

ASSESSMENT OF THE LAND SECTOR IN LEBANON

BACKGROUND PAPER

الإراضي العربية إدارة
Arab Land Initiative



ASSESSMENT OF THE LAND SECTOR IN LEBANON. BACKGROUND PAPER.

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ACKNOWLEDGMENTS

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Strategic Partners: Federal Ministry for Economic Cooperation and Development (BMZ) of the Federal Republic of Germany

ABOUT THIS PAPER

This background paper was developed by independent consultants in collaboration with the Urban Training and Studies Institute of Egypt in preparation of the regional report *Governing Land in the Middle East* that covers eleven countries in the Middle East, namely Bahrain, Iraq, Jordan, Lebanon, Oman, Palestine, Qatar, Saudi Arabia, Syria, United Arab Emirates and Yemen. Each paper explores and gives an indication of the country's capacities in delivering good land governance by measuring its performance on the core land administration functions: land tenure, land value, land use, land development and land disputes resolution. It also maps the existing learning offer on land governance, identifying the key institutions and the courses available.

The background papers are part of the research work carried out by the Arab Land Initiative under the Arab Region Programme on Good Land Governance in Support to Inclusive Development, Peace and Stability funded by the Federal Ministry of Economic Cooperation and Development of Germany (BMZ). Its preparation was managed and coordinated by the Urban Training and Studies Institute (UTI) of the Housing and Building National Research Center (HBRC), Egypt, with the support of UN-Habitat and the Global Land Tool Network (GLTN). The opinions presented in this paper are of the author(s) and do not reflect the views of GLTN, UN-Habitat, its Governing Council or Member States.

THE GLOBAL LAND TOOL NETWORK AND THE ARAB LAND INITIATIVE - GLTN is a multi-sectoral alliance of international partners committed to increasing access to land and tenure security for all, with a focus on the poor, women and youth. The Network's partners include international rural and urban civil society organizations, research and training institutions, bilateral and multilateral organizations, and international professional bodies. In 2016, GLTN Partners, led by UN-Habitat and the World Bank, launched the Arab Land Initiative to promote equal access to land, peace, stability and economic growth in the Arab region through good land governance and transparent, efficient and affordable land administration systems. The Initiative aims at empowering land champions from the region by developing capacities, increasing collaboration and promote innovation, learning and sharing of best practices. It also supports the implementation of land gender-responsive and fit-for-purpose land tools and approaches at national and local level. The Research Innovation Fund is one of the streams of work of the Arab Land Initiative.

For more information, please consult the referenced documents, visit www.glt.net or write to unhabitat-glt.net@un.org.

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ABBREVIATIONS

AUB	American University of Beirut
BUL	Beirut Urban Lab
CDR	Council for Development and Reconstruction
DGU	Directorate General of Urbanism
GDLRC	General Directorate of Land Registry and Cadastre
GIS	Geographic Information System
HCUP	Higher Council of Urban Planning
LBP	Lebanese Pound
MENA	Middle East and North Africa
NGO	Non-governmental Organization
OEA	Order of Engineers and Architects
UN-Habitat	United Nations Human Settlements Programme
USD	United States Dollar

EXECUTIVE SUMMARY

The objective of this research is to contribute to **assessing the capacities of land management** and administration in the Arab region by providing a pilot study based on the case of Lebanon. The aim is to use a uniform methodological approach by assessing the capacities of the core land administration functions: land tenure, land value, land use, and land disputes resolution. The study will provide a foundation for further comparative studies conducted in other countries to draw conclusions and exchange lessons learned. The core land functions are defined below:

- **Land tenure** is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land and associated natural resources. Rules of tenure define how property rights in land are to be allocated within societies, along with associated responsibilities and restraints. In simple terms, land tenure systems determine who can use what resources, for how long and under what conditions.
- All land may be considered to have a value. The process of measuring the **land value** is crucial for estimating the monetary value of a unit of land and technically evaluating how much a plot of land is worth.
- **Land use** defines how people use and exercise rights over land.
- **Land development** is the application of resources to improve land and enable a different, better, or more efficient land use. These resources may include capital investments (e.g. constructing buildings, services, or infrastructure), labour (e.g. clearing or draining land for agriculture) or administrative processes (e.g. securing or revising planning permissions).
- **Land dispute resolution:** In any society, there are several typologies of disputes that can arise over access to, use of and control over land and land-based resources. Such disputes can have different scale: individual, family, communities, or whole societies. Some land-related disputes can lead to violent conflict. Others lead to land tenure insecurity and constrain the effective use of land resources. The capacity of countries to resolve land-related disputes efficiently is an important factor of a successful land sector.

Lebanon is the case study for this report. The country is in the Middle East, with the Mediterranean Sea bordering its entire west coast. Lebanon was named Greater Lebanon in 1920 when its cosmopolitan capital was combined with the hinterland areas of the North, South and Bekaa. The difference in development between urban and hinterland areas thus dates to the country's initial formation. This difference in development was exacerbated due to the lack of national policies to promote even development. Lebanon then witnessed a long civil war beginning in 1975 until 1990 where it ended with a temporary sectarian power-sharing agreement. The agreement mandated different parliamentary and central state positions be divided among different sects for fairer representation. This temporary system remains active today, and its effects on the territorial realm are manifested by a fragmented communitarian society.

Considering that Lebanon is developing on a national and local level without a planning ministry and with a non-binding national development plan developed between 2002 and 2009, a significant amount of the

development is triggered by partnering and twinning with international organizations, which often aim to carry out decentralization agendas in the region. This means that localities are helped to become more autonomous administratively and in their development efforts. This is resulting in further fragmentation of the built environment in its social, economic, political and geographical dimensions. Lebanese land-related government agencies also contribute to fragmentation due to their vague, overlapping and easily changed mandates.

As such, global and regional (on the Arab level) attempts to draft standards and guidelines – whether be they in Sustainable Development Goals, the New Urban Agenda or similar recommendation – could help combat **fragmentation**. This is being witnessed today and facilitated by organizations such as UN-Habitat in Lebanon, which is holding workshops and using other attractive tools to encourage local municipalities to adopt the Goals. Financial incentives have always generated action in a desired direction when it comes to Lebanon’s municipalities, and this could easily facilitate alignment to Arab regional guidelines.

The research methodology for this report is based on collecting two survey results. The first survey targets a multitude of stakeholders with the objective of collecting and categorizing their knowledge on the core subjects. Chapter one introduces the context as well as the **stakeholders** (public and non-public) and **institutions** (mandated and customary) that have an influence on land management. Chapter two provides an overall assessment of the land core functions. Chapter three explores the findings of the second survey, which aims to assess the **learning- or training-related offerings** about land governance in Lebanon. Therefore, the second survey is more specific in its targets, which are academic institutions, think tanks or research-oriented non-governmental organizations (NGOs). This report includes findings from the two surveys and their targets, and the relationship between academic studies available and the overall lack of certainty regarding core topics related to land governance and management. Information collected on the second survey will also shed light on the type of content of subjects taught and whether they are aimed at classroom students or at young professionals to help them understand the practice of land administration and governance.

The results of the survey can be summarized as follows:

- 25 out of 40 respondents felt that the linkages between Institutional infrastructure with land-related mandates are not defined to ensure good institutional cooperation;
- 24 out of 40 respondents said that land was not well managed;
- 24 out of 40 stated that institutions and organizations with land-related mandates were not well financed;
- 29 respondents (majority) stated that the institutions and organizations with land-related mandates were NOT sufficiently staffed with competent personnel.

After summarizing the findings on the core topics, the report’s structure ends with chapter four showing recommendations and conclusions extracted from the survey’s answers, the consultant team’s advice based on experience, as well as supporting literature. The recommendations include high-level strategies on a legal and institutional level, human resources and financial development, technical recommendations as well as educational reforms and potential collaborations.

Keywords: land administration, land governance, fragmentation, systemization, learning

1. INTRODUCTION

“Land is a source of life” Zimmermann (2011, p. 4) said in his publication *Towards Land Governance in the Middle East and North Africa* to introduce the FAO’s Middle East and North Africa regional consultation. The meeting aimed to discuss the importance of land and other natural resources in securing livelihoods and in ensuring social, economic, and cultural development. Zimmermann attributes the specific challenges to the Arab region regarding the four core land functions to the ongoing conflicts, war and hegemony of centralized power which have a hand in land exploitation. He also says that these challenges are additional to the global ones of climate change, rapid urbanization and depletion of resources (Zimmermann, 2011).

This report aims to assess capacities of land administration in the Arab region, considering the above challenges. The report is part of an area of work included in the Arab region programme on good land governance in support of inclusive development, peace and stability. The assessment’s methodology is based on the evaluation of five main functions of land administration and governance, namely (1) land tenure, (2) land value, (3) land use, (4) land development and (5) land dispute resolution. As such, if land is a source of life, then the assessment of the different land functions will shed light on who has access to life, for how long and under what conditions.

Lebanon has been selected as a case study to test the capacity of the assessment methodology, which will then be replicated in other country studies. Lebanon’s recent history of political, economic and infrastructural collapse, which began with a revolution in November 2020, can serve as a paradigm of how these conditions affect land management practices in Arab conflict contexts, which is the research’s main objective.

The report is structured into four chapters. Chapter one discusses the introduction and capacity assessment methodology. Chapter two presents a summary of the survey findings divided along the five key functions of land governance and chapter three investigates a second survey on learning offerings. Chapter four comprises the recommendations and conclusions. The research team¹ was encouraged to structure subparts of each chapter as per the survey categories to have a more homogeneous format across the reports of the different Arab countries, so as to have a regional comparative analysis later and fulfil the greater aim of the country report.

¹ The research team consists of Dr. Hassan Elmouelhi; Nada Jouni, landscape architect; and Balsam Madi, architect. The team previously took the same MSc course in Integrated Urbanism and Sustainable Design between the University of Stuttgart and the University of Ain Shams in Cairo, where Dr. Hassan was a lecturer and Jouni and Madi were students. The team is well versed in research methodology, in asking questions as well as understanding the importance of the stakeholder selection in the formulation of the research findings.

2. METHODOLOGY

The study adopts a comparative approach in learning from different Arab contexts so as to exchange lessons learned and inform policymaking. This approach has been implemented between Algeria and Lebanon in comparing two districts to transfer knowledge in strategic planning. As such, this approach has potential in the Arab context.

Sanyal (2005) applies this approach to consider the larger social culture in which the planning culture is embedded and to recognize that it is in constant flux. This approach can highlight how each setting is distinct, in addition to its distinctive qualities which are the result of complex processes of social change, and not the inevitable and predictable outcome of a static planning practice (Sanyal, 2005, p. 22). Therefore, this approach negates the need to apply legislation crafted elsewhere to distinct territories. It also helps in understanding the positive experiences, in comparable contexts, to inform future responses much better. The core land functions are defined below as they were presented in the study:

- **Land tenure** is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land and associated natural resources. Rules of tenure define how land property rights are to be allocated within societies, along with associated responsibilities and restraints. In simple terms, land tenure systems determine who can use what resources, for how long and under what conditions.
- All land may be considered to have value. The process of measuring land value is crucial to estimate the monetary value of a unit of land and technically evaluate the value of a plot of land.
- **Land use** defines how people use and exercise rights over land.
- **Land development** is the application of resources to improve land and enable a different, better, or more efficient use of land. These resources may include capital investments (for example, constructing buildings, services or infrastructure), labour (for example, clearing or draining land for agriculture) or administrative processes (for example, securing or revising planning permissions).
- **Land dispute resolution:** In any society, there are several typologies of disputes that can arise over access to, use of and control over land and land-based resources. Such disputes can have different scales: individual, family, communities, or whole societies. Some land-related disputes can lead to violent conflict. Others lead to land tenure insecurity and constrain the effective use of land resources. The capacity of countries to resolve land-related disputes efficiently is an important factor of a successful land sector.

2.1. Categories of Actors and Sources Consulted

As is the case in most developing countries, much of the information on administration and governance is considered tacit local know-how that is not fully exploited because local stakeholders and customary authorities are not always part of the official land governance system. The first part of the study thus aims to shed light on these systems. The second half assesses the academic offerings, learnings and training on the core topics. This will aid in providing an analytical reading into the type of knowledge with which practitioners and scholars are equipped.

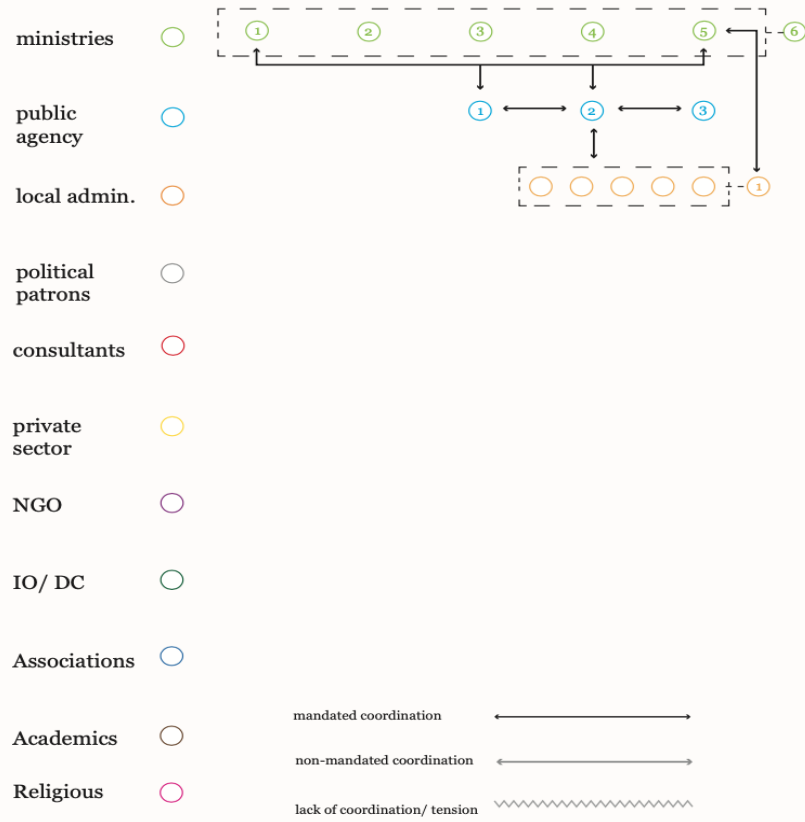
The research team members were able to make maximum use of their backgrounds to start a database of potential survey participants who would be able to provide informed answers as well as land users who could provide the research with the information on the degree to which an average person is knowledgeable about land administration. Accordingly, the research team conducted assisted interviews of the survey to facilitate the question-answer process. Many of the respondents, as such, had architectural and engineering backgrounds, as shown below in table 1. The team was also able to collect surveys from nine different public and non-public stakeholder types. The survey participants were chosen in a way to represent the different stakeholders, in a balanced way, as shown in Figure 2. Table 1 represents the public and non-public stakeholders involved in land-related issues as per Madi’s research.

In the case of Lebanon, the emerging non-public stakeholders were severely affecting the development and administration of territories to fill the government gaps (Madi, 2015). The main gap was at the level of the central government, which lacked a planning ministry. The second major gap or hindrance was poor coordination between the existing central land-related agencies. These agencies often overlapped in their functions, which caused tension. Tension resulted in long delays or, often, deadlock in project implementation. Tables 2 and 3 show the mandated and non-mandated interactions between the agencies and how non-public stakeholders are involved to facilitate land issues. Table 1 presents a key to the mapping of actors.

<i>public actors</i>	<i>vs.</i>	<i>non-public actors</i>
public agencies	○	consultants ○
<i>central government</i>		private sector ○
ministries	○	NGO ○
political patrons	○	IO/ DC ○
<i>local government</i>		Associations ○
local administrations	○	Academics ○
		Religious ○

Table 1: Mandated and practiced actor network
Source: Madi (2015).

mandated actor network



practiced actor network

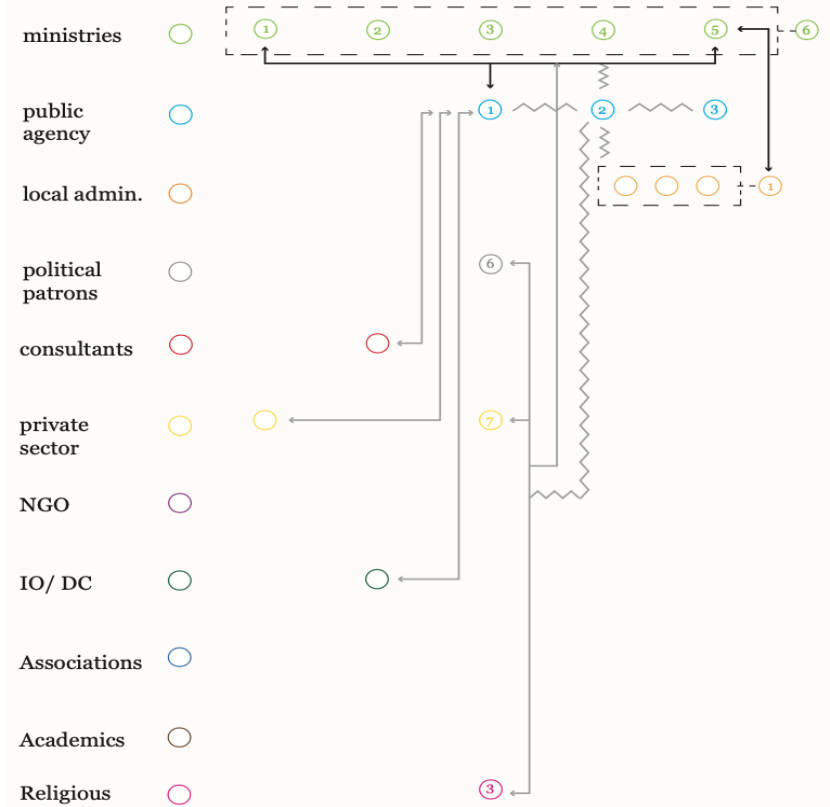


Table 2: Mandated and practiced actor network

Source: Madi (2015).

<i>public actors</i>				<i>non- public actors</i>								
public agencies	ministries	political patrons	local administrations	consultants	private sector	IO/ DC			associations	academics	religious	
① CDR	① OMSAR	① AM	① UoM	① CRI	① JAZ	① WB	⑨ EU	① CLANS	① CEFEM	① PATRI-ARCH		
② DGU	② MoIM	② Hezbollah	② UoM leader	② ECODIT	② KNEE-ROOTS	② UNDP	⑩ HRC	② LOCAL GROUPS	② IRFED	② MUFTI		
③ HCUP	③ MoPW	③ FPM	③ main municipality	③ AMINE BENAISSA	③ J.GROVE	③ FRENCH GOV	⑪ ARAL	③ FARMERS	③ CERMOC	③ MR		
④ IDAL	④ MoE	④ LF	④ member municipality	④ DEBS	④ B. BALADI	④ ITALIAN GOV	⑫ AVITEM	④ YOUTH GROUPS	④ IAURIF			
	⑤ MoA	⑤ FM	⑤ neighboring union	⑤ MOURIS	⑤ ARDI	⑤ PACA	⑬ TUSCANY	⑤ OEA	⑤ AUB			
	⑥ CoM	⑥ MP	⑥ external union	⑥ IAURIF	⑥ SAATCHI	⑥ BTVL	⑭ UN-HABITAT		⑥ LU			
	⑦ MoC		⑦ union council	⑦ TEAM	⑦ ME	⑦ AFD			⑦ KASLIK			
			⑧ union of unions	⑧ PRDU		⑧ USAID						
			⑨ Kaem-makam									

Table 3: Public and non-public actors

Source: Madi (2015).

As the survey covered information regarding sex-disaggregated information as well as perceptions on gender equality, the research team also sought an equilibrium between the selected number of male and female interviewees, which is shown in Figure 1.

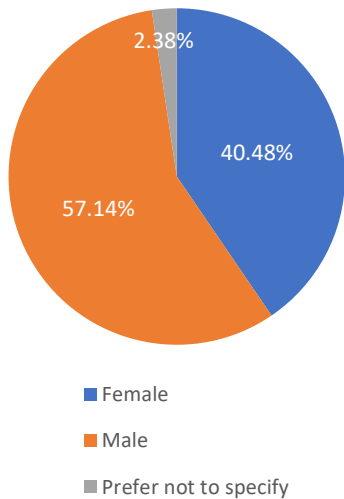


Figure 1: Gender of participants.

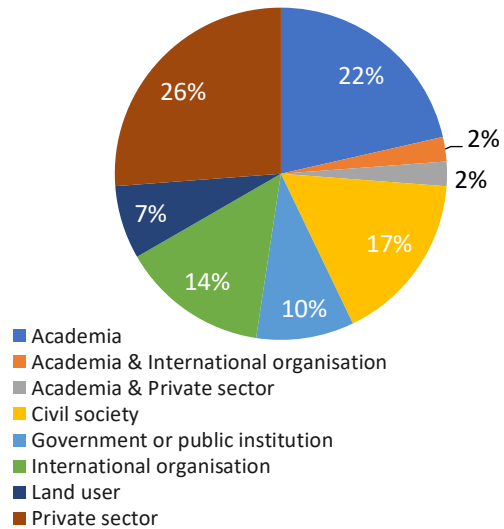


Figure 2: Participants' professional affiliation.

2.2. Timeframe and Schedule for Conducting the Survey

The questionnaires were divided into five sections on the core functions of land administration and governance, which were perceived by most of the interviewees to be too lengthy.

The assignment was divided into two parts: (1) an interview with 40² participants on land management and administration in Lebanon; (2) mapping available academic institutions on delivering content related to land governance in their curricula. The first part of the survey was assigned one month in order to be completed and the second six weeks with two weeks overlap. The first part of the assignment included quantitative and qualitative questions on the five focus tracks.

² Thirty-three participated between January and April 2021, while seven filled in the questionnaire in September 2020.

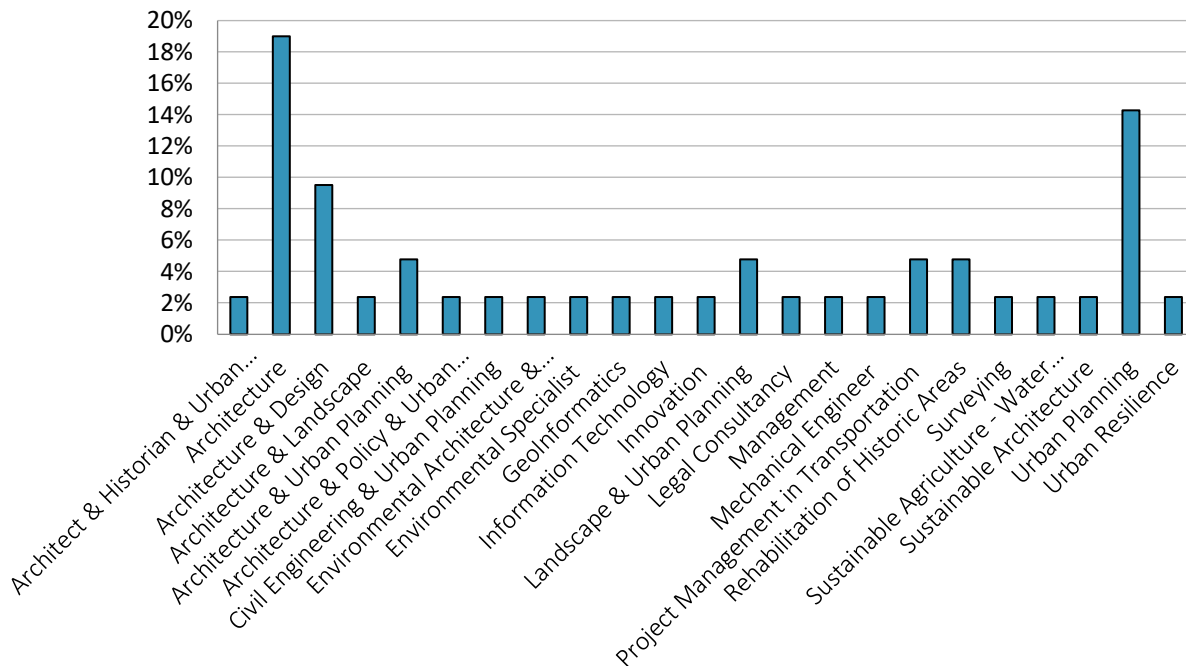


Figure 3: Respondent's professional specialization.

