

MUSHA' LANDS: "SAVING WHAT REMAINS"

THE CASE OF TIBNEEN

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With the growing awareness of environmental challenges, scarcity and degradation of natural resources, and reconsidering of historic land classification, *musha'* is increasingly being considered in sustainable community-inclusive use of land resources. The Arabic literal definition of the term *Musha'* is "undivided common land". However, the term *Musha'* is used to designate several forms of landholding in legal and popular parlance, making its use frequently controversial. Given that this popular term has never been adopted as a property category or form of ownership in the Lebanese official land registries, only limited documentation exists about its use and management (Clerc-Huybrechts, 2008). Some scholars associate the word *Musha'* with specific land tenure: "collective land acquisition" (Schaebler, 2000, p243), while others define it as a "system of communal land holding" (Said and Lim, 2006). Within a context where public spaces and agricultural areas are threatened by rapidly sprawling building activities, recovering *Musha'* may constitute an important step towards sustainable management and the conservation of cultural and natural heritage. Along these lines, this presentation will argue that researching the environmental, economic and socio-cultural significance of *Musha'* land contributes to the identification and revival of this forgotten asset, while exploring new ways of protecting Lebanese rural cultural landscapes.

Accepting that *Musha'* lands are undervalued and mismanaged, the first step is to articulate new interpretations of these lands, ones that are community-inclusive and ecologically sound. The aim of this research is to:

- Emphasize the sociocultural dimension of *Musha'* lands and redefine the concept of *Musha'* in the twenty-first century as an essential asset of the Lebanese rural cultural landscapes;
- Ensure a rational sustainable use, management, and governance of *Musha'* in the rural zones of Lebanon through proposing regulatory guidelines at the national level, coupled with strategic short-term action plans at the local scale;
- Set a strategic institutional structure that manages issues related to landownership, governance and the use of *Musha'* lands by integrating local communities, non-governmental organizations, international organizations, municipalities as well as governmental authorities.

Having outlined the general scope of the research, this paper summarizes the historic evolution of the term *Musha'*, discusses the failure of the Lebanese public agencies in upholding a clear legal and planning framework to govern *Musha'* lands and elaborates the socioeconomic and political consequences. The study will also apply the principles of the ecological landscape approach to the case study of Tibneen, as a dynamic, participatory, and holistic framework that promotes land management, ecological integrity and sustainable development. As a bottom-up approach, the ecological landscape framework is inclusive of the local community, responsive to the specificity of the local context, while contributing to its economic and social betterment.

MUSHA' LANDS: EVOLUTION AND SIGNIFICANCE IN THE LEBANESE CONTEXT

Drawing on an extensive investigation of Lebanese property records, Clerc-Huybrechts (2008) explains that in the Lebanese context, the term *Musha'* was historically used in two principle ways, namely (i) the "village *musha'*" and (ii) the "matrouke murfeke". The former term (village *musha'*) was associated with a special type of landholding, one where land was held in an undivided collective form, with rights translated into transferable shares. Typically, every three years, without any change in the right of ownership, land lots were combined and redistributed in a process of periodic rotation. In this form of rural communal ownership, families sharing a similar "commons" or "*Musha'*" were allocated different parcels, with every rotation securing access and use of land proportionally to one's shares. The term *Musha'* was also used to designate a specific category of lands named *metrouke murfeke* (Clerc-Huybrechts, 2008). These lands belonged to the state, where the right of use generally belonged to the inhabitants of the village in which they were located. The term *metrouke murfeke* officially appeared during the Ottoman cadastral reform in the code of 1858, to designate one of two land categories called *metrouke*, which means "left for the public use" (as battlefields, grazing lands or wood supply).

