

HOUSING, LAND & PROPERTY ISSUES IN LEBANON

IMPLICATIONS OF THE SYRIAN REFUGEE CRISIS

August 2014



UN HABITAT
FOR A BETTER URBAN FUTURE



European Union



UNHCR
The UN Refugee Agency

Copyright © 2014

By the United Nations High Commissioner for Refugees (UNHCR) & United Nations Human Settlements Programme (UN-Habitat),

All rights reserved. No part of this publication may be reproduced, stored in retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior permission of UNHCR/UN-Habitat.



The United Nations High Commissioner for Refugees, UNHCR, the UN refugee agency, works to protect and assist those fleeing war and persecution. Since 1950, we have helped tens of millions of people find safety and rebuild their lives.

For More Information
United Nations High Commissioner for Refugees (UNHCR)
Khater Building, Dr. Philippe Hitti Street,
Ramlet El Baida – Beirut
E-mail: lebbe@unhcr.org
Website: www.unhcr.org



The United Nations Human Settlements Programme, UN-Habitat, is the United Nations agency for human settlements. It is mandated by the UN General Assembly to promote socially and environmentally sustainable towns and cities with the goal of providing adequate shelter for all. UN-Habitat's programmes are designed to help policy-makers and local communities get to grips with the human settlements and urban issues and find workable, lasting solutions.

For More Information
United Nations Human Settlements Program (UN-Habitat)
UNESCO Regional Office
Cite Sportive Avenue – Jnah – Beirut
E-mail: info.lebanon@unhabitat.org
Website: www.unhabitat.org

HOUSING, LAND & PROPERTY ISSUES IN LEBANON

IMPLICATIONS OF THE SYRIAN REFUGEE CRISIS

August 2014

ACKNOWLEDGEMENTS

Authors/External Consultants

Mona Fawaz, Associate Professor of Urban Studies and Planning, American University of Beirut

Nizar Saghiyeh, Lawyer, Researcher and co-founder of the Legal Agenda, Nizar Saghih Law Office

Karim Nammour, Lawyer and member of the Legal Agenda, Nizar Saghih Law Office

Core Management Team

Szilard Fricska, Regional Coordinator for Syria Response, UN-Habitat

Samuel Cheung, Senior Protection Officer, UNHCR

Tarek Osseiran, Project Officer, UN-Habitat Lebanon

Marwa Boustani, Urban Planner and Researcher, UN-Habitat Lebanon

Patricia Delis Gómez, Associate Protection Officer, UNHCR

Editorial

Houda Mouawad

We would like to thank all actors who contributed to through providing their opinions and sharing their expertise which greatly informed this study. These include, but are not limited to, actors from various organizations such as: the Norwegian Refugee Council (NRC), the Danish Refugee Council (DRC), the Swiss Agency for Development and Cooperation (SDC), the International Organization for Migration (IOM), the United Nations Development Program (UNDP), the Consultation and Research Institute (CRI) and Human Rights Watch (HRW). Special thanks go to the staff of the various field offices of the United Nations High Commissioner for Refugees (UNHCR) for their extensive and generous support especially in the field work which greatly enriched the findings of the study.

We also express our gratitude to experts in governmental institutions such as the Council for Development and Reconstruction (CDR) and the Directorate General of Urban Planning (DGUP). Furthermore, we highly appreciate the time and input of the Heads Unions of Municipalities (UoMs) especially in Sahel Al Zahrani and UoM of Al Sahel, and to mayors of the Municipalities across Lebanon (in South Lebanon: Rmeileh, Tibneen, Yohmor, in the Bekaa: Bar Elias, and in Akkar: Rahbe, Al Mqaitea, Kfar Melkeh, Kaabarin, Al Ramoul, Mashha, Tal Abbas Gharbi, Miniara, and Halba). We would also like to thank Mr. Micheal McCandles for his input.

Finally, special thanks to the refugees and host communities who welcomed us at their homes whether in urban settings, villages, or informal settlements and shared their personal experience and view of the crisis.

CONTENTS

ACKNOWLEDGEMENTS

LIST OF ACRONYMS AND ABBREVIATIONS

INTRODUCTION	01
PURPOSE OF THE STUDY	01
METHODOLOGY	02
DOCUMENT STRUCTURE	02
CHAPTER 1	
KEY FINDINGS AND RECOMMENDATIONS	05
1.1 KEY FINDINGS	06
1.2 RECOMMENDATIONS	10
CHAPTER 2	
THE HOUSING, LAND AND PROPERTY CONTEXT IN LEBANON	15
2.1 DEMOGRAPHICS, HOUSING STOCK, & TENURE	16
2.2 HOUSING MARKET & GOVERNMENT POLICIES	16
2.3 INSTITUTIONAL FRAMEWORK FOR HOUSING & URBAN DEVELOPMENT IN LEBANON	18
2.4 THE DOMESTIC LEGAL FRAMEWORK FOR HOUSING IN LEBANON	20
2.5 LEBANON'S OBLIGATIONS UNDER INTERNATIONAL LAW	26
CONCLUSION	29
CHAPTER 3	
SYRIAN ACCESS TO SHELTER IN LEBANON	31
3.1 OVERVIEW OF SYRIAN REFUGEE SHELTER AND HOUSING OPTIONS	32
3.2 REVIEW OF THE MAIN REFUGEE SHELTER OPTIONS	34
3.3 COMMON ISSUES ARISING ACROSS ALL SHELTER OPTIONS	41
CONCLUSION	48
CHAPTER 4	
CASE STUDY OF REFUGEE IN AN URBAN CONTEXT: AL NABA'A	51
4.1 NEIGHBORHOOD TRANSFORMATION	53
4.2 SOCIAL NETWORKS AND RESILIENCE	54
4.3 HOUSING TYPES, QUALITY AND ACCESS TO SERVICES	55
4.4 RENTAL ARRANGEMENTS IN NABA'A	57
CONCLUSION	61
CHAPTER 5	
CASE STUDY OF REFUGEE HOUSING IN A RURAL CONTEXT: AKKAR	63
5.1 INFORMAL SETTLEMENTS IN NORTH LEBANON	64
5.2 RENTED ROOMS AND APARTMENTS	66
CONCLUSION	70
BIBLIOGRAPHY	71

LIST OF ACRONYMS AND ABBREVIATIONS

CAS	Central Administration of Statistics
CDR	Council for Development and Reconstruction
CEDAW	International Convention on the Elimination of All Forms of Racial Discrimination
CESCR	Committee on Economic, Social, and Cultural Rights
COC	Code of Obligation and Contracts
CRI	Consultation and Research Institute
DGU	Directorate General of Urbanism
DRC	Danish Refugee Council
GDP	Gross Domestic Product
HLP	Housing, Land, and Property
HRW	Human Rights Watch
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICLA	Information, Counseling and Legal Assistance
IOM	International Organization for Migration
IS	Informal Settlements
ITS	Informal Tented Settlements
LBP	Lebanese Pound
MoIM	Ministry of Interior and Municipalities
MoSA	Ministry of Social Affairs
NGO	Non-Governmental Organization
NRC	Norwegian Refugee Council
PCH	Public Corporation for Housing
PRS	Palestinian Refugees from Syria
RER	Real Estate Registry
SDC	Swiss Agency for Development and Cooperation
SSU	Small Shelter Units
UDHR	Universal Declaration of Human Rights
UN-Habitat	United Nations Human Settlements Programme
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UoMs	Union of Municipalities
USD	United States Dollar

INTRODUCTION

Lebanon hosts the highest number of Syrian refugees in the region. UNHCR estimates that over one million refugees currently reside in Lebanon, in addition to at least 50,000 Palestinian Refugees from Syria (PRS).¹ Most of this influx has occurred in the past year. In January 2013 the refugee population was less than 150,000, but grew almost six-fold during 2013. It is estimated that today 1 out of every 5 residents in Lebanon is a refugee. These refugees are distributed across the country, with the highest population concentrations in the Bekaa (35%), Beirut (25%), and North Lebanon (25%). Most of these refugees are settling in cities and peri-urban areas outside towns and villages, creating different challenges from those normally found in a rural context.²

The Syrian refugees' crisis has had a huge impact on Lebanon. At the onset of the crisis, host communities in Lebanon welcomed and supported many refugees, sometimes without asking for anything in return.³ However, as the crisis has become prolonged, supporting refugees has become an increasing burden on communities and public authorities alike. In the context of a weak central government and in the absence of

a comprehensive national strategy to respond to the crisis, humanitarian actors have increased their cooperation with municipal authorities. In fact, municipalities have in many cases been the Government's "first responders" to the refugee crisis. There are signs, however, that municipalities' capacities are increasingly strained and that they are becoming more and more frustrated with the situation.

The urgent need for basic shelter has pushed many Syrian families to live in poor conditions, frequently in spaces not designed as shelters. The situation is further exacerbated with the arrival of new refugees, reducing hence the availability of housing and increasing the risk of eviction. The presence of these refugees has also had adverse consequences for host communities due to increased competition over affordable housing, the inadequacy of the existing infrastructure and services, and competition over limited employment opportunities.

PURPOSE OF THE STUDY

In light of these challenges, UNHCR and UN-Habitat conducted an assessment of housing, land and property (HLP) issues related to the Syrian refugee crisis.⁴ This report reviews the impact of the crisis in four specific areas: (i) shelter options available to refugees; (ii) HLP rights of refugees and host communities; (iii) housing and property markets; and (iv) land-use, particularly in heavily impacted cities and towns, but also in rural areas.

The purpose of this research study is to inform humanitarian and government entities and help in designing policies, planning decisions and programs so as to ensure that refugees and vulnerable Lebanese families have access to safe, affordable and adequate shelter.

1 See <http://data.unhcr.org/syrianrefugees/country.php?id=122> for the latest UNHCR figures.

2 For the challenges of urban response, please refer to UNHCR's 2009 "Policy on refugee protection and solutions in urban areas" at <http://www.unhcr.org/4ab356ab6.pdf> and the Inter-Agency Standing Committee's 2011 strategy "Meeting the Humanitarian Challenges of Urban Areas" at <http://www.humanitarianinfo.org/iasc/pageloader.aspx?page=content-subsidi-common-default&sb=74>.

3 Four years into the crisis, the UNHCR March 2014 shelter survey estimated that some 15,000 refugees were hosted by Lebanese families.

4 For more information on housing, land and property rights and issues, please refer to <http://www.globalprotectioncluster.org/en/areas-of-responsibility/housing-land-and-property.html>.

METHODOLOGY

The research study proceeded on two parallel tracks. First, it sought to contextualize the ongoing crisis within the larger housing, land and property framework in Lebanon, looking both at the housing sector and legal frameworks related to refugees' access to shelter. Second, the study provides an in-depth analysis of the processes of shelter acquisition for Syrian refugees in Lebanon. The report therefore consists of:

1. A brief introduction to the housing context in Lebanon, including markets, legal frameworks, and relevant institutions;
2. In depth case studies undertaken in two locations where a sample of the local refugee population and host community were interviewed to provide qualitative insights to complement UNHCR's existing quantitative dataset (see relevant methodology sections in Chapters 4 and 5).

A first round of field visits and open-ended interviews with key informants throughout Lebanon allowed the research team to understand patterns of settlement and emerging issues. This was followed by more systematic research in four localities (two urban, two rural) where interviews were conducted with refugees and host families. In total, over 100 refugee households and 25 Lebanese households were interviewed. Real estate agents and other stakeholders were also interviewed regarding housing, living conditions, market conditions, and the vulnerabilities of different groups.

Key informant interviews were conducted with staff from international organizations including the U.N. High Commissioner for Refugees (UNHCR), the Norwegian Refugee Council (NRC), the Danish Refugee Council (DRC), the Swiss Agency for Development and Cooperation (SDC), the International Organization for Migration (IOM), and the United Nations Development Program (UNDP). Numerous UNHCR staff in different regions with protection and shelter backgrounds generously shared their time and experience.

Additional interviews were conducted with the Consultation and Research Institute (CRI) and Human Rights Watch (HRW). Interviews were also held with government institutions such as the Council for Development and Reconstruction (CDR) and the Directorate General of Urbanism (DGU), with heads of Unions of Municipalities (UoMs) (Sahel Al Zahrani, UoM of Al Sahel), and mayors of Municipalities across Lebanon (in South Lebanon: Rmeileh, Tibneen, Yohmor; in the Bekaa: Bar Elias; and in Akkar: Rahbe, Al Mqaitea, Kfar Melkeh, Kaabarin, Al Ramoul, Mashha, Tal Abbas Gharbi, Miniara, and Halba).

A rapid desk review of Lebanon's legal framework and its obligations under international and humanitarian law was also conducted to assess the country's obligations and to identify opportunities for improving the living conditions of refugees. Subsequently, an analysis of fieldwork findings was conducted to propose an integrated set of recommendations in connection with the legal aspects of HLP issues in Lebanon, the rights of tenants, and ways in which these rights can be enforced. Larger scale recommendations for providing security of tenure to refugees and vulnerable Lebanese populations are also highlighted.

DOCUMENT STRUCTURE

The study is organized into five chapters. Chapter 1 summarizes the key findings and recommendations of the study. Chapter 2 provides an overview of the shelter context in Lebanon, including demographics, housing markets and institutions, as well as the domestic and international frameworks for housing rights. Chapter 3 provides a synopsis on how Syrian refugees are accessing housing and the shelter conditions in which they are living. It also examines some common issues arising across all shelter types, including lease agreements, evictions, and the role of local authorities. Chapters 4 and 5 provide the detailed findings of fieldwork conducted in two areas, the Naba'a neighborhood of Beirut and Akkar, in North Lebanon.



Picture 1: Syrian women refugees in an Informal Tented Settlement - Akkar, Lebanon





1

CHAPTER 1

KEY FINDINGS AND RECOMMENDATIONS

The key findings and recommendations are organized into five topics: shelter conditions and trends; housing markets; housing, land, and property rights; settlement patterns and land use; and governance. The recommendations follow the same broad structure, but also include suggestions regarding potential pilot projects that combine several recommendations into an integrated program approach. In general, the recommendations are organized to present short-term measures first.

1.1 KEY FINDINGS

1.1.1 Shelter Conditions

1. For 41% of Syrians in Lebanon, **affordable shelter is not adequate, and adequate shelter is simply not affordable**, particularly over the long term. The study confirms, in line with numerous reports already published on the topic, *the dire living conditions that Syrian refugees are facing*.⁵ Poor quality shelter, overcrowding, and limited access to water, sanitation, and urban services are the norm throughout the country for the vast majority of vulnerable refugees. The study also confirms that housing is the most serious concern for most refugees both in terms of quality and monthly cost.
2. The study also pinpoints that **shelter conditions are worsening**, rather than improving. The limited stock of pre-crisis affordable rental housing is drying up (in fact, Lebanon has been facing a *decades old affordable housing crisis prior to the Syrian refugee crisis*). As a result, rental prices are increasing, forcing some established families to down-grade their shelter to more affordable options. Upon their arrival new refugees who are already extremely vulnerable, have few affordable shelter options other than informal settlements.
3. The **number of refugees benefiting from shelter assistance increased significantly between 2012 and 2013**. Whereas 54,450 refugees received shelter assistance in 2012 (out of a total of 170,637 refugees registered by December 2012), some 209,214 refugees received shelter assistance in 2013 (out of a total of an estimated 1 million refugees), a three-

fold increase of people seeking shelter.

4. However, current trends suggest that **humanitarian donors are prioritizing emergency shelter over longer-term options such as rehabilitation**. Rehabilitation support is more expensive per capita in the short-term and, in the current financial crisis, there are signs that humanitarian funding is increasingly focused on the most vulnerable populations, providing them with short-term shelter support. At the same time, **more development-oriented funding for longer-term shelter options has not materialized**. Four years into the refugee crisis, and shelter funding risks to remain focused on symptoms, rather than the strategic challenges of a protracted crisis. Refugees will thus benefit from “life-saving” shelter that does not even begin to meet the criteria for adequate housing.

1.1.2 Housing Markets

5. **The informal nature of the low-income housing market lies at the heart of the refugee shelter issue**. The study concludes that the vast majority of vulnerable Syrian refugees are securing shelter through informal market channels. While the informal market has many strengths (responsiveness, flexibility, and relative affordability), it also has severe shortcomings (poor housing quality, insecurity of tenure, negative environmental impact). Any measures to address refugee shelter issues must be based on a clear understanding of this informal market context.
6. **In large urban areas, a predatory relationship is emerging between property owners, realtors, and slum lords on the one hand and tenants on**

⁵ See, e.g., NRC (2014), *A Precarious Existence: The Shelter Situation of Refugees from Syria in Neighboring countries*, June 2014.

the other, complicating the process of intervening to regulate this housing market. The clear advantage landlords and their middle-men have over Syrian refugees (information, networks, and the credible threat of force) and the significant profits they are able to get out of their powerful position denotes their reluctance to see any form of regulation that would undermine their influence. The situation is particularly acute in neighborhoods in which middle-men manage properties on behalf of absentee owners who have left when refugee populations have sharply increased.

7. **In rural areas, particularly in informal tented settlements, market performance is typically poor, to the detriment of both refugees and property owners.** Tenants have poor information regarding land availability, location, and pricing. Landlords set rates at unrealistic levels; then they are confronted with a situation where refugees have simply packed up and left without paying. This would suggest that there may be some opportunities for regulatory intervention in the informal settlements market.
8. **In rural areas of South Lebanon, where the refugee influx has been less dramatic, the housing market seems to be performing relatively well for refugees.** The availability of empty housing stock, the limited opportunities to expand and build in order to rent out, and the relatively contained scale of migration have contributed to more positive shelter scenarios.

1.1.3 Housing, Land and Property Rights

9. **Refugees, landlords and municipalities are generally not aware of their housing rights,** either under Lebanese law or international human rights law.

In particular, refugees generally seemed unaware that Lebanese law related to leases for built property (apartments and houses) in many cases provides refugees with security of tenure for three years, not one year as is generally assumed to be the case. Nor are refugees, landlords or municipalities aware of the requirement that an eviction must be mandated by a court decision.

10. The study found that **evictions are an increasing concern.** Since mid-2013, UNHCR has been increasingly dealing with issues related to evictions; and changes in shelter trends suggest that the number of evictions will continue to grow. The limited supply of affordable housing combined with the exhaustion of savings will increase the probability of refugees defaulting on their rent payments.
11. Information about **evictions indicates that the majority of eviction cases occur due to the inability of refugees to pay their agreed rent.** In a number of cases, evictions occurred due to so-called security concerns (e.g. proximity to an Army position) or due to tensions with local communities. These cases, however, represent a minority.
12. While failure to pay rent represents a legitimate justification for eviction, the study also found that **evictions often occur outside of any legal framework, and in violation of Lebanese law and international standards.** The study found no evidence that evictions were carried out through a court order, as required by Lebanese law, or that they followed due process and procedures. The study also noted that many evictions were characterized by repeated threats and harassment and, in some cases, backed by the implicit or explicit threat of force by armed militia, or even some elements of the police forces.

13. **Refugees do not have recourse to court to address grievances.** The study found no evidence of a single HLP-related case filed in court. Instead, refugees either rely on social networks or simply do not challenge unfavorable decisions or actions. More positively, the study confirms that **mediation and legal advice**, as practiced by some international NGOs, **can be effective in addressing HLP protection concerns.**
14. The legal analysis concludes that a **formal legal approach to the dysfunctional housing market** is unlikely, on its own, to be effective in ensuring the protection of refugee HLP rights. While a rights-based approach remains central to the protection of refugee rights, it must be complemented by a system of market-based incentives to be effective. **State private land and awkaf (religious endowment land) offer formal opportunities for better regulation of landlord tenant relations.**
15. The study also noted **evidence of significant potential protection risks related to land and property left behind in Syria.** While 83% of new arrivals surveyed in February 2014 claimed to be property owners, some 58% reported not having with them any evidence of their property rights in Syria.

1.1.4 Settlement Patterns & Land use

16. **Syrian refugees closely follow refugee social networks** that predate the beginning of the Syrian conflict. Refugees are finding shelter through migrant worker networks, particularly through the construction and services sector in urban centers and agricultural worker networks in rural areas. Such networks provide the most reliable source of information about available rental accommodations, real prices, and provide the possibility of negotiating with landlords, and money-

lenders to facilitate rent payment.

17. **Syrian refugees are concentrating in a number of residential neighborhoods in Beirut, transforming them into de-facto camps where the majority of residents are Syrian refugees.** In the Naba'a case study, but also elsewhere in Beirut, entire streets have been transformed into Syrian settlements. The effects are both positive and negative. Many respondents noted a clear improvement in the social conditions of their neighborhoods. Prior to the crisis, these areas were dominated by single workers and were characterized by insecurity. On the other hand, many long-term residents decry the loss of their neighborhood character and increase in rental prices.
18. **Informal tented settlements' patterns of organization** follow local, privately driven systems of organization that **present unsustainable land use and servicing patterns.** The ability to service such settlements and the potential costs incurred by servicing them makes it imperative to guide and regulate their organization.
19. **The long-term negative environmental and land use consequences can already be detected from the current pattern of refugee settlements.** In urban areas, the over-densification of low-income urban neighborhoods in ways that sharply reduce the quality of life in these areas is evident. This is the case in a number of streets in Naba'a, but also in the areas of Sabra and Shatila. In peri-urban and rural areas, the establishment of informal settlements on agricultural lands, the large scale cutting of trees, and the contamination of agricultural land present significant long-term risks. In all areas, garbage collection is a serious environmental concern with soil and water contamination noted in many cases.



Picture 2: *Improved water drainage and sewage channel in an ITS - Akkar, Lebanon*

1.1.5 Governance Issues

20. **The affordable housing crisis in Lebanon predates the arrival of Syrian refugees:** It is important to realize that *some of the impediments for the production of affordable housing predate the ongoing crisis and stem from an already prohibitively expensive housing market where property values are exorbitant due, in large part, to unfettered speculation and the absence of affordable housing policies.* In that sense, the ongoing affordable housing crisis that the Syrian refugees are facing in Lebanon presents an exacerbation of a trend that precedes the war in Syria and constitutes a hard reality that will be difficult to address in the short-term.
21. **The central state has not taken a strong leadership role on shelter and housing issues.** Historically, central government policies played a limited role in providing affordable land and housing options and regulating the housing market. During the refugee crisis, the most significant policy statement by the government has been to ban the establishment of formal camps, yet there is tremendous scope for more pro-active policy-making. Other important institutions, such as CDR and DGU, have not yet been fully engaged in the provision of adequate services.
22. **Local authorities are struggling to cope with the refugee influx,** yet are closest to the day-to-day reality of the crisis, therefore, they are more likely compelled to respond to urgent needs. While some municipalities are more actively engaged in housing provision, coordination, service provision, and dispute resolution, others are less involved, while others have even come into confrontation with landlords who refuse their orders to evict. Most local authorities interviewed felt that international organizations bypass them, distributing goods and services directly to refugees within their jurisdiction. Others voiced their reluctance to mediate between property owners and tenants in informal settlements, expressed frustration at the bureaucratic requirements for the approval of the Ministry of Interior, and preferred to serve up the needs of their own voting constituencies rather than those of the refugees.
23. **Informal governance arrangements are emerging,** including the prominent role of the *shaweesh* (the community representative in informal settlements) and refugee and host community committees. These represent opportunities to improve relations between refugees and host communities as well as the effectiveness of humanitarian operations.

1.2 RECOMMENDATIONS

1.2.1 Shelter Conditions

1. Humanitarian and development donors should **increase support for the rehabilitation of private houses and the establishment of new collective shelters** as alternatives to the growth of informal settlements. The rehabilitation of private houses and the creation of new collective shelters represents good value-for-money. It increases the supply of adequate shelter that is affordable and provides security of tenure.
2. Shelter actors should **work closely with municipal authorities to identify additional housing units and buildings that can be rehabilitated for refugee shelter**. Such initiatives should be accompanied by specific measures that meet the needs of host communities and strengthen municipal capacity to manage the crisis.
3. In rural areas, **shelter actors should work closely with municipalities and land-owners to identify more suitable locations for informal settlements**. Shelter actors should work with municipalities to develop and disseminate guidance on site selection. State private land and awkaf (religious endowment land) may be the best places for a start.
4. A package of **incentives should be developed to encourage the Lebanese to build or rehabilitate additional low-cost housing units to Syrian refugees**. Incentives would include low-interest loans, tax breaks, and flexible regulations. The incentives should be linked to specific standards regarding shelter quality and security of tenure.

5. **Livelihoods programs should prioritize the construction and basic services sectors**. Cash-for-work and longer-term job creation programs should focus on housing construction, building materials production, water supply, sewerage, drainage, small electricity providers, solid-waste collection and recycling, in addition to other means for improving living conditions for both refugees and Lebanese nationals. Creating livelihoods outside of major urban areas may also help reduce the strain on infrastructure, services, and social relations.
6. Donors should support shelter actors in **developing integrated shelter and settlements programs** that target the needs of refugees and host communities. As such, interventions need to move beyond the scale of the individual household, towards neighborhood level interventions, and should include, in addition to immediate subsidies, longer term developmental incentives.⁶ Housing improvements can therefore be complemented by, for example, improved quality of urban services, enhanced public spaces (parks, community centers), improved family services (playgrounds and child-care), improved mobility for pedestrians, and improved mechanisms for dialogue between refugees and host communities.

1.2.2 Housing Markets

7. Shelter actors should work in concert with local authorities and private sector stakeholders to **establish “Housing Coordination Centers” and encourage more equitable market outcomes**. The Housing Centers would be responsible for monitoring housing markets, documenting and providing information

⁶ Global Strategy for the Settlement and Shelter, a UNHCR Strategy 2014-2018. Geneva, Switzerland.

on rent prices and available rental properties, and identifying new buildings to be rehabilitated and new land on which informal settlements can be established. The Coordination Centers would also monitor evictions and help ensure that domestic law along with international standards, are upheld.

8. International donors should consider pilots to test the impact of **negotiating and paying the registration fees for rental contracts**. Municipal authorities have the discretion to set fee levels, yet they are not collecting any kind of revenue. Thus, there may be a potential opportunity to negotiate a reduction in the lease-agreement registration fee in return for a commitment to increase the number of registered leases. Revenues from these sources could be used by municipalities to extend or improve municipal services.
9. More **systematic research is required to understand housing market dynamics** and the short and long-term impacts of the refugee crisis on the Lebanese housing market. A specific focus should be made for identifying incentives and priority regulations to improve market outcomes. In this regard, the evidence base for policy development needs to be strengthened.

