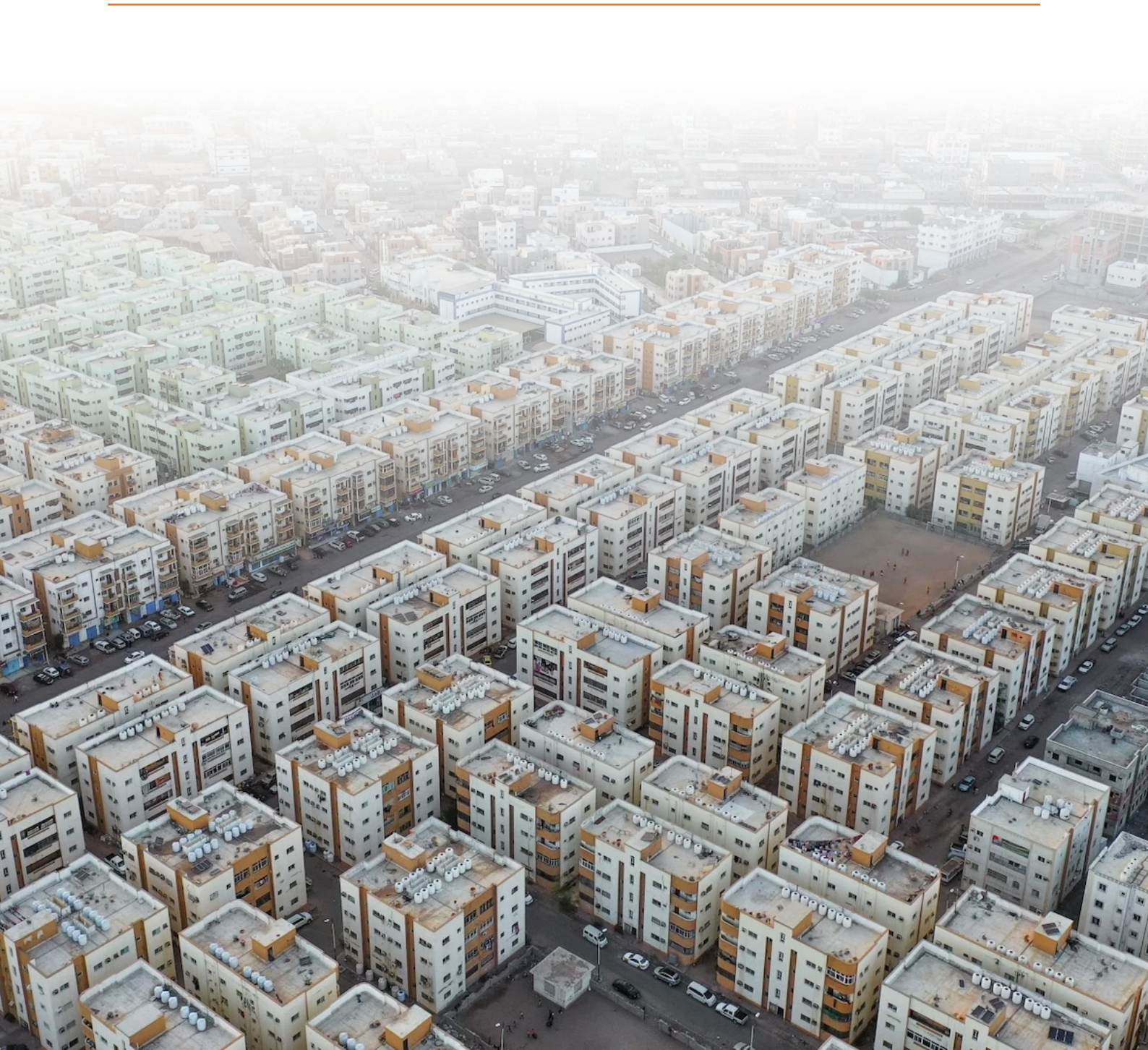


Land for the Powerful: Property Violations in Aden



Land for the Powerful: Property Violations in Aden

By: Ghaidaa Alrashidy

May 7, 2024

Cover photo: Aerial view of Inma'a city in Al-Mansoura district in Aden, April 2021 // Sana'a Center photo by Ahmed Waqqas.



The Sana'a Center for Strategic Studies is an independent think-tank that seeks to foster change through knowledge production with a focus on Yemen and the surrounding region. The Center's publications and programs, offered in both Arabic and English, cover political, social, economic and security related developments, aiming to impact policy locally, regionally, and internationally.

Executive Summary

Disputes over land and property can represent a serious obstacle to peace. Years of armed conflict break down legal protections and lead to extralegal actions like seizures, evictions, and land redistribution. Lack of protections can lead people to not feel secure in their homes or neighborhoods – and others feel empowered by absent oversight. As order leaves cities in Yemen, Housing, Land, and Property (HLP) violations have inevitably multiplied.

The city of Aden has a thorny history of political transformations that have directly affected private and public property rights. The city's strategic location between the Red Sea and the Gulf of Aden – named after it – and urban infrastructure has once contributed to heightening property values. Throughout contemporary history, the urban expansion in Aden depended neither on the law of supply and demand nor on urban planning. In fact, it has often been dependent on the political orientations of the ruling authority and its security and military considerations. At times, urban expansion in Aden has been accompanied by chaos and turmoil, particularly in the wake of half a century of wars in the city. This left a legacy of complex, accumulated layers of problems in HLP rights.

This paper analyzes transformations in HLP rights and violations in Aden through four historic power shifts. First, Aden's transition from a British protectorate to the capital of a socialist state led to social and economic re-engineering, the most important feature of which was the sweeping nationalization of private homes, businesses, banks, and farms. Next, during Yemen's unification period, property rights were re-engineered as President Ali Abdullah Saleh distributed state lands as a tool to gain political loyalty and privatization became the modus operandi. A third shift occurred when the 2011 Arab Spring reached Yemen, ending Saleh's rule and renewing efforts to untangle old violations. The fourth and final shift saw the outbreak of war in 2015 and renewed violations of private and public property right.

Within each period, this paper will outline how lands were taken – whether through violence, influence, government fiat, or confusion – and demonstrate how respective governments and stakeholders facilitated such violations and hampered efforts for accountability and restitution.

Introduction

In July 2015, as Houthi forces were expelled from Aden, the city descended into a state of chaos as conflicts deepened between armed state and non-state actors vying for political control and influence. Among the many consequences was housing, land, and property (HLP) rights violations. Aden has a decades-long history of ruling powers engaging in systematic HLP violations to create new realities on the ground and to establish control.

