



AMERICAN UNIVERSITY OF BEIRUT

AN OPPORTUNITY FOR AFFORDABLE HOUSING: THE  
CASE OF AL QOBBEH HOUSING PROJECT (TRIPOLI-  
LEBANON)

by  
OMAR HUSSEIN ABDUL SAMAD

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for the degree of Master of Urban Planning and Policy  
to the Department of Architecture and Design  
of the Maroun Semaan Faculty of Engineering and Architecture  
at the American University of Beirut

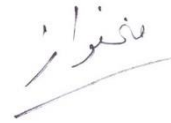
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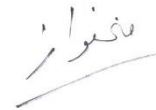


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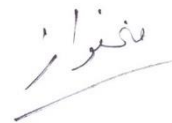


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I dedicate this work to the memory of my loving mother...

# ABSTRACT OF THE THESIS OF

Omar Hussein Abdul Samad for Master of Urban Planning and Policy  
Major: Urban Planning and Policy

Title: An Opportunity For Affordable Housing: The Case Of Al Qobbeh Housing Project (Tripoli-Lebanon)

This thesis explores the challenges of long-term livability of housing complexes and assesses the potential of institutional frameworks that could support housing projects to serve as an affordable housing option for low-income city dwellers. Looking into a case of state-subsidized housing project in Tripoli Lebanon, the thesis explores the key three factors that have severely weighed against the ability of the project to operate as a viable housing option. First, the adopted form(s) of tenure, which assumed automatically that freehold would be reached for all residents, which led to the majority of residents in insecure tenure conditions. Second, the absence of a functional governance structure for the building complex through which the building can be managed and maintained disempowers the residents, leaving this project with multiple repair challenges. Third, limited financial means and high levels of poverty prevent the residents of these dilapidated buildings from maintaining and upgrading their homes.

In response to these challenges, the thesis proposes a framework in which the challenges of tenure security and building maintenance are addressed through exploring alternative tenure arrangements providing different bundles of rights in the property outside the exclusivity of freehold. Additionally, it explores cooperative mechanisms that can accommodate these different bundles of property rights while providing the opportunity for residents to contribute to the management of the building complex and its maintenance.

The thesis derives from these findings lessons that can be extrapolated to other cases in Lebanon. As state-built housing projects in Lebanon are limited, this case study is key in understanding the real impact and value of such projects in the context of Lebanon.

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# CHAPTER 1

## INTRODUCTION

Standing at the edge of the Al Qobbeh district in Tripoli, a block of several multi-story apartment buildings presents one of the rare cases of public housing development in Lebanon. The Qobbeh Housing Project was built in 2005 as an on-site resettlement housing intervention targeting the low-income residents of this poor neighborhood within the city. Initiated by the Central Fund for the Displaced (CFD)<sup>1</sup>, the project was conceived as an on-site resettlement project in a neighborhood that had been partially destroyed during the Lebanese civil war (1975-1990). A total of 778 apartments were built, whereby each of the households that lived in the designated neighborhood would be assigned an individual apartment. The cost of the apartment was to be repaid at a heavily subsidized price, to be repaid in monthly installments in the form of a loan. A decade after its full completion, the project stands sadly dilapidated, a broken-down complex. With faded paint, broken windows and railing, dysfunctional elevators, and deteriorating infrastructure, the project has poorly aged after years of neglect and visible lack of maintenance. A closer look at the project records indicates numerous conflicts at the levels of building management and tenure forms. Also, about [14 %] of the housing unit tenants in the project are unregistered<sup>2</sup>, a

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<sup>1</sup>The Central Fund for the Displaced is a governmental fund established after the civil war (1975-1990) to tackle the problems of displacement, particularly in Chouf in Mount Lebanon governorate, which witnessed large waves of forced displacement due to violent sectarian battles. The north and other areas in Lebanon were later added to be within the scope of work of the CFD paving the way for a wider support for the displaced. The main mode of operation of this fund is financial compensation for the displaced loss or destruction of private property.

<sup>2</sup> Data was collected as part of a recent mapping of the Qobbeh housing project conducted by SHIFT, a non-governmental organization working in collaboration with the residents of the Project.

group of squatters who found refuge there during the years of violent conflicts (2008-2014) when factions fought in nearby neighborhoods and displaced hundreds of families. Finally, a significant number of households have currently defaulted on their monthly installments putting, their stay in the project at risk.



Figure 1 View of the AL Qobbeh Housing project- source: Al Modon Newspaper

My thesis studies the challenges of the long-term livability of such housing complexes and assesses the potential of an institutional framework that could support such projects to serve as an affordable housing option for low-income city dwellers. The thesis finds that three factors have severely weighed against the ability of the project to operate as a viable housing option: First, the adopted form(s) of tenure, which assumed automatically that freehold would be reached for all residents, has left the majority of

residents in insecure tenure conditions. Second, the absence of a functional governance structure for the building complex through which the building can be managed and maintained disempowers the residents, leaving this project with multiple repair challenges. Third, limited financial means and high levels of poverty prevent the residents of these dilapidated buildings from maintaining and upgrading their homes. In response to these challenges, the thesis proposes a framework through which the challenges of tenure security and building maintenance are addressed in Al Qobbeh housing project in Tripoli. It specifically explores alternative communal arrangements that respond to the current tenure problems and the maintenance challenges faced by this project's dwellers. The thesis finally derives from these findings lessons that can be extrapolated to other cases in Lebanon. As state-built housing projects in Lebanon are limited, this case study is key in understanding the real impact and value of such projects in the context of Lebanon.

### **1.1 Thesis Questions**

In this thesis, I explore the reasons behind the poor conditions of the public housing project and derive lessons on management and maintenance in cases of state-subsidized housing projects using Al Qobbeh housing project as my case-study. The main questions my thesis explore are:

- What are the main reasons behind the dilapidated conditions of the Qobbeh project? precipitators behind the deterioration of this low-income housing complex?
- What are possible interventions that can recover the project as a livable affordable housing?



- Can we derive lessons from this case study that can be extrapolated to other contexts in Lebanon where low-income city dwellers can manage, maintain, and upgrade the deteriorating residential buildings in which they dwell within a sustainable, affordable housing process?

## **1.2 Thesis Argument**

Throughout my work on this thesis, I sought to understand the reasons behind the dilapidation of Al Qobbeh Housing project and accordingly look into alternative communal mechanisms to enhance its livability. I argue that in the case of Al Qobbeh Project, the model of acquiring housing, one that favored freehold as the main mode of tenure has induced complexities in tenure and limited the residents' ability to maintain the properties that many of them now own.

On one hand, the complexity of forms of tenure and property claims has contributed to limiting potential collaboration amongst the residents in the management of the project. On the other hand, the common property regulation framework through which the Lebanese law regulates the management of shared building facilities and maintenance disempowers those who cannot claim freehold from participating in the management of their space of residence.

Looking into enabling factors for local cooperation in management, residents of Al Qobbeh project, and despite their limited financial means, have individually invested in their dwellings and attempted to maintain some of its common properties through a cooperative mechanism including squatters, owners and tenants outside the current legal framework.

Finally, and drawing on the experience of the Al Qobbeh Housing project, I derive a few recommendations for adoption of communal mechanisms of building management that could ensure that neighborhoods with high levels of poverty don't fall into complete deterioration.

### **1.3 Methodology and Data Collection**

In order to propose a solution to the management of low-income, dilapidated housing projects, I take-up a case study approach in which I explore the Al- Qobbeh Housing Project. Before I describe the methods that I used in this thesis, it is necessary to mention that I chose to focus my thesis on the Al-Qobbeh project because I had been exposed to the complexity of its challenges through a pre-existing professional relationship with SHIFT, a local NGO active in the Al Qobbeh Housing project and the surroundings of Tabbaneh, Jabal Mohsen and Al Qobbeh. Conversations with the projects' residents, including owners and squatters, conveyed to me the urgency of a solid intervention that would recognize the importance of addressing their housing, while building on existing knowhow and mobilization. This was the main drive to extend my work and use this project as a case study in my thesis initially to understand more management and maintenance of such housing projects, and, second, to contribute to local efforts and mechanisms within the project to enhance its livability. Following this encounter, I contributed to SHIFT's efforts to develop a survey that was administered by their volunteers to 529 households to understand better the demographics, socioeconomic conditions, physical deterioration and their level of engagement in the project. Based on my involvement, I was given access to the raw dataset of this survey which I heavily rely on in my research findings. I also relied on

the openness of SHIFT to share with me their reports and documents and provide me with the needed time to interview their key personnel. In answering these questions,

#### **1.4 Research Process**

In order to address my research questions, I divided my work into three major steps:

**Step 1:** I began by verifying the assumptions made about the project's failure through the dataset collected by SHIFT:

[1] Social Conditions: initially the project's poor condition was explained by the poverty of its dwellers who are unable to pay maintenance fees. Accordingly, the dataset provides responses to the following: How/what is the profile of residents? What are assets that they can bank on?

[2] Tenure conflicts: What are the various forms in which apartments have been accessed in the complex? To what extent is land tenure clear? What are other forms of informal tenure at work in the housing project and what are the conditions that led to conflict in tenure?

[3] Collaborations and previous organization: What are existing efforts/institutional approaches that have been tried by residents to collaborate/improve conditions? What are the challenges in project management, management approaches, and management practices

[4] Available assets: resources and network of actors and building spaces that can be exploited. This will focus on assessing and understanding the available assets and resources within this project which can be utilized in a collective manner to explore mechanisms for collaborative governance and management of the project.

**Step 2:** I mapped other existing structures and models of management of housing projects to understand the similarities and differences with the case of the Qobbeh Housing Project. This mapping covered multiple models such as cooperatives, non-profit housing management, homeowners' associations, and others across multiple national contexts.

**Step 3:** I crossed key findings from the resident survey datasets with the main lessons from the cases in the literature to propose an alternative model for participatory and collaborative management of the Al Qobbeh Housing project. The model explored:

- (1) Solutions for property challenges;
- (2) Mutual roles of municipal/public and organized communities in management and maintenance approaches
- (3) Funding mechanisms through multiple sources including investment in available assets in the project

My research sought to understand and assess the complex issue of governance of Al Qobbeh Housing project with an aim to propose a policy and planning intervention. Pacione (1990) summarizes this process in six steps: *description*, *explanation*, *evaluation*, and *prescription* leading to *implementation* followed by *monitoring*. While my research was limited to exploring the first four steps, I employed a mixed-method approach using quantitative data, observations, informal conversations, review of sales agreements, news article and project reports. Gillham (2010) describes this approach as useful to the exploration of complexities beyond the scope of more 'controlled' approaches.

My original intent was to take the proposal back to the community and hold participatory debates to develop them further in ways that fit the residents' needs. However, I was able to conduct these meetings as the Lebanon went in multiple lockdown periods as a result of the outbreak of Covid-19 virus and prevented me from continuing my fieldwork and conducting interviews with residents. Additionally, following the October 2019 uprising in Lebanon, my access to government agencies became limited. Finally, with the lack of official statistics published or shared by governmental agencies, I had to rely on data provided by SHIFT NGO as the only available and reliable source of quantitative information on the project.

#### ***1.4.1 Quantitative Data***

As mentioned previously, I rely in my research on the dataset collected by SHIFT, a comprehensive survey which included responses from 529 households and was conducted between November 2018 and January 2019. The data trends are available in a visualized form online ([reconciledlines.org](http://reconciledlines.org)) but, through my pre-established connection with SHIFT NGO, I was able to access and use the original datasets for my thesis project. The survey conducted by SHIFT includes questions on:

- Demographics
- Socioeconomic conditions of the residents
- Tenure conditions
- Physical conditions of the project
- Households' investment in dwelling renovation
- Priority areas of the resident

### ***1.4.2 Qualitative Data***

In parallel, I conducted numerous conversations with key experts and informants involved in Al Qobbeh Housing project. I had begun initiating these conversations before I started working on the thesis, through my work with SHIFT. I continued, while preparing for the proposal these conversations where I intended to conduct interviews systematically again with these actors, as part of the formal thesis process. However, by the time conditions in Lebanon in October 2019 began to deteriorate, public officials became suspicious, and eventually the COVID crisis broke out, I chose to cancel the official interviewing process. Among my informants were:

- Mr. Ahmad Qamaredine, the former Mayor of Tripoli
- Mr. Belal Ayoubi, the co-founder and board member of SHIFT
- Mrs. Alissar Hassan, a project coordinator in SHIFT
- Mr. Saleh Ayoubi, the lawyer supporting the squatters' campaign in Al Qobbeh Housing project
- Dr. Mousbah Rajab, a professor of urban planning at the Lebanese University and expert on Tripoli.
- An active member of a local committee supported by SHIFT working in Al Qobbeh Housing project.

Through these conversations, I was able to verify the information I had gathered about the Al Qobbeh Housing project, the tenure conflicts, management schemes and approaches and local collaboration mechanisms.

#### **Documents and reports**

Government published reports on Al Qobbeh housing project are extremely scarce, where alternatively I had to rely on documents and records shared by SHIFT and

the members of the committee they work with in the neighborhood. As previously mentioned, SHIFT generously provided me access to their data for the purpose of this thesis project. These documents included:

- Maps / plans of the housing project
- Sale contracts used in Al Qobbeh Housing project
- Maps and relevant documents related to the Qobbeh project from the municipality of Tripoli.

## **1.5 Thesis Structure**

This chapter has introduced the main problematique of the thesis and the methods employed in the study. In the next chapter, I present an overview of the case study, describing the political context at the time of its conception, the project's physical features and its current conditions, the socioeconomic situation of the residents, and finally the tenure conditions and related complexities. The third chapter presents and analyzes property conditions in the project and explores alternative options for tenure with respective bundles of property rights. The fourth chapter reviews cases of housing management and maintenance from different countries in addition to the case of Lebanon. This chapter looks into the mechanisms used in different forms of housing governance, including cooperatives, non-profits and privately-owned apartment buildings. The review focuses on management mechanisms, financing sources and approaches to residents' engagement. I present at the end of the fourth chapter alternative scenarios for building management and maintenance. In the fifth chapter, I present the role of the key stakeholders in Al Qobbeh Housing project and analyze previous communal efforts for maintenance. Using my findings from the third, fourth

and fifth chapters, I propose in the sixth chapter a management program for Al Qobbeh housing project that provides the main directions to resolve issues of conflicted tenure: a secure tenure system devoid of rights to exchange or sell, combined with a collaborative management and maintenance mechanism for the project. This remains incomplete, given that it became impossible to conduct the participatory process with the residents. It however presents sufficient direction for this exercise to be conducted, when it becomes possible to meet again in person.



## CHAPTER 2

### THE CASE OF AL QOBBEH HOUSING PROJECT

#### **2.1 Introduction**

Al-Qobbeh Housing project is one of the only instances of publicly-built housing project in Lebanon. Developed in 2005 in the Al Qobbeh district of Tripoli, adjacent to the Tabbaneh and Jabal Mohsen made notorious by the in-fighting that rocked the districts between 2008 and 2014, the project was conceived as an on-site relocation intervention for low-income inhabitants who lived in the district. The neighborhood had been partially destroyed during the Lebanese civil war (1975-1990) and the project looked to rehouse households living in substandard conditions.

Over a decade after its completion, the project stands dilapidated, a broken-down complex. With destructed facades, faded paint, broken windows and railings, dysfunctional elevators, and deteriorating infrastructure, the project has poorly aged after years of neglect and visible lack of maintenance.

In the next sections, I present a brief history of the area, Al Qobbeh, and the political changes leading to the conception of the housing project. Then I describe the physical conditions of the projects and its residents describing their modes of acquiring their apartments and end with their socioeconomic conditions.

#### **2.2 Location and Historical and Political Context**

The neighborhood of El-Qobbeh is located in the eastern part of Tripoli, on the eastern banks of the Abu Ali River, between Tabbaneh from the west and El-Qobbeh to the east. This area is considered as one of the most vulnerable areas in the country according to the vulnerability map published by the UNHCR Inter-Agency

Coordination Lebanon<sup>3</sup> (2015). As the second largest city in Lebanon, Tripoli was historically a vibrant economic center that played a pivotal role in regional transformations. The city was however relegated to a secondary role and has become known for the poverty of its residents, limited economic opportunities and violence. Tripoli's economic started since the 1960s (Lebanon Support, 2016) and continued during the years of the civil war (1975-1990) where the city lost major economic activities, mainly the oil refinery and the rail train (UN Habitat, 2016). During the civil war, the city witnessed waves of violence and population displacement leading to major transformations in its social and built fabric.



Figure 2 Map of Tripoli, showing the location of Al Qobbeh Housing Project- Source: by author

Historically, the area housed a religiously mixed and economically diverse community. However, numerous population displacements have led to major transformations. The first wave of displacement occurred in the 1950s, when the middle-class families who inhabited these suburbs of Tripoli fled the river flood, after the demolition of around 2,000 residential units (UN-Habitat, 2016) leaving the area considerably impoverished. This led to a major transformation of the urban fabric of the city, particularly the neighborhoods of Tabbeneh and its surroundings.

A second wave of displacement and population reorganization occurred during the Lebanese civil war (1975-1990), as a result of sectarian tensions. The political tensions during the Lebanese Civil War resulted in the progressive loss of the neighborhood's religious and cultural diversity (UN-Habitat, 2016). In the late 1970s, the residents of Tabbeneh and Jabal Mohsen were politically divided, following the intervention of the Syrian Army in Lebanon to limit the then expanding armed Palestinian armed militias. The area including Tabbeneh, Jabal Mohsen and Al-Qobbeh neighborhoods became the playground for violent conflicts fueled by the armed conflicts between the emerging Islamic Unification Movement and the Alawite paramilitary group, the ADP. The continuing conflict led to a massacre in December 1986 where the ADP killed hundreds of (Sunni) families who were accused to align with the Sunni militia (Amnesty International, 1999). This massacre still marks the memories of the residents of Tripoli as one of the most violent moments during the civil war. Following the end of the civil war and the Taef Agreement in 1989, violence in these neighborhoods receded but underlying tensions remained.

In 2008, the sectarian violent clashes returned between the two neighborhoods, following the May violent events in Beirut (Lefèvre, 2014) leading to the third wave of

displacement. Between 2008 and 2014, a series of armed politico-sectarian clashes between the adjacent neighborhoods of El-Qobbeh and Tabbaneh on the one hand and Jabal Mohsen on the other negatively affected the area, exacerbating the sense of insecurity, dampening economic activity and intensifying poverty in the area (UN-Habitat & UNICEF Lebanon, 2018). In March 2014 the violent clashes ended as a result of the security plan for Tripoli issued by the Lebanese government, whereby two thousand Lebanese Armed Forces troops were deployed in these neighborhoods (Lebanon Support, 2016).

Despite a relative calm that has expanded over the past six years, the scars of violence and war mark today most of the neighborhoods of Bab El Tabbeneh, Jabal Mohsen and Al Qobbeh as well as their reputations. One cannot but think of violence and insecurity when hearing the names of these neighborhoods mentioned to-date.

### **2.3 Conception of The Project**

The case of Al Qobbeh Housing project is unique on many levels. First, Lebanon's record of building state-subsidized affordable housing is extremely limited. Al Qobbeh is possibly the only such public intervention in the post-civil war era. An intervention of the Central Fund for Displaced<sup>4</sup> whose main operations consisted of allocating financial compensations to losses incurred due to forced displacement or the destruction of private property rather than building alternatives to lost housing, the Al

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<sup>4</sup> The Central Fund for the Displaced is a governmental fund established after the civil war (1975-1990) to tackle the problems of displacement, particularly in Chouf in Mount Lebanon governorate, which witnessed large waves of forced displacement due to violent sectarian battles. The north and other areas in Lebanon were later added to be within the scope of work of the CFD paving the way for a wider support for the displaced. The main mode of operation of this fund is financial compensation for the displaced loss or destruction of private property.'

Qobbeh housing project was the first and only project experiment of the Fund in the production of housing. Data on the housing project was not made public, and as such very little documentation on the process of its design, contracting, and construction is available. Based on decree no. 8359/1996 the redevelopment work was considered to be a project of common good (منافع عامة) authorizing the land expropriation in the designated area. According to Al-Akhbar daily, the cost of the construction of the Qobbeh Housing project amounted to 60 billion Lebanese Liras<sup>5</sup> (Al Samad, 2006). According to Ahmad Qamaredine, the mayor of Tripoli, the design of the project was done by a company called Spectrum and contracted to the Arab Contracting Company (ACC). The design of the project was never publicly shared, and was only uncovered with the start of excavation works<sup>6</sup>. The project as shown on the plan (figure 3) was distributed over three phases, which only phase one and two were completed. There is no information about the reason phase 3 was not constructed, but the plan shows that phase 3 was supposed to be constructed on six lots.

Second, the timing and political rationale behind the construction of this project are questionable, as it coincided with a major economic decline in Lebanon. According to conversations with two informants, it is widely believed that the political vision of late PM Hariri in the late 1990's, following the economic decline in 1997 and 1998 was to enhance his political position amongst the Sunni community in Tripoli<sup>7</sup>. While post-war reconstruction of Lebanon typically favored private investment, similar to major

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<sup>5</sup> The cost of construction is 60 billion lebanese liras which amounts in the 2005 to 39.6 million USD according to the exchange rate of 1USD=1515 Lebanese Lira

<sup>6</sup> Conversation with the Mayor of Tripoli, Ahmad Qamareddine, April, 2019.

<sup>7</sup> Conversation with Belal Ayoubi, December 5<sup>th</sup>, 2020 ; Conversation with Dr. Mosbah Rajab, April 18<sup>th</sup> 2019

urban regeneration operations in many Western cities (Marot & Yazigi, 2012), El Qobbeh housing project stands as an exception to these strategies.