1.2.3 Housing, Land & Property Rights

10. The government and shelter actors should immediately launch a **national information campaign to raise awareness of the HLP rights and obligations of refugees**. Lebanese law provides significant protection to tenants, however, it has not been used effectively.
11. **Model lease agreements should be developed and disseminated for different shelter modalities** (for example, private housing, collective shelter,

and agricultural land). While it is difficult to impose specific agreements for private parties, yet the model agreements will help raise awareness regarding the respective rights and responsibilities of both landlords and tenants.

12. A **national eviction monitoring program should be developed** jointly with local authorities, non-governmental organizations, and the Ministry of Social Affairs. Simple procedures should be developed to identify households at risk of eviction, develop a range of alternatives to eviction, and, when unavoidable, ensure that the evicted household finds appropriate accommodation.
13. **Shelter actors should systematically include an HLP protection component in their programs**. Information and outreach regarding landlord and tenant rights and referral services to appropriate governmental or non-governmental resources should be mainstreamed in shelter programming.
14. Donors, and possibly a consortium of shelter actors, should **undertake strategic litigation to address priority HLP issues**, for example, forced evictions and unlawful increases in rent within the three year period mandated by Lebanese law for developed property. While it may take time to reach a verdict, the case itself will generate media interest that will raise awareness of landlord-tenant rights.
15. **Specific pilots should be developed to work with “slumlords” and informal settlement landlords to ensure better market outcomes** for both landlords and tenants. The political economy of refugee rents are particularly challenging in dense informal areas of Beirut and Tripoli. Specific pilots should be undertaken in a conflict-sensitive manner to identify opportunities for improving the living

conditions of refugees and low-income Lebanese households alike.

16. Given the significant protection-related risks to refugee property left behind in Syria identified in this study, **a more detailed HLP survey should be undertaken in Jordan, Iraq, Turkey and Syria**. Applying a “whole of Syria” approach to HLP issues will be critical to assessing the scale of the HLP protection challenge. The findings would provide important information to guide local cease-fires and agreements inside Syria, but would also be important for wider conflict resolution negotiations and any eventual return strategies.

1.2.4 Land-Use

17. Donors should **increase funding for sanitation and solid waste collection and disposal in informal settlements**. The risks to water supply and soil quality are significant and must be addressed as a matter of urgent priority.
18. The informal settlements temporary task team should be supported to **review the location of existing informal settlements** and assess them against a range of potential natural and other hazards. Where natural hazards place residents at risk, simple and rights-based approaches should be implemented to relocate them to more appropriate locations.
19. **Guidelines and a system of incentives and regulations** should be developed by the government, local authorities, and shelter actors and widely disseminated to guide the future establishment of informal settlements. As new arrivals continue, and as people run out of savings, preparing a contingency plan for managing the growth of informal settlements will be critical.

20. In urban areas, a **detailed survey is required for low-income settlements that have significantly grown as a result of the Syria refugee crisis**. Many of these areas were already beyond their carrying capacity in terms of services. The structural capacity of some buildings is so compromised that they may represent a risk to their inhabitants.

21. A more **detailed inter-disciplinary study of the longer-term land-use impacts of the refugee crisis should be carried out under the leadership of the government** and supported by the international community. To start, the map of informal settlements can be overlaid with the 2009 Master Plan for Lebanon to identify conflicts. More detailed sectoral work is also required in key areas such as water, food security, infrastructure, and services extension.

1.2.5 Governance

22. Donors should support a **dedicated program of capacity-building for local authorities** in critical areas such as coordination, settlement planning, service delivery, monitoring housing rehabilitation, HLP, and other dispute resolution and contingency planning. Such a program must be delivered in a way that also improves the living conditions of their constituents.
23. **Joint refugee-host community committees should be scaled-up within a national framework** agreed on by the government, local authorities, and affected communities. The committees can identify and address issues of common concern as they arise. They may also take on a coordination role, liaising between local authorities and external assistance actors to ensure the most effective types of support are provided.

24. The **role of the *shaweesh* (community representative) in informal settlements should be recognized and strengthened** within a common framework regarding their role and responsibilities vis-à-vis their community as well as the government and external assistance actors.
25. **Key national institutions**, such as MoSA, water authority, CDR, DGU, **should be supported by targeted programs** to enable them to play a stronger leadership role in developing policies and programs to manage the refugee crisis.



Picture 3: Disused plot of land in Naba'a - Beirut, Lebanon





2

CHAPTER 2

THE HOUSING, LAND & PROPERTY CONTEXT IN LEBANON

This chapter provides a brief introduction to the pre-crisis housing, land and property context in Lebanon.⁷ It begins with an overview of population and housing information, followed by a description of the housing market. The domestic legal and institutional framework is then discussed – including issues related to property types, registration, construction rules, leases and rental agreements, squatting, and evictions. The chapter then provides a brief review of Lebanon's international obligations with respect to the right to adequate housing, and more specifically, refugee rights.

⁷ For more information on HLP issues, please visit: <http://www.globalprotectioncluster.org/en/areas-of-responsibility/housing-land-and-property.html> The Housing, Land and Property Area of Responsibility is coordinated by UN-Habitat. The Global Protection Cluster is led by UNHCR.

Table 1: Housing stock by tenure type and location (2004)

	Beirut	Mount Lebanon	Peripheral areas	Total
Rent	49%	28%	11%	23%
Ownership	43%	65%	85%	71%
Other	8%	6%	4%	6%

Source: World Bank (2010) in Clerc (2013)

2.1 DEMOGRAPHICS, HOUSING STOCK, & TENURE

Demographic information in Lebanon is very sensitive. The last official national census, for example, was conducted in 1932. More recently, the Central Administration of Statistics (CAS) has been conducting household surveys to update demographic information. According to its 2007 update, the country's resident population included 3.7 million individuals, in addition to 425,000 Palestinian refugees, bringing the total population to 4.2 million.⁸ Comparing this figure to earlier numbers released by the CAS in the early 1990s, it indicates that population growth rate has been low, at an annual rate of 0.4%. This can be explained by relatively high rates of emigration.

The distribution of Lebanon's population is largely concentrated in Beirut and its suburbs, with the greater Beirut area accounting for more than a third of the national population. More generally, the Lebanese population is highly urbanized, with an estimated 90% living in cities.⁹

According to the 2007 CAS Survey, the total estimated number of primary residences in the country was less than 888,813. The survey also estimated a total number of 1,000,000 residences. This figure, however, does not include the stock of informal housing, which CAS does not consistently include in its estimates (see table below). Given the aggregate form in which CAS releases its numbers, it is also difficult to estimate the actual number of residences in the Greater Beirut area or

in other specific cities.

For Lebanese families, access to housing is largely based on ownership, with the CAS surveys again showing that an estimated 70% of the population owned a home in 2012 (CAS 2012 in Clerc 2013). People frequently inherit a home (35.3%) or purchase it with accumulated savings (46.7%). Renting is particularly concentrated in the two main cities, Beirut and Tripoli. The trend of homeownership is nonetheless currently changing due to extremely high land and apartment prices, but also because the housing market supply continues to privilege high-end housing products, well above the means of most local or vulnerable households.

According to the CAS survey of household expenditures in the country (2007), the largest share of spending for households in Lebanon is housing (including the cost of services such as water, heating, and electricity). On average, it represents 25.6% of annual spending for the median household. However, it can be much higher, representing 45% for the lowest income groups surveyed in 2004. According to international norm, housing should represent 30% of monthly expenditure.

2.2 HOUSING MARKET & GOVERNMENT POLICIES

In order to understand the housing sector in Lebanon, it is first important to note that housing

⁸ Central Administration of Statistics, *Report Demographic Reality of Lebanon*, 2007 <http://www.cas.gov.lb/images/PDFs/Demographic2007-ar.pdf>.

⁹ UN-ESCWA, *Report The demographic Profile of Lebanon*. 2012 <http://www.escwa.un.org/popin/members/lebanon.pdf>.

is only available through the market. Since its independence in 1942, the Lebanese state has rarely engaged in the production of public housing or introduced measures to protect or secure affordable housing for low-income groups.

National housing policies have not included measures commonly found in similar countries. There are, for instance, no public housing projects in the country. Furthermore, despite the fact that many other countries have engaged in property regularization and neighborhood upgrading, Lebanese policymakers continue to perceive such informal settlements as strictly undesirable and criminalize their population. Finally, even pro-poor policies – such as rent control introduced in the period preceding the civil war – have since been lifted. In 1992, rental agreements were liberalized, allowing rental prices to be set by the market.¹⁰ Since the late 1990s, housing policy has aimed to facilitate the operation of the housing market through incentives. These are mostly given to private banks for the provision of housing loans or a limited number of subsidized housing loans. Although subsidized, these loans have remained unaffordable for Lebanese low and middle income families.

Low-income families and individuals in Lebanon typically access urban housing within low-income neighborhoods and (Palestinian) refugee camps.¹¹ Distributed mostly within the peri-urban areas of large cities (e.g. Beirut, Saida, Tripoli), these neighborhoods were estimated to accommodate 30% of the Greater Beirut population *before* the current Syrian crisis. Constructions in these areas typically combine several forms of illegality, such as violations of building and construction codes, urban regulations, and property rights. Many of these neighborhoods first emerged during

the 1950s and 1960s but their composition and population profile changed dramatically during the civil war (1975-1990) and the post-war reconstruction period. Over the last decade, and owing to the large demand for affordable rent by migrant workers, many of these neighborhoods have become primary areas for rental accommodation. This serves as a form of income generation and capital accumulation (for owners) and responds to the housing needs of a very large number of migrant workers from Syria and elsewhere.

The real estate sector (including its speculative aspects) is protected as one of the only successful “productive” sectors of the national economy (together with industries and services). There are very few market regulations, property taxes are low, and real estate speculation is rampant and untaxed. The sector accounted for 13-15% of the GDP in 2009 and 2010.¹²

Furthermore, the market is heavily segmented and tends to respond to high-end needs where profits are more lucrative. A recent study on property prices indicated that the average price of an apartment in municipal Beirut is currently USD 1.091 million, while the minimum monthly wage is pegged at USD 350 (Ramco Real Estate Advisors, in Bank Audi report).¹³ The average sales price of residential properties in Lebanon is estimated to range between USD 3,800 and USD 4,500 per square meter, far beyond the means of the vast majority of the population.¹⁴ As a result, demand for affordable suburban residential areas has grown while Beirut’s share of the total regional volume of real estate transactions has gradually dropped, from 8.21% in 2008 to 7.03% in 2012.¹⁵

Meanwhile, access to housing and services in

¹⁰ It is worth to note that there are 200,000 apartments or so which remain under the so-called “old rental law”, and hence under pre-1992 rental contracts at highly subsidized prices. This law has recently been revoked by the Parliament, freeing old rents over the next decade. However, the decision is yet to come into effect, as it has not been ratified by the President.

¹¹ Fawaz, M. and I. Peillen, 2002. *Slums of Beirut*, download at: http://www.ucl.ac.uk/dpu-projects/Global_Report/pdfs/Beirut.pdf

¹² See Clerc (2013).

¹³ See Ramco Study findings in *Al Akhbar*, Feb. 14, 2014.

¹⁴ Bank Audi, *Annual Report, Lebanon Real Estate Report*, Dec. 2013.

¹⁵ Bank Med, *Analysis of Real Estate Transactions in Lebanon (2008-2013)*, 2013.

low-income neighborhoods, squatter areas, and refugee camps has also been overtaken by market mechanisms.¹⁶ The lack of available affordable land and the lures of a booming real-estate sector have indeed frequently attracted developers to build housing complexes within areas historically developed either as squatters or, more frequently, illegal land subdivisions. These markets, however, provide limited protection for their users.¹⁷ Multiple sales of a single apartment are very common in Beirut with little recourse for those who have invested in fraudulent developments. In many cases, these informal areas are poorly serviced by formal utilities. Wealthier households therefore mitigate the frequent water and electricity outages by purchasing these services from private operators.

In summarizing the pre-crisis state of the Lebanese housing sector, a 2013 World Bank study stated, “Lebanon has been facing a housing crisis for the past three decades.”¹⁸ The chronic under-investment in affordable housing or rental housing has contributed to “the development of marginalized poverty pockets and informal areas... characterized by poor housing conditions and limited access to basic urban services and infrastructure.”¹⁹

2.3 INSTITUTIONAL FRAMEWORK FOR HOUSING & URBAN DEVELOPMENT IN LEBANON

This section describes the main government institutions involved in the Syrian refugee crisis in Lebanon. It focuses on national level institutions related to housing and urban development, as well as the role of local authorities.

At the national level, the **Ministry of Social**

Affairs (MoSA) is the government’s lead for the Syrian refugee crisis, and therefore, coordinates with the UN agencies and other international actors. It is also directly responsible for housing issues, though its past role in this sector has not been significant. The Ministry is responsible for the **Public Corporation for Housing (PCH)**, which was established in 1996 following the dissolution of the Ministry of Housing. The main role of the PCH has been to facilitate access to housing for low-income groups. Actually, its role has consisted of facilitating housing loans for middle-income groups through partnerships with commercial banks.

Other entities with housing responsibilities include the Displacement Fund and the Directorate General of Cooperatives. The **Displacement Fund** was established in 1992 following the end of the civil war to help displaced populations return to their homeland. It has undertaken the rehabilitation of deteriorated neighborhoods in Beirut and has built one large scale low income housing complex in Tripoli. Accusations of corruption have dogged the agency in the past. Meanwhile, the **Directorate General of Cooperatives** has undertaken only a few housing related initiatives, yet with limited success.

The two central level institutions with responsibilities related to urban development are: The **Council for Development and Reconstruction (CDR)** established in 1977 as an executive arm of the Prime Minister’s Office; it does not report to any line Ministry.²⁰ Since the 1990s, the CDR has articulated and coordinated several large scale planning interventions (physical, infrastructural, and social) including the National Master plan of Lebanon (approved in 2009). The CDR also plays a key role in the interface between national authorities and international donors and lending agencies.

¹⁶ Fawaz, M. 2011.

¹⁷ Fawaz, M. 2009.

¹⁸ World Bank “Lebanon: Economic and Social Impact Assessment of the Syrian Conflict,” Washington, DC.

¹⁹ World Bank (2013), *ibid*, p. 116.

²⁰ In 1977, the CDR replaced the Ministry of Planning as an agency with exceptional powers to “rebuild” the country following the civil war that started in 1975. After 1990, the CDR again plays a key role first in the “reconstruction” and then the development of Lebanon at the national level.

The **Directorate General of Urbanism (DGU)** is the main urban planning agency in the country, entrusted with the organization of national, regional, and local territories. The DGU is also entrusted with supporting local authorities in the provision of building permits when they do not possess the required in-house technical means to conduct the tasks. The tools available to the DGU are limited (i.e. land use master plans, land pooling, and land readjustment projects) and the agency has been widely criticized for its lack of dynamism and innovation. The main offices of the DGU are located in Beirut, but the agency also has several decentralized offices that cover the national territory.

The **Ministry of Interior and Municipalities (MoIM)** is responsible for local authorities in Lebanon. Administratively, Lebanon has a four-tier hierarchy: Central, Mohafazat, Caza, and Baladiyyah (Municipality). With the exception of Beirut, all Mohafazats are in turn divided into Cazas. Mohafazas and Cazas represent the levels of decentralization in Lebanon, whereas municipalities are the only autonomous, elected body as defined by the Law. The MoIM exercises its authority over the management, budget, and finances of all municipalities through the Qaemaqam (who heads each Caza) and the Mohafez (who heads each Mohafazat. The Qaemaqam and Mohafez provide their approval (within certain financial thresholds) of budgets, contracts, authorization of works, disposal of municipal property, approval of donations, and dispute resolution. The Minister of Interior and Municipalities is responsible for organizational issues such as the creation of municipal units, the specifications of supplies, works, and services, and disciplinary sanctions.²¹

Currently there are some 750 municipalities organized into 51 Unions of Municipalities. Municipal jurisdiction is legally broad; however, it is limited in practice by the cumbersome procedures

of the Ministry of Interior and Municipalities. According to Lebanese law, municipalities are entrusted with issuing building permits, enforcing local building and environmental regulations, and ensuring the management of their territories. In the current crisis, and given their immediate relation to local contexts, municipalities are the main public authority in immediate contact with the refugees.

Since the mid-1970s, municipalities have been legally entitled –in fact encouraged– to operate at the regional level by combining the efforts of several municipal jurisdictions into regional unions in view of strengthening their planning and service provision efforts. Since the mid-1990s, and in response to a set of public incentives, Unions of Municipalities have proliferated throughout the country. Despite a dubious process of amalgamation –frequently motivated by political or sectarian agendas– the unions have recently engaged in interesting strategic planning exercises at the regional level.

Internally, municipal authorities consist of two major bodies: A decision making body represented by the Municipal Council, and an executive authority embodied in the Municipal Council's President. According to decree no. 118/1977, issued on June 30th, 1977 (Municipalities' Law), both bodies have significant authority on housing-related issues. For example, article 49 states that the Municipal Council can determine the fee rate for the issuing of a construction permit, while Law No. 60/88 entitles the Council to set the fee for the registration of lease agreements.

Article 74 of Decree No. 118/1977 grants the Municipal Council's President many housing-related prerogatives, including authorizing housing construction and issuing housing permits, destroying dilapidated buildings and ordering their rehabilitation, and more broadly, ensuring the application of the construction law, notably

²¹ For more details on the municipal sector in Lebanon please consult: *Municipal Finance Studies Program, Final Strategic Framework* International City/County Management Association (ICMA), in contribution with the Consultation and Research Institute (CRI) & TCG International (TCGI), February 8th, 2011, available at: www.interior.gov.lb/Download.aspx?id=81

those provisions related to the settlement of building violations. Furthermore, article 15 of Law no. 60/88 states that each municipality must hold a register (the equivalent of a local cadastre) in which it must document each existing real property within the municipality's jurisdiction, and each building built, their rental value, and the persons occupying them (whether these persons are owners or tenants).

More generally, decree no. 118/1977 entrusts municipalities with a broad range of tasks which have often been freely interpreted by municipalities in Lebanon in order to further broaden their decision-making power. However municipal decision-making is limited by two major factors. First, as stated above, many decisions are subject to the approval of a higher authority (e.g. the Qaemaqam or the Mouhafez etc...). Second, municipalities have limited resources (financial and personnel), which often prevents them from implementing whatever decision they need to enforce by law.

It is obvious from the above that local authorities have the potential to play a significant positive role in the refugee crisis. They are close to the day-to-day reality of the refugee situation and can be more easily held accountable by local population. At the same time, some of the structural issues characterizing the Lebanese housing market clearly require national level leadership. Thus, both national and local authorities will require strengthening their structures to play their roles effectively.

2.4 THE DOMESTIC LEGAL FRAMEWORK FOR HOUSING IN LEBANON

This section provides a broad overview of the legal framework for housing, land, and property

issues in Lebanon. It includes a review of property types, procedures for property registration and transactions, construction-related laws, laws regulating rental agreements, occupation of land and property, and the framework for evictions.

2.4.1 Land and Property Types in Lebanon

There are three main types of land in Lebanon: private, public, and *awkaf*. Private land and property may be owned individually or collectively and must be registered to ensure the full protection of state law. It is important to note that private land and property ownership is based on a system of shares. Each property is made up of 2,400 shares. If property is owned by many persons, each person is the owner of a certain number of shares of the property, but without being allocated a specific physical part of it.

Public land is divided into two types: (i) state public property and (ii) state private property. State public property is regulated by decree no. 144 which concerns property that is destined by nature for public use (eg. roads, seashores, etc...).²² State private property, by contrast, is regulated by decree no. 275, which concerns the developed or undeveloped land that is not destined by its nature for public use. These properties can belong to the State (represented by the Ministry of Finance), or to municipalities. Thus, Lebanese municipalities do have land at their disposal and the legal authority to allocate it for different uses.

The third category of land, *awkaf*, is also known as religious endowment land. It is a land that has been entrusted to a religious organization, often for a specific social purpose (eg. school) or, more generally, for charitable purposes.²³ Religious groups have used *awkaf* land to settle Syrian refugees, as we will see in Chapter 3.

²² Decree no. 144 issued on June 10th, 1925 related to public property.

²³ See Sait and Lim, "Land, Law and Islam: Property and Human Rights in the Muslim World, London, Zed Books, 2006, published in association with UN-Habitat.

With respect to the Syrian crisis, both state private land and *awkaf* provide some specific opportunities for sheltering refugees in a way that would give authorities more control over the location, terms and conditions, and beneficiaries than it would be possible through market mechanisms alone.

2.4.2 Land and Property Registration and Transactions

The Lebanese real-estate system is based on a cadastral system, which is a parcel-based land information system that registers land and property. According to Lebanese law, only properly demarcated properties can be registered at the Real Estate Registry (RER). In general, most built up urban areas have been demarcated and registered. If the land has not been properly registered with the Real Estate Registry, any transaction (sale or lease) is not legally enforceable.²⁴ In addition, only registered rights are enforceable against a third party, for example, in the case of land or property rented-out or sold by someone else.²⁵

If the buyer of real property fails to register the sale contract at the RER during the prescribed period of ten years the buyer *legally* loses his right to register the transfer of ownership at the RER.²⁶ However, non-registration at RER is a widespread practice especially amongst low-income buyers. High registration fees and the requirement that properties comply with building and zoning regulations, combined with the absence of effective enforcement, make registration a burden.²⁷

Several other aspects of land and property registration in Lebanon should be highlighted:

- Regarding the 2,400 share system, any sale must be approved by all co-owners,²⁸ whereas any lease or rehabilitation of the property requires the formal approval of three quarters of the co-owners.²⁹
- The unauthorized occupation of registered property, no matter for how long, does not grant the occupant any property rights whatsoever. Thus, property owners who have registered their property at RER have strong rights. As noted above, it is not uncommon for many people to avoid registration or to not update the property information at RER.
- Regarding inheritance, the transfer of property rights is made automatically upon the death of the owner (*de cujus*). It is also worth noting that the right of non-Lebanese persons to acquire real rights are restricted by law, and even forbidden in some cases by Presidential Decree no. 11614 on Foreign Acquisition of Property as amended by Law no. 296 in 2001.

In sum, Lebanon has an established legal system for registering and transacting land and property. Although the system provides strong protection for registered rights, it is also evident that the poor and those living in low-income neighborhoods are less likely to benefit from the full protection of the registration system. The widespread prevalence of informality in land and property registration does provide a minimum, if uncertain, degree of security as systemic reforms do not seem imminent.

²⁴ See Article 393 of the Lebanese Code of Obligations and Contracts (COC) Issued on March 9th, 1932 and Article 11 of decree no. 188 establishing the Real Estate Registry Issued on March 15th, 1926.

²⁵ See Article 9 of decree no. 188 *ibid*.

²⁶ Article 349 of the COC, *op cit*.

²⁷ Nizar & Rana Saghie, "*Legal Assessment of Housing...*" *op.cit.* .

²⁸ Articles 824 and above of the COC, as well as Article 20 of Regulation no. 3339, issued on November 12th, 1930.

²⁹ Article 835 of the COC, also as an example, please check the provisions of decree no. 15874 issued on December 5th, 2005 regarding the application of the construction law, notably article 2 of the said decree.



Picture 4: Building under construction - Beirut, Lebanon

2.4.3 Construction Law and Building Regulations

The surge in new construction justifies a quick overview of Lebanese construction law and building regulations.³⁰ The construction law states that the construction of any building requires a construction permit. The process involves submitting property records, evidence of the consent of all property owners, full drawings certified by a registered architect and engineer, a recent plan of all projected and approved planning regulations in the area, and the payment of various fees. All planned buildings need to conform to the zoning and building regulations enforced in the country and area. The law stipulates that illegally constructed buildings must be destroyed.

In reality, these conditions are often not met.

In certain regions of the Lebanese territory, notably with respect to “non-classified lands,” property is frequently co-owned by many people.³¹ Often, the signatures do not represent the total number of shares (2,400) and in some cases the heirs are unidentifiable, often because RER records do not include up-to-date records of transactions. These challenges are also common in low-income neighborhoods where property registration is often incomplete.

Building regulations specify the maximum allowed area for construction within a particular plot of land.³² These limits have not always been respected, notably in non-classified lands. As an example, it had been noted in a 2008 report that due to the small total and ground exploitation coefficients (respectively 50% and 25%), as well as the inability to obtain the signatures of all co-owners on the construction permit many buildings

³⁰ Decree-law no. 148, issued on September 16th, 1983.

³¹ Non-classified lands are areas where no specific planning is yet done.

³² The total exploitation coefficient is a multiple of the whole plot of land that defines the maximum construction area on the site, whereas the ground exploitation coefficient is the maximum percentage footprint of a plot of land that a building can occupy. Both are regulated by the Lebanese law on Urban Planning (decree-Law no. 69, issued on September 9th, 1983).

have thus been illegally built; and consequently remained unregistered at the RER to this day.³³

Again, while the letter of the law gives cause for concern, day-to-day practice generally proves otherwise. In reality, the law enforcement of regulations does provide some *de facto*, if uncertain, security of tenure, though it must also be recognized that wealthier and well-connected people are more likely to benefit from this *de facto* security. Experience suggests, however, that exceptions can be made to the law. Following the 2006 war with Israel, building and zoning regulations made it legally impossible to rebuild historic village cores. A policy was drafted to address this issue and, even if not officially adopted as law, the recommendations became established practice. In reality, local authorities have a significant level of discretion in enforcing building codes and regulations or allowing for flexibility in their interpretation.

2.4.4 Lease and Rental Contracts

There are two important distinctions in Lebanese law related to rental agreements. The first is the distinction between lease contracts for built and unbuilt real property (i.e. whether or not construction has taken place on the property). Thus, rental agreements for homes or apartments are treated differently from the rental of undeveloped land (on which most informal settlements are established).