The city of Aden does not have natural resources or a history of domestic production; rather, the port has drawn resources into the city since the medieval era.^[1] After 1839, the city emerged as an important trade hub for the British Crown, as the port's strategic location served the empire's commercial and economic interests, particularly as a link to India.^[2] The construction of the Suez Canal, which opened in 1869, only increased Aden's importance as control of the city granted the British oversight of maritime shipping through the Red Sea.^[3] The declaration of Aden as a free port in 1850^[4] exempted goods from taxes and customs, which drew in foreign and local capital and created commercial empires.^[5] This led to the development of the city's infrastructure and fueled rapid urban growth, increasing internal migration and driving up the value of real estate.^[6]

After British colonial rule ended in 1967, a series of official and ad hoc socialist policies during Yemen's transformational and transitional period resulted in the large-scale confiscation of public and private property.^[7] Limited efforts were made by successive authorities, whether the People's Democratic Republic of Yemen or the united Republic of Yemen, to address historical grievances related to HLP violations or to impose rigorous accountability or compensation mechanisms, thus establishing a precedent for such violations to continue until today as competing groups and individuals jostle for power in Aden.

^[1] Roxani Eleni Margariti, *Aden & the Indian Ocean trade: 150 years in the life of a medieval Arabian port*. Vol. 6. Univ of North Carolina Press, 2007.

^[2] "Aden," *Encyclopedia Britannica*, <https://www.britannica.com/place/Aden>. Accessed March 25, 2023.

^[3] Scott Smitson, "The Road to Good Intentions: British Nation-building in Aden," Center for Complex Operations, Case Study No. 10, Complex Operations Case Studies Series, 2020, <https://www.govinfo.gov/content/pkg/GOVPUB-D5-PURL-gp0115916/pdf/GOVPUB-D5-PURL-gp0115916.pdf>

^[4] Zaki Hanna Kour, "The Development of Aden and British Relations with Neighbouring Tribes 1839-1872," Doctoral Thesis submitted to the Faculty of the Arts in the University of London (1975). p. 97, <https://eprints.soas.ac.uk/34037/1/11015838.pdf>

^[5] Bilal Ghulam Hussein, *Perspectives from the History of the Aden State - The History of a Nation and the Story of a People, 1839 - 1967* [AR], (Graphic Press Printing & Publication, 2014).

^[6] Aisha Ahmad Aboh Daqan, "Aden's Social, Economic, and Cultural Conditions, 1937-1967 [AR]," Master's thesis submitted to the Faculty of the Arts in Sana'a University for a degree in Modern and Contemporary History. Supervised by Dr. Saleh Ali Omar Basurah (2009).

^[7] "Housing and Land Rights," *Universal Periodic Review, Yemen*, June 18, 2013, https://www.uopr-info.org/sites/default/files/documents/2014-03/js7_upr18_yem_e_main.pdf

This paper will look at various governing authorities' approaches to the management of public and privately held land and properties, and HLP violations during important stages in Aden's modern history. Through a critical review of scholarly literature, local news, government legislation, national surveys, and reports from government and non-governmental organizations, the history of property violations in Aden and the impact this has on southern Yemeni society is thoroughly examined. Personal interviews^[8] and an online survey^[9] were conducted within the governorate of Aden through a research initiative designed to assess property and infrastructure damage in southern governorates. This paper is focused specifically on Aden, as the governorate's unique history has made it more susceptible to HLP violations.

Causes for HLP violations are considered on various levels, structurally in terms of government bodies and committees, legally through what has been codified and gaps in legislation, on a security level through exploitation of military influence and power on the ground, and administratively in terms of practices used to manage HLP topics. The regional dimension of HLP violations is also addressed in a discussion of how land redistribution has exacerbated friction among Yemenis from different parts of the country.

Land Redistribution and Nationalization Under Socialist Rule

The leftist wing of the General Command of the National Liberation Front (NLF) assumed rule over Aden as the last British soldiers withdrew on November 30, 1967. This group later became known as the Yemeni Socialist Party (YSP), and under the party's rule, the People's Democratic Republic of Yemen (PDRY), commonly referred to as South Yemen, soon established itself as the Arab world's only socialist state, relying heavily on the Soviet Union for financial and military support. Nationalization laws of 1968-72 upended concepts of public and private property in Aden by, among other measures, nationalizing agricultural land and agribusiness, Aden-based multinational organizations, banks, the transportation and communications sectors, private businesses, and residential rental properties.

The Agrarian Reform Law, No. 3 of 1968, confiscated agricultural land, livestock farms, and agricultural machinery, while Law No. 27 of 1970 set a clear limit for landowners, confiscating land in excess of 20 irrigated acres or 40 rain-fed acres

[8] The author conducted a series of confidential interviews in February 2019 with HLP legal specialists, activists, and citizens who experienced violations between 2015-2019.

[9] A Sana'a Center questionnaire was distributed electronically through social media platforms. Due to the topic's sensitivity, the author was unable to conduct a field survey. The number of respondents was 94 in total (82 males and 12 females, aged between 24-55 years). Cases between 2015-2019, supported by documentary proof of property ownership, were considered: 37 cases of violations were confirmed in Aden and another 57 throughout the rest of Yemen.

per individual, with similar limits for families.^[10] ^[11] The second law effectively nationalized and redistributed 126,000 acres of private land.^[12] In 1972, more radical changes were made to the land tenure system as a new housing law, Law No. 32, nationalized all residential and commercial real estate except for the home lived in by the owner, further stripping away assets of property-owning classes, general merchants, and businesspeople.^[13] Nationalized residences were redistributed as public housing, while commercial real estate was used to create state-owned farms, or joint public-private enterprises such as producer and service cooperatives, where resources pooled via government fiat were redistributed to the working class through employment guarantees.^[14] Other nationalization laws took aim at the banking, industrial, and transportation sectors. For example, Law No. 37 of 1969, nationalized nine foreign banks, five commercial companies, 12 foreign insurance companies, seven port service companies, and five oil companies.^[15] All were placed under the supervision of government committees. The nationalization of economic assets ended Aden's free port status, and triggered a broad migration of capital, primarily to the Yemen Arab Republic (North Yemen) and the Gulf.^[16]

It is important to note that land and property seizures in Aden during socialist rule came as part of a broad set of reforms that established important social and economic policies like subsidized housing, universal access to education, a minimum wage, government price controls, food subsidies, and free healthcare. Women's roles expanded in political and social spheres, and the role of tribes was reduced.^[17] The new social welfare system was supported financially by the Soviet Bloc, and international and Arab financial institutions, particularly Kuwait.^[18] Civilians were afforded reasonable living conditions, and the gap between urban and rural living conditions was reduced. Housing was provided for most citizens and work opportunities increased dramatically in the public sector.