2.3. Limitations of the Study

Participants were reluctant, at first, to take part in the survey. This was because of the chaotic economic situation following the double explosion of ammonium nitrate at a storage facility in Beirut port, and that most participants were working on the city's recovery from the disaster. At the same time, participants had to attend to their daily responsibilities and jobs. This left them little time for additional commitments. Therefore, the task of encouraging each respondent to provide comprehensive answers to the questionnaires fell on the research team.

In most scenarios, respondents (who included researchers and academics) were asked to measure their knowledge and perceptions of different sections. They found it extremely difficult to measure these issues. This was even a challenge to those with additional expertise, such as academics and staff of international cooperation organizations. The research team's job here was to make sure that the respondents understood that there were no correct or wrong responses, and that the survey's aim was to see how they, from various stakeholder groups, perceived focus tracks. This was later shown in how, for example, individuals working in public institutions or local authorities had conflicting perceptions compared with academics or those working in the private sector. This also highlights, today, the fragmented nature of Lebanon's social fabric, which is due to several historic factors including the lack of a planning ministry.

Lebanon is seemingly democratic. However, it has been ruled by an iron-fisted clientelist regime that has instilled fear in most communities. Thus, the fear of mentioning government shortcomings, which could result in backlash if published, was palpable among most respondents. This perception contradicts the

events of the past two years in which Lebanon has been witnessing a revolution against corrupt institutions and calls for legislative reform.

The instilled fear can also be considered a limitation, and this was shown through the number of interviewees wishing to remain anonymous (see Figure 4).

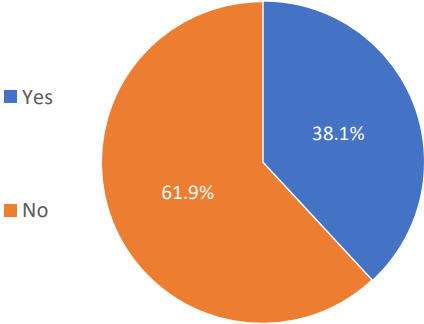


Figure 4: Share of anonymous respondents.

The research team pinpointed architects, urban planners, academics and government officials as the stakeholders most knowledgeable about land management and administration. Their backgrounds are shown in Figure 2, reflecting the initial hypothesis of this report which is discussed in the conclusions section.

3. LAND-RELATED LEGAL FRAMEWORK

The land-related legal framework in Lebanon has shifted historically depending on the main events. War and conflict have severely affected and halted administrative functioning for long periods, which has resulted in its weak capacity today. Figure 5 is a timeline that shows significant periods with respect to their legal frameworks, with elaboration on the implication of each historical period on the land management systems.

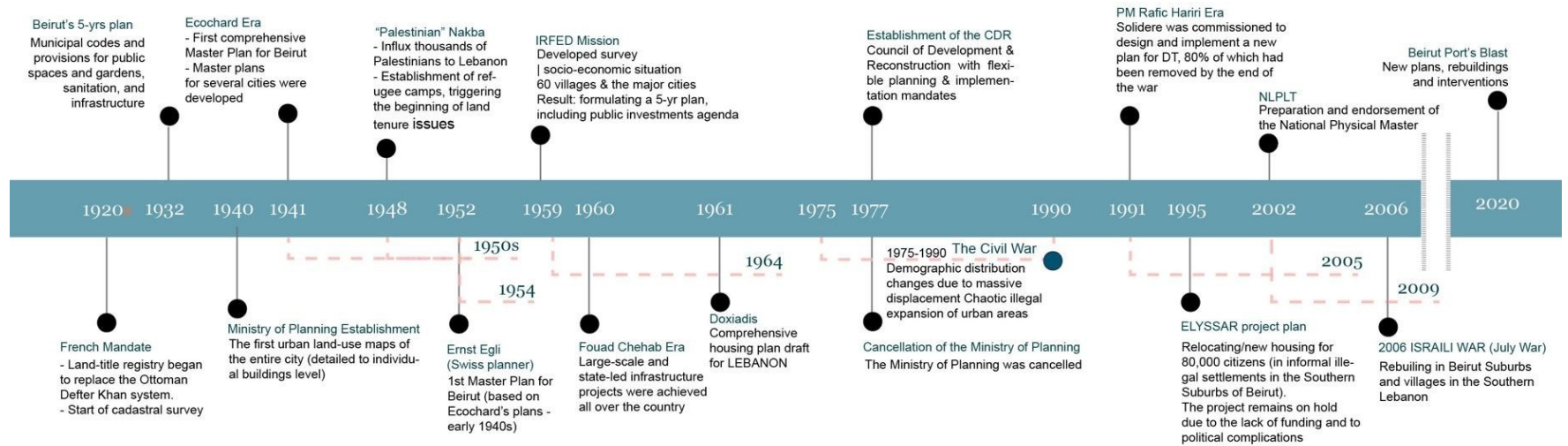


Figure 5: Historic overview of the planning sector in Lebanon.
Source: Authors, based on UN-Habitat (2013).

4. INSTITUTIONAL FRAMEWORK AND STAKEHOLDERS

4.1. Stakeholders

Lebanon is labelled a merchant economy, with embedded market-friendly policies and communitarianism within social, economic and political institutions and system. Communitarianism is a “social and political philosophy that emphasizes the importance of the community in the functioning of political life” (Encyclopaedia Britannica, n.d.). Therefore, one’s community identity is dominant over and almost replaces the national identity, as Lebanon is home to many ethnic and religious groups, creating territorial identities supported by sectarian logic, which is “the major local anxiety” (Picard, 1994; Saadeh, 1998; Salam, 1998; in Darwich, 2014). Thus, the production of territories is guided by communitarian motives of self-preservation and development, which are subnational. This explains the prevailing fragmentation of Lebanese society since each community attaches to its own political or sectarian identity.

Underpinning the sectarian fragmentation is the political system based on the 1990 Taef Accords signed to end the civil war and returned Lebanon to political normalcy. The agreement defined a political system, structurally based on consensus and compromise between the 18 State-recognized sects, assuring their adequate political representation in a parliamentary democracy (Sfeir, 2018). To depict the planning process of territories in Lebanon’s hinterland through a governance analysis of actors, institutions, and agencies, a series of acts or actions in narrative tool is represented, taken by public and non-public stakeholders. The key actors and their contextual roles are as follows:

Political patrons: The patron heads of the political parties are in control. Thus, each patron symbolizes a confession or political philosophy based on confessional logic. Some experts describe the need to maintain this governance mode as a function of the central State’s control regressing in 2005. This stakeholder presents a challenge to governance needing to maintain territorialization agendas; this refers to the bid to maintain sectarian group demographic presence and control in respective areas through monitoring boundaries. Example of such, and caught in the divide, are the marginalized civilians who do not belong to a particular politician’s party but live in his territory. Communities of such residents are omitted from plans or surveys, which therefore often provide misleading results.

Municipalities: Lebanon is divided into 1,396 territorial localities representing cities, towns and villages (UN-Habitat, 2013); 1,080 of these have municipalities. A new municipal law legislated in 1998 states: “The municipality is a local administration exercising, within its territorial scope, the powers entrusted thereto by the law. The municipality shall hereby enjoy legal personality as well as financial and administrative independence” (UN-Habitat, 2013). The number of municipalities is relatively large compared to the country’s surface area and demography. This may be due to sectarian and communitarian affiliations varying in each village. Consequently, three adjacent villages would certainly have three independent municipalities, each reflecting its culture or confession. When it comes to building permits in some cities, the Directorate General of Urbanism (DGU) clashes with the municipalities. Municipality agendas are often those of their respective political patrons in parliament, resulting in extensions of fragmented central government in the localities. Equally, political pressures on the municipality to push the agendas of certain interests creates tensions in the DGU.

Union of Municipalities: An intermediary administrative level exists as the Union of Municipalities, which has the same rights as individual municipalities. Despite the difference in institutional size, both are considered local administrations (Darwich, 2014). The Union of Municipalities has a council and president whose responsibilities include sharing resources and organizing cooperation among towns, especially for wider scaled services such as water canalization and provision of irrigation. Administratively, these Union of municipalities are critical in terms of land governance since they carry out regional tasks and mediate between several municipalities when upgrading infrastructure and implementing environmental plans.

Non-governmental organizations: NGOs involved in Lebanon's planning processes have several roles, depending on the decentralization cooperation of the strategic planning process, for example, to be a key agency in the planning process or to be the outcome of planning process. One of the binding regulations to achieve in decentralization cooperation is a competent local development NGO for mediating the planning process. The NGO's role is critical and often mandatory for funding municipal projects or land-related plans.

Order of Engineers and Architects: This body is a legal private institution that cooperates with deputies and ministries. It participates in preparing legislation that regulates the construction industry, infrastructure, urban planning, environment, citizens' public safety and communities. A representative from the Order sits on the Higher Council of Urban Planning, with an actively limited role (Chahrour, 2015). The Council's main tasks are registering and approving construction permits, ensuring technical soundness, and the calculation of taxes of projects.

Academics: The lack of a planning ministry and non-binding national development guidelines has enabled a multitude of non-state actors to get involved in planning processes. In terms of decision-making, academics have large control over shaping the future of territories. Development projects are initiated as a three-way partnership between an academic institution, an NGO and a municipality. These have been successful because young students offer fresh and innovative ideas while gaining access to relevant experience.

4.2. Institutions

Mandated actor network: Pertaining to mandated functions, the DGU is expected to have greater authority over local planning power and strong relationships with local authorities in order to facilitate the exchange of ideas, take these ideas to the HCUP, and upgrade localities (Madi, 2015). For its part, the Council for Development and Reconstruction (CDR) was established, during the government of Prime Minister Rafik Hariri, as a financially autonomous reconstruction entity directly connected to the CoM through the prime minister.

4.3. Customary Actor Network

4.3.1. Pre-blast period

Political patrons exert pressure on the DGU to change land zonings and divisions according to their territorialization agendas, creating tensions between the DGU and localities. Furthermore, the DGU's composition is static with little technical and planning experience of reconfiguring territories and coping

with fragmentation. Yet the DGU is also the head of the HCUP, which confirms decisions. These result in dissension. In addition, being a public agency under the Ministry of Public Works, the DGU is often overlooked when the ministry executes its road and infrastructure projects. Over time, the CDR has become proficient in planning and developing territories. Villages and towns have adopted their own urban strategic planning and implementation programmes thereby weakening the DGU. This has been more so because foreign organizations now preferred CDR as an implementation partner for projects because of its financial flexibility and ability to collect funds. Emerging players occupy a significant role in developing territories because of the absence of a planning ministry and a non-binding national development plan (by the CDR).

4.3.2. Post-blast period

The army pre-empted the coordination and allocation of the different reconstruction NGOs after the Beirut Port blast, dividing them according to sectors. As an academic entity, the American University of Beirut has completed the missing cadastral updated plan, which should be under the DGU and land registry's capacity. The plan has been shared with the army to allocate the reconstruction resources. In addition, UN-Habitat has created a geoportal³ and coordinates with different public planning agencies, being an arm of the municipality to decree a new law to mandating the flow and mechanisms between the agencies. Together with the American University of Beirut's engineering department, the Order of Engineers and Architects monitors the demolition of unsafe buildings, and protects residents vulnerable to eviction of having to worry about the Beirut Municipality's territorialization agenda.

The National Physical Master Plan is a comprehensive land use strategy for achieving unity, rationalized expenditures and balanced development on the national level (UN-Habitat, 2013, p. 36). It was possible because of two laws passed in 1977; the first maintained the CDR's role of creating a comprehensive master plan for Lebanon, and the second clarified the DGU's role in Lebanon's planning process. The master plan was approved in 2009. Although the plan aims to achieve balanced development, it is limited to determining general land use orientations without their procedural mechanisms. The administrative planning process is complicated, and goals are not being met because development guidelines are not binding and because non-public actors have not been formally informed of the plan. This situation provides greater leeway for non-public actors to experiment. The head of the CDR, Ibrahim Chahrour, has said that although there are no binding development guidelines, developmental and planning experiments are better than being without any development (Chahrour, 2015). The master plan has been criticized for following the logic of the reconstruction plan rather than urban planning regulation concepts (UN-Habitat, 2013).

According to the urban planning code no. 69/1983, there are three types of urban tools related to the three institutional scales of planning set by the DGU. They are as follows:

1. **The territorial land use plan** aims to serve as the main framework for the other two plans.
2. **The master plan** (article 7) defines major land use orientations and key planning issues. The code indicates (1) urban extensions, (2) balancing between urban settlements and natural and

³ UN-Habitat & UNICEF. (2020). Lebanon portal: Geoportal. Available at: <https://lebanonportal.unhabitat.org/geoportal/>.

agricultural domains, delimitation of historic centres and industrial zones, and definition of traffic zones.

3. **The detailed master plan (article 8)** is conceived at the plot-scale and is legally binding on all citizens. It defines land use, zoning regulations, exploitation ratios and construction norms.

The limitations related to the above tools:

- Non-binding for public administrations leading to independently approved and implemented infrastructure projects.
- Programming of public investment based on projects already listed within sector ministries.
- Certain detailed plans are 40 years old; they ignore the territories' evolution and encouraging inappropriate building responses
- Conflicts between "master plans" and "detailed master plans", due to the lack of clarity on both articulations. Master plans can replace detailed master plans if they specify the precise scale. Likewise, there is no need for master plans to validate detailed master plans, leading to the redundancy of master plans and more planning processes confusions.
- Pressing issues, such as fragmentation and suitable sustainable strategies for social and economic development are ignored and restricted to technical, legal and aesthetic considerations.
- Master plans are used either to reinforce territories' identity or to ground local authority's power towards development. Otherwise, master plans may be discarded and replaced by another fitting a certain local authority ideology.

Sector ministries and the Council of Ministers use laws to decree the following institutions:

- The urban planning code of 1983; constituting of three parts: (a) urban planning focusing on plans and regulations; (b) urban planning operations; and (c) planning permissions.
- Municipal and urban planning laws.
- The environmental code that is increasingly being evoked during formulation of urban planning projects. Some provisions of the code concern many urban operations. Article 21 includes studies on nature's impact of any private or public project. Article 22 defines terms to control what should be environmentally assessed.

The limitations of these laws include the following:

- Similar to most actor prerogatives and planning institutions, the third part is redundant overlapping with building codes. The first part overlaps with the new code on the environment, legislation on public domain, the forest code, the legislation, and laws on historic sites and monuments. Since reference cannot be made to urban planning legislation and laws, other state laws create theoretical and practical blurs.
- Legislative conflicts between municipal laws exist, resolved by court orders (UN-Habitat, 2013). Moreover, Article 11 of the code restrains the power of local authorities to that of a consultative role when implementing their urban policies.
- However, these articles have not yet been formulated into decrees, so the environmental aspect is hardly regarded.

4.3.3. Emerging institutions

Strategic planning guarantees studying areas in terms of sectoral dimensions with SWOTs to identify the directions needed for a sustainable development strategy over a set period, then comes the projects' prioritization. This plan is advantageous since local authorities can bring in other funding sources when the plan is ready, which is usually a prerequisite for funding territories' development (Harfouche, 2015).

Beirut Built Heritage Rescue 20: This initiative was taken on 6 August by heritage experts and restorers devoted to preserving Beirut's architectural and urban heritage in neighbourhoods damaged by the port explosions.

Emerge: Platform for change makers enabled to support, ideate, and emerge Beirut.

Beirut Heritage Initiative: Independent and inclusive collective, restoring the built and cultural heritage of Beirut affected by the port explosions.

Arab Center for Architecture: Aims to raise awareness about architecture and urbanism within civil society. Its objective is to provide a public forum for debating the present and future of architecture and cities.

Together LiBeirut: Collaborative platform, led by local NGOs Cénacle De La Lumière, Lebanon Needs, and The House of Christmas for harnessing the expertise of specialist in the subjects of health care, mental health, livelihood and heritage preservation.

Beirut Urban Lab (also **AUB-BUL**): Collaborative and interdisciplinary research space that produces scholarship on urbanization. It does so by documenting and analysing ongoing transformation processes in Lebanon and its region's natural and built environments. It also contributes to academic debates about historical and contemporary urbanization from its position in the Global South. Additionally, it materializes visions driven by committed urban citizens and collectives aspiring to just, inclusive and viable cities.

The above-mentioned collectives and initiatives are new forms of associations that are not necessarily legally registered; but they often work voluntarily and independently in areas where the state is absent. They are also distinguished from NGOs in that they are research and academically orientated, thereby making them the "new land experts". As they develop, it will become more critical that they coordinate, share information and delegate speakers to provide the state their opinion regarding the current state of affairs.

We propose that these bodies form a union to develop a new mechanism inclusive of public and non-public actors. A land experts delegate on behalf of the union would then interact with representatives of other unions that shall then report to the mediators, UN-Habitat and the army. These three bodies are the most active neutral agencies with a macro view and capacity to gather assessments from the union representatives to be integrated into state policies. This is especially true for UN-Habitat, which established a regional technical office after the explosion to provide aid within the municipality. Hence, the agency has the legitimacy to bring together public and non-public actors, and its operational principles encourage collaborations with grassroots local communities.

Beirut Relief Coalition: This is a coalition of non-profit organizations and initiatives that joined forces to streamline rebuilding and rehabilitation efforts. Like the proposed land experts' union, this is one

managing all the NGOs working on recovery from the port explosions. In one online meeting with around 40 NGO representatives joining, an Emerge member asked the union leader whether there was any coordination between State-led land agencies developing master plans and people at the grassroots. The answer was no. This state of affairs is not too critical since the army coordinates land use and the assigning of NGOs to specific areas to undertake complete reconstruction. One of the mentioned shortcomings was the absence of detailed revision of the NGO-type working in different areas, which prevents excess resources in one area from being transferred to another in greater need. This could be corrected with greater coordination between the coalition and the army.

5. ANALYSIS OF THE LAND MANAGEMENT AND ADMINISTRATION

Land governance and management is a crucial aspect of urban life. This applies in Arab cities with its gender-responsive land tenure, which is considered sensitive because it links to Islamic law and practices providing women with substantial rights to acquire, manage and alienate property. Thus, it is important to monitor gender-responsive land tenure reforms and draw conclusions for adequate action (UN-Habitat, 2005; Sait and Lim, 2006) Both land tenure and governance issues concern people. According to a study by PRINDEX, 6 per cent of owners and 60 per cent of tenants feel insecure in Lebanon. Some violent conflicts are directly linked to land competitions, natural resources and population growth without productivity or opportunities.

According to Zimmermann, around half of city residents in the Middle East and North Africa live in slums; yet city authorities classify them as illegal. Thus, cities do not plan or manage slums, and their residents are excluded from receiving municipal services like water, roads, sanitation and sewage. People's mindsets, along with policies ignoring them, perpetuates the level of poverty level and impacts negatively on cities. Besides, poverty, marginalization, and debasement of societies and economies are results of conflict over land (Zimmermann, 2011, p. 119).

5.1. Land Tenure

5.1.1. Securing access to land and land-related resources, land allocation, recording and land tenure

Securing land tenure is having one's right to land recognized and protected, especially in challenging cases. Tenure policies relate to the conditions of resource usage, control and transfer of rights (see Figures 6, 7)

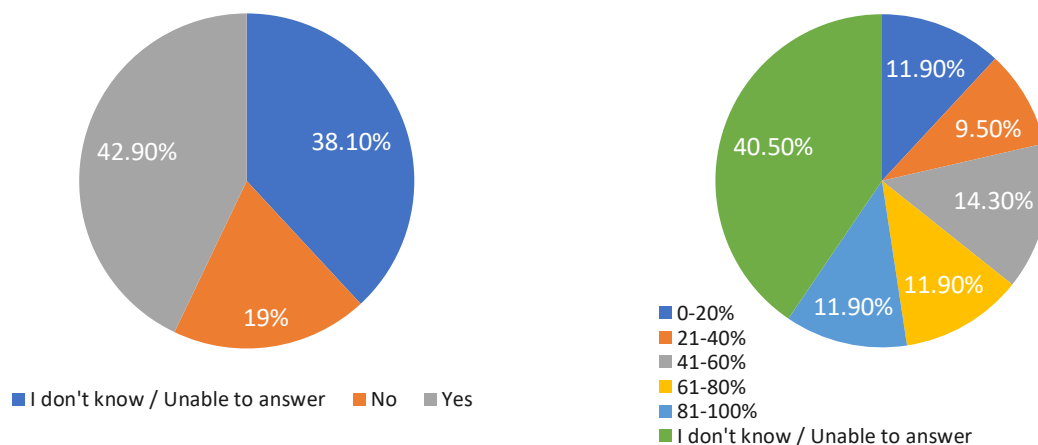


Figure 6: Share of adults with secure land tenure rights with legally recognized documentation.

Figure 7: Share of adults with secure land tenure rights.

The adult population with secure tenure rights depends on citizenship and the area to which they relate (elaborated below). Tenure differs between lands and property. The General Directorate of Land Registry and Cadastre (GDLRC) has all information and laws, but these are not made public; they can be obtained from the GDLRC's treasurer.

5.1.2. Lebanese living in formal areas

Most of the adult population have secure tenure rights. However, they have limited access to resources, although forced evictions are common when influential individuals decide to demolish a heritage building or deem it structurally hushed for development.

5.1.3. Lebanese living in the hinterland

Hinterlands and places outside the capitals of the governorates (Baalbek, Hermel, Akkar, North and South) do not have decentralized land registries. Landownership documents are retrieved from village administrations; often these documents are informal and not legalized. Attempts by the DGU to legalize tenure and ownership documents for rural areas come with high registration fees and restrictions, which disincentivizes communities from registering properties. Commercial spaces in hinterlands are not often registered in order to avoid taxes or because they are erected where there is squatting, hence cannot be legalized.

5.1.4. Lebanese in informal areas

Security of tenure rights is highly estimated due to the strong relationships between informal but influential stakeholders and tribal customs, especially in rural areas.

5.1.5. Non-Lebanese

Any foreigner entering Lebanon legally can have secure tenure to properties, so long as the person can afford the cost of required deeds. However, there are limits to how much foreigners can own, and they are barred from owning land. Many Syrian tenants get around this restriction by having verbal agreements with Lebanese owners, but they are not legally binding. Palestinian residents and domestic workers under the kafala system do not have access to any kind of tenure.

Respondents' answers concerning access to land and resources, their allocation, recording ownership, and tenure security centred around inheritance and gender. Several participants said that Lebanon's patriarchal society and religious norms, especially in villages, favoured male ownership of property. Females face discrimination regarding inheritance rights and tenure transfers, creating disparities in how much property they can own. Furthermore, there are economic hindrances in registering land to women, who are discouraged from obtaining legally recognized documentations. Moreover, men have greater access to loans, depending on a property's value. This makes it easier to register lands inherited by men. Previously, women used to own by inheritance only. But some people preferred to transfer their lands to religious authorities rather than to women. That is how religious endowment grew. Gender disaggregation information exists, although this is not published. The Ministry of Interior is trying to correct this anomaly, but the process is taking too long. Hitherto, the proportion of female adult population with secure tenure rights with legally recognized documentation has been minimal (see Figures 8 and 9).

