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TOWARDS A NEW PARADIGM IN THE LEBANESE URBAN MANAGEMENT SYSTEM FOR ENHANCED MASTER PLANS' GENERATION

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TOWARDS A NEW PARADIGM IN THE LEBANESE URBAN MANAGEMENT SYSTEM FOR ENHANCED MASTER PLANS' GENERATION

Abstract

With the fact that 88% of the population living in urban areas, Lebanon is a highly urbanized country. However, this high urbanization undergoes the severe lack of the proper urban planning methodologies and approaches resulting in the sprawl along infrastructure paths. The weakness or even the complete absence of the plans escorting the urban growth made every city or town a single urban area confronted by plenty of challenges. Decentralization has been a recurrent theme in Lebanese politics for many years, yet it's now limited by an administrative scale, and at the municipal level only. This administrative decentralization affects the planning process directly and makes it impossible to create righteous plans. The paper will focus on Master Plans by introducing their current procedure, implementation, actors, and challenges. It will highlight the Lebanese national system's complications and limitations by following the descriptive methodology, and to present similar worldwide cases where all the difficulties were resolved by a comparative one. Finally introducing a new conceptual paradigm involving the national, regional, and local levels reshaping the Lebanese planning framework to enhance the Master Plan's creation.

Keywords

Administrative Decentralization; Urban Governance; Master Plans; Land-use Planning; Participatory Planning

1. INTRODUCTION

The recent fast urban growth in Lebanon is carrying various challenges in the spatial distribution in the use and consumption of land. This growth is unplanned and uncoordinated, leaving the region to face losing a wide range of social, economic, and environmental opportunities. Usually for unplanned urban areas, cities or towns tend to sprawl along infrastructure paths, developing as new models of growth (ESCWA, 2021).

Since the end of the civil war, Lebanese academics and politicians have discussed decentralization. Creating local councils at the district level was, in fact, mandated by the *Ta'if* Agreement under the guise of "extensive administrative decentralization" in order to promote local development and increase citizen participation (Sleiman, 2017). The concept of administrative decentralization led to a weak hierarchal administrative planning framework which directly affected the planning process. In fact, Lebanon lacks national frameworks that controls the planning procedure at the level of public strategies (UN-Habitat, 2013).

The urban planning system in Lebanon is framed by the following tools:

- National Physical Master Plan for the Lebanese Territories (NPMPLT) by CDR
- Physical Master Plan (Land Use Planning) or Detailed Master Plans by DGU
- Strategic Planning mainly by UoM.

On the Physical Master Plan level, as shown in figure 1, only 15% of the Lebanese terrain is covered by 180 Master Plans, while 85% is either not planned or has partial plans covering specific areas (Public Works, 2018).

Another aspect of their slow and sporadic creation, Master Plans in are executed in a feeble manner which paves the way to corruption to take place. Their creation process shows reflects the weak institutional framework.

Master plans are initiated by the municipality or the DGU, created inclusively in the DGU, handled to the HCUP for approval, and finally to the council of ministers for decreeing. This planning is at its problematic point of view is characterized by:

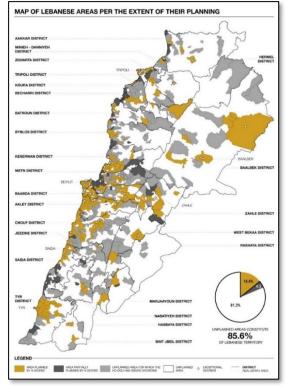


Fig.1: Showing the Master Plans among the country, Source: Public Works, 2018

- The correlation between the ministries in the domain of planning is relatively weak. The ministry of planning was dissolved into CDR after the 1975-1990 civil war (ESCWA, 2021). Nowadays, regarding planning, every ministry has its own strategic agenda and so working permits. However, some may interfere resulting disastrous urban plans, and directly affect the Master Plans (e.g.: quarry permits acquired from the ministry of environment may be located on a natural reserve zone regulated by a master plan)
- Executed on the level of municipalities side by side with DGU. This is a chain of weak ties and wide gaps. These gaps are illustrated in the decentralization path, where state planning is required by governorate councils, then by Caza Councils (Qaemaqam). The narrow scope of planning on a municipality scale made the results out of the whole-view order. There is no rule or law obliges a master plan to take into consideration the neighboring one. For example: a special residential zone (e.g.: villas) side by side with an industrial in a bordering plan.
- Planning does not involve the public. Except for the one-month objection period following completion, Master Plans are carried out clandestinely.