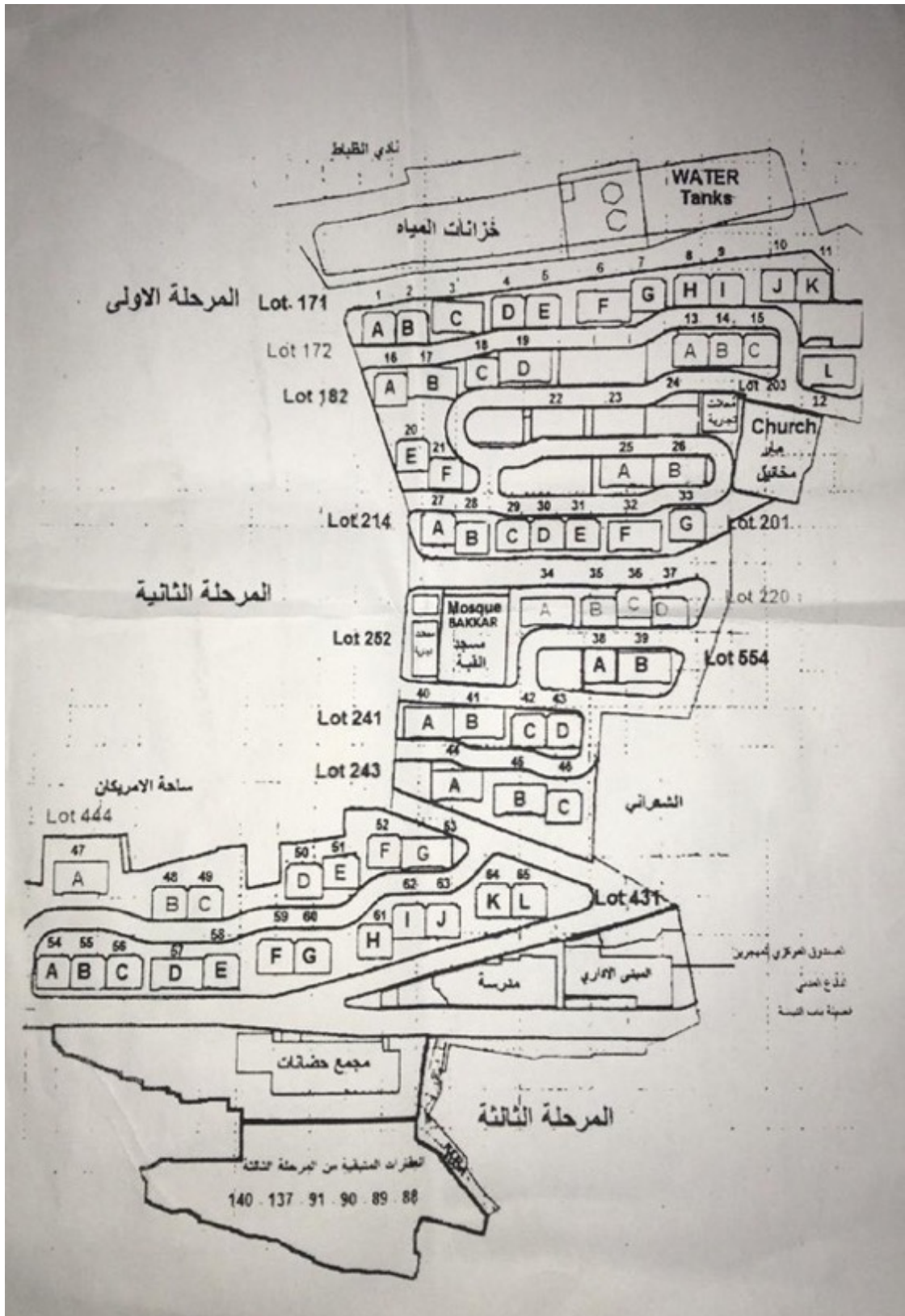


Figure 3 Copy of the official plan of Al Qobbeh housing project

Third, the choice of redeveloping the neighborhood rather than rehabilitating the remaining buildings is believed to be done to avoid legalizing violations, mainly building violations and squatting. Prior to the construction, the neighborhood of the project had been in constant transformation, particularly during then the civil war. Many of the residents left the neighborhood, or forcefully displaced during the civil war whose houses were later squatted by other displaced families from rural areas, mainly Akkar<sup>8</sup>. This raises another issue, the eligibility of the original residents of this neighborhood, some of whom had been displaced during the 1980's and resided in empty houses or self-built annexes to some houses. While the CFD offered compensation options to the original residents of the neighborhood, particularly those who were tenants and property owners, squatters or displaced settlers who lived in this neighborhood during the period of the war were not recognized as claimants.

#### **2.4 Description and Condition of the Project**



Figure 4 Aerial View of Al Qobbeh Housing Project showing some of its white

*Soufçè: Screenshot from a video produced by Shift NGO*

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<sup>8</sup> Conversation with Belal Ayoubi, December 5<sup>th</sup>, 2020 ; Conversation with Dr. Mosbah Rajab, April 18<sup>th</sup> 2019



Al Qobbeh housing project (figure 3) is constructed on 11 lots and composed of 65 buildings with number of floors varying between 5 to 8 floors. The buildings on each lot are classified in alphabetical letters per lot (e.g., Block A, Block B). The project also includes 3 schools, a supermarket, a mosque, a church, an infirmary and civic defense office, in addition to a Social Development Center (SDC) of the Ministry of Social Affairs (MOSA) and a local office for the CFD.



Figure 5 Green Spaces in the Project

The project has scattered open spaces between buildings and on the side of the streets (*figure 5*), which are mostly not maintained and currently not used or utilized for any recreational purposes. There are around ten green open spaces distributed between buildings, which are not used due to the accumulation of garbage and lack of any inviting elements such as benches or children play areas (*see figure 4 for the map of green spaces*). The streets are wide with relatively spacious pavements, especially when compared to the surrounding neighborhoods of Qobbeh and Tabbeneh, as shown in *figure 7*.

The street lights are mostly dysfunctional, except for a very few which were not affected during the 2008-2014 battles. The ground floor, which is designated as parking space, is occupied in many of the buildings by small shops constructed with different



Figure 6 Map of the Qobbeh Housing Project materials, including cement and metal panels.



Figure 7 Image of one block of buildings showing the damaged façades – Source: footage from SHIFT NGO

Aside from the clearly damaged facades, some of the buildings had large holes in the walls (some of them closed recently with cement) on the ground floor that can fit one person. The locals refer to them in Arabic as Kharra'at (خرافات) (*figure 8*), which are holes dug by armed militants during battles, used when crossing between different buildings to avoid getting shot by snipers on the streets.



Figure 8 Image of the holes on the ground level of the buildings- Source: by author

Looking into the interior of the buildings, each floor is comprised of two residential units with their area varying between 90m<sup>2</sup> and 120m<sup>2</sup>. The buildings of the project have very similar designs, with minor differences. The distribution of the 7 and 8-floor buildings is on the borders of the project with most of the lower rise buildings located in the center as shown in figure 3. The total number of apartments in this project is 778.



Figure 9 Building conditions of Al Qobbeh Housing project  
*source: GIS data from Municipality of Tripoli*

## 2.5 Residents of Al-Qobbeh Housing Project

Upon the project completion in 2005, the CFD gave the choice to ‘right holders’<sup>9</sup> to either take compensation in return for their lost property or to buy a new apartment in the new complex with the possibility of having their payments paid in installments over a period extending up to 20 years. The critical issue here is the definition of right holder adopted by the CFD. The CFD considered not only those who owned property or rented houses as ‘right holders’ but also their descendants (children and grandchildren), without any further details on a mechanism to claim their right.

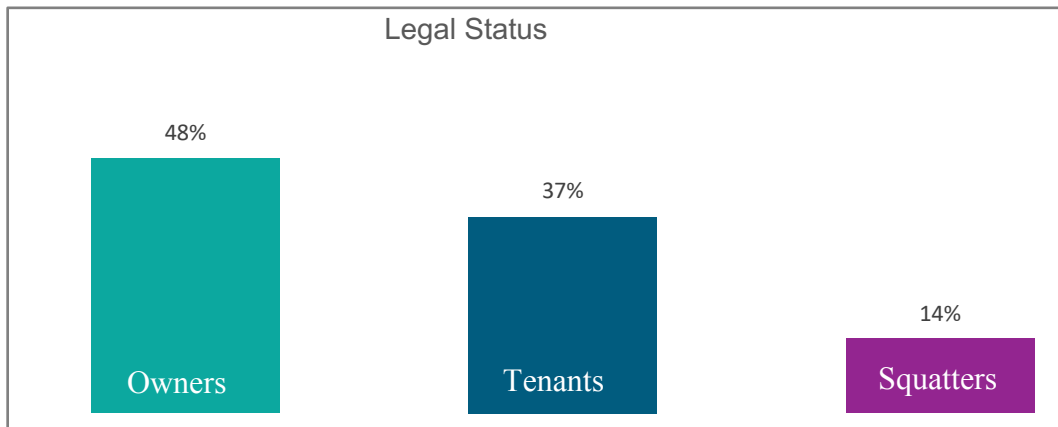


Figure 10 Legal status of units in Qobbeh Housing – Source: SHIFT Dataset

The CFD created a list of right holders, particularly those who claimed and presented proof of residency in the area, excluding squatters and illegal occupiers, and accordingly offered them the choices of owning or getting financial compensation. However, the unclear definition of right holders, mainly the extension of entitlement to family members, paved the way for multiple inconsistencies and illegal practices. This is hardly surprising. After all, as noted above, the project was designed as a political

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<sup>9</sup> Right-holders is a literal translation from the Arabic term (أصحاب الحقوق) and refers to those who inhabited (owners and tenants) the same neighborhood before and during the war.

favor to a group of residents. It consequently needed to allow for the flexibility needed by its designers. As such, the design of entitlement forged a situation in which entitlement would allow for privileges (Fawaz 2015).

Figure 10 shows the distribution of tenure types in the project, showing a majority of freeholders living in their apartments (48%), tenants (37%), and squatters (14%). To illustrate the complexity of tenure types within this project, which initially planned on having one single way to access housing through ownership, it ended up being five different tenure types of which only one is considered as 'legal', as will be fully fleshed out in the next chapter.

### **Right Holders/ Owners**

The sales agreements between owners and the CFD clearly specifies in its introduction who has the right to own units in the project, in addition to the selection criteria in the minutes of its meetings. The minutes of meetings referred to are not publicly available, and thus the criteria for selecting the 'rightful' owners remain unclear. For example, according to one sales agreement I was able to consult, the specified price of a 120 m<sup>2</sup> residential units were 62 million Lebanese Pounds [The equivalent of 40,000USD, already below any affordable apartment]. According to the same contract, the CFD contributed 25 million Lebanese Pounds [The equivalent of 16,500USD], which is the compensation deducted from the amount required from the buyer. The remaining payments, which amounted in total to some 23,500USD, were to be paid in monthly installments of around 200,000 Pounds [The equivalent of 133USD] over a period of 15 years. Compared to any other public project, the proposal was very generous. Elsewhere in Lebanon, displaced populations had been compensated in some cases in Beirut with much higher packages, but they were consistently evicted without a

housing alternative (Bou Akar 2005, Sawalha, 2003). Furthermore, the fifteen years of loan repayment were much more generous than what was available at the time through banks and or private developers.

However, although the project was designed to help families in needs, the conditions of property acquisition were stringent. The sales agreement between the owners and the CFD specified in clause number nine that defaulting on three consecutive installments would lead to the de facto termination of the contract, whereby any previous payments by the owner would be considered compensation for their stay in the apartment.

In practice, the implementation of the sales agreements is lenient. According to one active member of local committee (*Qalb Al Mashrou'*)<sup>1011</sup>, many of the owners have defaulted on their payments, but no case of termination has been recorded. Therefore, right-holders in the project are currently divided between those who have fulfilled their sales agreement by paying their installments and others who have defaulted.

It is important to mention that all right holders have not had the chance to register their apartments as they are still legally owned by CFD. The sales agreement clearly mentions in clause 11 (figure 15) that owners can register their property under two conditions, 1) completing the payment of all installments and 2) CFD finishes from the property parcellization process.

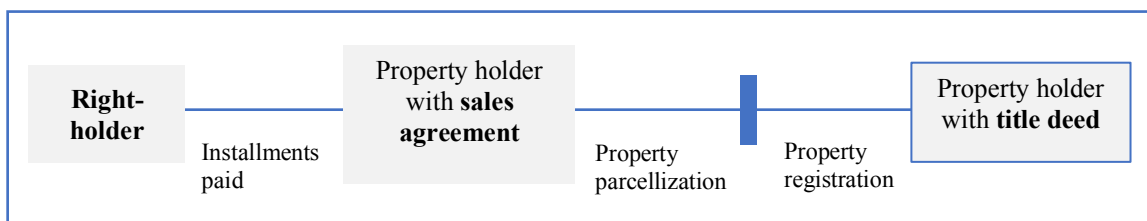


Figure 11 Property registration process- Source: by author

<sup>10</sup> Conversation with a member of Qalb Al Mashrou', April 2020

<sup>11</sup> Qalb Al Mashrou' is a residents committee established with the support of SHIFT NGO to assist in maintenance of the sewage network. The later chapters provide a detailed account of their formation and work.

جمهورية ليبيا  
رئاسة مجلس الوزراء  
السلطة المركزية للشؤون  
العامة

**ملحق رقم ١**  
**رصيد ثمن القسم رقم ١**

	رمز البلوك: A / ٣ نوم	رقم القطر: ٤٤٤	التاريخ: ٤/٥/٢٠١٦
	الجهة: شماليه	الأرضي: [Redacted]	
	مساحة الشقة: ١٢٦	رقم القسم: [Redacted]	
٣٣	[Redacted]	اسم الفريق الثاني: [Redacted]	
	التجارة: [Redacted]	اسم الاب: [Redacted]	

ثمن القسم المحدد بالخط:  
بذلك منها: ٢٠٦٣٠٠٠٠ ل.د.

١- قيمة تعويض الاستهلاك المتداول عنه للتصديق: ١٦٦٠٠٠ ل.د.

٢- قيمة المساعدة (المساعدة المالية) المقدمة من الفريق الأول للفريق الثاني مساحة الشقة (١٢٦ م<sup>٢</sup>) = ٢٠٠٠٠٠ ل.د.

فيكون الرصيد الباقي من ثمن الشقة المتوجب على الفريق الثاني دفعه: ٣٦٨٢٧٠٠٠ ل.د.

لفظ سنة و ثلاثون مئوت و ثمانمئة و سبعة و عشرون الف ليرة ليبانية لا غير

تاريخ توقيع العقد: ٤/٥/٢٠١٦

الفريق الثاني: [Redacted]

الفريق الأول: [Signature]

[Fingerprint]

Figure 12 Copy of Annex 1 of the Sales Agreement



On the other hand, a number of the owners have completed paying their installments, but are still unable to register their apartments and get the official title deed because CFD cannot transfer the ownership to them before parcelization which is a prerequisite to have property registered in the land registry. One of the conditions for parcelization



Figure 13 Ground Floor uses in Al Qobbeh Housing Project- Source: by author

is not having any violation on the property, which is the case in many buildings due to trespassing of the ground floor. As mentioned in the previous section, many of the ground floors are currently being used as retail shops by some inhabitants, where they constructed few walls within the parking lot spaces and used these makeshift rooms as retail areas such as a mini-market or small appliances shop. The project has around 47 ground floor illegal retail shops distributed across the different buildings.

### **Squatters**

The data on the residents of this project is not publicly available which makes it difficult to accurately identify the number of owners, tenants and squatters accurately. The only available data is on squatters who have sought refuge in this project during the period between 2008 and 2014.

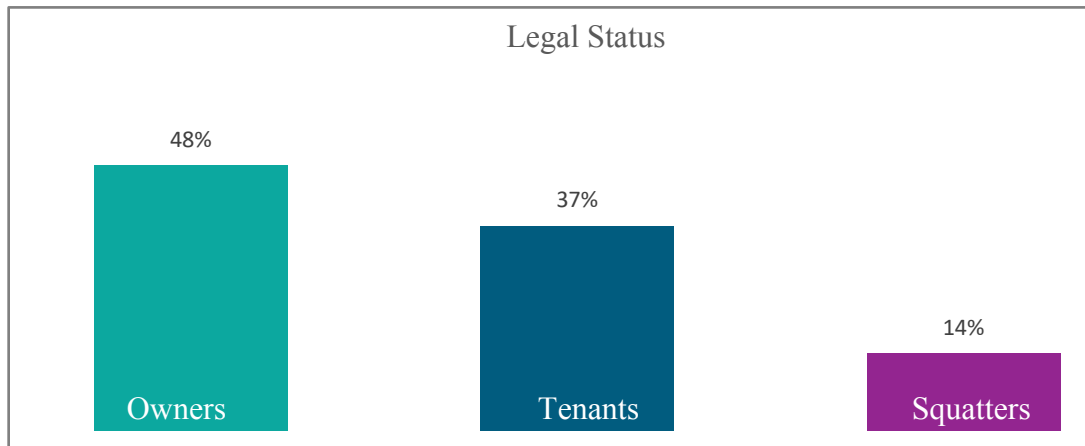


Figure 14 Legal status of units in Qobbeh Housing Project- Source: SHIFT dataset

Upon the eruption of battles in 2008 between nearby Alawite Jabal Mohsen and Sunni Bab el Tabbeneh, families fled the violent clashes in these two neighborhoods and sought refuge in the Al-Qobbeh complex by breaking into the vacant apartments. These squatting families currently constitute around 14% of the total number of apartments according to recent mapping conducted by Shift NGO<sup>12</sup>. The rest of the housing units are divided between 48% owners and 37% tenants (figure 11). Following the violent clashes of 2008 and the squatting of many families from neighboring areas into this housing project, more than 130 lawsuits were filed by the CFD against squatters. These lawsuits were later suspended by the courts because of what was referred to as an “exceptional situation” (Chamaa, 2017). In June 2017, a local campaign called Under the Roof (*Tahet El Sakef* – تحت السقف) was launched by the squatters demanding the CFD resolve their illegal status in the project and grant them the right to obtain priority

<sup>12</sup> Shift is a local NGO in Tripoli located in the neighborhood adjacent to Al Qobbeh Housing Project. This NGO played a role in securing funding from an international NGO to rehabilitate sewage networks in the Housing project. This data is not accurate in terms of differentiating squatters from 2008-2018 and those who claimed their ownership illegally.

of ownership over their apartments through the same scheme of loans provided to the population of 2006 (Dheiby, 2017).

It is noteworthy that not all squatters are equal in the complex. While some, as noted above, are looking to legalize their status, others have deployed other strategies to protect them from eviction. These squatters are mainly those who used their social networks, particularly their connections with what was known previously as the “axes leaders” (qadat al mahawer), which are militiamen who took leading roles in the fights between Jabal Mohsen and Bab Al Tabeneh. With this network, in addition to their ability to influence the local CFD officials, these ‘protected squatters’ were able to squat apartments, with impunity, claiming their right to be housed in this particular project considering themselves as ‘right holders’ who were not recognized when the project was conceived.

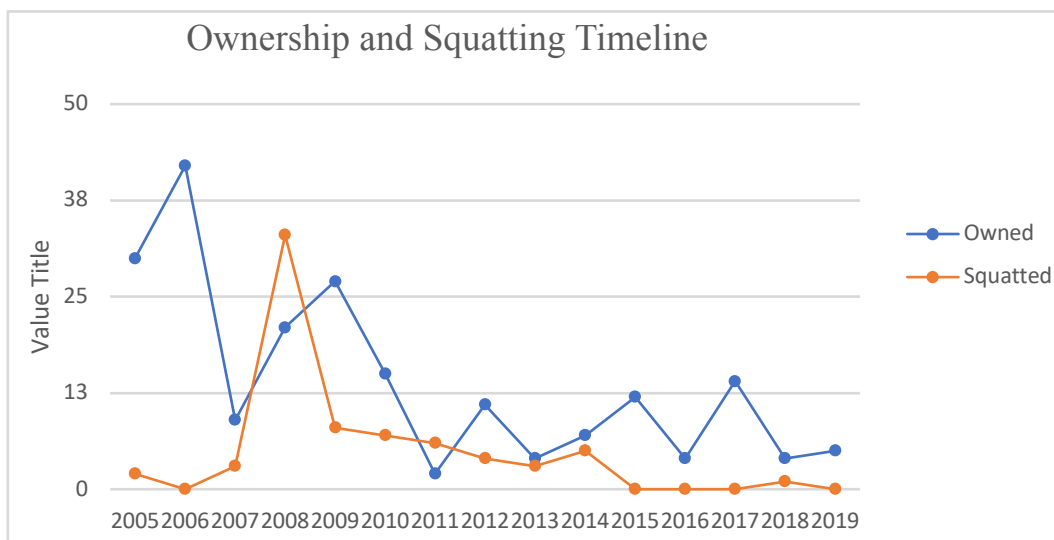


Figure 15 Patterns of purchasing and squatting apartments in Al Qobbeh Housing Project- Source: SHIFT datasets

The patterns of squatting show a steep increase during the years between 2008 and 2010, when the battles in the neighboring areas were at their peak. However, according to the survey conducted by SHIFT NGO in 2018, squatting patterns in the project had started before 2008. Squatting the compound effectively started at the moment of its completion and continued in varying patterns until 2018, once all the empty units were filled. The buildings were not fully occupied when the project was completed and delivered for unclear reasons. There is no data to justify the vacant apartments, however, and according to my conversations with key informants many of right holders did not purchase the apartments and preferred to get the compensation and live elsewhere, and others lived in the project for a period of time and sold their apartments.

While squatting after 2008 was mainly due to violence, prior to this period, some families squatted apartments in the project for different reasons. Squatting in the case of Al Qobbeh housing project came as a result of two processes: 1) the selection criteria and mechanisms of assigning ‘right holders’ in this project which seems to be controversial for many residents which led to squatting based on a claimed right to live in the area, and 2) violence in the neighboring areas and the need to secure a safe shelter.

### **Tenants**

The tenants constitute around 37% of the inhabitants of the Qobbeh Housing Project. These tenants rent their apartments either from legal owners or from squatters. The average monthly rent ranged between 150,000 and 225,000 Lebanese Pounds at the time in 2019, which amounted then to 100 to 150 USD. There is no information about

the tenants as a group in the project. For this reason, I briefly include them in these categories with less focus on the types of contracts or agreements they hold.