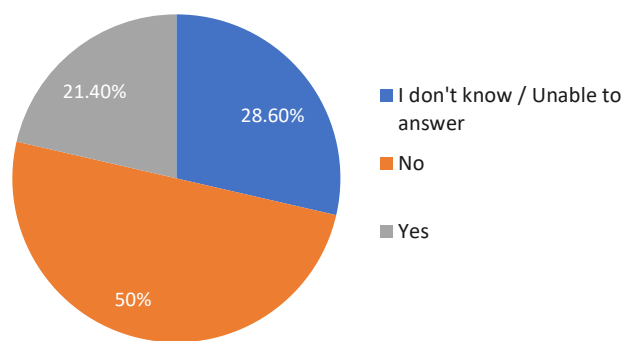


Figure 8: Availability of sex-disaggregated information.

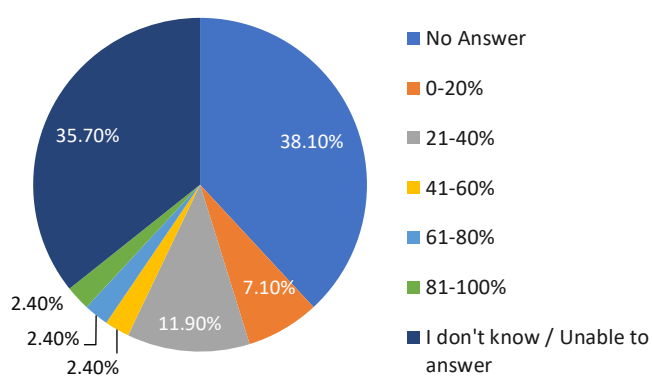


Figure 9: Female adult proportion with secure tenure rights to land with legally recognized documentation.

5.1.6. Sex disaggregated and proportion of females with secure tenure rights to land

Even though gender-related percentages are often found in public institutions, they are not usually published or accessible. The only estimates available are those released by United Nations agencies or NGOs. UN-Habitat has completed several surveys for chosen communities (profiling projects). Currently, there is an online profile (by UN-Habitat and UNICEF) that maps various neighbourhood levels.

5.1.7. Proportion of total adult population perceiving their rights as secure

Some groups, mostly refugees, are not sure of their rights. In fact, they do not have formal rights. Palestinian refugees are highly insecure because of the absence of a tenure framework. Recipients of housing loans also perceive a threat to their attaining tenure due to the economic instability, such as devaluation of the Lebanese pound. Additionally, the continued existence of an old rental law means Lebanese nationals could be evicted from housing without warning, given the drive for more real estate and developments. These evictions are unjust in view of the lack of social housing. There is neither law nor legislation regulating tenancy. Thus, the protection and housing security of tenants is absent where there are conflicts or missing documents. This restricts their rights.

5.1.8. Sex disaggregation and female adult population perceiving their rights as secure

In Lebanon’s unique situation, disaggregation is a severe featured issue because of how tenancy rights are applied, as nothing is represented by public institutions despite the law (see Figures 10 and 11). Women who are rich through inheritance or marriage have advantages over those not so endowed. Likewise, at death, if there is not any equality of propensity among all children, women inherit much less than men, and when they do, social norms dictate that upon marriage their ownership is transferred to the spouse.

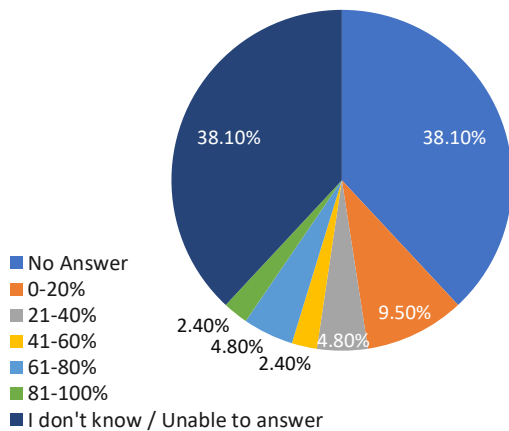


Figure 10: Share of the female adult population perceiving their rights as secure.

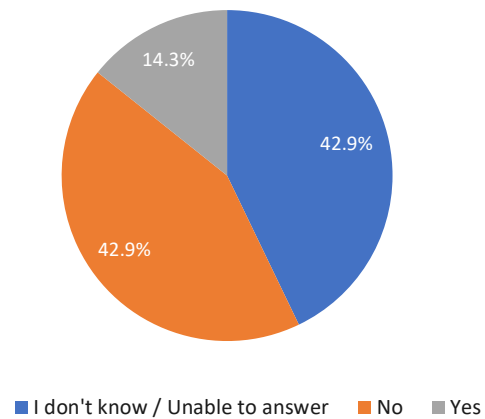


Figure 11: Availability of sex-disaggregated information.

Regardless of land registries, there are difficulties in regions where cadastral guides are not digitized. This introduces conflicting conditions in zones hosting camps for the internally displaced and refugees. GDLRC has digitized data, most of which are open; and a few NGOs like Beirut Urban Lab and Public Works Studio have more security perception data.

5.1.9. Types of land tenure

Respondents to the questionnaire split land tenure into four general types (from least secure to most), varying in formality and legitimacy: (1) Customary (2) Private (3) Rental (4) Public

Legal tenures are those registered, whether bought, inherited, rented or leased; be they private, public, religious endowment, or communal. Illegals are those unregistered or without contracts, such as agricultural lands that people can use, and land forcibly possessed or violated. Private residences are considered the most secure, whereas hereditary ones are the most complicated as the number of heirs can grow over time. When selling, possessions are listed under a company’s name or one person if it is a cooperation.

There are two different types of shares: common and public (non-common). Cousins owning the same property is an example of the common type, and inheritance shares are divided among them. It is alarming that someone might act or decide without informing others. Any partnership is less secure than the individual. In a small, densely populated country like Lebanon, *mashaa* lands are under growing pressure from property developers for their landscape. Their land registry status is added asset, a legal loophole,

seized by neoliberal politicians to acquire large-scale land developments. With a failing economy, especially in villages, communities are abandoning their customary rights.

5.1.10. Likelihood of eviction and displacement

Eviction occurs due to diverse factors, such as wars, fraud, corruption and the provision of proprietary claim papers that occur in insecure conditions and when people travel and occupy assets (see Figure 12). These situations are mostly linked to security and political chaos in Lebanon or in neighbouring countries. Nonetheless, since Lebanon is not a monarchy, the government never dismisses people. Therefore, there is no forced relocation or eviction except during war or if a tenant fails to pay rent. Evictions for non-payment of rent can only be carried out with a court injunction. Furthermore, if an owner or a tenant is paid, a forced eviction occurs with extended court-allotted time.

Given the tremendous rise in population and the difficulty of securing accommodation, individuals are building illegally and relying on the unstable political climate to make money out of the situation. Additionally, the Middle East, generally, and Lebanon in particular, are undergoing geopolitical shifts, with minorities compelled to migrate. Although they are now protected by law, long-standing tenants are most vulnerable as soon as a demolition permit is granted. Besides, new verbal contracts are potentially being legitimized, especially for refugees and low-income housing. Citizens are displaced to make way for transport, urban planning and other projects. Also, given tenants' need for accommodation amidst economic instability, landlords want to adjust rents upwards owing to the lack of valid contracts. This puts the tenant at risk because they do not have any legal support.

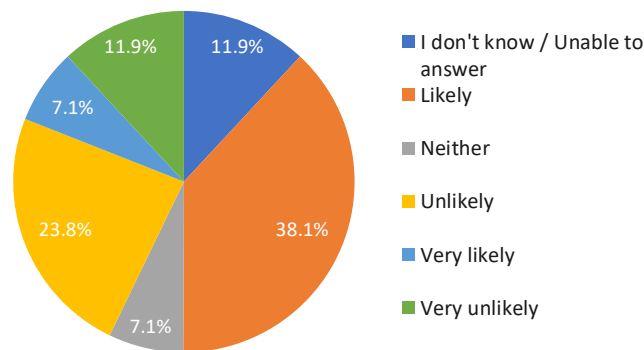


Figure 12: Forcibly eviction and displacement of people.

Displacement is highly class-based. Landownership does not necessarily protect low-income communities from displacement since a public project can displace low-income communities. Compensation can be made under such circumstances but that depends on having the right connections. Conversely, individuals with good connections can secure protection, even if they occupy illegal lands. During the civil war of 1975–1990, all Matn District settlements and other regions were cleared of their residents and replaced by others. Many of the original residents have not yet returned. Population migration can occur again today because of the economic downturn, political impasse and the Lebanese confessional structure. Many residents of Beirut were displaced because of the Beirut port explosions in August 2020.

5.1.11. Main causes of forced displacement

In many regions of Lebanon the main causes of displacement are poor management, public property encroachment, economic and political exploitation, dislocation of minorities, absence of law enforcement, administrative centralization, long-term land investment loss, a poor economy, the weak exchange rate against the dollar and unemployment. In Lebanon, displacement occurs mostly informally owing to the absence of leases, changes in the composition of certain areas (i.e. displacement of land tenure for “Christian” owners in Beirut’s southern suburbs), and in some circumstances, forced evacuation by local communities (i.e. forced evacuation of minorities by local majorities). Other evacuations have occurred owing to financial difficulties.

People sell their land or use falsified papers to grab forcibly seized by nearby initiatives or geographical positions. Rebuilding the area damaged by the port explosions has raised land and property values, placing residents at risk of eviction and loss of individual rights. Internal political and religious complexities trigger internal displacement, whilst external complexities are linked to the pressure on Syrian and Palestinian refugees to leave. For nationals, buying a home today depends on the number of monthly salaries that can be saved. Respondents to the survey questionnaire show that it takes anywhere between 30 and 450 months of salary to buy a home (see Figure 13). This shows the huge differences between income and home prices.

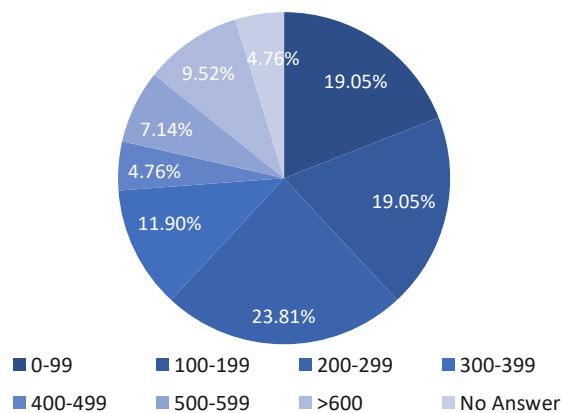


Figure 13: Estimated number of months needed to buy a home in relation to income.

5.1.12. Cadastral System

Functioning cadastral system covered in Lebanon and proportion of digitized information

Regarding zoning laws, there is a cadastral scheme with all unsurveyed land. Since detailed topographic maps are not available for all lands, property lines are not always visible. Moreover, although proper digitization of land exists in main cities, this is frequently lacking in villages. Another weakness is that the degree of permission granted public bodies to access cadastral documentation is grossly insufficient compared with that granted private academic institutions. Some municipalities may provide digital maps of their areas, but only after strenuous effort by a few individuals. Cadastral maps are certainly inaccessible to the general public (see Figure 14).

The Ministry of Finance began a digitization drive (using automatic computer-aided design or AutoCAD files, not GIS) of some remote areas in 2003 and stopped the process in 2018. Currently, Beirut Urban Lab is working on a digital cadastral map of the city. National coverage is divided into almost 65 per cent of Lebanese territories surveyed and 35 per cent un-surveyed (see Figures 15 and 16). Even among the 40 per cent covered by the cadastre, there are disagreements over land limits. Digital information is used by private offices and topographers, but not by municipalities.

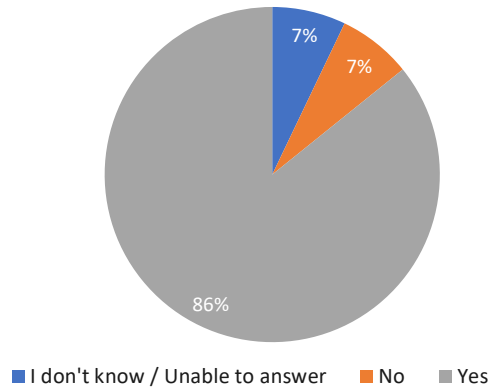


Figure 14: Availability of functioning cadastral system.

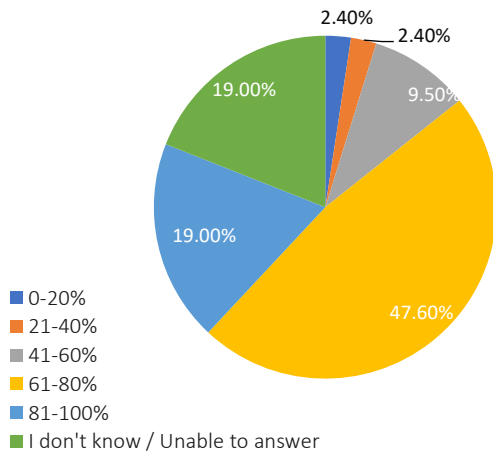


Figure 15: Proportion of country covered by cadastral system.

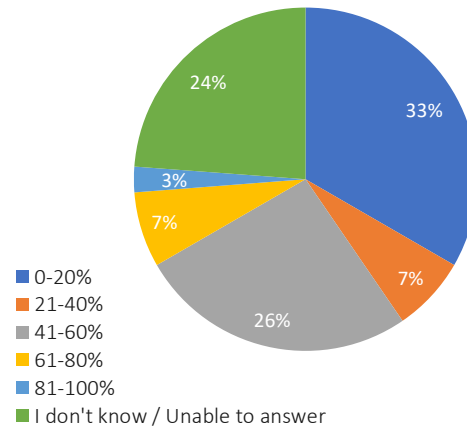


Figure 16: Share of digitized information.

Ownership determination of land begins with the scanning process (selection and editing). The Survey Department then delineates real estate borders with an official record. However, after measuring and checking (aerial photographs that show property boundaries) and making identifications for completion, legal documents (bond and title of property) are drawn up. There is no opportunity to withdraw after registering and possessed properties have been assessed and verified.

Many landowners lack confidence in the land registration process and others fail to pay registration fees, resulting in ineffective cultural habits. Cultural perceptions make it easier for men to buy land compared

with women, especially in remote areas. Since there is widespread social perception or gender construct attributing greater trust to men than women, it is easier for men to secure loans to buy assets. Nonetheless, where a man and a woman jointly own a home, they are treated fairly as they need to use it as collateral. This demonstrates Lebanon’s ingrained patriarchal structure. Furthermore, women tend to place greater value on land tenure because they provide financial protection. So, women are less likely than men to use it as collateral.

Procedures for creating new properties, altering existing ones and making transfers

Time, processes and bribery make it more difficult to shape or transfer land. Transferring tracts of land has its own procedures that are easy once the deals are made. It takes longer where corruption is at play, but it is still easy (see Figure 17).

Land registration services are considered complicated although land arguments and property rights, signed by a mayor, have existed since the Ottoman period. However, after comparing aerial photographers showing land borders and variations, valid property documents drawn establishing numbers and limits. There is no provision to decline or remove the document once it is signed and recorded in the cadastral survey.

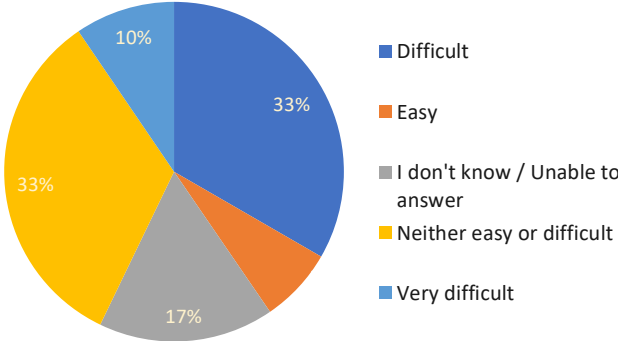


Figure 17: Degree of procedural difficulty in creating new properties.

One survey respondent mentioned that after the Beirut port explosions BUL prepared and distributed an extensive cadastral map that never existed before neither within the Beirut municipality nor with the Order of Engineers and Architects. However, acting jointly, the two bodies were able to place town records onto a uniform capital database. In 2019, BUL presented the first accurate city plan to the municipality and OEA that was supposed to feed into Salim Al-Kadi’s⁴ 3D model. Their vision is developing a critical entity at the American University of Beirut’s architecture and design department.

The procedural complexity in purchasing, modifying or transferring land is mostly due to the multiple approvals required by various entities, some of which have contradictory opinions, resulting in uncertainty. Also, there is lack of clarity about which procedures to follow when purchasing land. The

⁴ Salim Al-Kadi: Architect and researcher in spatial mapping. Official website, available at: http://www.salimalkadi.com/07_beirut-001.

difficulty in understanding and adjusting to the law, obtaining the needed paperwork, and dealing with a bureaucratic environment based on individual opinions and moods makes it more difficult to build new properties (see Figure 18).

Transferring lands is facilitated by political support and modifying them depends on the property’s position (involved stakeholders, property owners, rural and urban); see Figure 19. Also, it is too bureaucratic, time consuming and costly to build new property in a non-surveyed area or change its use if already registered with the GDLRC (see Figure 20). Nonetheless, it is relatively easy to transfer it by sale or inheritance. With numerous departments involved (such as finance, municipality, notary) and well-established procedures set, transfers are usually simple to process even when stepped in bureaucracy.

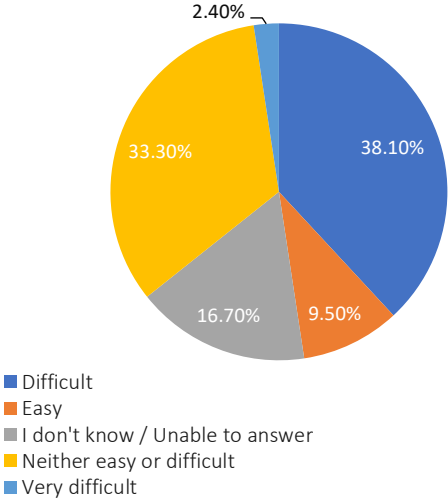


Figure 18: Difficulty of procedures to alter existing properties.

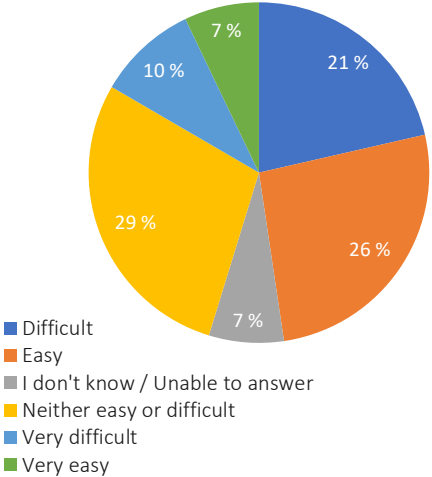


Figure 19: Difficulty of transferring properties from one party to another.

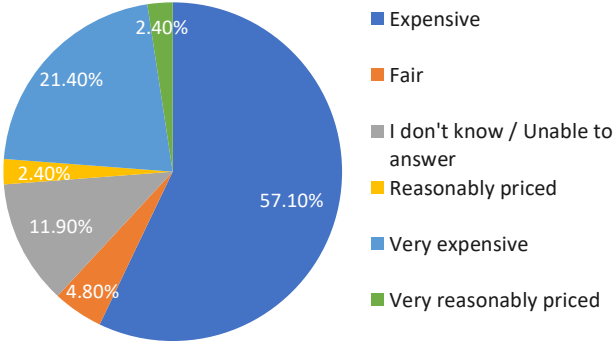


Figure 20: Cost of creating new properties or altering existing ones from one party to another.

5.1.13. Cost of creating new properties, altering existing ones, transferring to other parties

Due to the deterioration of the Lebanese pound against the dollar, property transfer is applicable and fair because ownership is still transferred in Lebanese pounds rather than in dollars. So, no matter how expensive it is, the rate used is still 1,500 Lebanese pounds. At the same time, the cost of procedures is

proportional to the land value. Those in the building industry use “fresh dollars”, meaning that transfer fees are minimal but in group situations fees could be even cheaper.

In recent years, three big property development patterns have sprung up. They are as follows:

- Public-private partnership: this is where the government abandons lands reserved for construction, such as Zeitouna Bay. This is only feasible for political patrons or influential institutions. [to incentivize; **not expensive**]
- Religious properties: Such properties cannot be purchased but may be leased for 99 years. These are normally agricultural lands. These properties revert to the religious organization at the end of the lease period or maybe renewed under new terms. For example, since the airport is administratively in Choueifat, it is legally obliged to pay rates to that municipality, yet it does not. This is an example of political exceptionalism. [to incentivize, **not expensive**]
- Selling public property to private owners or someone who wants to purchase it to generate money for the State. [to sell at the market rate, **expensive**]

Governmental laws regulate modifications to existing properties. To change the land’s track requires the approval of the Directorate General of Urbanism and the Higher Council for Urban Planning. To develop a large property, the owner needs to set 25 per cent of the overall land aside for public gardens and roads.

The percentage loss in the land’s value goes to the municipality. It occurs when properties are transferred by inheritance. Registration fees usually equal 2–3 per cent of the land’s purchase price. Informal charges, such as the those to brokers for processing land registration, are normally associated with higher costs. According to a report by the university released in 2020, Lebanon earned 59.4 out of 100 in the World Bank’s ease of doing business index with regards land registration and was ranked 110th in the world in terms of registering property value.

Answers to the question on the length of time it takes to record changes to the cadastral record varied between short and long duration. The majority, 11 respondents, believed that it took 1 to 2 months; the remaining 7 respondents said over three months (see Figure 21). The procedure still depends on gratuity, clout and whether officials have incentives to quickening applications.

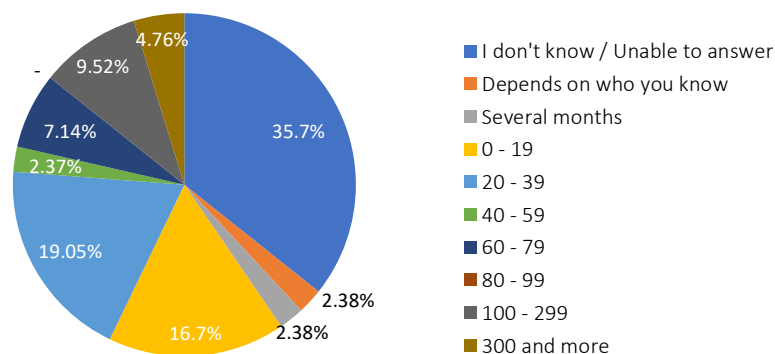


Figure 21: Average number of days to record a change in a cadastral record.

Given the current financial crisis, there are no accurate figures as the right sum is influenced by corruption and bribery. But registering land and homes is dependent on the land’s evaluation: area, worth, type, zoning and other criteria. Home registration might range between 10 million and 30 million pounds, depending on municipal estimates (see Figure 22). The process is only 60 per cent without fraud.

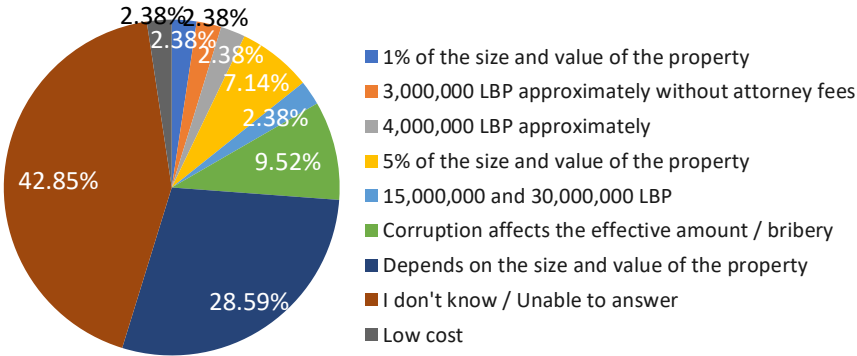


Figure 22: Cost to record a change in a cadastral record.

