



Protection Sector Guidance on the Response to Evictions in Lebanon 2018

Introduction:

Due to growing concerns regarding the effect of evictions on refugees and the need to maintain a degree of consistency in terms of the protection response, this guidance document has been developed by the Protection Sector for protection partners when planning a protection response. The guidance reflects contributions from protection partners, and draws upon field experiences with evictions and good practices.

Recent and past experiences and lessons learned demonstrate that coordination leads to: a common understanding and analysis of the reasons behind the eviction situation, whether it complies with international and national law; identification of the stakeholders involved and the potential consequences on the affected population; increased consistency and predictability of messages and interventions for the affected population as well as vis-à-vis the central and local authorities and other stakeholders, including humanitarian actors; increased complementarity and efficiency in the response and in the use of available resources; and most importantly, enhanced protection of the affected population and respect for the “do no harm principle”.

The protection response will continue to be led by the field PWGs, receiving guidance and assistance from the National PWG when necessary. As part of the inter-agency coordination structure in Lebanon, the Protection Sector is monitoring actual and possible evictions closely, and leading the identification and implementation of adequate protection responses. The Protection Sector will amend this guidance document to account for any new eviction developments necessitating appropriate review and amendments.

General Guiding Principles

The approaches outlined below serve as guidance to inform and assist the development of responses to evictions. This could include advocacy and other protection interventions such as provision of humanitarian assistance, in line with the “do no harm principle” and specific operational contexts.

As a matter of principle, humanitarian actors will advocate against unlawful evictions, and remind the relevant central and local authorities of their responsibilities to prevent such harmful actions.

In the case of evictions, partners will also remind the authorities to ensure that implementation of eviction orders respect relevant international and national standards, including identification of alternative accommodation for the affected persons.

Humanitarian actors will ensure consistency and complementarity between advocacy strategies and interventions, and operational approaches and interventions by the field PWGs.

Eviction scenarios

Three main eviction scenarios have been identified and are detailed below, which are broadly representative of the most common situations confronted by refugees and responded to by protection partners in Lebanon. However, not all possible eviction scenarios can be accounted for in advance and the recommended protection responses are meant to provide initial direction and minimum standards for the intervention. The guidance presented below can be adapted as appropriate at field level, in coordination with the field PWGs and other inter-agency structures, to address the needs of the populations affected by the eviction. Also, field-issued guidelines in line with the national guidance note, when they exist, will detail the specific response measures.

As a starting point, all protection responses must be underpinned by, and adhere to the “do no harm principle”, by ensuring that interventions do not increase the protection risks faced by the affected persons, or create any additional risks.

Type of eviction			
	Population targeted by the eviction situation	Main characteristics	Eviction notice
Eviction by the Lebanese Armed Forces (LAF)	Refugees living in informal settlements or in private accommodations	<ul style="list-style-type: none"> ▪ Eviction based on – declared or undeclared – security zones, or might be based on the fact that these settlements are located in proximity of a military base or roads or routes frequently used by LAF. LAF evictions largely affect informal settlements. ▪ Other reasons for such evictions could include inter- and intra-community tensions, political interests/motivation, or the well-being of refugees and host communities (safety and security).¹ ▪ In the majority of situations, the rationale behind the eviction is not made public and shared with humanitarian actors or refugees affected by the eviction. ▪ In some cases, evictions implemented by LAF have been accompanied by the destruction of housing structures, latrines and other facilities in the settlements by LAF. 	<ul style="list-style-type: none"> ▪ Eviction is normally communicated to the affected populations by LAF military intelligence forces, who may show up in the settlements wearing their official uniforms, or in civilian clothing. ▪ Eviction notice is at times communicated to focal points (shawishes or other individuals) in the affected settlements, without an information-sharing system being in place for other residents to be properly informed. ▪ Short or no notice period is given by LAF; refugees are often asked to relocate immediately. However, delay in the implementation of the eviction order may occur in some cases.
Eviction by other Governmental Authorities (e.g. municipalities)	Primarily affecting informal settlements established/built on private, municipal or state-owned land as well private housing	<ul style="list-style-type: none"> ▪ Landlords may be against such evictions, since they will lose income (rent) and labour (when workers relocate). ▪ The authorities may refer to the following claims/perceptions to justify evictions: <ul style="list-style-type: none"> ○ Lack of legal stay or work permit, lack of local sponsor, lack of lease agreement or not paying municipality fees ○ Increased pressure, as a result of refugee presence, on local infrastructure and resources (for example, water and sewage networks) ○ Overcrowding, causing health and environmental risks, as well as noise pollution ○ Perceived job competition between refugees and host community members ○ Security incidents ○ Settlement not having been endorsed by the municipality or LAF. ▪ Verbal or written rental agreement in place, with regular payment of rent and utility costs (where/if applicable), in cash or in kind (e.g. through labour) ▪ The Internal Security Forces (ISF) can play a role in enforcing the eviction notice. 	<ul style="list-style-type: none"> ▪ Eviction announced by municipality, mayor or governor, affecting refugees in informal settlements or privately rented accommodation. ▪ Municipal decision ▪ Short or no notice period is given by the local authority; refugees are asked to relocate immediately.
Eviction by Landlord	Privately rented accommodation in various settings, usually from either private apartment, collective shelter or informal settlement (Rental agreement in place could be verbal or written ² or no rental agreement)	<ul style="list-style-type: none"> ▪ Overdue rent payment, or inability to pay. ▪ Presence of more than one family in the same house, and/or accompanying noise levels claimed to be disturbing neighbors. ▪ Landlord's wish to reclaim property for personal or other use. 	<ul style="list-style-type: none"> ▪ Eviction announced by, or on behalf of landlord. ▪ The notice period given by the landlord may vary from immediately to a number of days, or possibly up to one or several months. ▪ Normally, a court order for the eviction has not been secured³