As the research's scope, the actuality of the Lebanese planning framework will be presented by showing the whole administrative system, the administrative decentralization path, the weak or lost levels of the framework, and the planning actors. The types of plans created through this framework will be also discussed leading to Master Plans in precise. The weak creation of Master Plans and so the consequences of such feeble planning will be shown. Moreover, a comparison between the Lebanese framework and other successful ones worldwide shall be held in order to elaborate the gaps, and to propose a plenty of procedures that if performed properly, Master Plans will be successful and fruitful.

1.1. Problem Definition

Master Plans are generated carrying the following characteristics:

- With a highly centralized manner (DGU and HCUP only)
- Without any correlation with bordering plans
- Without taking into consideration the ministerial planning strategies
- Without the public participation

1.2. Aim of Study

To develop a conceptual paradigm reshaping the whole national Lebanese master planning framework.

1.3. Objectives

- To figure out the exact weaknesses in the current planning system.
- To find the successful planning international standards.



decentralization in Lebanon showing the planning process, based on UN-Habitat, 2013

• To introduce a new planning framework based on the discovered improvements.

1.4. Research Hypothesis

There are plenty of actors that are excluded from the participation in planning. If the ministry of planning, the governorate, the *Caza*, and the public were indulged in the planning process, Master Plans will highly improve to be effective and successful.

1.5. Outline Methodology

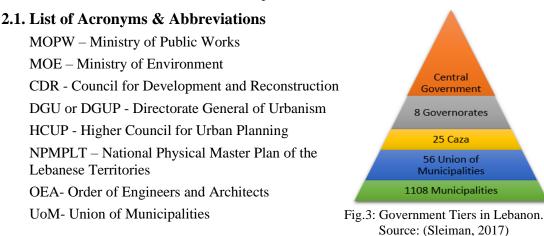
The research will study the national planning policies as well as the actors in its first phase. It has to be conducted as descriptive approach, by studying the planning process through the national administration hierarchy and the powers assigned to every tie in the planning chain of actors. The comparison of the similar cases of the successful regional planning experiences in Germany and USA with Lebanon will be performed, as well as finding new factors influencing the Lebanese case based on the stated comparison. This process shall be conducted by the analytical comparative approach.

1.6. Research Determinants

This study aims to inspect and understand methods of master plan execution at both the local and national levels. The study covers the planning procedure among the entire Lebanese territory, since the dissolving the ministry of planning and founding the CDR in 1990 until 2022.

2. LITERATURE REVIEW

An overview of the Lebanese official framework in the administrative system as well as the planning actors, the tools of planning, and the process of the master plan's creation will be presented. The effect of the stated framework on the whole planning process will be shown as well. The righteous steps of the successful planning process will be stated. Moreover, two similar cases will be introduced at the last part of the literature review.



2.2. The Political and Legal Framework for Decentralization in Lebanon

The regional, sub-regional, and local level echelons of the Lebanese administrative structure is illustrated in figure 4. The role of each tier will be presented in the following part (2.3- Urban Governance).

Additionally, in a confessional country, there are issues relating to Lebanon's national political elites, who view decentralization and reform as direct threats to their interests and their ability to maintain power. Meanwhile, a portion of the political elite is concerned that decentralization will expand local space and provoke conflict with the state, as militias were able to do during the civil war (UNDP, 2009).

Occasionally, the debate in Lebanon between centralization and decentralization involves a more in-depth discussion of federalism and unity based on a central government. This aids in understanding the legislator's tendency toward centralization, which was evident in the *Taif* Accord (The agreement that ended the civil war) and the Lebanese Constitution passed in 1989. The legislator was more concerned with enhancing the nonexclusive powers of the authorities than administrative decentralization (UNDP, 2009).