Cadastral offices in Lebanon (centralized and decentralized) and professional workers

Governorates have cadastral offices in a decentralized system (see Figures 23 to 25). Private real estate companies (such as Solidere and Mechref) are examples of how different developments relating to different areas would have one-off procedures, privately owned with their own zoning laws and building codes. However, their cadastral document can be accessed from their respective governorate office. These areas were designed attract investments and are often backed by a political patron. Individuals continue to pay Solidere and Lebanese border fees totalling at least LBP 250,000⁵.

⁵ Due to the current devaluation of the Lebanese Lira (LBP) started in 2019, and the discrepancies between the different official and unofficial rates of LBP against USD, it is not possible to establish an accurate value in USD.

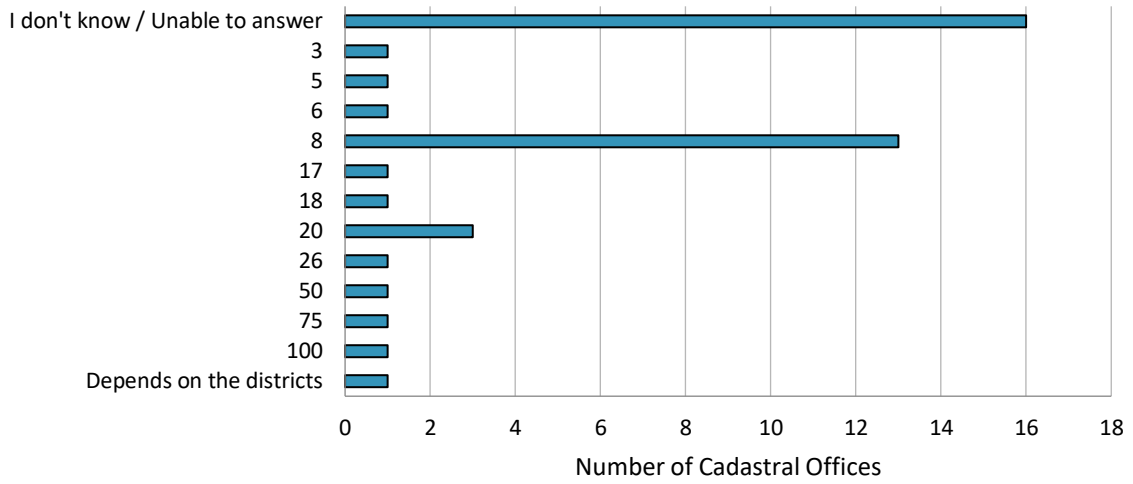


Figure 23: Estimated number of cadastral offices in Lebanon.

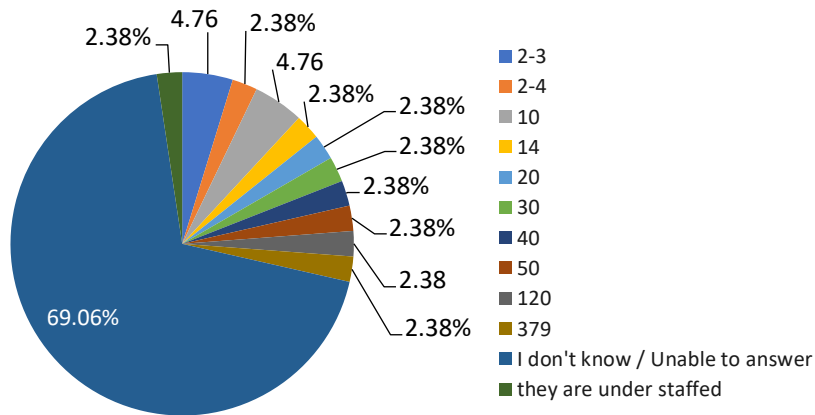


Figure 24: Number of professionals working in the cadastral offices.

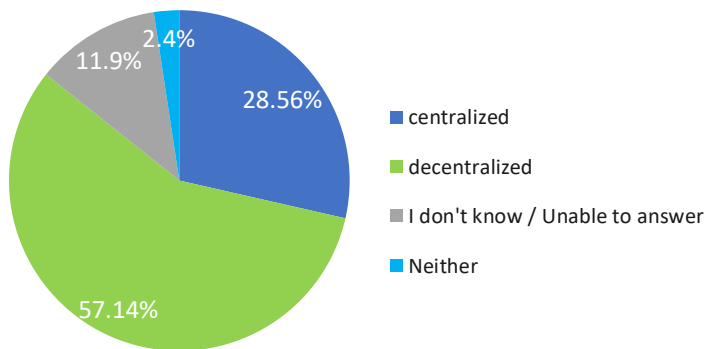


Figure 25: Decentralization of the cadastral system.

5.1.14. Land tenure information and spatial data infrastructure

Types of information included in the cadastre

The cadastre desks handle tasks dealing with technical permits, while the land registry desks handle the legal aspects. The cadastral system documents are divided into: (1) records, property record showing commandeering, area, date; and (2) charts, with surveying boundaries and land use. Furthermore, there are two record types: journal and title). The title includes word on the lot size, sales, projected public programmes, court cases, where sales get registered (trade, legacy, merging, documents, charges, deeds). The journal lists the records of property transfer, lot offices and rights, including violations or bank and court reservations.

Only 2 out of 39 respondents were not familiar with such information. The majority answered thus: cadastral map (boundaries), tenure and ownership status (names and numbers of owners together with the division of shares), plot details (number, area), municipal zoning (land type, use and value, operation, elevations and heights), neighbouring lands and adjacent streets (whether public or private) including natural elements (rivers, trees etc.), topography and topographers' pins, existing roads and built up areas, rules (setbacks and permitted footprint ratio) together with all planning and building requirements.

The relation of cadastral information with other spatial data

Maps, boundaries, rights, land value, usage and other cadastral data are linked and interoperable with other spatial data; that is, natural resources maps, land use plans and zoning, water resources, forestation and topography (see Figure 26). Usually, survey maps correspond to the geographical arrangement of properties, including conditions of exploitation, permissible heights, expected expropriation and any special criteria for building on properties. A descriptive indicator could show on the cadastral map but might not be reflective on the ground or surface observation (that is, no sublevel information for spring water).

There is no station to gather and compile information. The only spatial features shown are planned roads, which are often never built. Additionally, there is a so-called System of Global Quality, using the geographical map and linking it to the world (since the world is spherical and not flat). This is a global reference point used by universal networks to use coordinates acting as axes on maps.

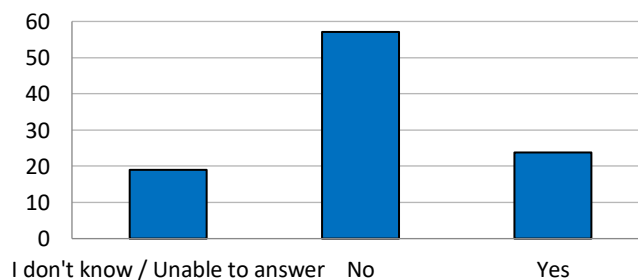


Figure 26: Linkage of cadastral information with other spatial data.

Accessibility, usage and actors of the cadastral information

The registry or municipality do not easily provide land records. Gaining access to such information requires certain political influence. The cadastral information is useful for feasibility studies. Some of this information is available digitally and accessed through GDLRC but not by the general population (see Figure 27). Certificates are available for a fee and only for officially assigned persons, as copies, and in Arabic paper format.

Actors include NGOs, international organizations such as United Nations agencies, government and private academic institutions, real estate companies, investors and tenants. Information on all types of public properties is required for master planning purposes; actors are the DGU, CDR, DGR, GDLRC and the Ministry of Finance.

UN-Habitat is undertaking a geographical mapping operation with georeferencing, secured in Burj Hammoud (following Syrian refugees' needs), and which is to be expanded and intensified in post-Beirut Port blast to mark needs and support master plans. UN-Habitat recorded the explosions on cadastral blueprint from Beirut, elaborated by BUL, to be used as the base map for the geo-corroborated data collection.

Much of this information greatly aided planners, designers and relief agencies in coordinating their efforts. BUL organizes the recovery effort to avoid duplication in relief efforts so that aid can flow efficiently. Following this, focus will rest on renovating three public spaces indicated on the app, municipal land, a public park as well as three private properties in El-Khodor neighbourhood.

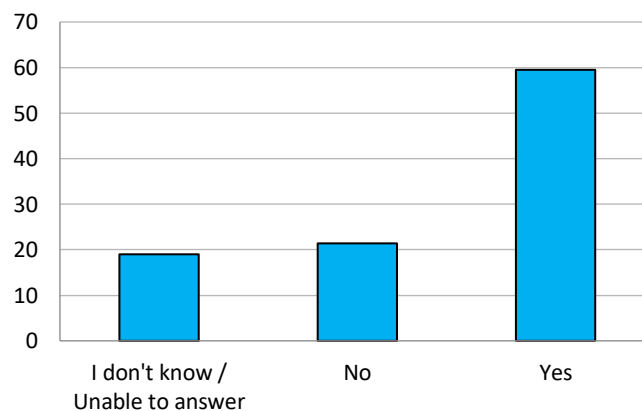


Figure 27: Accessibility and usage of cadastral information within decision-making processes.

5.1.15. Other forms of land tenure allocation or registration

The land registry system is not related to title incorporations at cadastral judges, which are areas that are not surveyed or delineated. Once they are delineated, the cadastral sends the custom-built title registers to the relevant land registry agency where they are converted into final title registers (see Figure 28).

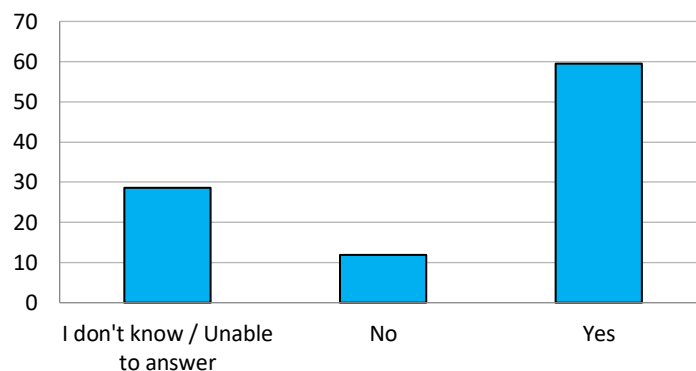


Figure 28: Availability of other forms of land tenure allocation or registration.

Under Lebanese law, certain areas are designated permitted and others prohibited. Many of them are on religious property. Other forms of land tenure allocation and registration vary in six main types, some linked and others not to the cadastral system. The main types are as follows:

- Informal possession or ownership of public property (Ouzai and Sahra El-Choueifat), slums and refugee camps (for Syrian and Palestinian), and *terra nullius* (unoccupied wastelands) squatted on and allocated informally, or by trade-offs between informal influential stakeholders not linked with the cadastre;
- Un-surveyed areas and non-registered commercial and residential spaces in hinterland areas are allocated informally through agreements (not linked with the cadastre);
- Temporary land tenure, such long-term lease, which applies to the case of Solidere and connecting public institutions to temporary private ownerships (linked with cadastre);
- Properties with lease contracts (written and verbal rent contracts) registered with municipalities at location of property (not linked with the cadastre);
- Religious ownership or endowed land; religious institutions could have their own registries and may locate people in a building they own (linked with cadastre);
- Generationally inherited land for families, that is Salloum lands in Bekaa.

The United Nations Development Programme defines capacity-building as “the process where individuals, groups, organizations, institutions and societies increase their abilities to: perform core functions, solve problems, define and achieve objectives; understand and deal with their development needs in a broad context and in a sustainable manner” (Zimmermann, 2011). Discussing land tenure functions, participants highlighted two consistent points; the leeway on law enforcement due to political influence, aside from ambiguity around perceptions that there are no guarantees. These two points are also found throughout the survey respondents’ answers related to land value as a core function.

5.2. Land Value

Corruption and political influence strongly affect core functions of land administration. Zimmermann in his publication *Towards Land Governance in the Middle East and North Africa* on p.118 provides support for this claim, with Lebanon showing the highest percentage of answers saying it is a very serious problem

(see Table 4). Other sections further elaborate on land valuation subcategories shedding light on their ambiguities and challenges.

ANSWERS	TOTAL SAMPLE	MIDDLE EAST AND NORTH AFRICA			
	69 countries	Iraq	Kuwait	Lebanon	Morocco
1 Not a problem at all	2%	3%	1%	1%	0%
2	6%	11%	7%	1%	0%
3	18%	17%	10%	4%	2%
4	23%	22%	18%	14%	17%
5 Very serious problem	36%	21%	56%	79%	77%

Table 4: Problem of political corruption in land matters in MENA
Source: Zimmermann (2011).

5.2.1. Assessing value of land and properties

Institutionalized methodology to assess the value of land (urban and rural)

There are two main answers on existence of institutionalized methodology: (1) owners set and control land prices, (2) valuation experts set the land price measures (see Figures 29 and 30). It is noticeable that there is confusion about land prices. Joseph Azzam (ex-Union Municipality member) a professor at the America University of Beirut claims that land value is managed and reviewed by government employees at GDLC, checking the value of land being rented, transferred or developed for the taxable percentage to be calculated (6 per cent). This is achieved by contrasting local average property values with previous sales. Informally determining land value relies on current prices, personal knowledge and the spread of fraud; 11 respondents identified corruption and manipulation as major issues in land valuation. Azzam states that coastal lands are assessed because of specific cases, setting future attempts patterns. He says that Lebanon’s expropriation statute contains valuation processes, demonstrating that previously legislated cases used exist under extraordinary situations or serve the government’s interests. The survey participants identified land size, quality, supply and demand, current arrangements, zoning and exploitation ratio, main road access, proximity, soil type, vision and symbolic value, as factors influencing prices.

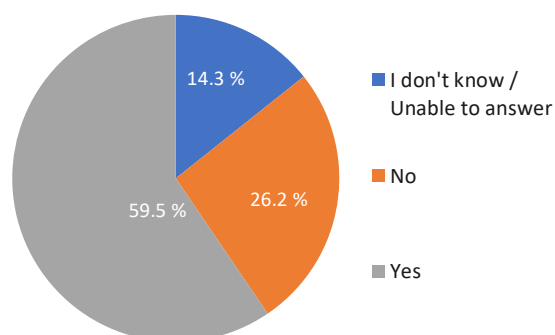


Figure 29: Availability of institutionalized methodology to assess land value (urban and rural).

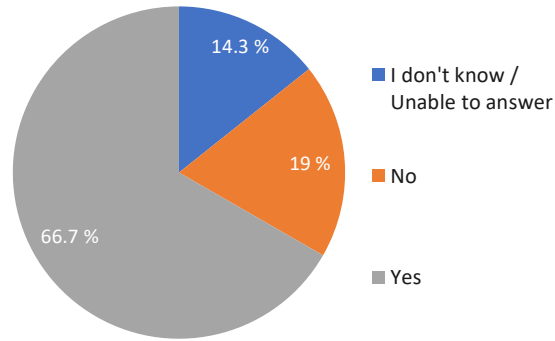


Figure 30: Availability of institutionalized methodology to assess the value of buildings

Institutionalized methodology to assess the value of buildings

Questionnaire respondents identified DGA, OEA and municipalities as the main institutions responsible for assessing the value of buildings. The respondents mostly agreed that building valuation exists only in officially recognized locations, and not in unofficial settlements and camps (see Figure 31). Among the respondents, 2 out of 10 believed that the value of properties was determined by classification systems because speculation, bribery and corruption still existed (see Figure 32).

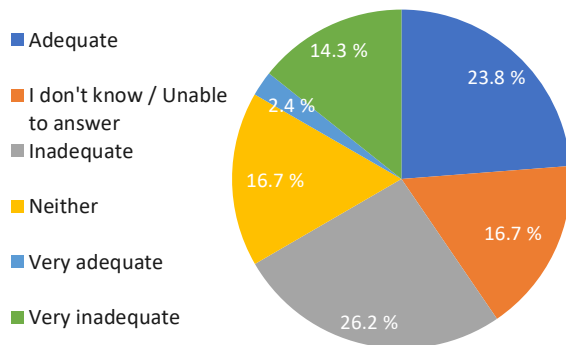


Figure 31: Adequacy of the methodology.

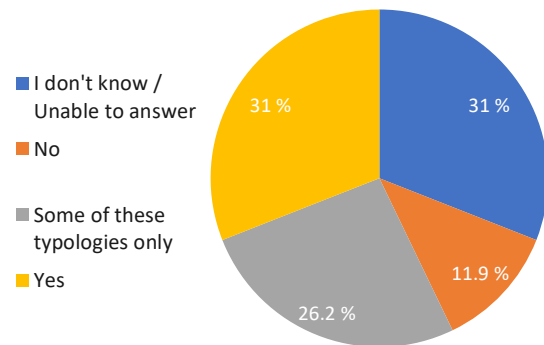


Figure 32: Methodology coverage of all land tenure types. (e.g. registered, private, public, informal/ unregistered).

Professional valuers

On the question regarding the ease of reaching professional property valuers, seven respondents said valuers were easily accessible, while four said they were not (see Figure 33). Clais, an AUB academic, says there seems ambiguity in land valuing processes. The syndicate is drafting legislation so that its members must be used for all land valuation. Concerning experts, some respondents, mostly those from non-related fields, reported that would always be enough land users. One survey participant claimed trying to apply to the syndicate but was rejected despite knowing the monopolizing valuers' linked roles and needs. Still,

there are divergent views on valuers' payrolls and under which functioning institution. Figures 34, 35, and 36 illustrate the main categories of professional valuers who participated in the survey.

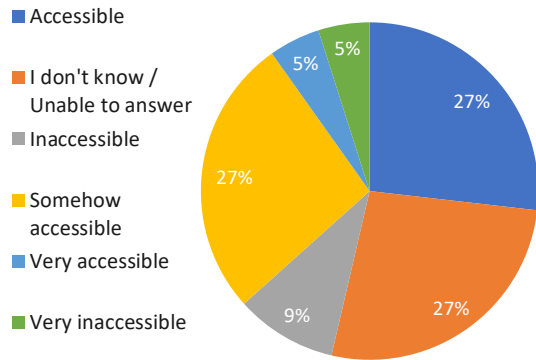


Figure 33: Are the services of professional valuers very accessible?

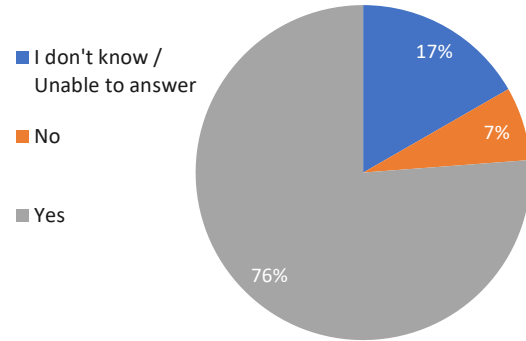


Figure 34: Officially recognized professional valuers.

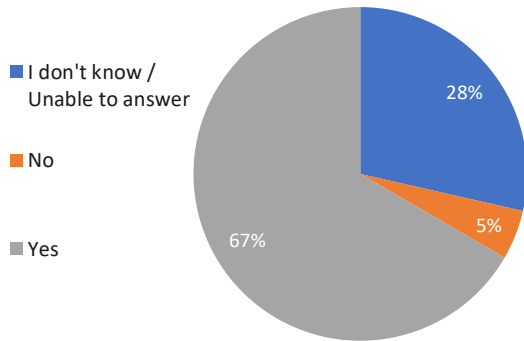


Figure 35: Registered professional valuers.

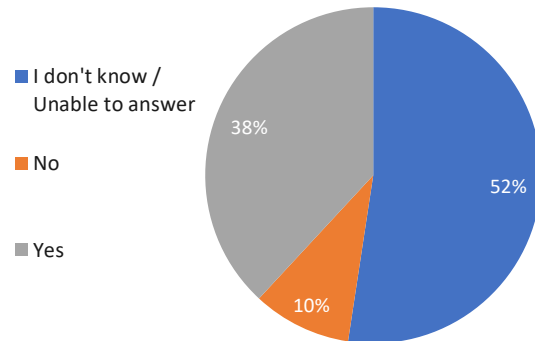


Figure 36: Trained professional valuers.

The survey results highlight the following views on the institutional framework within which valuers work:

- **Experts, charging their own fees:** seen as freelancers who get paid like private consultants;
- **Government employees:** with less job monopolization since valuations are managed and distributed by public agencies;
- **Assigned by courts and banks during dispute:** largely seen as bank-related contractors;
- **Certified by the public sphere but work for banks:** largely seen as bank employees;
- **Brokers, profiting from properties' value (2.5 per cent):** seen as brokers, not consultants, charging fixed fees;

- **Topographers, working with municipalities:** seen as coming from a topographic or technical background, contracted by municipalities.

5.2.2. Calculating and gathering revenues through land and property taxation

Revenue collection can be difficult in Lebanon due to public reluctance to register taxable assets as well as leeway given for political influence to thrive. Most survey participants agreed that the only taxed assets are the potentially profitable but vacant apartments, co-ownership apartments, those owned by Lebanese living abroad, and undeveloped properties owned by land developers. This exception, however, leaves half of Beirut’s dwellers to prove their properties are vacant. Additionally, it could be difficult to tax tribal leaders or political patrons who are often exempted due to their political clout. Figures 37–39 indicate that the taxation system is applicable in urban and rural areas. However, this does not translate into the taxes being collected.

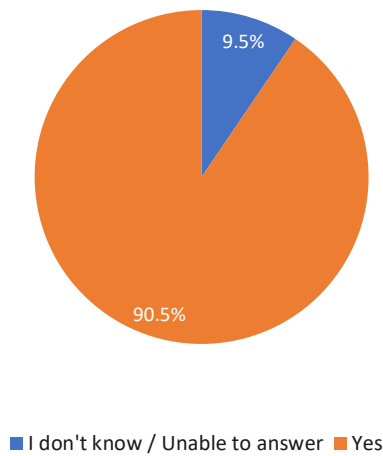


Figure 37: Application of taxation system in rural areas.

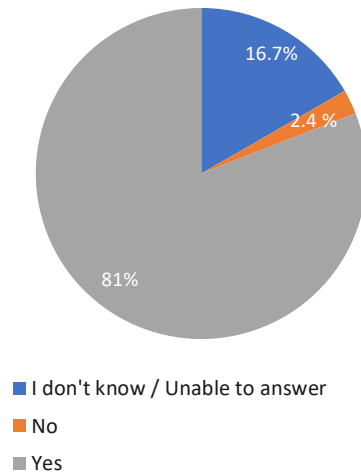


Figure 38: Taxation system for lands, properties and its application in urban areas.

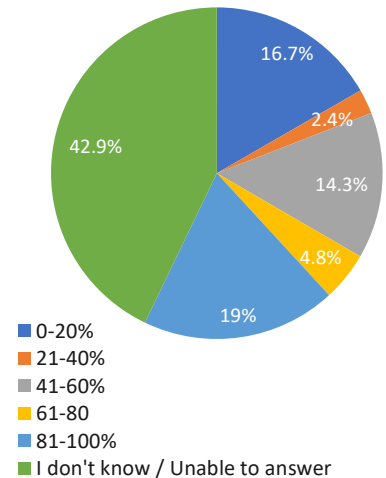


Figure 39: Percentage of land and/or properties taxed.

After Lebanon’s currency devaluation, there was a land registration surge since many saw the measure an opportunity to legalize their assets at a low rate. Before devaluation taxation rates were considered unjust for the following reasons (see also Figure 40):

- Inheritance tax can be unfair if the inheriting children do not have the means to pay the tax and probably need the property but cannot afford to benefit from it.
- Many parents prefer granting their children lands attorney power rather than transferring the assets as inheritance to avoid paying taxes. They argue that it is unjust for family members to pay to inherit what their parents or ancestors worked hard for, but it is acceptable to sell properties to strangers.
- A grievance raised about the wealthy and influential elite is that they use powerful connections to avoid paying taxes, suspending the law as it suits them.