¹ In March 2015, the Tripoli Oil Installation Company (TOIL) ordered the eviction of approximately 120 families/800 individuals residing in several informal settlements situated along its gas pipeline in Minnieh. The company claimed that the sites were illegally occupying public land, and that the gas pipeline posed a health and safety risk to the refugees. Later, on 28 February 2017, the Lebanese Armed Forces Military Intelligence (LAF-MI) issued an eviction order against 220 families/1,336 individuals residing in 24 informal settlements located along the Tripoli Oil Installation Company pipeline in Akkar.

² A rental agreement may be verbal or written, as per Lebanese legislation.

³ An eviction is unlawful without a court order

		<ul style="list-style-type: none"> ▪ Complaint(s) by host community about health and/or environmental risks due to solid waste management issues and/or the informal settlement not being connected to a sewage network. ▪ Conflicts among residents within the informal settlement, or between residents and the host community. ▪ In some cases, there are other undisclosed reasons, such as pressure from municipalities, from individuals related to the landlord or from other actors. These need to be taken into consideration during possible mediation efforts or collaborative dispute resolution (CDR). ▪ An agreement exists between the refugee(s) and the landlord on utility fees and, in case of collective shelters and/or informal settlements, on use of common spaces/facilities (such as kitchen in collective shelter). 	<ul style="list-style-type: none"> ▪ The eviction from private apartments is usually on a smaller scale (affecting an individual or small number of households), while the eviction of a collective shelter or informal settlement can be at a larger scale, where the relationship with the shawish might influence the situation/response.
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Ensure field level guidance and monitoring to inform eviction response

- Identify a mechanism within the Inter-Agency coordination structure to lead and maintain up to date information on the response (i.e. PWG, Evictions Task Force/Committee)
- Ensure clear Standard Operating Procedures (SOP) for the assigned coordination mechanism, including timeline for the response, roles and responsibilities of members, reporting lines and guidance for the response). Regularly review and update TORs.
- Ensure guidance that informs eviction response in the field is regularly updated
- Monitor changes in context through protection monitoring, profiling and monitoring of Informal Settlements and Collective Shelters or other relevant methods.
- Ensure information needed to inform the response is up to date (i.e. information on possible eviction threats, mapping of operating actors/partners, identifying resources and services)
- Establish working relationship with authorities (including LAF, Municipality, etc.)

Trigger for the response

- Coordination mechanism will be immediately activated at the receipt of credible information related to an oral or a written notice of collective eviction from a landlord/LAF/Municipality as per the SOP informing the response⁴.
- Partner who receives the information on the planned eviction will report to the coordination structure through the communication tree (whatsapp group, hotline system or any other system) as established in the field level by the SOP's informing the response.
- Specific information related to the eviction will be collected (i.e. number of HH and location, the author of the eviction and if any violence or human rights violation have been recorded).

