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*Figure 01-The al-Khatib buildings, photo taken from Chidiac Street, see figure 02. @Rouba Wehbe (2018)*

**Keywords:** Beirut, housing, land tenure, formal–informal continuum, squat, Khandaq el-Ghamiq.

**Categories:** Lebanon, contemporary studies, urban sociology.

**Rouba Wehbe** is a PhD candidate at Sciences PO Paris, CERI and a research fellow at IFPO. Adopting an urban political economy approach, she examines housing sub-markets triggered by tenure inertia and tenure insecurity in the legal urban fabric of certain Lebanese cities. Her previous research has addressed urban violence, urban stigmatization and its correlation to the housing sector and public space in marginalized neighborhoods.

# More Than a Squat

The al-Khatib Buildings in Khandaq al-Ghamiq

*Aside from the social and the political conflict, the squat has its origin in land tenure, a history yet to be told.* During my many field visits to Khandaq al-Ghamiq, I was always intrigued by the al-Khatib buildings, known to be a centre of squatting in the area (figure 01, and 02 for location). These buildings form a variegated mosaic of spatial decay: windowless facades contrasting with well-maintained ones, while precarious commercial activities occupy the dozen shops on the ground floor. The footprint and the density of the 1970s architecture stand out morphologically from their surroundings, mostly built before the 1960s. The building is nine stories high, offering a housing stock of about 64 flats (figure 01).

The wear and tear of time, urban violence or the multiple conflicts that happened in Beirut remain insufficient reasons to explain the current state of the al-Khatib buildings. My experience in the land and property ownership aspects of urban decay led me quickly to assume that a precarious land tenure situation lies behind these deteriorated façades and squatted floors. My first field observations did indeed confirm this hypothesis. Residents have various forms of tenure that are at odds with the blanket reputation of these buildings as a squatting centre. Formal owners and tenants live side by side with squatters. How can this complex tenure system within a single building be explained?

Squatting is “defined as inhabiting—or otherwise using—a dwelling [or property] without the consent of the owner” (Vasudevan, 2017, p. 22). In the context of Middle Eastern cities, studies on squatting tend to focus on irregular neighbourhoods where illegal occupation of land has enabled the construction of housing (Ababsa et al., 2012; Clerc, 2008). In this case, the squat is primarily land-based. This dynamic is different from that observed in regular neighbourhoods. In the latter, squatting occurs in old buildings, which comply with architectural standards and town planning rules and the property titles of which are legal.

Urban studies have examined the mechanisms, actors and consequences of tenure regularization in irregular districts (Clerc, 2014; Denis, 2012; Lutzoni, 2016). However, processes of informalization or those falling in a formal–informal continuum (Acuto et al., 2019; Issar, 2020) in regular neighbourhoods are yet to be analysed. How can the variegated tenure system in the

al-Khatib buildings explain the formal–informal continuum of land tenure, including squatting in a legal building fabric? And how does this continuum interact with the formal land market in a neighbourhood with high potential land rent such as Khandaq al-Ghamiq?

In response to these questions, I adopted a land history approach. My two main sources were the land register for this property and qualitative interviews conducted in 2019 and 2021. I carried out two in-depth interviews, the first with the Mukhtar whose office is on the ground floor, and the second with a local figure living nearby. I also met four of the building's residents.

## An Unresolved Legal History

The history of these buildings since their construction clarifies the how and why of the informal–formal continuum of land tenure. The buildings were constructed in 1973, just before the outbreak of the civil war in Lebanon, by the Syrian al-Khatib family, who left the country before completing the work. Their hasty departure impeded the legalization of the land titles for the buyers who had paid for their flats in advance. Faced with a *fait accompli*, the buyers moved in and put the finishing touches to their property, each according to their own capacity and taste. This explains the inconsistency of the materials and finishes of the façades. Moreover, Mr al-Khatib had not sold all the units, notably the ground floor ones dedicated to commercial activities. Thus, when the residents moved in, the parts of the buildings that were still under construction were abandoned.

The civil war broke out in 1975 and resulted in massive population movements. In this context, the practice of squatting increased throughout the city. The abandoned spaces of the al-Khatib buildings were then occupied and remained so until after the end of the civil war. In 1994, the National Fund for Displaced Population compensated the migrants, who gradually began to vacate the occupied buildings. A decade later, a short temporary second wave of collective squatting occurred during the 2006 war, when displaced persons from South Lebanon found refuge in the empty spaces of al-Khatib buildings.

At the end of the 2010s, and in response to the growing demand by workers, refugees and others for affordable housing in the neighbourhood, squatting reoccurred in these same parts of the buildings, but this time by one individual. The squatter, a local figure of urban violence, proceeds by forcing entry, breaking down a door or a wall, and then renting out the property or

selling it on the informal housing market. Squatting in this case is described as commercial in the sense that it sets up a rental market. The squatter and his tenants/buyers thus constitute what can be described as the informal and illegal tenure of these buildings.