- Perceiving unfair taxation system is for getting nothing in return in terms of public services. One participant said vacant properties should be taxed less.

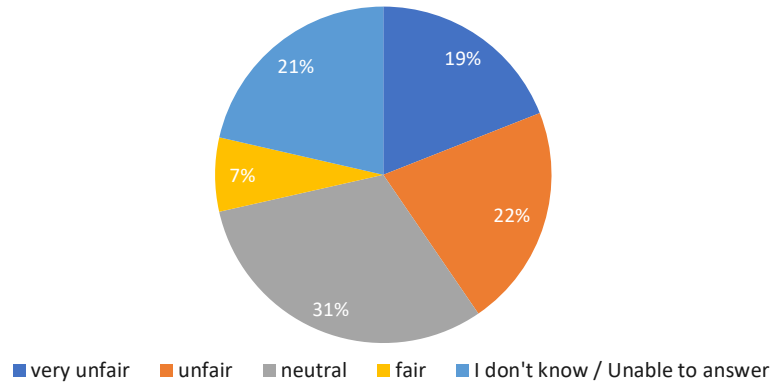


Figure 40: Fairness of taxation rate.

5.2.3. Taxation rates and fairness

Regarding the questions on percentage of land and property revenues collected; percentage of municipal expenditures paid through income from land and property taxes, one government respondent claimed that municipal expenditures were mainly from municipal taxes and recently from the telecommunications ministries (see Figure 41). Another claimed that municipalities did not have other funds to access, although this claim can be questioned as there are municipal taxes (see Figure 42). Lastly, one respondent claimed that taxes went to the centralized treasury and, therefore, were not used directly by municipalities. Again, the varying answers indicate that there is confusion regarding on what public money is spent on local authority initiatives; there is no real standard on how each municipality uses its budget.

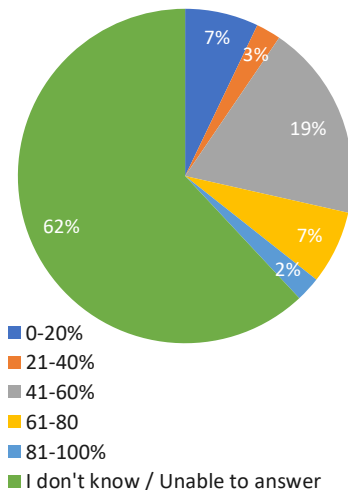


Figure 41: Percentage of land/property revenues collected.

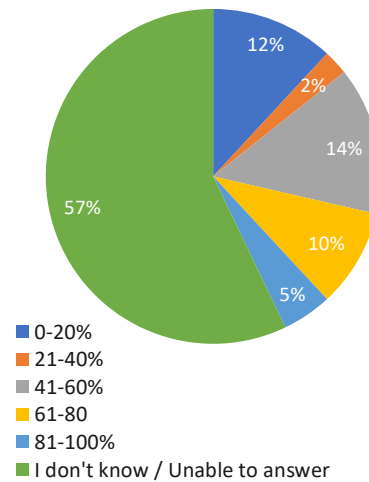


Figure 42: Percentage of municipal expenditures paid through income from land and property taxes.

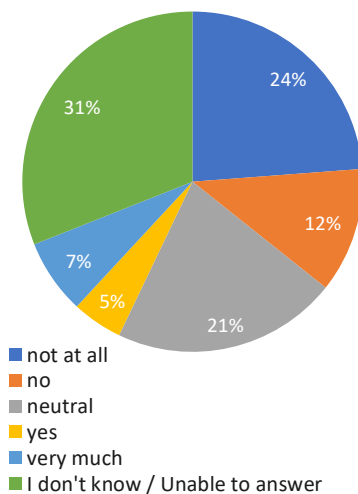


Figure 43: Is the impact of taxation on the use of land and land markets considered by decision makers?.

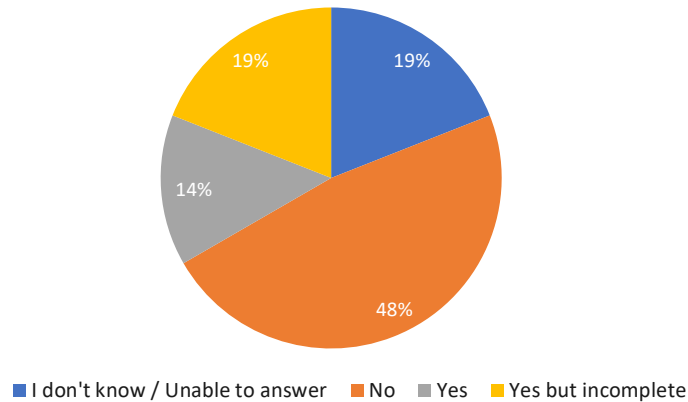


Figure 44: Availability of complete and accessible digital land information system recording land value.

5.2.4. Land value information

Accessibility of digital land information system recording land value

Azzam clarified that the land registry system was now available online for people to access cadastral plans. However, those documents cannot be used officially. One goes in person to request a document paid for with fiscal stamps for it to be a legal document. Non-governmental actors, NGOs and organizations like Public Works Studio and Arise, are attempting to digitize by assisting with data gathering and filling gaps. According to one UN-Habitat employee, Beirut Urban Lab (BUL) completed the city's first proper digital cadastral design recently, coincidentally after the port explosions.

Generally, there is a lack of clarity on land valuation processes, and survey participants expressed a uniform interest in having more developed taxation laws differentiating between personal inheritance and land registration for property development and revenue generation. Additionally, there is lack of digitalization regarding the amount of land and the validity of information because it (information) is not updated. The lack of systemization, taxation and digitalization have witnessed a rapid improvement since the port explosions, which forced emerging non-public entities to fill the void left by the government. The increased land registration resulting from devaluation of the currency suggests that maintaining low taxation rates has helped in the getting all land in Lebanon registered. Yet corruption remains an underlying threat, triggering feelings of unfairness among survey participants, because the society's elite are exempted from taxation though they need a "tax-exempt status" less than more marginalized individuals.

5.3. Land Use

Land use legislation is also subject to political influence when it comes to enforcement. Agricultural land is threatened in several areas due to the leeway on real estate expansion, thus compromising the overall land use zoning of a given area. Rural farming and production are important, as such a socially just land policy, land use plans and sustainable management practices are needed. Zimmermann (2011) proposes the following policy recommendations:

- Ensuring socially just land tenure systems and designing realistic enforceable land use plans;
- Enhancing sustainable land management practices and protecting land from degradation;
- Promoting scientific research in natural resources protection;
- Enhancing the role of the private sector and civil societies in implementing sustainable development programmes.

In **control and enforcement of land use decisions**, 53 per cent of the survey participants believed there was an absence of adequate and updated land use plans (see Figures 45 and 48); 43 per cent saw thought these plans were adequate (see Figure 46). Local master plans, when available, are more enforced, compared with national plans. Political influence might change all laws and enforcement (see Figure 47). Power and connections (falling under the category corruption) are factors determining change in land use at the local level, this is reference to weak laws. Following the land use plans happening in cities might be altered in location with less surveillance.

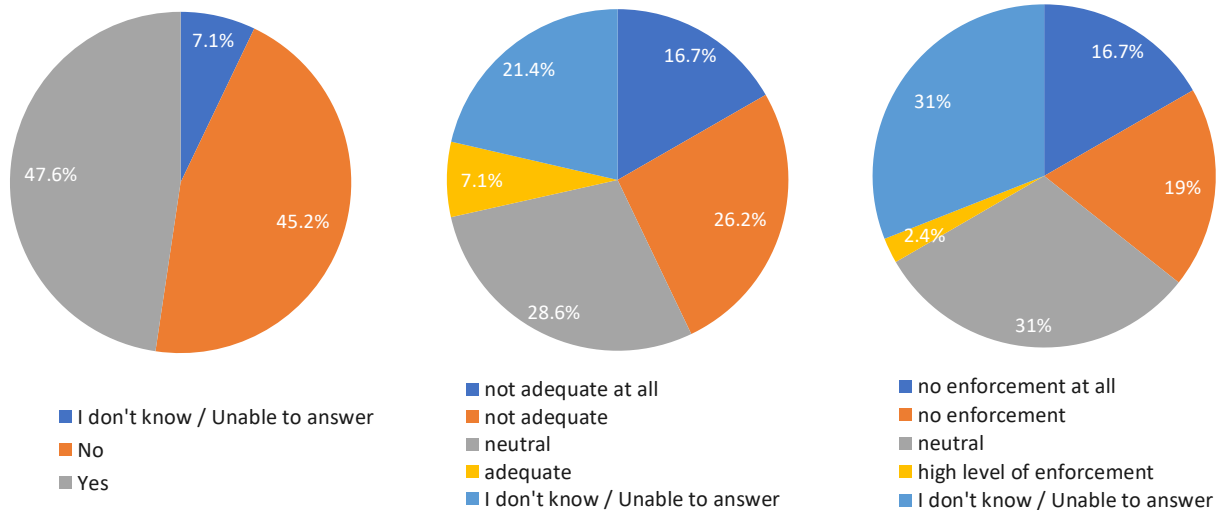


Figure 45: Availability of adequate and updated land use plans at national level.

Figure 46: Adequacy level of land use plans at national level.

Figure 47: Enforcement level of land use plans.

At **regional level**, unions do not make decisions and cannot enforce land use plans. Yet there are exceptions for members of the political elite who can be granted permissions to undertake for private projects that can destroy environmental heritage and have a negative impact on the environment. Some examples of such environmental damage are quarrying, wedding venues crossing over nature reserves, building of private residences. Although numerically fewer, officials who fail to enforce land use plans (changes in zoning and making legal exemptions for personal gain) have greater impact than those who ensure enforcement (see Figures 48, 49). It is difficult to enforce master and land use plans since donors often have their own priorities that conflict with those of local communities; areas are often developed according to communitarian and sectarian interests. This situation increases fragmentation in planning within regions, and the diversity makes it more challenging to create large-scale master plans and vary in

land use among localities. However, the three levels (national, regional and local) are not reflected clearly in the planning law.

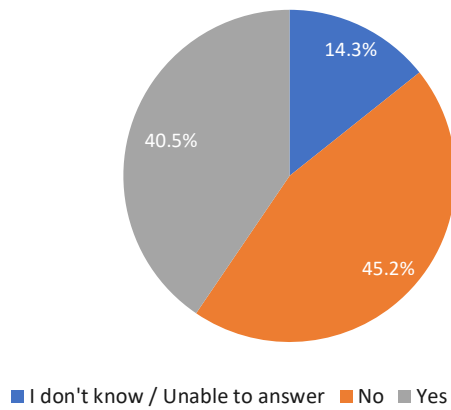


Figure 48: Availability of adequate, updated land use plans at regional level.

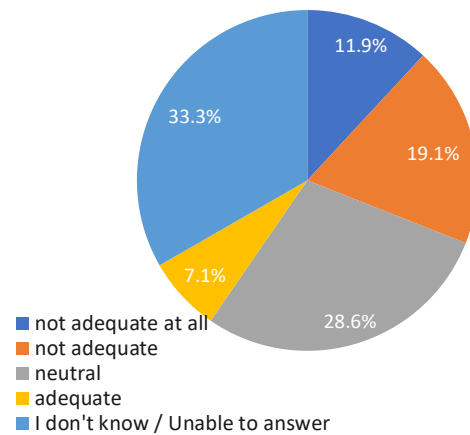
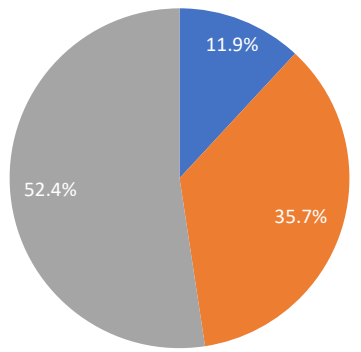


Figure 49: Level of adequacy of the land use plans at the regional level.

On the **Local level**, some survey participants perceived the land use plans as adequate (see Figure 50). However, there was a difference of adequacy between urban and rural areas, which also depended on the efforts of each municipality (see Figure 51). Several municipalities developed detailed digital plans for their jurisdictions while others have not as there are not national scale strategies pushing them to do so.

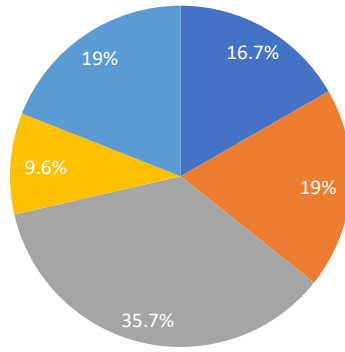
One needs to follow the zoning regulations for obtaining a building permit for any new project that is obtained without following zoning regulations when politically influential and affluent persons are involved. Without the aid of international partners, developing land use plans becomes challenging because of the lack of know-how within municipal administrations. Municipalities have executive prerogatives and, as such, are promising administrative entities in terms of their capacity to influence positive changes. The municipalities' union has been a legislated administration entity since 1978, and its management capacity affects its enforcement ability (see Figure 52).

Regarding the fast-growing urban centres, which has added more than 1 million Syrian refugees to Lebanon's population of approximately four million, political struggles and the sectarian political system have their impact on urban master plans. However, it usually takes several years to develop a plan, leading to outdated land use plan outcomes. With the varying municipal financial capacities, rich private investors play an important role in decision-making within urban centres.



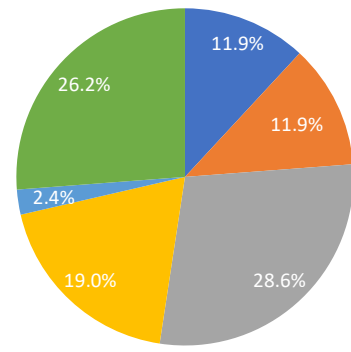
■ I don't know / Unable to answer
 ■ No
 ■ Yes

Figure 50: Availability of adequate and updated land use plans at regional level.



■ not adequate at all
 ■ not adequate
 ■ neutral
 ■ adequate
 ■ I don't know / Unable to answer

Figure 51: Level of adequacy of land.



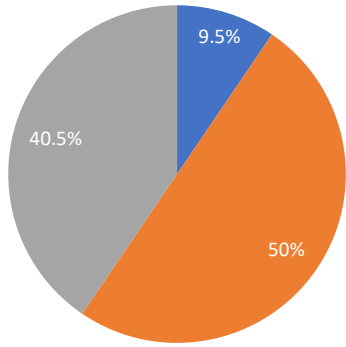
■ no enforcement at all
 ■ no enforcement
 ■ neutral
 ■ high level of enforcement
 ■ highest level of enforcement
 ■ I don't know / Unable to answer

Figure 52: Enforcement level of land use plans at regional level

5.3.1. Land use in informal areas

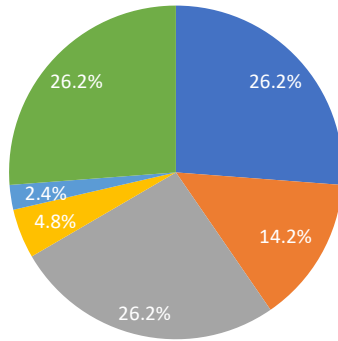
When developing plans, informal neighbourhoods around Beirut’s outskirts and within the city are often neglected (see Figure 53). This has led to inaccurate representation of these areas and hindered plans due to the lack of financing for implementation (see Figure 54). Looking at land use functions in developing countries, exploring how informal areas are receptive to regulations is critical, as they often have ad hoc planning, and their horizontal growth is limited. Governmentally, in Lebanon, there are not any strategies to deal with the emergence of such settlements. Instead, with no data, vision or previous experience on informal settlements, some areas start to grow without any governmental reaction (see Figures 55 to 61). Besides, the building and zoning laws cannot be applied to these areas and need to be adapted to each context.

Building permit regulations are enforced but corruption, fed by bribery and reliance on connections, affect the process. There is one set of regulations that is applied to all contexts with no margin of adaptation. They also mostly fuel the developers’ profits, and the DGU allows big projects to circumvent, by law, some regulations. Implementation of regulations at the local level is much weaker than at the regional. Violations are more common in the outskirts of big cities.



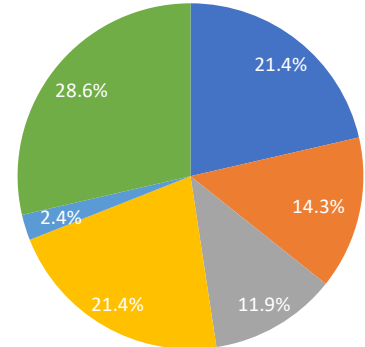
■ I don't know / Unable to answer
 ■ No
 ■ Yes

Figure 53: Availability of adequate and updated urban plans for the main and fast-growing urban centres.



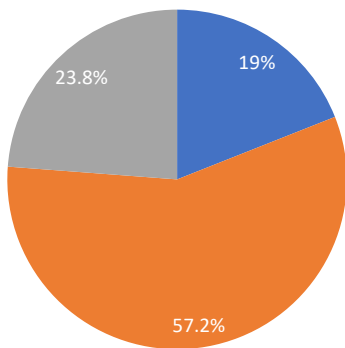
■ not adequate at all
 ■ not adequate
 ■ neutral
 ■ adequate
 ■ very adequate
 ■ I don't know / Unable to answer

Figure 54: Level of adequacy of urban plans for the main and fast-growing urban centres.



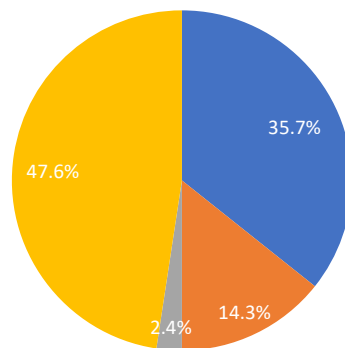
■ no enforcement at all
 ■ no enforcement
 ■ neutral
 ■ high level of enforcement
 ■ highest level of enforcement
 ■ I don't know / Unable to answer

Figure 55: Enforcement level of urban plans for the main and fast-growing urban centres.



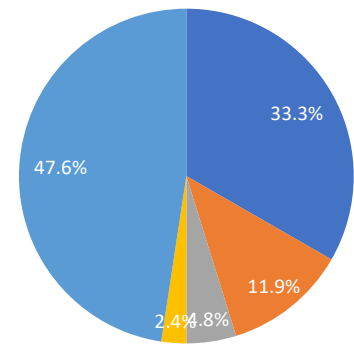
■ I don't know / Unable to answer
 ■ No
 ■ Yes

Figure 56: Availability of regulations addressing multiple forms of population settlement



■ not adequate at all
 ■ not adequate
 ■ neutral
 ■ I don't know / Unable to answer

Figure 57: Level of adequacy of regulations addressing multiple forms of population settlement



■ no enforcement at all
 ■ no enforcement
 ■ neutral
 ■ high level of enforcement
 ■ I don't know / Unable to answer

Figure 58: Enforcement level of regulations addressing multiple forms of population settlement

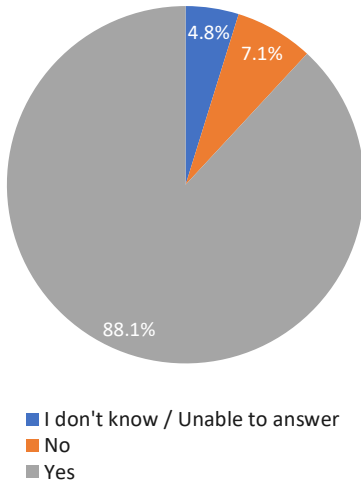


Figure 59: Availability of adequate building permit regulations.

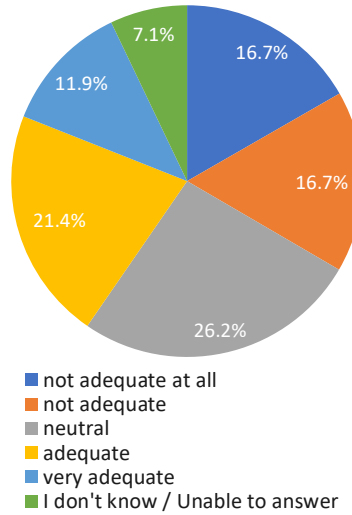


Figure 60: Adequacy level of building permit regulations.

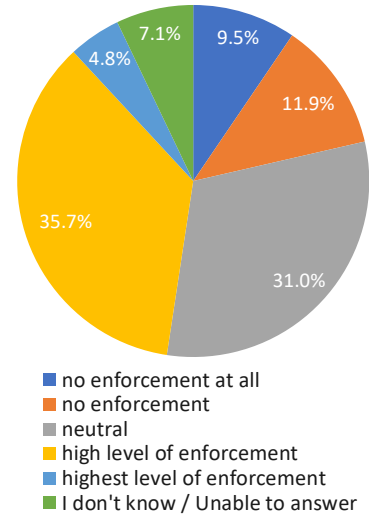


Figure 61: Enforcement level of building permission .

5.3.2. Land use in rural areas

Changing zoning regulations from agricultural to touristic takes place within the corruption frame as there is a mapping gap in rural and hinterland areas. Also, rural areas are regulated according to "how much one can build", and not their uses (see Figures 62, 63 and 64). Informal tented settlements hosting Syrian refugees have been established on agricultural land especially in Bekaa (e.g. the Jarahiyye camp).

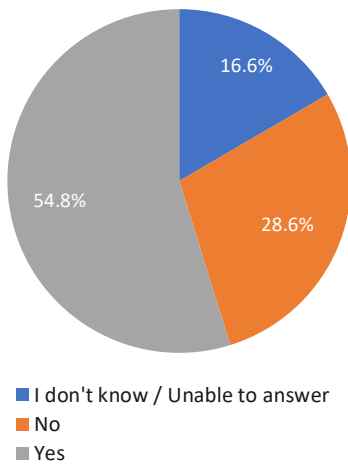


Figure 62: Availability of adequate and updated rural and agricultural land use regulations.

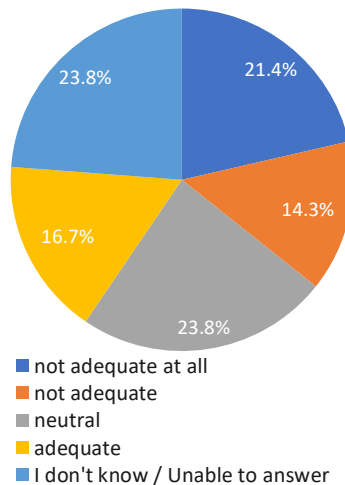


Figure 63: Adequacy of rural and agricultural land use regulations.

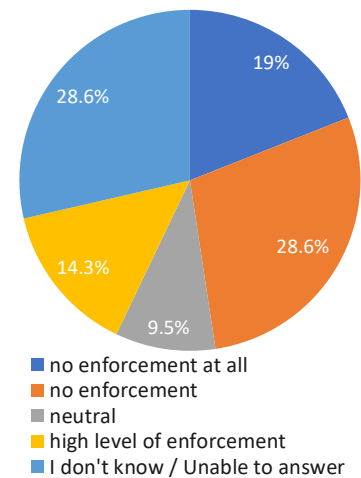
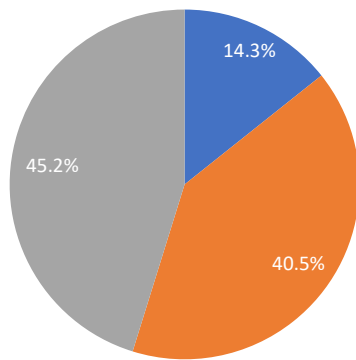


Figure 64: Enforcement level of rural and agricultural land use regulations.

