

BAU Journal - Health and Wellbeing

Volume 1 Issue 3 *Urban Health & Wellbeing*
Building Collaborative Intelligence for Better
Lives in Cities
ISSN: 2617-1635


Article 18

October 2018

RIGHT TO ADEQUATE HOUSING IN LEBANON

OMAR HOURI Associate Professor, Faculty of Law and Political Science
Beirut Arab University, Lebanon, omar.houri@bau.edu.lb

Follow this and additional works at: <https://digitalcommons.bau.edu.lb/hwbjournal>

 Part of the [Architecture Commons](#), [Business Commons](#), [Life Sciences Commons](#), and the [Medicine and Health Sciences Commons](#)

Recommended Citation

HOURI, OMAR Associate Professor, Faculty of Law and Political Science (2018) "RIGHT TO ADEQUATE HOUSING IN LEBANON," *BAU Journal - Health and Wellbeing*: Vol. 1 : Iss. 3 , Article 18.
Available at: <https://digitalcommons.bau.edu.lb/hwbjournal/vol1/iss3/18>

This Article is brought to you for free and open access by Digital Commons @ BAU. It has been accepted for inclusion in BAU Journal - Health and Wellbeing by an authorized editor of Digital Commons @ BAU. For more information, please contact ibtihal@bau.edu.lb.

RIGHT TO ADEQUATE HOUSING IN LEBANON

Abstract

"The right to adequate housing" is guaranteed by the Universal Declaration of Human Rights in its article (25) and the International Covenant on Economic, Social and Cultural Rights in article 11. Both documents have recognized the right to adequate housing, health and well-being. The classical definition of this right is based on three pillars: security, peace and dignity; however, the right to adequate housing also requires that other conditions should be provided to everyone as affordability of housing, adequate infrastructure, clean water, and sustainable environment. The Lebanese Constitution assures this right since it abides by the Universal Declaration of Human Rights and international conventions. Hence, this paper will study the Right to Adequate Housing in Lebanon in general and the situation of refugees' housing (Palestinian and Syrian) in particular. Moreover, the paper will study the Lebanese urban development policies and how they affect the state of related rights such as right to healthy environment and right to good health and well-being.

Keywords

Adequate Housing, Social Justice, Lebanese Constitution, Refugees Habitats

RIGHT TO ADEQUATE HOUSING IN LEBANON

OMAR HOURI¹

¹ Associate Professor, Faculty of Law and Political Science, Beirut Arab University, Lebanon

ABSTRACT: *“The right to adequate housing” is guaranteed by the Universal Declaration of Human Rights in its article (25) and the International Covenant on Economic, Social and Cultural Rights in article 11. Both documents have recognized the right to adequate housing, health and well-being. The classical definition of this right is based on three pillars: security, peace and dignity; however, the right to adequate housing also requires that other conditions should be provided to everyone as affordability of housing, adequate infrastructure, clean water, and sustainable environment. The Lebanese Constitution assures this right since it abides by the Universal Declaration of Human Rights and international conventions. Hence, this paper will study the Right to Adequate Housing in Lebanon in general and the situation of refugees’ housing (Palestinian and Syrian) in particular. Moreover, the paper will study the Lebanese urban development policies and how they affect the state of related rights such as right to healthy environment and right to good health and well-being.*

KEYWORDS: *Adequate Housing, Social Justice, Lebanese Constitution, Refugees Habitats.*

1. INTRODUCTION

“A society is a cooperative venture for the mutual benefits of its members. It generally contains both an identity of interests and conflicts of interests between individuals and groups. The Lebanese Constitution, the highest binding legal expression of the social choices of the Lebanese people, declared Lebanon’s commitment to the Universal Declaration of Human Rights (UDHR) and the UN covenants and instructed the government to follow a suite in policy and implementation. Based on its constitution, Lebanon adopts liberalism and respects social justice, equality, and balanced development among regions. However, such rights and principles have not been attained due to several factors that can be attributed to Lebanon’s history of conflicts, political instability and geopolitical factors that resulted in several waves of refugees, while some others could be attributed to its domestic disparities in income, welfare and development. This has led to several challenges in its urban development and social wellbeing.

In this context, it worth mentioning that the “right to adequate housing” and “housing rights” are two different terms, although we rely on them in order to protect the individual in the framework of living in adequate conditions.

The right to adequate housing is defined and protected by international charters. This right is entitled to everyone regardless of citizenship, religion, gender, race etc. The guarantee thereto is found in UDHR and the international conventions. Housing Rights, on the other hand, relates to the right of the citizen in his/her country and is guaranteed by national law and domestic standards and conditions.

The purpose of this paper is to study first the legal and policy frameworks of the right to Adequate Housing in Lebanon in general and the situation of refugee’s housing (Palestinian and Syrian) in particular on international and national levels as well as in the national Urban Planning Laws and regulations, secondly the state of housing, health and wellbeing rights in the Lebanese society in general and refugees in particular. Finally, the last part will introduce a conclusion that summarizes the key points discussed in the aforementioned three parts in the form of a set of recommendations.

2. LEGAL FRAMEWORK

2.1 International Level:

The “right to adequate housing” is one of the primary rights within the Economic, Social and Cultural Rights (ESCR) that assures everyone the right to live in an adequate standard of living including peace, security and dignity despite any circumstances. There is no legal definition for this right; however, the Office of the High Commissioner for Human Rights (OHCHR) has identified the main elements that constitute this right: “Legal Security of Tenure” that expresses the protection of safe property,

“Affordability” which is related to the financial cost that the individual could afford, “Habitability” that sets up the elements to an adequate housing such as protection from disasters, cold, heat, rain etc., and “Availability of Services, Materials, Facilities and Infrastructure”. These are connected with the basic and essential services required as lightning, heating, and sanitation, and “Accessibility” especially when it comes to vulnerable people. The adequate housing must be taking into consideration the needs of people with disabilities, children, elderly etc., “Location” which caters to social, cultural and financial needs of the people, and “cultural adequacy” that conveys and respects the cultural identity of the individual (OHCHR, 2003).