## 2.6 Socioeconomic Conditions of the Dwellers

According to data collected by SHIFT, the majority of the apartments (94%) are inhabited by households whose members hold the Lebanese citizenship. Only 6% of the apartments are inhabited by Syrians and one apartment by a Palestinian family. As for the religious/sectarian composition, 85% of the families are Sunnis, 1% Shiite, 13% Alawite, and 1% Christian.

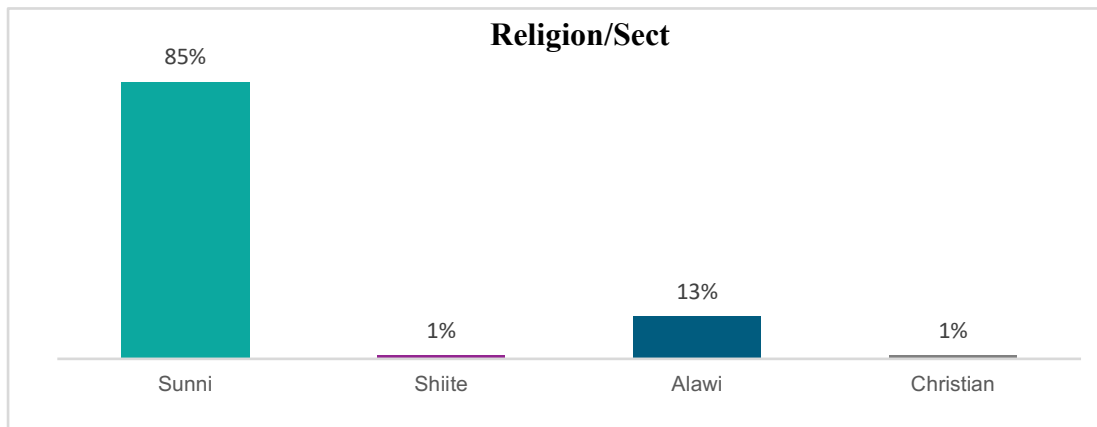


Figure 16 Sectarian composition of the inhabitants- Source SHIFT Dataset

The inhabitants of this project live under dire economic and social conditions where the majority of households are supported by one individual with a monthly income below the minimum wage. The majority are employees (divided between part-time and full-time jobs) and to a lesser extent self-employed. The same mapping also showed that 84% of the apartments house one family while 16% house between 2 and 4 families in one apartment.

Looking into the socioeconomic situation of the dwellers of this project, the data shows that all the dwellers have a monthly income between 200,000 L.L and a maximum of 2,000,000 L.L [equivalent of 133 USD and 1320 USD respectively]. Regardless of their tenure status, squatters, owners and tenants are relatively within the

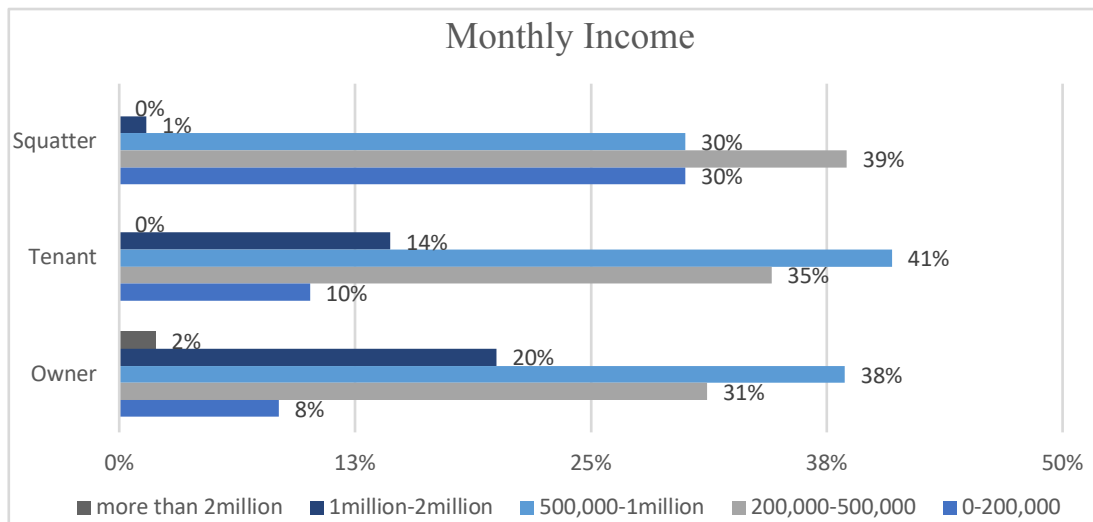


Figure 17 Monthly income of the project dwellers divided by tenure type- Source: SHIFT Dataset

same brackets of income. Only 1% of the squatters earn a monthly income between one million and two million Lebanese liras, while 14% of the tenants and 20% of the owners earn a monthly income within a similar bracket. The majority of dwellers live below minimum wage, earning monthly between 200,000 and 500,000 Lebanese liras [equivalent in 2018 to 133 USD and 330 USD respectively].

The comparative review of these groups provides interesting insights about their social position. Because they have to pay rent, very few tenants are among the poorest group. However, their condition are equalized once we account for the rent they have to cover, which places them typically at a lower level of income than other groups.

## 2.7 Maintenance Priorities of Al-Qobbeh Housing Project

As previously mentioned, the physical conditions of Al-Qobbeh Housing project are in a continuous state of deterioration. The levels of deterioration did not save neither the buildings nor the infrastructure and common spaces between the buildings and blocks. Façades of the buildings are extensively damaged as a result of the violent clashes between 2008 and 2014. As for the urban services, most are in poor condition, including streetlights, public spaces, streets, internal sanitation and sewage networks (within the buildings).

The project requires serious building renovations, waste management solutions (e.g., sewage system, residential wastes dumped on the streets), maintenance and leakage treatment, and other service upgrading including water and electricity.

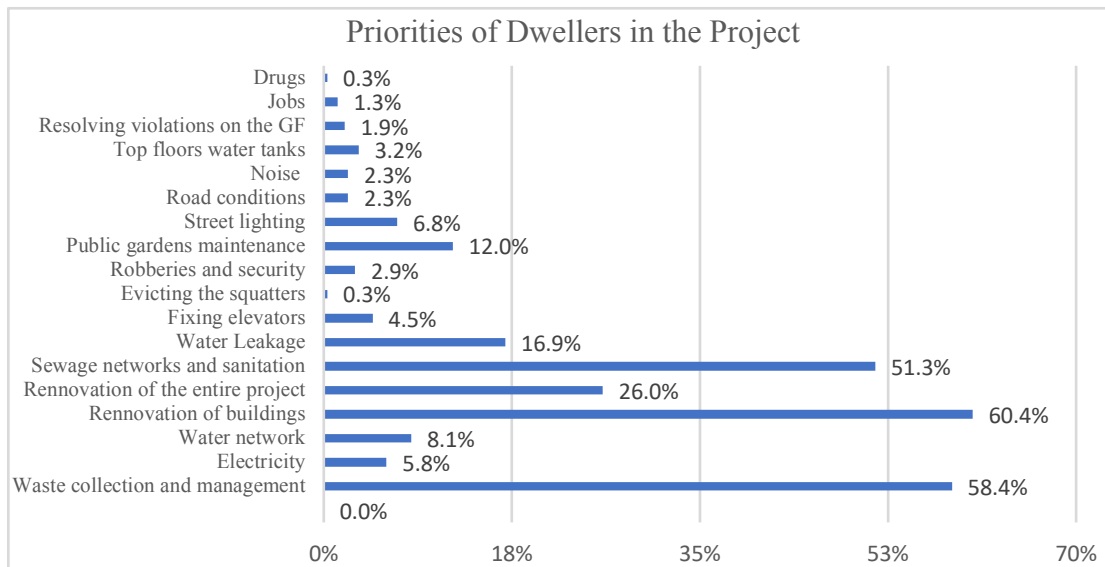


Figure 18 Priorities for better livability in Al Qobbeh Housing Project- SHIFT Dataset

The available data made available by SHIFT confirmed the levels of deterioration of the project, mainly by the priorities expressed the respondents (representative of the household). The data shows that the majority of the dwellers considered that their main priorities to enhance the livability of the project are renovation of the entire project (60%), waste collection and management (58%), and

renovating the sewage and sanitation networks (51%). These numbers correlate my own observations of the project, where garbage is piling on the side-walks and public gardens, the exposed pipes of the sewage network are clearly leaking in almost all the ground floors, and the clearly deteriorating facades of most of the buildings, particularly those on the western side, due to their proximity to Bab Al Tabbeneh and Jabal Mohsen. While these three priorities are clearly the most urgent according to the dwellers, other priorities were mentioned covering mainly renovation of the entire project (26%), water leakage (17%) and maintenance of public gardens (12%).

## **2.8 Conclusion**

This chapter profiles the history of the complex and the socioeconomic conditions of its residents. With poverty, dire economic conditions and physical deterioration of the project, the livability of this project is worsening.

The project's severe physical breakdown can be explained by several factors. First, the armed battles in Jabal Mohsen and Bab Al Tabbeneh has not spared the newly constructed project from the destruction resulting leaving it with deteriorated facades, dysfunctional infrastructure. Second, the state negligence has left this project without maintenance or proper urban services. The Central Fund for the Displaced as well as the municipality of Tripoli have neglected this site few years after the completion of the construction and the exacerbated security situation later in 2008 gave these actors additional reason to avoid the project. The third reason lies in the absence of any management scheme or framework to assist the new dwellers in organizing and managing and maintaining the project. As freehold was the main mode of tenure in this project when it was conceived, maintenance became solely the responsibility of the owners who relocated from dwellings that are entirely different in scale, size and



design. Adding to all this, the fourth reason lies in the socioeconomic conditions of the dwellers of this project who suffer from poverty leaving them with limited resources to enhance and maintain their dwellings and the buildings.

Fifth, the unclear process of allocation of housing units has led to illegal occupation of some of the units which generated tensions among residents and a reaction of contestation among dwellers. This complexity of tenure has contributed to limiting potential collaboration amongst the residents in management of the project, particularly within a legal framework that does not consider other forms of property rights outside freehold and formal tenancy.

Building on the tenure complexity of Al Qobbeh Housing project, I explore in the next chapter the different forms of property rights and tenure security borrowing from literature on informal settlements. Although the case I discuss in this thesis is not an informal settlement, the complex tenure conditions and different property claims cannot be understood within the duality of formal and informal. For this reason, I seek to understand the different property claims of its residents and the institutional frameworks enforcing these claims to propose an alternative management program that ensures the protection of low-income dwellers from eviction, ensure their participation and help enhance the livability of the project.

# CHAPTER 3

## PROPERTY CLAIMS, TENURE SECURITY, AND HOUSING CONDITIONS

### 3.1 Introduction

In order to understand the different forms of engagement and the potential contributions required from every group of inhabitants to establish a management mechanism to upgrade and maintain the housing project, it is essential to understand the different claims and rights in property and provide a framework through which the different forms of property claim and property investments are equalized. It is furthermore critical that tenure security is enhanced.

This chapter builds on the knowledge of the context and the literature on property rights and form of their legitimization developed in relation to informal settlements in order to devise an adequate mechanism that can serve the long-term goal of securing adequate housing. I present in this chapter that residents in Al Qobbeh Housing project have accessed housing through different means, and have claims in the property that differ from those of freehold, yet legitimized through different mechanisms. I argue that freehold, as the only mode of tenure adopted in the conception of the project, and in the absence of clear allocation of right-holders have led to emergence of informal forms of tenure. These forms of tenure are not included in the current framework for common property maintenance used in Al Qobbeh Housing project and all private property in Lebanon, which excluded a large portion of the residents and led to further physical deterioration. Accordingly, I argue that maintenance of property should be separated from freehold to allow for the participation of the residents in maintaining the buildings and their common properties.

I start this chapter by reviewing the literature on property claims and rights and different forms of their legitimization. I then review the key challenges that come with titling, or adopting the freehold model in low-income neighborhoods, borrowing from cases on informal settlements. I then describe the spectrum of property rights and locate the different forms of tenure in Al Qobbeh Housing project to understand their needs and priorities. Building on these categories of property rights and their corresponding needs, I propose multiple options for property rights in the project. These options respond to two key issues resulting from the freehold no-hold binary in the project: tenure security and ability to contribute to maintenance and improvement of the project.

## **3.2 Literature Review**

### ***3.2.1 Variation of Property Claims and Rights***

Property rights refer to a recognized interest in land or property vested in an individual or a group, and can be applied separately to land or to development on it (Payne, 2004). Given that property rights define how one individual, the property claimant, can allow or not others to access land, critical geographers and legal theorists have argued that property rights should be conceived as a system of social relation that defines the relation between property holders, on the one hand, and other individuals, on the other, with respect to “something” of value (Bromely, 1991). The processes through which property relations in land are legitimized or delegitimized happen through legal institutions and through the recognition of these property relations by the sovereign state and the consequent assignment of rights (Razzaz, 1993). However, the literature shows myriad of forms of investment in land recognized. First, property rights recognize that claims may be honored outside the realm of ‘legality’, as defined by the

state, and instead based on communal or informal institutions and rules (Fawaz 2004, Razzaz 1993).

Second, property rights are not reducible to freehold or no-hold. Instead, the spectrum of actual property claims cover various forms, including right to use, to sell, to bequeath, sublet, improve, subdivide, and to use as collateral for credit. In the case of Al Qobbeh Housing project, different tenure groups have a variation of property claims that cannot be ignored especially if it limits their agency over managing their dwellings in the absence of a central management role. Turner (1968) argues that housing is a process in which users should have control over its various processes, planning, construction and management. However, the case at hand presents a centrally planned and constructed housing project in which its actual users have limited control over its management. Management of housing in AL Qobbeh is strictly limited to freeholders, excluding other types of property claimants which poses a key challenge in the absence of any central form of management.

These two areas in the literature are commonly ones that are discussed as issues of informal settlements, which is not the case of Al Qobbeh housing project. However, the issues of property, tenure security and management are highly intertwined in this case. With freehold and formal tenancy are the only legally legitimized tenure forms in this project and management is tied to this bundle of rights, I use the literature of property rights in informal settlements to establish different categories of tenure and their property claims to provide alternatives.

### ***3.2.2 Property Claims and Legitimization***

A survey of the literature on property rights shows a predominant tendency to reject a single understanding of property and extend it to forms beyond what is legal. In other words, different forms of legitimization of property claims can be defined beyond legal recognition. As land represents different things to different groups and individuals (Razzaz, 1993), limiting the frameworks of property to only freehold narrows the understanding of the different informal forms taken, and thus limits the ability to respond to housing challenges, particularly in countries where large portions of population live in informal settlements. Individuals and groups claimed property through different modes. For example, Razzaz (1993) describes historical, customary rights, religious, and de facto uses, which he refers to as ‘property claims. These property claims are acknowledged and protected either by different mechanisms including social networks as in the case of illegal subdivision of land in Hay El Sellom in Western suburbs of Beirut (Fawaz, 2009), or the Popular Committee in the case of Palestinian refugee camps in Lebanon. In both these cases, the state agencies have limited intervention and its legal frameworks are not applied whereby the housing transactions and legitimization of property claims occur outside the traditional housing market which are usually recorded and legitimized through the State Land Registry. Leaf (1994) argues that every legal system, whether informal or formal, relies on a form of authority whose legitimacy is recognized by those who are within the system. In the case of Al Qobbeh, property claims are legitimized through both formal and informal channels, which is the CFD in the case of owners/right holders and social networks in case of squatters.

### ***3.2.3 Property Rights and Tenure Security***

Property rights are often connected in the literature to types of tenure systems. While tenure is defined as the mode by which land or property is owned or held, property rights are the rights that permit or restrict what can be done with such land or property. Durand-Lasserve (1993) emphasizes the importance of distinction between the two terms to understand the different ways people's relation to property. The term titling, according to Durand-Lesserve (1993), does not have a universal meaning, but rather different interpretations ranging from individual freehold to collective freehold, individual or collective leasehold, and other forms in a given legal system. Individual titling, particularly freehold, is one of the main policy approaches used to ensure secure tenure.

Building on Hernando De Soto's (2000) work, the World Bank (2003) tied security of tenure to legal titling. With the wide adoption of tenure security, land titling became the main policy approach to regularize informal settlements. The key argument for titling lies in considering 'illegal' land as capital that is blocked out of the market, or as he puts it "*dead capital*" (De Soto, 2000). The World Bank (2003) recognized security of tenure as a significant way [1] to promote economic development and reduce poverty in both rural and urban areas [2] to protect dwellers from forced eviction and [3] to facilitate the management of land and provision of services network. However, the expected increase in economic value of land after securing title deeds and its positive impact on household's social mobility is also questioned. The introduction of the notion of free exchange and potential capital gain from land as a 'legal' asset could in fact lead to disruption of social networks, customary traditions and local cultural identity (Bromley, 2008).

The main argument favoring titling programs considers that they could increase the value of an asset, meaning households can benefit from selling or using property as collateral for credit (De Soto, 2000). However, many have criticized these programs providing counter arguments to these claims, based on their research, highlighting the negative socio-economic impacts of these programs (Gilbert, 2012; Payne & Durand-Lasserve, 2009). Payne and Durand-Lasserve (2009) argue that titling could also induce gentrification, especially in settlements located in potentially highly valued locations, which could in fact disrupt the local economic activities and thus limit economic opportunities for dwellers in these settlements.

Another questionable aspect of titling is the true ability of households with formal titles to use these title deeds as collateral when need be. In fact, some research shows that many title deed holders in informal settlements are low-income household, a population classified by banks as highly likely to default on loans, making it less attractive for commercial banks to give out loans even against these titles (Bromely, 2008). The argument favoring titling as a way to secure tenure builds on the assumption that such interventions would encourage households to invest in house improvements, leading to increase in the need for new services, and thus an increase in local employment and economic opportunities. Other scholars consider that enhancement and investment of households in house improvement is not only noticed in titling cases but also in cases of secure tenure without formal titling. Some studies from Jordan, Egypt, Mexico and Peru show that many households enjoy a degree of de facto tenure security in unauthorized settlements without formal titling (Razzaz, 1994, Payne 2009). The squatters in the Al Qobbeh housing project shows a similar pattern, which counters the argument limiting the potential of investment in dwelling to security of tenure derived from titling. I

mention in the chapter 6 how dwellers of Al Qobbeh project, despite their dire economic conditions, have relatively invested in upgrading their dwellings through different renovation works.

### ***3.2.4 Alternative Forms to the Model of Freehold***

Research on informality have shown different forms of tenure security that are not only related to titling or property freehold. Some argue that titling programs could reduce security of tenure in informal settlement or customary areas. Freehold often forces existing low-income tenants out of an area – as they can no longer afford rents, which rises dramatically after titling (Payne, 2003). Others argue that security of tenure could be achieved through the local customs or traditions, family relations and other social connections. Payne and Lasserre (2009) argue that land titling programs are often proposed or implemented in countries or cities where residents in informal settlements already enjoy a degree of de facto tenure security. The case of squatters in Al Qobbeh who are protected by their connections to large families and influential actors provided them with a relatively secured tenure and avoided their eviction. While individual titling in the form of freehold has been largely promoted as one of the main policy approaches used to ensure secure tenure, relying on other forms of property holding may bring substantial advantages in securing cities long-term housing stocks while also reducing costs on individual city-dwellers. This can allow for the introduction of new forms of secure tenure outside freehold.

The literature on informal settlements provides a wide range of policy interventions that can secure tenure and access to housing without formal titling which fall within intermediate tenure systems. Intermediate tenure systems provide an alternative between the formal and informal through providing security of tenure



through protective administrative or legal measures against forced eviction (Durand-Lasserve & Royston, 2002). Payne (2004) argues that conventional approach of providing individual land titles is not always an appropriate or practical option where he emphasizes the need to explore others options that can meet the needs of the poor and enjoy social legitimacy. Porio and Crisol (2004) argue that using intermediate instruments in cases of informal settlements in Manilla, the Philippines, have provided urban poor with more tenure security and assurances for the dwellers to invest and upgrade their dwellings. Some of these intermediate tenure instruments include land proclamation, mainly on public land, which freezes the sale and investment of the land by the government. Other instruments, such as the ‘concession of real right to use’, which was utilized by many municipalities in Brazil have provided the right to dwell and secured tenure to informal settlers in regularized low-income settlements were used in Brazil (De Souza, 2004). There are other instruments that provide the right to low-income dwellers to use the land, without the need to transfer property of land. These instruments include certificate of use, permission of use which are used in Brazil (De Souza, 2004).

### **3.3. Analytical Framework of Property Rights and Tenure Conditions**

Based on the literature review, one can approach the landscape of Al Qobbeh through an analysis of the types of property claims/rights that exist in the project. The assumption here is that the management and upgrading of the housing complex as well as its long-term sustainability will require a level of clarification of tenure status. Payne (2004) developed an extensive categorization of the different tenure systems and different ranges or ‘property rights’ to better understand a given situation and

accordingly formulate appropriate policies. This categorization goes beyond describing only formal rights as either registered, unregistered but documented, group/family/household rights or unregistered and undocumented. The additional layer to these categories stretches tenure status and locates it on a continuum which covers pavement dwellers, squatter tenants, squatter owners, tenants in unauthorized land subdivision, owner in unauthorized land subdivision, legal ownership with unauthorized construction, tenant with contract, lease-holder and free-holder. As for property rights, Payne (2004) adds different sets of categories of rights which include occupancy and use, disposal, inheritance or rent, improvement, cultivation, subletting, subletting and rent, accessing services and access to formal credit. This shows that there are different forms of rights for property holders even for those who did not acquire it within the 'legal' system. This thorough categorization shows the range of policy possibilities that could be employed to deal with diversity in property rights and tenure statuses not only through titling as a common policy solution.

In this chapter I use an adapted version of the notional typology of land tenure and property rights developed by Payne (2004) to create a better framework to understand property rights vis-à-vis tenure systems in Al Qobbeh Housing project. This project was conceived to house residents of the neighborhood in apartments within a building complex by granting them ownership of their dwellings. While this was the only intended approach, the project in its current condition has multitude of tenure types that deviate from freehold. Based on this fact, it is important to understand tenure types and property conditions outside the duality of formal and informal. Presented with these complexities, I describe in the next section the different types of tenure in the project

and accordingly look into the types of property claims within Al Qobbeh housing project.