Process and timeframe for developing the coordinated response

Within the agreed coordination mechanism, leading agencies will:

- Look to understand rationale or underlying reasons for the eviction notice and review and analyze the legality of the notice regardless of the type of eviction. This will help the Protection partners within the coordination mechanism to inform advocacy lines;
- Develop a response plan in a timely manner⁵ (not to exceed one month) following the eviction notice that takes into account:
 - Activities to carry out after the eviction notice is given (table 1);
 - Activities to be carried out following the eviction (table 2);
- Response plan to be endorsed as per the SOP, either through the existing PWG or a specific coordination mechanism (i.e. evictions committee).
- Regular reports provided to the regional inter agency structure on response plan's implementation and continue to liaise with relevant authorities.

⁴ <http://www.spherehandbook.org/en/core-standard-2-coordination-and-collaboration/>

⁵ <http://www.spherehandbook.org/en/core-standard-3-assessment/>

1) Activities to carry out after eviction notice is given, prior to movement:

	Analysis of the notice (rationale and legal)	Advocacy	Mediation	Needs Assessment	Protection Monitoring	Counselling and information	Information sharing
Eviction by the Lebanese Armed Forces (LAF)	<p>Understand rationale or underlying reasons for the eviction notice</p> <p>Analyze the legality of the notice</p>	<p>Develop advocacy line based on the analysis of the eviction notice</p> <p>Delay and possibly to prevent, enforcement of the eviction order through advocacy with the LAF.</p> <p>Approach different stakeholders (including military, religious and political actors) for advocacy and mediation</p>	<p>Identify alternative or new sites for relocation of affected populations in close coordination with relevant authorities</p>	<p>Undertake field visits, assessments (vulnerability profiling) and site profiling to determine planning figures of the population affected by the eviction</p> <p>Carry-out a desk review of existing information concerning the profile of the population at risk of eviction at the municipality level (UNHCR and humanitarian partners data)</p>	<p>Track movement and understand the intentions of refugees once the eviction notice has been issued</p> <p>Monitor eviction site to identify and report/refer any protection issues.</p> <p>Continuous activity</p>	<p>Provide counselling to affected refugee population through community-based groups and volunteers which include key information on evictions, due process, and available services and assistance</p>	<p>, Ensure communication between various actors at time of emergency</p> <p>Share information on the eviction threat at sectoral and inter-agency field level and with all partners in the field location where the eviction threat has been issued.</p>
Eviction by other Governmental Authorities (e.g. municipalities)	<p>Understand rationale or underlying reasons for the eviction notice, to identify the roles and interests of various actors</p> <p>Analyze the legality of the notice</p>	<p>Develop an advocacy strategy in relation to the eviction situation.</p> <p>Advocate with the government authority to prevent the eviction from taking place.</p> <p>Engage with local NGOs, other authorities, or actors such as human rights advocacy organizations.</p>	-	<p>Carry-out a desk review of existing information concerning the profile of the population at risk of eviction at the municipality level (UNHCR and humanitarian partners data)</p>	<p>Track movement and understand the intentions of refugees once the eviction notice has been issued</p> <p>Monitor eviction site to identify and report/refer any protection issues</p> <p>Continuous activity</p>	<p>Provide counselling to affected refugee population which include key information on evictions, due process, and stance of the humanitarian community on evictions</p>	<p>Share protection monitoring and desk review information with other sectors and inter-agency for planning purposes in the area where the eviction took place and where the affected populations are relocating to.</p>
Eviction by Landlord	<p>Understand rationale or underlying reasons for the eviction notice to analyze the legality of the notice</p>		<p>Implement dispute resolution or mediation with landlord and/or other parties</p>	<p>Assess household situation (disabilities etc.), including in collective shelters for further referral</p>	<p>Understand the intentions of refugees once the eviction notice has been issued</p>	<p>Provide counselling to affected refugee household which include key information on evictions, due process, and stance of the humanitarian community on evictions</p>	

2) Activities to carry out following eviction :