Presently, Lebanon bases administrative decentralization on "a single level, namely the municipalities, and all other means of delegating authority are only a form of non-exclusivity." (Baroud, 2021)

In conclusion, regarding the part of the planning framework, there is no hierarchal nor decentralized planning. It's a matter of an administrative decentralization of weak structure and lost tiers. DGU regional offices being the representatives of the main DGU in the *Caza* are not included in the planning process. Planning is actually framed by the DGU and the municipalities.

2.3. Urban Governance

There are a large number of actors where each has their planning tools. Excepting the private actors such as political and religious parties, the official ones are as shown in figure 4.

A. Local Actors: Municipalities and UoM

The primary local agents in urban planning are municipalities, despite the fact that planning in Lebanon is a highly centralized process. They act as the state's multi-sectoral area-based managers and public face on a daily basis (ESCWA, 2021).



Fig. 4: Planning Actors and tools. Adapted from: UN Habitat, 2013 According to the Municipal Law, municipalities like the DGU are permitted to create masterplans (general and detailed, including parceling), in conjunction with the DGU, submit these to the HCUP for review, and finally to the council of ministers for decreeing.

The municipal law and legislative order no. 118/77 both permit localities to take the lead in regional planning. Municipalities/UoM typically are unable to perform their Master Plans alone due to numerous difficulties.

B. National Actors

Long-time leaders in the field of urban and land-use planning in Lebanon are the Council for Development and Reconstruction (CDR) and the Directorate General for Urban Planning (DGU) (Farah, 2019).

1. Directorate General of Urbanism (DGU) and HCUP

The DGU is a massive public planning actor. It is a well-organized public administration within the Ministry of Public Works, with a strong majority, covering a wide range of planning and building domains (UN-Habitat, 2013).

The Directorate General of Urbanism (DGU), which is headed by a Director General, is composed of two departments: the Central Administration (Headquarters) and the Regional Offices. This is how administrative decentralization works with the exception that **the planning process does not involve the regional offices of the DGU.**

The DGU is answerable to the Director General-led Higher Council of Urban Planning in addition to performing its primary duty (HCUP). A master plan cannot be submitted to the Council of Ministers without first receiving clearance and approval from the HCUP. (ESCWA, 2021)

2. The Council for Development and Reconstruction (CDR)

Through the decree No. 5 from the 31st of January 1977, CDR was established. The CDR's duties were specified into three major tasks: sticking to a plan and timetable for the restart of development and reconstruction after the civil war, ensuring funding for projects presented; monitoring their execution and utilization while helping with the process of public institution rehabilitation. This gave the CDR the authority to take on responsibility for the execution of a number of projects under the direction of the Council of Ministers (CDR, 2020).

C. Ministries

Ministries that are concerned in planning or having their own agendas that might affect the local master plans are Ministry of Environment, Industry, Energy and Water, Agriculture, Interior and Municipalities, Public Works and Transportation, Culture, and Defense.

2.4. Planning Framework and Tools

National frameworks that direct the creation of public policy planning processes are still absent in Lebanon. The institutional level lacks the existence of the public body charged with planning. In the 1960s, the Ministry of Planning was abolished. The beginning of the civil war (1970–1990) has made everything worse. State institutions' main responsibility during the conflict was to provide bare-bones necessities and respond to urgent situations.

A. National Physical Master Plan for the Lebanese Territories (NPMPLT)

The National Physical Master Plan is a detailed land-use plan for the entire Lebanese territory. The goal of the plan is to bring about harmony, reasoned spending, and balanced development that takes cities and villages into account.

B. Physical Master Plan

For all of Lebanon's cities and villages, the DGU is in charge of creating and evaluating Master Plans.

In accordance with the three planning scales specified in the urban planning law no. 69/1983, there are three categories of urban instruments.