In Lebanon, the evolution of *Musha'* lands was drastically affected by the modernization of land tenure systems during the Ottoman and French mandate periods. During the Arab conquest, the term *Musha'* signified a form of group landownership, especially in Palestine and "Belad el Sham". At the time, *Musha'* lands were labeled "*amiriyye*" (also known as *Mirri* lands), referring to state-owned lands belonging to Ameer Al Muslimeen that were dedicated to the benefit of the Islamic community (*likhidmat al omma al islamiyah*) represented by the imperial treasury (Clerc-Huybrechts, 2008). During the Ottoman era, before the initiation of the 1858 land code, *Musha'* lands changed from a term representing land title into a system characterized by the periodic redistribution of plots among peasant cultivators (Al Salim,

2011). In 1858, when the Ottoman property code was enacted, landholders required ownership registration. This privatization process continued during the French mandate, where the remaining *Musha'* lands fell under the category of "*metrouke murfeke*" as the private domain of the state.

BUREAUCRATIC APPROACH AND NEO-LIBERAL APPROPRIATION OF MUSHA' LANDS

Musha' lands fell between the cracks of the administrative bureaucratic legislative differences between various Lebanese authorities, who attempted to revitalize, sustainably manage and govern these lands as rural, cultural and natural heritage. In a collaboration between the Ministry of Agriculture and Ministry of Environment, efforts were deployed to revitalize these abandoned, undermined areas in sixty-six villages through a reforestation project that was part of a national initiative called "*Mashrou' Al Akhdar*". In another attempt, *Musha'* lands were also part of the National Physical Master Plan of the Lebanese Territories (NPMLT) prepared by the Council for Development and Reconstruction (CDR) under the supervision of the Directorate General of Urban Planning (DGU). The final report of the NPMLT categorized *Musha'* lands under Protected Areas (PA)', without recognizing them as a category of land with sociocultural, environmental and historical value in Lebanese rural landscapes. Despite their importance, both initiatives, *Mashrou' Al Akhdar* and the NPMLT completely neglected the social dimension that was historically considered a key differentiating character, distinguishing *Musha'* lands from other land categories. Both projects dealt with *Musha'* lands from a narrow perspective, without emphasizing their potential as active communal spaces with environmental, ecological and sociocultural value. Hence, all attempts by Lebanese public agencies (e.g. the MoA, MoE, DGU, and CDR) have fallen short in attaining an ecologically sound and communally integrated vision for the a long-term sustainable development of *Musha'* lands.

The absence of a solid framework and clear urban planning strategy was further aggravated by political and economic pressure, resulting in the privatization of the public domain, degradation of natural resources and the unjust exclusion of the community from their rights to their land, catering to the privileged few. Considering the contested land registry status of communal lands, the inaccuracies and vagueness of property rights are leading to land exploitation. It also becomes "an added asset, a legal loophole, seized upon by neo-liberal politics to acquire prime landscapes for large scale developments" (Makhzoumi, 2011, p.230). Zinet Sanine is one of several projects that are economically and politically driven, stretching out to embrace the municipal

boundaries of four villages, namely Kaa El Rim, El Mtein, Slouki and Bednayel. Large portions of musha' lands were purchased and then merged, forming an area of 9,600 hectares, advertised to be 1% of Lebanon's total area. Ruled by profit, this huge portion of the Lebanese mountain landscape was completely destroyed and replaced with a high-end touristic resort, with an extensive sports, recreation and business facilities.

Considering the environmental and ecological throwbacks, the Sanine Zineth project contributes to the destruction of ecological integrity and natural processes, fragmentation and the wasteful use of natural resources, as well as the interruption of visual, physical and ecological corridors. Sannine is the second largest aquifer in Lebanon and lies on the path of migratory birds. Hence, the project will "invariably disrupt recharge of Sannine aquifer" (Makhzoumi, 2011, p.236) and threatens wildlife habitat beyond the existing local flora and fauna. The expected high financial return of the project renders the abuse of nature totally legitimate. While it dismisses the ecological significance, the local economic benefit of this large-scale development is questionable as well. The fact is that the developing company is non-Lebanese, hence the capital investment and financing do not necessarily cater to the development of local communities and the economy.

As the state refrains from fulfilling its role as a protector of social rights, the Lebanese environmental assets and landscape sceneries are slowly being converted into marketable goods, catering to the economic interests of the fortunate elite. Moreover, the failure of the state to uphold legal articles/decrees, in addition to the continuous deterioration of the rural economies, forced marginal communities to relinquish their rights to communal lands and natural resources that are integral to the Lebanese national identity and collective heritage.

