

# كسر القوالب Breaking the mold

#Breaking\_The\_Mold

## Arab Civil Society Actors and their Quest to Influence Policy-Making

Case Study #5

Country Lebanon

Keywords: Public properties, Violation of public rights, Legal reforms, Coalitions, Advocacy, Lebanon

### LEBANESE CIVIL SOCIETY ORGANIZATIONS AND THE PROTECTION OF PUBLIC MARITIME PROPERTY IN LEBANON

| Alexi Touma |

The involvement, strategies and challenges that faced Lebanese civil society organizations in protecting public maritime property from privatization initiatives

#### BACKGROUND

Civil society organizations (CSOs) in Lebanon ranging from legal organizations to environmental ones, from grassroots movements to organized coalitions, have sought to challenge the private development of the country's public maritime property. The case for protecting Lebanon's coast has several dimensions: legal, social<sup>1</sup> and environmental. Systematic construction of large-scale projects, often illegal, on Lebanon's coast has boomed since the end of the civil war resulting in the reduction of public access to only 40km, equivalent to 20 percent of the Lebanese coast (Bou Aoun, 2018). Violations of coastal property have been documented along Lebanon's 220km coast, with incidents in Dalieh and Ramlet al Bayda in Beirut, among others stretching from the north to south of the country.

The coast has been enshrined in Decree 1925/144, established during the French mandate, as "inalienable maritime public domain" and has traditionally been a source of livelihood for fishermen and an informal economy<sup>2</sup>. Despite this statement, Article 14 of the decree stipulates that public maritime property can be occupied for a fee as long as potential projects are temporary and respect the rights of the public (Bou Aoun, 2018). It is believed that this article was used as a loophole in privatizing the coast and the stepping stone for future exploitative laws. Decree 1966/4810 amended the public maritime domain law allowing resort owners to use three times the surface area of the resort to construct a marina (<https://dalieh.org/>).

Property owners bordering public maritime areas can occupy these areas for private use if they are "exempted", i.e., under the condition that the project must have a public or touristic character. Decree 1989/169 allowed for Zone 10 exploitation (area of Beirut containing the Corniche and Dalieh), resulting in the construction of the Mövenpick Hotel. Decree 1995/7464 further regulates 1989/169 allowing for further exploitation of Zone 10. Law 1995/402 grants exceptions to land owners seeking to build hotels and doubled exploitation factors for land plots exceeding 20,000 square meters. Consequently, Law 1995/402 was renewed for 19 years in 2014 (<https://dalieh.org/>).

Despite the legal framework, 52 percent of public maritime projects are unlicensed and 27.3 percent of projects exceed their licensed quota of area (The Lebanese Coastal Coalition, 2017). It is estimated that owners of resorts on public maritime property owe 1\$ billion USD in fines and taxes to the government meant for the improvement of public areas (Battah, 2015).

CSOs have brought the issue to the attention of the public through protests and sit-ins, among other forms of demonstrations. To the actors involved, the issue of the coast is intrinsically a matter of flagrant corruption. Throughout their work, CSOs have engaged and lobbied the Ministry of Public Works and Transport, the Ministry of Environment, the Municipality of Beirut, and the Directorate General of Urban Planning (DGU) to highlight this issue.

<sup>1</sup> According to activists, citizens along the coast consider it a part of their urban identity and history.

<sup>2</sup> <https://dalieh.org/>

## TIMELINE AND ROLE OF CSOs

Organizations have been working to protect the coast as early as 1991, if not earlier, when illegal sand-removing operations were taking place in Tyre. At the time, the Green Line Association headed by Ali Darwish and a group of university professors began raising awareness and started mobilizing to halt the operations. Government permits were issued for the sand operations, but once local families started voicing opposition, the projects were halted. The political notable of the area did not want to risk losing the support of his constituents in a fragile post-war Lebanon<sup>3</sup>.

According to Ali Darwish, the Lebanese government first began reclaiming the coast from the sea in the 1950s, at which point they issued permits and changed the designation of land plots. In 1964 the government planned for a hotel district along Beirut's southern coast, foreshadowing future government policies. In 1999, Ramlet al-Bayda was to be turned into a touristic project by companies and associates of the late Prime Minister Rafic Hariri until campaigns against the project began. Families located in the area worked with activists and were supported by the media against the new project. Due to immense pressure and to avoid upsetting constituents, the project was dropped in a similar fashion to those in Tyre; again, the political climate favored the activists<sup>4</sup>. A video report<sup>5</sup> released by Al Jazeera Arabic highlights more recent violation, such as Zaitunay Bay. The video exposes the level of corruption in government that was involved in the creation of the project.