- The Territorial Land Use Plan (PAT): 1. According to Article 4. its requirements must be followed by all municipal urban planning plans and regulations. It ought to serve as the main framework for the other two categories as a result. No subsequent article, however, describes precisely what it will include, how it will be put into practice, or who will be in charge of doing so. This lack of an explanation for the connections with other planning types is probably a reflection of the power structure in place since the 1980s (UN-Habitat, 2013)
- The Master Plan (article 7): The only 2. enforceable plan is this one. A duty on the part of the government bodies. Its goal is to advance the public interest by identifying significant geographic features and make important planning decisions using orientations. The code mentions urban extensions. maintaining a balance between natural agricultural areas. defining and industrial zones and designated spaces to traffic definition, and public infrastructure zones. It also mentions the boundaries of historic districts. Despite being ambitious, this type of strategy was never used, and when it was, it frequently failed.

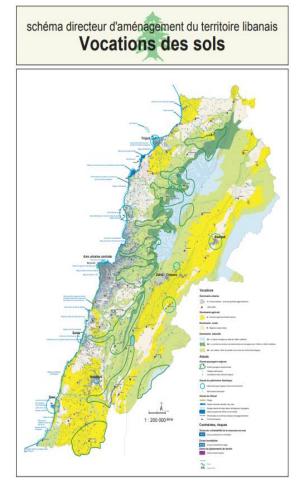


Fig.5: NPMPLT. Source: CDR

3. The Detailed Master Plan: It is comparable to the traditional land use plan. The final zoning restrictions are also defined in this plan.

Furthermore, in practice, Master plans and Detailed Master Plans has been reduced to one plan covering the borders and regulations of both plans (UN-Habitat, 2013).

C. Strategic Planning

The planning which includes long- or medium-term planning is defined as strategic planning. This planning is carried out by different actors mainly the UoM and some international ones as the European Union and the UN-Habitat (OSMAR, 2022).

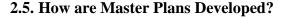




Fig.6: Master Plan process, adapted from Public Works Studio, 2017

Urban planning in Lebanon is based on Law No. 69, which was issued as a decree in 1983. The procedure for issuing plans and regulations is specified by law. The DGU develops the general and detailed master plans and regulations. Detailed master plans, on the other hand, set the specific rules and conditions for land usage, such as the principal use, exploitation ratios (which limit the permitted size of a structure based on the size of the underlying property), road network, public areas, industrial areas, and easements. The plan is drafted by the GDUP and presented to the municipality for comment. (M. Basbous, 2017)

The Higher Council of Urban Planning is then given a copy of the draft (HCUP). It is then submitted for approval by decree to the Council of Ministers. After three years, the HCUP's ruling is rendered invalid if it is not ratified. According to Article 51 of Decree No. 118/77, general master plans must be approved by the municipalities within whose boundaries they are located during this process (the Municipalities Law). According to Article 11 of the Urban Planning Law, the municipal councils must provide their feedback on the plans and regulations within a month of receiving them, or else they will be assumed to have approved them. (M. Basbous, 2017)

2.6. Consequences of the weak Lebanese urban governance on Master Plans

Urban planning in Lebanon is conducted out in a highly centralized manner, much like the overall system of service delivery (UN-Habitat, 2013). The stated centralization is accompanied with plenty of gaps leading to weaknesses in the resulting plans, illustrated in the following points:

- Planning without participation of the local communities. The plans have even occasionally been used to increase political and *mafia* control and put pressure on common citizens (M. Basbous, 2017).
- The centralization of authority in the plan's preparation. Municipalities and DGU region offices became increasingly marginalized. Although these schemes are increasingly municipal initiatives and not DGU (Jihad Farah K. G., L'aménagement par le haut : les actions de l'État central, 2016).
- The shared or common good is the foundation of planning as a profession. It presumes that there is a shared interest that exists above and beyond individual claims to urban or rural spaces and that the profession is charged with defending. Because of this, our interventions as planners and designers must go beyond the particular interests of landowners and/or residents to consider what can be defined as the "common good" ideally through inclusive processes (Fawaz, 2015).
- The total absence of the disaster and risk management in planning. As an example, local governments are currently hosting about 1.5 million Syrian refugees without any regulations stated in any master plan to be considered (Sleiman, 2017).
- The absence of coordination between the neighboring Master Plans. There are no regulations for this coordination at the Caza levels, or even at the Governorate ones (Mousa, 2022).
- The interference of Master Plans with the ministerial planning of various ministries. About ten ministries have their own plans, some strategic and others not (Mousa, 2022).
- The outdated rules, which mandated that each master plan have nearly the same zones in every town or village, ignoring the fact that urban planning cannot be done by strict adherence to rigid guidelines, whereas each case must be individually designed (Mousa, 2022).