ECOLOGICAL LANDSCAPE APPROACH- THE CASE OF TIBNEEN

Accepting the sociocultural and ecological significance of Musha' land and considering the current political and economic pressures, it is essential to adopt an integrative and holistic planning approach to revive and re-conceptualize communal lands within an ecologically sustainable development framework. It is argued that by adopting the ecological landscape approach, landscape becomes a medium for interpreting natural heritage, unfolding cultural values and understanding ecological processes. The ecological landscape framework maintains its solid foundation through the understanding of existing conditions and processes, minimizing environmental degradation, stressing on ecological integrity and guiding urban development by responding to environmental pressures and urban needs. Hence, this expansive framework offers several advantages

when applied to rural cultural landscapes. First, the approach and method are integrative of the totality of rural landscapes, being at once natural and cultural. Second, being a bottom-up approach, landscape design is responsive to place and inclusive of local community needs, aiming for economic and social betterment.

To test this assumption, the ecological landscape approach will be applied to the case study of Tibneen, a village located in South Lebanon, which retains at its outskirts two prominent natural components forming a greenbelt confining the existing urban fabric of the village. Through Tibneen the research will investigate the commons away from its legal status as a registered land category with associated property rights. Alternatively, it will tackle the concept of musha based on the sociocultural dimension grounded by the communal sense of belonging, collective understanding of the place and the shared responsibility to sustainably maintain, preserve and manage the landscape and its resources for the sake of the common good, ensuring the ecological integrity of the town. Hence, the research will focus on the one hand, on the village's forest being one of the remaining few and largest musha lands in the region, legally registered as Matrouke Murtfakah. The forest was subject to several transformations where a UNIFIL camp was established during the late 1990s at the upper entrance of the forest, characterized by harsh security perimeters of high concrete walls strung with spools of wire enclosing all sides of the camp, tall gates and guards, in addition to a sports and recreational complex occupying 3.66% of the forest. On the other hand, the study will include the agricultural fields that were historically the agricultural commons of the village and were afterwards converted into privately owned lands maintaining agriculture as the land use. Today the fertile agricultural valley, which occupying 66% of Tibneen total area, is valued as scenic landscape, as a shared public green space providing recreational opportunities and promoting social networking as well as a place that revives memories and anchors the sense of belonging. Despite the fact that the agricultural fields are privately owned plots, it is publicly perceived by the local community with an evident and strong sense of communality transcending individual property rights.

Despite the centrality of the agricultural fields to the livelihood of more than 60% of the local permanent inhabitants, the approved master plan classified most of the agricultural fields as mixed use reducing their spread from 66% of Tibneen total area to 8% only. Unfortunately the land use planning scenario in the case of Tibneen is typical to other villages in Lebanon where "predefined understanding of the landscape as propertied shapes the outcome of the planning process to serve propertied interests." (M. Fawaz, 2016) hence, "the (private) interests of property owners take precedence over the (shared) interest of town-dwellers to protect cultural landmarks and "agricultural commons." (M. Fawaz, 2016). The proposed master plan was designed

to support the propertied interests of those who value their lands as a real estate asset aiming at increasing their market value with a higher building coefficient.

It is on his last point that the study will place the most emphasis, where the ecological landscape approach will be adopted in an attempt to overcome the fragmented compartmentalized approach of the traditional planning process. It is believed that the expansive, responsive and dynamic framework of the ecological landscape approach will contribute to a sound planning strategy that maintains the landscape integrity, being both ecological and cultural, promotes sustainable development and reinforces the natural and cultural spirit of the place. The revival of Musha' will allow for re-conceptualizing the relationship between villagers and their natural landscapes, and perhaps formulate an innovative way that strengthens shared forms of ownership that can protect the natural environment. It hence contributes to restoring and preserving the sociocultural values and practices related to Lebanese cultural landscapes.

FOOTNOTES

1. "A protected area is a clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long term conservation of nature with associated ecosystem services and cultural values" (IUCN Definition 2008).

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