fulfill a list of standards in order for negotiations concerning its constitutional status to start" (Ibid 666). One of these standards covered property and aimed to ensure equitable enforcement of property rights. Kretsi argues that Kosovo has not fulfilled this standard with disputes over HLP still pending as of 2007.

While the HPD/CC was successful on some fronts, and the cadastral system was reformed and strengthened, the lack of sustainable return reflects some of the difficulties in reconciling between two ethnic groups with a deep history of division and conflict. Many Serbian refugees, as recently as 2016, still fear return and are limited to enclave communities composed of one ethnic group, while the Albanian population faces property disputes stemming from discriminatory policies from prior decades (Joireman 2017). The case of Kosovo demonstrates the difficulties and complexity in post conflict return and the importance of issues in post conflict settings that must be addressed alongside HLP restitution and restoration.

G. Comparative Analysis and Conclusion
The Kosovo and Guatemala cases of post-conflict return and HLP rights, although widely varying, represent the complexity in implementing return and some of the successes

and failures by governments and international actors in initiating this process. Though war in Kosovo was less protracted than in Guatemala, the Kosovar government struggled in encouraging return and preventing conflict amongst receiving and returning communities. Guatemala saw more cooperation amongst settler and returnee populations, and agreements were reached between the two groups directly as opposed to the more bureaucratic process in Kosovo. Both cases saw the destruction of HLP, secondary occupation by settlers, violence amongst returnees and settlers, and strategic occupation of HLP by military forces. While Kosovo had far more involvement by the UN and other international actors, their efforts did not result in large-scale return of the minority ethnic group, and this can be due to several reasons.

One interesting difference is the lack of reconciliation that took place after the extremely violent events of 1998-99 in Kosovo. While there are differing views on what constitutes reconciliation in a post conflict setting, several common factors include the absence of violence, the establishment of mutual trust, and peaceful coexistence. In this case, Kora Andrieu's definition of reconciliation, "to establish the conditions for peaceful dialogue mechanisms that would promote trust while encouraging reasonable disagreement" will be used in these cases (Andrieu 2010, 24). Lars Burema (2012) argues that Kosovo did not see post-conflict reconciliation, especially in North Kosovo consisting of mostly ethnic Serbs who do not recognize the country's independence from Serbia and largely disregard Kosovo state institutions. Past cases of post-conflict reconciliation, such as Rwanda, saw different ethnic groups living alongside one another despite atrocities committed during conflict. In the case of Kosovo, and as mentioned previously by Joireman, Kosovar Albanians largely resided in the

south while Serbs returned to the north, maintaining the ethnic divisions and tensions that existed prior to the conflict.

Another point Burema emphasizes is the role that managing a divided past plays in reconciliation. Burema (2012) states that instead of coping with the past and reconciling amongst the two divided communities, the priorities in post-conflict Kosovo were state building and stability (14). He also argues that several reconciliation factors were largely ignored in the peace process including lack of investigation into missing persons/forced disappearances, access to justice, persecution of war crimes, and a disproportionate judicial process that largely focused on the crimes of Albanians as opposed to Serbs. To the point of investigation of forced disappearances, Kosovo has done little to seek answers for the families of victims. In Guatemala, this was a major factor in reconciliation and gave families of victims some understanding of what happened, and to this day, excavations continue to take place, uncovering the remains and documenting the severity of crimes committed by the state.

One major factor in reconciliation is the formation of a truth commission, as can be seen in post-conflict and post-dictatorship settings such as Guatemala, Rwanda, Panama, Chile, and many others. Kosovo has not made progress in truth and reconciliation nor in establishing a common view of the past such as events that occurred during the war. This lack of a truth commission and reports that lay out a factual timeline of events and violence perpetuates opposing views of the conflict. This lack of common understanding can result in further polarization and tensions amongst the two communities. This can be seen in several aspects of Kosovo's society, including the educational system where Albanian and Serb children are taught separately, including in the historical material provided by two separate states (Burema 2012, 17).

Return and HLP restitution are ideal for any post-conflict setting but are not easy to achieve. As illustrated by the case of Kosovo, the focus must expand beyond reconstruction and state building and bring about an understanding of what occurred and settle grievances. In Guatemala, there was a large focus on grievances and mediating negotiations between different communities, but many issues occurred due to the already unfair and informal land system in place prior to the conflict. As the focus will now shift to the case of Syria, a conflict which is still ongoing, it is important to understand why past cases of return and HLP restitution have been either successful or unsuccessful. Looking to past cases can clarify how to address those that are ongoing and avoid the mistakes and oversights that were made in other post-conflict settings.

III. Syria, HLP, and Return

The Syrian civil conflict has been ongoing for over a decade since 2011 with immense loss of life, large-scale displacement, and little progress toward sustainable peace. The mass displacement of over twelve million Syrians and deaths of an estimated 350,000 during the conflict signifies one of the most pressing humanitarian crises today (Tobia 2015; United Nations 2017; United Nations 2021). With 5.6 million Syrians displaced in neighboring countries and an additional 6.9 million facing internal displacement, the lives of those affected by the conflict have become subject to dehumanization and the politics of fear (Munif 2020; UNHCR 2022). Not only have Syrian civilians been devastated by conflict, but many are now faced with host countries encouraging their return.

As discussed in previous chapters, one very important factor that can encourage refugee return is property restitution and sufficient housing, land, and property (HLP) rights in the post-conflict setting. While many refugees owned HLP in Syria, a large percentage of it was

informal and/or not registered with the state, which raises many questions related to ownership claims. This chapter aims to answer questions that exist in any post-conflict setting but are particularly important in the Syria context where many properties have been damaged or destroyed; refugees and IDPs often lack proper documentation to reclaim their property; and the regime weaponizes HLP through property laws and decrees in an effort to punish opponents. The regime has been accused of demographic engineering through property expropriation and property laws implemented over the course of the conflict further complicating the issue of return and property restitution. All these factors have resulted in a difficult situation for refugees who often do not know the status of their property, are pressured to return to maintain HLP ownership, and lack the proper documentation to secure ownership rights. This issue becomes exacerbated when refugees are pressured to return home by host countries and Syria is faced with an influx of returnees and ownership claims that they do not have the institutional or legal capacity to solve. Putting HLP rights and restitution at the center of post-conflict Syria is essential to facilitating refugee return and sustainable peace, and most importantly begins a transitional justice and reconciliation stage.