### 3.4 Overview of the Forms of Tenure and Property Rights in Al Qobbeh Housing Project

Tenure	Freeholders (payment default)		Freeholder (unregistered property)		Tenant with contract		Protected squatter		Tenant without contract		Squatter	
	A	L	A	L	A	L	A	L	A	L	A	L
Prop. rights												
Occupy/ use		x	x	x*	x	x	x		x		x	
Dispose, sell,							x					
Inherit			x	x			x				x	
Develop/improve	x				x	x <sup>o</sup>	x		x		x	
Sublet	x						x					
Access services	-	x			-	x	-		-		-	
To access formal credit												
x: has the right / access -: limited access to services through illegal means +: minimal access due to absence or lack of proper services o: pending permission of landlord *: only through a sales agreement with the CFD L: legally granted rights A: Actual rights granting through different mechanisms												

Table 1 Property rights and tenure typology in Al Qobbeh Housing- Source by author

Based on the information available from the dataset and from conversations with key informants, table 1 presents the range of tenure systems and the property rights in Al Qobbeh housing project. According to a conversation with a project coordinator in

SHIFT, none of the residents have title deeds, even those who have completed their payments to CFD as the entire project have not been parcelized.

This typology presents eight different types of tenure systems available within the project; 1) freeholders who completed their installments but have not registered their property, 2) freeholders who defaulted on their loans 3) tenant with rent contract, 4) tenants without contracts, 5) squatters, 6) protected squatters. I use in this table an adapted set of property rights that Payne (2005) presented in his article, based on the current rights in the case of Al-Qobbeh. Additionally, I introduce here another layer of understanding the enforcement of property rights through categorizing each under ‘legal’ and ‘actual’. The legal (described on the table by the letter ‘L’) which is what is granted legally, and the actual (describe on the table by the letter ‘A’) which is what dwellers can access in reality regardless of the legal procedures.

The first category of tenure is freeholders those who were selected as ‘right holders’ and have not completed the payment installments of their apartments. In this case, it is either those who pay regularly their installments and their mortgage period is not over, or those who have defaulted on their payments. The second case is considered to be very common, according to the lawyer of *Tahet El Sakef* campaign<sup>13</sup>. According to clause no. 9 (*figure 19*) of the sale agreement, defaulting on three installments would lead to a de facto loss of property and considers any previous installments as dues covering the period of inhabiting the apartment. In such cases, and based on the sale agreement, the CFD can resort to the appropriate legal and judiciary to evict the dwellers in case they have not left it. Given the dire economic situation of the residents of the projects, many have stopped to pay their installments, but according to a

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<sup>13</sup> Conversation with Saleh Ayoubi, November 2020

representative of SHIFT NGO<sup>14</sup>, no legal procedures or eviction have been attempted to date. By defaulting on their payments, these residents also forfeit their right to sell, bequeath or sublet their apartments, in addition to losing their legal right to perform any repair or maintenance work.

The second category is freeholders with unregistered property, who represent those who have completed paying their installments and fulfilled the terms of their sales agreement. However, these properties are still not registered as the entire project is still not parcellized and due to violations on common properties. In these cases, the Land Registry places a hold on property on the request of the CFD because residents had trespassed the ground floor. These apartments are not even registered under the name of the CFD as the parcellization of property has not been done until this date. In Al Qobbeh housing project, the ground floors in many of the buildings are currently being used illegally by residents as retail stores. Since these ground floors are assigned as commons according to the common property regulation, any other use of these spaces is considered a violation. The only case where these spaces can be used other than parking lots, is when the 75% of the owners' association members vote to change its use, according to article 49 legislative decree no. 88/1983 which regulates common property. With absence of owners' associations and a management structure for each property, the trespassing becomes a violation, and justifies a hold on transgressing proprietors. Freeholders in this case are not able to register their properties and thus lose some of their property rights. While their right to occupy, sublet, improve or bequeath are not compromised, their right to sell their apartments is only limited to notarized sale

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<sup>14</sup> Conversation with Bilal Ayoubi, December 2020

contracts that cannot be registered in land registry, which diminishes the chances of selling the property.

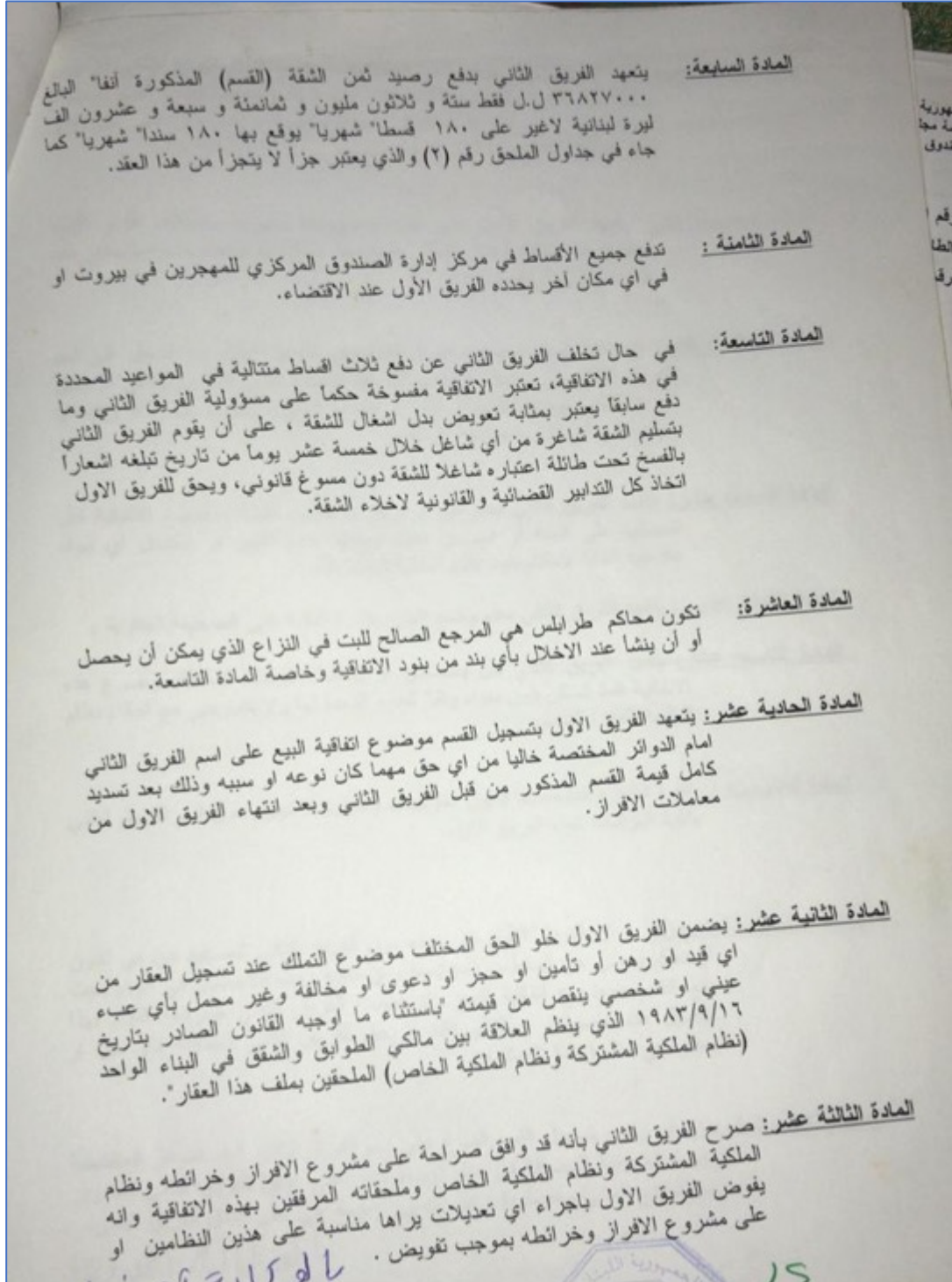


Figure 19 Sale contract between CFD and rightholders-p.4 showing clauses 9, 10, 11, 12 and 13

The third and fourth category are tenants who have a rental contract with the owner of the apartment, and those who have a verbal agreement with an owner or a protected squatter respectively. Tenants with rental contracts have the right to occupy, access services and improve their property, pending approval from the owners. As for the tenants without contract, their legal right to occupy the apartment is not secured, but in reality, there is no hindrance to their occupancy given the verbal agreement with the owners or the protected squatters.

The fifth category is the protected squatters, who have no 'legally recognized' right in the property they occupy, they informally enjoy the right to occupy, sublet, improve and bequeath their apartments. The protected squatters are the group of dwellers that have illegally accessed housing units in the project through their connections with local CFD representative in the project. Given their relationship to local influential actors<sup>15</sup>, protected squatters seem to have more property claims than other dwellers. Protected squatters enjoy their claim to these properties by freely subletting them. While legally they lack any access to these apartments, their access to influential people could provide them the ability to exercise their claims to the properties in multiple ways.

The sixth category is squatters who sought refuge in the project during the violence in the neighboring Bab Al Tabbeneh and Jabal Mohsen, have the least property claims beside their ability to occupy and improve their dwellings.

The six categories accessed housing in various ways whether through the formal access, freeholders and formal tenants, and informal, squatters, protected squatters and informal tenants.

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<sup>15</sup> Conversation with Saleh Ayoubi, April 15<sup>th</sup> 2020.

### **3.5 Legitimization and Enforcing Property Rights and Tenure Security in Al Qobbeh Housing Project**

The assumption that freehold is the main way to secure tenure and thus protect households from eviction is challenged in the literature and in the case of Al Qobbeh housing project. All tenure groups presented previously are currently at risk of eviction except for freeholders who completed their installments. Faced with this fact, tenure security becomes a priority issue to respond to, and which the current framework of freehold is not enough to protect dwellers from eviction.

Tenure security cannot be considered as a simple legal or illegal matter, or as a relative concept and a matter of both perception and law. Looking into tenure types in the project, less than 50% of the household are owner, of which none of them hold title-deeds or have registered properties. Tenants occupy around 37% of the apartments in the project, which are divided between those who have legal rent contracts and those who have rented their dwellings through verbal agreements either with owners or protected squatters. Squatters occupy around 14% of the apartments in the project. In order to assess the levels of tenure security residents enjoy, might require further research, however the available data can help show the mechanisms and frameworks which enforce this tenure security. Additionally, I do not have access to the exact numbers of residents within each of the tenure categories mentioned in this table.

In this section I explore these mechanisms and frameworks briefly to help illustrate the map of actors in Al-Qobbeh housing project which I present in chapter 6. Whether governmental or non-governmental, formal or informal, these actors play a major role in this project, which is for now, maintaining the status-quo.



<b>Tenure form</b>	Freeholders (payment default)	Freeholder (unregistered property)	Tenant with contract	Protected squatter	Tenant without contract	Squatter	Hosting
<b>Form of securing tenure</b>	Sales agreement	Sales agreement	Rent contract	Connections with local CFD officials	Verbal agreement with owner	Tahet El Sakef campaign	Verbal agreement with host
<b>Institutions enforcing claim</b>	CFD	CFD	Municipality + Police force	Local CFD officials + local prominent actors	Police force	Tahet El Sakef Campaign	-

Table 2 Forms of secured tenure and mechanism of enforcement- Source: by author

The inhabitants of Al Qobbeh housing project secure their tenure through different channels, mechanisms and institutional frameworks. A look into this project shows how security of tenure is not only connected to legality, but also to other social and communal dynamics and relations. While the available data on the project cannot provide an accurate description of the level of tenure security, it can give an idea about the factors in which this security is derived. Each tenure group has a different way of security tenure which depends on the entity or collective enforcing the claim to their properties.

The freeholders in the project secure their tenure through the legal sales agreement with CFD proving their ownership of the property. This agreement is the only legal documents that protects them from eviction. The other group of freeholders, those who defaulted on their mortgage payment, are at risk of eviction as it is a legal procedure mentioned in the contract in case of default for consecutive three months. Tenants in the project secure their tenure either through their rent agreements, which would regulate the duration of occupancy and protect against eviction. These rent agreements cannot be terminated from the side of the landlord and thus renters are

protected against forced eviction during the duration of the agreement (Rent law amendment, no. 2/2017). In cases of hosting, or renting without legal contract, a verbal agreement with the owner of the property is the only guarantee against eviction. In some cases, tenants or landlords choose not to have a written rent agreement for different reasons which I do not go into as I have no accurate information. However, this could be either due to the reason that tenants are renting from protected squatters, or if landlords want to avoid any legal obligation. In some cases, tenants without a legal contract might enjoy higher security of tenure, due to their connections or relationship with the landlords, than right holders who have defaulted on their mortgage and have to be subject to law enforcement as a result of violating clause no. 9 in the sales contract. Another similar example is the case of protected squatters who secure their tenure through their social connections, either with CFD or with influential local individuals. These relationships have protected them from eviction and insured their uninterrupted occupancy in their apartments since they squatted them. The case of other squatters, mainly those who fled Tabbeneh and Jabal Mohsen, is similar in the form of tenure security but through different dynamics and relationships. Through their campaign, *Tahet el Sakef*, and their solidarity efforts, squatters were able to put pressure on the CFD to prevent evictions and drop the lawsuits against them.

### **3.6 Property Rights and Management of Housing**

After discussing property rights in Al Qobbeh Housing project, and their intersection with tenure security, I link in this section these two themes to housing management and maintenance. As previously mentioned, the right to improve dwelling is legally strictly limited to freeholders or formal tenants pending approval of owners.

The right to improve or upgrade common/shared spaces within the property are also tied in the Lebanese legal framework to property ownership, freehold. This legal framework corresponds to the condominium system of ownership in which each apartment is owned by an individual and the common spaces of the building are jointly owned by everyone. Another system of ownership is the unitary system, which is not used in Lebanon, where owners collectively share the ownership of a multi-story building and land and have exclusive right to permanent occupation of a particular apartment (Lujanen, 2010). The difference between both systems is that in the unitary system, owners are considered as shareholders in the entire building and land is co-owned, while in the condominium system, each owner has a delineated ownership of a particular apartment and share the ownership of common spaces of the building. Ownership structure in unitary system can take different forms depending on the legal and judicial frameworks, where it can be a cooperative, limited liability company, or association. As for the condominium ownership system, ownership is exclusive to a particular unit with a clear governance structure organizing owners to manage the common and shared spaces. Such governance structures vary across countries, where they are referred to in different terms including corporation, community of apartment owners, association, and homeowners' committee (Lujanen, 2010). Condominium laws, which govern the management of condominium housing, are very common in most countries, as they provide a clear definition of owners' rights in the property, and their responsibility of common parts of the building (Tsenkova, 2005).

In Lebanon management and maintenance of private property is the sole responsibility of the freeholder and is regulated by *Common Property regulation* ( نظام الملكية المشتركة) enacted in the legislative decree no. 88/1983. This regulation assumes

that every building/ property has a committee of owners that is entrusted with the maintenance of its shared sections and the general condition of the building. The regulation further includes provisions that the owner can be penalized by having a hold placed on their property - if s/he doesn't cover the cost of maintenance. This mechanism, which is an extension of freehold, will be further detailed in the next chapter.

Limiting management and maintenance of common spaces to freehold poses a key challenge in Al Qobbeh Housing project. As many of its residents fall within different tenure groups, their ability to take responsibility of management and maintenance as per the current legal framework becomes impossible.

### **3.7 The Challenges of Freehold as a Model in Al Qobbeh Housing Project**

Al Qobbeh housing project as conceived is designed around freehold being the only form of property holding, which ties the access to housing to a single bundle of property rights.

The review of property and tenure security conditions of Al Qobbeh Housing project in addition to the current legal framework for management and maintenance show multiple challenges.

First, the model of property adopted in the conception of Al Qobbeh Housing project favored freehold without considering the burdens that come with this bundle of property rights. This model assumes that new property holders are capable of forming owners' association and capable of covering cost of maintenance through their membership contributions. As shown in the section on socioeconomic conditions of the residents, all residents of Al Qobbeh housing project are of low-income group despite

the minor differences in monthly household income. The freeholders' income proves their limited financial capability to cover the cost of maintenance of common property, in addition to the direct housing-related expenses, monthly installments to CFD. The challenge of management and maintenance of the project will be further discussed in the next chapter

Second, limiting access to housing in the project to freeholders, has put residents holding different forms of property claims at risk of eviction. This also includes freeholders who have defaulted on paying their monthly installments to CFD. This said, a major population of the residents are at risk of eviction from the project, despite the lenient enforcement. Therefore, the model of freehold cannot not sufficient to ensure tenure security of the low-income households.

Third, the legal framework that regulates property maintenance only consider freeholders to take part of owners' association or what is usually referred to as "building committee". This framework excludes all different forms of tenure which leaves properties resided by non-freeholders without any mechanism to manage and maintain their common spaces and thus subject to deterioration.

To respond to these key challenges, it is important to consider revisiting the property conditions of Al Qobbeh Housing project. Accordingly, these requires unbundling property rights and providing different sets of rights depending on the needs and priorities of each tenure group in the project.

Table 3 summarizes the current conditions of each tenure group, their interests and needs in the property and proposes alternative bundles of property rights corresponding to these needs.

The table shows two common interests across most tenure groups. The first interest which is common across all the residents is the enhancement of the physical conditions of the building, their common spaces and the infrastructure.

The second need which is shared by all residents except all residents except freeholders who completed their payments is protection from eviction. As previously presented, each tenure group is at risk of eviction due to defaulting on payments in the case of freeholders, illegal occupation in the case of squatters, protected squatters and informal tenants.

However, each tenure group still have particular needs depending on the mode of acquiring their housing and nature of their property claims.

		<b>Current Condition</b>	<b>Needs/ Interest/ Priorities</b>
<b>Freeholders</b>	Payment completed	Waiting for property registration pending violation removal and parcelization	<ul style="list-style-type: none"> <li>- Register property fulfill initial agreement</li> <li>- Ability to sell and transfer property</li> <li>- Potential increase value of property</li> <li>- Better physical conditions</li> </ul>
	Payment default	Risk of eviction- after three-month default as per sales agreement	<ul style="list-style-type: none"> <li>- Protection from losing property</li> <li>- Protection form eviction</li> <li>- Not lose initial investment in their apartments</li> <li>- Better physical conditions</li> </ul>
<b>Squatters</b>	Protected Squatters	Risk of eviction	<ul style="list-style-type: none"> <li>- Below market housing cost</li> <li>- Protection from eviction</li> <li>- Better physical conditions</li> </ul>
	2008-2014 Squatters	Waiting for settlement with CFD allowing them to purchase the units Risk of eviction	<ul style="list-style-type: none"> <li>- Opportunity to purchase units</li> <li>- Below market housing cost</li> <li>- Protection from eviction</li> <li>- Better physical conditions</li> </ul>
<b>Tenants</b>	Rent agreement	No information on rent payment	<ul style="list-style-type: none"> <li>- Below market housing cost</li> <li>- Protection from eviction</li> <li>- Better physical conditions</li> </ul>
	Verbal agreement	Risk of eviction depending on landlord. Renting either from protected squatter or owner without a written agreement	<ul style="list-style-type: none"> <li>- Below market housing cost</li> <li>- Protection from eviction</li> <li>- Better physical conditions</li> </ul>

Table 3 Proposed options for bundles of property rights according to priorities

In the case of defaulting freeholders, they would not want to risk losing the initial investment done through the previously paid installments. Freeholders who completed their payments are unable to register their properties and acquire their title deeds as the entire project has not been parcellized. Accordingly acquiring a title deed is considered as their key priority as it is their guarantee of their property right.

Squatters who fled the violence in 2008 and 2014 have expressed in different instances their need to housing and their will to purchase these apartments through the same facilitated payments as right holders. Protected squatters share the same need as they claim to be right-holders in the project. Tenants who rent their apartments from protected squatters have their priorities limited to access to housing.

The needs and priorities of different tenure groups proves that any attempt to regularization should consider different options of property rights without limiting them to freehold.

### **3.8 Proposed Alternative Options**

Payne (2004) argues that with increased complexities of tenure conditions and property rights, it is recommended that priority be given to improving the rights associated with these existing tenure systems, rather than formalization. Adopting this approach, solutions for Al-Qobbeh housing project should consider intermediate tenure systems, which can provide more tenure security for low income dwellers through a revised bundle of property rights without transfer of property. Accordingly, and based on the needs and priorities I presented, I propose different options of property rights bundles (table 4) to deal with the different priorities. These options include the tenure groups that are currently at risk of eviction. The objectives of this proposition are to:

- Issue certificates of use for residents at risk of eviction
- Develop Fair framework that takes into consideration the discrepancies in contribution of residents (owners, defaulting owners and squatters)
- Disconnect management and maintenance of property from freehold and create a mechanism to engage all residents.
- Develop a collective model of ownership, such as housing cooperative, which can accommodate the different property rights bundles, and provide equitable distribution of shares to residents depending on their contribution (further detailed in the next chapter). This requires that properties are blocked out of the market through transferring them to a cooperative which will be responsible to establish different bundles of property rights and criteria for acquiring housing in Al Qobbeh Housing project.



















	Option 1	Option 2	Option 3
Defaulting freeholders	Buy property through facilitated payment scheme 	- Right to use - Property transferred to Coop - Shares in property reflect amount covered by previous installments 	
Protected Squatters	Buy property through facilitated payment scheme 	- Right to use (if inhabited) - Minor share in coop in return of fees 	Leave unit if not inhabited
2008-2014 Squatters	Buy property through facilitated payment scheme 	- Right to use (if inhabited) - Minor share in coop in return of fees 	
Verbal agreement	Stay if renting from legal owner 	- Right to use- rent from coop (if renting from protected squatter) 	Leave unit if renting from protected squatter
Occupy		Dispose/ sell 	Inherit/ bequeath 
Sublet		Access Services 	Access credit 
			Develop/ Improve  Develop/ Improve pending approval from owner 

Table 4 Alternative bundles of property rights

Defaulting freeholders can have two options that respond to their need to be protected from eviction and retain their investment in their apartments. The first option is to continue payment of installment through a revisited facilitated scheme in line with their financial capabilities. In the second option, they lose the ownership of the property, but retain the right to occupy, improve, access services and bequeath to their direct family. Protected squatters can have three options to respond to their need to housing and protection from eviction. The first option is similar to defaulting freeholders where they get access to purchasing the apartments as right-holders. The second option reserves

their right to occupy the apartment through a contract (rental or lease) and in return of financial contribution or other forms of contribution depending on the arrangement with the owner- in this case I use the model of a cooperative. The third option is to leave the apartment with no property rights in case they have illegally squatted it and currently not using it as a shelter.