Building on the importance of this right as one of the life essentials, UDHR has guaranteed in its article 25 (1) that: “Everyone has the right to a standard of living adequate for the health and well-being of himself and 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”.

Moreover, the International Covenant on Economic Social and Cultural rights (ICESCR) has particularised more on the “Right to Adequate Housing” in its article 11(1) that states: “The States Parties to the present Covenant recognize the right of everyone to have 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”.

It is worth mentioning that the “Right to Adequate Housing” not only overpasses the frame of physical factor -four walls and a roof, but also its scope covers different groups of society despite of gender, age, religion, race or nationality etc.

Notably, the Right to Adequate Housing is characterized as a social right, and as a sign of its importance, many other treaties have touched on its principles such as the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), the Convention on the Rights of Persons with Disabilities, the Convention relating to the Statues of Refugees, the Convention on Elimination of all forms of Racial Discrimination, the International Convention on the Protection of the Rights of all Migrant workers and members of their families.

Implementation Framework for the Economic, Social and Cultural Rights (ESCR):

The ICESCR adopts a flexible approach to the implementation of the Right to Adequate Housing, requiring state parties to give effect to its provisions ‘by all appropriate means (OHCHR, 2012)’. The Committee of Economic Social and Cultural Rights (CESCR) has indicated that state parties have an obligation to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures (Balakrishnan, 2011). This liberal approach leaves the implementation mechanism for the member states to decide upon according to the specificities of every state and its respective elements of regulatory impact mechanisms.

However, by ratifying the ICESCR, as well as other international human right treaties recognising ESCR, state parties have undertaken to adopt legal measures as a means to implement their obligations under the ICESCR (Sheeran, 2014). The CESCR has emphasised the importance of domestic legal recognition of ESCR: “[T]he Covenant norms must be recognized in appropriate ways within the domestic legal order, appropriate means of redress, or remedies, must be available to any aggrieved individual or group, and appropriate means of ensuring governmental accountability must be put in place” (CESCR General Comment, 1998). In that sense, the ICESCR does not contain a conditionality mechanism or specific policy means by which state parties must implement domestically.

2.2 National Level:

Keeping in mind the long lasting free market tradition of the Lebanese society and the liberal nature of the Lebanese Constitution, it might seem at the first glance that the Lebanese Constitution kept silent regarding the Right to Adequate Housing. Yet, through its 1990 amendment, the Lebanese Constitution of 1926 abides in its preamble by the UDHR and its covenants. Thus, the Constitution assures the “Right to Adequate Housing” through the declaration and the binding treaties. In addition, it respects social justice and equal rights and responsibilities among all citizens without discrimination.

In order to understand the extent of commitment to international standards in the Lebanese Constitution, it is relevant to state the related articles therein and in some ruling of the Lebanese Constitutional Council, as follows:

“Preamble B. Lebanon is Arab in its identity and in its association. It is a founding and active member of the League of Arab States and abides by its pacts and covenants. Lebanon is also a founding and active

member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights. The Government shall embody these principles in all fields and areas without exception.

Preamble C. Lebanon is a parliamentary democratic republic based on respect for public liberties, especially the freedom of opinion and belief, and respect for social justice and equality of rights and duties among all citizens without discrimination.

Preamble G. The balanced development among regions on the cultural, social, and economic levels shall be a basic pillar of the unity of the state and the stability of the system.

Preamble F. The economic system is free and ensures private initiative and the right to private property.

Preamble I. Lebanese territory is one for all Lebanese. Every Lebanese shall have the right to live in any part thereof and to enjoy the rule of law wherever he resides. There shall be no segregation of the people on the basis of any type of belonging, and no fragmentation, partition, or settlement of non-Lebanese in Lebanon.

Article 14: The place of residence is inviolable. No one may enter it except in the circumstances and manners prescribed by law.

Article 15: Rights of ownership shall be protected by law. No one's property may be expropriated except for reasons of public utility, in the cases established by law and after fair compensation has been paid beforehand”.

Furthermore, the Lebanese Constitutional Council in Decision No. 6 of 2014 clearly declared that the UDHR and the general constitutional principles included therein all form an integral part of the Lebanese Constitution of 1926 and its amendments.

On the other hand, and although the constitutional legislator did not clarify what is meant by social justice, and also bearing in mind that due to the liberal nature of the Lebanese system, it would have been helpful to do that, we rely on Decision No. 6 of 2014 in this regard and wordings of the UDHR to identify social Justice in Lebanon.

2.3 National Urban Planning Laws and Regulations:

The fulfilment of the constitutional commitments requires overall “regulatory impact mechanisms” that are comprised of laws and regulations (Regulatory Design), their application (Regulatory Compliance), and the quality of implementation (Lee, Yong-Shik, 2017).