This chapter will focus on HLP in Syria, conflict, displacement, and issues relating to return. Important areas of focus include the international pressures on refugees to return to Syria, the current conditions in the aftermath of war, and the complex HLP system that existed prior to the conflict. In comparison to the Guatemala and Kosovo cases, Syria is unique in that the regime has maintained its position in power throughout the conflict, and the number of displaced persons far outweighs that of the other cases. While different, Syria does share similarities with both cases including a complex HLP system prior to the onset of conflict and other issues relating to destruction of property, secondary occupation, and fear of return. The

Guatemala and Kosovo cases are also significant due to their vastly different settings and outcomes, which provide both rural and urban responses to displacement and HLP rights that were both successful and unsuccessful. This is particularly important when looking at Syria where the conflict spanned all of the national territory over time, affecting both rural and urban communities.

The Syria conflict, although ongoing, has reached the point of reconstruction in some areas and has settled down since 2018. Countries such as Turkey and Lebanon have begun discussing the return of refugees, while international actors and other host countries are emphasizing return under the United Nations' "durable solutions" to displacement. Although some areas in Northern Syria remain under control of Islamist and Kurdish groups, the regime has initiated offensives on these areas and most of the territory lost during the war has been regained, meaning there are few prospects for Assad leaving power in the near future. Considering all these circumstances, post-conflict HLP rights are crucial to return, especially since many refugees will have little to no choice in whether their return is voluntary or involuntary. Although primary concerns regarding return to Syria include safety, government repression, and access to necessities such as food, water, and electricity, HLP rights and restitution is one of the main issues that will arise in any post-conflict setting.

A. Background

Syria has seen many transitions over the past two centuries, from its time under Ottoman control for around four centuries, to then being placed under a French mandate after The First World War. Syria today is most often associated with conflict and the Assad family, whose time in power dates to the 1970's when Hafez al Assad seized control. HafezalAssad joined the socialist Ba'ath party in 1946 and rose in rank within the military, joining a secret

committee in 1960 that would lead a coup just three years later. This coup in 1963 overthrew the elected government in Syria, and Hafez al Assad went from being commander of the air force to defense minister in just a few years. By 1970, Hafez took control of Syria and the Ba'ath party, using his political position to reform the party and maintain control over Syria (Lesch 2019; Reilly 2018, 150; Zarandona and Munawar 2020).

Under Hafez alAssad, Syria saw the rise of the police state and secret intelligence, spreading fear and paranoia across the country. At the same time, Hafez Al Assad maintained some of the core tenets of the Ba'ath party including equitable development and redistribution across the country. During Hafez's rule, the Syrian people saw many socioeconomic improvements including increased child literacy, construction of the Taqba dam which provided electricity to many areas that previously did not have it, improved tenant/peasant rights in relation to landlords, land redistribution, and nationalization (Lesch 2019; Reilly 2018; Conduit 2017, 77). As a result of the growing bureaucratic state, Hafez enlisted many from his own Alawi sect of Islam to work in the government. Another result of the bureaucratic state was economic downturn, resulting in the reversal of some Ba'athist policies and the opening up of the economy in Hafez al Assad's later years in power (Dahi and Munif, 2012; Conduit 2017, 77).

Not only were the policies under Hafez al Assad negatively impacting the economy, but his enlistment of Alawite government workers led to sectarian division and tension throughout the country. Uprisings fueled by sectarian division took place throughout the 1980s, with Sunni Islamists and disaffected Baathists attempting to assassinate the leader, killing Alawi military officers, and most notably bringing about the uprisings of 1982 in Hama, which were violently repressed by the regime (Lesch 2019). The death toll of what many call the

Hama massacre is estimated to be anywhere from 5,000-25,000 with some sources claiming higher numbers (Lesch 2019; Zarandona and Munawar 2020, 646). At the end of Hafez al Assad's rule, his son Basil was supposed to be appointed to lead the country, but he died in a car crash in 1994, making Bashar al Assad next in line to take over his father's role as leader (Reilly 2018, 185).

With the death of Hafez al Assad in 2000, Bashar al Assad took power and brought hope for a new Syria that was not as politically oppressive. In the beginning of Bashar al Assad's reign, there was a period deemed the "Damascus spring" in which political prisoners were granted amnesty, private newspapers were established, and the government allowed for political forums to develop. While these reforms showed a possible new future for politics and freedom in Syria, the "old guard" consisting of Hafez al Assad's inner circle warned Bashar al Assad of the consequences of his reforms. The country then saw the "Damascus Winter" in which democracy activists were arrested and political oppression, similar to that under HafezalAssad, was reinstated, largely ending the political progress that had taken place over the last year (Lesch 2019; Rabinovich and Valensi, 2021).

Over the next decade, Syria was faced with issues including a weakened relationship with the West, particularly with the United States which implemented the Syria Accountability Act in 2003 that allowed them to apply sanctions on the regime. The Syrian regime further worsened their relationship with the outside world through occupation and heavy political involvement in Lebanon. By 2007, Bashar al Assad was reelected in an unopposed election granting him an additional 7-year term in office. The regime saw many incidents that questioned their power over the next several years, but nothing detrimental enough for Assad's rule to be threatened. While things were stable for the regime through 2010, unrest across the

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Middle East and North Africa (MENA) resulted in a wave of protests and calls for reform known as the Arab Spring (Lesch 2019).

As uprisings spread across the MENA region, Syria witnessed mass demonstrations in March 2011 that were not taken very seriously by the regime at first. The regime saw themselves as secure in their position and could not imagine major changes a   s seen in other countries like Egypt and Tunisia. While Assad expected the uprisings to die down after only a few weeks, they continued for months and the regime responded with greater repression and violence toward protesters (Dahi and Munif 2012; Reilly 2018; Rabinovich and Valensi, 2021). Although Assad had the opportunity to address the demands of protesters, he instead stood by the strongman attitude of his late father and only put forward minor reforms that would not resolve the issues countless Syrians were fighting to address. Many protesters faced with military and police violence no longer saw peaceful protest as an option, and the months after the uprisings began saw the formation of the Free Syrian Army consisting of the Syrian opposition and defected soldiers.