A second distinction arises in the case of built real property, between leases executed under the terms of “old lease contracts” and those under “new lease contracts.” Lease contracts signed prior to July 13th, 1992 are commonly referred to as “old lease contracts,”³⁴ while those signed after July 13th, 1992 are more commonly referred to as “new lease contracts.”³⁵

Old lease contracts are automatically renewed every year. Security of tenure is thus assured to both the tenant and their family. Indeed, the law states that if the tenant passes away, they are automatically replaced in the lease contract by members of their family living with them in the leased property at the time of their death. In April 2014, the Lebanese parliament approved a law to phase out old lease agreements over a period of nine (9) years. This law awaits the ratification of the President of the Republic.

Regarding new lease contracts, Law no. 159 amending article 543 of the COC stipulates that the terms of new lease contracts are to be agreed on by the parties to the contract. Rent prices, however, may vary with every renewal. Nevertheless, the new contract provides security of tenure for the first three consecutive years of the contract. In fact, if any lease agreement between the parties has a duration of less than three years, the tenant is entitled to ask for an extension of the lease for a period of up to three consecutive years.

By contrast, lease agreements for unbuilt property (i.e. those for informal settlements) do not benefit from the provisions of article 543 of the COC related to the tenant’s right to extend the lease period up to three years. In fact, from a legal standpoint, the duration of a lease agreement regarding an informal settlement can hypothetically vary from several days to several years.

For the establishment of the lease’s duration, one must distinguish between different situations:

- With regard to oral lease agreement (unwritten), its duration may be fixed according to local custom, that is, the predominant local practice;³⁶
- On the other hand, in the case of written lease agreement, the parties may or may

³³ Nizar & Rana Saghie, NRC report, October 2008 *op. cit.*

³⁴ Regulated by law no. 160 issued on July 22nd, 1992.

³⁵ Regulated by the provision of the COC, particularly article 543 as amended by law no. 159 issued on July 22nd, 1992

³⁶ *Ibid.*

not have agreed on its duration. Should the parties reach an agreement, the duration of the contract is then fixed according to article 591 of the COC based on the term agreed upon by the parties for the payment of the rent. For example, if the parties agreed that the rent is to be paid on a monthly basis, then the contract's duration is considered to be for a month. The contract ends on the date of each payment.

In all cases, if the tenant stays after the end of the contract term and his stay remains unopposed by the landlord, the lease agreement is then considered automatically renewed under the same conditions.³⁷ If its duration was determined by the parties, it is then renewed for the same duration. If not, either party may rescind the contract; however, the tenant is entitled to terminate the contract within the duration fixed by local custom.

If the contract had a determined duration, the landlord can terminate the contract at the end of that duration without giving a notice or compensation.³⁸ If the parties did not agree on a determined duration, the landlord is allowed to evict within the duration fixed by local customs. In any case however, evictions must be mandated by court as stated above.

As we will see later, this distinction means that people renting land to establish informal settlements are less protected under Lebanese law than those renting built structures.

2.4.5 Lease of State-Owned Property

Leases of state owned property are regulated differently from private property. The regulations for state-public and state-private property are discussed below.

Regarding the state's public property, according to decree no. 144 both the state and municipalities can authorize temporary occupation of such property, notably if such occupation was related to the undertaking of a project of public interest. The decree fixed the duration of such authorization for one year in principle, with the possibility of renewal. The occupant is supposed to pay the relevant fees in advance, however, such fees can be symbolic (e.g. LBP 1,000, less than USD 1). Finally, the government may at any moment and for any reason reclaim the public property without paying any compensation. The occupant's only recourse is to reclaim the fees or parts of the fees that were paid in advance to the relevant administration.

Regarding the state's private property, decree no. 275 distinguishes between two main types of state private property: agricultural lands and state-owned properties located in cities. Agricultural lands can only be leased to farmers for agricultural purposes. Farmers may not sub-lease such lands without the prior authorization of the relevant administration, and in all cases such leases must be for agricultural purposes only. State-owned property located in cities, however, can be leased via a public auction or, by mutual agreement with the eventual tenant if the public auction failed.

In both cases (rural and urban), leases are governed by the COC's regulation related to lease agreements, which means that article 543 of the COC securing tenure for a minimum of three years is applicable. However, article 60 of decree no. 275 limits such lease agreements to a maximum of four years, beyond which the relevant administration may no longer lease-out the concerned property.

Finally, whether it is the state's public property or the state's private property, the relevant administration may authorize persons to occupy the property without the need to establish a lease agreement (what is commonly referred to in Lebanese legal jargon as *tasamouh* or tolerance).

³⁷ Article 592 of the COC.

³⁸ Article 590 of the COC.

However such authorization is revocable at any moment by the relevant administration which can evict the occupants without the need for any justification. Nevertheless, and in all cases, the administration must respect a reasonable notice period for eviction in line with international standards.

Thus, there is considerable flexibility within Lebanese law governing lease agreements. Central and local authorities, in principle, have considerable discretion to allocate state public land or property for public purposes.

2.4.6 Unauthorized Occupation of Private or State Property

The occupation of another person's real property (e.g. squatting) as well as the occupation of public property in Lebanon, regardless of the length of occupation or the improvements the occupant makes to the property, does not grant any real right to the occupant. Rather, such occupation is regarded as a criminal act. Article 738 of the Lebanese Penal Code states that anyone who occupies a real property without authorization shall be imprisoned between one month and one year, and shall be fined up to LBP one million (USD 700). And in case the occupant seized a building that is occupied by a public institution, the same article stipulates that the sentence shall be increased by one-third or by one-half and the fine is then doubled.

However, in some cases, courts have considered that if the illegal occupation of another person's real property was due to a state of extreme necessity and if the occupation itself was proportionate to the danger the occupant was trying to avoid (e.g. being rendered completely homeless with no other means to have access to

a shelter), then the occupant would be exempted from the penalty and fine stated in article 738 of the Penal Code.³⁹

Thus, while Lebanese law does not recognize adverse possession (also known as "squatter's rights"), Lebanese courts have been relatively tolerant of such occupation in cases of extreme need, such as may be expected in the case of Syrian refugees.

2.4.7 Eviction

In all cases, even when the owner of the real property is legally entitled to evict the occupant(s), evictions must be mandated by court. Indeed, the owner does not have the right to evict the tenant without a court order based on the legal principle that forbids taking the law into one's own hands ("*nul ne peut se faire justice à soi-même*") and Lebanese judges have extensively ruled in that direction.⁴⁰ In fact, Lebanese law penalizes self-help evictions. Article 429 of the Penal Code establishes a penalty of LBP 200,000 (USD 140) for anyone who takes the law into their own hands and article 430 of the Penal Code establishes a prison sentence that can reach up to two years if such actions were undertaken with the use of violence (whether with or without the use of arms) or moral coercion. One can also use provisions of International Law in this regard, notably regarding the right to privacy as enshrined by a number of International Conventions ratified by Lebanon.⁴¹

Thus, even if a tenant is to be evicted, a landlord legally must obtain the court's permission to do so. A system of procedures to undertake the eviction should be followed. These provisions, combined with previous court rulings, provide significant opportunities to challenge unlawful eviction in court.

³⁹ e.g. the decision issued by Baabda's Single Criminal Judge on 08/02/1989. Even though the said decision penalized the defendants based on article 738 of the Penal Code, the judge established however, via an obiter dictum, the rules in order to exempt an occupant who illegally occupies another person's real property, from the provisions of article 738.

⁴⁰ e.g. Civil Judge of Beirut (president Mekie), decision no. 501, issued on November 11th, 2002.

⁴¹ e.g. articles 12 of the UDHR and 17 of the ICCPR.

2.5 LEBANON'S OBLIGATIONS UNDER INTERNATIONAL LAW

This section summarizes the constitutional and international human rights basis for Lebanon's obligations with respect to refugees and the right to adequate housing.

2.5.1 Constitutional Basis for Lebanon's Human Rights Obligations

The Lebanese Constitution as amended in 1990 states that *"Lebanon is [...] a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights."* In this respect, it is worth noting that Lebanon acceded to the International Convention on the Elimination of All Forms of Racial Discrimination (CEDAW) on November 12th, 1971 and to both the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) on November 3rd, 1972. Thus, Article 25 of the Universal Declaration of Human Rights (UDHR) and Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which recognize the right of everyone to an adequate standard of living (including adequate housing) are considered a part of the Lebanese Constitution.⁴²

However, pursuant to the 1990 constitutional amendment, paragraph "I" of the Lebanese

Constitution's preamble specifically states that "there shall be no [...] settlement of non-Lebanese [tawteen⁴³] in Lebanon." This paragraph, aiming to prohibit citizenship for Palestinian refugees to avoid demographic sectarian disequilibrium, led the Lebanese Constitutional Court to set limits to the enjoyment of basic rights, notably regarding the enjoyment of housing rights, by non-Lebanese persons. In 2001 the Lebanese legislature issued a law according to which *"No real right of any kind may be acquired by a person who does not carry a citizenship issued by a recognized state or by a person if such acquisition contradicts with the provisions of the Constitution relating to the prohibition of permanent settlement [of Palestinians]."*⁴⁴ The Constitutional Council issued a decision on May 5th, 2001, upholding the law and stating that preventing permanent settlement [tawteen] is of primary national interest, and that laws discriminating against some foreigners do not breach the international conventions, especially when the discrimination is related to economic rights.⁴⁵

2.5.2 Lebanon's Obligations to Syrian Refugees

While Lebanon has not ratified the 1951 Refugee Convention,⁴⁶ the Convention's protections with respect to adequate housing – notably Article 21 – have largely been superseded through the near universal acceptance of the human right to adequate housing as expressed in the ICESCR.⁴⁷ Indeed, as noted by Displacement Solutions, *"the language of the ICESCR is inclusive:*

⁴² Article 25(1) of the UDHR: *"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control";* Article 11(1) of the ICESCR: *"The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent".*

⁴³ "Permanent settlement" or "settlement of non-Lebanese" are often referred to in many reports by the Arabic term of "Tawteen."

⁴⁴ Law no 296.

⁴⁵ For a criticism of this decision, see Nizar & Rana Saghie, *"Legal Assessment of Housing, Land and Property Ownership, Rights, Transfers, and Property Law related to Palestinian Refugees in Lebanon,"* NRC report, October 2008.

⁴⁶ Convention relating to the Status of Refugees, Adopted on July 28th, 1951.

⁴⁷ Norwegian Refugee Council (NRC) report: *"From Shelter to Housing: security of tenure and integration in protracted displacement settings,"* December 2011.

the rights are to be granted to 'everyone' and are not limited to nationals of the States parties."⁴⁸ The relevant provisions of the ICESCR are discussed in more detail in the next section.

Two bilateral agreements signed in 1993 between Lebanon and Syria are also relevant to the current refugee crisis. First, the agreement on Economic and Social Cooperation and Coordination calls for the abolition of restrictions limiting freedom of movement.⁴⁹ Second, the agreement on the Transport of Persons and Goods that grants freedom of stay and movement for nationals of both countries within the framework of the laws and regulations in force.⁵⁰

Based on this framework, Syrian nationals may enter Lebanon without any prior authorization. They are automatically granted a six-month entry visa, provided they hold a valid Syrian national identity card or passport. At the end of the six-month period, Syrian nationals are entitled to extend the validity of their stay for another period of six months without leaving the country. In August 2012, the General Security allowed Syrian nationals to renew their stay a second time without exiting the country, thereby extending the duration of their stay in Lebanon to one and a half years. However, this extension does not come automatically as Syrians are required to pay a fee of LBP 300,000 (USD 200) for each person above 15 years old, amounting to the regular fees for a one-year residence permit.⁵¹ In January 2013, the General Security also allowed Syrian nationals to request a third renewal and extend their legal stay for an additional six months without paying any additional fees (as long as the yearly fee is paid at the second renewal).⁵²



Picture 5: Syrian refugee family in a rented apartment - Akkar, Lebanon

⁴⁸ Displacement Solutions, Brief Commentary on Article 21 (Housing) of the 1951 Refugee Convention; see: displacementsolutions.org/commentary-on-article-21-of-the-refugee-convention.

⁴⁹ Articles 1(1) and 2(a) of the Agreement for Economic and Social Cooperation and Coordination between the Lebanese Republic and the Syrian Arab Republic, signed on 16/9/1993, available at: http://www.syrlab.org/docs/agreements/03SOCIAL_ECONOMICeng.pdf.

⁵⁰ Agreement on the Regulation of Transport of Persons and Goods between the Lebanese Republic and the Syrian Arab Republic, signed on 16/9/1993, available at: http://syrlab.org/docs/agreements/05PERSONS_GOODSeng.pdf.

⁵¹ General Security Website, *Extension of Stay for Syrian Nationals*, available at: http://www.general-security.gov.lb/Arabic/News/Pages/syrian_residence.aspx [last accessed on 21/8/2012].

⁵² General Security Website, *Extension of Stay for Syrian Nationals*, available at: http://www.general-security.gov.lb/Arabic/News/Pages/syrian_residence.aspx [last accessed on 30/1/2013].

Although Lebanon has generally maintained an open border policy allowing Syrian nationals to enter the country,⁵³ it does not recognize Syrians fleeing the violence in their country as refugees. Consequently, the Lebanese authorities are limiting entry to those who hold valid documentation and do not have entry bans due to the commission of past offenses.

Regarding deportation, prosecutors and courts have generally refused to drop charges of illegal entry or stay against refugees, although the majority of decisions rejected the deportation of refugees on the basis of Article 3 of the **Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Lebanon in 2000**. A landmark court decision ruled that the illegal entry of a Syrian national could not be considered as a crime in light of the natural right to seek asylum.⁵⁴ Thus, while upholding the law with regard to illegal entry or stay, courts have been lenient regarding the enforcement of deportation provisions.

In sum, despite not having signed the 1951 Refugee Convention, Lebanese authorities appear to show a certain leniency towards Syrian refugees, including those without legal status. However, Syrians wishing to stay in Lebanon legally must be able to afford the fee of USD 200 per person (over 15 years of age) to renew their residency. The payment of this fee will have clear impacts on household expenditures of the poorest refugees. As the subsequent sections of this study demonstrate, rent represents 50 percent of monthly refugee household expenditure and such levels are becoming unsustainable for many vulnerable households. Additional residency fees, if strictly enforced, may push more refugee households to down-grade the quality of their shelter in order to meet this expense.

2.5.3 Lebanon's Obligations regarding the Right to Adequate Housing

According to the United Nation's Committee on Economic, Social and Cultural Rights (CESCR),⁵⁵ the right to adequate housing is of central importance for the enjoyment of all economic, social, and cultural rights. Housing should thus not be understood simply as a commodity or as shelter, but rather as the right to live somewhere in security, peace, and dignity. The Committee went on to identify seven aspects of the right that must be taken into account, including:

- Habitability, notably in terms of protecting individuals from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors.
- Availability of services, materials, facilities, and infrastructure (i.e. safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage, and emergency services etc.).
- Affordability at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. The Committee stressed that steps should be taken to ensure that *"the percentage of housing-related costs is, in general, commensurate with income levels,"* that housing subsidies for those unable to obtain affordable housing are established, and that tenants are protected against unreasonable rent fees or rent increases.⁵⁶
- Legal security of tenure against forced eviction, harassment, and other threats. Thus, evictions should not result in individuals being rendered homeless or vulnerable to violations of other human rights. Furthermore, the Committee

⁵³ Revised Syria Regional Response Plan, September 2012 (*The Lebanese Armed Forces (LAF) continues to permit refugees to access Lebanon*) Human Rights Watch, *Syria Neighbors: Keep Borders Open for Refugees*, 29 August 2012, available at: <http://www.hrw.org/news/2012/08/29/syria-neighbors-keep-borders-open-refugees>.

⁵⁴ Case No. 1445/2012 of the Single Criminal Judge in Tripoli, Decision of Judge Nazek El Khatib on 23/8/2012.

⁵⁵ *"The Right to Adequate Housing (Art.11 (1))"*, CESCR General Comment n° 4, 12/3/1991.

⁵⁶ Ibid.

applies a proportionality test to guarantee security of tenure as it states that *"in cases where eviction is considered to be justified, it should be carried out in strict accordance with general principles of reasonableness and proportionality."*⁵⁷ The Committee also states that legal remedies or procedures should be provided to those who are affected by eviction orders and that the state *"must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available."*⁵⁸

- Location, should allow access to employment options, health-care services, and schools; notably not to be built on polluted sites nor in immediate proximity to pollution sources.
- Accessibility, that is, without discrimination against vulnerable groups.
- Cultural adequacy, appropriately built in accordance with occupants' use of space.

In the event of eviction, General Comment No. 7 describes forced evictions 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."⁵⁹ States are obliged to refrain from carrying out forced evictions and to prosecute those that engage in unlawful eviction. Importantly, even justifiable evictions (as in the case of non-payment of rent) must follow established due-process procedures, including valid justification, exhaustion of alternatives, following established procedures regarding notice, timing, etc., and ensuring that eviction does not render the evicted person(s) homeless.

In sum, the right to adequate housing establishes clear guidance for housing to be

considered "adequate" and clear limits to ensure that evictions are not "forced." Most importantly, the right to adequate housing specifies that State Parties ensure that these measures are upheld, regardless if one is a national, or, for example, a refugee.

CONCLUSION

This chapter has provided a broad overview of the Lebanese HLP context prior to the Syrian refugee crisis. The country's formal housing market has been geared towards the production of apartments and housing targeting upper-income brackets. Central institutions with a housing and urban development mandate have not delivered policies or programs to address the housing needs of lower-income families. The relatively weak capacity of the central state has, however, enabled informal markets to work. Housing continues to be produced in low-income neighborhoods, albeit with minimal controls related to building quality and density and with poor quality infrastructure and services. Much of the day-to-day regulation of markets and housing production, therefore, is left to local authorities.

From a legal perspective, Lebanon's domestic framework and its international obligations regarding the right to adequate housing create a relatively strong foundation for the protection of Syrian's HLP rights. State private property, as well as *awqaf* religious endowments, can be allocated for public purposes. Written lease agreements for built property should enable Syrians to benefit from fixed rates for three years, though leases on unbuilt land (for example, land leased for informal settlements) do not automatically benefit from this provision. Finally, evictions cannot legally be carried out without a court mandate.

The following chapters will review how the refugee crisis has unfolded within the Lebanese context.

⁵⁷ "The right to adequate housing (Art.11 (1)): forced evictions", CESCR General Comment n° 7, (1997) on the Right to Adequate Housing, <http://>

⁵⁸ ⁵⁹ CESCR, General Comment Number 7, (1997), *ibid*.





3

CHAPTER 3

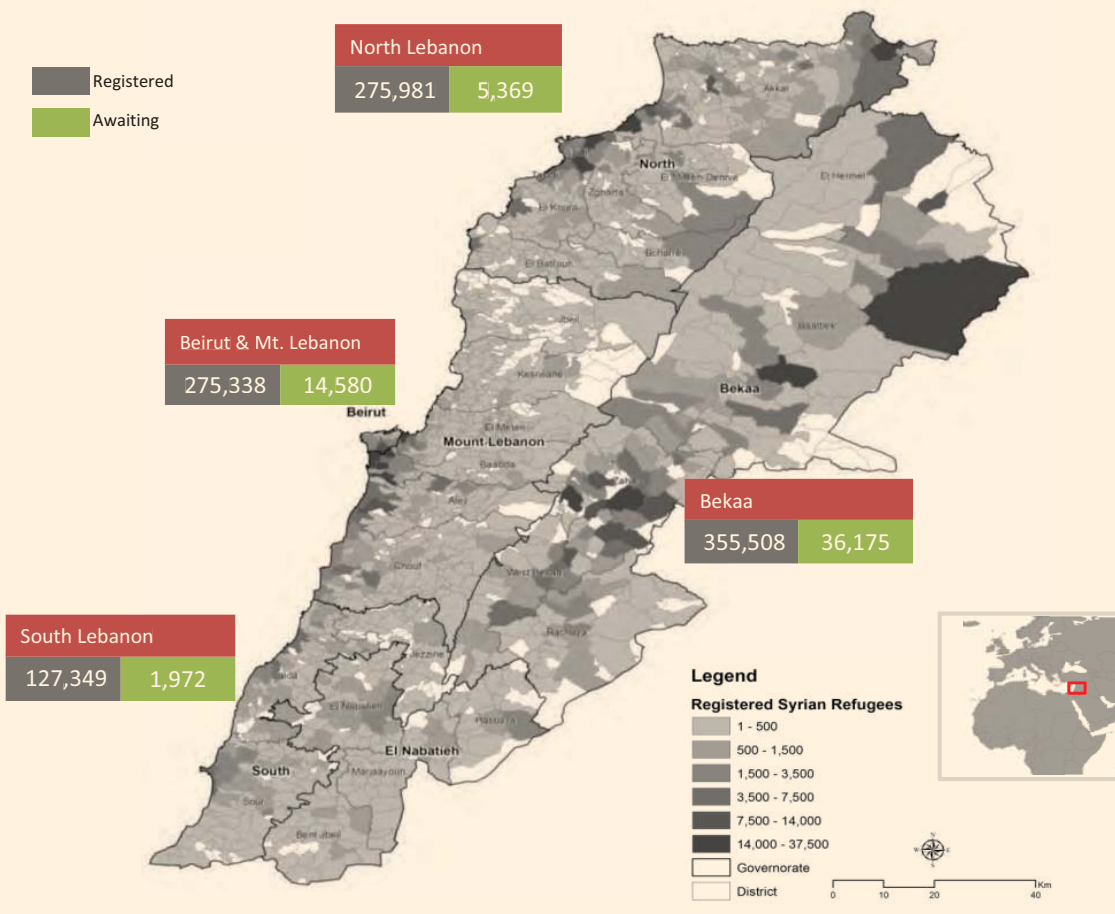
SYRIAN ACCESS TO SHELTER IN LEBANON

Over one million Syrian refugees are currently living in Lebanon, mainly in the north, but distributed across the entire country (see Map 1). The vast majority have secured shelter through market channels. As no housing market can possibly absorb such a dramatic surge in demand, refugees are sheltering in a wide range of settings.

While earlier waves of refugees were better off and able to secure decent rental accommodation, subsequent arrivals have tended to be less fortunate; they were able to afford only lower quality shelter. UNHCR's August 2013 Shelter Survey revealed that 50.9% of Syrian refugees are at shelter risk and the same planning figure was carried forward for 2014. This means that today at least 510,000 Syrian refugees are at shelter risk, defined to include: (i) Eviction risk due to 'exhaustion of resources' 'no job' or 'rent too high'; (ii) Overcrowded space: 'more than three families in the same premises'; (iii) Poor shelter quality: shelter items have to be fixed or replaced (roof, windows, bathroom etc...).⁶⁰

⁶⁰ Cited in Inter-Agency Shelter Working Group *Shelter Strategy for 2014*, pp.12-13.

Map 1: Distribution of Syrian Refugees in Lebanon



Source: Refugee Distribution according to UNHCR, May 29, 2014.⁶¹

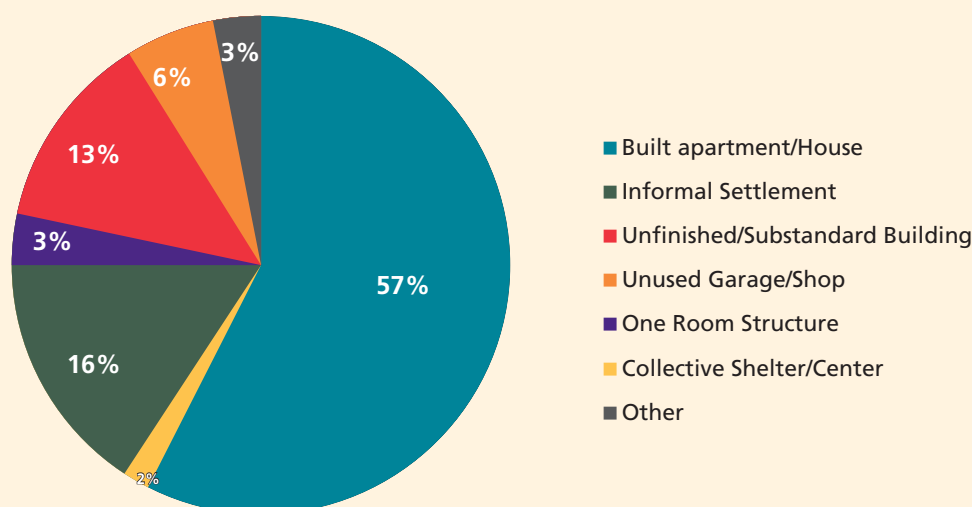
This chapter reviews how Syrian refugees are accessing shelter in Lebanon. It begins with an overview of the different shelter types. It then discusses the main shelter options in more detail, with a specific focus on the agreements regarding their occupation and use. The chapter draws on UNHCR's March 2014 Shelter Survey as well as the fieldwork carried out as part of this UN-Habitat/ UNHCR study.

3.1 OVERVIEW OF SYRIAN REFUGEE SHELTER AND HOUSING OPTIONS

A March 2014 telephone survey of some 6,000 refugees living across Lebanon confirmed that rental remains the predominant mechanism through which 97% of Syrians meet their shelter needs. However, the range of what constitutes "shelter" varies widely (see Figure 1 below). While

⁶¹ <http://data.unhcr.org>.

Figure 1: Syrian Refugee Population Distribution Per Accomodation Type as per UNHCR Shelter Phone Survey, March 2014



57% of those surveyed are renting a finished apartment or house, 25% are living in unfinished buildings or in non-residential structures such as garages, shops, warehouses, factories, or outbuildings. A further 16% are living in “informal settlements” mostly in rural areas.⁶² Only 2% are living in collective centers.

The UNHCR survey indicates that a variety of factors influenced refugees when deciding on their shelter modality (see Figure 2). Overall, the cost of rent was reported as the single most important variable for 44% of the surveyed refugees. As their second priority, proximity to services and relatives were singled out by 23% and 21% of respondents respectively. Proximity to livelihoods ranked highly as a second (20%) and third (19%) priority.