According to the UN-Habitat III National Report for Lebanon in cooperation with the Council for Development and Reconstruction (UN-Habitat, 2016), urban legislation in Lebanon is encompassed almost entirely in the Urban Planning Code of 1983. The Urban Planning Code is issued through the Legislative Decree No. 69 dated September 9, 1983 and provides three categories of urban policy mechanisms related to three scales of planning:

- A. “The territorial land use plan (Article 4): this plan is binding and serves as the main framework for all local urban plans and regulations. However, its issuance came late (2009) whereby no national territorial land use plan was ever adopted.
- B. The Master Plan (Article 7): this plan is legally binding solely for public authorities and should function to promote public interest by defining major land use orientations and setting priority issues for planning.
- C. The Detailed Master Plan (Article 8): this plan is conceived at the scale of the plot and is legally binding for all citizens. It is the main tool mobilized by public institutions in Lebanon to control urban sprawl whereby, in 2014, there were 568 active Detailed Master Plans, in addition to the development of 244 new Detailed Master Plans in the preceding decade. That said, public administrations commonly derogate from the recommendations of Detailed Master Plans, especially in terms of implementation of infrastructure projects.” (UN-Habitat, 2016)

According to the report, one of the main gaps of the Urban Planning Code is that it did not revoke an existent law allowing construction in all unplanned areas within the country, which has severely undermined the effectiveness of the code in controlling urban sprawl. Therefore, the Council for Development and Reconstruction (CDR) produced a National Physical Master Plan for the Lebanese Territory (NPMPLT) and the Council of Ministers has approved it in May 2009 with the aim of achieving a balanced national urban development (UN-Habitat, 2016).

2.4 Governance System – Institutions

The application of the Lebanese urban development policies affects the state of related rights through the governance system in the state. The governmental institutions play an integral role in the application of the housing rights in Lebanon. In the next table, a list of the key actors in the urban planning sphere and their respective roles and responsibilities are presented:

Table 1: Key Actors in Urban Planning

KEY ACTORS IN URBAN PLANNING (InfoPro, 2018) (UN-Habitat, 2016) (Fawaz, 2017)	
Key Actors	Role and responsibility
Ministry of Public Works and Transportation:	<p>The Ministry is organized into four Directorates:</p> <ul style="list-style-type: none"> • Directorate General of Land and Maritime Transport, responsible for setting, implementing and monitoring all policies related to land and maritime transport • Directorate General of Roads and Buildings, which is responsible for the construction, rehabilitation, and maintenance of public roads and government buildings • Directorate General of Civil Aviation, responsible for setting and implementing air transport policies within the country in compliance with international policies, and for controlling the air traffic within the Lebanese territory • Directorate General of Urban Planning, responsible for setting and putting into practice land use policies.
Directorate General for Urban Planning (DGUP)	<p>The DGUP falls under the authority of the Ministry of Public Works and Transport. Its mandate is to develop regulations and orchestrate urban planning. It defines urban master plans and issues building permits for municipalities that do not have a municipal council or an engineering department (this includes most of the municipalities in Lebanon except Beirut, Tripoli, Federation of Municipalities of Jbeil, Kesrouan and Metn).</p>
Higher Council for Urban Planning (HCUP)	<p>The HCUP is presided by the DGUP and consists of the Director Generals of select ministries (Interior and Municipalities, Housing, Transports, Public works, Justice and Environment), representatives from several institutions (CDR), and urban planning specialists. It makes recommendations on urban planning projects and regulations, and large-scale development projects.</p>
Council for Development and Reconstruction (CDR)	<p>The CDR is a public institution established in 1977. It is directly linked to the Council of Ministers. The CDR is responsible for the Planning and programming of reconstruction/rehabilitation projects in all sectors and across Lebanon. It is also mandated to develop a masterplan for urban planning. Almost 85% of all funds earmarked for reconstruction transit through the CDR. It could replace all public institution to implement projects as necessary.</p>
Governorates:	<p>There are currently 9 governorates in Lebanon divided as the following: Beirut, Akkar, Mount Lebanon, Kesserwan- Byblos, South, North, Nabatieh, Bikaa, Baalbek – Hermel. The governor is first tier employee in the state and is under the mandate of Ministry of Interior and Municipalities.</p> <p>The Governor exercises within his governorate the political, administrative and judicial powers specified by Legislative Decree No. 116 of 12 June 1959:</p> <p>Political powers: As the political representative "of the government within the governorate, the governor applies the political direction determined by the government, and monitors the state of the governorate, in terms of political, economic and social aspects.</p> <p>Administrative Powers: The governor has broad administrative powers within his governorate.</p> <p>Judicial Jurisdiction: Article 12 of the Code of Criminal Procedure empowers the Governor the help the Attorney General to perform the functions of the judicial officers.</p>