The situation quickly devolved into much more than what other Arab Spring countries witnessed, and, by 2012, Syria's crisis became an all-out civil war. As part of my research, I interviewed Syrian refugees in Amman, Jordan, one of whom was Ziyad, who lived in Daraa during the uprisings. Ziyad described it as a city under siege to the point where one could not even look outside a window without fear of being targeted by a sniper. Another Syrian refugee I interviewed, Um Laith, explained that the situation had become so bad in Homs that she and the rest of her family slept with their day clothes on in case they needed to flee in the middle of the night. She also described the intimidation tactics of the Syrian army, including looting homes, arresting all young men, and harassing young women in their homes.

The conflict quickly turned into a proxy war with outside actors supporting either the government or opposition forces and intensifying the conflict by providing weapons and legitimizing either side (Spyer 2012). Attempts by the UN to negotiate ceasefire deals or slow down the bloodshed largely failed, and the result of the extreme violence throughout the country resulted in one of the most pressing refugee crises since World War II (Tobia 2015; United Nations 2017). The situation became more complex when the opposition fragmented into differing factions, and the Islamic State in Iraq and Syria (ISIS) entered the country and controlled large swaths of land in northeastern Syria.

Several years into the conflict Syria had become a stalemate and the regime was severely weakened by years of fighting until Russia took on a major role and began continuous air campaigns throughout the country. The support from Russia and Iran, in addition to the weakening control of ISIS, resulted in the regime regaining lost territory and power throughout the country. Since 2017, and after major victories throughout the country, the regime has claimed control and an end to the conflict despite opposition forces, Islamist groups, and Kurdish militias still controlling areas in northern Syria. The conflict, although not anywhere near its previous levels of fighting and violence, continues in the north with regime forces aiming to take back all territory lost throughout the war (Reilly 2018; Lesch 2019). Figure 2 demonstrates the control of territory in Syria as of January 2021.

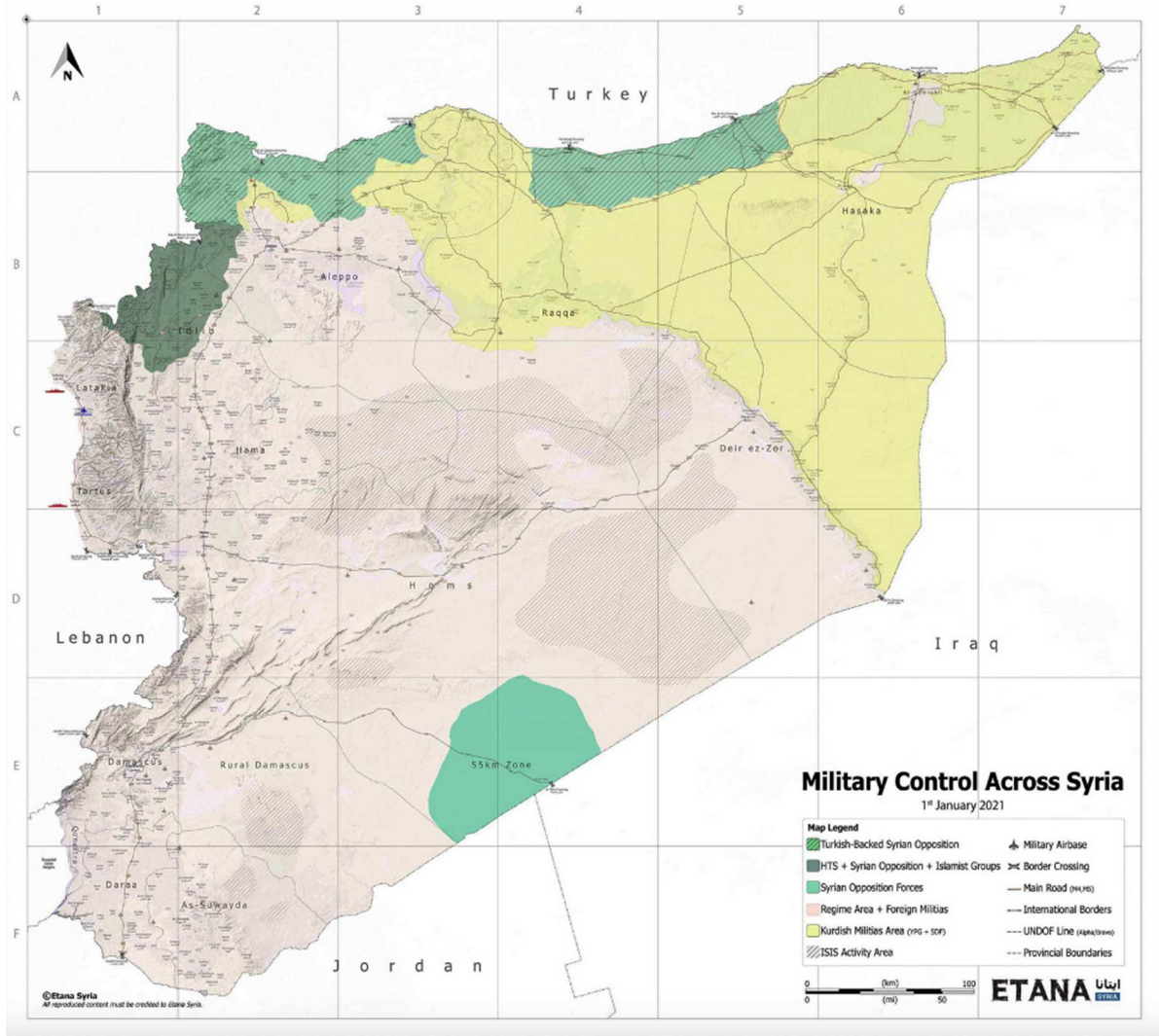**Figure 2: Map of Military Control Across Syria**

Image Source: Etana Syria 2021

In addition to the civil war driving Syrians out of the country or displacing them internally, the conflict's continuation for over ten years has taken a toll on infrastructure in several ways. While refugees maintain a sense of home in Syria and long for return, one of the main barriers to return is the damage and destruction of infrastructure and lack of necessities available in most areas of the country. Syrian infrastructure has suffered extensive damage over the course of the civil war with most of the destruction occurring in Homs, Aleppo, Damascus, and other smaller towns (World Bank Group 2017). Much of the country's

infrastructure is damaged or destroyed, and some reports and organizations estimate the damage to infrastructure to be at 120 billion USD as of 2018 (UN ESCWA 2020). Across several of the governorates, 8% of housing units have been destroyed and 23% being partially damaged, in addition to destruction and damage of public buildings such as medical facilities and education sector facilities (World Bank Group 2017, 22). These figures not only emphasize the need for reconstruction in Syria, but also the need for adequate compensation in situations where property restitution is not possible.