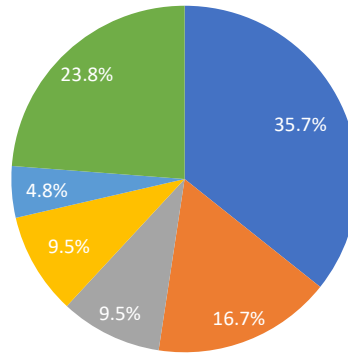
5.3.3. Environmental regulations

The few regulations have been poorly designed and rarely applied (see Figures 65, 66, and 67). Two examples of governmental projects are the Mseilha and Bisri dams. Bisri’s project has been criticized on environmental and safety grounds, but criticism goes further to focus on water management, public policy, development strategies as well as the politics behind the dams. It has also become interlinked with the wider national contest that erupted in October 2019 that is now part of a broader effort to renegotiate the meaning of “public good”. Highly destructive projects, including the Bisri Dam, are being financed by loans from international entities such as the World Bank and the European Bank for Reconstruction and Development.



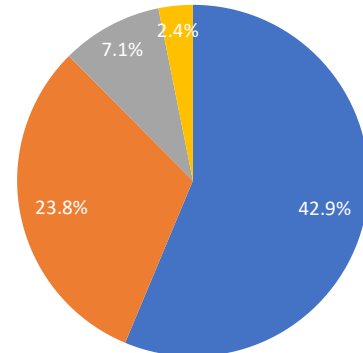
■ I don't know / Unable to answer
 ■ No
 ■ Yes

Figure 65: Availability of adequate environmental protection land use regulations.



■ not adequate at all
 ■ not adequate
 ■ neutral
 ■ adequate
 ■ very adequate
 ■ I don't know / Unable to answer

Figure 66: Adequacy of the environmental protection land use regulations



■ no enforcement at all
 ■ no enforcement
 ■ neutral
 ■ highest level of enforcement

Figure 67: Enforcement level of environmental protection land use regulations.

Survey participants said that the government reserved the right to expropriate private lands if needed; for example, to build highways. The fairness of the reclamations and compensations process remains in question (see Figure 68). The government’s management of state lands differ regionally according to political dominance and it includes relations between different government agencies. The government buys from private entities to carry out public projects.

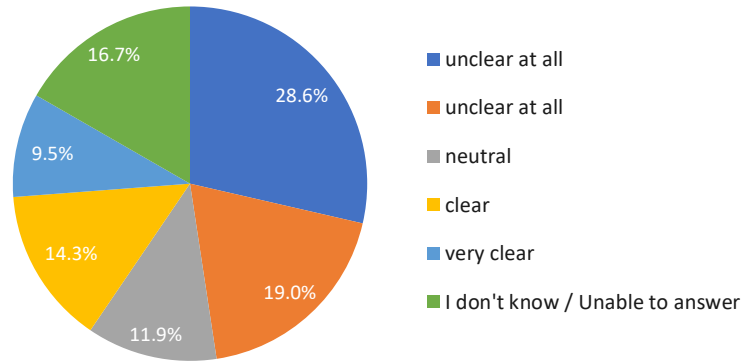


Figure 68: Clarity over governmental interference in private land rights.

Regarding opportunities for the government to acquire private land for public development purposes, activists are asking the government to act for the sake of the public domain, yet they are being ignored (see Figure 69). There is a law stipulating the possibility of expropriating 25 per cent of any private land for roads, infrastructure, and other public uses (see Figure 70). Compensation must be paid for acquiring remaining land.

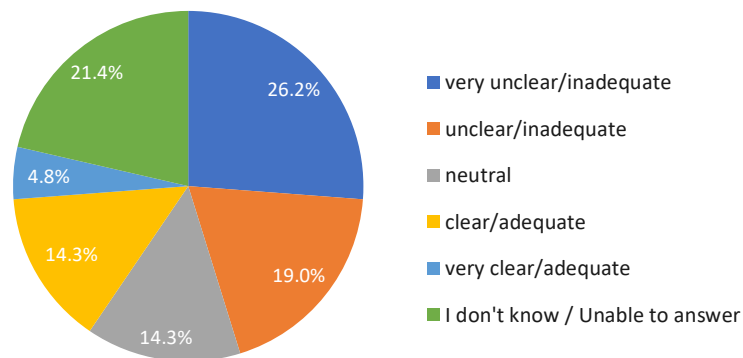


Figure 69: Clarity and adequacy of rules for governmental management of state lands.

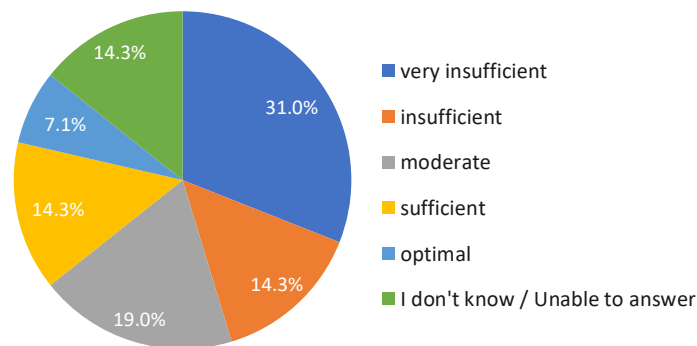


Figure 70: Opportunities for the government to acquire private land for public development projects.

The military and the Council for Development and Reconstruction have land use maps; the information is digitized per municipality, but they are not accessible by the public. Moreover, the national master plan requires that the army digitize information on natural and unmapped resources, which is also difficult for the public to access.

5.4. Land Development

Land development projects in Lebanon face two main issues. Firstly, they could have been proposed more than 50 years ago and they were recently being called for application, which means there are outdated (such as the Mar Mekhayel highway), or they were studied well but the central land agencies did not follow through with needed compensation for the acquisition of land (see Figure 71). The second is that development projects often have detrimental social and environmental effects, such as the Bisri Dam and the Saida Coastal highway disconnecting the city from the sea.

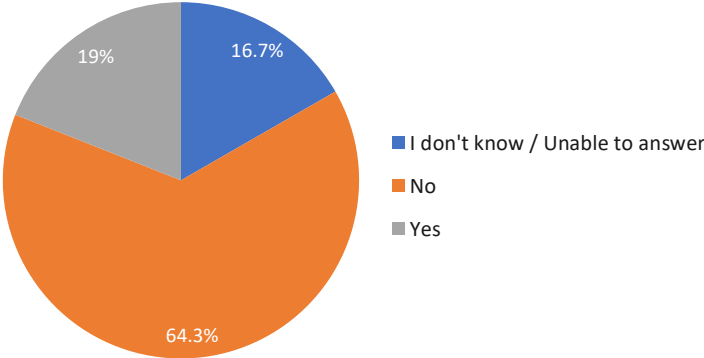


Figure 71: Availability of accessible or digital land information system recording land use.

5.4.1. Acquiring land for the public

Mechanisms for the public to acquire land for public use

Responses to the questionnaire indicate that available mechanisms for the public to acquire land for public use are inadequate (see Figures 72 and 73). A former municipality member described the acquisition processes thus: a jury of judges determines the value of planned projects; landowners veto the choice of their lands and how much compensation should be paid (see Figure 74). Issues arise due to corruption, public lands lacking operational capacity, difficulty requiring lobbying pressure, projects ongoing despite the lack of finance; unsuitable budgeting, which explains the reason for high land values (land being a source of wealth accumulation); projects that are not assessed holistically, thus causing environmental and social problems. For example, two projects were stopped; one was a parking structure in a public park in Tarik Jdide, the other was a highway cutting through the vernacular urban fabric of Mar Mekhayel to the upper area of Geitaoui (see Figure 75).

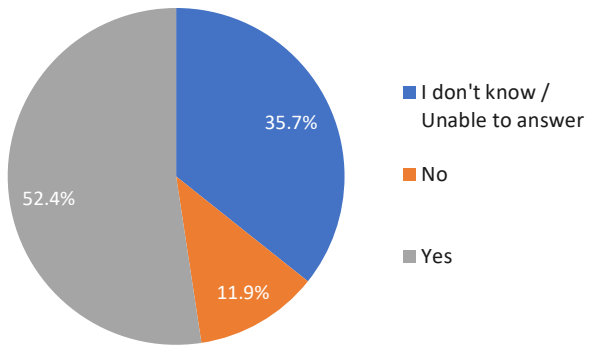


Figure 72: Mechanisms for public to acquire land for public use.

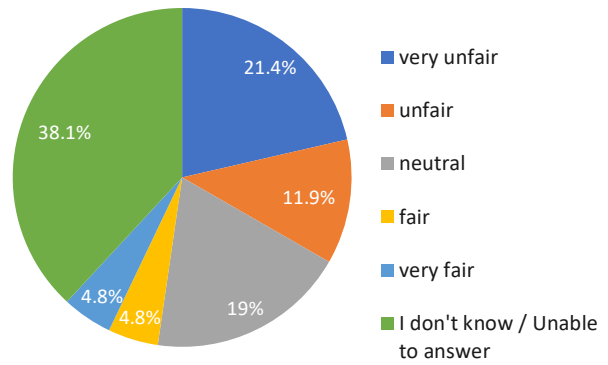


Figure 73: Perceived fairness of acquiring land for public use.

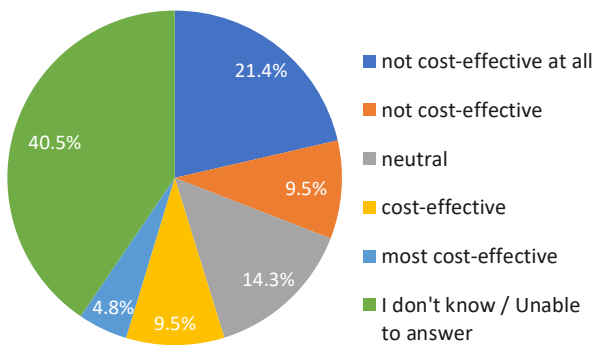


Figure 74: Cost-effectiveness of public actors to acquire land for public use.

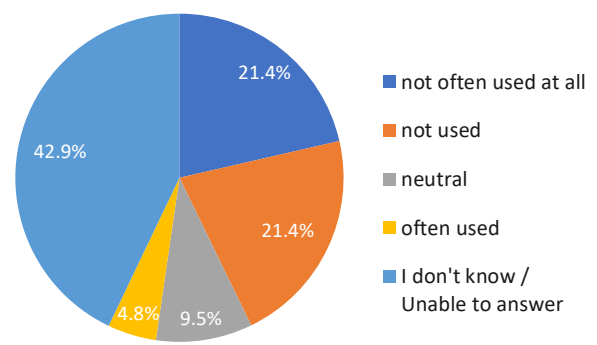


Figure 75: How frequently public actors acquire land for public use.

5.4.2. Adequacy of land expropriation mechanisms

Half of the survey respondents thought there was adequate land expropriation mechanism (see Figure 76). Another 35 per cent did not know about cost-effectiveness, while the rest (the most) were towards being ineffective (see Figures 77, 79). Concerning the frequency of expropriation, 42.5 per cent did not know the frequency; 25 per cent said it was not very often, and none said it was very often (see Figure 78).

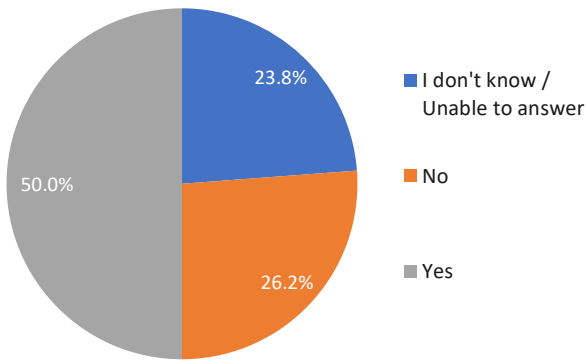


Figure 76: Availability of an adequate land expropriation mechanism.

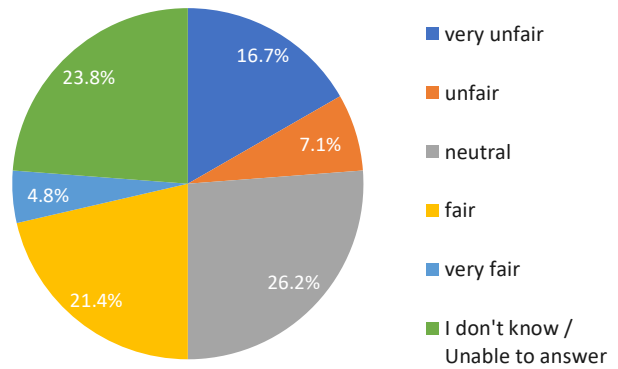


Figure 77: Perceived fairness of land expropriation mechanism.

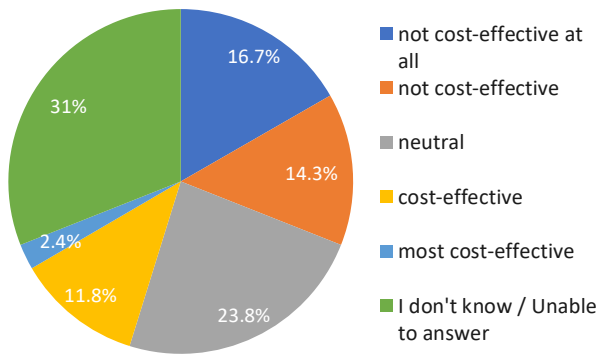


Figure 78: Cost-effectiveness of land expropriation mechanism.

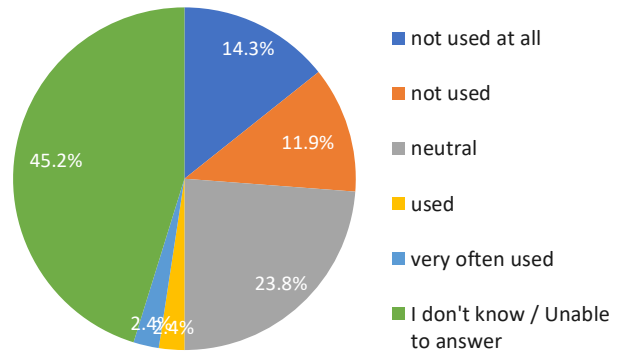


Figure 79: Usage of land expropriation mechanism.

5.4.3. Efficiency of regulations to control land subdivisions, consolidation in urban areas

Most survey respondents agreed about Lebanon having efficient regulations controlling land subdivision and municipal land consolidation laws (see Figure 79). Some considered the mechanisms appropriate, although they are tied to correct and updated land use mapping which is not available, thus affecting its overall legitimacy. Others perceive this mechanism mostly applied and facilitated for developers, used to consolidate property, and buy out small property shareholders too; women are clearly targeted (see Figures 80, 81, 82 and 83).

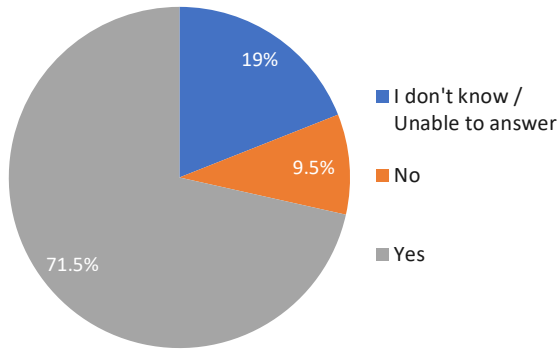


Figure 80: Availability of efficient regulations to control land subdivisions in urban areas.

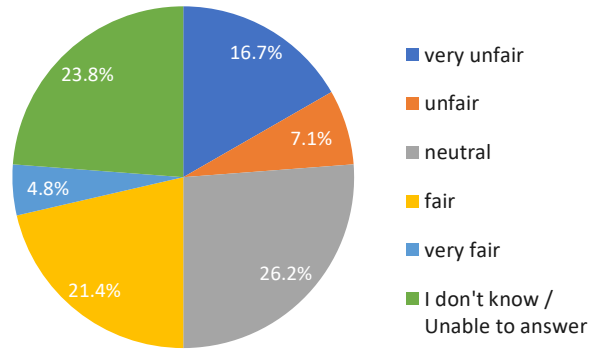


Figure 81: Fairness of regulations to control land subdivisions in urban areas.

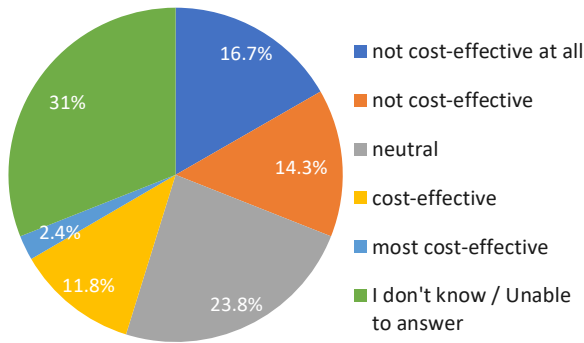


Figure 82: Cost-effectiveness of regulations to control land subdivisions in urban areas.

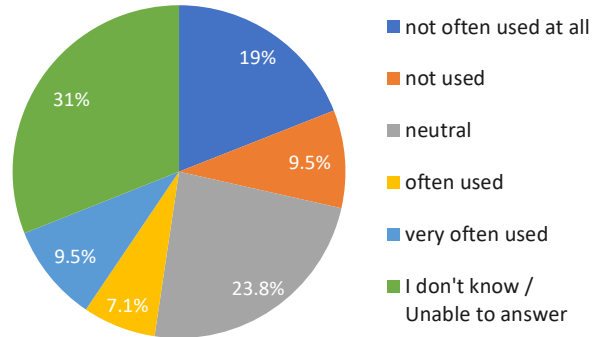


Figure 83: Usage of regulations to control land subdivisions in urban areas.

5.4.4. Efficiency of regulations to control land subdivisions, consolidation in rural areas

Several issues arise in this regard, regulations and mechanisms are similar for urban and rural areas. Besides, in villages, there are many unsurveyed areas, which allows for greater exploitation thus leading to a dense urban fabric without the adequate infrastructural planning needed to support the development (see Figures 84 to 87).

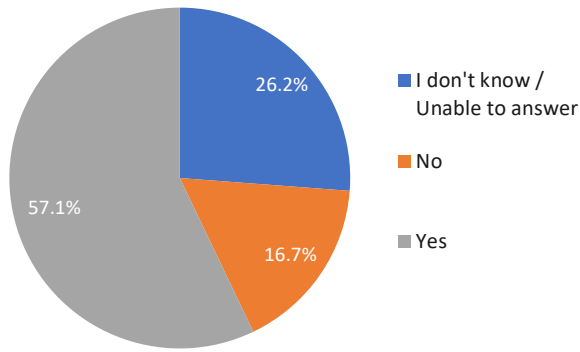


Figure 84: Efficiency of regulations to control land subdivisions, consolidation in rural areas.

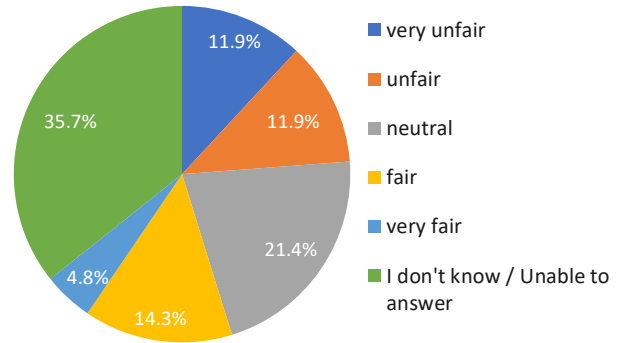


Figure 85: Fairness of regulations to control land subdivisions, consolidation in rural areas.

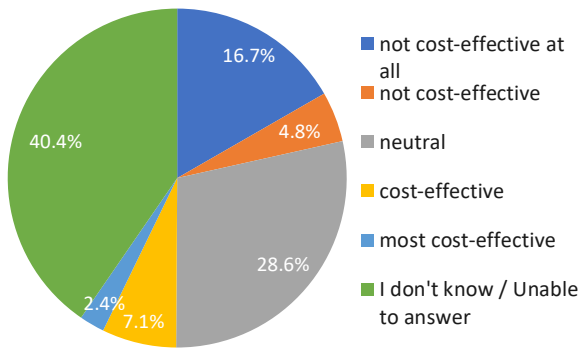


Figure 86: Cost-effectiveness of regulations to control land subdivisions, consolidation in rural areas.

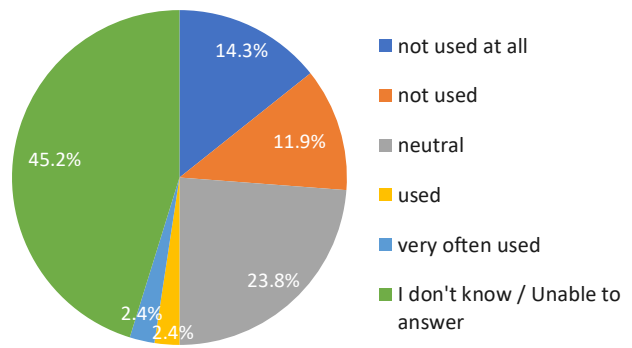
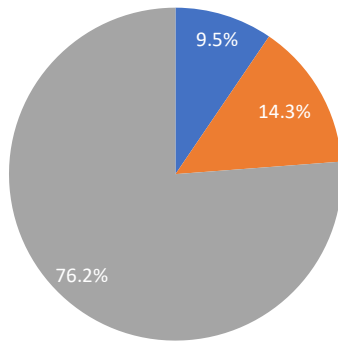


Figure 87: Usage of regulations to control land subdivisions, consolidation in rural areas.

5.4.5. Planning and construction

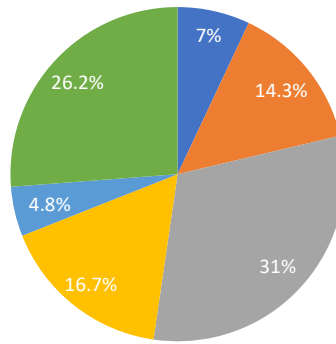
Adequacy of mechanisms, regulations that ensure construction aligns with land use regulations

Survey respondents noted that land use exploitation regulations were illegal, frequent, and that the laws themselves were poor and did not account for increasingly densifying regions, while addressing processes and regulations that ensure development was compliant with land use regulations (see Figures 88, 98, 90). This is shown in the case of Mkales, which was designed to include both residential and industrial zones, but due to rapid urbanization, residential areas have been intermingled with industrial zones, posing protection and health risks.



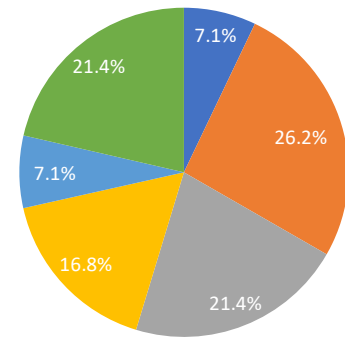
■ I don't know / Unable to answer
 ■ No
 ■ Yes

Figure 88: Availability of adequate mechanisms ensuring construction aligns with land use regulations.



■ not cost-effective at all
 ■ not cost-effective
 ■ neutral
 ■ cost-effective
 ■ most cost-effective
 ■ I don't know / Unable to answer

Figure 89: Cost-effectiveness of mechanisms ensuring aligned construction with land use regulations.

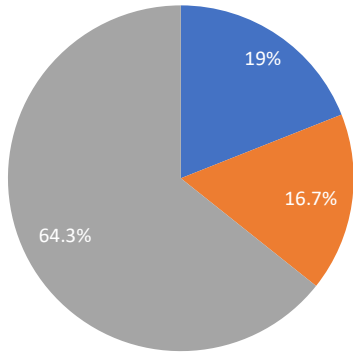


■ not used at all
 ■ not used
 ■ neutral
 ■ used
 ■ very often used
 ■ I don't know / Unable to answer

Figure 90: Usage of mechanisms ensuring construction aligns with land use regulations.