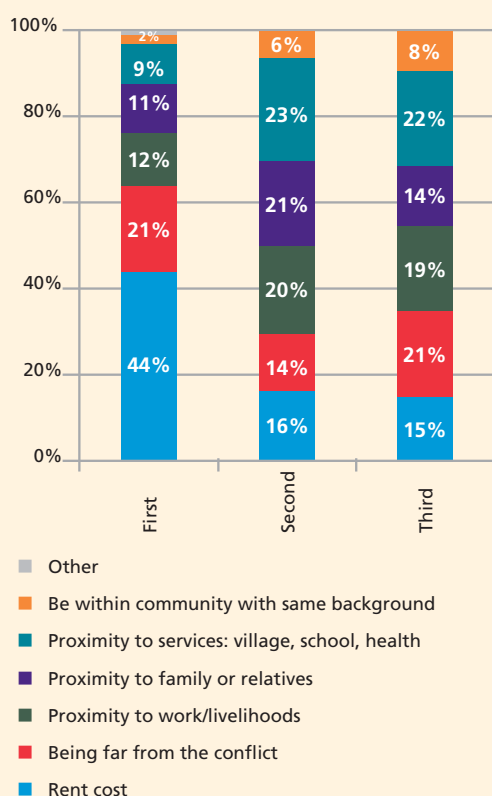
In the fieldwork carried out for the UN-Habitat/ UNHCR HLP study, social networks were an important determinant for population movements within Lebanon. Syrian families with existing

networks were better able to find housing, assess the reliability of their landlord, negotiate rent, and secure loans. Among respondents in rural informal settlements, many explained that they chose to settle in the area as extended family, usually following a first family member who lived on the land before the war, often as an agricultural laborer, and had negotiated with the landlord to allow other members of the family to join him. Others explained that they had left the more expensive urban rental areas given the lack of employment opportunities and found shelter in informal settlement areas through the support of these social networks.

UNHCR’s 2014 survey confirmed that mobility is an important coping strategy for many refugees. 25% of surveyed refugees reported that they had moved at least once. Within the surveyed refugees, 30% stated that the high cost of rent compelled them to move, 19% stated that their shelter conditions were unacceptable, and 17% reported that they were evicted by the landlord. The survey also

⁶² “Informal settlements” refers to groups of tents or other makeshift structures that have been erected on agricultural land. Informal settlements were initially referred to as “informal tented settlements.”

Figure 2: Factors influencing refugee choice of shelter option



Source: UNHCR Shelter Survey, March 2014.

found that 57% of respondents who had moved, had left built apartments or houses, corroborating the high cost of shelter as a proportion of the household budget. The high cost of rent has also been an important factor at the lower end of the housing market, compelling 14% of respondents to leave informal settlements.

In terms of broad trends, the March 2014 survey revealed two main changes taking place as compared to the previous survey conducted in August 2013. First, there has been a 16% decrease in the number of refugees reporting

living in finished apartments or houses (from 67.4% in 2013 to 57% in 2014). Second, the number of refugees reporting themselves as living in “informal settlements” has increased by 26% from 12.7% in 2013 to 16% in 2014. The rationale for these increases is discussed in more detail below.

3.2 REVIEW OF THE MAIN REFUGEE SHELTER OPTIONS

Most shelter options are make-shift individual initiatives whereby existing apartments are subdivided, rooms are added on roofs, or non-residential structures are converted into housing. The main forms of shelter for low-income refugees – rental of apartments or houses, informal settlements, collective centers, and hosting – are reviewed below.

3.2.1 Rented Apartments and Houses

According to the March 2014 UNHCR Shelter Survey, the largest percentage of refugees (73%) rent finished or unfinished apartments, houses, or various types of one room structures. Typically, 1-3 room units are created by sub-dividing pre-existing apartments or houses. The figure also includes a small but significant number of units, such as commercial or office spaces that have been adapted to serve as shelter. It also extends to old or abandoned houses in historic village cores.

One of the most interesting examples encountered during the UN-Habitat/UNHCR study fieldwork was a historic village core in South Lebanon where a substantial number of refugees had found shelter in abandoned houses that they rented out.⁶³ Here, old houses have been rehabilitated, reviving these neighborhoods in a positive way that could potentially be replicated

⁶³ Among these is the outdated typology of the old courtyard housing, the aging population and large-scale outmigration, as well as the 2006 war that left many of these areas in very poor conditions.

elsewhere.

Where the international community has intervened to support the rehabilitation or adaptation of existing units, the improvements have followed the standard operating procedures agreed on by members of the Shelter Working Group in Lebanon. Thus, rehabilitation included: (i) physical repairs to roofs, doors, windows, and walls; (ii) ensuring adequate space based on SPHERE standards of 3.5 m² per person with up to 15 persons per unit; (iii) connection to appropriate water supply, sewerage, and electricity facilities; and (iv) additional measures for persons with disabilities.

In exchange for these financial investments, shelter actors have negotiated agreements with the owners allowing for refugees to remain in the accommodation for a period of time proportional to the amount invested in rehabilitation. This typically means that refugees are able to stay between six to fifteen months rent-free or at a reduced rent. The issue of rental contracts for apartments and houses is discussed in section 2.3.2.

Table 2 below summarizes the number of Syrians supported through these types of interventions.⁶⁴ Some 21,000 Syrian families (approximately 22% of the total number of vulnerable Syrian refugees in Lebanon) have been assisted through this shelter option. Of all the shelter support provided, the rehabilitation of existing apartments and houses is likely to have

the most long-term benefits - an important factor in the event of a protracted crisis. Rehabilitation of non-residential structures is likely to be less sustainable over the long-term.

3.2.2 Informal Settlements (IS)⁶⁵

The shelter type refers to a spontaneous settlement consisting of tents or wooden structures. 16% of refugees access this type of shelter. As of 31 May 2014, there were some 160,894 refugees living in over 1,224 informal settlements distributed throughout Lebanon, with the majority of these settlements being situated in the North (Akkar) and the Bekaa (see Map 2 below).

Informal settlements vary considerably from one place to another. In some instances, the IS consists of a handful of tents at the edge of an agricultural field where workers and their families have established residence. In other cases tents and other make-shift structures cover large tracts of land, extend over several property lots, and house dozens of families. The most common size is between four and twenty-four structures (74% of informal settlements), with 18% consisting of between twenty-five and forty-nine structures.

A comparison of the last two UNHCR shelter surveys indicates that the number of IS is increasing. In August 2013, 12.6% of the surveyed refugees were living in informal settlements, while in the

Table 2: Syrian families supported with shelter rehabilitation or waterproofing

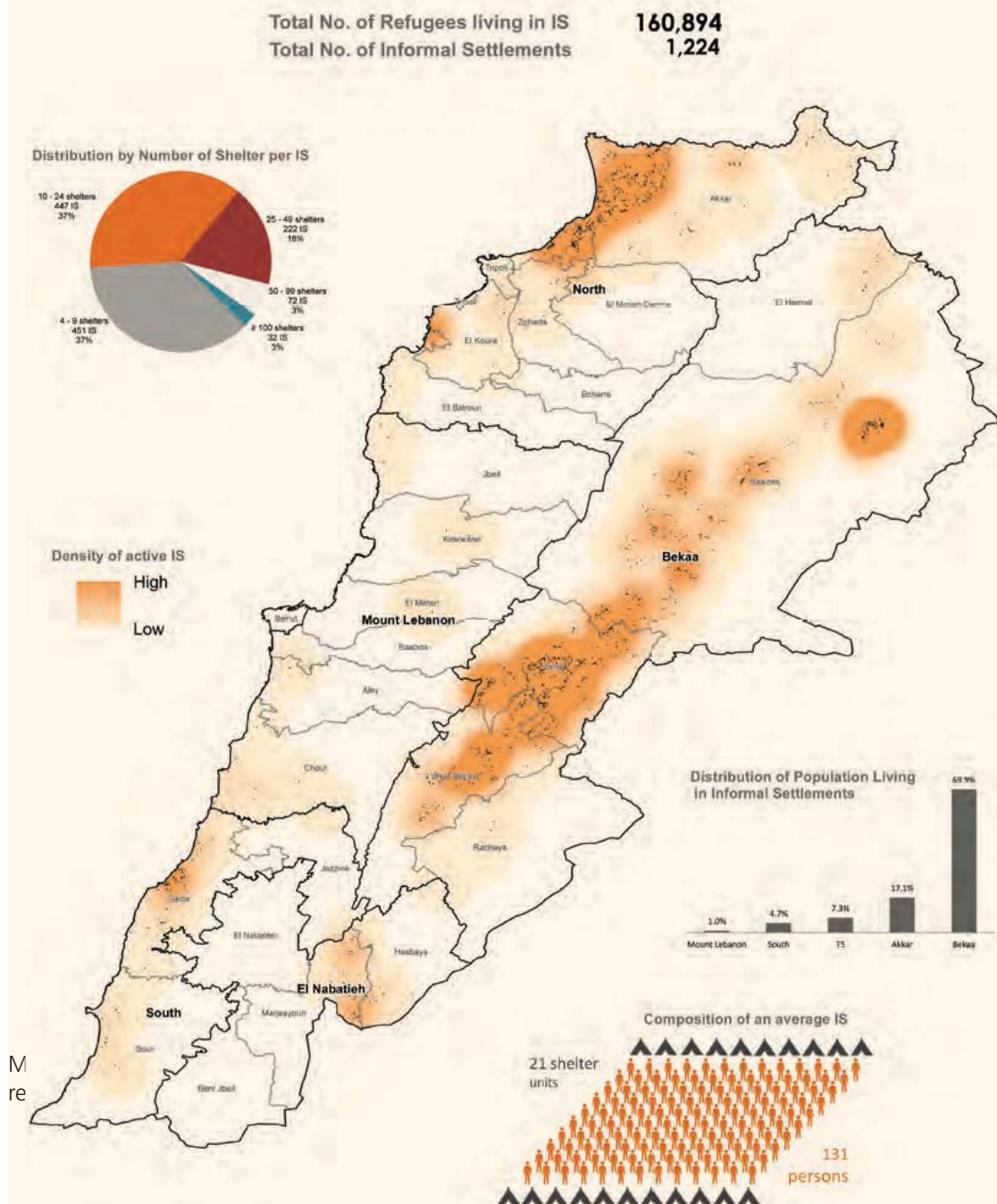
Shelter Rehabilitation	Refugees Assisted 2012	Refugees Assisted 2013	Total
Rehabilitation/ SSUs	8,259	23,259	31,518
Weatherproofing unfinished houses	29,509	51,720	81,229
Total Refugees Assisted with rehabilitation support			112,747

Source: Inter-Agency Shelter Working Group - Lebanon Shelter Strategy for 2014, Annex2, February 2014

⁶⁴ In 2012-13, the Inter-Agency Shelter Working Group also reported that an additional 60,479 Syrians were supported with some form of cash assistance, directly through cash for shelter (38,620) or unconditional cash (920), or, indirectly, through cash for host families (20,939). Some of these resources may have been used for rehabilitation or adaptation of existing units. See Annex 2, Shelter Strategy for 2014, Feb 2014.

⁶⁵ Initially, in 2012 and mid-2013, such settlements were referred to as "informal tented settlements".

Map 2: Location and Concentration of Informal Settlements in Lebanon



Source: Location and Density of Informal Settlements (UNHCR 31 May, 2014) ⁶⁶

⁶⁶ <http://data.unhcr.org>.

Fieldwork results suggest that this growth is due to several factors. First, many refugees are no longer able to afford their current residence or have chosen to reduce the share of their monthly household expenditure devoted to shelter. During field visits to informal settlements in the Bekaa and Akkar in January 2014, several families confirmed that this was their second residence in Lebanon. They moved after they were unable to sustain the payment of rent in Beirut given increasing rental rates and the scarcity of employment opportunities. Second, new arrivals are reportedly finding rental markets saturated and are unable to find affordable rental housing. They are thus forced to take up residence in informal settlements. Finally, some refugees are choosing to stay in informal settlements in order to remain close to social connections or to avoid potential tension with host communities in more populated areas.

Despite their temporary appearance, informal tented settlements should be recognized as a segment of the refugee housing market, one that visibly targets the refugees exclusively and displays the most precarious and least functional settings.

In most cases, access to the IS is secured through rental of what is almost exclusively private land, directly leased by a property owner.⁶⁷ Two forms of leases exist: the first and most common involves individual families renting access to the property, with each family paying a monthly fee to the landowner. The median rental price in Mount Lebanon, the Bekaa, and Akkar was about USD 35–50 per month. In the second rental arrangement, the entire land parcel is rented out for a monthly or yearly fee to a group of refugees, represented by a community leader. In one case, there was evidence of the development of a secondary market: A land was rented from a landlord for one year and then subleased to refugees at a profit.

The organization of the IS usually ensues through a community leader known as a

Shaweesh.⁶⁸ The role of this community leader and his standing largely varies from one area to another: Always a male, he is typically but not necessarily the first to arrive in a location, having frequently worked in Lebanon before the outbreak of the ongoing crisis. Among his most important tasks are negotiating access to land with the property owner, insuring price stability, and managing payment of the rent (see Box 1).

The fieldwork for the UN-Habitat/UNHCR study confirmed that rental agreements for informal settlements are invariably oral and almost unwritten

Box 1:

The Role of the Shaweesh in the Bar Elias Informal Settlement

Strong social networks within Informal Settlements create the backbone of an internal self-support system for refugees. Within this system, the shaweesh, or community leader of the IS, becomes the focal point for refugees. In the case of the IS of Bar Elias, the shaweesh was performing agricultural work on the land prior to the crisis and then his family and extended family moved in. The IS grew to host seventy-five families and they are all related to the shaweesh. His responsibilities include providing employment opportunities to Syrian refugees, ensuring shelter for newcomers, dividing tasks among refugees to ensure that each person is responsible for the provision of a service (providing bread, gas, setting up tents, etc.), and collecting yearly rental fees from refugees and paying the landowner (in 2013, the monthly cost per tent was 200\$). The shaweesh also addresses problems. For example, he negotiated with the landlord when the IS faced the threat of eviction due to its proximity to a security checkpoint. He later secured the relocation of the refugees to a nearby camp when the land flooded in 2012.⁶⁹

⁶⁷ In two focus group cases in Akkar, settlements were on communal or public land. This is, however, exceptional.

⁶⁸ *Shaweesh* is the camp representative. He is typically the oldest and/or first to arrive in the area and who negotiated the settlement rental with the property owner.

⁶⁹ Meeting with *shaweesh* in the Bar Elias IS on 10 December, 2013.

contracts. As such, the duration of the agreement is fixed according to local customs, which for practical purposes, usually means the agreed term for the payment of rent. Thus if rent is paid monthly, then the agreement expires every month. In some reported cases rent was annual, providing greater security of tenure and a longer duration in which rent should theoretically not increase.

The most typical form of housing production in informal settlements is self-help, with individuals and families setting up a tent. Most of the tents are established using materials provided by non-governmental organizations, such as poles, nylon sheets, and sanitation kits. Floors are rarely more than carpets laid directly over the bare earth. These building materials provide poor insulation and insufficient privacy, both of which were common refugee complaints during field visits. Refugees typically rely on open-flame sources to warm their homes, as a result several fires broke out.

Living conditions in informal settlements are typically dire. Services are poor and often unsustainably provided, carrying significant long-term environmental risks. 75% of informal settlements visited in Akkar pump water directly from wells located on the property. In some cases, the water is very salty or polluted, and cannot be used for drinking. Most IS also have water tanks supplied by international or local organizations and benefit from regular water distribution by NGOs. Sanitation systems are very basic, frequently consisting of shared toilet facilities and improperly sealed septic tanks with potentially grave long term consequences. Solid waste is disposed of haphazardly, frequently on roadsides, into the nearby sea or river, or burned. In some cases, residents indicated that they used municipal garbage containers, but these represented a small minority. Electricity is typically a major concern for informal settlement residents. While many rely on illegal connections, others are at the mercy of informal electricity providers who usually charge high prices for limited amperage.

The Lebanese government has so far rejected the establishment of formal camps for Syrian refugees in Lebanon. This is due to the government's concerns regarding the need to maintain the country's demographic balance and not to repeat the bad experience with "temporary" Palestinian camps after 1948 that became "permanent" over time. The government policy has been to limit the size of formal tented settlements to groups of 20 to 100 families, to be approved by the Ministry of Social Affairs on a case by case basis.

While the international community has tried several different transitional shelter options to improve the conditions in informal settlements – notably DRC's transitional "shelter box" and UNHCR's flat-pack "IKEA house," these models have not attained government approval. As a result, international shelter actors' support to informal settlements has focused on the following types of interventions: (i) distribution of shelter materials for weather-proofing the structures; (ii) distribution of non-food items; (iii) water supply and sanitation improvements; (iv) drainage improvements.

By mid-December 2013, some 77,656 Syrians living in informal settlements had benefited from weatherproofing (10,731 in 2012 and 66,925 in 2013),⁷⁰ representing 15% of the total vulnerable population. Two qualifications to this figure are important. First, as more people move out of rented apartments and houses into informal settlements, new shelter needs are being created that will require a new or bolstered humanitarian response. Second, as the government has limited the types of permissible support to IS, shelter conditions may still be inadequate from the perspective of humanitarian standards (SPHERE) or with respect to the requirements of "adequate housing". Thus, it is questionable whether we can assume that current shelter support to IS represents a long-term solution.

⁷⁰ Shelter Strategy for 2014, Annex 2, *op cit*, p. 25.

3.2.3 Collective Shelters

Collective shelters are building complexes adapted to house ten or more households within the same structure. Collective shelters may be located in public buildings such as schools or may be private property such as buildings or offices. In most cases, external agencies (e.g. NGOs) provide funds to rehabilitate or adapt buildings for use as collective shelters. In return, building owners provide the refugees with accommodation, generally on a rent-free basis.

Based on interviews and sample contracts used by many organizations in Lebanon, the following characteristics of collective shelter agreements were noted:

- A contract is written and signed by a non-governmental organization, or any similar agency, and the building owner. A lease agreement with the tenants underlies this contract. Thus, staying in a collective shelter should afford greater protection to Syrian tenants.
- Collective shelter sponsors (i.e. NGOs) usually include a monitoring clause in the agreement to ensure that the contracted works are being properly undertaken by the owner.
- Some reviewed contracts allowed the building owner to identify the beneficiaries, which could result in abuse including biased selection of beneficiaries or informal arrangements by which refugees are also required to pay rent.
- Generally, the contract duration is one year. The contracts are renewable for a negotiable period of time and the two parties can re-negotiate rental fees. However, there has been no inclusion of beneficiaries' legal right to ask for an extension of the agreement with regard to new lease contracts for built properties (see Chapter 2).

- No eviction or litigation related to a collective shelter was reported to field teams. It is worth mentioning that, at the end of the underlying lease agreement's duration, the owner can evict the tenants without giving notice or compensation. However, the owner does not have the right to evict the tenants without a court order.

Although they serve only 2% of the total refugee population, this form of housing is important given the reluctance of the Lebanese government to allow the establishment of other forms of collective shelters such as formal camps. Most collective centers are established on the initiative of international or local organizations that provide incentives and guarantees for landlords in order to set up this form of housing. One of the most important features of collective shelters is that they are provided rent-free.

International shelter actors' support for collective shelters has included: (i) rehabilitation of the structure to ensure it is weather proof (doors, windows, walls, roof); (ii) water and sanitation improvements; and (iii) management support to the ongoing operation of the shelters. As of 12 December 2013, a total of 7,262 Syrian refugees were supported through collective shelters (1,657 in 2012 and 5,605 in 2013)⁷¹.

3.2.4 Hosting

Hosted refugees are typically housed by family members or friends. Two main types of hosting arrangements exist: (i) free-of-charge hosting; and (ii) third-party hosting involving cash-support to host families by an external organization. In free-of-charge hosting arrangements, refugees in a position to do so are often expected to contribute to the running costs of the household, including food and electricity.

During the first months of the Syrian crisis, a substantial percentage of refugees were hosted

⁷¹ Shelter Strategy for 2014, Annex 2, *op cit*, p. 25.

by local families, whether Lebanese, Palestinian, or Syrian (having resided in Lebanon prior to the outbreak of the ongoing crisis). However, this trend has decreased as the conflict lingers on and it becomes increasingly difficult to find such possibilities. According to the most recent UNHCR publications, only 15,000 Syrian individuals are estimated to still rely on this option.⁷²

International assistance to hosted families has consisted primarily of cash support. A total of 20,939 refugees have benefited from this assistance (1,414 in 2012 and 19,525 in 2013).⁷³ In 2014, the Lebanon Shelter Strategy states that cash support will increasingly target the most vulnerable protection cases.⁷⁴

From a legal perspective, the main characteristics of hosting arrangements include:⁷⁵

- Written or verbal contracts: while most hosting arrangements are verbal, whenever an organization is involved in financially supporting host families, they are required to sign an agreement acknowledging that the hosted family has not been paying any rent and that the financial help they are receiving is a compensation for hosting the refugees as well as a contribution to the host family's livelihood. Refugees also sign forms to declare that they are aware of the contribution given by the organization to the host family for hosting them on their property.
- Duration: in all the forms reviewed, there was no mention whatsoever regarding the duration of the external support to the host family or the length of time for which the family will host the refugees. In normal

practices, many support programs are limited to six months and target generally the most vulnerable families.

For legal purposes, there are two categories of hosting. The first, free-of-charge hosting, can be qualified as a form of commodatum ("*prêt à usage*"), a gratuitous loan of something (e.g. real property).⁷⁶ In such cases, jurisprudence in comparative law⁷⁷ holds that the owner can reclaim his property and evict the occupant at any time, but must respect customary notice periods.⁷⁸ The second type of hosting is also an initially gratuitous arrangement in which an organization later participates by financially supporting host families through various contributions. The organization's contribution can be considered a conditional donation, its condition being that the host family continues to host the Syrian family free of charge.⁷⁹ Once the receiving party stops meeting the condition (i.e., hosting a refugee family), the donation is revocable (i.e. the host family stops receiving contributions and in some cases may even be forced to restitute some of the sums received). Similarly, if the host family stops receiving the contribution, it may revoke the right of the refugee to stay, again, in accordance with local custom. Thus, in both types of hosting, the refugee family is dependent on the generosity of the host to continue the arrangement.

CONCLUSION

Several broad conclusions can be drawn from this review of the main shelter options available to Syrian refugees. First, while the market has responded in some innovative ways to create additional short-term shelter options, there is an

⁷² UNHCR (2014) Inter-agency Thematic Group Overview: Syrian Refugees in Lebanon, May 2014.

⁷³ Shelter Strategy for 2014, Annex 2, *op cit*, p. 25.

⁷⁴ Inter-Agency Shelter Working Group, *op cit*, p. 17.

⁷⁵ Based on fieldwork and a review of signed forms obtained by the research team.

⁷⁶ Regulated by articles 729 and above of the Lebanese Code of Obligations and Contracts (See Chapter 1).

⁷⁷ Lebanese courts have often used French jurisprudence in their decisions given the very similar provisions in the laws of both countries.

⁷⁸ For example: the decision of the 1st Civil Chamber of the French Court of Cassation issued on February 3rd, 2004, Bull. I, no. 34; the decision of the 3rd Civil Chamber of the French Court of Cassation issued on January 19th, 2005, Bull. III, no. 12 etc.

⁷⁹ A form of donation recognized by article 169 of the COC.

acute shortage of affordable housing that is of decent quality. The decline in refugees reporting that they are renting apartments or houses, combined with the 26% increase in refugees reporting that they are living in informal settlements indicates that the affordable, decent quality housing market is saturated. As refugees continue to arrive and without any significant increase in the supply of additional decent quality affordable units, this trend can only be expected to increase. Second, while there has been significant shelter support provided, **only two shelter options can be considered potential long-term solutions:** the rehabilitation of apartments or houses and the establishment of collective shelters. Thus, at best, the shelter needs of **only 24% of the total vulnerable population have been met in the event of a protracted crisis.** The actual figure is likely to be lower as rents become unaffordable for an increasing number of refugees.

3.3 COMMON ISSUES ARISING ACROSS ALL SHELTER OPTIONS

From the review of the main shelter options five main issues arise: the quality of the shelter

and services refugees are accessing, rental arrangements between landlord and tenants, the risk of evictions, the impact of the surge in population on land-use, the role of local authorities in managing the refugee crisis and the potential protection risks related to refugee HLP assets in Syria. These are discussed below.

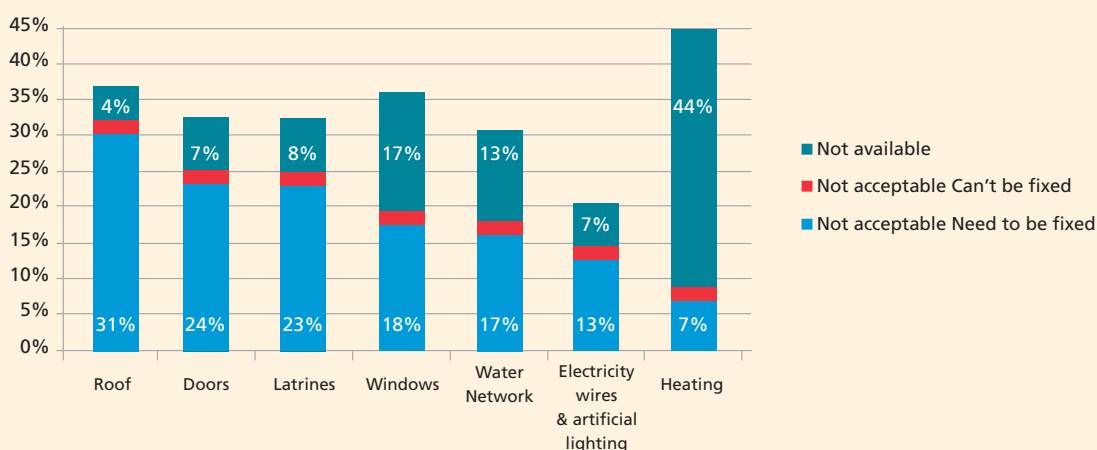
3.3.1 Shelter Conditions and Access to Services

Refugees generally live in very poor conditions and lack many basic services. The UNHCR 2014 Shelter Survey provides valuable insights into housing conditions, which are corroborated by the UN-Habitat/UNHCR field study findings in various areas of Lebanon (see Figure 3 below).

Looking first at the quality of housing, the UNHCR survey found that 31% of respondents required urgent repair to their roofs. Some 35% reported that they either had no windows (18%) or that the windows needed to be fixed (17%). In addition, nearly one-quarter of responding refugees indicated that their doors need to be fixed, while 23% indicated that their latrines are not adequate.