B. International Pressure for Return

Return has been an important factor throughout all the cases discussed and is the main reason HLP questions arise in the post-conflict state. Syria has been one of the most severe refugee crises of the century, and with return being the most likely (and in some cases, the only) solution to displacement, Syria will see large numbers of returning refugees and IDPs. Referring back to the Guatemala case, it was not until voluntary returns were negotiated and planned in the 1990's that HLP disputes became a major issue. While return is unsafe for many Syrians, there have been cases of both voluntary and involuntary return. Over 600,000 displaced Syrians returned home as of 2017 with 93 percent being IDP's and the remaining 7 percent returning from a neighboring country (IOM 2017; UNHCR 2017). Syria saw an additional 1.2 million IDP returns and 56,000 refugee returns the following year (UNHCR 2019).

Bordering host countries have taken on the largest numbers of Syria refugees but are now looking toward some durable solution for displaced Syrians aside from integration. Lebanon is one of the country's most affected by the refugee crisis, hosting an estimated 1.5 million refugees; this has resulted in them taking questionable steps to promote return

(UNHCR 2021). Tamirace Fakhoury and Derya Ozkul (2019) describe how Lebanon has been applying pressure on refugees to seek voluntary return while security conditions in the home country are still unknown. Lebanon has imposed curfews, harsh border management policies, termination of the visa-free policy, and halting UNHCR refugee registration in order to encourage return to Syria.

There is little to no consensus among Lebanese politicians on which actors should facilitate return, the timing around this process, or the conditions in which return should happen. Despite this lack of coordination, the government General Security Office (GSO) has revoked 'exit' fees and political groups including Hezbollah and the Free Patriotic Movement have created alternative channels for return (Fakhoury and Ozkul 2019, 26-27). Lebanese president Michel Aoun spoke on the refugee crisis and its impact on Lebanon at a 2021 UN General Assembly meeting and argued that his calls for assistance from the international community have gone unaddressed and that the effect of displacement on Lebanon has been disastrous. There is an abundance of research arguing that refugees are more motivated to return based on conditions in the home country and not their circumstances as refugees in the host country, but the Lebanese government's actions do not follow this logic of pull factors being a greater driver of return than push factors (Gmelch 1980; Steputat 2004; Brown and Mansfield 2009; Özerdem and Sofizada 2006; Zetter 2011; Müller-Funk 2019; Içduygu and Nimer 2019; UNHCR 2019; Rohwerder 2015, 15; Harild et al 2015; Alrababa'h et al. 2020).

Turkey has also begun pushing for refugee return to so-called 'safe zones' in Syria despite many fears of persecution or military conscription. Turkey initially took a somewhat welcoming approach to refugees at the start of the conflict but has adopted more restrictive measures since 2014. They have taken a multi-step approach to facilitating return by allowing

"go and see" visits to Syria during religious festivals or holidays in which refugees can return to Turkey within three months of visiting Syria to assess conditions. These visits have resulted in approximately 200,000 returns between 2017 and 2018 alone, not counting the rising occurrence of spontaneous voluntary return. The Turkish state has also begun contributing to reconstruction efforts in Syria, providing services in internally displaced peoples (IDP) camps in addition to rebuilding schools, hospitals, mosques, and other infrastructure (Mencutek 2019, 29).

While Turkey has established control of areas in northern Syria and refugees hope to reclaim their property in this region, Syrian forces have moved in, sparking many anxieties for potential returnees (Gall 2019). UNHCR still deems Syria unsafe for return, which is why they do not take part in facilitating repatriation efforts by Turkey or any other host country. Many refugees who return through state channels are required to sign voluntary return forms that revoke their claims for asylum protection and bans them from returning to Turkey legally (Mencutek 2019, 30). Although some scholars argue that pull factors outweigh push factors in driving return, others argue that lack of protection, exploitative employment, and lack of long-term assistance drives refugees to return in a more involuntary way exacerbated by discrimination, raids on unregistered workers, and even going as far as forcing refugees to sign voluntary return documents prior to deportation (ibid 30).

Jordan has not encouraged return despite reopening the Jaber-Nasib border crossing in 2018 and has in fact discouraged repatriation as of 2019 (Morris 2019; Rosshandler 2019). The opening of this border crossing initiated approximately 20,000 returns after just two months, but in recent years, only 14 percent of the over 600,000 refugees in Jordan planned on returning in the near future (Al-Tahat 2018; Rosshandler 2019). Between 2016 and 2022 there have been

a total of 62, 196 voluntary returns to Syria (UNHCR 2022). While there have been returns to Syria, the Jordanian Ministry of Interior claimed in 2019 that over 150,000 refugees had crossed into Jordan since the reopening of the border crossing (Ammon News 2019; Al-Khateb 2019). Jordan has not followed the attitudes toward return that Turkey and Lebanon have and is allowing for some refugee integration by granting 100,000 refugee work permits and coordinating with UNHCR and other relief organizations to assist Syrian migrants (WFPUSA 2020). Julia Morris (2019) describes the situation for refugees in Jordan contemplating return as "chaotic" with many Syrians unsure of conditions at home including the status of their property, military conscription, and rumors of arrest and conflicting narratives from sources within the country.

While interviewing Syrian refugees in Jordan during the summer of 2021, I found very similar attitudes as those described by Morris. Um Laith, a mother of two disabled children living in Amman, explained to me that she would not return to her hometown of Al-Bayadah in Homs governorate unless she was guaranteed safety and a place to live. Her contacts in Homs relayed that her family home was looted shortly after she and her husband left to seek safety in Damascus in 2012; the home was also set on fire leaving it totally damaged, all of which was allegedly done by the Syrian Army. Another interviewee, Ziyad, stated he would not return to Syria even if Assad left because he believed the Assad family would always find a way to maintain power through a different leader. He also mentioned several examples of torture that took place on the citizens of Daraa and how he would likely never want to risk becoming a victim to that. Um Laith also explained the difficulty and fear of caring for two disabled children while trying to escape war and seek refuge in another country; she explained

that this was a traumatizing experience she would always keep in mind if ever considering returning to Syria.