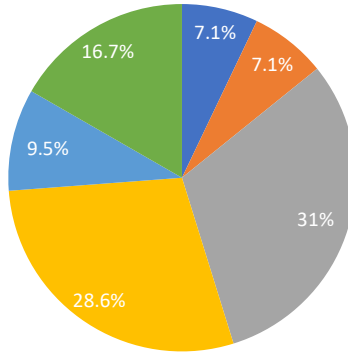
5.4.6. Property development process

The property process depends on the size and speculation of the project. Smaller project proposals are simpler to process while larger developments often require political influence and approval from the Directorate General of Urbanism, since they are more likely to influence land use and zoning regulations (see Figure 90). Some legislation is binding and set by the Order of Engineers and Architects. For example, any development project larger than 5,000 m² requires the participation of registered contracting firms and cannot be executed by an individual. This measure is designed to provide professional oversight of the project and aid government auditing for taxation purposes (see Figure 91 and 92).



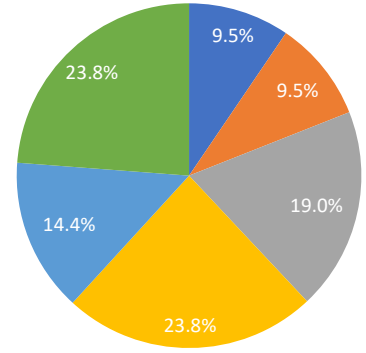
■ I don't know / Unable to answer
 ■ No
 ■ Yes

Figure 91: Ease of property development process for landowners.



■ very hard
 ■ hard
 ■ neutral
 ■ easy
 ■ very easy
 ■ I don't know / Unable to answer

Figure 92: Ease of property development process for professional developers.

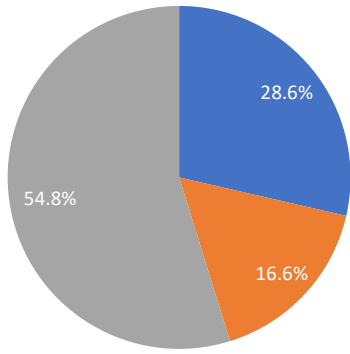


■ very hard
 ■ hard
 ■ neutral
 ■ easy
 ■ very easy
 ■ I don't know / Unable to answer

Figure 93: Ease of property development process for public authorities.

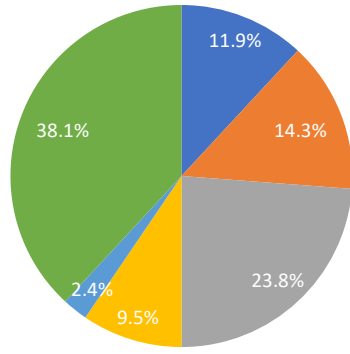
5.4.7. Effective mechanisms to change land use by granting planning permissions, building permits

Participants see these mechanisms to change land use are largely influenced by political favours. Examples of exploiting political influence were mentioned in cases where political patrons or influential individuals would buy agricultural land at low value (being unexploitable for construction), they then change the land use and sell at a higher value (see Figures 94, 95 and 96). Another example of corruption is through DGU and the Higher Council of Urban Planning, allowing large projects to bypass planning regulations for political and financial influence. Legal mechanisms of land use change can be requested by municipalities and approved by the DGU, or vice versa.



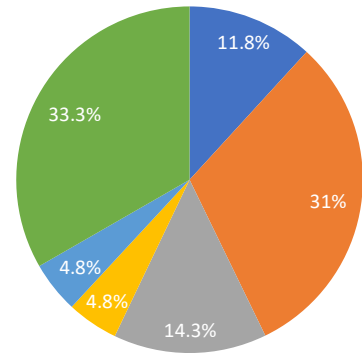
■ I don't know / Unable to answer
 ■ No
 ■ Yes

Figure 94: Availability of effective mechanisms to change land use by granting planning permissions, building permits.



■ not cost-effective at all
 ■ not cost-effective
 ■ neutral
 ■ cost-effective
 ■ most cost-effective
 ■ I don't know / Unable to answer

Figure 95: Cost-effectiveness of mechanisms to change land use by granting planning permissions, building permits.



■ not used at all
 ■ not used
 ■ neutral
 ■ used
 ■ very often used
 ■ I don't know / Unable to answer

Figure 96: Correct usage of effective mechanisms to change land use by granting planning permissions, building permits.

5.4.8. Distributing development costs

Mechanisms to ensure that development costs are fairly distributed between public and private actors

Most respondents agreed that mechanisms ensuring that construction costs are distributed fairly between public and private actors are absent (see Figures 97 to 100). More details regarding the land disputes resolution are discussed in the following section.

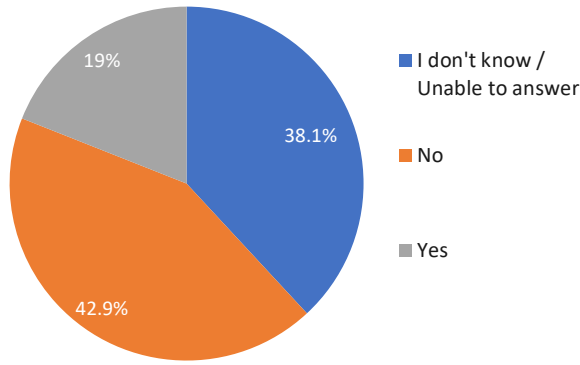


Figure 97: Availability of mechanisms ensuring development costs are fairly distributed between public and private actors.

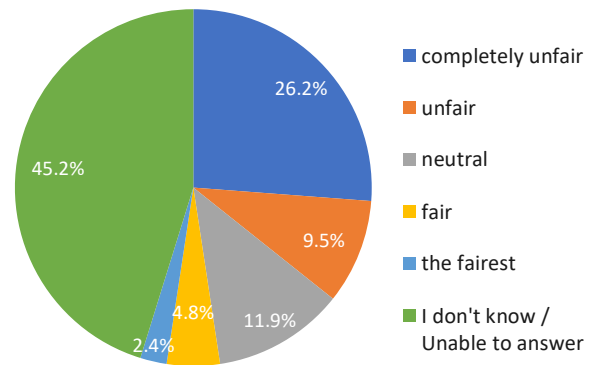


Figure 98: Fairness and cost-effectiveness of development costs mechanisms among public and private actors.

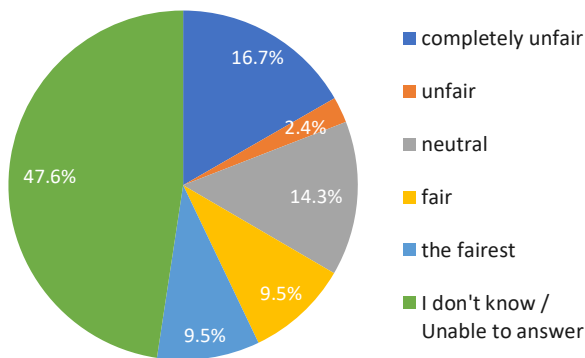


Figure 99: Fairness and cost-effectiveness of development cost mechanisms for the private actors.

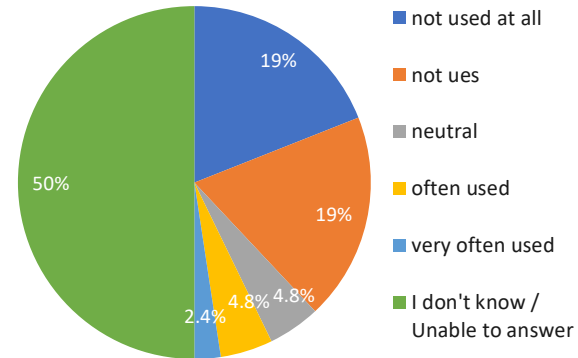


Figure 100: Frequency of correct usage of development costs mechanisms among public and private actors.

5.5. Land Dispute Resolution

Land disputes in the MENA region and, specifically, Lebanon are common. These disputes occur most at borders because large parts of the country's land area are unmapped. Other common disputes include those among family members concerning inherited lands or properties. Land tenure issues in conflict situations are a human right concern as well as a governance issue. Zimmermann (2011) says, "Conflict over land is a major cause of poverty, marginalization and debasement of whole societies and economies. Land disputes are particularly problematic in cases of violent conflict. The causes of violent conflicts are typically complex. Some violent conflicts are directly linked to competition for land and other natural resources."

5.5.1. Management and adjudication of land rights and parcel boundary disputes

Land conflicts take place in different forms; for example, inheritance, double selling, expropriation. Resolutions of those disputes are either formal or informal (see Figure 101). Informal resolution mechanisms are common, including tribal and religious leaders' arbitration, conflicts and violence.

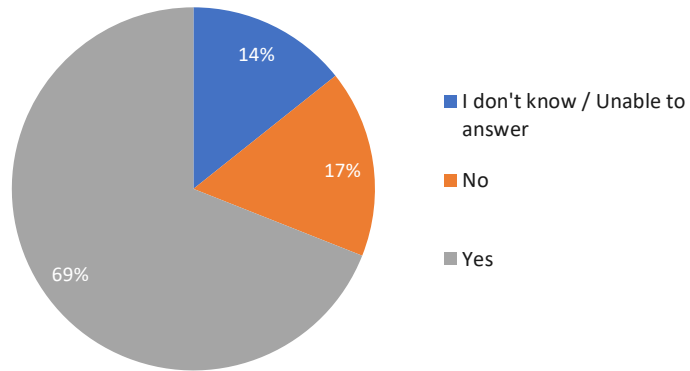


Figure 101: Availability of a well-structured formal system resolving conflict disputes related to land rights and parcel boundaries.

Structure of formal system to resolve conflicts and disputes related to land rights and parcel boundaries

The Lebanese judicial process is regarded as being lengthy, costly and politically influenced (see figures 102 to 104). *Terra nullius* lands are undocumented and take up a considerable portion of hinterland areas. The result is controversy between landowners that cannot be settled in court when there is no evidence to file a lawsuit or complaint. Furthermore, when land is valued to be taxed, a financial judge may penalize the owner for putting a fake sale price because this leads to lower taxes than the government expects to earn. Therefore, the market is not truly “free” and is subject to an organic highly volatile benchmark system because of speculation. There are certainly numerous disputes solved informally and in private, for example, by religious figures, an elderly person or the OEA. Research on housing has proven that people systematically prefer to avoid the courts (see Figure 105).

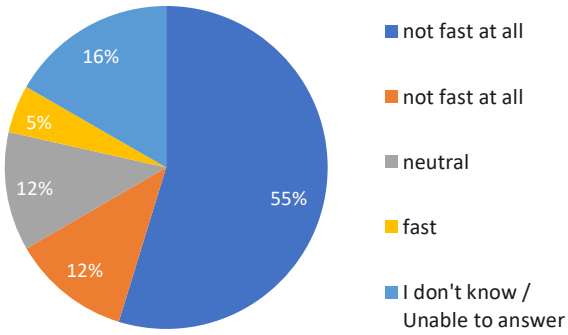


Figure 102: Speed of formal system resolving conflicts and disputes related to land rights and parcel boundaries.

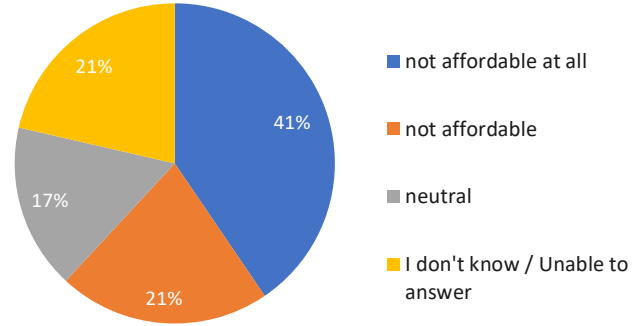


Figure 103: Affordability of the formal system.

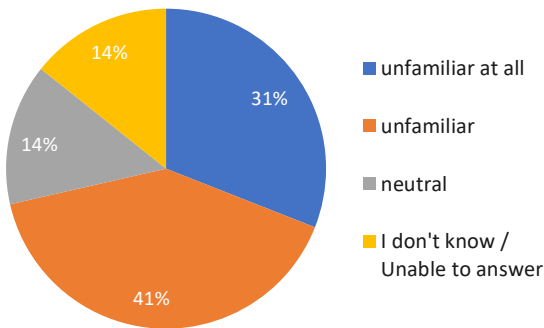


Figure 104: Familiarity with the procedures of the formal system.

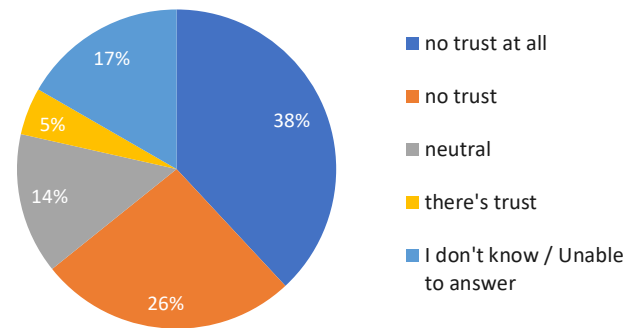


Figure 105: Public trust in the formal dispute resolution system.

Women's challenges in accessing the formal dispute resolution system

There is no consensus on whether women face greater challenges accessing the formal dispute resolution system than men. Some respondents concluded that the lack of institutionalized sexism and discrimination proved its absence. Younger participants, with academic backgrounds, conversely, address many aspects that disadvantage women. First, religious rules govern inheritance laws. Women inherit less than men under Muslim sharia law, or none if they are all female siblings under Sunni sharia. Drawbacks include systemized cultural sexism wherein women are not taken seriously in court and must be represented by a male guardian to obtain better results. Only politically affiliated women might change patriarchal social and cultural patterns. This is debatable, though, and is reflected in communities where financially disadvantaged women are still subjugated to male consent and guardianship.

Land-related cases in the formal courts

Informal mechanisms unravelling land right disputes are common, these de arbitration by tribal and religious leaders, conflict and violence. Several municipalities are heavily involved in peacekeeping during land conflicts: obtaining compromises. Courts seem to be avoided because they are costly and lengthy (see Figure 106 and 107).

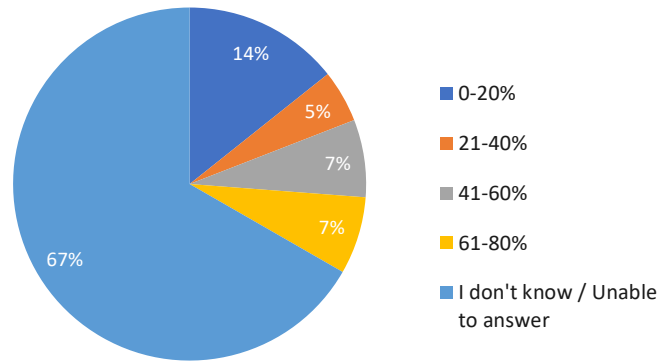


Figure 106: Share of land-related cases in formal courts.

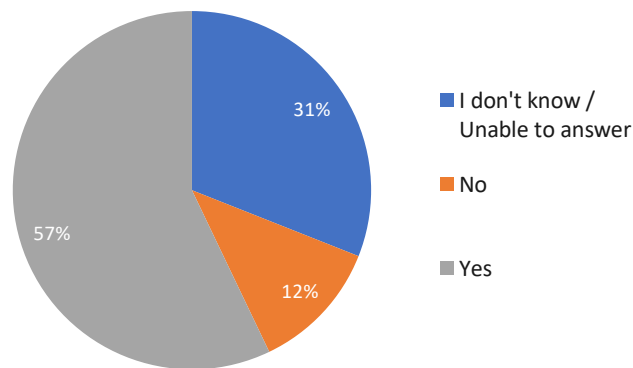


Figure 107: Availability of non-judicial mechanisms to solve land rights disputes.

Concluding, the assessment of chapter three sheds light on Lebanese core land functions. It is evident that there is lack of clarity in solving land rights disputes. Also, there are multiple opinions on land management practices and mechanism availability across all functions. This finding was not expected as many respondents are professionals in land-related fields, such as architects, engineers and academics. However, the section that follows will shed light on how the underdeveloped academic curriculums relating to these subject matters could be a source of this ambiguity. Apparently, most of the knowledge is gained tacitly, where government agencies and employees working in land-related agencies would know.

6. ANALYSIS OF EXISTING LEARNING OFFERS AND RELATED CURRICULA FOR LAND GOVERNANCE

Based on the mapping process regarding the institutes that exist in Lebanon and that offer an education service that contributes to the land management and administration, 11 institutions were found. They vary between universities and establishments in the private sector. Each offers either courses at the undergraduate level (e.g. Bachelor’s Degree in Architecture) or postgraduate studies (master’s level); some offer short courses for graduates and professionals (see Figure 108 and 109).

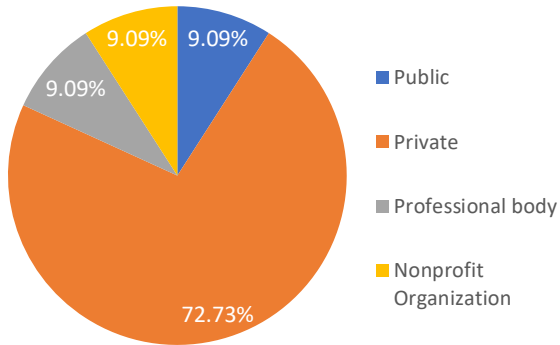


Figure 108: Type of respondents.

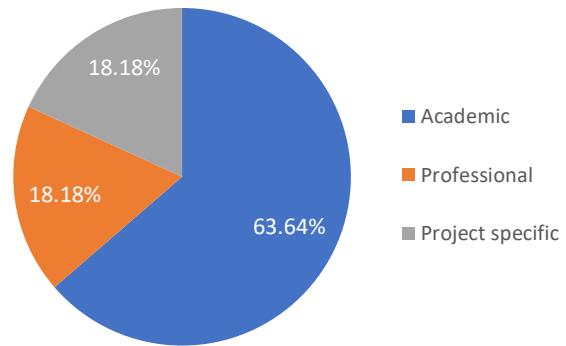


Figure 109: Type of courses.

6.1. Existing Learning Offers on Land-Related Topics

Based on the questionnaire results, land-related studies do not exist as a separate programme in Lebanon. These topics are only introduced within urban planning courses. Most urban planning courses are embedded in bachelor and master architecture degree programmes. Only a few masters programmes focus on urbanism and urban planning. In general, the courses cover the following different aspects (see Figure 110):

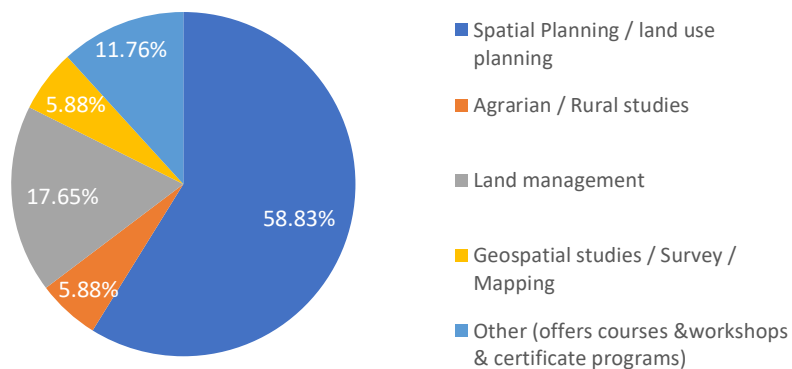


Figure 110: Type of content provided.

Geospatial studies, survey, mapping, which are mainly offered through GIS courses:

- Spatial planning, land use planning: through urban planning courses, which include practical part;
- Social sciences (land-related): some courses that provide introduction to law, sociology, and economics, which relates to land through certain topics;
- Agrarian, rural studies.

All the universities in Lebanon offer their programmes and charge tuition fees. The following programmes from different universities and institutions contain land-related courses.

American University of Beirut

Undergraduate | Landscape Department (Department of Landscape Design and Ecosystem Management)

It offers one introductory course at the undergraduate level, *Bachelor of Landscape Architecture* which is:

- **LDEM 228-Urban Landscape Design:** This is a studio that focuses on “site design in the urban context”. Students explore the challenges of designing in complex urban environments (that by nature have multiple layers, meanings and influenced by an array of forces). Designing in the urban context requires the mix of the social, cultural, political, economic and ecological processes on physical space and their influences.

Graduate | Urban Planning Department (Professor Mona Harb)⁶

- **Master of Urban Planning and Policy:** Provides a broad professional education in urban planning, emphasizing the development of multidisciplinary analytical skills necessary to address contemporary urbanization issues as well as the contemporary approaches to urban planning and policymaking.
- **Master of Urban Design:** Emphasizes the mastery of the design tools necessary for the effective practice of urban design, understanding of contemporary urban challenges to position the design profession in the city and integrating design tools with policy strategies and institutional development.

Notre Dame University

(Associate Professors Christine Mady and Kristin Samra)

Undergraduate | The university offers two courses related to urbanism⁷:

- **ARP 561-Urbanism I:** Introduces urban design and the evolution of cities. Also introduces urban analysis tools and includes field surveys as service learning.

⁶ American University of Beirut. (2022). Master's Degrees in Urban Planning, Policy, and Urban Design (MUPP/MUD). Available at: <https://www.aub.edu.lb/msfea/ard/mupp-mud/Pages/default.aspx>.

⁷ Notre Dame University. (2022). Faculty of Engineering. Available at: <https://www.ndu.edu.lb/academics/faculty-of-engineering>

- **ARP 562-Urbanism II:** A survey of different past and present approaches and trends to urban design and planning. Understanding urban planning in Lebanon through service learning.

In the last couple of years, the university has cooperated with UN-Habitat in Lebanon through the urbanism 1 course. The university applied the neighbourhood profiling method at its studio, applying UN-Habitat's methodology⁸.

Azm University

Undergraduate | Several courses in the undergraduate and graduate levels covering several aspects of urbanism⁹.

- **ARCH 408 - Urban and City Planning:** The course focuses on one physical area in the context of north Lebanon. Students learn about the entire gamut of city planning issues: physical building and street design issues, social and economic issues, environmental impacts, analysis methods, legal framework, city government, politics, and community dynamics.
- **ARCH 508 - Principles of Sustainable Urban Development:** The course's main objective is to impart upon students a profound understanding of urban development from a perspective of sustainability, simultaneously developing their knowledge set of principles and judgment in the field of sustainable urban design, transport, infrastructure, and smart systems.
- **ARCH 518 - Cities, Planning, and Urban Life:** This course focuses on actual planning processes, issues and problems, urban and regional zoning, and demographic projections; with comparative studies of regional, international as well as planning, building on case studies, social science theories and analysis methods including economics, geography, political science, anthropology, and sociology. Case studies are examined throughout the semester.

Beirut Arab University

Dr. Nabil Mohareb¹⁰

Undergraduate | Geospatial Studies, Surveying, Mapping, Spatial Planning, Land use Planning, Land Management.

Within the bachelor's programme, the following courses are offered:

- **ARCH 464 - Geographic Information System:** Information management and decision-making support tools used in urban studies. Definition of GIS, the range of GIS applications (data acquisition, secondary data generation, analysis and management of data, factor combination and GIS-based modelling), its use in decision-making and its integration with other technologies.

⁸ UN-Habitat & UNICEF. (2020). Lebanon portal: Lebanon Neighbourhood Profiles. Available at: <https://lebanonportal.unhabitat.org/>.

⁹ AZM university: Degree Requirements in Architecture. Available at: <http://www.azmuniversity.edu.lb/Library/Assets/Arch%20Degree%20Requirements.pdf>.

¹⁰ Beirut Arab University, official website, available at: <https://www.bau.edu.lb/Programme/Architecture-Design-and-Built-Environment/PhD/Urban-Design-and-Planning>.

- **ARCH 338 - City and Town Planning:** Town Planning theories, practices and ideas. Definitions, objectives and levels of planning. Origins and evolution of historical and contemporary ideas underlining planning practice in its various forms. Current challenges and concerns of urban development or planning, aspects of the planning profession.
- **ARCH 363 - Theory of Housing:** Introduction to contemporary theories and concerns in the field of housing; roots of housing problem, typologies and classification, mechanisms and forces shaping the market; factors affecting supply and demand, feasibility studies, policies and role of government, residential areas and suburbia, problems, considerations, and alternative approaches applied.