^[10] Agrarian Reform Law. No.3, People's Supreme Council, People's Democratic Republic of Yemen (1968).

^[11] Agrarian Reform Law. No. 27, People's Supreme Council, People's Democratic Republic of Yemen (1970).

^[12] Saleh Wazaan, "Agrarian Reform: From Underdevelopment to Socialist Reform in 1967 [AR]," Arab Encyclopedia, <https://arab-ency.com.sy/ency/details/99/2>

^[13] Bilal Ghulam Hussein, "Transcript of Law No. 32 [AR]," Facebook, December 9, 2014, <https://www.facebook.com/bilal.hussein.967>

^[14] Helen Lackner, "Yemen's Socialist Experiment was a Political Landmark for the Arab World," Jacobin, April 8, 2022, <https://jacobin.com/2022/08/socialism-arab-world-peoples-democratic-republic-of-yemen-history>

^[15] "Economic Corporation for the Public Sector and National Planning Law. No. 37. [AR]," People's Democratic Republic of Yemen (1969), <https://www.shabwaah-press.info/news/62057>

^[16] Fawwaz Traboulsi, *South Yemen Under the Rule of the Left*, Riad El-Rayyes Books, December 2015.

^[17] Helen Lackner, "Yemen's Socialist Experiment was a Political Landmark for the Arab World," Jacobin, April 8, 2022, <https://jacobin.com/2022/08/socialism-arab-world-peoples-democratic-republic-of-yemen-history>

^[18] Helen Lackner, "When the Red Flag Flew Over Yemen [AR]," *OrientXXI*, November 2017, <https://orientxxi.info/magazine/article2157>

Violations Following Unification and the 1994 War

A long-debated union of North Yemen and South Yemen ended socialist rule in 1990, and the newly unified government of the Republic of Yemen was left to untangle ownership issues caused by nationalization.^[19] Then-President Ali Abdullah Saleh was keen to begin reprivatization, and previous owners of nationalized land began demanding their rights be recognized and submitting claims to the government.^[20] A committee was established in 1991 to address claims related to residential property confiscated under socialist policies in Aden governorate. The committee, which reviewed thousands of cases and documents, approved compensation in the form of land plots. According to meeting minutes from the official Presidential Council Committee, 4,400 claimants retrieved nationalized properties, 22 percent of the 19,671 compensation claims.^[21] However, the committee's work lacked clarity, with inconsistencies apparent in the compensation awarded compared to the actual value of properties lost.^[22] Accusations began to build that Saleh's government favored claims made by citizens who could guarantee local political and tribal support. This fueled resentment among some southerners against Saleh's government, as well as intense political rivalry between the two partners in the unification of Yemen, the Yemeni Socialist Party (YSP) and the General People's Congress (GPC).

A broad sense of alienation, frustration, and injustice prompted the southern rebellion in May 1994, which Saleh's government defeated in July. HLP violations then began to multiply as the civil war triggered a fresh need to consolidate the government's hold on the south, which it sought by doling out state-owned lands to groups and individuals linked to patronage networks spanning the entire country. Many southerners were affected, especially those affiliated with the YSP. Adenis who were displaced by the fighting saw their homes occupied by northern soldiers, some of whom brought their families to Aden and took ownership of the vacant properties.^[23] In addition, members of the armed forces who had been awarded land in the unification process but chose to oppose Saleh in the 1994 war had state-gifted property retracted and redistributed.^[24] These redistributions added new layers of complexity to HLP disputes as original owners or their descendants saw "their" land given, in full or part, to others.^[25]

^[19] Charles Dunbar, "The Unification of Yemen: Process, Politics, and Prospects," *Middle East Journal* 46, no. 3 (1992): 456–76, <http://www.jstor.org/stable/4328466>.

^[20] "Yemen's Stolen Assets: Past and Future," Civil Forum for Asset Recovery, May 2020, <https://cifar.eu/wp-content/uploads/2020/05/Yemen-Assets-EN.pdf>

^[21] "Resolution of the Presidency Council Regarding General Directions for the Comprehensive Treatment of Housing Issues [AR]," Presidency Council Meeting Minutes, Sana'a, September 12, 1991.

^[22] Interview with Khaled Abdelwahed, Chairman of the Committee for Reconciliation between Landlords and Tenants and Member of the Higher Committee for Compensation in Aden Governorate, Aden, 2022.

^[23] Ahmed al-Shuaibi, "Four Judicial Rulings [AR]" *Al-Ayyam*, June 23, 2007, <https://www.alayyam.info/news/3oCW3Koo-FZJ36Z>

^[24] "Hadi Transfers Property Seized in 1994 to Military Personnel [AR]" *Al-Masdar*, November 11, 2013, <https://almasdaronline.com/article/51666>

^[25] *Ibid.*

For northern Yemeni property developers with political, military, or tribal patronage networks that Saleh sought to reward, property deeds for land were made available quickly and easily in the post-war period.^[26] Southerners with connections useful to the Saleh regime were also lavishly compensated for their loyalty, while their local knowledge helped direct the regime to lands and properties that could be expropriated. In one striking example, after the 1994 war, Abdo Rabbo Mansour Hadi, a southerner who served as defense minister for the Saleh regime during the war and would later assume the presidency, was awarded the deed to a villa that formerly served as the Chinese embassy.^[27]

Meanwhile, southerners without political clout found themselves limited by remnants of a British colonial land-leasing system – where deeds were held by the state but gifted in long-term leases to tribal leaders – that made it difficult to claim private ownership.^[28] This complicated ownership system expanded under the Saleh regime, as he appointed tribal leaders to land management positions under his administration and encouraged them to donate land to the state.^[29] According to a 2021 report by the Housing and Land Rights Network, this practice resulted in an estimated 50-80 percent increase in HLP disputes.^[30]

As tensions surrounding HLP injustices grew in the late 2000s and people began to organize protests in Aden,^[31] President Saleh created another committee to follow up on unresolved disputes.^[32] The committee issued what was later known as the Basurah-Hilal Report after its authors, Dr. Saleh Basurah and Abdelqader Hilal.^[33] It was also dubbed “Report 16” after it identified 16 politicians, business owners, military commanders, and tribal elders close to Saleh as those responsible for most of the HLP confiscations in southern Yemen. It was never made public – Saleh officially banned it^[34] – nor were its recommendations or any follow-up measures taken. Yemeni media outlets were given a leaked copy of the report, however, and a 2012 article in Yemen Press published some of the details.^[35] The report included findings on corruption, including HLP violations committed in the chaos following the 1994

^[26] “Yemen: The Land Problem and its Political, Economic and Demographic Dimensions [AR],” Habitat International Coalition-Housing & Land Rights Network, February 28, 2014, <https://www.hic-mena.org/activitydetails.php?id=pGhlyw==#.XtjWgTozZPa>

^[27] Interview with a source who had access to the Basurah-Hilal report, August 2023.