Squatters who fled Jabal Mohsen and Tabbeneh share the same first and second option with protected squatters as they have similar needs.

Informal tenants can have three options corresponding to their needs. The first option is to have the rights provided by a legal rent contract if they have an agreement with a legal owner. The second option is to retain their right to occupy, access to services through a contract with the cooperative and in return of rent fee that fits their financial capability or through other forms of in-kind compensation. The third option is to leave the unit with no rights in case their agreement is with a protected squatter and refuse to have a rent contract with the cooperative.

### **3.9 Conclusion**

Housing policies around the world have promoted titling in the last two decades, mainly in low-income countries with large populations living in informal settlements. Several arguments have been used to justify this policy, namely ones related to economic development, poverty reduction, protection from forced eviction, facilitation of provision of services network and encourage more investment in dwellings (World Bank, 2003). This policy approach has also been highly criticized, by presenting counterarguments showing how titling can lead to gentrification, increased poverty in some cases, and disruption of social and economic networks. While I don't claim that property ownership in the case of Al Qobbeh has induced more poverty, I argue that

such solution did not have any impact on enhancing the livability of the residents of this neighborhood, but rather induced complexities in tenure and limited the residents' ability to maintain the properties that some of them now own. For this reason, I tried to dissect the different forms of tenure and variations of property rights and stakeholders and institutional frameworks enforcing these rights, to better explore potential options for collaboration in managing this project and enhance its livability.

Payne (2004) argues that with increased complexities of tenure conditions and property rights, it is recommended that priority be given to improving the rights associated with these existing tenure systems, rather than formalization. Adopting this approach, the key priorities are securing tenure and revising the bundles of property rights allowing for the contribution of residents to management and maintenance of the project, away from limiting it freeholders. The significance of this approach lies in the potential of formalizing the right of all dwellers to live, provide them with the ability to legitimately contribute to management of the project and reserve low-income housing stock for the long run. In the next chapter I detail the current mechanisms of property management and maintenance and use the different options I proposed in this chapter to formulate a management program that allows for participation of residents in maintaining their buildings and thus enhance the livability of the project on the long-run.

## CHAPTER 4

### MANAGEMENT AND MAINTENANCE: OPTIONS FOR AL QOBBEH HOUSING PROJECT

#### 4.1 Introduction

Housing policies have largely shifted towards the paradigm of market enablement where the roles of state agencies, the private sector, and civil society are all centered on the assumption that the market will secure the housing provision (Bredenoord et al, 2004). In this context, and with the rise of privately-owned housing resulting from waves of privatizations all over the world, many of the government subsidized services related to housing management and maintenance have also been affected. Privately-owned housing has offloaded responsibilities on homeowners, who are required to secure the means to purchase a housing unit through market mechanisms and to manage their properties, once they own it, either individually or through collective organization (Sendi, 2006). Thus, all rights and obligations concerning housing management are the responsibility of the dwellers. As a result, the deterioration of large-scale housing complexes and the accumulation of examples of their dilapidation have led to a series of interventions to rethink the tenure arrangements through which these complexes are leased or privatized (Watt & Smets, 2017). Before exploring these themes, I point to the fact that the delegation of the responsibility of housing to the private has consistently undermined the right to housing globally. However, amidst the financial crisis in Lebanon, it is imperative to identify ways in which lower income groups can improve their conditions.

In this chapter I start by presenting the current legal framework regulating maintenance of private property in Lebanon showing its key challenges and pitfalls in terms of residents' participation, limited financial sources and lack of external support. Then I present different models of management and maintenance of housing from the literature on different approaches and models for housing management and maintenance. The main purpose of this literature review is to extract key lessons related to the institutional structure, government support, technical know-how, and sources of financing of different forms of housing management including cooperatives, non-profit housing and homeowners' associations. Building on these lessons and the current conditions in the project I propose in the last section two scenarios for management models that ensure participation of residents, disconnects management of common property from only freehold and capable of utilizing local assets to generate income to cover maintenance.

#### **4.2 Homeowners' Associations in Al Qobbeh Housing Project**

As mentioned in the previous chapter, management and maintenance of common spaces within property in Lebanon is the sole responsibility of the owners. This responsibility starts once one becomes a freeholder and signs on an annex to the sales agreement, which defines the roles of the owners in managing and maintaining the common properties. This annex reflects the clauses of the *common property regulation* (نظام الملكية المشتركة) which was enacted in the legislative decree no. 88/1983 regulating management and maintenance of property in Lebanon. The responsibility of freeholders starts with organizing in a property owners' association, electing representatives for specific roles such a treasury and manager of association and contribute financially to a

fund to provide property maintenance. The dwellers of Al-Qobbeh Housing project became overnight owners of apartments in brand new buildings that are distinctly different than their previous dwellings in terms of scale and were required to use the owners' association framework to ensure maintenance of their buildings and common spaces. The common property regulation clearly considers owners within one property to be part of owners' association, which is in charge of maintenance and management of all common spaces including its facades, elevators, electricity network, among other services. This regulation applies to all privately-owned buildings that have more than 3 housing units. Although owners of the units sign on the regulation as an appendix to the sales contract, in practice, enforcement by governmental bodies is lagging. Furthermore, the regulation specifies that annual membership fees for the building committee should be at 400,000 Lebanese Pounds, which, as described in Chapter 2, amounts to the monthly income of more than 80% of the dwellers of Al Qobbeh Housing project.

This framework presents multiple challenges for low-income dwellers as it hinders their ability to contribute to housing management and maintenance and thus leading to deterioration of many buildings. First, and as I mentioned in the previous chapter, the common property regulation in Lebanon limits participation and contribution to management and maintenance of common spaces to freeholders, excluding other dwellers in different tenure forms. Excluding non-owners from this process can lead to dilapidation of buildings particularly in neighborhoods where informal practices are the only mechanism for low income households to access housing. Second, this framework is not necessarily functional even in cases where residents are property owners, but with limited financial means. As this framework lays off all the duties of managing and maintaining buildings on property owners, the

additional cost incurred on low-income households stretches beyond their financial capabilities leading to defaulting on paying maintenance fees to owners' association and thus becoming a dysfunctional and incapable to maintain good conditions of buildings. Additionally, this framework allows residents within one property, not one building, to organize in an owners' association, which poses another challenge. In the case of Al Qobbeh Housing project each property includes between 4 and 7 buildings, which raises the number of residents within one property and thus all are needed to be represented in one owners' association. While this could be solved through revisiting the parcellization of the project, currently owners within one building cannot organize using the common property regulation.

Third, owners' association do not have sources of income besides members' (owners) fees and financial contribution. Major repairs and day-to-day maintenance are solely financed by owners, without any external support from governmental or non-governmental agencies as it falls within private property.

#### **4.3 Literature Review: Models of Housing Management and Maintenance**

The literature shows that there are multiple models of low-income housing governance which I grouped into two broad categories based on the forms of participation that is required from the households, the nature of the collaboration with central or local government, and approaches they use to the management and maintenance of the housing project: 1) Homeowners-managed housing and 2) Cooperatives, Corporations and Non-profit housing. After reviewing the current legal framework used in Lebanon and its main challenges to low-income neighborhood, I present first a summary of models of homeowners' associations used in different

countries. I focus in my review on countries post-socialist countries mainly because of the similarities in terms of transferring public housing to residents, where they became homeowners with more responsibilities after years of being hosted in publicly constructed, managed and maintained housing complexes.

#### ***4.3.1 Homeowners Associations: Management of Housing in Former Socialist Countries***

The former socialist countries in Eastern Europe present a unique case whereby the diminishing role of the government in housing provision has consequently limited their role in management and maintenance of housing complexes. Prior to privatization, state agencies were responsible for the construction, management, and maintenance of housing. With the fall of the socialist regimes in these countries and the shift towards neoliberal economies, these public housing projects witnessed massive waves of privatization of previously state-owned housing, in countries like Slovenia, Czech Republic, Moldova, and former Yugoslavia (Tsenkova, 2005). However, these countries employed different approaches to housing management and maintenance whereby, in some cases, the role of the public sector remains relatively significant, and other case the private sector have become a main actor. In this section, I provide a brief summary of each country's process of privatization and policies employed for management and maintenance of housing complexes.

In the Czech Republic, liberalization of housing policy took different forms. Those whose houses were nationalized under the previous regime were returned to them, and state-owned rental apartments became under the jurisdictions of municipalities, who had the right to manage, rent and sell them. Decentralization of housing provision, from national to municipal level, caused a major increase in local budgets, and eventually led to large wave of privatization of dwellings (Lux & Sunega,



2009). Privatization came in the form of a condominium system of ownership, where individuals own apartment houses and share ownership in common areas of the buildings. With these measures the responsibility of management and maintenance of the communally used functions and spaces of the building, such as the roof, stairs or elevator, became within the role of homeowners' associations which were enforced by a new law on apartments and non-residential premises (ibid). Once more than three residents become homeowners in one building, the homeowners' association is recognized automatically by the cadastre register, and its members decide on different aspects of management and maintenance through simple majority voting. The association is mainly financed through contributions from homeowners and occasional municipal grants. However, the homeowners' association according to Lux (2009), were not always an effective mechanism to maintain buildings as new homeowners often remained inactive for several years and the problem with the lack of effective house management remained.

Despite a similar pattern of privatization, the case of Moldova is slightly different in terms of involvement of local governments in management of housing. Moldova passed a series of legislations in the early 1990s, which led to the reduction of public investment in housing and the removal of maintenance subsidies (Tsenkova, 2009). Privatization of housing in Moldova happened through the transfer of dwelling ownership to tenants free of charge or at a nominal fee. Similar to other countries in Eastern Europe, the government introduced a condominium law in year 2000, which regulates the organization of owners, within Homeowners associations (HOA), as well as procedures for the enforcement of rules and obligations and cost sharing mechanisms (Tsenkova, 2009). The HOA elects a board of directors which would handle

maintenance through contracting external parties or volunteering individually to perform maintenance works. The cost of management and maintenance is charged and covered by the contributions of homeowners at recovery cost. If owners of a building do not establish a HOA, the municipality-owned housing management companies (HMME) became responsible for maintenance with contractual obligations and at prices regulated by municipal councils. Tsenkova (2009) discusses multiple challenges to the process of self-management of housing buildings post privatization mainly ones related to the ability and competence of owners to organize and reach consensus and limited financing capacity which leaves maintenance at its minimum standards.

The case of Serbia is very similar to the previously presented cases in terms of organization, but with minor differences related to co-ownership of common spaces. While the case of privatization of housing in Serbia remains within a condominium system of ownership, the purchase of apartments does not include any right in the common spaces in the building as they remain a public property with common right of use (Mojovic, 2009). Condominium assemblies act as legal bodies responsible for management and maintenance of buildings. Similar to the case of Moldova, municipal public companies, where they still exist, are contracted to handle maintenance of common facilities. The expenditure for maintenance contracted with public companies is financed by fees charged to the owners. The common areas are maintained by the municipal companies in coordination with the condominium assembly. Homeowners' associations (condominium assemblies) are not established in all buildings (Mojovic, 2009) and thus most of the management and maintenance efforts remains within the responsibility of the municipal public companies. Maintenance of common areas is

usually conducted by municipal companies in coordination with the chairman of the homeowner's assembly.

The significant increase in private ownership in Slovenia in the early 1990s was coupled with new policy measures and housing management mechanisms and regulations. The introduction of the Housing Act in 1991 provided the legal framework for housing management, shifting it from the government's responsibility to homeowners. This framework obligates homeowners to contract a 'housing manager' for each multi-story residential building of more than eight housing units. The responsibilities of housing management range from maintenance and cleaning of commons, upgrading and providing services to common areas and ensuring measures for protection and security. The framework provided by the state clearly defined the responsibility of the housing manager by representing homeowners before administrative authorities concerning the issuance of permits, preparation of annual maintenance plans, preparing management costs and distributing the cost amongst owners, reporting on management work and collecting payments from each. This framework also included the formation of supervisory committees whose role is to oversee the work of the manager, and represent the interests of homeowners. The cost of housing maintenance is covered by a legally enforced reserve fund, established and funded by homeowners and managed by the housing manager.

The challenges presented in these cases can be of a similar nature to those of homeowners' associations in Lebanon. The shift in the responsibility to manage and maintain property from governmental agencies or companies to owners shows multiple challenges mainly in areas housed by low-income residents. These challenges can be summarized into three key areas, technical, social and financial challenges. First,

technical challenges represent the limited experience and organizational capacity of homeowners' association in privatized housing to deal with management of common spaces (Tsenkova, 2009; Mojovic, 2009), collection of payments, review of competitive bids for services and quality control). Second, social challenges represent the limited ability to form homeowners' associations, ensure consensus and manage conflicts present another social challenge for such organizational framework (Mojovic, 2009). In many cases these associations were not formed, leaving the responsibility to the municipality in some cases or to homeowners to deal with deterioration of their buildings (Tsenkova, 2009). Third, the financial situation of these homeowners, where poor households find it challenging to cope with the rising costs of utilities difficult financial situation of owners. In some cases, the owners have limited understanding or awareness of the responsibilities and obligations that come along with homeownership, besides the acquired rights (Sendi,2009).

Al Qobbeh Housing project share similar levels of challenges which prevent them from effectively maintain their properties, except for one difference, the tenure and property complexities which lead to excluding non-owners from taking part in management and maintenance of their housing complex. To understand this additional challenge, I review another category of models of housing management and maintenance that differs from homewoners' associations by the nature of property rights of its residents. These models include Non-profit housing and cooperative housing.

#### ***4.3.2 Cooperatives and Non-profit housing***

Cooperatives are defined by the International Cooperatives Alliance as “*people-centered enterprises owned, controlled, and run by and for their members to realize their common economic, social, and cultural needs and aspirations*” (ICA, 2020).

Housing cooperatives are defined by the collective ownership and management of housing through democratic decision-making processes through the principle of one person one vote, (Sukumar, 2001, p.150), whereby the residents are referred to as members and are given the power to manage and govern their housing community (Sousa and Quarter, 2004). They have a critical advantage in relation to all other modes of governing housing: they allow the permanent withdrawal of a housing stock from the rule of the market, making it possible for cities to sustain a long-term viable housing stock below market rates.

Cooperative housing became more common following the decline in state-sponsored housing after 1970s and 1980s (Sukumar,2001; Sousa and Quarter, 2004; Ganapati, 2010). Faced with limited financial support for public housing several countries have used cooperatives as a third sector alternative for housing low-income groups (Sukumar, 2010), creating an alternative to heavily subsidized public housing and high cost market-led housing. Cooperative housing is considered to be one of the most successful frameworks for affordable housing of low-income earners due to the fact that it emphasizes active member involvement (Dreier and Hulchanski, 1993). With the retreat of the public sector in the provision of housing, and the inability of the private sector to cater across the income groups, alternative third-sector organizations like housing cooperatives gained ground among urban policymakers, scholars and community activists in both developed and developing countries (Ganapati, 2010).

Members of a cooperative contribute directly to decision making in matters related to their homes and community through a volunteer board of directors of the members and through participation in committees. Housing cooperatives could play a wide range of roles including providing housing finance, building and construction of

housing and property management (Ganapati, 2010). The literature shows many experiences of housing cooperative from around the world including countries like the UK, Australia, Canada, India, Sweden (Bunce, 2013; Sukumar, 2001; Gantapi, 2010), which I use in my brief review of the role of cooperative in housing management. Despite the differences in models of cooperative housing, one common key feature is that housing owned by cooperative are no more part of the real estate market (Dreier and Hulchanski, 1993).

Multiple types of housing cooperative play different roles in housing production and management. Housing cooperative could be categorized into four groups, tenure cooperatives, rent cooperatives, housing finance cooperatives and building cooperatives. (Ganapati, 2010; Sukumar, 2001). Tenure cooperatives, common in the US and Sweden, refer to cooperatives that own property and possess a title to a particular building or number of buildings, and where its members own equity and reside in these buildings. The cooperative in this case is also responsible for the management and maintenance of housing, including common areas of a building (ibid). Rent cooperative shares the same model, but members rent units within a building or complex of buildings without owning equity. In finance cooperative, members get access to credit to construct and repair their dwellings. Building cooperatives refers to cooperatives that builds and develops land on behalf of the members who then get access to housing.

Generally, government agencies play a relative role in housing cooperatives through providing the enabling legal framework and financial assistance (Sousa and Quarter, 2004). In India, the government promoted housing cooperatives for low-income households through providing credit, subsidies and allocation of government

land (Sukumar, 2001). In Canada, housing cooperatives are assisted through direct subsidies from the government and house people from a broad social and income mix (Dreier & Hulchanski, 1993). In Australia, housing cooperatives get access to public financing supporting in construction costs of housing and annual grants to reduce mortgage repayment (Bunce, 2013). Gantapi (2010) argues that the success of cooperatives in many countries such as Sweden, Australia and India are a result of the balance between their autonomy and relationship with the state. For instance, the case of cooperatives in Egypt presents a model that is highly dependent on government financing, through the Authority of Housing and Building Cooperatives which provide facilitated low interest loans to cooperatives, tax incentives and government-owned land below market price (Abdul Fatah, 2019).

In Lebanon, cooperatives are regulated by decree no. 15355/ 1964 which allows the formation of cooperatives and is defined as non-profit organizations whose objective is to improve the socioeconomic conditions of their members through cooperation between them towards a common objective (ILO, 2018). Cooperatives are exempt from most taxation including exemption from profit tax, municipal rent tax and the municipal construction tax, finance fee on contracts, and tax on owned real estate. Similar to the common model of cooperatives, members are shareholders in the cooperative and get access through buying shares. Cooperatives are supervised by the Directorate of Cooperatives within the Ministry of Agriculture. The directorate of Cooperatives is mandated to provide financial support to cooperatives and their unions, however, the lack of budget for this directorate has limited the funding to cooperative (ILO, 2018). In fact, cooperatives in Lebanon rely on funding from international organizations to finance their operations.

The literature shows different forms of cooperatives: non-equity cooperatives and limited-equity cooperatives. The difference between the two lies in the ability for property transfer. In non-equity cooperatives, a single property cannot be sold on the market, as each housing project is a collectively owned property. In limited-equity cooperatives a unit may be sold for a profit, although a ceiling is set to constraint the percentage of profit allowed (Sousa and Quarter, 2004). In both forms the members have ownership stakes in the success of the community and are directly involved in the management of the commons of their housing project. These cooperative models have the advantage of subtracting from the market housing units, thus preserving the social value of land and by extension the role of the unit as shelter.

While cooperatives have provided affordable housing in many countries, the literature reveals common challenges facing cooperative housing in low income countries. On the level of financing, the decrease of public funding has limited the ability of cooperatives to provide and maintain low-income housing. The internal organizations of cooperatives in low income households require to be facilitate by another catalytic agent (Sukumar, 2001), such as NGOs or large associations, or national housing cooperative associations as in the case of Sweden (Gantapi, 2010). Democratic participation in housing cooperatives provide members with the control over their decisions related to housing maintenance and management. However, Sukumar (2001) argues that participation of low- income households is usually challenging as they face opportunity cost between participating and doing other income earning activities. Additionally, the lack of managerial, legal and financial expertise of cooperative members pose a major challenge. These challenges are less common in countries were cooperatives are supported and run by nation-wide cooperative



organizations and alliances, which provide the needed know-how in areas related to management and finance. The level and type of government intervention plays a critical role in the success of cooperatives. Gantapi (2010) argues that it is important for the success of cooperatives that the government provide the enabling environment for the growth of housing cooperatives, while ensuring and retaining the cooperatives' autonomous model.

### **Non-profit organizations**

Another form of housing management is through non-profit organizations which relies on the involvement of the community in asset and tenancy management, and most importantly, allows the possibility to participate in housing management decisions (Nancarrow, 2017). The case of non-profit organizations managing housing is very common in the US, known by the Community Development Corporations (CDC). This model became common in the early 1960s. It originated with political advocacy, civil rights, and religious movements in low income neighborhoods (Stoutland, 1999; Gittel & Wilder, 1999). The first wave of CDCs was focused on local economic development, creation of jobs for low-income population. However, given the dire need for shelter, many shifted later to housing redevelopment. CDCs are grassroots non-profit organizations that aim to provide non-profit housing through producing and maintaining housing stock for low-income population. Similar to other non-profit organizations, CDCs focus in its approach on local and community-based need, but operates more like a for-profit enterprise (Krigman, 2010). Relying on professional management and operations, CDCs governance structure directly open to community leaders, interests and institutions and embedded into the social context (Squazzoni, 2009).

These CDCs rely mainly on donations, federal grants and more importantly local income generation and commercial activities (Stoutland, S.E, 1999; Krigman, 2010). CDCs are capable of investing financial and human resources in economic community development initiatives through capitalizing on economic and social investments (Squazzoni, 2009). As non-profit organizations, CDC managing housing projects invest profit or funds in maintenance depending on the priorities set by its members.

#### ***4.3.3. Lessons on Housing Management and Maintenance***

The literature on low-income housing management and maintenance reveals multiple models that differ in terms of organizational structure, sources of funding, citizen participation and engagement with government agencies. The models presented in cooperatives and non-profit housing can provide key lessons on engagement of local non-profit organizations with the community to provide better housing management framework. Additionally, and most importantly, it provides a better approach to deal with complexities of tenure and property claims. While homeowners' association model restricts access to squatters and tenants, cooperative housing and non-profit housing can provide multiple solutions to the current tenure systems through creating different bundles of rights and modes of claiming property, such as leasing, renting, owning or simply occupancy, while securing the right to participate in management through a collective structure. Accordingly, I use the collective model of ownership as my main direction in my proposed solutions. The cases from homeowners' associations provide key lessons on approaches to maintenance and engagement of the residents, the public and private sector in these processes. The three models can be useful to understand what potential sources of income to be utilized in housing management and maintenance. In the figures below, I summarize key points from the literature highlighting takeaways and

key processes of the different models of housing maintenance, which I utilize to learn from to better inform any management program for Al Qobbeh Housing project.