Um Laith's husband, Abu Laith, explained that he would likely never want to return to Syria, but stated he appreciates that he has the option to stay or return unlike many refugees in Lebanon and Turkey who face forced return. Both Um Laith and Abu Laith were very concerned with the idea of return, referring to their cousins that were still imprisoned in Syria and even arguing over whether each of their cousins in prison is still alive, citing voice recordings their families received as proof. They described the situation in Syria to be fueled by poverty and mentioned kidnapping for ransom and a rising black market for organs in Syria. A report by Human Rights Watch (2021) stated that returnees from Jordan and Lebanon faced human rights abuses, imprisonment, and torture at the hands of the Assad regime. Human Rights Watch conducted interviews with over 60 returnees who reported cases of extrajudicial killings, kidnappings, and sexual violence in addition to the cases of persecution mentioned. The situation for refugees in Jordan may be different than in other host countries, but the problems they face regarding return and access to information continue to further complicate return.

As the conflict becomes less of a threat to civilians, returns will likely increase, some of which will not be voluntary. While the Guatemala and Kosovo cases posed similar issues as those affecting Syria now, they were not as severe in the number of refugees and the level of pressure host countries placed on refugee return. Guatemalan refugees in Mexico were eventually granted the opportunity to integrate and cases of forced return were not so common; Many of the Serbian refugees who fled Kosovo also never returned because they were not faced with the same conditions as Syrian refugees whose host governments make it difficult

for them to integrate. HLP rights are particularly important in the Syria case where mass returns will take place, resulting in HLP disputes and grievances.

C. Drivers for Return

While research on drivers for return draws important conclusions and can be helpful in the post conflict setting, one variable that is not included in many studies is whether housing restitution or access to HLP would encourage return. Scholars looking into the drivers of refugee return and decision-making processes conclude that conditions in the home country play a major role in refugee decision making. They argue that security, economic well-being, and social networks are major factors in refugee decisions on return (Müller-Funk 2019, 17; Içduygu and Nimer 2019; UNHCR 2019; Ala' Alrababa'h et al. 2020, 25). More specifically, security in their hometown, the availability of jobs and services, as well as an end to military conscription were most significant in determining whether refugees intended or planned to return (Ala' Alrababa'h et al. 2020, 27; Vignal 2018, 70).

Ala' Alrababa'h et al. (2020) look at the dynamics of refugee return and what factors play a role in the decision-making process for Syrian refugees. The authors conducted research in Jordan and Lebanon utilizing surveys in major cities with refugees living outside of camps. The host countries' push factors differ greatly, with Jordan implementing less political pressure on return to Syria. The drivers of return in Jordan are similar to those in Lebanon with the data showing a positive correlation between safety, economic prospects, public services in the home country and plans to return. While this information is key to understanding how to facilitate voluntary and sustainable return, it appears that the question of HLP is left out. For example, the research by Ala' Alrababa'h et al only briefly mentioned property rights and housing in the introduction of the study and the topic of HLP is not mentioned in their survey questions.

Lea Müller-Funk (2019) utilizes a unique methodological approach as well as narrative formation, exploring migration aspirations and drivers in Turkey like Ala' Alrababa'h et al's work, but focusing on life histories, narratives, and decision making. One surprising conclusion was that over half of respondents hesitate in migrating to Europe if given the opportunity; this coincides with their intention to return or wanting to remain close to Syria in the case that return was feasible. One of the most significant conclusions drawn from Müller-Funk's work was the claim that, "The strongest reasons for aspiring to return were a deep emotional attachment to Syria, family and friends still living in Syria, and property left in Syria (which interviewees wanted to reclaim), followed by a deep dissatisfaction with living conditions in Turkey, especially with regard to financial and legal vulnerability," (Müller-Funk 2019, 18). As Müller-Funk concluded in this quote, Syrian refugees do feel a desire to return and maintain a sense of home in Syria; they also find reclaiming HLP as a significant element in this desire to return.

While there is a wealth of research on drivers for refugee return to Syria, there is less of a focus on the role HLP plays in return. Many of the studies focusing on return mention infrastructure as a driver, but do not specifically focus on HLP, especially in terms of ownership claims and government expropriation of property. While some authors specifically focus on HLP law in Syria and the weaponization of HLP as part of demographic engineering efforts, there have not been a significant number of interviews conducted with Syrian refugees on the role HLP plays in their plans for return or reintegration.

Pre-conflict HLP in Syria: informal versus formal, renewal versus upgrading

Informal housing in Syria can refer to countless HLP situations, but a simple working definition might encompass HLP that is not registered with the government, was built illegally,

was not transferred through formal HLP channels, or did not follow codes and protocols during the construction process. Illegal or informal construction in Damascus dates to the 1930's and efforts to stop this have been ongoing since. Laws appeared throughout the twentieth and twenty first century addressing informal HLP such as Law 44 of 1960 mandating the destruction of informal settlements including buildings constructed without permission/approval, HLP that contradicts the master plan, lacked safety factors, etc. (Sukkar, Zainedin, Fakhani 2021). Several similar laws have followed that include imprisonment and other forms of punishment for all parties involved in the construction or selling of informal HLP (ibid). Informal HLP has continued to grow in Syria and saw an increase at the beginning of conflict when municipal authorities were too busy to regulate new construction (Ibid, 8). Approximately one third of the urban population in Syria and about half of the country's total population live in informal housing. Ziyad, a Syrian refugee from Daraa in southern Syria, stated that the country was full of *Byut al Ashwiya* or informal housing, and explained that the entire informal system was fueled by bribes. Syria did face problems with HLP documentation and proof of ownership due to dysfunctional institutions and corruption among other things.