2.7. How must Master Plans be created?

Land Use Planning by UN-CCD (2017) explains the necessary criteria needed for the best regional planning experience, so that the plan:

- ✓ Implement into governmental organizations and give a formal mandate for intersectoral planning; based on stakeholder differentiation.
- ✓ Combine top-down and bottom-up elements (vertical integration).
- ✓ Be based on sector coordination and inter-disciplinary cooperation (horizontal integration).
- ✓ Adhere to the subsidiarity principle.

✓ Be visionary ("futuristic").

✓ Encourage civic participation and openness.

We notice that successful plans can be built independently of the governmental planning system.

2.8. Similar Cases

There are various planning methods followed by governments worldwide, differing by the country's visions, strategies, and administrative systems (Williamson, 2000). In this research, and in order to perform an analytical comparison, we shall find two of the best global planning framework differing in their body while introducing a fruitful experience. By studying their methods and tracking their results we can deduce the key factors that strengthened that systems, so that the modifications of the Lebanese planning framework can be concluded. Germany and the United States are selected as two successful urban planning systems. In terms of centralization, these managing strategies differ significantly from one another (and from Lebanon). While the United States uses a fully decentralized system, Germany uses a top-to-bottom approach (Bundesamt, 2005).

A. Regional Planning in Germany

Germany is a federal country of four levels of governance. There are 16 federal states subordinate to the federal government. There are 402 administrative districts at the intermediate level and 11 092 municipalities at the local level (OECD, Land-Use Planning Systems in Germany: Country Fact Sheets, 2017).

Despite the fact that regional planning is required by Federal German law, each state has its own unique regional association structure. Regional associations have historically been the most flexible and experimental level of planning because administrative boundaries frequently do not coincide with planning issues. They can either be driven from below by municipalities or from above by the province.

Municipalities have some contribution into the regional planning process, but in the end, regional plans must be legally enforced by State authorities in order to become legally binding.

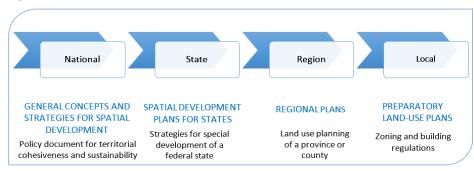


Fig.7: Organization of spatial and land-use planning in Germany, adapted from OECD, 2017

B. Regional Planning in the USA

There are four levels of government in the United States, including the national level, 50 federated states, 3031 governments at the intermediate level (such as counties), and 35 879 local authorities not including special purpose entities such as school districts). Land use decisions are typically made at the municipal level.

Despite not having any direct control over planning land use on private property, the federal government has a significant impact on land use. It has first passed environmental legislation that affects how land is used. Second, it has extensive land ownership.

3. METHODOLOGY

In this section, two types of research methodology were used. The first method is the comparative methodology, which includes in the first part the comparison of master planning frameworks between Germany and the United States with respect to Lebanon. The second part includes a comparative evaluation of the planning frameworks of the three countries based on the

results of the previous comparison. Finally, the deductive method, as a combination of all methods and extracting conclusions leading to the deduction of a recommendation for newly proposed model.

3.1. Presentation of the Three Planning Methods



Fig.8: Organization of spatial and land-use planning in USA, adapted from OECD, 2017

The planning systems introduced briefly in the previous part will be shown along with the Lebanese one in a table-design scheme. The goal is to describe and compare aspects of the current planning systems operating in the three countries. To introduce a holistic description of these systems, three titles where chosen: the legislative framework, the planning process, and the plan contents and characteristics. Under these titles, 13 parameters were selected for comprehension and evaluation.