Ministry of Interior and Municipalities	The Ministry of Interior and Municipalities is responsible of the internal political issues in Lebanon for setting, coordinating, and implementing the security and order system in the state. It supervises the affairs of governorates, districts, municipalities, municipal unions, independent municipal fund, mayors, elective councils and other elected or appointed local councils, villages, political parties and non-governmental associations. The ministry also supervises issues related to personal affairs, refugees, and civil defense system civil society, as well as all the duties and responsibilities granted by the laws and regulations.
Municipalities	Municipalities and municipal federations have many responsibilities (all that concern physical development in their territorial limits). They implement urban projects, follow up on cleanliness and public health issues, water works, public transport and tax collection. They may also request from the DGUP the definition of urban masterplans the municipalities have the necessary resources. Municipalities are also responsible for receiving applications for construction permits and issue permits.
Ministry of Public Health	The Ministry of Public Health is responsible of the health system in the state to ensure the highest attainable health status of the population and provision of equitable, efficient and quality health services, in both public and private sector. There are three departments directly associated with the general directorate in addition to the general administration service and the services of public health in the governorates.
Office of Minister of State for Administrative Reform (OMSAR)	The Council of Ministers entrusted the Minister of State for Administrative Reform with the responsibilities to rehabilitate the administration and enable it to carry out long-term reform. Reform Goals: Ensuring efficient delivery of public services to all citizens; <ul style="list-style-type: none"> • Utilizing and growing the human capital of the nation; • Enhancing ethics, integrity and sense of belonging; • Keeping abreast of the latest technological developments and managerial good practices.
Ministry of Energy and Water	The Ministry of Energy and Water is responsible for water, electricity, oil, minerals, mining and quarrying in accordance with a set of authorities and functions.
Minister of State for Refugees	The minister was initiated in the Council of Ministers created in 2016 with focus on dealing with refugees' issues in Lebanon. The Ministry doesn't have an executive regulation yet.
Minister of State for Planning	The minister was initiated in the Council of Ministers created in 2016 to set a national plan for Lebanon. The Ministry doesn't have an executive regulation yet.
High Council for Privatization and Partnership	High Council for Privatization and PPP (HCP) was established by law 228 in 2000 as the authority in charge of planning and implementing privatization programs and was mandated as Lebanon's PPP unit by Law 48 in 2017. The HCP is a ministerial committee chaired by the Prime Minister and composed of four permanent members: The Minister of Justice, the Minister of Finance, the Minister of Economy and Trade, and the Minister of Labor. On a project-by-project basis, the Minister responsible for the sector under discussion joins the Council on an ad-hoc basis and becomes a member. The recently enacted PPP law 48 aims at reforming the PPP tendering process to enhance its transparency and professionalism. As such, it is expected to be instrumental to the success and sustainability of PPP projects, a cornerstone of the development of Lebanon's crumbling infrastructure, job creation and the growth of the Lebanese economy.
Disaster Risk Management Project	In 2005, the global endorsement and adoption of the Hyogo Framework for Action (HFA) offered Lebanon the opportunity to plan, implement and coordinate a Disaster Risk Reduction approach. Moreover, by adopting the Sendai Framework for action (2015-2030) Lebanon has committed for the years to come to increase national and societal resilience against disasters. In this context, and as a result of

	<p>the strategic partnership between UNDP Lebanon and the Presidency of the Council of Ministers (PCM), a project titled “Strengthening Disaster Risk Management Capacities in Lebanon” was launched aiming to support the Lebanese government in its efforts to reduce exposure and vulnerabilities, in order to reduce the risk of disasters. To ensure an efficient implementation of this project the Disaster Risk Management Unit was established at the PCM’s headquarter in the Grand Serrail of Beirut. The DRM Unit’s mission is to help the Lebanese government in developing its disaster risk reduction strategy based on four elements: Prevention, Preparedness, Response and Recovery.</p>
--	--

3. SITUATIONAL ANALYSIS: THE APPLICATION OF HOUSING RIGHT IN LEBANON

Original figures and photographs must be submitted with the paper. Figures and tables have to integrate within the text.

3.1 Urbanism:

Lebanon has been witnessing several waves of urbanization due primarily to rural exodus, suburbanization, war displacements and an influx of refugees (UNDP, 2007). Nonetheless, Lebanon did not undertake a proper strategic urban planning exercise since the plan conducted by Institut de recherche et de formation en vue du développement harmonisé (IRFED) mission in 1960. Humbled attempts for assess poverty and living conditions appeared via the Mapping of Living Conditions (1998) “which identified deprivation rates at the qada level, provided evidence of the geographic distribution and concentrations of poverty, and established that wide disparities exist between the peripheral and central regions of the country” (UNDP, 2007).

The absence of sufficient primary data is one of the key challenges in describing the current state of urbanism. For example, Lebanon’s population is based on estimations. According to the World Bank, Lebanon’s population size has been increasing in the last thirty years with an estimate of 1.5% growth rate on average reaching 6 million approximately in 2018 (Figure -1-) (World Bank., 2018).

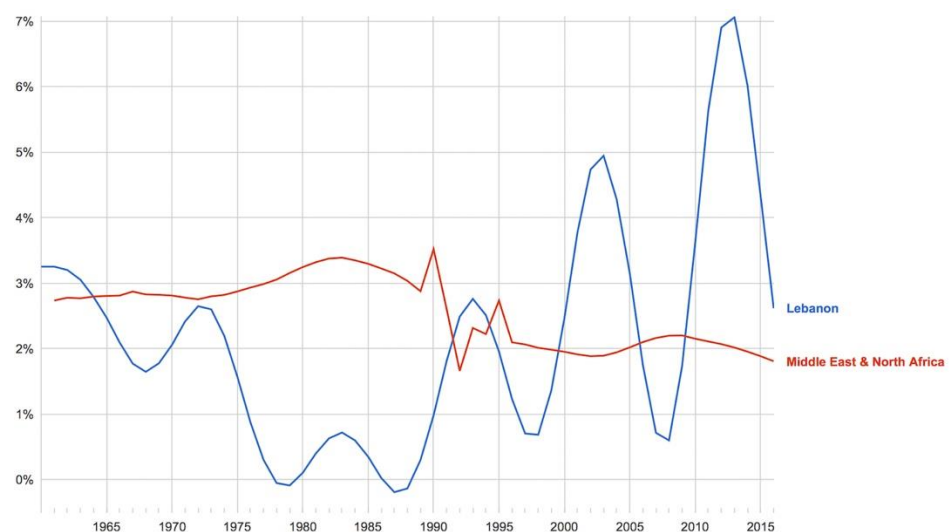


Fig. 1
Reference: World Bank

It is estimated that Lebanon’s urbanization rate, percentage of population living in urban areas, is 87.91% (Figure -2-) (World Bank., 2018). Lebanon, with an area of 10452 km², is a highly urbanized country with 60% of this urban population living in the five largest agglomerations (Beirut, Tripoli, Saida, Tyre, and Zahleh), with at least half of the aforementioned 60% in the capital city alone. This high concentration of people and activities in a small section of the country is an indication of Lebanon’s heavy city-based socioeconomic and political life (Fawaz, 2017). In the last fifty years, rates of urbanization have increased drastically. Urbanized areas went from 221 km² in 1963, to 465 km² in 1994 and 741 km² in 2005. Urbanization is expected to reach 884 km² in 2030 (CDR, 2004).