Additionally, records and registration systems could not keep pace with the amount of new construction and HLP transactions resulting in a complicated HLP system. While the legal system in Syria favors formal cadastral records or Tabou (also called Tabu or Tapu), many other forms of HLP documentation exist such as court orders, tax payments, power of attorney, and legal cases. Tabou documents were adopted from the Ottoman period along with witness testimony in lieu of documents. The use of Sharia courts and customary law in the HLP system were also adopted from the Ottoman period (Cunial 2016). While Syria does have a formal registration system, there are many caveats that allow for informal HLP to become registered

(Ferrier, 2012). Securing property can take different forms such as registration with the land registry, tax payments on the HLP, and requalification processes (ibid, 89). These formalization and registration processes that took place prior to conflict follow a dual approach by the Syrian government and international collaborators to register already established informal HLP from decades prior and discourage new informal settlements (Clerc 2014; Sukkar, Zainedin, and Fakhani 2021, 5).

Damascus saw a population boom with 67% growth from 1984-1994, 40% of which settled in informal housing, leading to a greater need to address the informality crisis (Lena 2012). Legal measures were taken to address the informal HLP problem including Law 46 of 2004 and Law 33 of 2008 which allowed for the provision of titles, building permits, correction of real estate records, and other steps toward formalizing informal HLP. While these laws were put in place, they were not implemented effectively (Haysom and Pavanello, 2011; Aita, 2017). Research on this issue by Sukkar, Zainedin, and Fakhani (2021) states that while there were government policies and laws put into place to address informality in the housing sector, they were not efficient in addressing the issue; they see the rise of informality as, "a coping mechanism by the population to meet its acute needs for housing" and claim that a resolution had to address systemic failures rather than penalizing individual violations (6).

As of 2011, and as a result of international collaboration efforts in the formalization of HLP in Syria, two main possibilities were proposed: renewal, which involved the demolition and planned reconstruction of informal settlements, and upgrading, aimed at improving existing informal settlements by providing infrastructure (Clerc 2014; Sukkar, Zainedin, and Fakhani 2021). As Valerie Clerc (2014) explains, "...town planning services were drawing up detailed master plans with a view to the total reconstruction of certain zones, while other zones

were provided with infrastructure and services by municipalities in accordance with upgrading alternatives" (38). Clerc views these two urban planning approaches as representative of competing logics regarding private investment and social welfare.

As the conflict became more serious, many of the international collaborators attempting to formalize Syria's HLP system had to leave the country, and Syria was in too deep of a conflict to continue addressing the issue of informal and unregistered HLP. The details on Syria's HLP system and informal housing become especially critical when shifting into the HLP laws and use of HLP during the conflict. It will be evident in later sections how the informal HLP systems in place become an issue for returning refugees, IDP's, and secondary occupants.

D. HLP in Syria post-2011

Looking specifically at the case of Syrian refugees, research on return concludes that owners of HLP in Syria had a greater desire to return, showing just how important HLP can be in motivating repatriation (The Day After 2020, 35; Müller-Funk 2019, 18). Although those who own property would like to return, research by the Norwegian Refugee Council (2017) has found that only 17% of refugees surveyed (a study of 580 total respondents) were in possession of property documents which are essential to claiming ownership, especially considering the Syrian government began digitizing these documents in 2010. In addition to government expropriation of property and only a fraction of refugees possessing property documents, many also lack civil documentation to prove their identity which further complicates the question around HLP rights and restitution (NRC 2017, 5). This situation is bleaker for Syrian women, who were found to be far less likely to possess a passport, marriage certificate, as well as civil and property documentation (Mhaissen and Hodges 2019, 16; The

Norwegian Refugee Council 2017). During my interview, Um Laith explained that she and her husband did have ownership documents, but they were with her family in the countryside near Homs along with her sons' civil documents, reflecting the peculiar situation for refugees with regard to ownership and civilian documents.

The regime has been passing laws since the beginning of the conflict that stripped property rights from those deemed terrorists by the government (Law 19) and those living in informal settlements and unauthorized housing (Decree 66) and have expanded on Decree 66 with Law 10 of 2018 which enables the government to expropriate property from civilians (Unruh 2016; Joireman and Stubblefield 2019, 6; PAX and Impunity Watch, 2020). Law 10 has been the most controversial and allows the Syrian government to declare certain areas, "new urban zones", giving them power to claim the area and evict residents. While there is compensation for those whose property is in these zones (via stock shares in the new zone), proving ownership is one legal barrier many are facing (PAX and Impunity Watch 2020, 2). Law no. 10 not only calls for proper ownership documents, but also requires that the claimant of HLP appear in person, provide both civil and property documentation, and do so within 30 days of notification of property redevelopment (Joireman and Stubblefield 2017, 6). Although Law 10 was amended to allow family members to register in place of owners and extend the appeals deadline to one year, many are still unable to register property (Ibid 7). These new property laws in Syria go against post-conflict restitution and HLP rights, strip citizens of HLP rights in an ethnic conflict setting and are part of demographic engineering efforts by the regime. This expropriation of property is just one of many reasons why the HLP situation in post-conflict Syria will require a great deal of attention in the future.

In the case of Law 10 and many other HLP policies implemented by the government during conflict, the primary goal is to punish regime opponents. John D. Unruh (2016) describes the Syrian government's weaponization of HLP rights systems to target HLP records and infrastructure as well as anti-regime individuals and areas (460). In addition to this, HLP systems were weaponized to aid in the confiscation and reallocation of property by the state oftentimes to finance the ongoing conflict (461). The lands that have already been confiscated under Law 10 in Homs, Aleppo, and Damascus were areas associated with opposition to the regime, showing that the intentions of the government are politically motivated (Joireman and Stubblefield 2019, 7). Unruh describes the government's efforts to destroy HLP records and administrative offices that will be needed in future property claims, as was the case in the city of Homs where the land registration department building was deliberately targeted.