NGO activism has played a leading role. These groups helped make up the Civil Campaign to Protect the Dalieh of Raouche (CCPDR), a self-funded grassroots' movement comprising many actors that began taking form in 2013 to halt the privatization and construction of Dalieh in Beirut. The movement took shape when security forces began to evict and demolish the homes of fishermen<sup>6</sup>. CCPDR proved the effectiveness of collective mobilization with the support of families of the area and laid the foundation of the twenty-four group<sup>7</sup>, the Lebanese Coast Coalition, to expand their scope nationwide (The Lebanese Coastal Coalition, 2017). However, the coalition's prominent members currently advocate their own initiatives while claiming to be under the umbrella of the Lebanese Coastal Coalition.

Currently, numerous groups are working to protect Lebanon's coast. CSOs such as Legal Agenda and Nahnoo, act independently and also in conjunction with others. They joined the CCPDR in 2014 and more recently the Lebanese Coast Coalition in 2017. The work of these groups has led to successful legal challenges of government decrees, classifying the Eden Bay Resort in Ramlet al-Bayda as illegal, and halting the construction of a project on the beaches of Batroun.

Beirut Madinati, a coalition of civil society actors, addressed the issue of the coast in their 2016 municipal election campaign and have engaged the Beirut municipal council to adopt regulations for managing coastal properties<sup>8</sup>.

Refresh, an online content publisher oriented towards the youth and NGOs, has also been involved in advocating for the protection of coastal property in Lebanon through their platform and on social media.



## STRATEGIES AND TACTICS

The issue of Lebanon's coast was covered by local and international media. Press conferences, protests, and published stories related to advocacy work were found in Al Jazeera, The Guardian, and Al Akhbar. Social media played a prominent role in facilitating advocacy, whereby it provided a platform for civil society actors to reach activists and the public regarding certain events such as protests and incident reporting<sup>9</sup>.

In Batroun, Refresh circulated a short video highlighting a coastal violation on their website and on social media that garnered massive attention and resulted in the cancellation of permits related to the project by the Ministry of Publics Works and Transport ("Suspension of Infringement", 2018). In addition, Refresh interviewed residents of Batroun, the Municipality of Batroun, and the owner of the project in videos posted on their website and Facebook page.

Campaigns such as the CCPDR held contests for participants to create alternate plans for the development for Dalieh in what is known as participatory urban planning. CCPDR also exhibited archived photographs of pre-war Beirut in which families and citizens are seen enjoying the coast (<https://dalieh.org/>). These efforts sought to encourage citizens' desire to reappropriate the coast and to reinforce emotional sentiment to increase citizen involvement in the cause and increase its sustainability<sup>10</sup>.

Lawsuits filed by Legal Agenda, Nahnoo, and Green Line were used to challenge Decree 169 of 1989 on the grounds of the secretive manner in which it was approved during the civil war. In 2015, the Ministry of Environment issued a draft decree designating Dalieh as a naturally protected zone following the successful lobbying of activists (Battah, 2015). Similar legal action was taken in the case of Eden Bay, which resulted in the temporary halting of the project by order of the judiciary and halting the issuance of permits for the hotel.

<sup>3</sup> Ali Darwish. Personal interview.

<sup>4</sup> Ali Darwish. Personal interview.

<sup>5</sup> <https://www.youtube.com/watch?v=y4CfsBdjdGc>

<sup>6</sup> Fishermen's homes were demolished, and families evicted in response to eviction orders to clear the area for potential real estate development. Some families accepted financial compensation from real estate companies while others filed lawsuits in protest.

<sup>7</sup> Consists of a diverse set of groups including but not limited to: fishermen's cooperatives in Beirut, Beirut Madinati, Legal Agenda, Green Line Association, Nahnoo, Operation Big Blue, Water Protection Group of Lebanon, North Lebanon Fishermen's Syndicate, Northern Cooperative Association of Fishermen, and CCPDR.

<sup>8</sup> Mona Fawaz. Personal interview.

<sup>9</sup> Abir Saksouk. Personal interview.

<sup>10</sup> Abir Saksouk. Personal interview.

Members of Beirut Madinati engaged in strategic litigation as a tool to pressure the municipal council of Beirut into placing the coast under study and come up with a framework for managing the coast<sup>11</sup>.