	Eviction by the Lebanese Armed Forces (LAF)	Eviction by Governmental Authorities	Eviction by Landlord
Relocation assistance	Assist only refugees with specific needs to relocate to small shelter unit, collective centers, or similar accommodation		Support households to find alternative accommodation in small shelter units or collective centres
Movement tracking	Track movement immediately after the eviction notice between evicted and new relocation sites		Maintain contact with the HH after the relocation to another accommodation
Monitoring eviction situation	Continuous monitoring of the situation in both eviction and relocation sites. Ensure the provision of timely assistance to the families relocated to a new location ⁶		
Provision of legal assistance	Legal partner to assist refugees in establishing new lease agreements, Provide refugees with legal advice on Housing, Land and Property (HLP) issues, Assist refugees in negotiating the return of rent paid in advance		
Emergency Cash Assistance (ECA)	Provision of ECA assistance validated as strategic response by the field protection sector lead, Provision of ECA assistance based on the needs and only after affected refugee has moved ⁷ Exceptions will be made for refugees with specific needs;		Emergency cash assistance to help refugees meet immediate needs ⁸
Identification and referral	Protection monitoring established or ongoing in relocation sites to help identify and refer persons with specific needs to specialized services		Assistance options for vulnerable cases who lack resources to pay rent, placing them at risk of eviction
Addressing tension issues	Seek support from community structures, outreach volunteers (OVs) and/or Social Stability Sector actors in assisting to address possible social cohesion issues in the relocation sites		
Communication with refugees	In the affected area, provide information to refugees through existing community structures (OVs, community groups, etc.)		
Psychosocial Support (PSS)	To implement PSS activities in the relocation sites targeting children who may be traumatized by the eviction		
Identification of children enrolled in school	Identify children attending school in the eviction site and refer them to the Education Sector to ensure transfer to a new school in the relocation site		
Post assistance follow-up	Follow-up visit or phone call to the household following relocation to ensure they are not at risk of secondary eviction or face other protection concerns in their new place of residence		

⁶ Assistance provided to the families is based on their needs in the relocation site

⁷ Exceptions can be considered according to the specific context in the field as determined through a protection risk analysis and feasibility assessment. In some specific circumstances, needs assessment might not be feasible, or when not assisting all families with the same amount may create problems of stability or coexistence, blanket assistance could be considered.

⁸ The ECA assistance delivered in an individual eviction situation has to be aligned to both Protection and Shelter sectors eviction response strategy

FORCED EVICTIONS AFFECTING REFUGEES IN LEBANON: LEGAL CONSIDERATIONS

A. Protection from Forced Evictions under International Law

The right of every person to be protected from forced eviction stems from the right to adequate housing, and especially the element of security of tenure, long recognized under international law.⁹

Forced or unlawful eviction is defined as the ‘permanent or temporary removal against their will of individuals, families and/or communities from the homes and/ or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection’.¹⁰

The obligation on states to refrain from and protect against forced evictions is enshrined in various international law instruments, including the International Covenant on Economic, Social and Cultural Rights (article 11), International Covenant on Civil and Political Rights (article 17), Convention on the Rights of the Child (article 27), and the Convention on the Elimination of All Forms of Discrimination against Women (article 14 – 16). Lebanon has ratified these international instruments and recognises international law obligations through the preamble to the Constitution.

A number of guiding principles have been established by various expert bodies and organisations, to ensure that those affected by or threatened with forced eviction are protected from harm.¹¹ These standards apply to persons living in any type of dwellings, including informal shelters, and while they are not legally binding as such, they provide guidance on how to interpret human rights obligations related to evictions. They include the following:

- State authorities are obliged to ensure forced evictions do not take place.
- All alternative to evictions must be considered first so as to avoid, or at least minimize the use of force.
- Under exceptional circumstances where an eviction is unavoidable, authorities must ensure that it is carried out in a lawful, reasonable and proportional manner, in accordance with domestic and international law. Evictions must respect human rights and due process.
- The right to information and to meaningful consultation and participation should be respected at all stages of the process.
- Preventative and responsive measures must be taken so as to ensure that persons are not rendered homeless or vulnerable to further human rights violations. All necessary measures should be taken to minimize the impact of evictions.
- Adequate and reasonable notice for all affected persons must be given.
- Effective legal recourses and remedies should be made available to those who are evicted, including adequate compensation for any real or personal property damaged.
- Evictions must not take place in particularly bad weather or at night.

B. Lebanese Legal Framework Governing Evictions¹²

1) Evictions by Private Owners (‘Landlords’)

⁹ See UN-HABITAT & OHCHR, Fact Sheet 25: Forced Evictions, 2014, <http://www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf>.

¹⁰ **Committee on Economic, Social and Cultural Rights, General Comment 7, Forced evictions, and the right to adequate housing (Sixteenth session, 1997), U.N. Doc. E/1998/22, annex IV at 113 (1997), reprinted in Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.6 at 45 (2003).**

¹¹ namely the UN Committee on Economic, Social and Cultural Rights, General Comment No. 4 (1991) The Right to Adequate Housing and No. 7 (1997) The Right to Adequate Housing: Forced Evictions (UN Special Rapporteur on Adequate Housing Basic Principles and Guidelines on Development-Based Evictions and Displacement, UN-Habitat & OHCHR, Fact Sheet No. 25 (Rev.1) .