HLP systems were also used to target regime opponents by following lineage names in HLP documents, which has also impacted refugee and IDP willingness to engage in the statutory system or even take HLP documents with them when fleeing their homes. The regime also targeted olive trees due to their use as evidence for land claims, which is a known tactic throughout the Middle East to eliminate land rights (Braverman 2009; Unruh 2016, 460). The weaponization of HLP systems has also been used to shift the demographic structure of the country with the regime falsifying property documents in order for pro-Assad constituencies to lay claim to particular areas formerly occupied by those "supporting the opposition". The regime has also encouraged their supporters to occupy vacant HLP which is used to facilitate sale of these properties to benefit those with close ties to the government (Unruh 2016, 461). In my interview with Ziyad, he was unfamiliar with property law 10 by name, but was very familiar with the actions taken under the law and claimed that even individuals with registered

property are facing expropriation. According to Ziyad, the regime is not giving the expropriated HLP to Alawite Syrians, but to Iranian militiamen (which Ziyad also referred to as Shi'a). This claim is corroborated by Unruh who states, "The refugees report that Iranians comprise a significant proportion of the new inhabitants, and that they include businessmen and military personnel, as well as the relatively poor. The newcomers are not only given property documents but apparently citizenship papers as well" (2016, 460-461)

His knowledge of the property expropriation followed what we already know: owners are given 30 days to claim their property otherwise they lose rights to it. Ziyad added that he was familiar with a case in which a property owner provided all of the necessary information to prove ownership yet was only rewarded one apartment in a building that he previously owned the entirety of. After this, the remaining apartments (at least in this specific case in Daraa) are used to house "*Shi'a*" or "*Jaish al Irani*" who are strategically placed in the area to "kill Syrian civilians" and maintain greater control over neighborhoods and towns. While Unruh and Syrian civilians have made similar claims, Ziyad provided insightful details about the ongoing situation in Daraa, and the violence carried out against civilians as recently as 2021.

The introduction of Law 33 in 2017, supposedly intended to facilitate refugee return, allows for the use of other documents to claim ownership of property. Although this waives the requirement for proper HLP documents, it requires legal aid which many refugees cannot afford, and does not allow for testimonies from neighbors to support property claims (Joireman and Stubblefield 2019, 7). While these pose issues to those who still have a property to claim, others may be returning to homes that were partially or completely destroyed during the war. I interviewed two men, Esa and Ghaith, who fled the area of Ghouta in 2012 and now reside

in Amman. Both were familiar with the cases of property expropriation and law number 10 in Syria and had heard similar cases to those mentioned by Ziyad about demographic engineering. They explained that their homes were destroyed during the conflict, and they had no rights to property in Syria. When asked about potential restitution, reconstruction, or compensation in the future they stated that they would likely see no compensation or restitution processes in their lifetime, or so long as the regime remains in power.

Considering the Syrian government's weaponization of HLP and land tenure systems, refugees' understanding and trust in these systems is completely depleted for the most part. Many who fled their homes may not even participate in property claims or restitution processes out of fear that the regime accuses them of supporting or participating with opposition forces. This makes return even less likely and gives refugees little hope or opportunity to return to a sense of normalcy in their home country. Although this leaves the return and HLP situations looking bleak, Unruh points to informal tenure systems in place throughout the world that evade and resist the state and argues that this will likely be the structure in place so long as Assad remains in power. Although government involvement in post-conflict HLP systems can be evaded and the tenure system can function at an informal/local level, aggrieved returnees may resort to the services of armed groups in reclaiming HLP and resisting new occupants, institutions, and government authorities (Unruh 2016, 464).

Tenure systems in Syria encompass Islamic, tribal, and customary arrangements that are in a way similar to those described in other post-conflict HLP cases (Unruh 2016, 457). These systems may play into the aftermath of conflict, but the Syrian regime's aim to control every aspect of civilian life to maintain order may prevent such informal tenure systems from succeeding or remaining in place. While some post-conflict settings fine success in resolving

HLP disputes and grievances, the Syrian case involves a regime that has not only displaced its own civilians, but also abused the statutory tenure system and enforced strict laws to expropriate property that was previously registered under informal, customary, religious, and tribal arrangements. Stigall (2014) states that many in Syria strongly support the Syrian civil code and legal structure that dates to the Ottoman era, and also abide by customary Islamic land rights. At this point in the Syria conflict, with Assad maintaining power and regaining a majority of land lost in the conflict, it is unknown what refugee return, HLP rights, or governance may look like in the future. Although Syria's future remains obscure, Unruh states that:

> The two interconnected strengths in Syrian land and property law—the core Civil Code and the customary–Islamic mix—operating in local, decentralized contexts could provide the potential to constitute the foundation of a workable HLP rights system that can be supported by international mass claims law for the purpose of deriving a large-scale restitution frame- work. (Unruh 2016, 465)

He goes on to say that despite the destruction of HLP documents and records, the production of wartime evidence may help in future restitution processes.

While there are potential avenues for post-conflict recovery in Syria, there cannot be a path toward sustainable peace and voluntary return without HLP rights and restitution at the forefront. The previous chapters have made clear the importance of HLP rights in the post-conflict setting and these lessons should be applied to the Syria case which is approaching a phase of non-violent conflict in which reconstruction and return have already begun in some cases. The following section will compare the three cases and use the two past cases as a basis for policy suggestions and ways forward in the Syria case.

IV: Conclusion

In understanding the severity of conflict in Syria, the pressure on refugees to return, and the ongoing issues related to informal housing, it is clear that this is a unique case the international community has not seen before. Syria and Syrian refugees are faced with issues that many previous cases have not dealt with before. Syrian refugees cannot collectively organize and negotiate their return like the Guatemalan refugees considering they are spanning different regions/continents and likely will not trust the regime with any plan they put forward. While the key failure to Kosovo was a lack of transitional justice and reconciliation, this lesson learned cannot apply to the case of the Assad regime who are unlikely to put such issues at the forefront of post-conflict recovery. The international community's inability to conduct humanitarian operations in Syria makes the situation further challenging considering it leaves the country with an ambiguous future. Taking all of these factors into account, the first step and an absolute requirement for safe return would be to bring the regime to the negotiating table where the rights of returning refugees are agreed upon. What we can aim to achieve in Syria's near future are peace talks and internationally upheld agreements that put HLP and the right to safe return at the forefront.

While it is difficult to trust the same regime that violated international law and committed war crimes, there may not be another option as the current situation demonstrates. The international community should do everything in their power to move toward peace talks in Syria and include issues relating to HLP that are central to facilitating return. The Assad regime is no stranger to issues such as property restitution and compensation; as Myriam Ferrier (2012) states, "while successive laws penalize constructions in violation of the law, and order their demolition, a directive of President al- Assad stipulates that any individual whose dwelling has been destroyed for reasons of illegality must be provided with replacement

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housing (badal sakan) or must receive financial compensation (badal naqdi) " (68). Although these policies were introduced prior to the conflict and referred to informal housing, this demonstrates the regimes' ability to address destroyed or damaged HLP and property restitution and compensation measures.