### KEY FACTORS AND MOMENTS OF OPPORTUNITY

As stated earlier, the Ministry of Environment responded positively to the work of the CCPDR by issuing a draft decree to protect Dalieh in 2015, despite the fact it has yet to be ratified. More recent cases have garnered the support of influential political figures and members of government, including Foreign Minister Gebran Bassil's involvement on the side of activists in Batroun; it is important to note that the minister is and draws support from Batroun. In the case of Ramlet al-Bayda, Lebanon's president, Michel Aoun, involved himself by delegating the head of the Order of Engineers in Beirut, Jad Tabet, to conduct a report on the violations of the construction of the Eden Bay resort, which includes at least eight violations of the law that necessitate the demolition of the project (Hobeish, 2017). A factor that led to the president's involvement was the action and campaigning of civil society actors regarding Eden Bay and his campaign pledge to tackle corruption<sup>12</sup>. The efforts of the president and his delegation, coupled with the work of civil society actors, brought this issue to the limelight through the lens of rampant corruption, and halted the issuing of official permits from the municipality. Despite efforts, the hotel continues to operate due to permits issued by the Ministry of Public Works and Transport and the Ministry of Tourism<sup>13</sup>.

It is evident that government officials issuing permits are an integral component in the case of the coast. After reviewing many cases in Lebanon, violations tend to occur with projects which are owned by individuals from the given area, regardless of whether that area is a major city like Beirut or much smaller, like Kfar Aabida in the north<sup>14</sup>.

Despite the efforts of CSOs, a disparity has been observed between the stated objectives, practical outcomes, and cooperation of prominent actors, as evident with the Lebanese Coast Coalition.

While its aims are bold, the coalition is held back by internal divisions and lack of organization, according to members involved. Internal cooperation is minimal with dysfunction stemming from competition and disagreements over a common strategy and modus operandi<sup>15</sup>.

As a result, some of the more prominent groups choose to operate independently and thus dealing a blow to the effectiveness of the coastal protection movement as a whole. Ali Darwish, a member of the coalition, believes chances of success are close to zero as long as the political climate and traditional media are not in their favor.

### OUTCOMES: CASE BY CASE

Outcomes vary case-to-case. The CCPDR was able to halt the privatization and construction of Dalieh, symbolized in the dismantling of a metal fence around the area by activists, for the time being. The Ministry of Environment drafted a decree designating Dalieh a nationally protected area in 2015; in addition, conditions were made tighter to make it more difficult for the development of future projects, if approved. In the case of Ramlet al-Bayda, a report declaring the Eden Bay project as illegal prevented it from obtaining the necessary permits from the municipality. However, the project has been constructed and operates through a loophole that allows it to obtain renewable permits to operate from the Ministry of Tourism. In Batroun, the social media campaign launched by Refresh played a role in the Ministry of Public Works and Transport's cancellation of all related permits. In 2017, Article 11 of the Tax Policy Act addressed the illegal occupation of coastal property by issuing mild fines in a bid to secure additional funding for the state (Bou Aoun, 2018). Ultimately, the outcome of cases was reliant, to a significant extent, on the influence and leverage of political officials in the respective areas. For instance, influence of certain political officials in Beirut was so great that civil society actors' attempts to shutdown Eden Bay were overcome; in Batroun the respective officials sided with the civil society actors resulting in the immediate shutdown of the project. The most successful outcome of all is the heightened awareness over the protection of coastal property in Lebanon among the general population, particularly in Beirut.

---

<sup>11</sup> Mona Fawaz. Personal interview.

<sup>12</sup> Mona Fawaz. Personal interview.

<sup>13</sup> Ali Darwish. Personal interview.

<sup>14</sup> Ali Darwish. Personal interview.

<sup>15</sup> Mohammad Ayoub. Personal interview.



## LESSONS LEARNED

- Timing and political context played a key role in early successes in 1991 and 2001 but were a major obstacle in 2015 with the Eden Bay project. When political actors feel threatened chances improve for CSOs, but when they are secure in their relations with other parties and their constituents then chances are minimal.
- Communication and advocacy when oriented towards local populations most impacted by coastal developments played a key role in mobilizing activists and individuals against projects.
- CSOs struggling amongst themselves over matters of agenda and competition hindered their efforts at building a cohesive bloc aimed at protecting the coast and challenging government decisions.