^[28] “Yemen: The Land Problem and its Political, Economic and Demographic Dimensions [AR],” Habitat International Coalition-Housing & Land Rights Network, February 28, 2014, <https://www.hic-mena.org/activitydetails.php?id=pGhlyw==#.XtjWgTozZPa>; Abdulla Mohsen “Land Theft in the South [AR],” Arab Yemen News, May 20, 2017, <https://www.elyamnelaraby.com/200325>

^[29] “Depending on Justice: Land and Property Rights Violations and Transitional Justice in Yemen [AR],” Habitat International Coalition-Housing & Land Rights Network, 2021, <https://hlm.org/img/documents/Yemen%20-%20Interactive.pdf>

^[30] Nabil al-Hafiz, et al, “Depending on Justice,” Housing & Land Rights Network, p.

^[31] Ashiya Parveen, “The Yemen Conflict: Domestic and Regional Dynamics,” in West Asia in Transition, Volume II, 2019, pp. 130, https://www.researchgate.net/publication/334119925_The_Yemen_Conflict_Domestic_and_Regional_Dynamics

^[32] Ahmed Omar bin Farid, “Basurah-Hilal Committee [AR],” Al-Ayyam, August 1, 2007, <https://www.alayyam.info/news/31WM9Soo-JFS3A5>

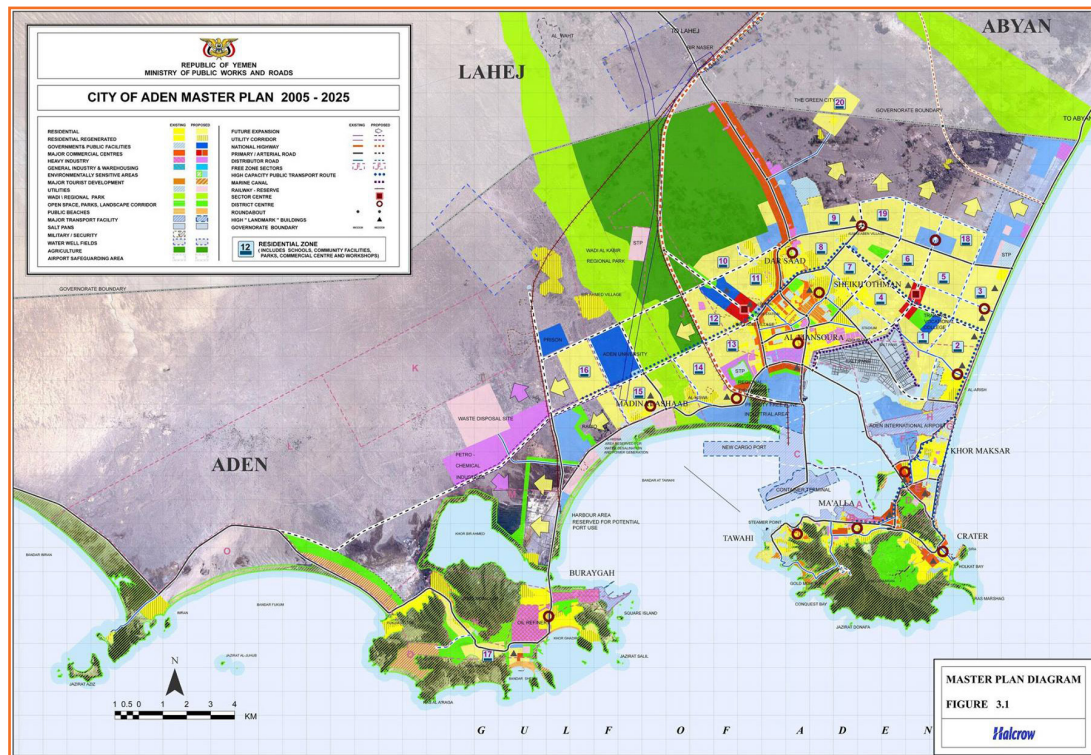
^[33] “Report: The serious land problem in Aden and the evidence of bias [AR],” Al-Ayyam, September 27, 2014,

^[34] “Basruah Reveals Details from his ‘Basurah-Hilal’ Report [AR],” Yemen Press, September 21, 2012, <https://yemen-press.net/news12634.html>

^[35] Ibid.

civil war by northern political and tribal elites. This included 1,357 properties and 63 government properties that had been seized in Aden governorate, in addition to hundreds of thousands of hectares of agricultural land in rural areas.^[36]

Other frustrations also gained strength as part of the southern sense of political and economic exclusion and marginalization. In early 2007, popular protests erupted and coalesced into the Southern Movement (Al-Hirak), with protesters demanding the restoration of civil and military public sector jobs after massive layoffs following the 1994 war.^[37] Although the Southern Movement began primarily over labor rights and political participation and inclusion issues, unresolved and continuing HLP violations drove its longevity.^[38]



Source: Ministry of Public Works and Roads

^[36] Ibid.; Joseph Schechla, "Land Grabs and the Arab Spring: A Chronicle of Corruption as Statecraft," Housing and Land Rights Network, March 2014, https://hlmr.org/img/documents/Fasad_asas_al-umran2.pdf

^[37] Hussam Radman, "Addressing the Southern Issue to Strengthen Yemen's Peace Process," Sana'a Center for Strategic Studies, October 6, 2020, <https://sanaacenter.org/publications/analysis/11634>

^[38] Andrea Carboni, Luca Nevola, and Thanos Petouris, "Report on the Commission on Land-Related Issues and Commission on the Forcibly Retired in Southern Yemen."

The Arab Spring and Post-Saleh Attempts to Resolve HLP Disputes

Citizens in Yemen, including the south, saw an opportunity for change when the Arab Spring revolution ended the Saleh regime in 2012. Activists and the new government of President Abdu Rabbo Mansour Hadi agreed that for Yemen to move forward united under a federal system, resolving HLP disputes in Aden and throughout southern Yemen had to be a priority.^[39]

In January 2013, President Hadi issued Republican Decree No. 2, which formed a committee tasked with dealing with unresolved issues related to confiscated lands in the southern governorates.^[40] The decree also mandated the formation of a second committee that focused on unjustified dismissals of public sector employees. To limit the scope of the cases considered, only violations that occurred after unification were considered, and the committee had a one-year mandate to resolve all outstanding cases. By the end of the year, 47,189 cases had been registered with the land committee in Aden, ranging from private homes to agricultural and industrial facilities, to residential rental properties and long-term private leases.^[41]

In March 2013, the National Dialogue Conference (NDC) brought together Yemenis from across the nation to design a new political structure for the country. Land disputes served as a cornerstone of the “southern issue” debated at the conference. While several prominent southern political leaders refused to participate in the conference or left the process early. Those who participated as representatives of the Southern Movement presented a report to the NDC that laid out HLP violations since 1990.^[42] Among the report’s allegations were:

- Some 255 government facilities, 333 public-sector institutions, and 266 business-owning cooperatives had been looted or destroyed, putting tens of thousands of people out of work.
- Land owned by southerners was taken by influential figures, tribal leaders, and government officials on a broad scale. It is estimated that around 221,000 families were affected.
- 4.5 million square meters of land allocated for investment was seized and redistributed to tribal leaders, influential merchants, ministers, and senior military commanders.