Another key aspect to a successful return and HLP restitution program in Syria would be transitional justice measures. Some of these measures might include truth commissions, institutional reforms, reparation programs, memorialization efforts, and criminal prosecutions. These are some of the measures that did not take place in Kosovo and likely led to the unsuccessful facilitation of return in that case. This could help with the many divides among different segments of the population such as returnees, IDP's, and the different religious sects within the country. This may be one of the most important factors in post-conflict reconciliation alongside HLP restitution and safe return and should be included in any negotiations with the Syrian regime.

Negotiations with the regime on post-conflict reconstruction must call for allowing humanitarian actors to resume work in Syria. Organizations such as UNHCR and the Norwegian Refugee Council have done extensive work on HLP rights in post-conflict settings and have the expertise to deal with ownership disputes, claims, and facilitating compensation or reconstruction for destroyed property. The introduction of humanitarian actors can also prevent the regime from turning back on any promises made during the negotiation process.

In addition to facilitating property restitution, Syria must take on a policy similar to Kosovo that aims to reverse all discriminatory housing policies implemented before and during the conflict. For Syria this would mean finding an equitable solution to informal housing such as upgrading and allowing for a path toward formalizing HLP. It would also require the reversal

of discriminatory HLP laws such as Law no. 10 and those building upon it as well as reinstating expropriated property to its rightful owner or offering compensation for the property.

While these steps can be taken, they do not ensure a functional post-conflict claims system. HLP systems can operate at both local and national levels as seen with Guatemala and Kosovo, and Syria too has had a mix of HLP systems centered around formal HLP law, customary law, and religious law. While international actors and the Syrian government can facilitate property restitution and a restructuring of the HLP systems in place, the involvement of local actors and communities should be prioritized. Taking a more local approach can allow for dispute resolution at the community level, less grievances, and a HLP system tailored to cultural and religious customs of a particular community.

By comparing Guatemala, Kosovo, and Syria, we can see that post-conflict return and HLP are complex issues that require cooperation from governments, organizations, and international actors. Kosovo demonstrated that in order for HLP claims and return to take place and be sustainable, there must be some transitional justice and reconciliation between parties involved in the conflict. Kosovo to this day has failed to take actions toward transitional justice or reconciliation, which in turn resulted in fears for return despite HLP restitution. This demonstrates that while HLP restitution can be a major driver for return, it is not effective if refugees do not have a safe and secure home to return to.

Guatemala experienced a prolonged conflict that lasted decades, yet involved a refugee-led return process that included compensation or restitution for property lost or left behind. While Guatemala shared many similarities with Kosovo, the post-conflict reconciliation efforts and refugee negotiated return were key factors in Guatemala's success. The actions taken by the military in Guatemala are widely regarded as a genocide, and there

have been truth commissions and excavations to uncover war crimes and gain justice and closure for victims and their families.

Despite the conflicts in Guatemala and Kosovo having major international involvement, it did not always work to the benefit of potential returnees. Guatemala took a more informal approach to the reclaiming of land and found ways to mediate and negotiate at the local level, with the help of IGO's, NGOs, and government agencies between returnees and those that settled in their former homes and villages. In contrast, the international community, and specifically the United Nations, introduced the United Nations Mission in Kosovo (UNMIK) which was the officially mandated mission of the UN to restore peace and stability in the region. Bringing in outside mediators and interim governments to deal with an ethnically driven conflict is what makes Kosovo drastically different from Guatemala. While these cases are very different, they still serve as excellent examples of what HLP issues are faced before, during, and after conflict, and how best to address them. While the HLP literature documents cases of successful and unsuccessful return and HLP restitution, there is rarely any suggested framework that calls for a multi-faceted legal approach to HLP claims. What this would mean is having experts understand the conditions of HLP prior to conflict and addressing claims and restitution from a local level using customary, civil, and religious law in tandem with locally mediated courts.

Knowledge gained from these cases directly applies to the Syria case and has allowed us to develop a framework for assessing HLP issues across multiple conflicts. In addition to the recommendations provided in the previous chapter, UN HABITAT (2007) puts forth several recommendations to address post-conflict HLP administration including placing HLP rights and resolutions at the top of any reconciliation agenda. They argue that although it may

not seem like an immediate issue or one that should take precedence over others, HLP administration can play a vital role in post-conflict settings (89). HLP rights, restitution, and compensation are key issues in the aftermath of war and should be prioritized in any restorative justice, peacebuilding, or reconciliation efforts. The Syria case is ongoing, and the government maintains complete political power after a decade of civil conflict. The absence of peacebuilding and restorative justice mechanisms in coordination with international organizations makes for a rare and unstable post-conflict setting that further complicates refugee return. While the HLP situation for Syrian refugees is bleak, placing this issue at the forefront of post-conflict negotiations and agreements is the first step in addressing the major losses civilians have faced.

The regime's weaponization of HLP systems throughout the conflict deters refugees and IDPs from returning home or attempting to pursue property restitution and brings about many grievances in addition to the already tense sectarian divisions within Syria. Issues surrounding HLP rights and restitution can push returnees and IDPs to address grievances through informal channels such as armed groups and make them susceptible to recruitment to opposition groups that may provide social services in exchange for membership. The issues that arise from botched return and HLP restitution efforts (or lack thereof) can result in long lasting issues for the country, and more importantly grievances that can lead to conflict resurgence. Although the violent fighting in Syria may be close to an end, there are still many issues that need to be sorted before refugees consider returning, one of the most important being a fair and reasonable HLP ownership claims and compensation system in tandem with transitional justice and post-conflict recovery measures.

This thesis has examined the housing, land, and property rights of displaced persons because they are the key to sustainable conflict resolution for the world's refugees. Studying the complexities of land tenure, customary law, and the multiple displacement effects of conflict has provided insight into how to develop a better international regime for resettlement and compensation. Unresolved and inconsistent HLP rights remain one of the major barriers to voluntary repatriation and must be addressed for sustainable conflict resolution.

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