Access to services was also poor, with 30% of

Fig. 3: Shelter Conditions for Syrian Refugees

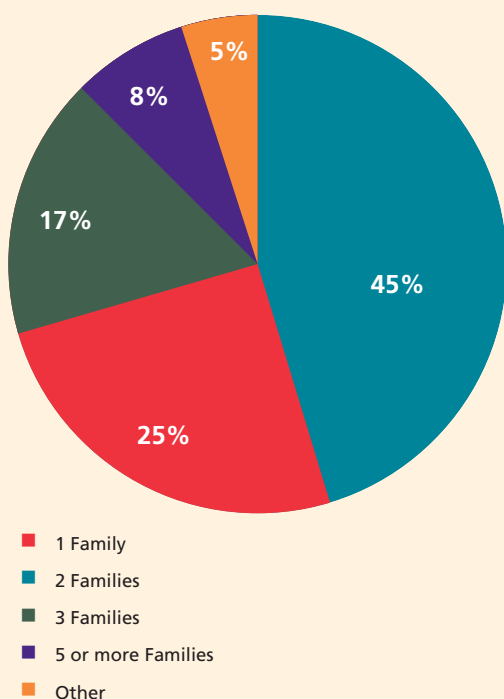


Source: UNHCR May 2014 Shelter Survey

interviewed households indicating that they had limited or no access to water network. Over 20% of interviewed households indicated that they had no proper access to electricity and more than 44% reported that they had no access to heating.

Another serious concern about the quality of shelter is overcrowding. Although 25% of households reported they were sharing with one family, 45% reported sharing with two families and 17% with three families. More worryingly, 8% of households reported sharing their housing accommodation with five or more families. While data was not systematically collected regarding the floor area of the housing unit shared, the average family size reported in the survey was 5.2, indicating that some twenty-six people or more are sometimes sharing a space.

Figure 4: Syrian refugees and shared accommodation



Source: UNHCR Shelter Survey March 2014.

3.3.2 Rental Arrangements

The UN-Habitat/UNHCR study revealed a multiplicity of rental forms and agreements throughout the country. In general, agreements tended to be more predatory and harsh in their terms in dense urban centers – such as Beirut and Tripoli - where rental markets targeting migrant workers (Syrians and others) predate the current crisis.

Data collected throughout Beirut, South Lebanon, and Akkar as well as interviews in the Bekaa indicate that informality dominates rental arrangements. Agreements are typically oral, open-ended, and rarely specify the rights of tenants. Negotiations occur on the basis of one's prior knowledge of the market or the property owner, placing those with experience in the Lebanese labor and rental market at a clear advantage over newcomers.

This informality is not surprising, yet field interviews indicate that most landlords and tenants operate within a relatively well-defined pattern of expectations, particularly in the case of the well-established housing and room rental market in Beirut. Indeed, given that mobility patterns have largely followed pre-crisis labor markets, most refugees come to the housing market with some *knowledge* of its working mechanisms.

The situation is different in the context of the rural informal settlements market, which is a relatively newer housing product. In informal settlements, prices seem to be less stable, market conditions more unpredictable, and a large discrepancy exists between the rental prices demanded and the actual rent paid.

More generally, the following rental arrangements seem to be common across the different locations:

- Almost all interviewed households felt confident about the identity of the landlord with whom they had entered into an agreement, including a noticeably higher level of confidence (close to 100%) among

those renting apartments or rooms as opposed to land in an informal settlement.

- Information about the availability of the housing unit, the identity of the landlord, the prices to be paid, and contractual terms are mostly secured through the thick web of social networks that connects pre-war migrant workers to current refugees.
- Access to financing in order to pay the rent is largely obtained through a network of pre-war social relations among migrant workers as well as kinship networks, with a noticeably higher level of debt to landlords in the case of informal settlement residents.
- Almost all interviewed households believed that the typical duration of a rental agreement was one year, after which the landlord could choose to raise the rent or ask them to leave.
- Almost all interviewed households believed that if the landlord were to increase the rent, he would notify them at least one month in advance.
- Almost all interviewed households believed that they had no recourse if the landlord were to change the rent without notice, ask them to leave, etc. In some cases, however, refugees were able to list situations when they had used neighbors or acquaintances to intervene on their behalf, particularly when the negotiating tenant had worked in Lebanon before the current crisis.
- Landlords and tenants typically stated that a written contract would require payment of taxes to the municipality, an annoying situation given the current burden of rent. As a result, written contracts are typically avoided by both landlords and tenants.
- In the rare cases when a written contract was used, tenants clearly appeared more secure in their housing conditions and less concerned about a sudden increase of the rent.

There are, nonetheless, important differences across markets, with noticeably greater stability in Beirut where rent has been the norm for several decades. In Beirut, the study found defaults on contracts to be relatively rare, with refugee households frequently choosing to leave rented apartments if they are unable to pay the rent. Conversely, in rural informal settlements, defaults on payment are the norm. Landlords are typically poor, frustrated, and not necessarily empowered to make tenants pay. There were reports of landlords being bullied by refugees to wait for payments.

Interestingly, the relatively low number of refugees in South Lebanon has led to what seems like a better relationship between landlords and tenants. Rent tends to be considerably lower (USD 200-300 per month for a house with several rooms) and landlords seem more tolerant than in the north.

3.3.3 Evictions

Since mid-2013, UNHCR has increasingly received reports concerning evictions. As of the beginning of April 2014, UNHCR intervened in evictions affecting at least 1,073 households (approximately 5,365 individuals). One of the main findings of the study is that while evictions do occur, more than half are because the tenant is unable to pay the rent, rather than due to social differences, lifestyle issues or other frictions with the local community. This does not entirely correspond to what is commonly referred to as a “forced eviction”, which is defined in General Comment 7 to the International Covenant on Economic Social and Cultural Rights 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.”⁸⁰

⁸⁰ UN Committee on Economic, Social and Cultural Rights, “The right to adequate housing (art.11.1): forced evictions,” General Comment No. 7, UN Doc. HRV/GEN/1/Rev.7 (1997), para. 3

The study found no evidence of forced evictions among respondents in Beirut or Halba. This suggests that it is necessary to look at evictions and protection from evictions within the context of a market in which the balance between landlords and tenants needs to be reviewed (in terms of information sharing, rental agreements etc.) rather than through a purely legalistic and court-based approach.

In the case of IS the situation appears to be, however, quite different, with a multiplicity of confounding factors. The limited sample does not provide sufficient information regarding the conditions of these evictions, but we can nonetheless note the following:

- In at least half the cases, evictions occurred due to the tenants' inability to pay the rent accumulated over at least two months.
- In other cases, refugees acknowledged that they were not paying the rent regularly, suggesting confounded factors rather than sheer discrimination. Two common situations include:
 1. Cases where evictions occurred because refugees are seen as a "threat" to security, particularly due to the proximity of the settlement to an army encampment. In one case in the Bekaa, refugees had received an eviction notice from the nearby army camp informing them that they had to leave because they were living within the "security zone" of the Lebanese army. In another case in Akkar, proximity to an army camp was again mentioned as the reason for the eviction of IS dwellers.
 2. Cases where political differences with the local community appear to have been the cause of the eviction.
- As for modalities of eviction, it seems there has been no effort to hide them. Evictions occur in broad daylight, in the middle of the week, and with the full knowledge of neighbors.
- In many cases, residents choose to leave

a housing unit because they have been unable to pay the rent for several months, thereby evading an accumulated debt.

- Refugees are typically orally warned to pay the rent or be evicted at least 1-2 months in advance but without a written notice or the formal involvement of public authorities.
- Evictions appear to be more frequent when a housing unit is rented out through a "realtor," rather than directly from the landlord. Realtors appear more able to enlist the help of politically connected strong-men or other armed groups.

Interviews with international organizations such as the Norwegian Refugee Council did highlight some promising examples of mediation and legal assistance used to mitigate the risk of evictions (see Box 2).

The field experience, therefore, suggests several important conclusions regarding evictions. First, inability to pay is clearly the main cause of eviction. While evictions may be technically justifiable, they generally occur in violation of Lebanese law, specifically the requirement that they be carried out based on a court ruling only. Moreover, evictions are often accompanied by harassment and with some sort of explicit or implicit threat of violence. These evictions would qualify as "forced evictions" under domestic law and against the standards set out in General Comment 7 to the right to adequate housing (see Chapter 1 above). However, there is little evidence, of any significant effort by the Lebanese government to address this issue, though some international NGOs are successfully using mediation and legal assistance to provide protection for refugees at risk.

3.3.4 Land Use Changes

The growth of informal settlements and the densification of low-income urban neighborhoods are presenting complicated long-term challenges for Lebanon.

In rural areas, the rapid expansion of informal

Box 2:**Norwegian Refugee Council:
Mediation to Mitigate the Risk of
Eviction**

In the context of Lebanon, and considering the challenging legal context, mediation has proven to be an effective tool in practice to deal with the threats of eviction for Syrian refugees. The Information, Counseling, and Legal Assistance representative (ICLA)⁸¹ explained how a landlord in Aarsal was raising rental fees thus causing other landlords to imitate him. The ICLA lawyer then met with the refugee family and the landlord and succeeded, through negotiation, to decrease the rental price from USD50/month to USD20/month. The lawyer then explained that in Aarsal this approach is considered to be optimal as “law has no say” there, thus the most effective way is to empower and work with the people.⁸²

settlements often takes place on agricultural land. Land owners have been quite willing, in the short term, to allow Syrian families to establish temporary structures on this land. As the crisis becomes more protracted, it may become difficult to control the expansion of these settlements. Consumption of water is increasing, and aquifers were already strained by pre-crisis demands in some locations. There may also be longer term challenges to Lebanon's food security.

A second major concern in rural areas involves the extension of services to informal settlements. Water supply, electricity, and solid waste collection services are among the most common needs in informal settlements. However, the decision to extend these services from nearby municipalities can have major long-term consequences. Few assessments are carried out to determine whether the infrastructure can absorb additional demand. Similarly, the long-term cost implications of servicing some 1,600 scattered settlements have not been adequately assessed. In normal

circumstances, municipalities would seek to guide settlement expansion in a more cost-effective manner.

In urban areas, the increased construction of additional units is further straining housing and urban services. In dense urban neighborhoods, additional units cannot be added horizontally and so are simply added on top of existing buildings (See picture 6 below). Many of these buildings, however, were built informally and were not designed or built to carry such extra loads. The long-term safety of residents may therefore be at risk.

In terms of urban services, water supply, sanitation, garbage collection, and electricity supply are the most heavily affected services. In dense urban neighborhoods, adding significant service provision capacity to water supply systems is neither straightforward nor inexpensive. Upgrades often require installing completely new pumping capacity, new or larger diameter pipes for water supply or sewerage, additional transformers, or new solid waste transit stations and landfills. Collectively, these investments also require additional strategic and physical planning in order to ensure that investments are effectively programmed.

Finally, social tensions are likely to arise when the population of dense, poor urban neighborhoods increases by 20% or more. This is the case in some areas of Beirut and Tripoli, often at the expense of public space. Current systems of governance at the neighborhood level are being sorely tested in the current crisis. New mechanisms for bringing together refugees and host communities are required to help identify and address emerging issues before tensions escalate and, when they do, ensure the peaceful resolution of disputes.

There are no simple answers to these issues, and even fewer that can be implemented quickly.

⁸¹ ICLA is part of the Norwegian Refugee Council's program in Lebanon. ICLA provides information, counseling, and legal assistance for refugees and displaced persons in Lebanon, including providing advice and representation on legal status and housing, land, and property issues. <http://www.nrc.no/?did=9167197>.

⁸² Meeting with UNHCR & ICLA representative in UNHCR Field office in Zahle, 10/12/13.

There is clearly an urgent need to study these issues in more detail and develop a range of response strategies for the scenarios most likely to arise in the event of a protracted crisis.



Picture 6: Vertical additional unit in Naba'a - Beirut, Lebanon

3.3.5 Local Authorities and the Institutional Management of the Crisis

Local authorities have responded unevenly to the refugee crisis, but of all Lebanese governmental institutions, they are certainly the most involved. In many cases, municipalities have undertaken to survey the refugee population, sometimes citing security concerns. Local authorities have also had to respond to the sudden increase in their populations, sometimes up to four times the original population in their jurisdiction. The greatest impact has been on water, electricity (when the municipality is involved in its provision), and garbage collection.⁸³ In some cases, municipalities have also been involved in facilitating access to housing and the distribution of services, although they frequently complain about being bypassed by international organizations (see Box 3 below).

Municipalities have frequently been involved in the management of the refugee needs. This has involved extending basic services, but also imposing restrictions on refugee mobility, most notably, nightly curfews. This practice started in the South but has now spread to almost all municipalities in Lebanon.

A common concern shared by municipalities was that international organizations do not support them and frequently by-pass them despite their direct involvement in handling the refugee burden. Moreover, many municipalities have various health and social programs that are being financially stretched and are no longer able to provide the required services due to the increasing number of dwellers in a given neighborhood. In some cases, for example, health services such as yearly vaccinations are provided by municipalities. In addition, many municipalities reported that a large number of their students are now mostly Syrian refugees.

⁸³ Particularly in areas under the rule of Hezbollah, a number of municipalities claimed that surveys are conducted regularly and aid frequently distributed through their offices. The Party has in fact established a coordination body across all Municipalities allied to its political orientation (South and Bekaa) and services are regularly distributed to refugees.

Box 3:**Role of Unions of Municipalities –
the Example of Al Sahel**

The Al Sahel Union of Municipalities illustrates the role municipalities can play to ensure shelter and protection for refugees. The Union played an important role in addressing the influx of refugees in villages such as Ghazzieh, whose pre-crisis population was 4,500 Lebanese residents and yet took in some 14,000 Syrian refugees. To meet the surge in demand for housing, some municipalities provided permits to allow owners to build extra floors (even if this construction was technically contrary to the area zoning and building regulations). The Union was also involved in facilitating the signature of yearly rental contracts between refugees and landlords. The Union also played a key role in monitoring, mediating, and protecting rights in cases of eviction. Several villages did, however, express concerns that their village's "moral and traditional norms" should be respected.

The area of Al Sahel is considered to be primarily agricultural, however the scale of the influx pushed the Union to facilitate the establishment of informal settlements as an easy way to host the large number of refugees. The Union used agricultural contracts with landowners to negotiate a yearly rental amount to host tented settlements that was greater than the yearly profit the landowner would have received if they were to cultivate the land. The municipality also provided electricity and water services to the land.

Thus, fieldwork has confirmed the need to significantly engage Unions of Municipalities and municipalities in the response to the Syrian refugee crisis. Their proximity to the situation often compels them to take action. However, their response to date has been uneven and without systematic guidance or support. Significant examples of good practice exist, as do areas where the response can be improved.⁸⁴

**3.3.6 Potential HLP protection risks
for property left behind in Syria**

As part of this study, UNHCR and UN-Habitat collaborated to survey refugees in Lebanon on the protection of housing, land and property assets left behind in Syria. In February 2014, 1,318 newly arrived refugees were interviewed on HLP issues.⁸⁵ 83% of survey respondents reported they owned property in Syria, while 16% said they were renters. 45% of those surveyed stated that their Syrian property was "damaged", while 16% described it as "not damaged" and 28% said they did not know the status of their property. 11% described their property as "non-habitable".

In terms of the property's occupancy status, the survey found that 46% of those surveyed did not know whether or not their property was occupied, while 42% reported it as "not occupied". 9% reported that either a friend or a relative was occupying their property, while 3% reported their property as occupied without permission.

58% of those surveyed reported that they did not possess with them any evidence of their property rights in Syria. 28% reported having a deed, while 11% claimed to have some form of court document.

The findings highlight some important potential HLP protection challenges. First, the lack of evidence of property rights, though not uncommon in refugee situations, is a potential concern. Efforts to reclaim land or property may be affected. Second, the level of damage represents another protection risk. If damaged property in Syria is rebuilt without due regard for the rights of the original inhabitants, there is a risk refugees may be arbitrarily deprived of their assets in contravention of international law.⁸⁶ Finally, though only 3% of those interviewed

⁸⁴ For a summary of some positive examples, please see Mercy Corps (2014) Municipal Guide: Successful Municipal Strategies to Respond to the Syria Refugee Crisis, March 2014.

⁸⁵ UNHCR Thematic Questionnaire, "Living Conditions in Lebanon and Property Conditions in Syria," February 2014.

⁸⁶ For more information please see UN-Habitat et al. (2007) Handbook on Housing and Property Restitution for Refugees and Displaced Persons: Implementing the Pinheiro Principles.

reported their property to be occupied by others, the challenges of undoing such “secondary occupation” have proved significant in other emergencies.

CONCLUSION

This chapter has highlighted the significant efforts of shelter actors to respond to the sudden surge in demand caused by the Syrian crisis. Not surprisingly, refugees have found shelter in a wide variety of forms, the vast majority secured through rental agreements. The review of shelter options suggests that the most durable options involve the rehabilitation of apartments or houses or the provision of support to collective shelters, yet these represent a relatively small proportion of the total shelter needs. Without increased funding for shelter rehabilitation and collective shelters, it is likely that shelter vulnerability will become an increasingly chronic condition for many refugees. The growth of informal settlements as a shelter option represents a major concern, both in terms

of the quality of shelter and living conditions as well as from a longer-term land-use and sustainability perspective. While rental agreements are most secure when registered with municipalities, this is far from common practice. Most refugees develop informal understandings with their landlords and do not appear to be well-informed of their rights under Lebanese law. Evictions are fairly common and mostly relate to an inability of refugees to pay their rent. While some evictions may be justifiable, they do not seem to be carried out in compliance with domestic law or international standards and thus represent a major protection concern. Municipal authorities have a clear role to play in the shelter sector, however, they require additional support and guidance to respond to the most common types of issues that arise – shelter access, service delivery, and disputes between refugees and host communities. Finally, the chapter has highlighted the significant potential risks to HLP assets left behind in Syria and the need for more systematic analysis of the scale of the potential issues.



Picture 7: Children in an Informal Tented Settlement - Akkar, Lebanon





4

CHAPTER 4

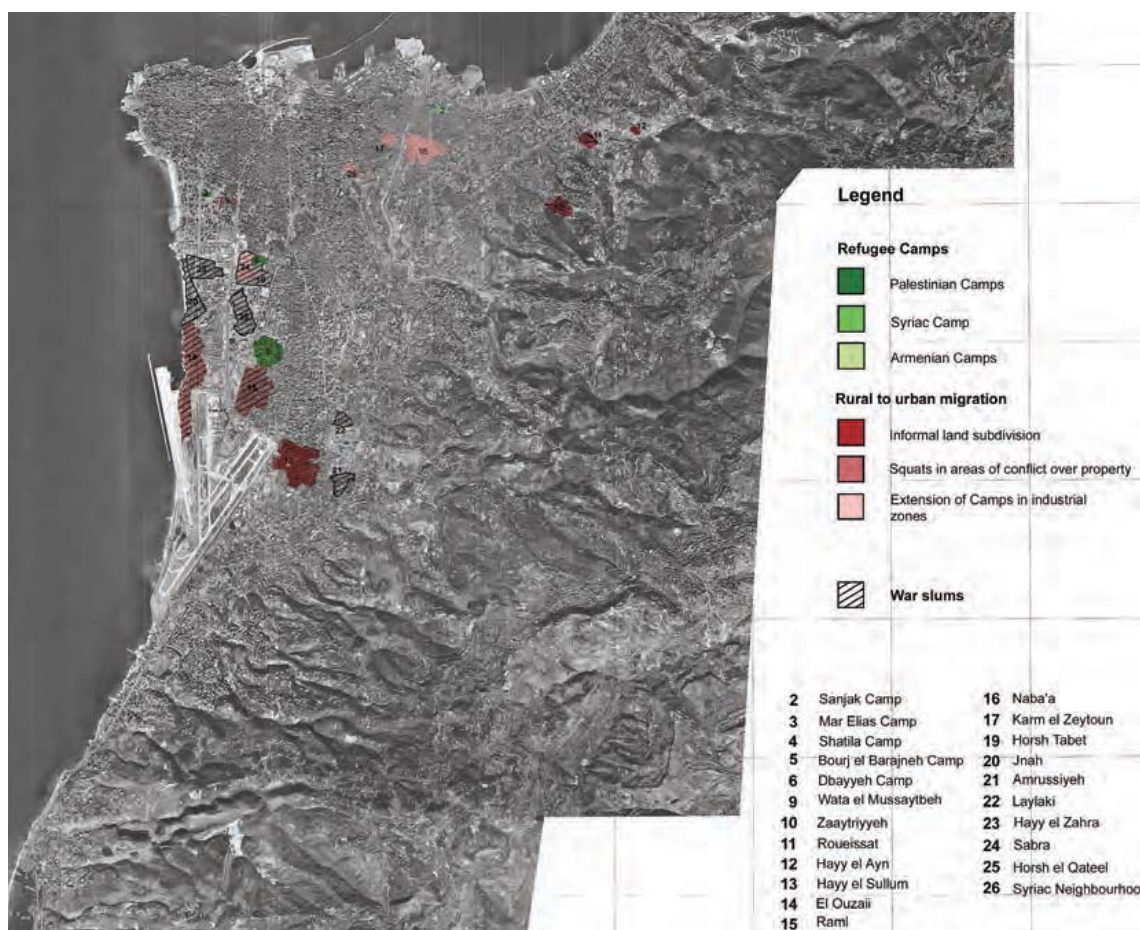
CASE STUDY OF REFUGEES IN AN URBAN CONTEXT: AL NABA'A

Within the greater Beirut area, low-income Syrian refugees have found housing in virtually every neighborhood and almost exclusively in the form of rental arrangements. Large sections of what are commonly known as Beirut's "slums" have been transformed by the present crisis into de facto Syrian refugee "camps." This phenomenon can be illustrated by overlaying Map 3, which highlights the pre-crisis camps and low-income neighborhoods of Beirut, with Map 4, showing the concentration of refugees in Beirut.

In order to understand processes of refugee access to shelter in a dense urban area, and the HLP issues that arise in the process, the case study of Beirut's Naba'a neighborhood was selected (see Map 5). Located in the city's eastern suburbs, Naba'a was built in the 1940s and 1950s in the vicinity of the city's industrial suburbs and its first (Armenian) refugee camps. The neighborhood has historically hosted the city's poor migrants.

This chapter summarizes the findings from fieldwork conducted for this study. It focuses on four main topics: neighborhood transformations; role of social networks in driving transformation and contributing to refugee resilience; type and quality of housing and services being accessed by refugees; relationship between landlords and their

Map 4: Location of pre-crisis camps and low income neighborhoods in Beirut, Lebanon



Source: *Slums of Beirut, 2002*. Fawaz, M. and I. Peillen

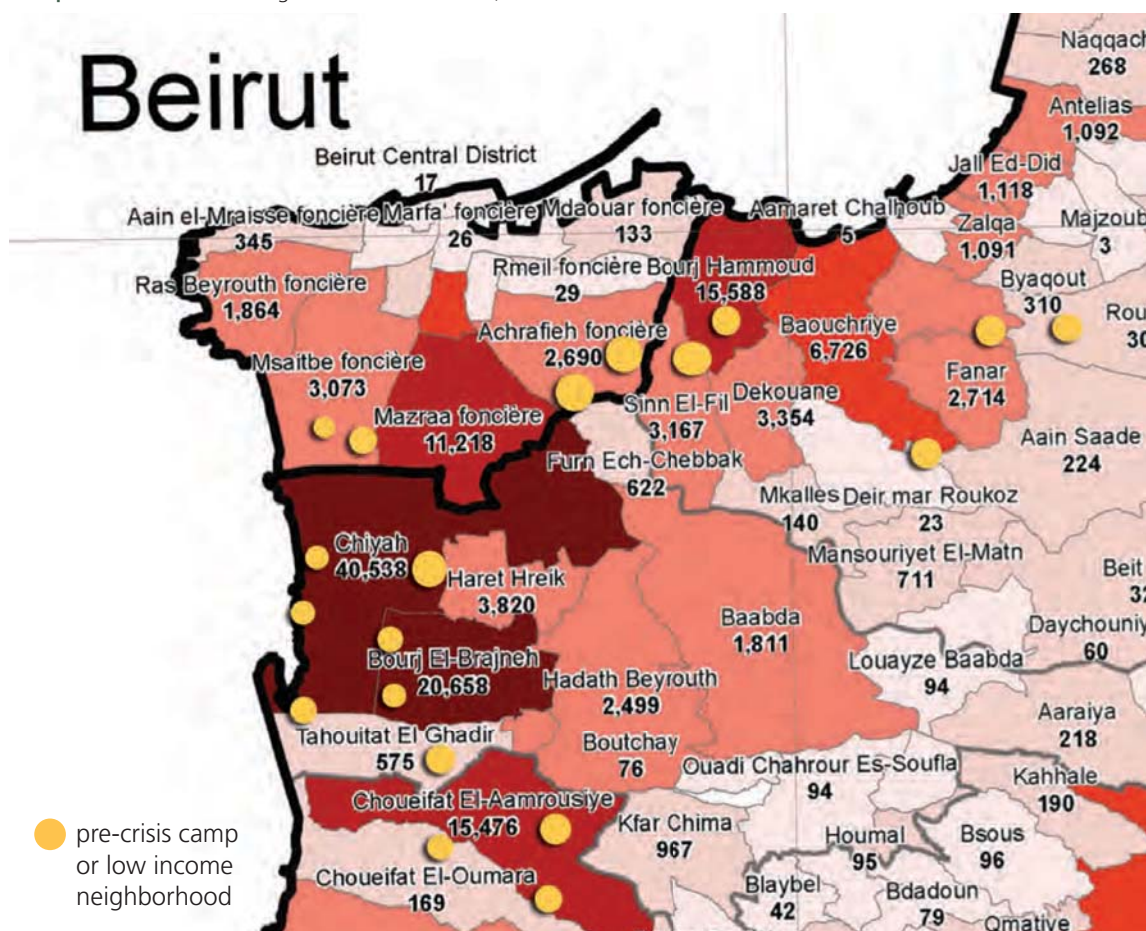
Syrian tenants. It concludes with a brief summary of the main findings.