^[39] “Yemen: Land and Property after Arab Spring,” Habitat International Coalition, Housing & Land Rights Network, July 8, 2016, <http://www.hic-mena.org/news.php?id=pnBqZA==#.ZBJFwuxBxpQ>

^[40] “Yemen: Presidential Decision to Establish a Southern Land Remediation Committee[AR],” Full text of Republican Decree No. 2 recorded by the Habitat International Coalition, Housing & Land Rights Network, January 8, 2013, <http://www.hic-mena.org/arabic/news.php?id=pmhpaw==#.Xr157KcgzZPZ>

^[41] Andrea Carboni, Luca Nevola, and Thanos Petouris, “Report on the Commission on Land-Related Issues and Commission on the Forcibly Retired in Southern Yemen,” European Institute of Peace, September 2021.

^[42] Radhiya Shamsheer, “The Southern Movement presents its vision of the roots of the Southern issue [AR],” Yemeni Press, April 30, 2013, <https://www.yemenipress.net/archives/6176>

- The Public Authority for the Free Zones, an authority created in 1991 to regulate the Aden Free Zone,^[43] seized 232 million square meters of land. A large portion of this land was claimed by property developers who did not implement the project proposals they submitted to secure these lands, and instead sold the lands for personal profit.
- The Yemeni Economic Corporation seized 10.3 million square meters of land allocated for government facilities and distributed them to influential individuals.
- Courts were prevented from accepting any land-related legal cases and from implementing the final provisions of the law since 1994.
- The land registry was prevented from codifying land ownership rights, although a judicial ruling established such rights in 1996.
- Implementation of the solutions to HLP violations approved by successive government committees to resolve had been suspended.
- Military and security forces were used to seize land and forcibly transfer ownership.^[44]

As the NDC concluded, it became clear that the land committee was facing a much more complex problem than it had the resources to address. By August 2013, the commission had finished receiving claims, but judges appointed by the commission were still assessing claims on a case-by-case basis.^[45] To accelerate the judicial process, it issued a series of recommendations, which were adopted by President Hadi in Republican Decree No. 63. This decree reclaimed lands exceeding 1,000 square meters (0.25 acres) from their post-1994 owners, and outlined compensation for 11,157 former southern soldiers, including 4,000 officers, whose lands were confiscated by the Saleh regime after the 1994 war.^[46]

However, the implementation process ran up against a variety of challenges on the ground. For example, when Decree No. 63 reclaimed land gifted by the Saleh regime, it did not take into account that many of these lands had since been built on, changed hands, or both. Stipulated compensation for former members of the armed forces whose lands were seized by Saleh's government after the war of 1994 did not specify which state lands would be used to compensate them or whether they would be of equal value to those seized. Furthermore, the decree did not lay out a clear, systematic approach from which to proceed, or provide accountability mechanisms to bring to justice those who illegally seized the lands in the first place.^[47] Hadi's decrees created a committee, a claim collection system, a deadline for legal resolutions, and a process for reclaiming unjustly held lands, but crucially,

^[43] "Yemen: Law No. 4 of 1993 Concerning the Free Zones," Arab Law Quarterly 10, no. 3 (1995): pp. 267–77, <https://doi.org/10.2307/3381362>.

^[44] Shamsheer, "Southern Movement presents its vision," pp. 2-3

^[45] Carboni, Nevala, and Petouris. "Report on the Commission on Land-Related Issues," pp. 18, 24

^[46] "Presidential Decree No. 63[AR]," National Information Center, November 11, 2013. <https://yemen-nic.info/news/detail.php?ID=66854>

^[47] "Presidential Decree No. 63[AR]," National Information Center, November 11, 2013. <https://yemen-nic.info/news/detail.php?ID=66854>

no compensation mechanisms were established.^[48] In fact, it was still unable to accurately estimate the number of valid claimants and the potential resources needed to finance compensation by the end of 2013. A compensation fund was created via Decree No. 253 on December 9, 2013, after a series of diplomatic efforts resulted in a Qatari pledge to donate US\$350 million for the fund.^[49] However, by the time the fund was created, this pledge was already inadequate, as an estimated US\$1.2 billion was needed to compensate claims. Ultimately, only US\$100 million of the Qatari pledge was received by the Central Bank of Yemen (CBY). The remaining US\$250 million was allegedly appropriated by the Houthi group (Ansar Allah) after it took control of Sana'a in September 2014.^[50] Thus, no compensation was distributed from the money pledged by Qatar.

HLP Violations During the Present Conflict

As Yemen descended into civil war and the conflict escalated following the Saudi-led coalition's military intervention in 2015, all plans to address HLP violations came to a standstill. The committee was prevented from completing its work within the set timeframe, and the entire compensation process ground to a halt. Meanwhile, the conflict led to additional HLP violations. In the aftermath of the 2015 Battle for Aden, which ended with government and Saudi-led coalition forces driving Houthi-Saleh forces out of the city, security forces and armed groups became the de facto authorities in the absence of a true government presence. This security vacuum resulted in the renewed seizure of public and private property.

A 2019 electronic survey of a small sample of Aden residents collected records of HLP violations from 2015 onward, identifying a higher percentage of housing and land violations and alleged violators in Aden than in the rest of the country.^[51] Respondents provided documents proving ownership of properties seized, detailing the type of property, its location, and whom they considered responsible for the HLP violation. They were also asked to provide information on any actions, formal or informal, taken against the offenders.