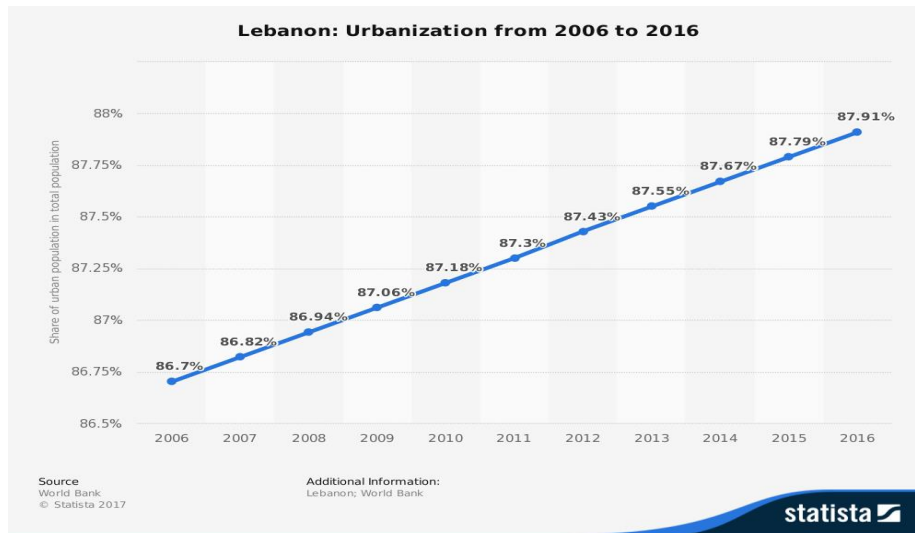


Fig. 2 Lebanon Organization from 2006 to 2016

UN-Habitat identified two types of factors that affect urbanization in Lebanon: endogenous and exogenous. “Endogenous factors include, among others, geography, the sociopolitical order or context, real-estate economy, emigration and laws and policies. The main exogenous factors impacting urbanization include the unstable regional context and globalization” (UN-Habitat, 2016).

The geopolitics of Lebanon’s neighborhood had a negative spillover on the country represented in two waves of refugee influx, (Palestinian 1948 and Syrian 2011). This has resulted in the densification of existing refugee camps and the increase of informal tented settlements; destruction of urban sectors and depopulation of certain areas; and the massive displacement of population with a pressure on housing and construction markets, leading to rapid urban sprawl, densification and informal settlements (UN-Habitat, 2016).

The large demographic transformation is mainly due to rural exodus to urban areas (UN-Habitat, 2016) which was exacerbated by the refugee influx and its pressure on the already outdated infrastructure. This urban expansion varies significantly according to every region.

The growing urbanization rate has been juxtaposed with a growing population density reaching 594.6 people per square kilometer of land area (Figure -3-). This has placed Lebanon among one of the densest countries in the world. These facts resemble the crisis of urbanism in Lebanon and signal the speed of which urbanism is moving and its impacts on social and economic development.

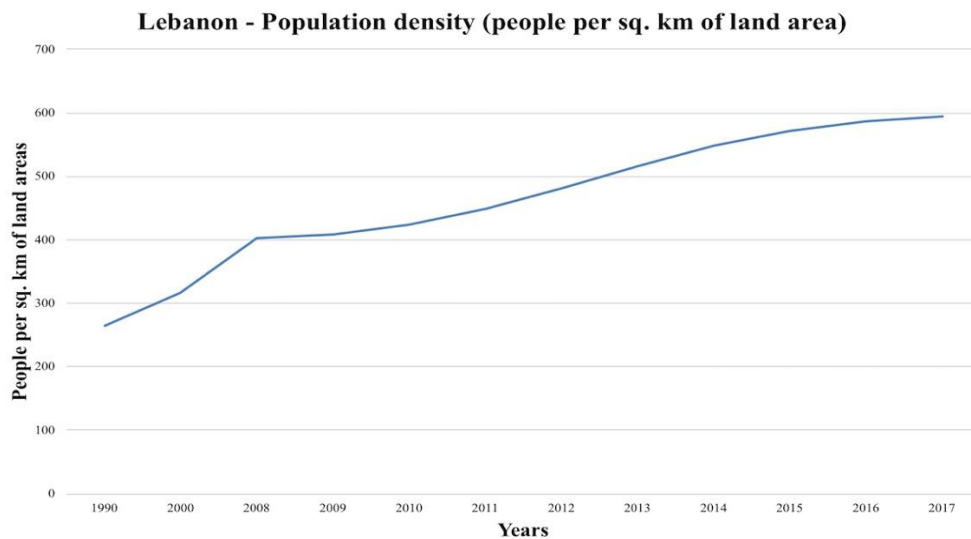


Fig. 3 Lebanon – Population density (People per sq. km of land area)
Reference: World Bank Data

The urban development reality in Lebanon represents a macro outlook at the environment of implementation of several socio-economic rights including housing, health and wellbeing rights. In the next pages, the status of the housing right in Lebanon will be examined in the light of the available data about the affordability.