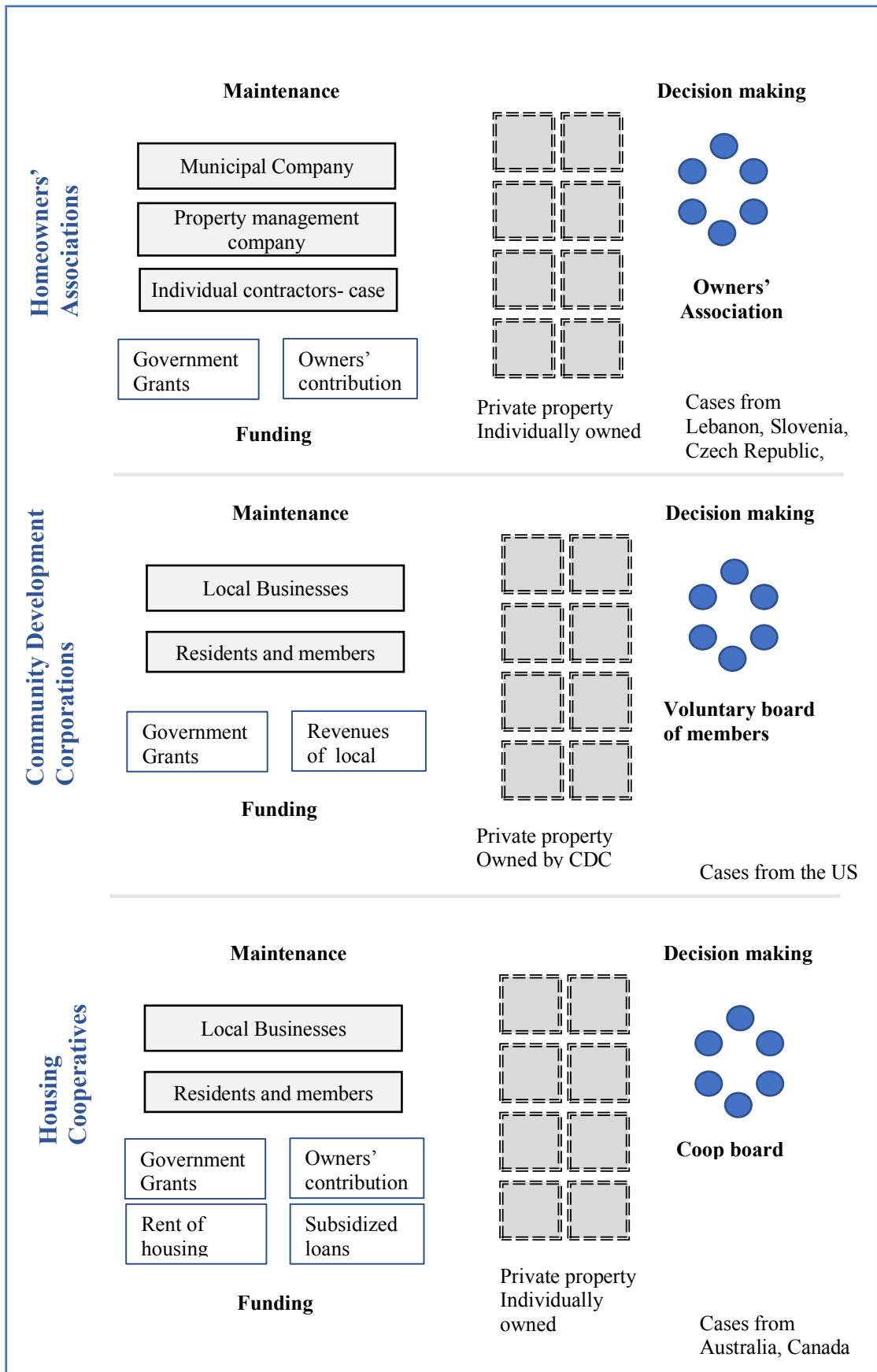


Figure 20 Models of Housing Management and Maintenance- Source: by author

#### **4.4. Alternatives for Management and Maintenance of Al Qobbeh Housing Project**

To respond to the challenges of management and maintenance in this project, any intervention should look into an organizational framework that deals with the multiple tenures and property claims, forms of representation and financing mechanisms. I identify below the key prerequisites for management framework:

- A fair framework that takes into consideration the discrepancies in contribution of residents (owners, defaulting owners and squatters)
- Requires buy-in of freeholders in the project, who have invested the most in their properties through paying the price of their apartments to the CFD.
- The readiness of residents to actively take part in organizing within a structure that will be responsible of management of common spaces and their maintenance.
- Resolve violations to optimize use of common spaces and parcelize property, in order to become ready to regularize and become registered.
- Define the scale of management which includes the number of properties that fall within this management framework as it influences the size of the needed investment and financing schemes.
- Technical support and experience in management and administration to be capable of providing the needed service for the project and respond to legal and logistical requirements.
- Explore multiple source of financing and funding to ensure that major repairs, such as building facades, elevators, and infrastructure, are covered in addition to maintenance on a regular basis.

#### 4.4.1 Organizational Model

In order to define a management scheme for the project it is first important to define the type of governing body that will be responsible for Al Qobbeh Housing project. As previously established in chapter 3, the proposed intervention on property rights and tenure condition will require a model of collective ownership. To understand the potential options, the below table compares between two available non-profit models in Lebanon: cooperatives, and non-governmental organizations.

	<b>Cooperatives</b>	<b>NGOs</b>
Legal framework	Decree no. 15355/ 1964	Law issued year 1909 prior to establishment of Lebanon and still in use
Membership	<ul style="list-style-type: none"> <li>- Open voluntary membership</li> <li>- Built on common interest</li> <li>- Shareholding- members access through buying shares in the cooperative</li> </ul>	<ul style="list-style-type: none"> <li>- Open voluntary membership</li> </ul>
Commercial activities	<ul style="list-style-type: none"> <li>- Are allowed to conduct commercial activities and make profit</li> <li>- membership fee</li> </ul>	<ul style="list-style-type: none"> <li>- not allowed to conduct commercial activities</li> <li>- membership fee</li> </ul>
Owning property	<ul style="list-style-type: none"> <li>- defined in the law- cooperatives can own property</li> </ul>	<ul style="list-style-type: none"> <li>- not defined in the law</li> </ul>
Tax exemptions	<ul style="list-style-type: none"> <li>- property tax in case of housing cooperative</li> <li>- Income tax</li> <li>- building permits fees</li> <li>- property transfer tax</li> <li>- credit contracts fees</li> </ul>	<ul style="list-style-type: none"> <li>- not mentioned in the law</li> <li>- exemptions are defined by a ministerial decree</li> </ul>

Table 5 Comparison between cooperatives and NGOs in Lebanon

The NGO law in Lebanon considers membership to be open and voluntary without any shareholding mechanism. The NGO law in Lebanon does not mention the revenue generation or commercial activities, nor the ways of owning and transferring property.

The cooperative law in Lebanon clearly defines the mechanisms of establishing and running cooperatives (Decree no. 15355/1964). Members of cooperatives are recognized as shareholders in the cooperative and no member can own more than 1/5 of the cooperative's total shares. The cooperatives law in Lebanon clearly defines the types of activities allowed, which include commercial activities and owning property, all of which are exempted from taxes. The cooperative's general assembly elects a board of directors responsible for its management in addition to a supervisory/ audit body responsible for supervising the work of the board of directors.

In summary, a cooperative is a model that provides higher participation of its members as they are shareholders with equal voting rights, more defined tax incentives and ability to acquire property and conduct business activities. For this reason, I use the cooperative as a model in my proposed intervention.

The residents of Al Qobbeh housing project will require a direct and continuous follow up from an external party, namely an NGO that is trusted and capable of managing an operation of property transfer, fieldwork and identifying revenue streams. Das (2015, p.10) argues that the experience of NGOs in communities can help programs reflect local needs, negotiate societal challenges, and leverage community assets. Since the already established committee, Qalb Al Mashrou' has been facilitated and supported by SHIFT, it is important that this cooperative be supported directly this same NGO to build on previous collaboration and benefit from their expertise and networks.

#### 4.4.2 Scenarios for a Management Framework

Based on the above prerequisites, this section presents two alternative scenarios that can respond to the challenges of Al Qobbeh Housing project. Both scenarios rely on a collective model of ownership as a key approach to provide secure tenure outside the model of freehold and deal with the complexities of tenure.

##### Scenario-1: A Hybrid Model

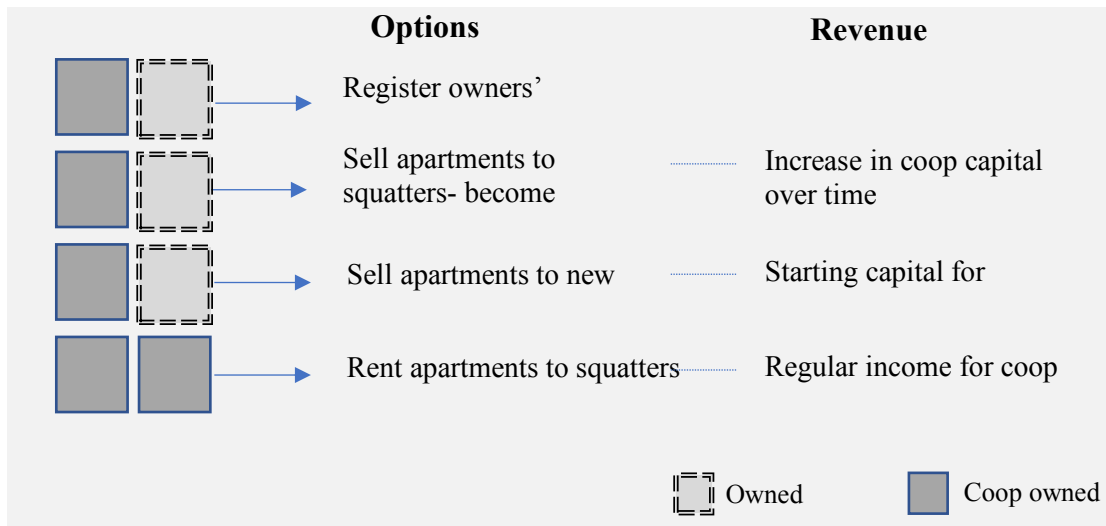


Figure 21 Hybrid Model for Management and Maintenance of Common Properties- Source: by author

This proposed model uses the current common property regulation framework whereby owners take decisions related to maintenance through owners' association. The difference in this model to current situation is the role of the cooperative in this owners' association. This model includes the following steps:

- **Property ownership:** The unsold apartments within Al Qobbeh Housing project are still owned by the CFD. These apartments are currently occupied by squatters, or tenants renting from protecting squatters. The property of these apartments in addition to the commercial shops (legally under the ownership of



CFD) will need to be transferred to the cooperative. Freeholders in the project will retain their ownership and will have their properties registered. Residents within the cooperative will retain their right to access housing through different modes depending on the property options presented in the previous chapter. Accordingly, their financial contribution to the cooperative will vary.

- **Organization:** residents will be organized in a homeowners' association that includes freeholders and resident members representing the cooperative's shares in the property. The size of representation of the cooperative in these associations will depend on the number of units owned within each property.
  
- **Financing sources:** owners' association will rely on the cooperative to provide funding for the major repairs of the project and its day to day maintenance through different revenue streams. First, the cooperative can sell apartments that are squatted, but not inhabited to new residents providing an initial amount to cover major repairs. Second, the cooperative-owned apartments could be rented out to squatters and/or new residents, which can partially finance day-to-day maintenance.

## **Scenario 2: Full Cooperative Model**

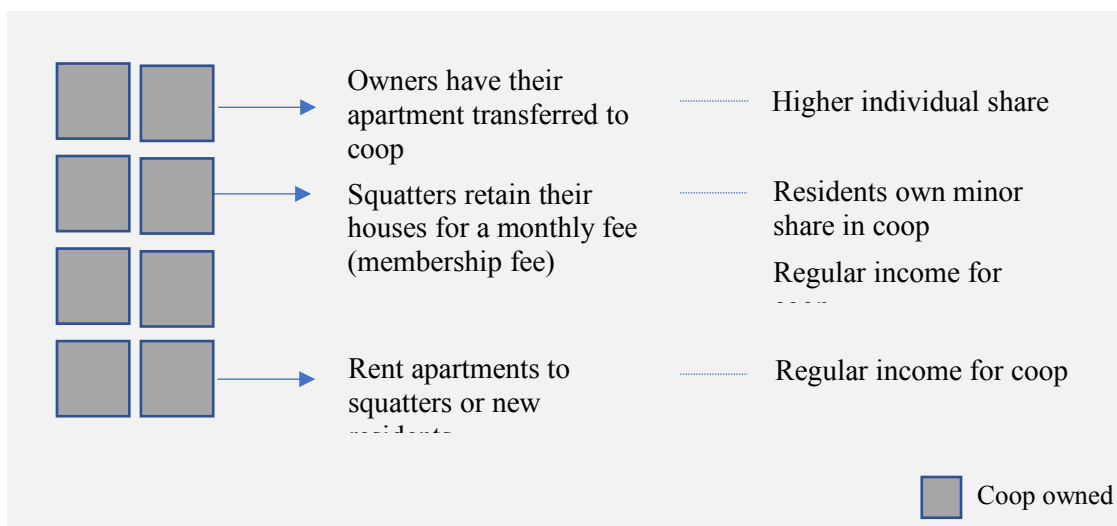


Figure 22 Cooperative Model for Management and Maintenance of Common Properties- Source: by author

In this proposed model where all property becomes part of the cooperative, the framework is different than an owners' association. It relies on the cooperative's decision-making processes and representation of its members, regardless of the current legal framework as property is under a single owner, the cooperative. This model includes the following steps:

- **Property ownership:** The properties within Al Qobbeh Housing project will need to be transferred to the cooperative including buildings, its common spaces and commercial property. In this model, freeholders will lose their properties but will be compensated by higher numbers of shares in the cooperative. Other residents will become shareholders in the cooperative with varying shares depending on their previous investment in their apartment, for example, defaulting freeholders will own shares in the cooperative that reflect the amount invested through the previously paid installments to the CFD. The cooperative is required to develop a fair share distribution scheme that would consider freeholders who invested in their apartments with higher shares as opposed to

squatters who have not paid for their apartments. Similar to the first scenario, residents under the cooperative will be retain their right to access housing through different modes as mentioned in figure 22 and depending on the options presented in the previous chapter. Accordingly, their financial contribution to the cooperative will vary.

- **Organization:** residents will be organized in cooperative that will be responsible for the entire project, including its buildings, the common spaces (spaces between buildings and gardens) and infrastructure. The cooperative will negotiate with the municipality of Tripoli and relevant ministries to get services or upgrades for the project's infrastructure.
- **Financing sources:** The cooperative in this scenario is similar to the previous scenario but with more available resources. First, the cooperative can sell apartments that are squatted, but not inhabited to new residents providing an initial amount to cover major repairs. Second, the cooperative-owned apartments could be rented out to squatters and/or new residents, which can partially finance day-to-day maintenance. The cooperative can decide on the size of contribution from all residents to ensure a fair treatment, including membership contributions, rent or other forms of in-kind contribution.

The two scenarios will require technical and administrative support to organizing the residents and setting the organizational structure, whether an owners' association or a cooperative. For this reason, I present in the next chapter the potential actors that can provide support.

#### ***4.4.3 Maintenance Approaches***

The project requires maintenance of infrastructure including elevators, sanitation, water and sewage networks. It also requires day-to-day maintenance and follow up on minor repairs within the buildings and in common spaces of the project. For this reason, the maintenance approach will look into both long-term repairs that are usually of high cost and minor maintenance including common spaces, streets and building maintenance. A physical assessment of infrastructure and building conditions is needed to help identify the requirements of renovation, and the costs required. This will help the cooperative or owners' association set a plan for long-term renovation, mainly those that require higher costs and other day-to-day maintenance and services. Maintenance could be done through different mechanisms which include collaboration among the public sector, the private sector and residents as follows:

- 1) Municipality: to extend their services within the project and provide maintenance of common areas within the project including more frequent garbage collection and maintenance of streets and pavements
- 2) Private contractors: which will be needed to provide maintenance for major works such as elevators, and other infrastructure that require a specific technical know-how or expertise that is not available within the managing body.
- 3) Local property management enterprise: established by the managing body and recruiting unemployed youth from the project. This could be supported by SHIFT through their local economic development programs focused on training. This enterprise can follow up on maintenance of day-to-day management and repairs required within the common areas and the buildings of the project. The deployment approach of this enterprise could be done to cover buildings, blocks of buildings or the

entire project depending on the need. This enterprise can start by providing maintenance to Al Qobbeh Housing Project and then later expand to other buildings and neighborhoods in the surrounding to generate additional income that can be utilized in the management and maintenance of the project.

#### **4.5 Conclusion**

Al Qobbeh Housing project is a case that combines issues of tenure security, informal occupation, lack of management and physical deterioration. As I presented in this chapter, the main reasons behind these challenges can go down to lack of planning for housing of the displaced through a mechanism that had an unclear eligibility scheme, absent management mechanism and maintenance left for low-income residents to organize, fund and implement. In this chapter I presented its key challenges and explored different models of housing management and maintenance and extracted lessons that I accordingly used in the proposed two scenarios.

The two proposed scenarios for management and maintenance of property allow for more participation from the residents, particularly with including other forms of tenure in this process and not limiting it to freehold. In the first scenario, all residents have a say in decision making process either as freeholders or as members of the cooperative who are both represented in owners' association following the Lebanese common property regulation. In the second scenario, all residents are represented through an equal vote in decision making within the cooperative which is the body responsible for management and maintenance of all common properties in the project. These two scenarios require further detailing to provide clear steps for implementation

and most importantly a process of consultation with the current residents in Al Qobbeh Housing project to ensure their buy in.

The key challenge to such scenarios is the ability of the residents to organize and reach consensus on a fair scheme for their financial contribution. I tackle this challenge in the next chapter, where I review the current roles of active stakeholders and their potential contribution to enable the residents to organize and establish an effective management and maintenance framework for this project.

## CHAPTER 5

### STAKEHOLDER ANALYSIS AND POTENTIAL ROLES IN AL QOBBEH HOUSING PROJECT

#### **5.1 Introduction**

In this chapter I argue that the elements for devising a communal solution for maintaining Al Qobbeh Housing project are present and are manifested in the level of investment of the residents in their dwellings, the technical support they have mobilized from the local NGO and from their will to organize to enhance the projects' livability. Considering the dire economic and financial situation in the country, the governmental agencies, particularly CFD will have limited options outside evicting the dwellers and pursuing the sales of the apartments. Keeping in mind that the priority here is ensuring housing and a secured tenure for the current residents of Al Qobbeh Housing project, the form of cooperative ownership of the properties present an opportunity for both the residents and the CFD. The CFD can release the burden of this project and leave room for its residents to organize and devise a model of managing and maintaining their properties that fits their needs, priorities and certainly their financial means.

I present in this chapter the stakeholders involved in Al Qobbeh Housing project including residents, non-governmental and governmental organizations. I start by describing the existing potential for collaboration through discussing the previous maintenance interventions conducted by residents in collaboration with local and international NGOs in addition to the willingness of the residents to take part in the project's management. I then present the different stakeholders involved and their

potential roles that can serve in implementing the proposed intervention for management and maintenance of the project.

## 5.2 Existing Potential in the Local Collaboration Efforts

While some interventions targeting the challenges of this project exist, they are still happening on an ad-hoc basis with very limited financial resources or governance structure. The residents have shown a clear will to have a representative body to manage and follow up on the issues of the project.

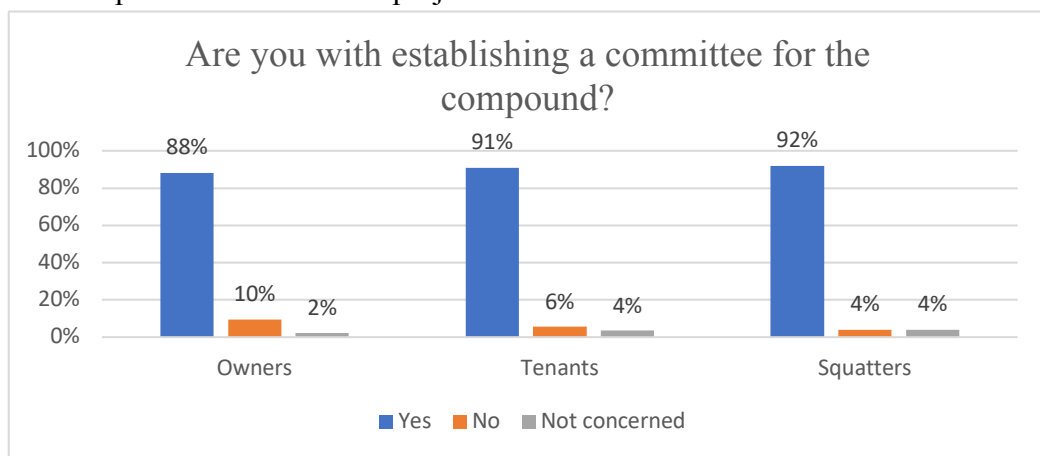


Figure 23 Residents' opinion regarding establishing a management committee for the project- Source: SHIFT Dataset

Data from the survey shows that the large majority of the inhabitants, regardless of their tenure conditions, are for the establishment of the committee that can manage the housing project. When asked whether they were supportive of a project committee, more than 90% of the respondents agreed. The differences between the responses of the inhabitants of different tenure situation were insignificant, where 91% of the tenants, 92% of the squatters and 88% of the owners responded positively to the question.