Lebanese University

Graduate | Urbanism Department.

- **Landscaping:** The master's in landscape and environmental architecture "MAPE" is a "Specialized Master" of four semesters, which follows the assessment standards of the LMD [the French licence-master-doctorate or in English, Bachelor-Master-Doctorate], and which is a continuation of any professional training in architecture, interior, agronomy and geography. It is training consisting of theoretical courses and interdisciplinary workshops that target landscaping projects at several scales.
- **Urbanism/unavailable information.**

L'USEK - Architecture

Undergraduate | Geospatial studies, Surveying, Mapping, Spatial Planning, Land use Planning¹¹

Urbanism I: The course provides enhancement cities' history knowledge, pre-industrial cities, and urban modernity in Europe at the beginning of the 20th century, in addition to an introduction to critical ideas of the functionality of the city and post-industrial settings.

- **Urbanism II:** Familiarizes students with urban planning of territory and zoning and applying it to urban spaces with real-life situations shown and connections with local authorities, by which real constraints as well as global views and issues are learnt.
- **Elective - GIS:** The course familiarizes students with the basics of Geographic Information Systems and its application to architecture and urbanism, in addition to understanding and comprehending numeric and alphanumeric data.

Graduate (optional course) | Geospatial studies, Surveying, Mapping, Spatial Planning, Land use Planning¹²

¹¹ Holy Spirit University of Kaslik (L'USEK). (2022). School Of Architecture and Design, Bachelor and Master in Architecture (Combined Program). Available at: <https://www.usek.edu.lb/en/department-of-architecture/bachelor-of-science-in-architectural-studies-22?t=2>.

¹² Holy Spirit University of Kaslik (L'USEK). (2022). School Of Architecture and Design, Bachelor and Master in Architecture (Combined Program). Available at: <https://www.usek.edu.lb/en/department-of-architecture/bachelor-of-science-in-architectural-studies-22?t=2>.

- **City landscape and territory workshop:** The workshop focuses on the notion of the architect as a partner within the social and urban development, to create spaces which are harmonious and bring a better quality of living for the inhabitants.

Lebanese American University (LAU)

Undergraduate | Bachelor of Architecture¹³.

- **ARC581- Urban Planning I:** This course is a survey of the city as a historical development in relation to economic, social and political factors, from the early settlements to contemporary urbanism development; involving current planning theories, from the modernist context to the social studies of planners and sociologists.
- **ARC484 Regional Urbanism:** This course entails regional town case studies, from field surveying of the urban environment and its historical development to the roles of climate, topography, typology, building technology and other factors in the development of its urban plan and morphology.
- **ARC582 Urban Planning II:** This course is a study of actual planning processes, issues and problems, urban and regional zoning, and demographical projections, with comparative studies of regional or international planning cases.

Center for Continuing Education (LAU CE)

Lebanese American University's Continuing Education (LAU CE) offers courses, workshops, and certificate programmes to impart relevant and up-to-date knowledge and skills in an array of fields. Its vibrant learning environment fosters both personal and professional growth, no land-related diplomas though. It also operates a satellite office at the Chamber of Commerce, Industry and Agriculture in Zahle and the Bekaa region, and offers professional courses at the LAU Executive Center at Solidere in Beirut's Central District.

Public Works Studio (private sector)

Provides short courses' models for professionals and students. Training courses can be provided in partnership with them¹⁴.

Esri (private sector)

Esri Lebanon offers a wide range of training courses (Geographic Information System), for beginners, intermediate and advanced users, also sometimes provided within the university programme¹⁵.

¹³ Lebanese American University (2018). Courses: Urban Planning. Available at: <https://catalog.lau.edu.lb/2018-2019/courses/arc581.php>

¹⁴ Public Works Studio, official website, available at: <https://publicworksstudio.com>.

¹⁵ - Esri-Lebanon, official website, available at: <http://www.esrilebanon.com/>

- Esri (2022). Esri Academy: courses. Available at: <https://www.esri.com/training/catalog/search/>

6.2. Existing Research Efforts on Land-Related Topics

- **Urban Lab (AUB)** - Contact: Mona Fawaz, professor of urban studies and planning and research director at the Beirut Urban Lab. After the Beirut port explosions, a few attempts were made to support efforts at overcoming the crisis. AUB, through its Urban Lab, have developed a GIS database (Beirut Built Environment Database) that includes several layers of valuable information about the city¹⁶.
- **Public Works Studio (private sector)** - One good example of how the civil society/private sector can contribute to the knowledge transfer process in land related needed issues. They can provide training courses
- **Notre Dame University and UN-Habitat Lebanon** - Contact: Dr. Christine Mady. They have experience in applying the neighbourhood profiling methodology through their studio¹⁷.
- **Center for Continuing Education – Lebanese American University**¹⁸
- **Syndicate for Urban Planners** – Contact: Dr. Feras Mortada. The syndicate has access to all urban planners in Lebanon and has previous experience in organizing public events.

6.3. Synthesis of Stakeholders' Response on Potential Collaboration

It was more difficult for the research team to access academic offerings. The offerings are also limited in nature. It can be inferred that the general hesitation of respondents towards the first survey questions was due to the lack of knowledge, which is mostly tacit and undocumented.

The research team's initial hypothesis was that academics (in engineering and architecture) and professionals would be the most information regarding land management since they are related to the built environment issues. However, this was the wrong hypotheses, as most the interviewed architects and engineers were uninformed of the core issues, even those working in non-governmental sectors and international organizations. This could be interpreted to mean that the individuals who are municipal members or direct government employees know this information and often have acquaintances and relatives who work for the government, hence information is shared verbally and is not easily accessible.

During the interviews, academics from different universities, in addition to civil society representatives were supportive and showed their readiness to cooperate in future. Some of them are involved in research and acted as consultants or trainers. On the other hand, government officials were not cooperative and were hesitant to share any available data.

For capacity development of young professionals, Public Works Studio is a good example. The advantage of not being a university is that greater flexibility can be exercised. The studio can host any course related to the crucial capacity-building of urban or land governance topics and is able to attract young

¹⁶ Beirut Built Environment Database Map. Available at:

<https://www.arcgis.com/apps/webappviewer/index.html?id=1d3b43104a53450389dfcb79f9e88464>.

¹⁷UN-Habitat & UNICEF. (2020). Lebanon portal: Lebanon Neighbourhood Profiles. Available at: <https://lebanonportal.unhabitat.org/>.

¹⁸ Lebanese American University, Academy of Continuing Education. Available at: <https://ce.lau.edu.lb/>.

participants. Due to its activities and initiatives towards the right to the city, its relation to public authorities is questionable.

The government trusts universities, especially public ones, which in this case is Lebanese University. It is the country's only public university. However, cooperation between different universities is possible if initiated and funded by international cooperation organizations, as there is lack of accreditation organizations for professionals in land-related topics, and they do not meet international standards.

7. RECOMMENDATIONS

7.1. Legal Reforms

Due to the uncontrolled land values in Lebanon, there is a suggestion of cap value categories where they are based on certain criteria. In terms of land value control, there is no system. Rather, benchmarks are used by asking around surrounding lots and getting the average price per area. The absence of a cap on value categories allows for inflation and market speculation to play an influential role in sales. In Lebanon, land is considered an asset to accumulate wealth, which is why land value can be extremely high. The practice is not regulated. One instance of regulation of land value was tried in coastal areas, which are privately owned in Lebanon. Since regulation was possible for coastal lands, the example could be extended to other areas. This should be considered in parallel with urban sprawl and densification patterns.

7.2. Institutional Reforms

The relations between the main stakeholders involved in land management and administration need to be redefined. The DGU, CDR, army and UN-Habitat are currently the core players, and their roles can be regulated and coordinated better as follows to fill the gaps:

There is a big gap in trust between civil society and the government; this has been exacerbated since the end of the revolution. Today, the army and the NGOs are leading the reconstruction of Beirut's demolished districts without joining forces with the local authority and ministries. Currently, UN-Habitat plays a crucial coordinating role among local authorities, different planning agencies and experts working on a Beirut 2030 vision. There remains a huge gap to be filled by an agency linking the bottom-up planning efforts of the army on one side, and on the other NGOs and the top-down planning efforts by the municipality and planning experts.

Improving the relations and cooperation between different government departments is important if land management is to be improved. A new law is being prepared; however, it is badly needed now.

Financial control is a crucial aspect for fighting corruption and an essential element of good governance. "Reforming the institutional infrastructure for land administration (transparency, accountability, service orientation, effective public land management, access to land information, the role of the private sector" (Zimmermann, 2011, p. 122).

Figure 111 summarizes the proposed actor network as recommended functions of the existing institutions.

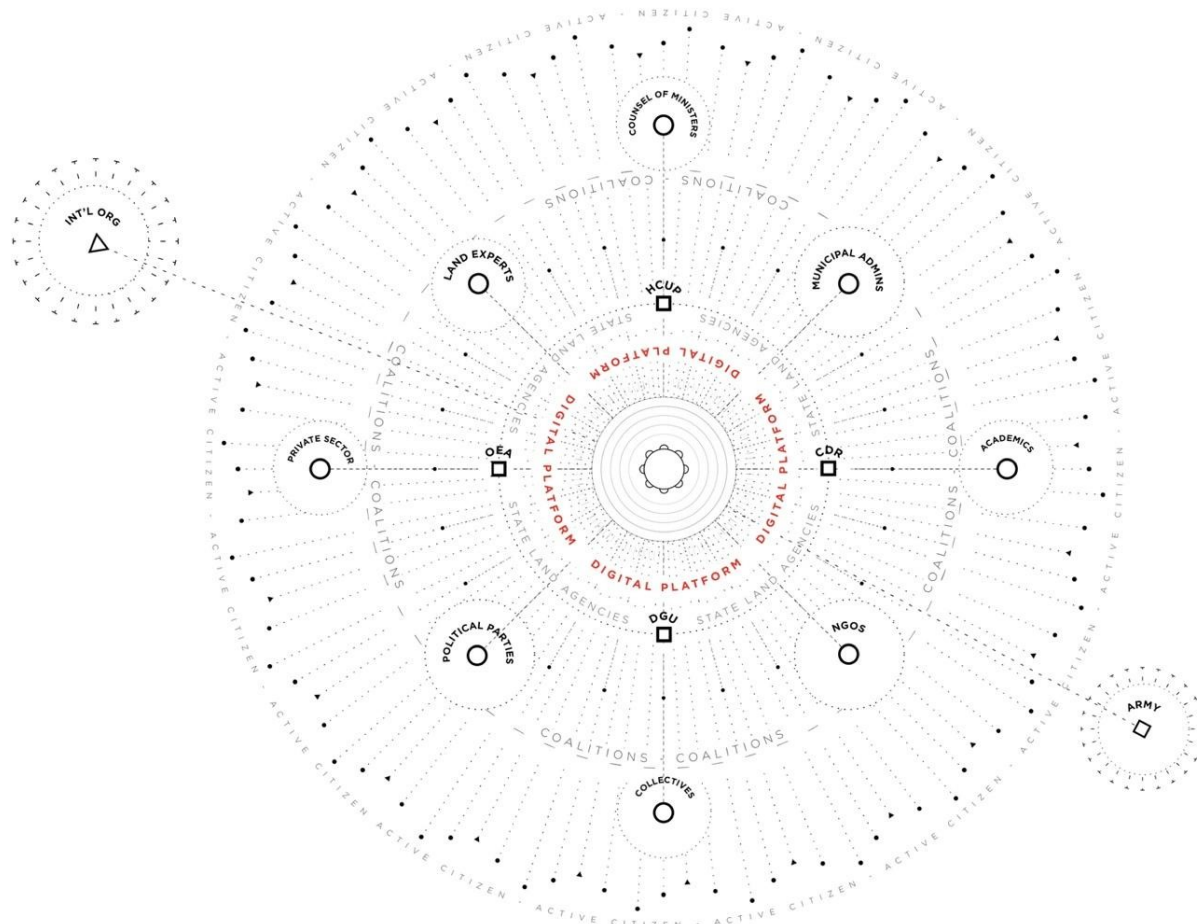


Figure 111: Actor network.
Source: Madi and Hayek (2021).

The diagram emphasizes the importance of an inclusive round table of land-related stakeholders, as a spatial arrangement, that can facilitate an open process. The circular shape is also symbolic of wholeness and harmony among the different parties, which currently are unable to reach consensus due to communitarian and clientelist motives, while involved in collective action-making. The concentric network also intends to shift away from the traditional parliamentary semi-circle with a speaker or “leader”, which hints at a more didactic, one-way flow of communication. The physical round table would be supported by a digital platform that enables and accelerates the process of sharing solutions and information.

Since a memorandum of understanding is being drafted by the Governor of Beirut and the main land entities to institutionalize new mechanisms of interaction between entities, this would serve as a new charter to further national interests above all sectarian agendas. The ARN approach is to represent a new form of land governance since it urges a radical break from government-led planning. The approach also defends the rise of an entrepreneurial style of processes based in civic society and private actors where the public actor is a partner but not a leader. The approach focuses here on an outwards-inwards agenda to deal with the increasing fragmentation of space and society and to develop multi-scale actors in today’s network society.

The digital platform aims to function as a neutral entity that can sustain engagement with the active citizen and unions as well as continuously attract diverse opinions, find evaluation models to communicate and replicate success, acknowledge failures, and allow for experimentation. Hence the suggested is that this function can be achieved through emerging and advancing technologies in governance, adopting machine learning to help minimize inconsistencies, promote inclusivity, and ensure human-centric principles, encourage data sharing trustworthiness, make algorithmic transparency, and help adapt the land processes to the real time changes of on the ground.

The diagram also shows the following:

The outermost circle: Represents the layer of active citizen who are playing a role in the enhancement of many land functions due to state failure, and as such should be represented as a stakeholder in land processes.

The second inner circle: Represents the inherent inclination to form coalitions and unions among the self-organized active citizens that began to formulate during Lebanon's revolution in November 2019.

The coalition level: Represents public-led coalitions, such as the Council of Ministers and municipal administrations.

Non-institutionalized groups: These are groups such as land experts are also portrayed as a coalition. They are a group of academics and consultants who lobby for comprehensive and sustainable master plans and are, therefore, influential on land processes despite their non-legislated status.

The inner most circle: Includes state land agencies that include the HCUP, OEA, CDR and DGU. These are the four land entities that were represented here as they fulfilled the disputes resolution, legislative, executive and administrative functions (respectively) needed for any state land processes. The functions performed by the state land agencies are not necessarily what they have been officially formed and mandated to do but what they have adopted over time.

The lines connecting active citizen extend from the outermost circle to the round table, which is an open setting.

Two "satellite" entities: These are represented in the diagram which are the army and the International Organizations performing tentative roles and the researchers' image that they would ideally withdraw from the ARN to give way to the responsible entities.

7.3. Human and Financial Resources Development

Due to the economic crisis that currently faces Lebanon, there is a clear lack of financial resources. One of the ways to change this in the short run is to encourage people to register their properties. Based on the survey analysis, capacity-building is required for land and property valuers, DGU officers and local municipal employees.

7.4. Technical Reforms

The survey has not included questions that deal with the current state of available material and technical tools. However, digitization of land-related procedures are an important step that is already under way.

This effort might need equipment (for example, computers, scanners, printers). In addition, a capacity-building process for the staff will be needed to support the transformation process.

However, there was no common knowledge regarding this information among the survey participants. For example, the accessibility to land registry documents online was known by a municipality member, while a DGU member did not know. People can access land information as opposed to having to go in person to the land registry as before. It is not clear, though, if information on lands is accessible in Beirut only or in all governorates. Also, documents retrieved online are not valid for use in any kind of sale or official transaction since they are free and unstamped. One recommendation could be to have an online payment system that would validate the documents and have them serve in transactions.

7.5. Recommended Areas for Intervention on the Training and Education Level

7.5.1. Proposed types, beneficiaries, topics of academic curricula

Land management is not a separate field of specialization in Lebanon's universities and other learning institutions. Rather, it is usually considered a segment of urban planning studies. In fact, urban planning study in Lebanon does not have many separate programmes and almost no single land management course to be taught in any of the mapping courses. Hence, there is need for graduates, decision makers, professionals and experts to acquire land management knowledge by being part of beneficiaries in land-related issues. The five functions related to land governance will need to be enhanced in the Lebanese scene (that is, land tenure, land use, land value, land disputes resolution and land development).

It is highly recommended that courses meeting international standards should be crafted and accredited certification provided for professional bodies. In addition, tools and new methods need to be introduced, and political will needs to be mobilized to implement these recommendations. One way to do this would be through international cooperation, for example with UN-Habitat. This should include trainings on the following topics:

- land value criteria
- land and conflict
- land readjustment
- incentives for land registration
- land and corruption
- participatory land use planning

Opening new programmes for land governance will take place; academia will play the role of mediator between stakeholders/actors especially that there are not any specialized land governance programmes offered, and what learning offers there are do suit market needs.

And finally, university training, including undergraduate, postgraduate and professional short courses should be expanded together with enhancing the collaboration between the public and private sectors. Bearing in mind that civil society and non-public institutions as well as stakeholders are not directly or indirectly involved in learning offers.

7.5.2. Proposed research topics and expected partners

Research topics should include:

- understanding land value criteria and its relation to local context
- how land can be a reason for conflicts and part of conflict resolution
- land readjustment as an approach for formalizing the informal
- incentives for residents to enhance land registration
- controlling land and corruption

Providing capacity-building programmes based on the training needs assessment for various categories of land professions is a must. Partners in providing these programmes could come from different departments of architecture and different universities. This would be in addition to enhancing the land-related curricula by integrating land disputes resolution “legislation”, land tenure and land value in current curricula. Some trained academics who are concerned with urban issues could act as core trainers (see section 4.2). Consequently, they would develop assessment tools for determining market needs. Land dispute resolution and land tenure are the least covered function by learning offers, at the same time land use and land development are the highest.

7.5.3. Recommended areas for potential collaboration

There seems to be an influx of individuals registering their land, mostly it is by those concerned with profiting from their lands at a later stage. This is because the Lebanese currency has devalued about tenfold, and the taxation percentage fees are still at the old rate. This could inspire the government to incentivize the mapping and registration of *Masha* lands that have customary and tribal agreements on their boundaries. Since the government is earning close to nothing with the old rate on registrations, it would be beneficial to use this time to complete a national cadastral plan once and for all.

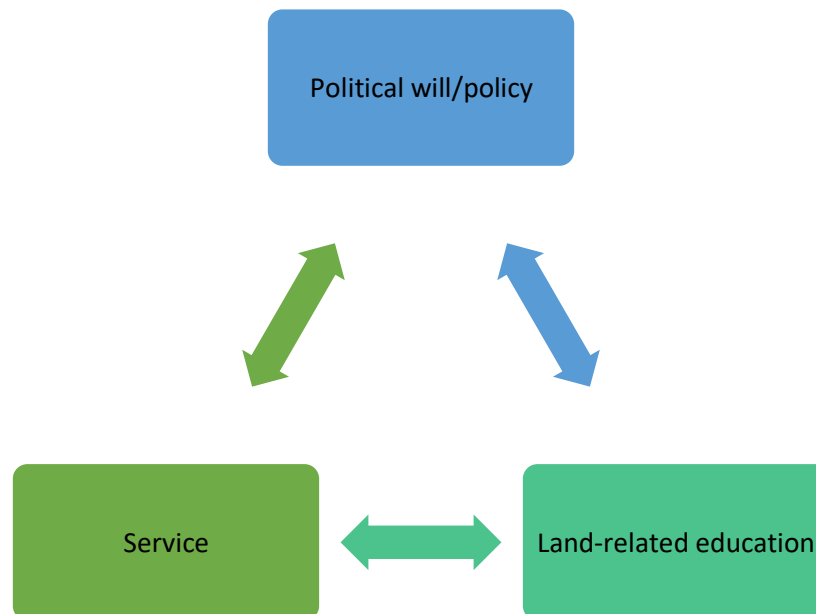


Figure 112: Potential collaboration between political will, services, and land-related education.

In addition, each municipality has the capacity to develop, depending on its financial resources and whether it is mono or multi-communitarian entity. Per se, different villages have developed to different extents regarding the management of public services. This is also because there is no formula on how to spend tax and public money. Moreover, there is not a law that calls for urban planners to be part of the municipal council, even though municipalities have planning prerogatives.

8. CONCLUSIONS

8.1. Main Findings and Gaps

Lebanon is a typical complex case for land governance and management, which forms a specific example in the MENA region. It faces challenges that can be summarized (Zimmermann, 2011) as follows: (1) the overriding impact of conflicts, (2) the lack of political will for reforming the land sector, (3) the absence of land policy orientation, (4) the weak capacity and lack of service orientation of public administrations, (5) the lack of trust between the government and civil society, often due to corruption and (6) the scarcity of accessible empirical land data. The impact of these challenges and gaps is described as follows:

Lebanon has for long been known to be a country in which proxy wars have been fought and where regional geopolitical stakes are settled. This has further weakened the sense of national identity and has created external communitarian leaderships and influences. As such, it is difficult to reach consensus on even the simplest matters which need a majority vote. For this reason, the representative parliament is often delayed and so are most administrative procedures, making it easier to postponement long-term needed systemization and organizational upgrades.

Undoubtedly, application of political will would reform the land sector. Evidence of the lack of it is visible on entering any public planning agency or municipality. Many staff members of public institutions (including the land-related departments) are elderly and unskilled. Some are there only because they belong to the largest family (in the case of villages, for this is how power is determined). Staff members are also assigned by political patrons to maintain their governance in local administration and planning agencies, and to upgrade laws that serve their agendas when needed. If the political patrons benefit on these fronts, then they have no incentive to reform the system.

There is a palpable sense of land orientation, which can be seen in the outdated land use and zoning laws. For example, some areas that were zoned in the 1960s as mixed industrial and residential areas are now sprawling. This has led to a dangerous proximity and even encroachment of toxic factories into residential areas. This is due to the absence of a digitized cadastral and updating system through the Directorate General of Urbanism as well as its limited capacity to plan for such issues. The structure of the DGU is rigid. Moreover, acting with limited finances, it is often faced with pressures from clans and patrons to fulfil territorialization agendas.

The public administrations lack service orientation because they are communitarian; they serve their own communities without thinking of the national needs. They are service providers to their voters and, as such, a clientelist relationship is struck between public administration staff and people, in which if you are not affiliated with the elected member's party you would not receive benefits.

Without accessible empirical data and digitized cadastral plans on a national level the one available is incomplete and will become obsolete. Now that there is finally a cadastral plan for Beirut, which was completed by the American University of Beirut and handed to the army and the municipality, there is a good ground for putting all the initiatives together and come up with a plan for the city. Then, hopefully, a cadastral plan can also be rolled out at the regional level.

8.2. Reflections on the Process

Academia will play the role of mediator between stakeholders and actors. Considering the country's current vulnerable economic situation, now is the perfect time to introduce and begin implementing the five functions of land governance through different education types. This should be accompanied by the following:

- Usage of capacity assessment reports: Coordinating results and findings of the three assessments on the country national level (capacity assessment, existing learning offers, existing professional assessment) for developing the learning offers, and the capacity-building programmes.
- Identifying the key and relevant stakeholders (public and private sectors, Parliament, civil society organizations, donors, academia and the media), each according to their role.
- Preparing a short policy brief for the three assessments, focusing on the main findings (gaps, suggested solutions, matrix of responsibilities and incentives for stakeholders).
- Reaching out to key stakeholders for implementing land governance reform and developing capacity building programmes (academics and professionals).
- Developing a communication plan for raising awareness for stakeholders (including the citizens) about different land governance issues.
- Establishing links with official statistical authorities in Lebanon for developing relevant surveys contributing to the infrastructure data for land governance issues.
- Organizing workshops with the civil society or public sector organizations for women (for example, the National Council for Women) for raising females' land rights awareness.

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