¹² Please note that the references to Lebanese legislation in this section are not exhaustive, but rather an attempt to provide general guidance on major legal provisions. Additional legal references might be applicable in concrete eviction cases at hand.

Rights and obligations of tenants and owners are regulated by the Code of Obligations and Contracts (COC) of 1932.¹³ Both parties are free to determine the duration of the lease. If the agreed duration is shorter than 3 years, the tenant is permitted to extend the lease to a full three years once the initially agreed duration expires.¹⁴ It is important to note that verbal lease agreements are valid under Lebanese law, though the content of such agreements might be difficult to prove in practice.

In order to evict a tenant lawfully from a property, an eviction judgment from the Civil Court of First Instance¹⁵ is required as a first step. Once the owner/landlord obtains an eviction judgement, he/she needs to seek an eviction order from the Enforcement Department. The Department then issues the eviction order and notifies the tenant by written notice, setting a deadline for the tenant to leave the property. The deadline set in the eviction order depends on whether the eviction order is based on an eviction clause in the lease agreement or an eviction judgment.¹⁶ The deadline is five days if the eviction order is based on an eviction judgment and it is ten days if the eviction order is based on an eviction clause in the lease agreement. If the set deadline expires and the tenant refuses to leave the property, the owner can request the clerk of the court to accompany him/her to the property in order to request from the tenant to leave within 24 hours. If the tenant still refuses to leave, the clerk can request police assistance in order to force the tenant to leave the premises.

Any eviction by an owner that takes place outside the legal framework described above is considered unlawful. Therefore, if the owner forces the tenant to leave directly, such action is subject to criminal sanctions.¹⁷

Lebanese law does not provide a standard timeframe in which notice of eviction is to be served. Article 10 of the Rent Law (1992) which only applies to rent agreement of residential premises organized before 1992 provides that in a situation where a tenant has not paid rent for two months, the landlord is entitled to give notice. The Courts will then decide how long the tenants have before they must vacate the dwelling. By contrast, Article 598 of the Code of Obligations and Contracts (1932) provides that in cases where there is no written contract between the landlord and the tenant, the landlord must provide notice in accordance with customary practice in Lebanon. Customarily, around 10 days' notice are provided.

III. Evictions in Security Zones declared by the Lebanese Armed Forces

Areas declared to be security zones by the Ministry of National Defense can be subject to evictions.¹⁸ Mass evictions can be justified by the proximity of informal settlements to LAF installations or sensitive locations.¹⁹ Decree No. 4147 (1981) governs the establishing of such security zones by the LAF and delineates the distance to be maintained between military facilities and private/public property. The construction of facilities or settlements within the area of the security zone is prohibited.²⁰ Therefore, persons residing within a security zone are under an obligation to vacate the area.²¹ It is worth noting that checkpoints are not designated as military facilities under Decree No. 4147 (1981).

¹³ See Article 538 of the COC on lease agreements.

¹⁴ Articles 533, 543 ff. of the COC.

¹⁵ According to articles 86, 90 and 91 of the Lebanese Code of Civil Procedure, an eviction judgment can be requested by the property owner from the Civil Court of First Instance. Within this court, the court's single judge has the exclusive competence to decide in cases related to lease of movable and immovable property. This means that single judges have competence over cases where the property owner requests the eviction of the tenant living in his/her property.

¹⁶ Articles 838 and 850 of the Code of Civil Procedure. To note that a lease agreement can contain an eviction/termination clause in case the tenant breaches the contract. Nevertheless, even in the presence of such a clause, the owner has to go through the enforcement department in order to evict the tenant. Submitting the lease agreement before the enforcement department directly without going through the Court of First Instance would require a written lease agreement certified by the Ministry of Finance.

¹⁷ Article 429 of the Lebanese Criminal Code criminalizes the act of taking one's right by force instead of approaching the relevant authority. Even when based on legal grounds, evictions can only be executed through the procedures described above.

¹⁸ Decree No. 4147 (1981) Establishing "Security Zones" by the LAF. Article 8 authorises the Ministry of National Defence to declare security zones. Such declarations must be notified to the land registry which then registers the decision. Owners of land that falls within the security zones are entitled to compensation, determined on a case by case basis (Articles 12-13).

¹⁹ It is worth noting that checkpoints are not designated as military facilities under Decree No. 4147 (1981).

²⁰ Article 2, Decree No. 4147 (1981).

²¹ It is worth noting that any enforcement of this obligation which targets only Syrian refugees but not other residents in the area would be considered a violation of the principle of non-discrimination and therefore at odds with the law.