The metropolitan city of Beirut is Lebanon's biggest city and its capital with a population of 2.2 million according to the World Bank. Beirut is the densest city in Lebanon with 6200 inhabitants per Km² and an average urban growth rate of 1.8 km² per year, according to the National Center for Remote Sensing.

Lebanon's dominant transport technology is located in the lower transport technology quantum where cars are the dominant transport technology. Buses and minibuses are also used but with a small proportion. They are mainly used for inter-villages mobility by lower-income inhabitants.

On the other hand, the building technology varies according to the distance from the center of the city. At the heart of Beirut, high-rise buildings are the main technology; however, multi-story apartments and town houses are the main technology of the city's second agglomeration circle, and the spatial scene ends with informal settlements, e.g. multi story shacks in the periphery of Beirut.

According to the Council for Development and Reconstruction (CDR) and Lebanese Directorate of Geographic Affairs, 42% of Lebanese companies are located in the Greater Beirut Area. However, giving the mentioned urban reality, big firms are densely concentrated in the downtown area while the outer circle and the city's periphery are home for the smaller firms and the micro-size enterprises.

Clusters of firms have been established around the main industries that Beirut contains, i.e. tourism, hospitality, banking and finance services. The space for pioneer investment is not very wide due to the lack of incentives and ecosystem that could stimulate pioneering investment decisions.

3.2 Housing Rights:

Affordability

Land and housing markets are the key factors in urban transformations. The steady increase in land and housing prices influenced citizens' demands and accessibility to housing market. According to Fransabank's real estate market review 2017, when it comes to property sales transactions by region, Beirut's share remains the highest with 26.4% of the total, followed by Baabda (23.6%), Metn (17.8%), Kesrouan (10.4%), South (10.2%), North (7.2%), Bekaa (3.6%) and others (0.8%) (FRANSABANK, 2017).

These high prices of real estates in Beirut have forced many middle-income consumers to shift their demand for real-estates in areas outside Beirut such as Baabda and others. According to (FRANSABANK, 2017) the demand for real estates is characterized by two major facts: first, the demand of the Lebanese is for small to medium-sized apartments; second, the demand is for buying rather leasing. The influx of Syrian refugees increased the demand for rent significantly in all regions.

There's a need for a comprehensive Lebanese policy for housing affordability. There has been a clear avoidance from direct investment and intervention in the housing and land market which opened the door for multiple actors like NGOs, faith-based organizations and international organizations. However, there has been several attempts to improve middle class access to housing via the creation of the 1997 Public Housing Institute in order to ensure access to housing finance. In addition, the institute has been working on housing loans, cooperative long-term loans, leasing and several saving and borrowing for housing projects which encouraged construction and development.

Since 1999, PHI has granted more than 50,000 loans (Center for Mediterranean Integration and the World Bank , 2013). Demand for loans has exponentially grown since 2006. The majority of these loans are for apartment units in Beirut and Mount Lebanon. The demand for loans for housing in smaller areas also reflects rising prices and low household incomes. A main strategy is to encourage rent-to-own systems, which builds on the Law 767/2006, recognizing and legalizing rent-to-own leasing and on mechanisms to encourage developers to invest in this category (UN-Habitat, 2016).

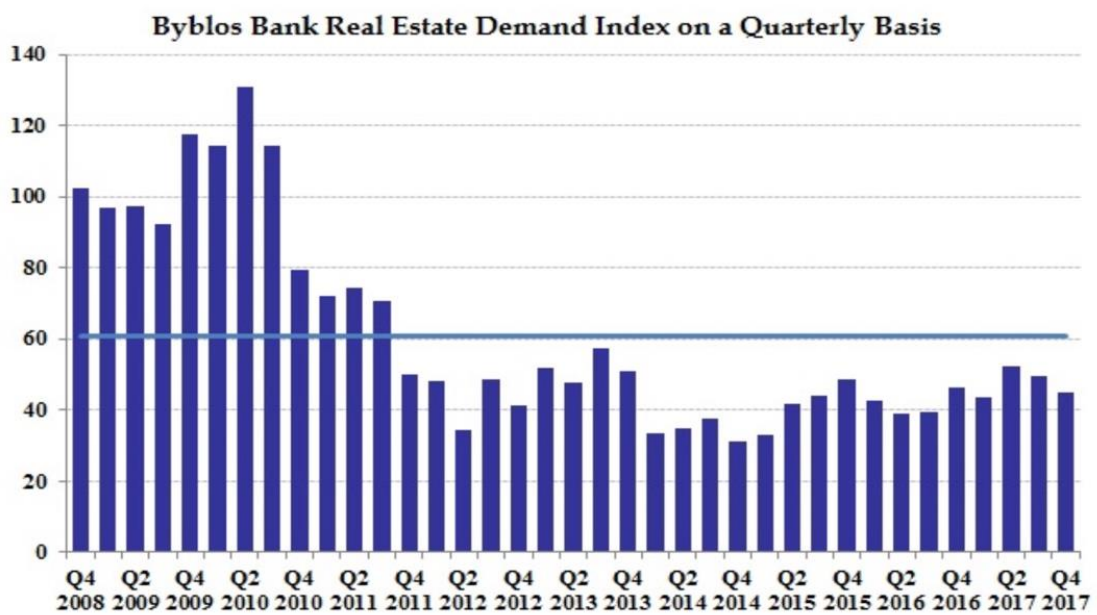


Fig. 4 Byblos Bank Real Estate Demand Index on a Quarterly Basis
Reference: Byblos Bank Real Estate Demand Index

Improving Access to Adequate Housing

The construction sector has been one of the most dynamic economic sectors in Lebanon after the Civil War (1975-1990) (Presidency of the Council of Ministers, 2010). However, the degree of compliance to the housing law’s construction rules is not high enough to guarantee housing units with healthy and environmental standards.