The second group in this tenure continuum is the owners. The al-Khatib family and their partners legally own all the land rights of these buildings. They are the *de jure* owners despite the multiple sales they made at the time of construction. The buyers, however, are *de facto* owners insofar as their land rights are still not legalized. Therefore, while their tenure is certainly illegal, nevertheless it remains formal due to the purchase procedure carried out. Legal tenure stands by the law, and formal tenure is a tenure normalized by market practices. Conversely, the *de jure* owners' tenure is legal, but informal since it is subject to judicial reservations, as the scrutiny of the land register will show.

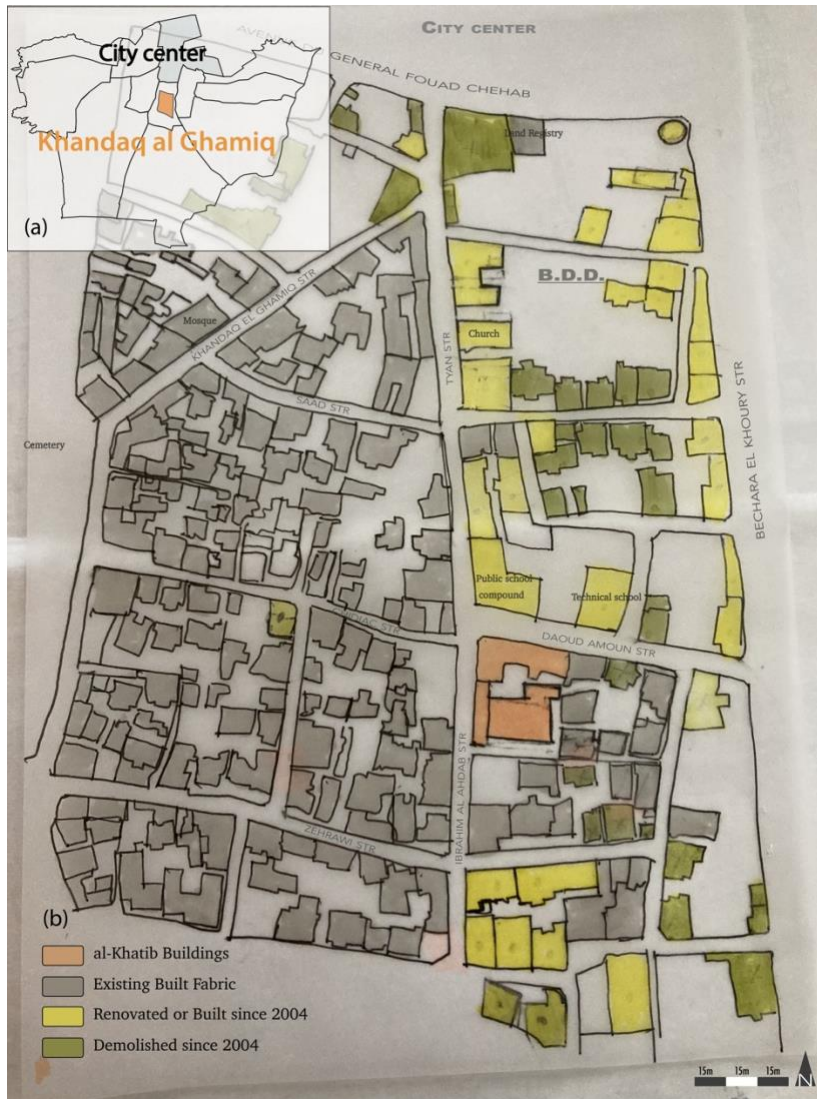


Figure 02- Khandaq el-Ghamiq location in administrative Beirut (a) Al-Khatib Buildings site in the neighbourhood; real-estate activity since 2014 (b). © Wehbe (2022)

## Inertia: Mitigating Land Insecurity While Encouraging Squatting

On the land folio of the al-Khatib buildings, there are twelve *prénotations* (فيد احتياطي temporary annotations blocking titles) requiring the registration of the flats; eighteen lawsuits, four of which were closed in favour of the petitioners who are *de facto* owners; one protective seizure and one lien to the benefit of the Ministry of Finance because the owners do not pay their taxes. The chronology of these annotations is telling when compared to the mutations in the real estate market in the neighbourhood. Hence, I propose three periods for the analysis:

1973–1978 “legal pressure”

1978–2010 “tenure inertia”

2010–2018 “tenure tension.”