Article 10 sets out the delineations of security zones around various types of military facilities as follows:

- A. Building of the Ministry of National Defense, the leadership of the army barracks, military institutes and hospitals:
 - Places in Beirut, Tripoli, Saida 15 meters from the boundaries of the property where these facilities are established.
 - In all other areas, 40 meters from the boundaries of the property where these facilities are established.
- B. Warehouses dedicated entirely to storage, manufacture and repair of ammunition and explosive materials
 - 200 meters from the boundaries of the property where these facilities are established.
- C. Buildings used as administrative offices, 15 meters from the boundaries of such offices
- D. Other military facilities (residential houses, pools, clubs and cooperatives, etc) do not require the designation of any Security Zone.
- E. Un-constructed properties – the security zone area is determined according to the destination and use of these properties.

Following article 10(h), the delineation of a security zone in respect to an airbase is stipulated in law 70/66, which provides broad powers to the LAF with respect to “easement rights to free certain areas of obstacles that pose a danger to aviation or obstruct the operation of radio aids or other auxiliary equipment for air navigation, by removing such obstacles, buildings, installations, trees or otherwise, or by preventing their establishment or limiting their height”. No range is provided as to how wide the security zone can be.

The LAF is required to follow similar procedures as private owners when seeking to evict persons from a security zone, namely to obtain an eviction notice by the court and to seek an eviction order by the enforcement department.

IV. Evictions by Municipalities

The Municipal Act (1977) enumerates the competences of municipalities which include:

“Maintaining public health, safety and security provided that it does not interfere with the powers granted by the rules and regulations to the State security departments (Art. 74/19)

[or] . . . [a]void or prevent anything that might trouble public health, safety and security” (Art. 74/21).

[or] “Carrying out some tasks and urgent procedures related to public health and safety, [...] provided they may be subject thereafter to the approval of the Municipal Council.” (Art. 74/40)

[or] “Demolishing insecure buildings and repairing them on the expenses of their owners, according to the provisions of the law on construction (Art. 74/13)

As such, the municipality may contend they possess the authority to take charge of such matters, with little limitation under the Act, including ensuring security through the municipal police in its capacity as Judicial Police. It should be noted however, that the scope of “security” matters is limited to the implementation of municipal laws, regulations and decisions, and does not extend to security matters which are within the competence of the Judicial Police as set out in article 38 of the Code of Criminal Procedure.

Though the scope of power provided to municipalities under the Act is indeed wide, it must not conflict with other legislation and is limited by rights secured by other laws. For example, Decree 8735/1974 on Preserving Public Hygiene details the role that a municipality plays in preserving public hygiene and the penalties the municipality can impose. Article 30 of Decree 8735 provides that municipalities (municipal police) may set fines for infractions. Article 20 permits municipalities to conduct works to remove the risk to public hygiene and recuperate costs from the person causing the infraction (Article 20). Nowhere in Decree 8735/1974 is the municipality authorised to carry out evictions to preserve public hygiene.

Therefore, under Lebanese law, municipalities do not have the authority to evict persons from leased or owned properties, unless the municipality acts as a private landlord with regards to property owned by the municipality.²²

²² For municipalities acting as private landlords, the same rules apply as for any other private owner seeking to evict their tenants (as described above).

V. Legal Remedies against unlawful administrative actions

Actions and administrative decisions in contradiction with international legal instruments which Lebanon is signatory to can be challenged before the Lebanese State Consultative Council on the grounds of exceeding the limits of power. This applies to decisions or actions taken by an individual or an authority.²³ This includes decisions or actions by municipalities, since the Municipal Act does not specify any specific appeals mechanism to challenge such acts.

A case may be brought by any party who may be affected by such a decision or who holds a legitimate interest in the matter. A complainant may:

- 1- File for annulment of the decision
- 2- File for the suspension of the decision
- 3- File for the assignment of an expert to conduct an assessment

In case of urgency, the State Consultative Council based on the complainant request may take temporary measures to preserve the rights and prevent damage before studying the merit of the case.²⁴

The State Consultative Council, and before issuing the final judgement, possesses the authority to suspend any decision that may cause "serious damage". However, a decision may not be suspended through a preliminary judgement by the State Consultative Council if the decision relates to the maintenance of public order, security, public safety or public health.²⁵

²³ State Consultative Council Act (Decree 10434).

²⁴ Article 66, Decree 10434 (1975)

²⁵ Article 77, Decree 10434 (1975).