The UN-Habitat and CDR urban review realized that many actors are mobilizing to widen the scope of requirements in the present building code. “In the context of large projects, the Directorate General of Urban Planning (DGUP) tends to impose additional requirements regarding environmental and accessibility issues. The Order of Engineers and Architects has been active in proposing amendments to the code in order to take aspects relating to sustainability and material quality into consideration. Specialized NGOs, like the Lebanese Green Building Council (LGBC) and the Association Libanaise de Maîtrise de l’Énergie (ALMEE) have developed standards for sustainable building requirements specific to Lebanon. Several NGOs are also mobilizing to defend the cause of disabled persons and their right to adapted housing” (UN-Habitat, 2016).

Informal Settlements

Slums or informal shacks are the located in the lowest housing technology quantum. In Lebanon, slums have a long history dating back to the French Mandate period (1923-1943). Slums further developed in the urban boom of the 1960s and 1970s and were consolidated during and after the Civil War (UN-Habitat, 2016).

The United Nations has identified four types of slums or informal shacks in Lebanon: first, small pop-up gatherings of sub standards housing to serve industrial and agricultural agglomerations and second, large informal settlements in the center of urban and rural areas of major cities. In Beirut, there are 24 informal neighborhoods housing nearly 300,000 inhabitants, constituting an estimated 20% of the agglomeration's population. Third, another type of slums in Lebanon is the Palestinian refugee camps. The fourth kind is the informal tented settlements hosting 17% of Syrian refugees located in urban and rural peripheries (UN & UCL, 2003).

3.3 Refugee Camps:

The Lebanese constitution in its preamble (i) stated, "Lebanese territory is one for all Lebanese. Every Lebanese shall have the right to live in any part thereof and to enjoy the rule of law wherever he resides. There shall be no segregation of the people on the basis of any type belonging, and no fragmentation, partition, or settlement of non- Lebanese in Lebanon".

Within this article, the constitution deprived the Palestinians particularly from their right to real estate property. Knowing that before 2001, the Palestinians had the right to property, until this right was linked to settlement on non-Lebanese and this law (Law No. 296 dated April 3, 2001) was amended by the parliament. This amendment has raised several issue and consequences mainly on the level of refugees' camps especially without any alternative presented from the parliament or the government. Many human right activists and legal entities found these amendments were violating directly the right to adequate housing, as well as the responsibility or liability of the hosting country for the refugees.

Significantly in this context is to differentiate between the situation of the Syrian and Palestinian refugees, where the Constitutional Council with decision 2/2001 related to the Right of Ownership has considered this restriction on the Palestinian in particular not the case for the Syrian in order to emphasize the constitutional power of the preamble and the principle of equality that has constitutional value, moreover the court declared that the supreme public interest supersedes the right to equality thus it can justifies any restriction on the right of ownership, even with respect to the citizens themselves, although the right of ownership in this case is a constitutional right. Likewise, the constitutional court decision 6/2014 related to the Rent Law has referred to the principle of social justice, equality legislative security and freedom of contract. Being said, it measured the Right to Housing as one of the basic Constitutional Rights based on International Charters and Constitutional Jurisprudence, and the fact that the Constitution stated in its preamble paragraph (c) that Lebanon is democratic republic based on social justice and equality in rights and duties among Lebanese without any distinction or preference and the even development stated in paragraph (g) among regions on the educational, social, and economic levels. In addition, since the right to establish a family and right to housing is one of the rights guaranteed in the UDHR that Lebanon is committed through its preamble Therefore, providing the Right to housing for citizens has a constitutional value, the legislative and procedural authorities should convey policies and legislate laws to achieve this objective, and not only to establish a law regulating the relationship between the lessor and the lessee.

According to the report issued in 2017 by the Lebanese-Palestinian Dialogue Committee", in partnership with the Lebanese Central Administration of Statistics and the Palestinian Central Bureau of Statistics on "Comprehensive Census of Population and Housing in Palestinian Camps and Gatherings in Lebanon", Palestinian refugees in camps represent 72.8% of the population in Lebanon. The rest consists of Lebanese, Syrians and other nationalities. The 12 camps spread in different areas in Lebanon between South, North and Beirut (the first with the highest population is Ain-El Helwe and the second is Naher el Bared) (CAS, 2017). These camps do not meet the criteria of adequate and livelihood environment, starting from infrastructure, sewage, water and sanitation, electricity to the green spaces, public services and proper urban planning.

The implications of the Syrian Crisis on urbanization in Lebanon are immense. By 2015, Lebanon became host to more than 1.4 million Syrian refugees, the highest refugees per capita in the world, with a ratio of 1 refugee to every 3 Lebanese (UN-Habitat, 2016). These refugees are distributed across the country, with 25% in North Lebanon and Akkar, 35% in the Bekaa, 29% in Beirut and Mount Lebanon, and 12% in South Lebanon (Fawaz, M., Saghiyeh, N., & Nammour K., 2014).

Syrian refugees housing and shelter choices across Lebanon are (UNHCR , 2015):

- 59% in apartments and houses,
- 20% in substandard shelter (garages, worksites, unfinished structures, etc.),
- 18% in Informal Tented Settlements (ITS),
- and 3% in collective shelter.

- 17% of those living in rented apartments and houses live in overcrowded conditions,
- Amounting to 55% living in vulnerable conditions.
- 82% living outside tented settlements live in urban areas, following the Lebanese urbanization pattern.