The first period is characterized by a hope among the new buyers of putting pressure on the *de jure* owners to complete the registration procedure. They proceeded only by *prénotations*, which is a classic way to block titles temporarily. However, these appeals were unsuccessful, as the *de jure* owners were unresponsive and completely uninterested in the property, or the country for that matter. The indifference of the *de jure* owners towards their property and the frozen land rights of the *de facto* owners effectively excluded the property from the formal land market. This defines and initiates a state of tenure inertia, a second phase lasting from 1978 to 2010. This long period favoured the emergence of a parallel economic system of tenure. During these years, tenure evolved according to the needs for housing in the neighbourhood and was shaped by informal mechanisms of housing production. Two activities describe the economic system in place. First, facing their exclusion from the formal real-estate market, some of the *de facto* owners sold or rented out their property through informal transactions. Second, squatting started in the buildings, creating an informal housing sub-market. The squatter, a kind of real-estate manager, rents out or sells the abandoned spaces, as single rooms or as flats, without any contractual document. Hence, the transaction is illegal and insecure for the tenants or the purchasers.

The tenure inertia phase concludes with the spike of real estate speculation in the district at the end of the 2000s. This marks the beginning of the third period, tenure tension, in which legal disputes between *de facto* and *de jure* owners escalate.

Indeed, between 2007 and 2014 a real estate consortium, constituted mainly of Zein, Alyah and Amlak, acquired almost the entire block between Fouad Chehab Avenue and Daoud Ammoun Street where the al-Khatib buildings are located (figure 02). In response to this pressure, thirteen out of the eighteen lawsuits noted on the folio were launched against the *de jure* owner. This clearly describes a change in the behaviour of the *de facto* owners who have seen their level of tenure insecurity increase with the real estate pressure.

The *de jure* owners, driven by the potential ground rent of their property, also changed their behaviour during this period. In 2014, after the death of one of the *de jure* owners, these latter proceeded to register a lien to secure their land rights. Thus, the *de jure* owners are now

motivated to remain present on the formal land market, especially with the rising speculation. This contradicts the discourse of the neighbourhood inhabitants and those profiting from the squatting activities, still describing the property as a case of land abandonment.

In conclusion, the mechanisms of squatting and dilapidation of the al-Khatib buildings are rooted in its land history. The insecurity of tenure of the *de facto* owners caused by the passivity of the *de jure* owners with regard to their property has translated into a situation of general tenure inertia, excluding the property from the formal land market. As a result, an informal economic tenure system has developed over the years. Commercial squatting in this legally constructed building is only possible as a consequence of the existing tenure inertia. Nevertheless, this inertia had mitigated the insecurity of tenure for the *de facto* owners until the beginning of a heightened real estate pressure in the neighbourhood at the end of the 2000s. Thus, the resulting increase in land disputes is a way for the *de facto* owners to secure their land rights against any sale by the *de jure* owners. Conversely, this could also be viewed as an attempt to prolong the state of inertia. As long as disputes accumulate, the property remains unsaleable and the rights of the *de facto* owners are controlled and maintained, albeit in a state of insecurity. The relationship between tenure inertia and tenure insecurity on the formal market is dialectical, constantly redefining the boundaries between the formal market and the informal housing sub-market in the central districts of Beirut. It thus constitutes one of the mechanisms of tenure informalization in a legally built fabric.

## References

- Ababsa, M., Dupert, B. & Denis, E. (eds.) (2012). *Popular Housing and Urban Land Tenure in the Middle East*. The American University in Cairo.
- Acuto, M., Dinard i, C. & Marx, C. (2019). Transcending (in) formal urbanism. *Urban Studies*, 56(3), 475–487. <https://doi.org/10.1177/0042098018810602>
- Clerc, V. (2008). Les quartiers irréguliers de Beyrouth : Une histoire des enjeux fonciers et urbanistiques dans la banlieue sud. Institut français du Proche-Orient. <http://sciencespo.summon.serialssolutions.com/2.0.0/link/0/eLvHCXMwY2AwNtIz0EUrEwyTjVJTLVPM>
- Clerc, V. (2014). Reconquérir ou reconfigurer les marges de la ville ? La concurrence des politiques de résorption des quartiers informels à Damas. In N. Semmoud, P. Gervais-Lambony, O. Legros et F. Troin, *Marges urbaines et néolibéralisme en Méditerranée* (p. 167-188), Presses universitaires François-Rabelais.
- Denis, E. (2012). The Commodification of the Ashwaiyyat: Urban Land, Housing Market Unification, and De Soto's Interventions in Egypt. In M. Ababsa, B. Dupret, and E. Dennis (eds.), *Popular Housing and Urban Land Tenure in the Middle East: Case Studies from Egypt, Syria, Jordan, Lebanon, and Turkey* (p. 227-58). American University in Cairo Press. <https://doi.org/10.5743/cairo/9789774165405.003.0010>
- Issar, S. (2020). Conceptualizing the connections of formal and informal housing markets in low- and middle-income countries. *Housing Studies*, 1–20. <https://doi.org/10.1080/02673037.2020.1831444>
- Lutzoni, L. (2016). In-formalized urban space design. Rethinking the relationship between formal and informal. *City, Territory and Architecture*, 3(1). <https://doi.org/10.1186/s40410-016-0046-9>
- Vasudevan, A. (2017). *The autonomous city: A history of urban squatting*. Verso.