The findings of this section are based on fifty interviews with refugee families in the neighborhood and ten interviews with Lebanese households. Additional key informants included three realtors—one of whom was interviewed several times, and two local public officials (mukhtars). All interviews with residents were conducted randomly, after obtaining their consent and preserving their anonymity. In addition, a survey of housing occupancy was conducted for 317 units distributed across the neighborhood

in order to determine the percentage of units occupied by refugees in the area. Finally, numerous field observations were recorded in more than two months of field visits.

During the course of the study, the field teams visited several other low-income neighborhoods in the city to assess the extent to which the Naba'a findings reflected common trends across the city. This review confirmed that similar trends have developed in almost all informal settlements (and some refugee camps) in the city.

Map 4: Concentration of refugees in and around Beirut, Lebanon



Source: UNHCR, April 2014, with overlay of IS based on Fawaz, M. and I. Peillen, 2002

4.1 NEIGHBORHOOD TRANSFORMATION

The field surveys revealed the transformation of Naba'a into a hub for Syrian refugees. Of the 317 randomly selected units in seventy buildings in Naba'a, 70% of the total units were inhabited by Syrian refugees. The remaining 30% were distributed among Lebanese citizens and other migrants. Furthermore, Syrian households tend to be much larger than their Lebanese counterparts, with an average of 6.3 individuals sharing a 1-2 room unit in this neighborhood, as compared

with 2-4 individuals per apartment for Lebanese families. The concentration of Syrians is therefore even higher than that suggested by the apartment occupation figures. On several streets of Naba'a, particularly near the mosque and in the center of the neighborhood, the trend is so dramatic that the occupancy of apartments by Syrian households is almost 100%.

Of the ten interviewed Lebanese families in the area, two were building owners. Two others were in the neighborhood because their units are held under the "old lease" system and therefore very affordable. One was squatting, and of the

Map 5: Map showing the location of Naba'a within Greater Beirut.



Source: Base Map, Greater Beirut 2003, Ikonos.

five remaining, four complained of steep rent increases and expressed their intention to leave the neighborhood as soon as possible.

The transformation of Naba'a is driven by at least three main factors. First, there is a large stock of rental housing available to refugees. In the mid-1990s, due to a history of forced population displacement during the first years of the civil war and a particularly skewed post-war resettlement policy, a large stock of poor quality housing became available in the neighborhood. Second, many of the housing owners are in fact absentee landlords. A large number of property owners do not live in the neighborhood and have gradually opted to delegate the management of their properties to a handful of local realtors. This trend, as noted below, has intensified since the onset of the Syrian refugee crisis in Lebanon and the departure of Lebanese families from the area. Finally, Naba'a's proximity to jobs and transportation networks makes it an attractive location for migrant labor and, more recently, the refugees.

The effects of this population transformation are both negative and positive. On the one hand, there is an increase in the neighborhood's congestion and a dramatic failure of the existing, already aging infrastructure. Garbage is piled high

on street corners, children play in the middle of the street, and cars move slowly allowing for pedestrians to share the pavements. Potholes, water, and sewage are frequently observed on the streets. On the other hand, as noted below, the heavy concentration of single male workers from which the area had suffered before the Syrian crisis is changing. Many long-term residents expressed relief at the return of some form of "family life and patterns" to the area. According to these individuals, the arrival of refugee families reduced enormously the incidence of street fights, a very welcome change.

4.2 SOCIAL NETWORKS AND RESILIENCE

The field survey indicates that at least half the households currently settled in Naba'a are living with an immediate family member who was already familiar with or residing in the area (husband, sons, daughters). It also indicates that the entire settlement has been built through these kinds of social networks. Based on interviews with respondents, it was noted that in many cases Syrian migrant workers occupying housing units were replaced by one or two Syrian families.

Family relations also dominate the organization of the residence. Our data indicates that co-housing is largely based on family relations. More specifically, half the households live as a single-family unit while almost all others combine multiple households. While dominant prior to the crisis, units inhabited exclusively by migrant workers have become much less common.

This is typically seen as a positive trend. Long-term neighborhood residents have expressed relief at the reduction in the number of single males, lower incidences of street violence, and generally, a healthier neighborhood life. At the same time, the presence of a thick social network provides refugees with an important security net. With high rates of unemployment and expensive rent, social networks not only provide the best source of temporary lending, but also help secure shelter

for new arrivals or those who have recently been evicted.

4.3 HOUSING TYPES, QUALITY AND ACCESS TO SERVICES

As a dense residential neighborhood, Naba'a is composed of multi-story apartment buildings, built mostly during the 1950s and typically in deteriorated form. On average, these buildings have five floors, often constructed incrementally over several decades. Indeed, many of the buildings had first been developed as self-built ground floor units during the 1950s, and expanded upwards incrementally as additional floors were added in the 1960s. Some of these buildings may be structurally unsound and constitute a hazard to their occupants.

Since the mid-1990s, Naba'a has grown largely informally. Typical of slum patterns in inner cities elsewhere, existing 2-3 room apartments were subdivided into multiple single-room units where ad-hoc kitchen and bathroom facilities were added, and in some cases shared between several families. Furthermore, many property owners have added a room or two on the roof of their buildings. Given the easy and lucrative profits to be gained from the current surge in demand, both of these trends have intensified over the past year. As these building practices are illegal, property owners typically deny building additional rooms or floors, however, the changes can be clearly observed and documented in the neighborhood.

Most buildings in Naba'a are in violation of building and zoning regulations. They do not

respect height and size constraints, nor do they have sufficient lighting and ventilation. Building approvals are provided by the local police force, militiamen, or other informal actors, rather than through formal planning agencies. Because violations are so widespread, they do not represent a threat to security of tenure. However, in the long run, the livability of the neighborhood is reduced and residents may be at risk from structurally unsound buildings.

The typical housing unit rented today by a Syrian household in Naba'a is a single room with a make-shift bathroom and kitchen. A sample of fifty residences revealed that more than half of the households occupy a single room subdivided from an original apartment while only 10% rent a full-size 2-3 room apartment that they typically share between two or more families. The survey also indicated that at least one in ten apartments lacks an individual bathroom or kitchen facilities.

Household sizes tend to be large, with an average of 6.3 individuals, well above the median figure for Lebanese households (typically 2-4). This figure is also higher than the numbers reported in the UNHCR 2014 Shelter Survey, which indicated an average household size of 5.19.

In this context, overcrowding is a major concern. With the prolonged crisis, however, the majority of households (64%) have shifted to single-family units, while a significant group still cohabitate among extended families and friends. Many single-family households explained that they had shifted over time from sharing facilities with relatives to living alone, as they had suffered from the multiple difficulties of sharing housing facilities. Although they were relieved to have more space, many were also unhappy regarding

Table 3: Forms of Housing Accommodation in Naba'a

Accommodation(*)	Percentage of total sample
One room apartment	65%
Two rooms apartment	15%
Apartment with services	13%
Make-shift	7%

(*) Based on a sample of 50 households randomly selected in the neighborhood



Picture 8: *Dilapidated building in Naba'a - Beirut, Lebanon*

the increased financial cost.

When questioned about the quality of their accommodations, residents typically refrained from complaining, with some 50% expressing satisfaction about their housing arrangements. A visual and rapid investigation nonetheless reflects a difficult reality, both in terms of the quality of the housing and the shared physical infrastructure in the neighborhood. Indoors, units are frequently in poor conditions. Aside from structural cracks, the typical scene is of peeling paint, humidity, and poor lighting and ventilation, especially in the central areas of the neighborhood where the

concentration of refugees is high.

The level of services in Naba'a is poor, although those relatively better-off are able to pay for higher quality services. As with housing, the common theme is that those who can afford it will be able to purchase water and electricity while the majority will deal with frequent outages. In addition, garbage collection has become a major challenge with the increase in the volume of solid waste. However, the field survey found evidence that the informal systems of recycling that exist are responding to the increased demand.



Picture 9: Conditions inside a refugee shelter in Naba'a - Beirut, Lebanon

4.4 RENTAL ARRANGEMENTS IN NABA'A

4.4.1 Rental from Landlords or via Mediators and Realtors

About 40% of those who responded to the question about their landlords explained that they deal with a mediator or broker (often a building manager), rather than directly with

the landlord. Furthermore, research in the neighborhood indicates that three mediators have taken charge of a substantial number of buildings, managing them for absentee property owners. One of these mediators, who responded in detail to our repeated questions, declared that he manages over seventy apartment buildings in Naba'a alone. In fact, the overall trend is for property owners to delegate the management of buildings to these realtors and move out of the neighborhood. As a result, the "slum lords" phenomenon is increasing, producing a large stock of housing that property owners have very

little incentives to fix or improve.

Conversely, long-term dwellers with some experience in the rental market explained that they typically avoided renting from realtors and preferred to deal directly with landlords. Several cases were documented in which long-term residents had opted to move to a new apartment in order to rent directly from a landlord, rather than through one of the main realtors. In one case, the tenant explained that he could at least “beg” the landlord not to increase the rent, something he could not do with a realtor. Landlords were generally described as “more humane,” more “flexible,” and “easier to negotiate with” even if not entirely compassionate. By contrast, realtors were frequently referred to as “politically backed” and “harsh.”

This is a largely negative trend. On the one hand, our direct observations showed that realtors are backed by strong political or family power, as well as the police force. In the case of buildings run by a mediator or realtor, there was clear evidence of reduced flexibility with regard to payments and the ability to negotiate. As a result, refugees are in a more vulnerable housing condition and the threat of eviction is more likely to happen. Again, this is not a phenomenon born out of the conflict in Syria. However, the high demand for affordable housing in the neighborhood has certainly exacerbated the trend. It has also encouraged Lebanese property owners to leave their residences and rent their houses at more expensive rates to Syrian refugee households.

4.4.2 Terms and Conditions of Rental Agreements

The vast majority of residents have neither a written contract nor a detailed oral agreement with the landlord or realtor. More than 75% of the interviewed tenants acknowledged that they had no written contract with the realtor or the landlord. Only 10% stated they had a contract (but rarely showed it), while the rest answered that “they didn’t know.” Even when a contract is written, there are no witnesses on the document

and the contract is almost never registered with the municipality.

Despite the vagueness of these negotiations, there are clear rules and expectations that can be derived from the open-ended discussions with residents and from their responses to the questionnaires;

- Rental contracts typically run for one year, during which the rent is not expected to increase.
- A contract is renewable so long as the tenant is able to absorb an increase in rent if the market so dictates. This increase is usually USD 50 per year.
- There is a mutual understanding that no more than one family will occupy a room and that should the number of tenants increase, the property owner can increase the rent.
- There is a general sense that if the rent were to increase, the realtor or landlord would have to provide a one-month notice to the dwellers.

Both realtors and tenants are reluctant to rely on contracts or other documentation. While realtors often use receipt books purchased from local stationary stores, landlords renting directly seldom rely on even this form of paperwork. More generally, interviews with a local realtor indicated that the trend was towards the informalization of contracts. Some of the highlighted concerns are listed below:

- To realtors, tenants are unreliable, may disappear at any time after spending a month in the apartment, and may damage the apartment.
- To tenants, paying rent for a long duration can only be sustained if they maintain secure employment. However, the vast majority of those interviewed are daily workers with no stable income. Moreover, those who have more permanent work in factories or on construction sites still work



Picture 10: Contract between a Syrian Refugee and a Lebanese landlord

in very precarious conditions.

- Some tenants are interested in signing a contract. Several respondents stated they had in fact asked the realtor for a contract. Tenants noted that they were discouraged from using formal contracts as it would have to be registered with the municipality and they would have to pay additional taxes. As one respondent stated, "When we asked the landlord for a rental contract, he told us that we would have to register at the municipality and pay taxes. We really cannot afford to pay more! Similarly, a realtor states "a contract would be a real headache [...] and registration at the

municipality is costly.

- When international organizations intervene to provide services on the condition that a written contract is produced, a contract can be given. Tenants, however, feel that *this is not really a contract and can be revoked by the landlord at will.*

4.4.3 Rental Prices

The typical rent for a room in Naba'a ranges from between USD 250 to 300 (see Table 4). This is a very high rate, particularly when one notes that an additional USD 50 is typically paid for services and that the average monthly income of a Syrian refugee worker in Lebanon is USD 277 per month or USD 23 per day.⁸⁷

There is a widespread perception in the neighborhood that rental prices have significantly increased. However, only six of the forty-nine respondents interviewed in the neighborhood confirmed there had been a price increase in their rent in the past eighteen months. Ten respondents stated they "expected" an imminent increase. Many respondents also noted a generalized sense of insecurity and stress due to the fear of being unable to pay the rent and the reportedly frequent harassment of realtors.

These findings need to be carefully analyzed as landlords - and particularly realtors - deny these increases. A close look at one Naba'a realtor's 2012 and 2013 receipt books for the same housing units indicated that the mean rent has not increased for most units during the past year. This is only partially true.

Part of the explanation lies in the fact that 75% of the interviewed households had moved from "shared worker" housing to a "shared family" arrangement in which one or two families, each with one livelihood earner, shared an apartment. As a result, the burden of the rent has increased dramatically for these households, even if the

⁸⁷ http://www.ilo.org/beirut/publications/WCMS_240134/lang--en/index.htm.

Table 4: Rents in Naba'a

Accommodation(*)	Average Rent
One room apartment	US \$300
Two rooms apartment	US \$400
Apartment with services	US \$600
Make-shift	US \$300

(*) Based on a Survey of 50 households randomly selected in the neighborhood

actual rent paid remains unchanged.

There were also widespread reports that “cash-for-rent” support from the international community has been driving up rent prices. UNHCR records and the statements of residents interviewed in Naba'a suggest this is not the case. Only one respondent acknowledged receiving direct rental support from an international organization, while about 30% declared that they were receiving some kind of non-food assistance that they sometimes sell on the market in order to pay rent. The majority of dwellers (about 70%) stated they were relying on loans from more established relatives, typically those who have been in the country for a long time.

Conversely, the few interviews that were conducted with Lebanese families revealed severe increases in the price of rent, rendering the neighborhood largely unattractive to this national group, particularly in light of deterioration in the quality of life. Indeed, the higher rents bring the rental rates to the level of other well established neighborhoods such as Dikwaneh, making Naba'a a relatively undesirable housing choice for those families. This increase in rent can be explained by the departure of landlords who until then lived in buildings that they preferred to rent to Lebanese families, often at lower rates because they were perceived to be “desirable neighbors.” However, the increasing demand seems to have encouraged these landlords to leave the neighborhood and rent their apartments to refugee families whom they could charge higher rates.

Some of the main findings regarding rental in Naba'a can be summarized as follows:

- The inability to pay the rent carries the

greatest risk of eviction, not social practices or nationality. Landlords, particularly realtors, are quite intolerant about delays in paying the rent. A typical strategy for Syrian households to improve affordability has been to increase the number of families sharing the same premises. However, property owners and realtors can then use this to justify an increase in the rent.

- Tenants expressed little fear of immediate eviction. A handful of tenants confirmed that they had been evicted, but they unanimously connected the threat of eviction to their inability to pay the rent.
- Interviewed households thought it normal to be evicted if they could not pay the rent. They therefore rarely questioned the fairness of this situation or called for outside help. Instead, they pleaded –often successfully- for more time, borrowed money, or simply left before the end of the month and looked for another housing arrangement.
- The increased demand for affordable rental accommodation clearly favors landlords. Refugees unanimously concur that landlords would not hesitate to evict them if they were to default on payments, as the scarcity of affordable housing means that other tenants can be found very rapidly.
- Eviction is often accompanied by bullying and threats. Realtors are clearly “well backed” individuals who can rely on a network of local thugs, the armed militias of political parties, or even some elements of the police.
- Tenants are extremely vulnerable because

they lack information and resources. As a result, eviction happens without any prior written notification and no official processes. In most cases, the landlord issues several oral warnings over the duration of at least one month, sometimes more, before carrying out the eviction. He does not wait for nighttime or the week-end, but enacts his threats in broad daylight in an environment of widespread impunity in which refugees have no recourse.

- Newly arrived refugees are particularly vulnerable because they lack proper knowledge of the thick social and political web of the neighborhood. They frequently confuse police forces with the army, Hezbollah, and others. They are not able to assess the legitimacy of the authority in front of them.

It is imperative to remember that access to housing for refugees takes place in the context of a large scale informal market. This informal market works very well for one of the parties (the realtor) and yet is not necessarily perceived as “unfair” by the other (tenants). In this context, it will be very difficult to create and implement a legal framework for due process eviction. Enforcement would also be problematic, as several local authorities are often dissatisfied with the arrival of the refugees yet would rather prefer not to interfere in such conflicts, even to see refugee numbers decline in their jurisdiction.

CONCLUSION

In Naba'a, the arrival of Syrian refugees has triggered several trends that need to be understood at the scale of the neighborhood, rather than just at the scale of the refugee household. This analysis will better inform government and humanitarian actors regarding the most appropriate interventions.

The most striking finding is the transformation of Naba'a into a major refugee settlement, with some streets entirely occupied by Syrian families.

Social networks have facilitated the process, most often through networks of Syrian migrant workers present in Lebanon prior to the current crisis.

The arrival of Syrian refugees has had both positive and negative effects. On the positive side, the return of families to the area has improved livability compared to a prior prevalence of young migrant workers. Less positively, Lebanese citizens and established Syrian migrant workers complain of increase in rent, the deterioration of services, and, particularly for the Lebanese citizens, a sense of alienation toward their historic homes.

More generally, the rental market in Naba'a clearly favors landlords and those with strong social networks. Rental arrangements are informal, and landlords or their middle-men are able to charge higher rents, increase them more often, and enforce evictions more readily. Refugees wish to avoid attracting attention as they represent relatively easy targets for more predatory “slumlords.”





5

CHAPTER 5

CASE STUDY OF REFUGEE HOUSING IN A RURAL CONTEXT: AKKAR

To understand housing, land and property issues outside of the main cities, two research samples were undertaken in Akkar (North Lebanon) inspecting (i) informal tented settlements in the area of Akkar; and (ii) rental facilities in the city of Halba and its vicinities. The research sample covered twenty-three informal settlements through individual visits and one focus group discussion.⁸⁸ In addition, thirty-eight key informant interviews were conducted with Syrian refugee households renting apartments in the city of Halba. Another ten interviews were conducted with Lebanese families in the area for comparative purposes. Ten municipalities were interviewed regarding their perceptions and experiences of the ongoing crisis.

⁸⁸ On-site interviews were conducted in eleven settlements where the *shaweeesh* (camp representative) and another dweller were interviewed. In addition, fifteen representatives from fifteen tented settlements in the area of Akkar were invited to a focus group.

The fieldwork findings are presented in two main parts.⁸⁹ The first part summarizes findings related to living conditions and land use, rental arrangements, and evictions with respect to the twenty-three informal settlements. The second part presents the findings for the same broad issues, but focuses on Halba and its peri-urban area. A brief conclusion summarizes the main findings of the case study.

5.1 INFORMAL SETTLEMENTS IN NORTH LEBANON

As noted earlier, the term “informal settlement” typically covers a very wide range of realities, from a small encampment of tents and makeshift structures occupied by an extended family, to large settlements covering several plots of land and sheltering over 100 tents. Despite these variations, the study finds common themes emerging across the Akkar region.

5.1.1 Living Conditions and Land Use

Living conditions in informal settlements in Akkar are typically poor: structures are makeshift and unfinished, services are limited, and overcrowding is common. Interviews indicated that an average of 9.6 individuals typically share a 20m² tent, far below SPHERE standards. This results in severe overcrowding, the absence of privacy, and stress within and between families. The tent of the community representative⁹⁰ or shaweesh is typically larger than all others, although the size of the tent also tends to reflect the size of the family and its financial means.

Shelter construction heavily relies on the materials supplied by local and international

actors. Throughout the country, as is the case in Akkar, informal settlements are formed out of the wooden posts and nylon covers (for walls and roofs) that make-up the typical shelter kit distributed to refugees. The quality of the flooring however varies from one camp to another and within each camp as well. Community representatives for instance were more likely to have concrete flooring than other camp dwellers.

The precariousness of these settlements is at least partially due to the fears of property owners that better quality structures may enable refugees to make a claim to the property. Owners therefore resist any attempt at physical improvements. Another concern is that concrete floors can damage the long-term agricultural value of the land, which is being used only temporarily for residential purposes.



Picture 11: Syrian Refugee children - Akkar, Lebanon

⁸⁹ A total of twenty-three interviews were conducted in Akkar. Eleven of these were individual interviews while another twelve were conducted via a focus group discussion held in Halba. In each informal settlement, two different persons were interviewed, one of whom was the *shaweesh* (community representative). The tented settlements were selected in the area of Akkar and distributed across the region. To protect the identity of individuals, the location of these settlements will not be outlined here.

⁹⁰ Referred to sometimes as *Shaweesh*, the camp representative is typically the oldest or the first to come to the area and who has negotiated the rental of the land and the establishment of the settlement with the property owner.

Social conditions and relations within the informal settlement tend to be positive, as residents frequently reported that they were members of the same extended families. Similar to their counterparts in apartments elsewhere, new arrivals typically settle with relatives before establishing their own tent. High density, difficult living conditions, and the large percentage of roaming children were frequently referred to as sources of tension in informal settlements.

Services within informal tented settlements are typically accessed through private providers or illegal connections and, as described by residents, tend to be expensive for the quality of services provided. The following main observations were noted during the fieldwork:

- **Electricity:** Most of the households surveyed relied on municipal electricity, typically more than a half were provided with electricity through illegal connections. About a quarter rely on the booming business of informal electricity provision. A minority indicated that they rely on other sources.
- **Water:** Water is most commonly accessed through wells located within the rented property or nearby. This water is frequently not suitable for drinking. Residents instead rely on water distributed by NGOs (and sometimes purchased) which they store in tanks provided by international organizations. In two settlements, water was unavailable on site and dwellers had to collect it daily. In both cases, it seemed that the mayors in the area were reluctant to allow a water connection to be established.
- **Garbage Collection:** As noted above, garbage collection is one of the highest concerns of every municipal district where refugees have settled. More than half of the people in the surveyed settlements reported that they disposed of their trash in a river or by the sea-side, while the others reported burning it, or leaving it on the side of the street. Only one settlement

in our sample had access to garbage collection facilities.

In terms of land-use, the sites of the majority of informal settlements surveyed were used for agriculture before the arrival of the refugees, and, in many cases, continue to be used as such. This finding corresponds with observations made in the areas of Mount Lebanon, the South, and the Bekaa.

The establishment of informal settlements has given rise to numerous negative environmental implications. The potential contamination of soils and underground water was a common concern. The improper solid waste disposal and damage to trees and woodlands were also reported as important concerns.

Although the surge in demand for housing arising from the refugee influx is understandable, there is a clear need for interventions that could guide locating informal settlements towards more appropriate sites, sparing agricultural lands from such developments.

5.1.2 Rental Arrangements

IS residents usually negotiate access to land, rental rates, and payment either directly with the property owner (about three quarters of the interviewed sample) or his representative (more than a quarter of the interviewed sample). Most large settlements have a *shaweesh* (representative), who interacts with the assistance community. In the majority of settlements, it is the *shaweesh* who has negotiated access to the land and the rental terms with the property owner. This role was also noted in focus group findings, as well as in other interviews in Lebanon (Bekaa and Beirut area).

As was the case elsewhere, there is a great deal of informality regarding rental arrangements. To begin with, residents usually negotiate with an individual who presents himself as the “owner.” In many cases, his or her identity is verified through

social networks and relations, rather than through legal documents. In each of these settlements, there is usually at least one person who either used to live on the plot (less than a quarter of the cases) or worked nearby and had negotiated the rental arrangement with the property owner. It is atypical to hear of an owner providing any proof of ownership. In the study sample of twenty-three settlements, two community leaders believed that previous evictions were related to the fact that the broker who rented the land was not the legal owner or had not secured the legal owner's consent.⁹¹

In most cases, no official contract is drafted, nor are official receipts issued. Although one out of five cases stated that they had secured a written contract between the property owner and the community representative, none produced it. None of the rental contracts are officially registered or include witnesses, but community representatives commonly believed that local public representatives (*e.g. mukhtar*) are aware that such agreements are being negotiated. Although the field survey team has not been able to verify any of these contracts, their contents were reported to require that settlement residents agree that they will not consume the agricultural products on the land or cause any other disruption.

As for the official terms of the agreement, such as duration and rent, they are usually not explicit, but there seems to be a common understanding that they entail a one year term with a fixed monthly or yearly rental rate, after which the dwellers expect the property owner to increase the rent. These expectations are frequently based on precedent and hearsay, rather than actual written or stated terms.⁹²

Two types of rental agreements were observed in the sample: residents either rent the land and

organize its settlement over a one year period or, perhaps more commonly, they access the right to set-up a tent in the area and pay a fee for each structure established, depending on the number of families in the area.

5.1.3 Evictions

Numerous cases of eviction were reported. Of the eleven surveyed settlements (excluding focus groups), residents in five described past experiences of forced eviction, though the entity responsible for carrying out the eviction varied: the municipality (one case), the police force (one case), the army (one case) and vandals (one case). In one instance, there was a family feud, which the army resolved by removing one of the families from the settlement. Three evictions occurred as a result of a landlord's demand to increase the rent, which the residents could not meet. Two evictions occurred because refugees had rented land from a man who was not the legal owner. Finally, in one case, residents claimed they were evicted due to political differences with the host community.

In all cases of eviction documented during the survey, refugees described repeated harassment, sometimes with the threat of armed violence.⁹³ Their narratives also reflected their poor knowledge of local politics and, most importantly, their general sense of vulnerability.

5.2 RENTED ROOMS AND APARTMENTS

A substantial percentage of refugees in Akkar also rent accommodations in secondary cities. In order to assess the conditions of these refugees, interviews were conducted in the city of Halba

⁹¹ In one of the cases, residents who had previously been evicted (with a municipal order) reported that they had been renting the land from an individual who denied he had ever rented them the land when they were asked to leave by the property owners.

⁹² Interviewed community leaders reported up to 60% increase in the rental rate after one year. In one settlement, the increase in rent went up from USD 2400 to 4000 per year. In another settlement, the rise went up from USD 4000 to 4600. There does not seem to be a clear rationale for the amount of the increase, aside from a desire to push prices up (while payment defaults are in fact frequent, making the prices not entirely meaningful).