The responses about the role of this committee addressed several areas but mostly focused on the overall management of the project in addition to maintenance and physical upgrade. The majority of the responses included the overall management of the project (142 responses) and responded to the inhabitants' needs and improvement of the project (189 responses). The rest of the responses varied between waste collection and management, providing social services, dealing with social tensions, awareness raising, job creation, security, and maintenance of public spaces. While the responses do not reflect a particular role or approach to managing the project, they provide significant

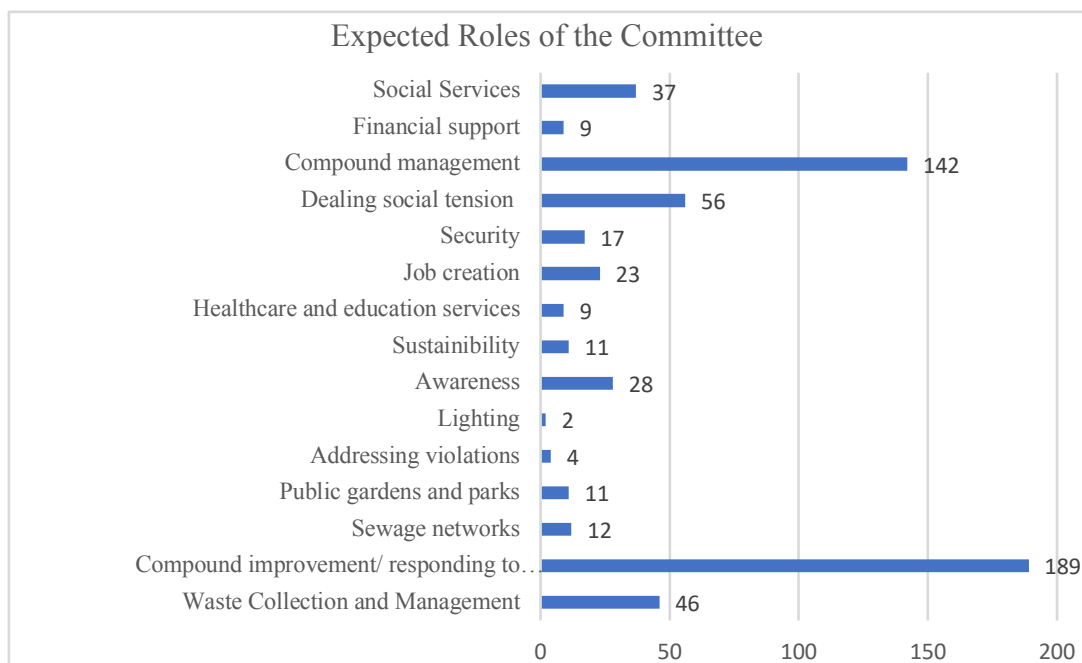


Figure 24 Residents' expectations of the committee's role- Source: SHIFT Dataset

insights for any potential interventions. The expected role of the committee seems to be aligned with the challenges and priorities mentioned earlier.

The analysis of this data shows willingness to collaborate amongst dwellers to find solutions to the challenges within the project, despite the differences and conflicts of tenure. The significantly low number of responses requesting that such committee

should deal with violations shows that the residents of the project might be understanding and accepting of squatting, at least to a certain extent.

### ***5.2.1 Individual and Collective Efforts for Maintaining and Dealing with the Project's Challenges***

Residents of Al Qobbeh Housing project are within the lowest- income brackets and suffer from the deterioration of their living conditions. The project is left with no governance structure to deal with management and maintenance of the properties, and limited attention and role in resolving tenure problems. However, these residents have been actively responding to the challenges they face in different ways. They have responded to the illegality of their tenure status, particularly the squatters among them, by organizing a campaign supported by a local NGO to demand from the CFD to resolve tenure challenges. They have also mobilized to address the deteriorated physical conditions of the project individually, whereby many residents took on the job individually to renovate the units they inhabit. Despite their limited financial means, individual households invested in their dwellings to enhance their living conditions. Collectively, the residents of the project, squatters and owners took part in a committee, *Qalb Al Mashrou'*, supported by SHIFT NGO to take on renovation works of sewage networks in the buildings of the project.

### 5.2.2 Squatters Campaign: Dealing with Tenure Challenges

Starting with issues of tenure as a major challenge in the project, the squatters in Al Qobbeh Housing project have been highly engaged to secure their right to housing and avoid eviction. The *Tahet el Saqef* campaign is an illustrative example of the solidarity amongst squatters. This campaign was assisted and supported by SHIFT NGO and a lawyer who volunteered to take on their case and prevent their eviction. Covered by numerous media outlets over the course of two years between 2017 and 2019, the squatters' campaign was able to put pressure on the CFD to prevent evictions and drop



Figure 25 Screenshot from Al Jadeed news report showing blue flags with Tahet El Sakef logo on the balconies of one building in the project- Source: AlJadeed Television

the lawsuits against them. To express their involvement in this campaign, squatting families hung a flag with a logo of *Tahet El Sakef* campaign on their balconies as a way to voice out their demand (figure 25).

According to Saleh Al Ayoubi<sup>16</sup>, the lawyer representing this campaign, the lawsuits were dropped in early 2019 and squatters were promised by the head of the CFD that

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<sup>16</sup> Conversation with Saleh Al Ayoubi, April 15<sup>th</sup> 2020.

their conditions will be resolved. The pressure this campaign exerted in national news and social media has pushed the CFD to reconsider the lawsuits to avoid any negative press, according to the lawyer. The squatters have clearly demanded to legalize their tenure in this project through offering to buy the apartment they squatted with the same facilitated installment payment as those that were offered to right holders. The profile description of *Tahet El Sakef* Facebook page of this campaign, ‘TahtElSaef’ (تحت السقف) describe their campaign as it literally translates from Arabic<sup>17</sup>:

*“More than 60 families from Tabbaneh and Jabal Mohsen [referring to the areas they fled during the violent clashes] are at risk to be evicted from their houses. Let us raise our demands and exert pressure on the Ministry of the Displaced to sell [the 60 families] them the houses so they can remain under its roof and in a legal way...In the end, they are all victims of violence clashes and wars among those who are in power.”*

One of the women interviewed in a news report broadcast on Al-Jadeed TV stated that they squatted these apartments in Al-Qobbeh to protect their family during the battles, and they’re willing to buy them if the CFD assisted them with facilitated payments. Despite the tension between the Sunni and Alawite communities that were fueled by the sectarian battles, the squatter families come from these two sectarian backgrounds. Despite the socioeconomic hardships facing the residents of the project, and particularly squatters, their willingness to regularize their tenure through purchasing the units they’re occupying show their intention to stay within the rule of law and avoid being seen as violators.

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<sup>17</sup> (1) تحت السقف | Facebook. (n.d.). Retrieved December 13, 2020, from <https://www.facebook.com/TahtElSaef>

The solidarity amongst the squatters in this campaign shows a clear will for collaboration to deal with the challenges of tenure. The squatters even proposed the way to regularize their tenure through homeownership. While this campaign has not necessarily achieved their demand to purchase the apartments, it has given them time to stay in this project and prevented their eviction.

### 5.2.3 Individual Efforts for Maintenance

The inhabitants of this project have shown significant efforts of investing in their dwellings over the last years, despite the negligence of the CFD and the municipality. On the household level, more than 60% have invested in either basic renovation (paint and furniture), partial or total renovation of their dwellings.

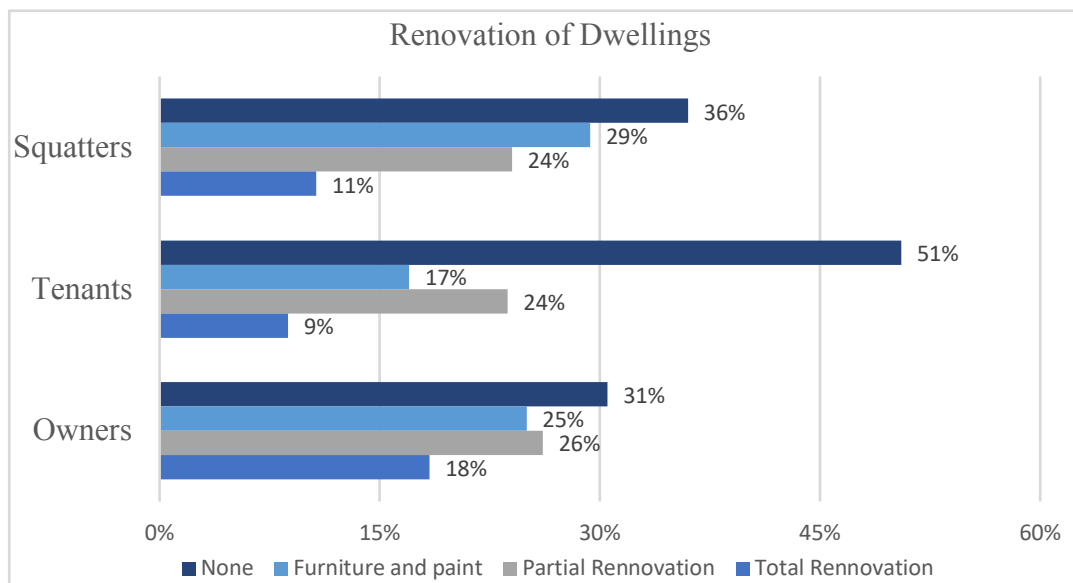


Figure 26 Renovation of Dwellings in Al Qobbeh Housing Project- Source: SHIFT Dataset

The data from the survey present a relatively similar patterns of investment in dwelling between owners and squatters in Al-Qobbeh Housing project. While the majority of squatters have not done any refurbishment or renovation in their units (36%), 29% of them have done basic renovation, covering paint and furnishing the

dwellings they squatted, 24% have done partial renovation and 11% have done total renovation of the apartments. The owners follow a similar pattern where 25% of the dwellers have done basic renovation, 26% partial renovation and 18% total renovation. When comparing the three different groups, the data shows that dwellers of this project have invested in upgrading their dwellings during the last 15 years (in different periods), regardless of their tenure status. For instance, a total of 64% of the squatters, 69% of the owners and 50% of the tenants have invested in upgrading their dwellings.

Looking into the level of investment in dwellings in comparison households' monthly income (figure 27), shows that while squatters might have relatively less financial mean, they have equally invested in renovating their dwellings as the owners. This pattern shows that squatters, who are not obliged to incur the monthly mortgage or rent expense could be saving and investing a portion of their income to invest in their own dwellings. While this does not necessarily indicate or prove the squatters' ability to further invest or contribute financially to the additional maintenance work, it certainly shows their willingness to enhance their living conditions in this particular project which they are at constant risk of being evicted from.

To illustrate these findings, I use a simple calculation using the data provided from SHIFT dataset, as follows:

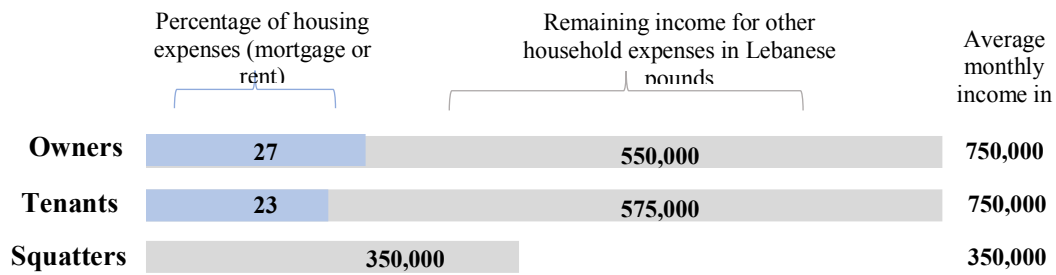


Figure 27 Estimated percentage of Housing cost from total monthly income of dwellers- Source: by author

The average income of the highest percentage of income bracket amongst each group of inhabitants:

1) The monthly income of 38% of the owners is between 500,000 and 1million Lebanese pounds

2) The monthly income of 41% of the tenants is between 500,000 and 1million Lebanese pounds

3) The monthly income of 39% of the squatters is between 200,000 and 500,000 L.L

Using the average of each of the income groups (figure 16) shows that percentage of monthly housing costs amount to 27% of the owners' monthly income and 23% of the tenants' monthly income. Based on the information provided in earlier chapters, the monthly installments for owners is 200,000 L.L and the average rent for tenants is 175,000 L.L which constitutes 27% and 23% of the average monthly income respectively.

#### ***5.2.4 Collective Efforts for Maintaining and Dealing with the Project's Livability Challenges***

The residents of the project have taken multiple initiatives in an attempt to deal with their challenges. Since neither the municipality nor the CFD are involved in any maintenance and in the absence of building committees, some residents have sought

support from a local SHIFT NGO to mobilize some funds for renovation of the buildings. In early 2019, a group of residents representing owners, tenants, and squatters in the project took part in a series of workshops with SHIFT to identify the main priorities for rehabilitation to be funded by the International Organization for Migration (IOM). These workshops resulted in the creation of a committee called *Qalb Al Mashrou'* (literally translates to *The Heart of the Project*) which included representatives of owners, tenants and squatters living in the project. According to these workshops' reports<sup>18</sup>, the list of priorities for intervention on the infrastructure level of the project included building renovation, waste management, sewage networks, building elevators, access to water and electricity. Supported by SHIFT and funded by IOM, this committee took on the responsibility to renovate the sewage pipes in the buildings, a pressing challenge at that time. Using these funds, the committee hired local Sunni and Alawite youth from squatting families and owners in the project, to do the renovation works supervised by an experienced foreman.

According to Belal Ayoubi<sup>19</sup>, this initiative was not only limited to the rehabilitation as part of their contribution as an organization to the community, but rather one that extends to creating an enabling environment for further collaboration amongst the inhabitants for a sustainable maintenance of the project. This initiative had three objectives aside from the rehabilitation works. First, the deteriorating sewage network was a result of a project-wide problem with the installations, making it a common

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<sup>18</sup> The workshops' reports are internal documents that SHIFT shared with the International Organization of Migration (IOM), the donor of the project titled "Qobbeh Communal Housing Compound Committee". SHIFT provided me access to these reports for the purpose of thesis project.

<sup>19</sup> Conversation with Bilal Ayoubi, a cofounder of SHIFT NGO working closely with the residents of Al Qobbeh housing project



challenge facing all residents regardless of their tenure condition. SHIFT saw an opportunity in bringing the different groups of residents together around this issue to test the possibility of coordination and collaboration amongst the owners and squatters. The second objective of this initiative was to utilize the funds in creating some temporary jobs for the unemployed youth in the project through employing them as a ‘team’ supervised by a technical expert to start the works. The third objective was to lay the ground in such activities to promote more collaboration and coordination amongst the different groups to eventually lead into sustainable approach to managing the entire project. A video<sup>20</sup> documenting this initiative, portrays the level of destruction and deterioration this project has witnessed and the significant need for immediate response and continuous approach to maintaining it. According to Belal Ayoubi, the project is destined to further deteriorate without an intervention to setup a management mechanism that involves the residents. While these interventions are not sustainable nor enough to deal with the challenges of the project, the resident are showing engagement and commitment to seeking solutions.

### **5.3 Stakeholders’ Potential Roles in Maintaining Al-Qobbeh Housing Project**

In order to explore options for collaboration, it is important to understand the positions and contributions of stakeholders who can potentially play a role in the property management and maintenance of Al- Qobbeh Housing project. The table below presents these stakeholders describing their potential interventions provided in either their jurisdictions or mandate, stated willingness to support and/or financial and technical capacity.

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<sup>20</sup> This video was produced by MSWR in collaboration with SHIFT and IOM and funded by the Government of Canada <https://www.facebook.com/mswrproduction/videos/2077860659181128/>

<b>Stakeholders</b>	<b>Capacity</b>	<b>Level of intervention</b>
Central Fund for the Displaced	<ul style="list-style-type: none"> <li>- Provide a solution for the informality of tenure in the project</li> <li>- Collaborate with cooperative and facilitate transfer of property</li> </ul>	Policy and regulatory level
SHIFT NGO	<ul style="list-style-type: none"> <li>- Mobilize funding for the project from international organizations</li> <li>- Provide technical support in facilitating formation of management committee</li> </ul>	Local organization and community mobilization Connection with donors
<i>Qalb Al Mashrou'</i> Committee	<ul style="list-style-type: none"> <li>- Gather residents of the project to collaborate</li> <li>- Represent resident of different groups and families and could create a core group to be further expanded to represent all residents</li> </ul>	Advocacy with municipality and CFD Collaborate to form a management committee
International NGOs	<ul style="list-style-type: none"> <li>- Provide funding for rehabilitation and major repairs in the project on an ad-hoc basis</li> </ul>	Financing and technical support
Municipality of Tripoli	<ul style="list-style-type: none"> <li>- Provide support with maintenance of the project</li> <li>- Facilitate and support the creation of a management mechanism</li> </ul>	Service provision and municipal grants, when possible

Table 6 Capacity of stakeholders and their potential intervention in Al Qobbeh Housing project

The Lebanese Government established the Ministry of the Displaced and the Central Fund for the Displaced (CFD) in 1993 following the end of the Lebanese Civil War (1975-1990) with the aim to finance housing and rebuild projects, and enhance the socioeconomic conditions of the displaced (Law no 193/1993). The CFD is directly supervised by the Council of Ministers and its role is limited to compensating those who were displaced during the war. Although reconstruction is part of its mandate as per the law, Al Qobbeh housing project was the only on-site relocation project that the CFD constructed. Thus, the CFD still holds the ownership of the remaining housing units that were either not claimed by right holders, including many of the currently squatted apartments in the project. There is no accessible accurate data on the ownership of the units. The official website of the CFD currently does not display any information on Al Qobbeh housing project, which makes any data on the project not accessible. Given the temporary nature of this fund as per its limited mandate, the solution for the remaining housing units would either be to sell them out or transfer these properties to another governmental or non-governmental agency

SHIFT, the non-governmental organizations located on the boundary of Al Qobbeh housing project, has been highly engaged in projects providing support to low-income families in this project and other neighborhoods of Tabbaneh, Jabal Mohsen, and Al Qobbeh. As for the particular support to the project residents, SHIFT has facilitated and supported the *Tahet El Sakef* campaign and established the *Qalb Al Mashrou'* as an attempt to engage the residents of the project in maintenance efforts. As mentioned in a conversation with a project coordinator in SHIFT, their engagement with the residents of the project have been continuous despite the current lack of

funding to support the project.<sup>21</sup> Additionally, and according to the same conversation, thanks to their previous interventions in the project they have gained the trust of the residents situating them in good standing to provide support to organize any participatory management mechanisms.

The local committee of the project, *Qalb Al Mashrou'*, is currently inactive, according to SHIFT, due to current lack of funding for interventions. However, the project coordinator of SHIFT clearly stated that there is difficulty in engaging the residents in the absence of funding as most of them prefer not to spend time off work. This committee can play a key role in expanding its representation and engaging more residents to be organized around the process of management and maintenance of the properties of the project. This committee can take different forms, including expanding it to become one that represent all residents, or smaller committees representing different parts of the project. This will depend on testing these approaches in the community, a process which I was unable to perform in my thesis due to the previously mentioned limitations. Activating the committee requires mobilizing additional funds to implement another maintenance intervention, which would engage the residents and help them see the benefit of their involvement in this committee. The committee can play a central role in managing the project, if provided with the needed technical capacity, and financial resources.

International NGOs active in Tripoli have worked with different local partners, including NGOs, and community-based groups to provide support to the low-income neighborhoods of Tabbaneh and Jabal Mohsen. The city has witnessed a number of

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<sup>21</sup> Conversation with Alissar Hassan, Dec 2020

initiatives, following the end of the battles in 2014, mostly within the realms of civic activism, vocational training, entrepreneurship and other direct assistance interventions. SHIFT has been a recipient of multiple grants for such projects from UN agencies and programs, USAID and other European NGOs. The recent rehabilitation intervention with *Qalb Al Mashrou'* committee was funded by the International Organization for Migration and the Canada Aid through SHIFT. While these interventions cannot be continuous nor sustainable, they can provide much needed resources to cover the cost of urgent rehabilitation needs of Al Qobbeh Housing project.

The municipality of Tripoli currently has inexistent role in the maintenance of Al Qobbeh Housing project. According to the Ahmad Qamareddine, the former Mayor of Tripoli, the municipality has no information about Al Qobbeh housing project as all the data is with the Central Fund for the Displaced<sup>22</sup>. Their role as a municipality is limited to collecting garbage from the bins distributed within the project. According to the records of the municipality of Tripoli, their annual budget for year 2020 is 69.5 billion Lebanese Lira (Municipality of Tripoli, 2019). The municipality of Tripoli can play a major role in providing services to Al Qobbeh Housing project, in addition to potential technical support to any management mechanism utilizing their know-how and the experience of the municipality staff.

#### **5.4 Conclusion**

While Al Qobbeh Housing project is currently left without any management and maintenance interventions, the efforts and roles exerted by different stakeholders on an ad-hoc basis can be combined towards a process that will help residents take control and enhance the livability of their housing project. This chapter shows that despite the

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<sup>22</sup> Conversation with the Mayor of Tripoli, Ahmad Qamareddine, April, 2019.

scattered efforts, the needed elements for residents to organize are available, whether through the technical support of SHIFT NGO, or the support of international NGOs in financing some repairs and most importantly the will amongst residents to take part in improving the project. Additionally, the level of investment of dwellers in their apartments provides a clear will to enhance their living conditions despite their informal tenure.

The role of the municipality is problematic given that since the completion of the project, its intervention was minimal which limits the trust of the residents in any potential role. Nevertheless, the municipality can certainly utilize its resources and expertise to provide grants, in kind support in maintenance through its personnel and administrative support. As for the CFD, its role as per their mandate, should be over by the time of completion of the project. However, the model adopted in Al Qobbeh Housing project and the inability to fulfil its requirements, has become a burden for the CFD. With the increased informality in this project and its continuous deterioration, the CFD has two options, either to take back control, an option which will require a large investment which is not available, or enable the residents to organize and transfer the properties in the project to a cooperative that can ensure its maintenance and fair treatment for its residents.