## REFERENCES

Battah, H. (2015, March 17). A city without a shore: Rem Koolhaas, Dalieh and the paving of Beirut's coast. Retrieved January 2, 2019, from <https://www.theguardian.com/cities/2015/mar/17/rem-koolhaas-dalieh-beirut-shore-coast>

Battah, H. (2015, May 04). Ministry announces decree to protect Dalieh coast. Retrieved January 2, 2019, from <http://www.beirutreport.com/2015/03/ministry-announces-law-to-protect-dalieh-coast.html>

Bou Aoun, C. (2018, April 16). Framing the Lebanese Seashore: Crowding Out Public Interest. Retrieved January 2, 2019, from <http://legal-agenda.com/en/article.php?id=4372>

Hobeish, H. (2017, July 18). "Eden Bay": Lebanon's strongest illegal project. Al-Modon. Retrieved January 2, 2019 from <https://www.almodon.com/politics/2017/7/18/%D8%A7%D9%8A%D8%AF%D9%86-%D8%A8%D8%A7%D9%8A-%D8%A3%D9%82%D9%88%D9%89-%D9%85%D8%B4%D8%B1%D9%88%D8%B9-%D9%85%D8%AE%D8%A7%D9%84%D9%81-%D9%81%D9%8A-%D9%84%D8%A8%D9%86%D8%A7%D9%86>

Suspension of Infringement in Al-Ghlayghliye Refresh Reveals. (2018, October 07). Refresh. Retrieved January 2, 2019 from <https://www.refresh.com.lb/%D8%AA%D9%88%D9%82%D9%8A%D9%81-%D8%A7%D9%84%D8%AA%D8%B9%D8%AF%D9%8A-%D9%81%D9%8A-%D8%A7%D9%84%D8%BA%D9%84%D9%8A%D8%BA%D9%8A%D9%84%D8%A9-%D9%88refresh-%D9%8A%D9%88%D8%B6%D8%AD/>

The Lebanese Coast Coalition: A new date for defending the public domain and marine life. (2017, June 29). Legal Agenda. Retrieved January 2, 2019 from <http://legal-agenda.com/article.php?id=3754>

## BREAKING THE MOLD PROJECT

In mid- 2018, the “Civil Society Actors and Policymaking in the Arab World” program at IFI, with the support of Open Society Foundations, launched the second round of its extended research project “Arab Civil Society Actors and their Quest to Influence Policy-Making”. This project mapped and analyzed the attempts of Arab civil society, in all its orientations, structures, and differences, to influence public policy across a variety of domains. This research produced 92 case studies outlining the role of civil society in impacting political, social, economic, gender, educational, health-related, and environmental policies in ten Arab countries: Lebanon, Syria, Palestine, Jordan, Egypt, Morocco, Tunisia, Yemen, and the Arab Gulf.

Over two dozen researchers and research groups from the above countries participated in this project, which was conducted over a year and a half. The results were reviewed by an advisory committee for methodology to ensure alignment with the project’s goals, and were presented by the researchers in various themed sessions over the course of the two days.








## THE CIVIL SOCIETY ACTORS AND POLICY-MAKING PROGRAM

at the Issam Fares Institute for Public Policy and International Affairs at AUB, examines the role that civil society actors play in shaping and making policy. Specifically, the program focuses on the following aspects: how civil society actors organize themselves into advocacy coalitions; how policy networks are formed to influence policy processes and outcomes; and how policy research institutes contribute their research into policy. The program also explores the media’s expanding role, which some claim has catalyzed the Uprisings throughout the region.

## THE ISSAM FARES INSTITUTE FOR PUBLIC POLICY AND INTERNATIONAL AFFAIRS AT THE AMERICAN UNIVERSITY OF BEIRUT

The Issam Fares Institute for Public Policy and International Affairs (IFI) at the American University of Beirut (AUB) is an independent, research-based, policy oriented institute. It aims to initiate and develop policy-relevant research in and about the Arab region. The Institute is committed to expanding and deepening knowledge production and to creating a space for the interdisciplinary exchange of ideas among researchers, civil society actors, and policy makers.

Issam Fares Institute for Public Policy and International Affairs  
American University of Beirut  
P.O.Box 11-0236

 Riad El-Solh / Beirut 1107 2020 Lebanon  
 961-1-350000 ext. 4150 / Fax: +961-1-737627  
 ifi.comms@aub.edu.lb  
 www.aub.edu.lb  
 aub.ifi  
 @ifi\_aub  
 @ifi\_aub