⁹³ In this case, the informal settlement residents stated that they had openly taken a position against the current Syrian government while village dwellers were government supporters.



Picture 12: Apartment complex - Akkar , Lebanon

(Akkar) and its vicinities, where more than 1700 families have found refuge over the past year. Fifty interviews were conducted in the city, ten of which were with members of the host community.

As a main urban center in the Akkar district, and given its proximity to the Syrian border, Halba has become a major hub for Syrian refugees. Access to employment opportunities and social networks has made Halba a relatively stable location for many families. Over 60% of the refugees declared they had no intention to leave the units they were occupying.

The steep increase in its population has naturally encouraged the development of a rental market whereby empty apartments,

office buildings, stores, and warehouses have been transformed—frequently with the help of international organizations—into residential facilities.

5.2.1 Living Conditions and Land Use

Looking first at housing conditions, we find that approximately 50% of the tenants occupy an individual or shared apartment. Others occupy offices, rooms, shops or warehouses that they are using as make-shift shelters.

Apartments are smaller than 100m² on average. Rooms are typically 50m², shops 80m², and offices 41m². The smaller units tend to suffer



Picture 13: Cramped living conditions in an apartment occupied by Syrian Refugees - Akkar , Lebanon

from over-occupancy, with the number of dwellers sharing one unit averaging 8.6 but ranging from two to twenty-five individuals. Thus, a three-bedroom apartment of 150m² was housing four families with a total of thirteen members, another apartment of 100m² was housing the same number and a third was housing twenty-five members within the same area of 150m². Among the most dire cases was a 14m² bedroom housing fourteen people. While the larger apartments do comply with SPHERE minimum standards for covered shelter space (and are larger than those available for refugees living in Naba'a), there are

some apartments that are clearly overcrowded.

Living conditions in these units varied, but were typically very poor. Of the thirty-eight surveyed households units, three showed visible structural cracks, twenty-three suffered from regular leaks, and four were missing windows or doors. Furthermore, nine had no access to direct lighting or cross ventilation. Nonetheless almost all these rented facilities reported access to basic services, including water and garbage collection. Like their Lebanese counterparts, Syrian refugees are also dealing with frequent power outages

by compensating, when they can, with informal providers (more than half) and illegal connections (a minority).

There is no clear evidence of an increase in new housing construction to respond to the current refugee crisis. When construction does occur, new houses or additions are typically modest and tend to rely on informal arrangements, rather than official building permits. The process of formal approval is widely regarded as cumbersome and a delay in the building process. It is therefore perhaps not surprising that the study did not find any evidence that building and zoning regulations were hampering the building process. Properly structured incentives for developers would be preferable to an overhaul of the current regulations.

5.2.2 Rental Arrangements

The rental market in Halba is developing as a response to the ongoing crisis. The vast majority of Syrian tenants interviewed noted that they were new to the area and that they were the first tenants occupying these units. Only a minority of the households reported that they had arrived to Halba prior to the Syrian conflict. As a result, the organization of the market appears to be less well established compared to Naba'a, Beirut.

In the absence of a sophisticated housing market, rentals in Halba are limited to direct transactions between property owners and refugees. The vast majority of the tenants reported they had directly rented their apartments from property owners. In fact, almost a quarter of the landlords are reportedly living in close proximity to the units they are renting-out, typically within the same building. Almost half of the refugee households surveyed reported that they know the landlord and where he lives through social networks.

In this context of relative familiarity, it is not surprising that agreements mostly occur without any legal documentation, and frequently with

no paperwork at all. Only 16% of the refugees surveyed were able to show any written evidence of an agreement, whether in the form of a written contract or receipts for rental payment. The majority of those surveyed are reportedly relying exclusively on oral arrangements. There seems to be considerable ambiguity regarding the duration of the rental arrangements or the ability of the landlord to increase the rent. The vast majority of the tenants said that the duration of their lease was unspecified and that the landlords could increase the rental fee at any time without prior notice.

By contrast, the ten interviewed Lebanese tenant families indicated that they typically rely on contracts in their interactions with the landlord. Here too, however, a degree of informality pervades the relationship. Lebanese tenant households frequently noted that the contracts were, for example, not registered at the municipality. Others reported they were relying on informal arrangements, renting the houses of absentee landlords through the mediation of relatives. Furthermore, half of the interviewed Lebanese households appear unaware of their rights and responsibilities under Lebanese law. They are, for instance, unsure of the duration of their contracts and their rights to resist rent increases. Moreover, one of the interviewed households expressed a strong fear of eviction since their three year lease was ending in April and the landlord had requested a significant increase in the rent. If the Lebanese family could not afford it, the property would be let to Syrians.

Rents are typically expensive, with an average rate of USD 275 per apartment, USD 200 for a room and USD 100 to rent out a shop (see Table 5).

Rent is unequivocally the largest expense in a household's budget, with the vast majority of those surveyed identifying housing expenses as more than half of their monthly spending. To meet this demand, interviewed households reported selling vouchers, borrowing money from the landlord or, more frequently, from relatives, or relying on the support of international organizations. In only one

Table 5: Rents in the Akkar Region

Accommodation(*)	Sample Size	Average Rent
Room	2	USD \$200
Divided Apartment	5	USD \$150
Full Apartment	17	USD \$275
Office	5	USD \$166
Shop	1	USD \$100
Warehouse	8	USD \$170

(*) Based on a survey of 50 households randomly sampled in a Halba neighborhood

case were savings mentioned in the interview, as refugees typically declared that they had none. As a result, the recent reduction of vouchers is widely perceived as a crisis, with households almost unanimously asking for help in restoring some support to help them pay for their rent.

5.2.3 Evictions

As in other rental markets profiled in this study, the evidence suggests that evictions occur fairly frequently, though often because of an inability to pay the rent. In some cases, households pre-empt the eviction by leaving before they are evicted. In one case, a household was asked to leave because the apartment was needed by the family.

than through an intermediary. This often results in greater flexibility regarding rates and terms. Moreover, non-payment of rent seems to occur for a long time before eviction takes place. Interestingly, the case study suggests that landlords lack confidence that they can rely on the formal law and legal procedures to evict tenants. Previous experience with the Palestinian refugees appears to have conditioned landlords against allowing refugees to improve the quality of their housing in informal settlements.

CONCLUSION

The Akkar case study confirms the difficult living conditions of refugees, particularly in informal settlements. Shelter conditions in apartments and houses appear to be better than those in Beirut, especially with regard to overcrowding. Reported rental prices seem high, probably reflecting the fact that the housing market has been largely driven by natural population growth rather than the speculation that characterizes many areas of Beirut. As a result, there is not much evidence of a “build-to-let” housing boom, despite the potential that appears to exist.

Refugees seem to more frequently negotiate directly with the owner and landlords rather

BIBLIOGRAPHY

A.BENABENT. 2006. « Droit Civil – Les Contrats Spéciaux Civils et Commerciaux », éd. Montchrestien, 7^e édition.

Central Administration of Statistics. 2007. *Report Demographic Reality of Lebanon*. Available at: <http://www.cas.gov.lb/images/PDFs/Demographic2007-ar.pdf>

Bank Audi. 2013. *Annual Report, Lebanon Real Estate Report*.

Bank Med. 2013. *Analysis of Real Estate Transactions in Lebanon (2008-2013)*.

Clerc, V. 2013. Real Estate in Lebanon, Assessment Report submitted to the CDR, in French. Mimeo.

Deboulet, A. and Fawaz, M. 2011. "Contesting the Legitimacy of Urban Restructuring and Highways in Beirut's Irregular Settlements", in D. Davis and N. Libertun de Durén (eds.), *Cities and Sovereignty: Nationalist Conflicts in the Urban Realm*, Indiana University Press.

Fawaz, M. 2009. "The State and the Production of Illegal Housing: Public Practices in Hayyel-Sellom, Beirut-Lebanon", in K. Ali and M. Rieker (eds.), *Comparing Cities: The Middle-East and South Asia*, London: Oxford University Press, pp. 197-220.

Fawaz M and Isabelle Peillen. 2003. "Understanding Slums: Case studies for the Global Report on Human Settlements- The Case of Beirut, Lebanon". http://www.ucl.ac.uk/dpu-projects/Global_Report/pdfs/Beirut.pdf

Nizar & Rana Saghie. 2008. *"Legal Assessment of Housing, Land and Property Ownership, Rights, Transfers, and Property Law related to Palestinian Refugees in Lebanon"*, NRC report. Norimitsu Onishi, "Lebanon Worries that Housing Will Make Syrian Refugees Stay", the New York Times, December 11th, 2013.

Norwegian Refugee Council (NRC) report. 2011. *"From Shelter to Housing: security of tenure and integration in protracted displacement settings"*.

UN-ESCWA. 2012. *Report Demographic Profile of Lebanon*. Available at: <http://www.escwa.un.org/popin/members/lebanon.pdf>

United Nations High Commissioner for Refugees Report. 2014. *Syria Regional Response Plan: Strategic Overview*. December 2013. available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/Syria-rrp6-full-report.pdf>.

United Nations High Commissioner for Refugees Report. 2014. *Inter-agency Thematic Group Overview: Syrian Refugee Crisis in Lebanon*. May 2014. available at: <file:///C:/Users/user/Downloads/Inter-agencythematicoverview-AConstantStruggleforShelter-23May2014.pdf>

(كممثل للمجتمع) في المخيمات غير الرسمية وتعزيزه ضمن إطار مشترك بشأن الاضطلاع بدوره ومسؤولياته تجاه المجتمع وكذلك تجاه الحكومة والجهات المعنية بالمساعدة الخارجية.

٢٥. ينبغي دعم المؤسسات الوطنية الرئيسية، مثل وزارة الشؤون الاجتماعية ومصالح المياه ومجلس الإنماء والإعمار ومديرية التنظيم المدني، من خلال برامج معدة خصيصاً لتمكينهم من لعب دور قيادي أقوى في وضع السياسات وتطوير البرامج لإدارة أزمة النازحين.

٢٣. ينبغي إرساء لجان مشتركة تضم النازحين والمجتمعات المضيفة ضمن إطار وطني توافق عليه الحكومة والسلطات المحلية والمجتمعات المحلية المتضررة. يمكن للجان تحديد ومعالجة القضايا ذات الاهتمام المشترك فور نشوئها. كما أنها قد تتولى دور التنسيق والتواصل بين السلطات المحلية والجهات المعنية بالمساعدات الخارجية لضمان توفير أنجع لأنواع الدعم.

٢٤. ينبغي الاعتراف بدور الشاويش



منها في المخيمات غير الرسمية. إن المخاطر على إمدادات المياه وجودة التربة كبيرة، ويتعين معالجتها كمسألة ذات أولوية ملحة.

١٨. ينبغي دعم «فريق العمل المؤقت» في المخيمات غير الرسمية لإعادة النظر في مواقعها القائمة وتقييمها بالنظر الى مجموعة من المخاطر الطبيعية المحتملة وغيرها. وحيثما تعرّض المخاطر الطبيعية السكان للخطر، ينبغي تطبيق مقاربات بسيطة تقوم على الحقوق لنقلهم إلى مواقع أكثر ملاءمة.

١٩. يتعين وضع مبادئ توجيهية ونظام الحوافز والقوانين من قبل الحكومة والسلطات المحلية والجهات المعنية بالمأوى ونشرها على نطاق واسع لتوجيه إقامة المخيمات غير الرسمية مستقبلاً. ومع استمرار تدفق الوافدين الجدد وإستنفاد الإدخار لدى بعض الأسر، فإن إعداد خطة طوارئ لإدارة نمو المخيمات غير الرسمية ستكون حاسمة.

٢٠. في المناطق الحضرية، يتعين إجراء مسح تفصيلي للمناطق ذات الدخل المنخفض التي نمت بشكل ملحوظ نتيجة لأزمة النازحين السوريين. وكانت العديد من هذه المناطق بالفعل توفر الخدمات بما يفوق طاقتها. كما

أن الظروف الفنية والهندسية لبعض المباني هي موضع تساؤل وتمثل خطراً على سكانها.

٢١. ينبغي إجراء دراسة متعددة التخصصات وأكثر تفصيلاً لأثر استخدام الأراضي على المدى الطويل الناجم عن أزمة النازحين بإشراف الحكومة وبدعم من المجتمع الدولي. بدءاً، يمكن تطوير خريطة مرّبة من خلال وضع خريطة المخيمات غير الرسمية فوق الخطة الشاملة لترتيب الأراضي لعام ٢٠٠٩، وذلك لتحديد المواقع التي تتعارض ومجالات إستعمالات الأراضي. كما ينبغي النظر في العمل القطاعي بشكل تفصيلي في المجالات الرئيسية مثل المياه والأمن الغذائي والبنية التحتية وتوسيع الخدمات.

١.٢.٥ الحوكمة

٢٢. يتعين على الجهات المانحة دعم برنامج مخصص لبناء قدرات السلطات المحلية في مجالات حساسة مثل التنسيق والتخطيط المدني وتقديم الخدمات ورصد تأهيل المساكن والقضايا المتعلقة بالسكن والأراضي والملكية وتسوية النزاعات الأخرى والتخطيط للطوارئ. هذا البرنامج يتعين وضعه موضع التنفيذ بغرض تحسين الظروف المعيشية للناخبين أيضاً.

غير الرسمية المكتظة في بيروت وطرابلس. وينبغي القيام بإختبارات محدّدة وبأسلوب يراعي النزاع بغرض تحديد الفرص المتاحة لتحسين الظروف المعيشية للنازحين والأسر اللبنانية ذات الدخل المنخفض على حد سواء.

١٦. نظرا للمخاطر الكبيرة المتعلقة بحماية أملاك النازحين في سوريا بعد أن غادروها، وقد تبين هذا الموضوع خلال الدراسة، ينبغي إجراء مسح أكثر تفصيلاً للسكن والأراضي والملكية في الدول الأخرى المضيقة كالأردن والعراق وتركيا وسوريا. إن تطبيق مقارنة شاملة لسوريا بأكملها حول القضايا المتعلقة بالسكن والأراضي والملكية ستكون حاسمة بالنسبة لتقييم حجم التحدي لحماية الحقوق المتعلقة بهذه القضايا. إن النتائج التي توصلت إليها الدراسة من شأنها توفير معلومات هامة قادرة على توجيه عمليات وقف إطلاق النار والإتفاقات داخل سوريا، ولكنها ستكون أيضاً هامة لإجراء مفاوضات على نطاق اوسع لحل النزاع وأي استراتيجيات محتملة للعودة.

٤.٢.١ إستخدامات الأراضي

١٧. ينبغي على الجهات المانحة زيادة التمويل المخصص للصحة وجمع النفايات الصلبة والتخلص

في السكن والأراضي والملكية بشكل منهجي في برامجها. في هذا السياق، يتعين تعميم المعلومات ونشر التوعية بشأن حقوق المالك والمستأجر وتوفير خدمات الإحالة إلى المصادر الحكومية أو غير الحكومية المناسبة.

١٤. ينبغي على الجهات المانحة، وربما على الجهات المعنية بالمأوى، اللجوء إلى وضع إستراتيجية لمقاضاة ومعالجة القضايا ذات الأولوية المتعلقة بحقوق النازحين في السكن والأراضي والملكية، على سبيل المثال، الإخلاء القسري والزيادات غير القانونية في بدلات الإيجار خلال فترة ثلاث سنوات بموجب القانون اللبناني للأملاك المبنية. وفي حين قد يستغرق الحكم وقتاً طويلاً، فإن القضية نفسها تثير إهتمام وسائل الإعلام التي من شأنها رفع مستوى الوعي حول حقوق المالك والمستأجر.

١٥. ينبغي تطوير مشاريع محددة معدة للإختبار للتعامل مع «أمراء الأحياء الفقيرة» وأصحاب العقارات التي سُيّدت عليها المخيمات غير الرسمية لضمان تحقيق نتائج أفضل للملاكين والمستأجرين على السواء. تشكل إيجارات النازحين تحدياً على صعيد الاقتصاد السياسي للمناطق حيث أقيمت هذه المخيمات، لا سيما في المناطق

مهام مراكز التنسيق أيضاً مراقبة عمليات الإخلاء التعسفي والمساعدة على ضمان تطبيق القوانين الوطنية جنباً إلى جنب مع المعايير الدولية.

٨. ينبغي للجهات المانحة الدولية اعتماد مشاريع معدّة لإختبار تأثير التفاوض ودفع رسوم التسجيل للحصول على عقود الإيجار. إن السلطات البلدية لديها الصلاحية لتحديد مستويات الرسوم، ولكنها لا تحصل أي نوع من الإيرادات. لذا، هناك فرصة محتملة للتفاوض على تخفيض رسوم تسجيل عقود الإيجار مقابل الإلتزام بزيادة عدد عقود الإيجار المسجلة. يمكن للبلديات أن تستخدم عائدات هذه المصادر لتوسيع أو تحسين الخدمات البلدية.

٩. المطلوب مزيد من البحث المنهجي لفهم ديناميات سوق السكن والآثار القصيرة والطويلة الأجل لأزمة النازحين على السوق السكني اللبناني. وينبغي بذل جهد خاص لتحديد الحوافز والقوانين ذات الأولوية لتحسين نتائج سوق. في هذا الصدد، يتعين تعزيز قاعدة الأدلة اللازمة لوضع السياسات.

٣.٢.١ الحق في السكن والأراضي والملكية

١٠. ينبغي على الحكومة والجهات المعنية

بالمأوى الشروع فوراً بحملة توعية إعلامية وطنية حول حقوق النازحين بالسكن والأراضي والملكية. يوفر القانون اللبناني حماية كبيرة للمستأجرين؛ ومع ذلك، لم يتم استخدامه بشكل فعال.

١١. ينبغي وضع صيغ عقود التأجير النموذجية لمختلف أنواع المأوى ونشرها (على سبيل المثال، السكن الخاص، المأوى الجماعي، والأراضي الزراعية). ولما كان من الصعب فرض إتفاقات محدّدة لأطراف القطاع الخاص، فإن إتفاقات نموذجية تساعد على رفع مستوى الوعي فيما يتعلق بحقوق ومسؤوليات كل من المالكين والمستأجرين على حد سواء.

١٢. ينبغي وضع برامج رصد الإخلاء التعسفي على المستوى الوطني بالاشتراك مع السلطات المحلية والمنظمات غير الحكومية ووزارة الشؤون الاجتماعية. كما ينبغي وضع إجراءات بسيطة لتحديد الأسر المعرضة لخطر الإخلاء التعسفي؛ وعندما لا يمكن تجنبه، يجب إيجاد مجموعة من البدائل للإخلاء مع ضمان توفير السكن المناسب للأسرة المطرودة.

١٣. ينبغي للجهات المعنية بالمأوى إدخال عنصر ضمان حماية حقوق النازحين

المعنية بالمأوى من أجل تطوير برامج متكاملة لتأمين المأوى وإقامة المخيمات تستهدف إحتياجات النازحين والمجتمعات المضيفة على السواء. على هذا النحو، فإن التدخلات يجب أن تتجاوز نطاق الأسرة الفردية نحو التدخلات على مستوى الحي، وينبغي أن تتضمن، بالإضافة إلى الدعم الفوري، الحوافز التنموية على المدى الطويل. وبالتالي، يمكن إستكمال التحسينات في المساكن لتشمل على سبيل المثال؛ تحسين نوعية الخدمات الحضرية وتعزيز المساحات العامة (الحدائق، والمراكز المجتمعية) وتحسين الخدمات الإجتماعية (الملاعب ومراكز رعاية الأطفال) وتحسين التنقل للمشاة وتحسين آليات الحوار بين النازحين والمجتمعات المضيفة.

٢.٢.١ سوق السكن

٧. على الجهات المعنية بالمأوى العمل بالتنسيق مع السلطات المحلية ومع أصحاب الشأن من القطاع الخاص لإنشاء «مراكز تنسيق السكن» وتشجيع الحصول على نتائج أكثر إنصافاً. ستكون هذه المراكز مسؤولة عن مراقبة أسواق السكن، وتعمل على توثيق وتوفير المعلومات عن أسعار الإيجارات والعقارات المتاحة للتأجير، وتحديد المباني الجديدة التي سيتم تأهيلها والأراضي الجديدة التي يمكن أن تُنشأ عليها المخيمات غير الرسمية. ومن

للأوقاف الدينية) قد تكون أنسب الأماكن للبدء بإقامة المخيمات.

٤. ينبغي وضع حزمة من الحوافز لتشجيع اللبنانيين على بناء أو إعادة تأهيل وحدات إضافية منخفضة التكلفة مخصصة كمساكن للنازحين السوريين. ويمكن أن تشمل الحوافز على قروض منخفضة الفائدة وتخفيض للضرائب وإجراءات مرنة. على أنه يتعين ربط الحوافز بمعايير محددة تتعلق بجودة المأوى وضمان الحياة.

٥. ينبغي على برامج «تأمين سبل العيش» (livelihoods) إعطاء الأولوية لقطاعات البناء والخدمات الأساسية. إن برامج «الدفع نقداً مقابل العمل» وبرامج خلق فرص العمل على المدى الطويل ينبغي أن تركز على بناء المساكن وإنتاج مواد البناء وإمدادات المياه والصرف الصحي وتصريف المياه وتوليد الطاقة الكهربائية بشكل محدود وجمع النفايات الصلبة وإعادة التدوير، بالإضافة إلى وسائل أخرى لتحسين الظروف المعيشية للنازحين والمواطنين اللبنانيين على حد سواء. إن خلق سبل العيش خارج المناطق الحضرية الرئيسية قد يساعد أيضاً في تخفيف الضغوط على البنية التحتية والخدمات والعلاقات الاجتماعية.

٦. يتعين على الجهات المانحة دعم الجهات

٢.١ التوصيات

١.٢.١ أعلى صعيد المأوى

١. على مانحي المساعدات الإنسانية والتنمية زيادة الدعم لإعادة تأهيل المنازل الخاصة وإنشاء مراكز إيواء جماعية جديدة كبداية لتنامي المخيمات غير الرسمية. إن إعادة تأهيل المنازل الخاصة وإنشاء مراكز إيواء جماعية جديدة تمثل مردوداً جيداً؛ فهي تزيد من فرص المأوى الملائم بأسعار مقبولة كما توفر ضمان الحياة.

٢. على الجهات المعنية بالمأوى العمل بشكل وثيق مع السلطات البلدية لتحديد الوحدات السكنية الإضافية والمباني التي يمكن تأهيلها لتوفير المأوى للنازحين. وينبغي أن ترافق مثل هذه المبادرات تدابير محددة تلبي احتياجات المجتمعات المضيفة وتعزز قدرة البلديات على إدارة الأزمة.

٣. في المناطق الريفية، ينبغي للمعنيين بالمأوى العمل بشكل وثيق مع البلديات وأصحاب الأراضي (الملاكين) لتحديد أكثر المواقع ملائمة لإقامة المخيمات غير الرسمية. على الجهات الفاعلة نفسها العمل مع البلديات لتطوير ونشر إرشادات حول إختيار المواقع الملائمة. إن أراضي الدولة الخاصة والأوقاف (أراضي ممنوحة

فهي على الأرجح تجد نفسها مضطرة للاستجابة الى الحاجات الملحة. وفي حين أن بعض البلديات تشارك بنشاط أكبر في توفير السكن والتنسيق وتقديم الخدمات وتسوية النزاعات، نجد أن البعض الآخر أقل انخراطاً في هذه الأمور. ومن خلال المقابلات التي أجريت مع السلطات المحلية، يبدو أن معظمهم يرى أن المنظمات الدولية تتجاوزهم من خلال توزيع السلع والخدمات مباشرة إلى النازحين المتواجدين ضمن نطاق صلاحياتهم. وأعرب آخرون عن ترددهم في التوسط بين أصحاب العقارات والمستأجرين في المخيمات غير الرسمية، وعبروا عن إستيائهم من الإجراءات البيروقراطية بشأن موافقة وزارة الداخلية، وفضلوا تأمين احتياجات ناخبهم بدلاً من توفير الخدمات للنازحين.

٢٣. تشير الدراسة إلى نشوء ترتيبات غير رسمية متعلقة بالحوكمة، بما في ذلك بروز دور الشاويش، (ممثل النازحين ضمن المخيمات غير الرسمية) ودور النازح وأيضاً المجتمع المضيف. هذه الترتيبات الجديدة تشكل فرصاً لتحسين العلاقات بين النازحين والمجتمعات المضيفة، فضلاً عن زيادة فعالية العمليات الإنسانية.

الإسكان بأسعار مقبولة. في هذا المعنى، فإن النازحين السوريين في لبنان يجدون أنفسهم امام أزمة «مزممة» للمسكن ذو الأسعار المقبولة سابقة للحرب في سوريا. وتشير إتجاهات السوق الى تفاقم الأزمة التي باتت تشكل واقعاً أليماً من الصعب معالجته في المدى القصير.

٢١. لم تضطلع الحكومة المركزية بدور قيادي هام فيما يتعلق بقضايا المأوى والإسكان. تاريخياً، لم يكن للحكومة المركزية سياسات إسكانية تؤهلها لتوفير خيارات بشأن الأراضي والمساكن بأسعار مقبولة وتنظيم سوق السكن. ومع نشؤ أزمة النازحين، إكتفت الحكومة بإعلان سياستها العامة فأصدرت بياناً لعله الأهم حول السياسة المتبعة والتي تحظر إقامة مخيمات رسمية للنازحين؛ على أن المجال يبقى واسعاً لوضع سياسة فاعلة وأكثر إستجابة لحاجات النازحين. إضافةً إلى ذلك، ثمة مؤسسات حكومية هامة أخرى، مثل مجلس الإنماء والإعمار والمديرية العامة للتنظيم المدني، لم يتم إشراكها حتى الآن بشكل كامل في توفير الخدمات الملائمة.