The legislative framework will be introduced in: Core Principles, Government Structure and Planning Practices, Main Actor, Policies and Strategies, Legislation, and Review and Approval. The second title, the planning process, will be demonstrated in Reference Plan, Public Participation, and Time of the Planning. Within the last title, the plan is described by the Time Horizon, Contents, Main Advantage, and Role.

Table 1: Planning Comparison between the Three Methods. Adapted from (Carmona, 2003),
(Steele, 2012), (Works, 2018), (The Authors, 2022)

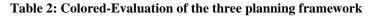
Planning Framework Data Lebanon United States 1 Core Principles Hierarchical with Lost Ties Horizontal and Vertical subsidiarity 2 Government Structure and Planning Practices Council of Ministers Federal Government	Germany Hierarchical
Core Frinciples Ties subsidiarity Government Structure Compile of Minister Endered Computer	Hierarchical
	Federal Government
3 Main Actor DGU Municipality	Municipality
4 Spatial Planning National Physical Absence of National Urbar 4 Policies and Strategies Master Plan for the Lebanese Territories Policy; the responsibility lies the state government	
5 Legislation 1- Council of Ministers 2- HCUP 3- DGU 1-(Federal/National level) 2- State Government 3- City Council or Municipal	1-(Federal/National level) 2- State Government ity 3- Regional 4- Municipal
6 Review and approval Plan-Based Project-Based	Project-Based
7 Time Horizons 25 Years 20 Years	15 Years
8 Public participation None Mandatory and Promoted active Participation	Active participation of the community & development actors
9 Reference Plan NPMPLT Strategic Plans on the Stat Level	Concepts and Strategies for Spatial Development in Germany
10 Contents/ structure Land-Use Planning Housing and Neighborhoods 10 Contents/ structure Land-Use Planning Solid Waste Conserving the nature reserves Cimate Change Cross-Cutting Topics Parks and Public Space Brownfields Waterways Water Supply Transportation Transportation	The Changing Economy The Desired Living Environment Defining Our Needs A vision for the Future Positive Place Making Minimizing spatial inequalities Conservation of Heritage Sustainable Space Arrangement
11 Role of plan Regulative Strategic	Regulative
12 Main Advantage - Flexibility	Certainty
	Moderate

3.2. Evaluation

It is required to evaluate the stated planning methods. Due to the difficulty of giving accurate percentages of each parameter (for the need of further deep studies on each case), the degrees will be introduced as five color-ranged intervals based on the personal comprehension of each case as follows:



The table below shows the resulting evaluation:



Planning Framework Data	Lebanon	United States	Germany
Government Structure and Planning Practices			
Main Actor			
Legislation			
Time Horizons			
Public participation			
Contents/ structure			
Role of plan			
Time of the planning			
Coherence with bordering plans			
Coherence with ministerial plans			

The following is a comparative evaluation of the master plan's creation process as well as the whole administrative framework. This illustration is based on the analysis of the data of illustrated in the previous table.

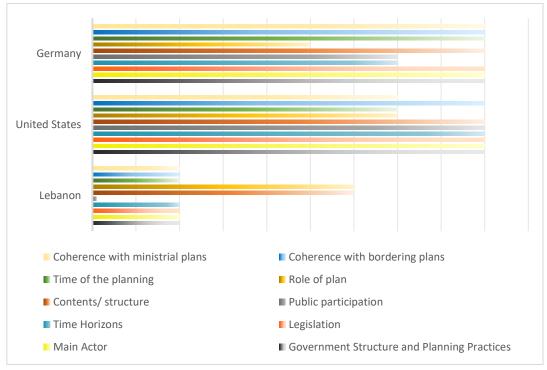


Fig.9: A comparative evaluation of ten selected parameters between the three countries, adapted by the authors.