Thirty-seven violations, supported with documentation, were reported in the Aden governorate. Seventy percent of the reported HLP violations were from 2015 on. The survey collected ten responses alleging violations in Sheikh Othman district, namely in the Memdara area; eight violations in the Al-Mansoura district, mostly in the Bir Fadl area; three violations in Khor Maksar district; three violations in Dar Saad district; one violation in the Al-Shaab area of Al-Buraiqa district, and

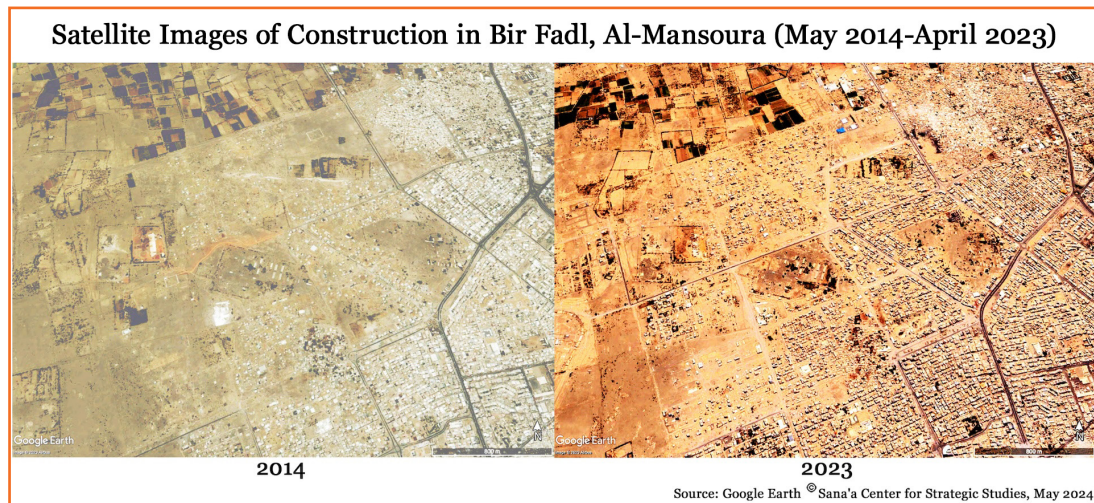
^[48] Carboni, Nevola, and Petouris. "Report on the Commission on Land-Related Issues," pp. 33-39

^[49] Ibid. pp. 40-41

^[50] Ibid. p.33

^[51]

one violation in Al-Tawahi district. The parties who allegedly committed those violations, according to the survey sample, included 'influential' individuals, armed groups, security forces, local authorities, and even ordinary citizens.



Local journalists have also reported on land seizures during the conflict. One notable case in 2017 involved Colonel Imam al-Nubi, then a high-ranking commander for security forces based in Crater district. Al-Nubi abruptly announced in a video posted online that he would divide Camp 20, previously a military base in central Crater, and distribute the land among the families of “martyrs in the war.”^[52] In response, President Hadi personally called the Aden Security Director, Major General Shallal Shaya, to remind him that this base was state property, and Al-Nubi was placed under investigation.^[53] Over the following year, homeowners with property near Camp 20 continued to appeal to local authorities, claiming that al-Nubi was using violent threats to force them to sell their homes to him or his brother at prices far below market value despite the high-level intervention from Hadi.^[54] ^[55] Al-Nubi later ordered the demolition of local mosques and ordered soldiers to take over private homes by force.^[56] Eventually, Al-Nubi fled the country after engaging in an armed confrontation with Southern Transitional Council (STC)- affiliated forces.^[57] The colonel’s illegal seizures stopped, but he was never held accountable nor were properties returned.

Such land seizures constitute but one of many examples of corruption and lawlessness in Aden during the conflict. In an interview, an Adeni man using the alias “Ahmad” shared a story of a villa brazenly seized by a man with some local

^[52] “Security commander appropriates land belonging to families of martyrs [AR],” Yemeni Sport News, November 30, 2017, <https://yemenisport.com/news/685712>

^[53] “President Hadi calls for end to Camp 20 construction [AR],” Al-Ayyam, October 29, 2017, <https://www.alayyam.info/news/76FKJGSV-PAHV35>

^[54] “Lawyer accuses military commander of blackmailing her family to seize her only home in Aden [AR],” Al-Harf 28, August 11, 2018, <http://alharf28.com/p-9919>

^[55] “An Adeni woman’s struggles: verified by several sources[AR],” Al-Dhalea Press, August 12, 2018, http://aldhlapres.blogspot.com/2018/08/blog-post_97.html

^[56] “Human Rights Organization finds al-Nubi Responsible for Torture, Deaths, and Destruction of Mosques in Crater [AR],” Shabwaah Press, June 5, 2019 <https://shabwaah-press.info/news/58160>

^[57] “Imam al-Nubi grows his military empire [AR],” Aden al-Ghad News, October 5, 2021. <https://adengad.net/posts/571160>

connections, but primarily armed with the confidence to take what wasn't his.^[58] In 2022 Ahmad offered to check on his sister's house, which was under construction in a new housing development. When he arrived at the house, Ahmad was surprised to find that new locks had been installed. He knocked on the door, and an unknown man answered. The stranger first claimed to be the homeowner, but after Ahmad made it clear that the house was owned by his sister, the squatter changed his story. Backpedaling, he claimed to be tasked with protecting the empty homes in the new development, hired by local Security Forces. Ahmad was unsettled by the man's unprofessional demeanor and civilian clothing, and left to make inquiries among his local contacts. After conducting his own investigation, Ahmad found that this man was not guarding the homes, and had seized a group of houses that were known to be vacant and were rumored to be owned by northerners who were unable to return to Aden due to the war. Ahmad reached out to his contacts within the security forces, and they made sure that his sister's house was empty the next time he visited the property. Ahmad promptly changed the locks and installed a new gate. Other similar cases of corrupt civilians, politicians, or military leaders can be read in media and human rights reports as clashes in the city of Aden have given ample opportunity for people to commandeer vacant buildings and claim ownership of the damaged structures, eventually clearing them of debris and then developing the property.^{[59] [60]}

Not all land grabs in post-2015 wartime Aden involved the threat of violence; some simply involved the stroke of a pen. In May 2018, a Central Audit report on land transactions identified an alarming spike in legal violations.^[61] Auditors found the title deed or land lease was missing in 11 percent of registration cases (absent in 479 of the 4,300 files examined) and that public land was routinely claimed as private and sold by private individuals.^[62] The report described the land registry office as "permeated by chaos and a lack of commitment to administrative, technical, and legal regulations. Land registry has been badly exploited by its custodians, to the benefit of private interests and at the expense of citizens."^[63]

No mechanism existed to cross-check land registry claims against public land records, increasing avenues for corrupt seizures. Nature reserves were claimed as corporate property and sold off ; 12 businessmen sold 84 plots of land which was owned by the city's Public Water and Sanitation Authority; three businessmen registered the sale of 162 hectares of land which the Ministry of Housing and Urban Planning had set aside for public housing; and the Aden Port Company privately sold land which belonged to the state in the Aden Free Zone, a highly coveted area where companies operate with little to no taxation. The Aden Free Zone has been contentious since its inception. In 1993, Resolution No. (63) sequestered four or five

^[58] Interview with a victim of a property rights violation in Aden, September 2023.