٢٢. تبذل السلطات المحلية جهداً كبيراً للتعامل مع تدفق النازحين، ولكن تبقى أعمالها محصورة بمعالجة الشؤون اليومية الناجمة عن الأزمة؛ وبالتالي،



٥.١.١ قضايا الحوكمة

٢٠. إن أزمة السكن بأسعار مقبولة في لبنان قد سبقت وصول النازحين السوريين: من المهم أن ندرك أن بعض العقبات المتصلة بإنشاء مساكن بأسعار مقبولة سبقت الأزمة الحالية وتتبع من وضع غير مسبوق للسوق السكني الباهظ الثمن في لبنان والذي يعود في جزء كبير منه، إلى المضاربات العقارية غير المقيّدة وإلى غياب سياسات

المناطق الريفية. تُوفر هذه الشبكات مصدراً موثقاً للمعلومات حول الأماكن المتاحة للإيجار والأسعار الحقيقية، كما توفر إمكانية التفاوض مع الملاكين، ومع مُقرضي المال لتسهيل دفع الإيجار.

١٧. يحتشد النازحون السوريون في عددٍ محدد من الأحياء السكنية في بيروت، محوّلين هذه الأحياء إلى مخيمات بحكم الواقع حيث غالبية السكان أصبحت من النازحين. وقد أثبتت نتائج «دراسة الحالة» التي أُجريت في حيّ النبعة، بأن المنطقة، كما غيرها من مناطق بيروت، قد تحوّلت بأكملها إلى تجمعات سورية، حيث كانت لها تداعيات إيجابية وسلبية على حد سواء. ولاحظ العديد من المشاركين في إستطلاعات الرأي تحسناً واضحاً في الظروف الاجتماعية للأحياء داخل النبعة. في الفترة التي سبقت الأزمة السورية، كانت غالبية السكان في هذه الأحياء تنتمي لفئة العمال القاطنين بدون عائلاتهم وإتسمت بإنعدام الأمن. من ناحية أخرى، ينتقد العديد من سكان الحي هذا الإحتشاد ويرون فيه خسارة لطابع حيّهم وسبباً في زيادة أسعار الإيجارات.

١٨. تتبع أنماط المخيمات العشوائية غير الرسمية أنظمة محلية مدفوعة بشكلٍ غير ممنهج حيث تشكّل أنماط غير

مستدامة لإستخدامات الأراضي وتقديم الخدمات. فالقدرة على توفير الخدمات لمثل هذه المخيمات والتكاليف المرتقبة التي سوف تتكبدها من جراء ذلك، تقتضي توجيه وتنظيم هذه الأنماط.

١٩. يمكن تبيان الآثار السلبية والطويلة الأمد على البيئة وإستخدامات الأراضي من خلال أنماط مخيمات النازحين الحالية. ففي المناطق الحضرية، يمكن بوضوح ملاحظة الكثافة المفرطة في الأحياء المكتظة ذات الدخل المنخفض وما ينتج عنه من تدني حاد لنوعية الحياة في هذه المناطق. هذه هي الحال في عدد من شوارع النبعة وأيضاً في مناطق كصبرا وشاتيلا. وفي المناطق شبه الحضرية والمناطق الريفية، يتسبب إنشاء المخيمات العشوائية غير رسمية على الأراضي الزراعية بمخاطر كبيرة على المدى الطويل نتيجة قطع الأشجار على نطاق واسع وتلوث الأراضي الزراعية من جراء المياه الآسنة والنفايات. مع الإشارة الى أنه في جميع المناطق، يشكل جمع القمامة مصدر قلق بيئي خطير مع ما يترافق ذلك من تلوث للتربة والمياه في كثير من الحالات.

والأرض والملكية. في حين لا يزال النهج القائم على حماية حقوق النازحين محورياً ومركزياً، يتعيّن أن يقترن هذا النهج بنظام الحوافز المستندة إلى السوق لتكون فعّالة. تمثل أراضي الدولة الخاصة والأوقاف (أراضي الأوقاف الدينية) فرصاً رسمية لتنظيم أفضل للعلاقات بين المالك والمستأجر.

١٥. وتشير الدراسة أيضاً إلى وجود دليل على المخاطر المحتملة المتصلة بحماية الأراضي والملكية التي تركها النازح وراءه في سوريا. ففي حين إدعى ٨٣٪ من الوافدين الجدد الذين شملهم الإستطلاع الذي نُفّذ في فبراير/شباط من عام ٢٠١٤ أنهم أصحاب ملك في سوريا، ذكر البعض (٥٨٪) عدم حيازتهم لأي إثبات لحقوق هذه الملكيات.

٤.١.١ أنماط تأمين السكن وإستخدام الأراضي

١٦. يعتمد النازحون السوريون بشكل كثيف على شبكات العلاقات الإجتماعية التي كانت قائمة حتى ما قبل النزاع السوري. وثمة احتمال كبير بأنهم، أي النازحون، تمكنوا من تأمين المأوى من خلال العمال المهاجرين منذ عقود إلى لبنان، والعاملين خاصة في قطاع البناء والخدمات في المناطق الحضرية، وفي القطاع الزراعي في

أن عمليات الإخلاء نُفّذت من خلال أمر قضائي، كما يقتضي القانون اللبناني، أو أنها إتبعّت الإجراءات القانونية المرعية. وأشارت الدراسة أيضاً إلى أن العديد من عمليات الإخلاء إتسمت بالتهديد والمضايقات المتكررة، وفي بعض الحالات، كان الإخلاء التعسفي مدعوماً بتهديد ضمني أو صريح للقوة من جانب ميليشيا مسلحة، أو حتى من بعض عناصر قوات الشرطة.

١٣. لم يحصل أن تقدم النازحون بشكاوى أمام المحاكم. وليس هناك من دليل على وجود أي دعوى قضائية لضمان حقوق النازحين في السكن والأراضي والملكية. بدلاً من ذلك، يعتمد هؤلاء على شبكات العلاقات الاجتماعي، أو ببساطة لا يعتمدون إلى تحدي قرارات أو إجراءات غير مؤاتية. على أن الدراسة تؤكد، وبكثير من الإيجابية، أن الوساطة والمشورة القانونية، كما تمارس من قبل بعض المنظمات الدولية غير الحكومية، يمكن أن تكون فعالة في معالجة المخاوف لضمان حقوق النازحين في السكن والأرض والملكية.

١٤. ويخلص التحليل القانوني إلى أن إتباع النهج القانوني الرسمي لمقاربة سوق السكن غير المنتظم، من غير الممكن أن يكون لوحده فعالاً في ضمان حماية حقوق النازحين في موضوع السكن

المأجور دون دفع المتوجب عليهم. وهذا من شأنه أن يوحي أنه قد يكون هناك بعض الفرص للتدخل بغرض تنظيم سوق المخيمات غير الرسمية.

٨. في المناطق الريفية في جنوب لبنان، حيث كان تدفق النازحين أقل حدة، يبدو أن السوق السكني يعمل بشكل جيد نسبياً للنازحين. وقد ساهم توفر المخزون من المساكن الفارغة، ومحدودية الفرص المتاحة لتوسيع وبناء المساكن للتأجير، والهجرة التي تم احتوائها نسبياً، إلى الإسهام في توفير سيناريوهات أكثر إيجابية بشأن المأوى.

٣.١.١ الحق في السكن والأرض والملكية

٩. النازحون هم عموماً ليسوا على بينة من حقوقهم في السكن، إن بموجب القانون اللبناني أو القانون الدولي لحقوق الإنسان. وعلى وجه الخصوص، بدا النازحون عموماً غير مدركين لمندرجات القانون اللبناني المتعلق بعقود الإيجارات للاملاك المبنية (الشقق والمنازل) الذي يوفر في كثير من الحالات ضمان إشغال المأجور لمدة ثلاث سنوات وليس لفترة سنة واحدة بحسب الاعتقاد السائد بشكل عام. أضيف إلى أنهم، أي النازحون، ليسوا على بينة أن الإخلاء يجب أن يكون مشفوعاً بقرار من المحكمة.

١٠. يُستدل من الدراسة إلى أن عمليات الإخلاء التعسفي باتت تشكل مصدر قلق متزايد. منذ منتصف عام ٢٠١٣، تتعامل المفوضية العليا (UNHCR) على نحو متزايد مع المسائل المتعلقة بعملية الإخلاءات. كما أن التوجهات المستقبلية بشأن المأوى تشير إلى تنامي مثل هذه العمليات بسبب العدد المحدود للمساكن المتاحة بأسعار مقبولة والذي يؤدي إلى إستنفاد المدخرات، كما يشير إلى زيادة احتمالات تخلف النازحين عن تسديد دفعات الإيجار.

١١. ثمة معلومات عن عمليات الإخلاءات التعسفي إلى أن غالبية هذه الحالات تحدث بسبب عدم قدرة النازحين على تسديد دفعات الإيجار المتفق عليه. في عدد من الحالات، يحصل الإخلاء بسبب ما يسمى بالمخاوف الأمنية (مثل قربهم من موقع للجيش) أو بسبب التوترات مع المجتمعات المحلية. ومع ذلك، فإن هذه الحالات تمثل أقلية.

١٢. في حين أن عدم تسديد الإيجار يمثل مبرراً شرعياً لإخلاء المأجور، تشير الدراسة إلى أن هذه العمليات غالباً ما تحدث خارج أي إطار قانوني، وتشكل انتهاكاً للقانون اللبناني والمعايير المتبعة الدولية. كما أنه لا يوجد أي دليل يثبت

لهذا السوق غير الرسمي.

٦. في المناطق الحضرية الكبيرة، نشأت فيما بين أصحاب العقارات والوكلاء العقاريين وأمرء الأحياء الفقيرة من جهة، والمستأجرين من جهة أخرى، علاقة تتسم بالضراوة زادت من تعقيدات التدخل لتنظيم السوق السكني. إن موقع القوة الذي يتمتع به الملاكين ووكلائهم (معلومات، وشبكات، وتهديد حقيقي بالطرد) مقارنة بهشاشة وضع النازحين السوريين، وما يوفره هذا الموقع من مزايا وأرباح طائلة لهم، إنما يدل على عدم رغبة هؤلاء الملاكين والوسطاء العقاريين في رؤية أي شكل من أشكال التنظيم التي من شأنها تقويض نفوذهم. ويتفاقم الوضع سوءاً بشكل خاص في الأحياء التي يقوم الوسطاء بإدارة الممتلكات نيابة عن الملاكين الغائبين الذين تركوا منازلهم بعدما ازداد عدد النازحين فيها بشكل حاد.

٧. في المناطق الريفية، لا سيما في المخيمات غير الرسمية، يبدو أن أداء السوق هو عموماً رديء، ويتم على حساب النازحين والملاكين على السواء. فالمعلومات التي بحوزة المستأجرين بشأن توافر الأراضي شحيحة، وكذلك بالنسبة إلى الموقع، والأسعار. أما الملاكين فيعتمدون إلى وضع أسعار بمستويات غير واقعية، ليواجهوا فيما بعد وضعاً مربكاً يتمثل بترك النازحين بكل بساطة للمكان/

أن التمويل تحت الشق الإنساني سيتركز بشكل متزايد على الأسر الأكثر تهميشاً وعلى تأمين الدعم على المدى القصير عن طريق توفير المأوى لهم. في الوقت نفسه، لم يتحقق التمويل ذي التوجه التنموي المتمثل بتأمين المأوى على المدى الطويل. لقد مرّ أربع سنوات على أزمة النازحين، والتمويل المخصص لتأمين المأوى قد يستمر في التركيز على معالجة الأعراض بدلاً من التركيز على التحديات الاستراتيجية لأزمة طال أمدها. وبالتالي، يكون المأوى بمثابة خشبة الخلاص لإنقاذ حياة النازحين، ولا يلبي حتى أدنى معايير السكن اللائق والملائم.

٢.١.١ سوق السكن

٥. إن الطابع غير الرسمي لسوق السكن في لبنان وخاصةً لذوي الدخل المنخفض يقع في صلب مسألة المأوى للنازحين. وتخلص الدراسة إلى أن الغالبية العظمى من النازحين السوريين، وخاصةً المهمشين، يلجأون إلى قنوات السوق غير الرسمي لتأمين المأوى. وفي حين أن السوق غير الرسمي يتسم بكثير من نقاط التعسفي (الاستجابة، والمرونة، وغير مكلف نسبياً)، فإن لديه أوجه قصور شديدة (مساكن متدنية الجودة، إشغال غير مستقر للمأجور، وأثر بيئي سلبي). إن أي تدبير لمعالجة مسائل تتعلق بمأوى النازحين يجب أن يقوم على فهم واضح

١.١ النتائج الرئيسية للدراسة

١.١.١ ظروف المأوى والاتجاهات المستقبلية

١. إن المأوى غير متيسر بالنسبة الى ٤١٪ من السوريين النازحين في لبنان، كما ان المأوى الملائم هو ببساطة غير متوفر، وخاصة على المدى الطويل. وتماشياً مع العديد من التقارير التي سبق ونشرت حول هذا الموضوع، تؤكد الدراسة على الظروف المعيشية المزرية التي تواجه هؤلاء النازحين، الذين بغالبيتهم هم من الفئات المعدومة ويعانون من رداءة المأوى، والاكتظاظ، ومحدودية فرص الحصول على المياه، وخدمات الصرف الصحي كما والخدمات الحضرية الأساسية وذلك في جميع أنحاء البلاد. وتؤكد الدراسة أيضاً أن السكن هو الشغل الشاغل لمعظم النازحين بالدرجة الأولى، سواء لناحية جودة المسكن أو كلفته الشهرية.

٢. وتبرز الدراسة أيضاً أن ظروف المأوى تزداد سوءاً عوض أن تتحسن نظراً لمحدودية المساكن الموضوعة برسم الإيجار بأسعار مقبولة. وتجدر الإشارة إلى أنّ عدد المساكن المتوفر في لبنان هو قليل حتى قبل أزمة النازحين الحالية، فمنذ عقود يواجه لبنان نقصاً في المساكن المتوفرة وبأسعار مقبولة. ونتيجة لذلك، إرتفعت أسعار الإيجارات، مما إضطر

بعض الأسر النازحة التي إستقرت في لبنان إلى تخفيض مستوى خياراتها بشأن نوعية المأوى الذي بمقدورهم إستئجاره. وبالتالي لم يعد لدى مجموعات النازحين الوافدة حديثاً والذين ينتمون أصلاً إلى فئات معدومة، سوى بعض الخيارات الأخرى الضئيلة أضاف إلى خيار المأوى الميسر داخل الأحياء والمناطق الفقيرة والمكتظة.

٣. إرتفع عدد النازحين المستفيدين من مساعدات المأوى بشكل ملحوظ بين عامي ٢٠١٢ و ٢٠١٣. ففي حين تلقى ٥٤,٤٥٠ نازح مساعدات لتأمين المأوى في عام ٢٠١٢ (من أصل ما مجموعه ١٧٠,٦٣٧ نازح مسجل بحلول ديسمبر/كانون الاول ٢٠١٢)، بلغ عدد الذين تلقوا مساعدة لتأمين المأوى ٢٠٩,٢١٤ نازح في عام ٢٠١٣ (من بين ما يقدر مجموعه بمليون نازح)، أي بزيادة قدرها ثلاثة أضعاف الأشخاص الذين بحاجة مأوى.

٤. ومع ذلك، تشير الاتجاهات الحالية إلى أن الجهات المانحة التي تتعاطى بالشق الإنساني لديها أولوية ملحة لتوفير المأوى على المدى القصير دون الالتفات الى أي خيارات أخرى على المدى الطويل، مثل إعادة التأهيل. إن الدعم المتمثل بإعادة التأهيل هو أكثر تكلفة للفرد على المدى القصير، وفي ظل الأزمة المالية الحالية، هناك دلائل على

الفصل الأول

النتائج الرئيسية والتوصيات

تندرج النتائج الرئيسية والتوصيات تحت خمسة عناوين: ظروف المأوى والاتجاهات المستقبلية؛ سوق السكن؛ الحق في السكن والأرض والملكية؛ أنماط تأمين المسكن وإستخدام الأراضي؛ وقضايا الحوكمة.

تتبع التوصيات الترتيب العام نفسه، ولكنها تنطوي أيضا على إقتراحات بشأن المشاريع الرائدة المحتملة التي تجمع بين العديد من التوصيات ضمن سياق برنامج متكامل. وبشكل عام، وضعت التوصيات لتعرض أولاً للتدابير الواجب إتخاذها على المدى القصير.





هيكلية الدراسة

تم تقسيم هذه الدراسة إلى خمسة فصول. يلخص الفصل الأول نتائج وتوصيات الدراسة الرئيسية. ويقدم الفصل الثاني لمحة عامة عن المأوى في لبنان، بما في ذلك التركيبة السكانية، وسوق المساكن ومؤسسات الإسكان، فضلاً عن الأطر المحلية والدولية لحقوق السكن. يقدم الفصل الثالث موجزاً عن كيفية حصول النازحين السوريين على المسكن وظروف المأوى الذي يعيشون فيه. كما يتفحص بعض القضايا المشتركة الناشئة في المأوى بجميع أنواعه، بما في ذلك عقود الإيجار وعمليات الإخلاء، ودور السلطات المحلية. وفي الفصلين الرابع والخامس يتم استعراض النتائج التفصيلية للأعمال الميدانية التي أجريت في منطقتين؛ النبعة/بيروت، وعكار في شمال لبنان.



(NRC)، والمجلس الدنماركي للاجئين (DRC)، وصندوق التنمية السويسري (SDC)، والمنظمة الدولية للهجرة (IOM)، وبرنامج الأمم المتحدة الإنمائي (UNDP). إضافةً إلى ذلك، قدّم العديد من موظفي المفوضية في مناطق مختلفة في لبنان وقتهم وخبرتهم في سبيل توفير المعلومات المتوفرة لديهم عن الحماية والمأوى.

وأيضاً أجريت مقابلات إضافية مع مؤسسة البحوث والدراسات (CRI) وجمعية هيومن رايتس ووتش (HRW)، كما عقدت لقاءات مع المؤسسات الحكومية مثل مجلس الإنماء والإعمار (CDR) والمديرية العامة للتخطيط المدني (DGUP)، وكذلك مع رؤساء اتحادات البلديات (UoMs) (ساحل الزهراني، إتحاد بلديات الساحل)، ورؤساء البلديات (في جنوب لبنان: الرميّة، تبنين، يحمر؛ في البقاع: برّ الياس؛ وفي عكار: رحبة، المقيطع، كفر ملكه، قعبرين، الرمّول، مشحّا، تل عباس الغربي، منياره، وحلبا).

كما تم استعراض سريع للمراجع القانونية في لبنان والتزام الدولة بمندرجات القانون الدولي والإنساني بغرض تقييم التزامات لبنان وتحديد الفرص لتحسين الظروف المعيشية للنازحين. لاحقاً، تم إجراء تحليل لنتائج العمل الميداني بغرض تقديم مجموعة متكاملة من التوصيات فيما يتعلق بالجوانب القانونية لقضايا السكن والأراضي والممتلكات في لبنان، إلى جانب حقوق المستأجرين، وكيفية وضعهم موضع التنفيذ. بالإضافة إلى تسليط الضوء على توصيات على نطاق أوسع لضمان المأوى للنازحين وللغئات السكانية الضعيفة في لبنان.

أهداف الدراسة

في ضوء التحديات المذكورة سابقاً، قامت المفوضية بتكليف برنامج الأمم المتحدة للمستوطنات البشرية (UN-Habitat) بإجراء دراسة حول تأثير أزمة النزوح السوري على مواضيع السكن والأراضي والممتلكات. يستعرض هذا التقرير تأثير الأزمة ضمن أربعة مجالات محددة : (أ) الخيارات المتاحة للحصول على مأوى للنازحين؛ (ب) حقوق النازحين والمجتمعات المضيفة المتصلة بقضايا السكن والأراضي والممتلكات؛ (ج) عروضات المساكن والممتلكات؛ و(د) إستخدامات الأراضي، خاصة في المدن والبلدات التي تأثرت بشكل كبير بالأزمة، كما وفي المناطق الريفية.

إن الغرض من هذه الدراسة البحثية هو توفير المعلومات والإقتراحات التي من شأنها أن تساعد الهيئات الإنسانية والحكومية في وضع السياسات وإتخاذ القرارات وتخطيط البرامج وذلك لضمان حصول النازحين والعائلات اللبنانية الضعيفة على مأوى آمن وملائم، وبأسعار معقولة.

منهجية العمل

إن المنهجية التي أُتبعت في هذه الدراسة البحثية تمت على مسارين متوازيين: أولاً، تم العمل على تأطير الأزمة القائمة في إطار واسع حول وضع المساكن والأراضي والممتلكات في لبنان، حيث تم البحث على حد سواء في قطاع السكن والأطر القانونية المتعلقة بحصول النازحين على

المأوى. ثانياً، تقدم الدراسة تحليلاً معمّقا لعمليات الاستحواذ على مأوى للنازحين السوريين في لبنان. وبالتالي، فإن التقرير يتألف من:

مقدمة موجزة عن أوضاع السكن في لبنان، بما في ذلك أسواق البيع والشراء، والأطر القانونية، والمؤسسات ذات الصلة.

دراسة حالات معمّقة في موقعين، من خلال إجراء مقابلات مع عيّنة من السكان المحليين (النازحين والمجتمع المضيف) لتقديم رؤى نوعية مكملّة لمجموعة البيانات المتوفرة لدى المفوضية.

إن الجولة الأولى من الزيارات الميدانية والمقابلات المفتوحة مع مقدّمي المعلومات الرئيسيين في جميع أنحاء لبنان سمحت لفريق البحث بفهم أنماط الاستيطان والقضايا الناشئة. وتبع ذلك المزيد من البحوث المنهجية في أربعة مواقع (بحثان في المناطق الحضرية، بالإضافة الى بحثين في المناطق الريفية) حيث أجريت مقابلات مع النازحين والأسر المضيفة. في المحصلة، أجريت مقابلات مع أكثر من ١٠٠ أسرة نازحة و٢٥ أسرة لبنانية. كما أجريت مقابلات مع الوسطاء العقاريين والأطراف المعنية الأخرى فيما يتعلق بقضايا الإسكان وظروف المعيشة وظروف السوق ونقاط الضعف لدى مختلف الفئات.

كما أجريت مقابلات مع مقدّمي المعلومات الرئيسيين من موظفي المنظمات الدولية بما في ذلك المفوضية السامية للأمم المتحدة لشؤون اللاجئين (UNHCR)، والمجلس النرويجي للاجئين

والمناطق المحيطة بالمدن كما وخارجها إضافةً إلى القرى، حيث خلق النزوح المدني تحديات عديدة تختلف بطبيعتها عن تلك التي قد نجدها عادةً في المناطق الريفية.

لقد كان لأزمة النازحين السوريين تأثيراً كبيراً على الأوضاع في لبنان. في بداية الأزمة، رحّبت المجتمعات المضيفة بالنازحين ودعمتهم من دون طلب أي شيء في المقابل أحياناً. ولكن طال أمد الأزمة السورية وبات هذا الدعم عبئاً متزايداً على المجتمعات المحلية والسلطات العامة على حد سواء. وفي ظل حكومة مركزية ضعيفة وإنعدام إستراتيجية وطنية شاملة لمواجهة الأزمة، قامت الجهات الفاعلة الإنسانية بتوثيق تعاونها مع السلطات البلدية. في الواقع، كانت البلديات في كثير من الحالات أول المستجيبين لأزمة النازحين. مع ذلك، يبدو أن الضغوط المتزايدة على البلديات حدّت من قدراتها، ومع تعقيدات الوضع المتزايدة هبطت عزميتها وزاد شعورها بالإحباط.

إن الحاجة الملّحة للحصول على مأوى أساسي دفعت العديد من الأسر السورية الى العيش في ظروف سيئة، حيث يقطن أفرادها في كثير من الأحيان في أماكن غير مصمّمة للسكن. ومع وصول نازحين جدد، تفاقم الوضع سوءاً إذ انه حدّ من توافر أماكن السكن وزاد من مخاطر إخلاء العائلات بالقوّة. وقد كان لوجود هؤلاء النازحين أيضاً عواقب سلبية على المجتمعات المضيفة نظراً لزيادة التنافس على المساكن ذوي الأسعار المعقولة، إضافةً إلى عدم كفاية البنى التحتية والخدمات القائمة إلى جانب التنافس على فرص العمل المحدودة.

مقدمة

يستضيف لبنان أكبر عدد من النازحين السوريين على مستوى الدول المجاورة، وتقدر المفوضية السامية لشؤون اللاجئين (UNHCR) عدد النازحين السوريين المقيمين في لبنان بأكثر من مليون نازح، إضافةً إلى ما لا يقل عن ٥٠,٠٠٠ لاجئ فلسطيني نزحوا من سوريا. إن معظم هذا النزوح حدث خلال في العام المنصرم حيث بلغ عدد النازحين في شهر كانون الثاني/يناير لعام ٢٠١٣ أقل من ١٥٠,٠٠٠ نازح، مما يعني ان هذا العدد قد تنامي إلى ما يقارب الستة أضعاف خلال عام واحد. ويُقدّر اليوم أن واحداً من كل خمسة أشخاص مقيمين في لبنان هو نازح سوري. يتوزع النازحون على جميع أنحاء الأراضي اللبنانية، ويتركز معظمهم في البقاع (٣٥٪)، وبيروت (٢٥٪)، وشمال لبنان (٢٥٪). وقد استقر معظمهم في المدن

السكن والأراضي والملكيّات في لبنان
آثار أزمة النزوح السوري
آب ٢٠١٤

This publication was commissioned by UNHCR and UN-Habitat and has been produced with the support of the European Union. The contents of this publication can in no way be taken to reflect the views of the European Union and do not necessarily represent the official view of UNHCR.

تم تنفيذ هذه المطبوعة بواسطة المفوضية السامية للأمم المتحدة لشؤون اللاجئين وبرنامج الأمم المتحدة للمستوطنات البشرية بدعم من الاتحاد الأوروبي. إن محتويات هذه المطبوعة لا يمكن بأي حال أن تعكس وجهات نظر الإتحاد الأوروبي، كما أنها لا تمثل بالضرورة وجهة النظر الرسمية للمفوضية السامية.



United Nations High Commissioner for Refugees (UNHCR)

Khater Building, Dr. Philippe Hitti Street,
Ramlet El Baida – Beirut
E-mail: lebbe@unhcr.org
Website: www.unhcr.org



United Nations Human Settlements Program (UN-Habitat)

UNESCO Regional Office
Cite Sportive Avenue – Jnah – Beirut
E-mail: info.lebanon@unhabitat.org
Website: www.unhabitat.org