## CHAPTER 6

### INTERVENTION PROCESS

#### 6.1 Introduction

In the previous chapters I presented options to deal with complexities of tenure through a process of unbundling of property rights where all residents retain their right to housing, but get access to different rights in the property depending on different factors, including financial contribution and involvement in collective ownership. These options aim to protect residents from being evicted, ensures their right to housing and simultaneously enable them to take control of management and maintenance of common spaces. These options then take us to the mechanisms to be adopted based on key lessons from the literature on housing management and maintenance, the current efforts of the resident and the potential roles of different stakeholders. I presented these mechanisms in two scenarios in chapter 5 which involve the establishment of a residents' cooperative to be responsible for the common spaces in the project and ensure equal representation of residents and fair distribution of shares depending on levels of investment.

In this chapter, I combine the different options and scenarios in a program which considers the key steps for implementation of the intervention. This suggested intervention program is meant to be a draft road map to be discussed and agreed upon with the residents of the project, and in support of SHIFT and certainly with the approval of the CFD.

## 6.2 Proposed Intervention Program

This program does not intend to be prescriptive, which is the reason it provides a direction rather than detailed steps. It sets in place a process which considers solving tenure complexities, through different property rights bundles, a management scheme considering the two scenarios presented in the previous chapter, maintenance approach and sources of funding which respond to the key challenges facing this project. Additionally, the suggested program ensures a continuous collaboration between the public sector, the private sector, the residents and local and international non-governmental organizations.

Building on the current collaboration mechanisms between the residents, namely *Qalb Al Mashrou'* committee, and SHIFT NGO, this program sets the main elements of a potential approach for the project management and maintenance which will require further testing, consultations and validation from the residents and active key stakeholders. The aim of this program is to start a conversation among the key stakeholders in Al Qobbeh Housing project to adopt a property management and maintenance mechanism that would enhance its livability through protecting residents from eviction, mobilize multiple financing sources for maintenance and ensure participation. The below diagram describes the steps, the stakeholders involved and the different roles they play in each step.



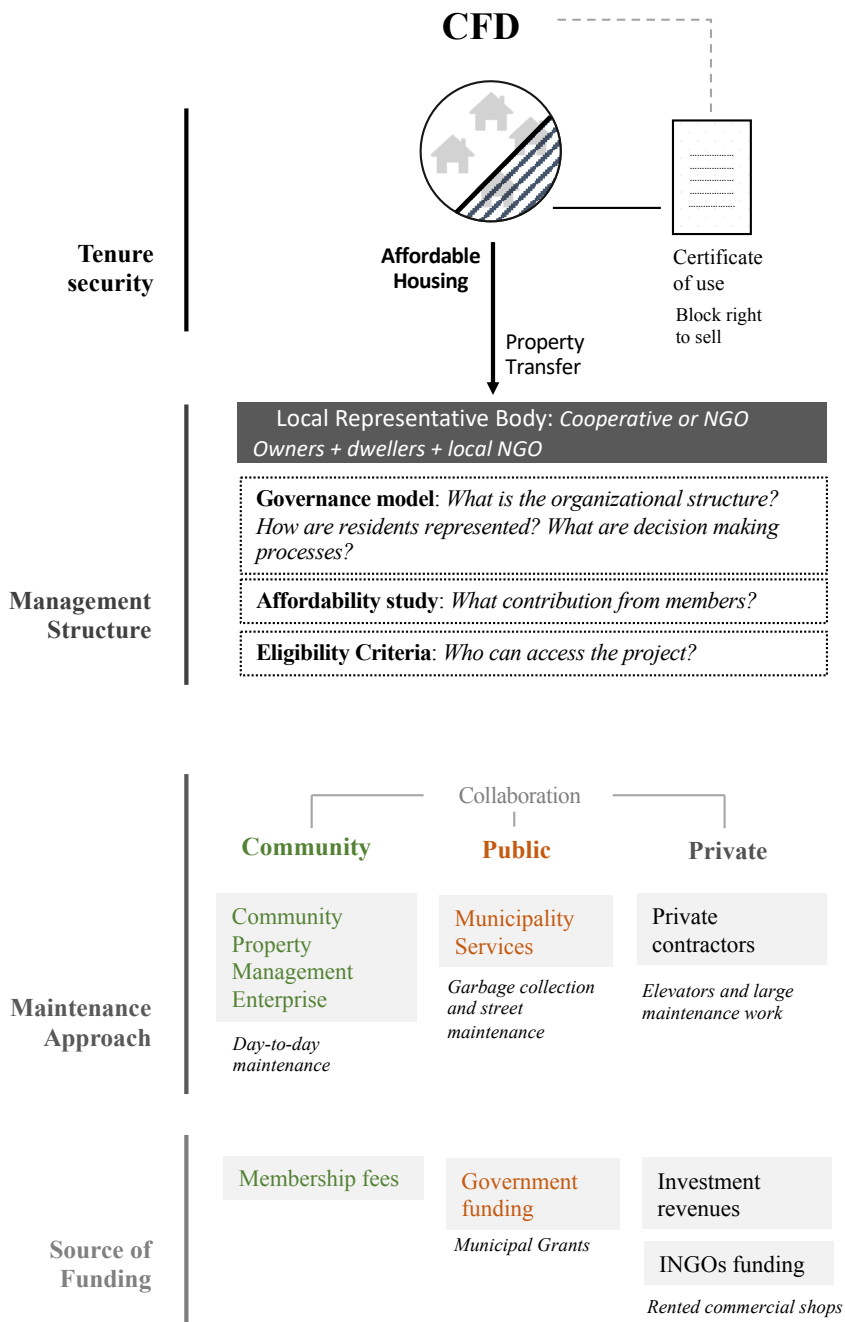


Figure 28 Proposed Management Program- Source: by author

### ***6.2.1 Secured Tenure***

As mentioned earlier, the complex tenure problems of Al Qobbeh housing project require a long-term intervention that would protect residents from eviction. There are two main tenure groups that are at risk of eviction, 1) the squatters, who live in apartments that are still unsold and under the ownership of the CFD and 2) owners who have defaulted on their installments for more than three consecutive months and are at risk of eviction if their contracts are enforced. I presented in chapter 4 potential options for each tenure group that could ensure their right to secure tenure through a mode of tenure outside freehold.

The remaining number of units that are unsold, but occupied and rented out by protected squatters could be available to house new low-income households in the project or their current tenants through renting directly from the cooperative. In order to achieve this objective, first, the government of Lebanon is required to issue a decree which freezes the sale of the remaining apartments to avoid selling them and evicting their current dwellers. This decree should also provide a transitional process which details the transfer of these properties to a cooperative that would be responsible for direct management and for the provision of a clear scheme and mechanism to access these housing units, manage the entire project and provide maintenance. Similar to some cases discussed in the literature review, the government can explore an intermediate tenure, such as providing certificates of use, or any other document legitimizing the squatters' right to live in these apartments. Once property is transferred, these certificates of use are no longer needed, as the apartments will be owned and registered by the cooperatives.

Regarding the owners, the sales agreement signed with them clearly mentions that defaulting on three-consecutive payment would lead to termination of their agreement and eviction from the apartment. According to this agreement, and as mentioned in chapter 3, previous installments paid by owners will not be reimbursed in case of default and will be considered as compensation for the period that the household used the apartment. In this case, there are different options for the CFD. The first option is to amend these agreements and its payment schemes based on detailed affordability study of households to allow the continuity of ownership. Another option, is to treat these apartments similar to the squatters' and issue a freeze on their sales, transforming them either into rental or lease contracts with the cooperative, which provides the current 'owners' with a long-term right to use, protect them from eviction, higher shares in the cooperative and significantly reduce their financial contribution compared to the installments they used to pay.

### ***6.2.2 Property Transfer***

The role of the CFD is strictly limited to the compensation of the displaced, making it a temporary body, which is not necessarily an appropriate body to manage property on the long run. For this reason, my interventions propose that the CFD transfers all properties (or only unsold properties depending on the scenario adopted) within the project to a cooperative once it is established with clear management operations and consensus on participation of different tenure groups. These properties include apartment buildings, common spaces between the buildings and ground floor commercial properties. Once the transfer of properties is done, the cooperative will be responsible to resolve the violations, parcellize and register the properties. First, and depending on the options (chapter 5), the coop will either transfer the properties initially

sold to freeholders and register it, or register all properties under its ownership and distribute shares according to dwellers investment.

### ***6.2.3 Governance Model***

The cooperative will have an open membership for all residents of Al Qobbeh Housing project, including freeholders with a membership fee, or financial contribution based on an affordability study. The purpose of this body will mainly be the management of the project, representation of residents' needs and provision of needed maintenance. As this was reflected by the resident's responses, mentioned in the previous chapter, this body is required to work on three main areas before it launches its operation.

First, the cooperative needs to develop a clear governance structure that will be documented in the bylaws which defines the representational model, decision making processes, members contribution, and clear scope of work. In case of a housing cooperative, the key issue to be defined is the distribution of shares amongst the residents to ensure equity. The shareholding model should reflect the fact that freeholders have fully purchased their apartments by assigning them higher/more shares in the cooperative than other members. Squatters and those who have defaulted on their installments can also be shareholders with possibly less shares than freeholders. However, this cannot be determined before having direct consultations with the project residents on their preferred governance model and structure.

As for the maintenance of the properties, one approach for representation within the cooperative is electing a building manager within each of the 65 buildings, or block of buildings which could be represented in the board of directors to better cover the needs and concerns of the residents in the entire project. As for the other hybrid model,

the cooperative will be represented in the owners' association through its residents/members.

The role of SHIFT is integral in facilitating the process of establishing the cooperative and supporting it to organize and operate, building on the experience with Qalb Al Mashrou' committee and the trust built with the residents of the project. Begum et al (2019) argue that success stories in community management of housing have been driven by the intermediary role NGOs play in negotiation between resident and the community. They extend this argument to the important role government agencies play in assisting residents in financing and supporting these housing projects.

### **Affordability Study**

The cooperative will have to determine the membership fees and rental cost of the apartments through understanding first the financial capabilities of its members. The purpose is to set a scheme for required direct housing expenses paid by those who live in the apartments owned by the cooperative. This will necessitate that the cooperative, assisted by SHIFT to conduct a detailed socioeconomic mapping of the project to get accurate figures on size of households, monthly income, monthly non-housing expenses and housing expenses in the case of freeholders and tenants. Building on these factors, it is important to explore these expenses starting from the questions raised by Stone (2011): Affordable to whom? On what standards of affordability? And for how long? Thus, affordability of housing in the case of Al Qobbeh cannot follow the common rule of housing expenditure-to income ratio, which defines 30% as a threshold for the amount to be spent on housing out of the total income. This approach is critiqued because of the imprecise determination of a household income and the assumption that

people are willing to spend this specific proportion of their income on housing (Bredenoord, 2014). Stone (2011) defines housing affordability as an interaction between income, housing cost and the costs of non-housing needs which are also determined by the size of the household. For these reasons, another measures of affordability could be used in the project, mainly those that consider residual income as an indicator of affordability. Residual income is an approach that considers the amount of income that an individual has after all personal debts, including the mortgage, have been paid. Finally, it is important to understand that the levels of poverty in Al Qobbeh housing project make it challenging to use any of the commonly used affordability indices as many of the residents can't afford to pay anything towards housing. Using the words of Jewkes (2010, p.48), *“For some people, all housing is affordable no matter how expensive it is; for others, no housing is affordable unless it is free”*.

### **Eligibility Criteria**

As the cooperative is responsible for a number of housing units, it is important to develop eligibility criteria to access housing in the project. In the case of renting out apartments for non-members, or in case of members leaving their units, new tenants should fall within a certain income bracket. While it is difficult to define an income bracket to determine the need for affordable housing, the cooperative can develop this eligibility criteria that takes into consideration the factors mentioned in the section above, in addition to a comprehensive household assessment to help determine their eligibility for affordable housing.

#### ***6.2.4 Sources of Funding***

The cooperative will have a wide range of responsibilities and costs to cover the different aspects of property management and maintenance. For this reason, the cooperative is required to identify its sources of income and activate some of the local assets to generate additional revenue to perform all its responsibilities. This cooperative can rely on the following as major sources of revenue:

- Investment in local assets: The vacant commercial properties within the project could provide an opportunity to generate income. These properties could be rented out to local businesses, such as supermarkets, and this income could be invested in maintaining the project. The project requires a detailed study of its local assets that can be utilized for investment. For instance, the illegal shops on the ground floor could also be considered. The use of these stores, originally designated as parking spaces, could be switched to commercial use if all residents of the building agreed which could also provide an additional revenue for the project.
- Selling property: The cooperative can sell a number of the apartments that are rented out by protected squatters, or those which will be vacant to new residents. This can provide the initial part of the funding required to implement the major repairs of the project.
- Membership fees/ Renting out properties: based on the affordability study, the cooperative will require its members/residents to pay a fee for their apartments, which is expected to be below market rent. Additionally, other vacant units can be rented out to new residents. This revenue stream can provide a continuous funding for day-to-day maintenance and cover other costs.

- Direct funding from international NGOs and philanthropies: building on the previous experience with SHIFT and the International Organization for Migration, the cooperative can mobilize resources from INGOs working on rehabilitation and reconstruction active in Lebanon and particularly in the North.

- Government grants and subsidies: The cooperative can advocate with the municipality of Tripoli to secure funding for maintenance through utilizing the line items within the municipality's budget allocated to direct contribution to local organizations. These contributions are defined in the budget of the municipality under the line items "contributions to non-profit organizations" and "grants to private entities" and amount to and activities which amounts to 350 million Lebanese pounds (Municipality of Tripoli, 2019).

Another governmental source of income is the department of cooperatives within the ministry of agriculture. Although mostly allocated for agricultural cooperatives, this department provides financial supports to cooperatives which could be further explored and utilized.

- In kind support from SHIFT and other non-governmental organizations and cooperatives which can provide the technical support, training for the board of directors and personnel in the cooperative. This could include support in accounting, management, and follow up with government agencies for registration and reporting.

### **6.3 Conclusion**

The intervention process I propose in this thesis is a starting point to help the residents address their challenges and enhance the livability of the entire project.

Nevertheless, this process will need to be tested and validated by the residents through a



participatory consultation that ensures the inclusion of current owners, squatters and tenants. Also, several elements within this proposed intervention will need further detailing with the support of the local NGO, mainly those related to the governance structure of the cooperative, fair distribution of shares, affordability study and payment schemes and maintenance planning and prioritization. The implementation of any of the suggested scenarios will require buy-in and approval of the CFD, to facilitate property transfer. Additionally, there is a need to conduct careful negotiations with residents violating properties to reach an agreement that would limit their losses and contribute to the management mechanism. Finally, any management mechanisms will require a period of direct technical support to ensure transfer of knowledge and capability of residents to provide maintenance in a sustainable manner.

## CHAPTER 7

### CONCLUSION

#### 7.1 Summary of key findings

The previous chapters described the challenging conditions of Al Qobbeh Housing project on multiple levels. First, the residents of this project suffer extreme poverty whereby the majority of the residents have a monthly income below 1 million Lebanese pounds (equivalent to 660 USD in 2019) according to the available data collected in 2019. Today, and after the depreciation of the Lebanese pounds, this amount is equivalent to no more than 120 USD<sup>23</sup>. To make matters worse, a project coordinator in SHIFT recently shared with me that many have since lost these low-paying jobs, thus describing the situation as overall “*miserable*”.

Second, the project’s physical conditions are in constant deterioration in the absence of any maintenance scheme and/or management mechanisms. There are also no renovation plans for the project. Left to its own device, the project will continue to deteriorate, consequently increasing the costs of its rehabilitation over time and inflicting more hardship on the residents. With broken facades and elevators, dysfunctional water and sewage networks, limited access to electricity, and garbage piled over in outdoor spaces, the project residents are suffering from dire living conditions.

As it stands, the Project residents have limited ability to initiate a management or maintenance process, the costs of which are certainly beyond their financial means.

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<sup>23</sup> The market rate of the USD to Lebanese Lira is changing continuously, and this amount is based on the market exchange rate on December 15<sup>th</sup>, 2020.

However, the recent renovation project with SHIFT and *Qalb Al Mashrou'* committee demonstrates the will of many residents, including owners, tenants, and squatters, to be part of any initiative that will enhance their living conditions. Conversely, the current legal framework regulating property maintenance limits the participation in property management to freeholders, which cannot be used with the complex tenure forms of Al Qobbeh Housing project. As the project favored freehold in its conception, different other tenure groups emerged out of need in the project, which I describe through their variation of property claims. While this might not be the only reason for the current dire conditions in the project, it has induced complexities in tenure and limited the residents' ability to maintain the properties that many of them now own.

The Central Fund for the Displaced and the Lebanese Government have expressed no tangible interest in supporting this project's residents. According to a member of *Qalb Al Mashrou'* committee, the only encounters between residents and any government representative are limited to warnings in case of default on monthly installments. Another noteworthy interaction was the lawsuits against the squatters which was contested by a local campaign, *Tahet Al Sakef*, eventually leading the CFD to withdraw the case. The complex tenure in the project is still a challenge. The tenure security of squatters is still at risk as their 'informal' status remains unrecognized by the government. The squatters expressed their will to purchase their current apartments, back in 2019, if provided with facilitated payment schemes. With the current economic and financial crisis, it is unclear if such demands still hold. The Central Fund for the Displaced has the ability to evict the squatters and sell these apartments, but such a move is less likely to happen according to the lawyer of *Tahet Al Sakef* campaign given

the current situation in the country<sup>24</sup>. However, the CFD could explore other options that would retain the right of the squatters to use these apartments, without transferring property titles, hence keeping them a stock of affordable housing units. Given that properties in Al Qobbeh Housing project are still unregistered, CFD can intervene through introducing an intermediate tenure that would reserve the squatter-occupied units, using below-market rental rates.

## **7.2 Intervention Approach**

Al Qobbeh Housing project is a case that combines issues of tenure security, informal occupation, lack of management, and physical deterioration. As outlined thoroughly in this thesis, the main reasons behind these challenges can go down to lack of planning for housing of the displaced through a mechanism that had an unclear eligibility scheme, absent management mechanism, and maintenance left for low-income residents to organize, fund and implement.

Based on the challenges at hand, I proposed a management scheme which accounts for the challenges of affordability, management, and maintenance. This scheme benefits from the fact that many of the apartments in the project are still owned by the CFD. These apartments, the thesis argued, could be held in alternative to freehold titles, through a cooperative or another scheme in which protection from eviction and tenure security is held, while the value of apartments remains below market rate, keeping them permanently as a stock of affordable housing. Additionally, I proposed in this program mechanisms of collaboration building on the existing engagement between the residents of the project and SHIFT, and benefits from their

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<sup>24</sup> Conversation with Saleh Al Ayoubi, April 15<sup>th</sup> 2020.

access to funding from international organizations. Given the current state of public finance, I have limited the role of the public sector financing.

### **7.3 Learning from the Case of Al Qobbeh Housing Project**

Similar to many low-income privately-owned apartment buildings in cities of Lebanon, Al Qobbeh Housing project is suffering from many challenges of tenure complexity and physical deterioration. However, the scale of Al Qobbeh project is much larger as all 65 buildings within the few hundred square meters suffer the same challenges collectively. While the scale of the project only magnifies these challenges, it can be a chance to introduce corrective measures to protect low-income households from eviction, and enhance the livability of this continuously deteriorating neighborhood.

Al Qobbeh housing project, as one of the very few state-subsidized housing projects, provides us with an opportunity to learn, reflect on, and extrapolate to similar cases and hopefully contribute to the knowledge on affordable housing in Lebanon. With the current economic and financial crisis in Lebanon, and the severe budget deficit of the Lebanese government, low-income populations will continue to face housing challenges, not only in terms of access to housing, but also, and perhaps more importantly, in the limited ability to maintain and upgrade a secured home. For this reason, my thesis introduced an institutional set-up where public and private actors can partner with non-profit organizations and community actors to support an affordable, secure, and adequate shelter modality. This set up rests on two critical pillars. The first is the willingness to investigate alternative to-freehold modes of tenure in which the house is protected for its value as a home while its role as a financial asset is removed

from the equation. The second component looks to set up a framework of property management and maintenance that transcends the principle of owners' association built on freehold in the Lebanese law. Instead, the set-up I propose requires all residents, owners and non-owners, to partake in the decision-making, labor, and organization of the housing complex through their membership in a cooperative. Aside from managing the complex, the cooperative will manage a limited number of economic ventures, be they in rental or business management, producing hence the income needed to maintain the project.

Ultimately, by setting in place a mechanism to address the management of the building complex and working to reverse its negative image in the city, the intervention will work to reintegrate the Project in the city and reduce the stigma associated for its residents. This is critical given that residents need to access jobs and live in a city where they are not criminalized because of their residential address.

Before closing, I point to the fact that the Qobbeh project is not unique in either Tripoli or Lebanon. Religious institutions and fishermen cooperatives have experimented with such large projects, as have the public agency Taamir in Saida. These projects have consistently led to the same scenario: a heavily deteriorated physical structure left to degrade in the city. Taamir is a case in point whereby after 50 years of squatting and neglect, an intervention was made to title the apartments and pass on freehold to the residents. In the absence of financing, a management scheme, and adequate organization, it is however unlikely that the residents will manage to maintain the building.

Beyond the Qobbeh project, the thesis carries important lessons to the rest of the Lebanon's cities. It is indeed noteworthy that Tripoli, but also Beirut, Saida, Tyre,

Zahleh, and other Lebanese cities count stocks of dilapidated private housing that direly require maintenance. By proposing a scheme that challenges the principle of freehold and introduces a cooperative of residents who are entrusted with the management of the shared building facilities, the thesis challenges the existing status-quo. Hence, my proposals for Al Qobbeh Housing project provides insights on what could be potential mechanism to maintain housing and prevent its further deterioration and help poor dwellers enhance their living conditions. In this thesis, I have argued that a true opportunity for Al Qobbeh Housing project is to adopt an alternative framework for property management and maintenance that favors collaboration amongst dwellers to upgrade a shared living space over the management of an asset among property owners; and a cooperative mechanism to mobilize funding and manage the building, rather than a property owners' committee.

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