3.3. Proposed Actions

Given the low evaluation of the Lebanese urban governance during the creation of the master plan and in comparison with other successful planning frameworks, there are plenty of actions that must be carried out in order to improve planning within the Lebanese political context and to achieve a new effective paradigm.

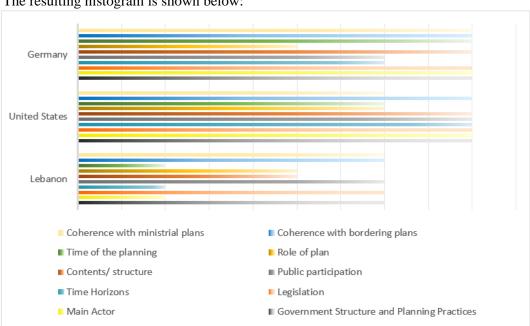
Following the research hypothesis, if we added more phases to the Master Planning procedure, we then claim that improvement will occur. Phases will be added as three axes:

- 1. First Axis: Adding a new tier of government: new levels of government between the municipalities and the national government. Counsels at the Governorate and the Caza must take a role in the planning process. This step shall enhance the correlation of planning between multi-plans within low and high scale regions. Hence the "Coherence with Bordering Plans", "Legislation", and "Government Structure and Planning Practices" parameters will improve.
- 2. Second Axis: Recreation of the ministry of planning: a recent debate about this ministry is being performed by the politicians so it is not completely difficult to accomplish. The issue of the high-scaled plans of the ministries ("*Coherence with Ministerial Plans*" parameter) will be surely resolved.
- **3.** Third Axis: Issuing new decrees that obligates the previously issued ones (Decree no. 8213 of May 24, 2012, and Decree no. 8633 of August 7, 2012) to be implanted in the master plans, in order to inform and involve the public in the preliminary studies as well as other stages of the planning process.

To sum up, the proposed actions will have a great enrichment on the planning context presented in the following table:

Planning Frameworks Data	Lebanon	United States	Germany
Government Structure and Planning Practices			
Main Actor			
Legislation			
Time Horizons			
Public participation			
Contents/ structure			
Role of plan			
Time of the planning			
Coherence with bordering plans			
Coherence with ministerial plans			

Table 3: Colored Evaluation after the proposed actions in the Lebanese planning framework



The resulting histogram is shown below:

Fig.10: Bar Chart showing the progress of the planning framework if the three steps were implanted, adapted by the authors.

3.4. Conclusion

As proposed in the hypothesis, the three important modifications that are stated in the discussion, are not impossible to achieve within the current political circumstances. Once achieved, it can be said that producing accurate and successful master plan is promising. Recreating the ministry of planning and giving the administrative role of the Governorate, the Caza, and the public are steps to build a neat planning framework.

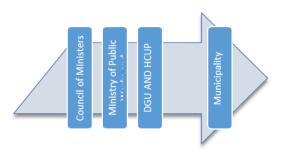


Fig.11: Current Planning Framework, adapted by the authors.

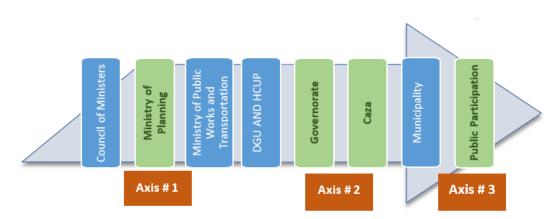


Fig.12: Proposed Planning Framework showing the three axes, adapted by the authors.

The experiences of the similar cases, as in Germany and USA, show that whatever the type of the administrative system governments follow, if there were a correct hierarchal concept in planning, successful plans will be carried out. As a result, the modifications proposed in this paper are sufficient to provide a new productive model in the Lebanese planning system for creating better master plans.

The existing administrative hierarchy leading to the current planning results as well as the proposed model are illustrated by the schemes of figures 10 and 11 above.

It is important to state that in Lebanon, the country that suffers confessional political system, it is challenging to advocate for a comprehensive reform of Lebanon's political structure. Making some modifications to the current one is more rational. Consequently, the new paradigm introduced in this paper is more adding new systematic steps than building a holistic new one.

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