^[59] "Al-Shawtahi grabs land and arrests citizens with official land deeds [AR]," Al-Omana, April 3, 2019, <https://al-omana.net/m/details.php?id=86528>

^[60] "Aden emergency forces looting citizens' land in Bir Fadl [AR]," Al-Akhbar Al-Yemeni, November 20, 2021, <https://alkhabarayemeni.net/2021/11/20/150847/>

^[61] "Report No. 91 of the Central system for Control and Auditing on the results of documentary / technical review of land proceedings [AR]," Office of the General Authority for Land and Urban Planning, Aden, May 21, 2018.

^[62] Ibid.

^[63] Ibid.

sectors adjacent to the Port of Aden, without adequately compensating companies with existing facilities on that land.^[64] The boundaries of this Free Zone were changed again by government decree in 2006, 2013, and 2021, each time amid heated dispute.^[65] Shortly after Resolution No. (29), issued October 2021, took land from the Free Zone to develop the port of Aden, lawyer and whistleblower Fouad al-Jaradi submitted a letter accusing Prime Minister Maeen Abdelmalek Saeed of forging official documents to illegally confiscate this land.^[66] This led to a flurry of lawsuits filed by domestic and international investors, who claimed their investments were unjustly confiscated.^[67] Meanwhile, in 2022 investigative journalists discovered rampant corporate land theft among investors who were awarded contracts to develop 238 plots of state-owned land in Aden.^[68] Reports of corporate impropriety were repeatedly submitted to Aden's governors, attorneys general, the directors of the Public Works Department, the State Lands and Real Estate Department, and the General Tourism Authority, but thus far, no punitive actions had been taken by successive authorities.^{[69] [70]}

To highlight the continuous expansion of Aden's HLP violations, the Democratic Civil Movement, a civil society group headquartered in Aden, held a symposium titled "The Illegal Use of Land, Land Violations, and a Destruction of the Future" on February 2, 2019. During the event, two former district managers from Aden publicly expressed their frustration with repeated violations. Hani al-Yazidi, the former manager of Al-Buraiqa district, described armed gangs fighting over plots that none were legally entitled to own. He said that the 8 million square meters (nearly 2,000 acres/800 hectares) of public property under the charge of the Ministry of Endowments in Al-Buraiqa had been destroyed by armed gangs. Al-Yazidi also accused state land authorities in Aden of illegally modifying official neighborhood blueprints, specifically areas designated for roads and outlets, in attempts to free up new land to sell. He also alleged that fake associations using the names of dead soldiers or resistance fighters were created to claim lands in an attempt to whitewash the looting.^[71] Meanwhile, Khaled Sedo, the former manager of Crater district, complained of the difficulty local officials face in blocking illegal land grabs. Al-Sedo spoke of a failed attempt to appeal to the courts after a 1995 ruling from President Saleh was used to claim private ownership of Abu Dast, a public park that had been built with municipal approval along the coast, east of Sira castle. "Even the judiciary itself did not stand with us," he said.^[72]

^[64] Bilal al-Abwaini, "Yemeni Government Decision Ignites Dispute in Aden [AR]," Erem News, November 08, 2021, <https://www.ereemnews.com/news/2352840>

^[65] Ibid.

^[66] Ibid.

^[67] "Government Decree Sparks Conflict between Free Zone Investors and Port Authority [AR]," Al-Raseef Press, October 24, 2021, https://alraseefpress.net/?p=news_details&id=10260

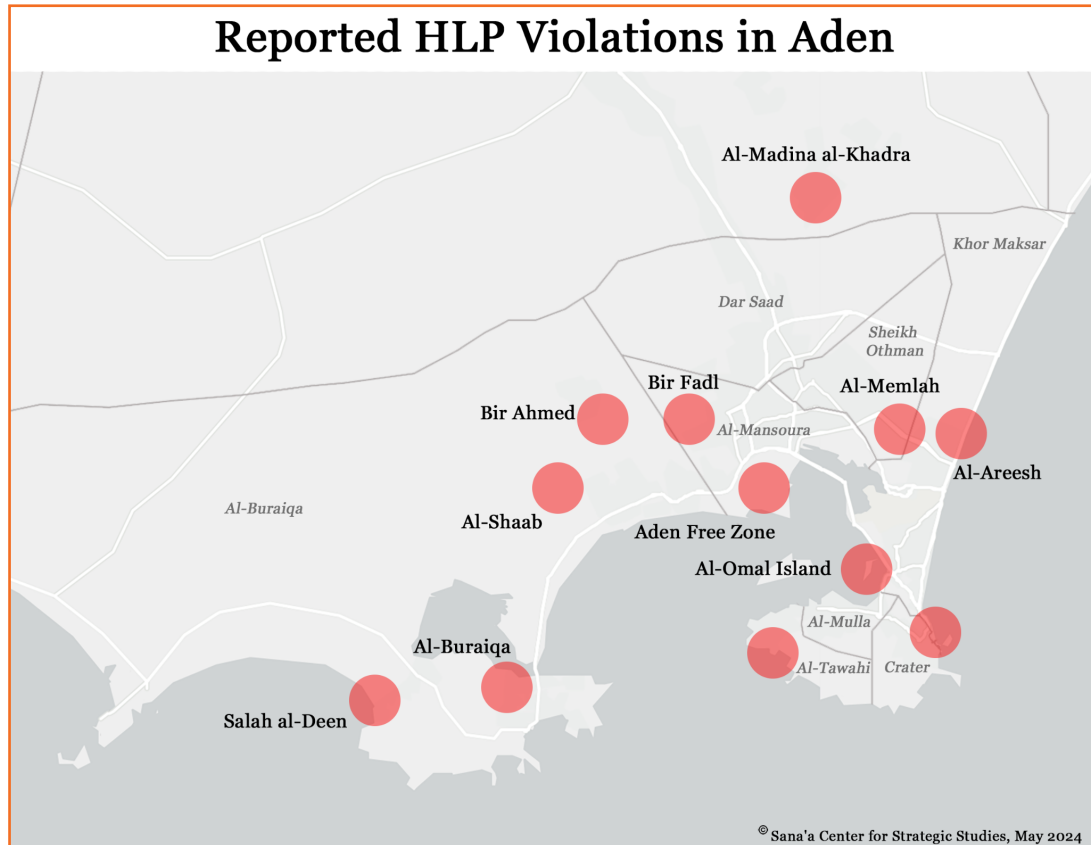
^[68] Raad Alrimi, "Aden Investment Lands: Corruption Threatens the Cosmopolitan Nature of the City [AR]," South 24 News, May 27, 2022, <https://south24.net/news/newse.php?nid=2713>

^[69] Ibid.