4. CONCLUSIONS

Analyzing the impact of regulations on development is one of the key concerns of scholars and policymakers. Legislations, in general, is one of the most powerful socio-economic policy items in policymakers' toolbox. Executive procedures need to be put in place in order to guarantee compliance with legislation. The size and scope of executive procedures vary according to the nature and level of the legislation. International conventions and constitutional legislations are the highest legislations in scope and effect on policy development.

In the case of Lebanon, we find that the constitutional rules are far ahead of the other laws and decrees. Accordingly, it is clear that Lebanon needs to develop a national urban policy framework which is compatible to its immense socioeconomic and geopolitical challenges. Lebanon has voluntarily committed to an international regime of human rights in general and socioeconomic rights, in particular, through its constitution.

The laws and regulations in the state requires continuous updating in order to sustainably face the growing urban challenges rising due to endogenous and exogenous factors.

The urban policy framework should also take into consideration the right to adequate housing to everyone including Palestinian and Syrian refugees despite of some restrictions that have a deep sociopolitical reasons.

And as a final and maybe more pressing conclusion, the Lebanese government needs to be more decisive towards many political problems that are affecting reaching solutions in the matter of the Right to Adequate Housing. One of the most important steps that need to be taken with all transparency is the issue of absence of sufficient data especially to identify the current state of urbanism. Once this matter is concluded, the government shall be able to move forward with other reform mechanisms.

REFERENCES

- Presidency of the Council of Ministers. (2010). *Economic Accounts Mission - Economic accounts of Lebanon*. Retrieved from <http://www.finance.gov.lb/en-US/finance/EconomicDataStatistics/Documents/Nationa>
- Balakrishnan, R. E. (2011). *Maximum Available Resources and Human Rights: Analytical Report*, Center for Women's Global Leadership. Rutgers University.
- Barr, N. (2012). *Economics of the welfare state*. Oxford University Press.
- Conseil Constitutionnel, Decision No.2 dated May 10, 2001
- Conseil Constitutionnel, Decision No. 6 dated on August 6, 2015
- CAS. (2017). *Comprehensive Census of Population and Housing in Palestinian Camps and Gatherings in Lebanon*. Beirut: Central Administration of Statistics (CAS).
- CDR. (2004). *National Physical Master Plan of Lebanese Territories*. Retrieved from [www.cdr.gov.lb](http://www.cdr.gov.lb/study/sdatl/English/NPMLPT.PDF): Retrieved from <http://www.cdr.gov.lb/study/sdatl/English/NPMLPT.PDF>.
- Center for Mediterranean Integration and the World Bank . (2013). *Revue des politiques de gestion foncière urbaine au Liban*. Retrieved from <http://www.cmimarseille.org/sites/default/files/newsite/library/files/fr/Rapport%20foncie>
- CESCR General Comment. (1998). *CESCR General Comment No. 9, 'The Domestic Application of the Covenant' (Nineteenth Session)*. UN Doc. E/C.12/1998/24 para. 2. UN.
- Fawaz, M. (2017, May). *Urban Policy: A Missing Government Framework*. Retrieved from Lebanese Center for Policy Studies: www.lcps-lebanon.org/featuredArticle.php?id=116
- Fawaz, M., Saghiyeh, N., & Nammour K. (2014). *Housing, land and property issues in Lebanon: Implications of the Syrian crisis*. Retrieved from <http://unhabitat.org/housing-land-and-property-issues-in-lebanon-implications-of-the-syrian-refugee-crisis-august-2014/>.
- FRANSABANK. (2017, March). *Lebanon's Real Estate Sector: Current Status and Future Trend*. Retrieved from www.fransabank.org
- InfoPro. (2018). *The business and economic database of Lebanon*. Retrieved from Databank: <http://www.databank.com.lb>
- Lauterpacht, H. (1944). Recognition of States in International Law. *YALE L.J.*, 385.
- North, D. C. (1991). Institutions. *5 J. ECON. PERSP.*, 97.
- OHCHR. (2003). *The Right to Adequate Housing Toolkit*. Retrieved from OHCHR: <https://www.ohchr.org/EN/Issues/Housing/toolkit/Pages/RighttoAdequateHousingToolkit.aspx>

- *OHCHR*. (2012). Retrieved from Letter from CESCR Chairperson to States Parties in the context of the economic and financial crisis': <http://www2.ohchr.org/english/bodies/cescr/docs/LetterCESCRtoSP16.05.12.pdf>
- Sheeran, S. &. (2014). *Routledge handbook of international human rights law*. Routledge.
- UNDP. (2007). *Poverty, Growth and Inequality in Lebanon*. Retrieved from www.undp.org: <http://www.undp.org/content/dam/lebanon/docs/Poverty/Publications/Poverty,%20Growth%20and%20Inequality%20in%20Lebanon.pdf>.
- UN-Habitat. (2016). *Habitat III National Report- Lebanon*. Beirut: UN-Habitat.
- World Bank. (2018). Retrieved from www.worldbank.org: <https://data.worldbank.org/country/lebanon>
- Lee, Yong-Shik. (December 28, 2017). General Theory of Law and Development. *Cornell International Law Journal*, Vol. 50, No. 3 (2017), 415 - 472. Available at SSRN: <https://ssrn.com/abstract=2951317>
- United Nations Human Settlements Programme and the Development Planning Unit, University College London. (2003) *The challenge of slums: Global report on human settlements 2003* (United Nations, 2003): Fawaz, M. and Peillen, I. Retrieved from http://www.ucl.ac.uk/dpu-projects/Global_Report/cities/beirut.html.