^[70] "Attorney General's Corruption Claims against the Head of Aden Free Zone [AR]," Sawt Al-Asima, September 23, 2023, <https://www.sawt-alasima.net/news/21045>

^[71] Hani al-Yazidi, remarks at the "Illegal Land Use and Encroachment, Destroying the Future" symposium, Aden, February 2, 2019.

^[72] Khaled Sedo, remarks at the "Illegal Land Use and Encroachment, Destroying the Future" symposium, Aden, February 2, 2019.



In December 2021, the governor of Aden, Ahmad Hamid Lamlas, issued a decree to form a unit to intervene in land disputes. Led by Colonel Kamal al-Hamili, the Land Affairs Unit was tasked with halting construction without permits from the Construction Office in the Ministry of Public Works and Roads, referring land disputes to the courts, preventing illegal land brokerage activities, and prosecuting violations.^[73] If implemented, these interventions could greatly reduce further land violations in Aden. However, implementation has been inconsistent. The Land Affairs Unit has successfully prohibited civilians from building on disputed land without a direct permit from the Land Authority, but they still have not reviewed or resolved any large land grab cases, especially those committed by security officers.

Although violent land grabs have become less common, Aden residents still see unlawful practices occurring today, particularly state-owned lands being sold to influential politicians and merchants.^{[74] [75]} The absence of security and general rule of law, as well as the government's overriding focus on the war against the Houthis, appears to have emboldened state officials as they abuse their authority and engage in profiteering.

^[73] "Public approval of land protection decisions in Aden[AR]," Aden Time News, December 17, 2021. <https://www.aden-tm.net/news/193061>

^[74] "Aden University Calls for Protection Against Looting [AR]," Al-Harf News, January 4, 2023, <https://alharf28.com/p-81825>

^[75] "Al-Zubaidi Settles Controversy over Theft of State Lands [AR]," Al-Mashhad al-Yemeni, January 17, 2023, <https://www.sahafahh.com/show15353517.html>

Conclusion

As talk of peace once more appears on the horizon in Yemen, the complex history of HLP violations in southern Yemen in general, and in Aden in particular, takes on renewed importance. Worryingly, hidden among the arbitrary small-scale individual cases, there are clear cases of systematic violations, particularly involving the acquisition and misuse of public lands, or the expulsion of targeted segments of Aden's society. Identifying and preventing such abuses has been made difficult due to the involvement of multiple actors, over different historical periods, that have sought to bury evidence of such violations.

HLP violations, especially those after 2015, demand clearer tracking and reporting mechanisms. Past resolution processes were plagued by corruption and the most recent attempt was cut short due to the onset of the recent conflict, preventing the drafting or enacting of accountability laws. While other committees, such as those formed in 1991, 2013, and 2021, considered cases and attempted to provide compensation, there remains an absence of laws penalizing political and non-political entities that have committed violations. Without regulations and enforcement, violations are likely to persist, further perpetuating internal conflicts and making the unraveling of ownership rights more difficult. Such inaction will ultimately complicate peacebuilding and transitional justice efforts in Yemen, in which HLP violations must be addressed.

In general, land rights issues in Aden can be attributed to several complex reasons, the most important of which are:

- The weak role of state institutions and law enforcement agencies, especially during periods of conflict. Military and civilian executive organs have taken charge of public affairs during periods instability without strict legal oversight of their actions.
- Ruling authorities' re-engineering of property rights in Aden as a political measure or a modus operandi based on ideological and economic motives. Meanwhile, successive authorities have not been able to launch necessary urban development projects.
- The weak developmental role of the business and financial community in the real estate development sector. Instead, a new class of "Land Barons" emerged - small brokers who became economically influential and managed to control the land sector in Aden through perseverance and well-established networks. These land barons are usually either figures capable of balancing their own interests with those of the official ruling parties, or they are an informal arm of a particular political party.
- The weakness of legislation related to land ownership, as well as the ineffectiveness of judicial bodies in resolving disputes, which has encouraged citizens to resort to force of arms or informal arbitration.

Accordingly, the paper offers the following recommendations in an attempt to address the underlying causes of the land rights issues:

- Building on efforts made during the past two years – including the issuing of a number of important decisions related to activating the work of the judicial organs and restructuring the Supreme Judicial Council – the Presidential Leadership Council (PLC) of Yemen should direct the judiciary to consider and adjudicate land ownership cases in Aden as a high- priority matter.
- Support the local authority in Aden, through resources and additional legal jurisdiction, to further develop temporary measures in place to reduce land theft, with the aim of making them more sustainable and institutionalized.
- Form a joint government-civil committee tasked with identifying and documenting violations (similar to the experience of the Basurah-Hilal Committee). This committee should benefit from the accumulated knowledge and experiences of previous committees and the knowledge and data included in their reports.
- Emphasize the right of the media, as well as civil society organizations, to access information and documents related to land rights (especially state lands), and to exercise an independent oversight role.
- Include land issues in the agenda of peacebuilding, political reconciliation, and transitional justice, as Aden represents a case study for violations occurring in other governorates (for example, the Houthis' seizure of public and private lands in places such as Sana'a and Ibb).
- Land issues should be included in any guarantees that come as part of a solution to the southern issue in any future peace process, as well as in the ongoing work of the government's Consultation and Reconciliation Commission (particularly in its specialized economic and social committee).
- Organize a conference in Aden focused on urban development that brings together the concerned government agencies, financial and business actors, as well as international bodies focused on development. Its ultimate goal should be to come up with a general vision for urban development and investment, as well as proposals for the development of legislation and how judiciary bodies should deal with land ownership cases.
- Support the work of other relevant authorities such as the General Authority for Lands, Survey, and Urban Planning (GALSUP). This should include training employees on the use of Geographic Information Systems (GIS) and computer software that can help organize the land sector in Aden and document public and private properties in a systematic and modern manner.

Ghaidaa Alrashidy is a researcher and visual data specialist with the Sana'a Center for Strategic Studies. Her research focuses on southern Yemen particularly security and social issues in southern governorates. Following the 2015 battles in southern Yemen, Alrashidy headed the Aden 180 Initiative to assess property and infrastructure damage in southern governorates.

This paper is part of a series of publications produced by the Sana'a Center and funded by the government of the Kingdom of The Netherlands. The series explores issues within economic, political, and environmental themes, aiming to inform discussion and policymaking related to Yemen that foster sustainable peace.



WWW.SANAACENTER.ORG

