



This Sea Is Mine

This is a journey along the Beirut seafront in search of different understandings of public space in Lebanon.

This is an invitation to (re)imagine our city, and how to demand our rights to it.

The Notion of *Public* in Beirut

The fear is that people will enter [into Horsh Beirut] and have barbeques. It will be as if you are entering the zoo in Egypt, seeing barbeques, eating, drinking, and people lying on the grass—especially on Fridays. We also fear that the park will turn into shisha-smoking grounds. You know, we have become quite good at this throughout the sidewalks of Beirut. You find a women’s hairdresser setting up three tables and a shisha. You find florists on the sidewalk with shishas... Tomorrow the Horsh will also be turned into a shisha location, or into a place where immoral activities happen, or a place where one person fights with another over political issues...

I am planning to hire a private company to provide effective security for the Horsh from any type of misuse...

With these words, Mayor of Beirut Bilal Hamad explains the reasons behind the ongoing closure of Horsh Beirut—the city’s largest public park. According to Hamad, public space is an uninhabited, sterile “natural reserve” park—and it needs to be maintained as such. The presence of any one of a number of diverse social groups would threaten this normative image of the park. Talk of a probationary period in which people are allegedly given the opportunity to prove their deservedness is one of several indications that the management of public spaces in the city is undergirded by a particular conceptualization of the “public.” This public is classed, not to mention sexed and racialized, in specific ways so as to project what an acceptable public might be. Zaytouna Bay or any other area in downtown Beirut offers another example of this dynamic. We can visually see that the spaces that are open to the public are actually monitored and controlled through various strategies. The location of Zaytouna Bay itself as an extension of the Solidere area effectively determines both the “type” of people that can be present within it as well as the “way” in which the place is utilized.

The Municipal Council of Beirut, which is an environmentally aware council, intends to open the Horsh. However, I am also notifying you that there will be a probationary period. I am doing so both for me—to see if I will carry out my responsibilities—and for the people—because they also have to carry out their responsibilities and preserve this paradise of a natural reserve. If it succeeds, we will continue. If it fails, we will close it off again and work on how to make it successful.

Excerpts from speech
Al-Madina Theater
8 February 2012.
Watch the video on [YouTube](#):
[Nahnoo Public Policy Forum - Horsh Beirut](#)

This perception of what is considered an appropriate public draws on a constructed image of what Beirut ought to be. Since the end of the civil war, we have been bombarded with advertisement campaigns about the reconstruction of the city. These campaigns promote the new Beirut skyline—dominated by towers—as the primary symbol of the rebirth of the capitalist Lebanese capital. In fact, a substantial number of these (re)construction sites are upscale buildings, often associated in the public’s imagination with the face of the neoliberal city that Beirut is to become. Many of these buildings are constructed atop the debris of old homes, while others colonize the sparse remaining green areas and open spaces throughout the city. Related to this image is the privatization of areas originally slated for public use. This in turn privileges certain understandings of development wherein the public is absent.

During the past twenty years, the regulatory framework for construction in Lebanon has enabled “private actors to take charge of [the] planning of the city.”¹ One particular case of this is the gradual disappearance of Beirut’s publically accessible seafront areas—a process made possible through the legalization of the de facto privatization of the beachfront that occurred both before and (for the most part) during the civil war. This has paved the way for the private exploitation of the public domain under the banner of an alleged public good, resulting in effectively banning the public from accessing the sea. Elites deployed strategies on multiple levels in order to reorganize the (private) production of the built environment. Consequently, private capital and its demands have overthrown other prerogatives—in this case the public. Put differently, laws and procedures governing the development of seafront areas are formulated on the basis of a particular understanding of public good that is in reality oriented towards private interests.

On the Beirut seafront, as throughout the rest of the city, the state’s conception of the public realm facilitates the progressive encroachment on the remaining public spaces of the city.

¹ M. Krijnen and M. Fawaz, “Exception as the Rule: High-End Developments in Neoliberal Beirut,” *Built Environment* Vol. 36 No. 2 (4 July 2010), pp. 245-259.

Planning and Cadastral Surveys in Beirut

In the early 1990s, news circulated of backdoor privatization schemes designed to transform the ownership of seafront properties so as to place them under the control of political and financial elites. Yet a historical inquiry into the cadastral documents of Beirut's seafront reveals that many of these seaside plots of land have actually been the private property of Beirut families since the French colonial authorities carried out a comprehensive land registration process beginning in the 1920s. Taking our cue from this paradox of a privately-owned but publically-accessed seafront, **This Sea Is Mine** aims to explore our understanding of the notions of "public" and "private," and the ways in which they apply to Beirut's seafront.

Understanding the notion of public space requires delving into the history of land ownership and urban planning in Beirut. One of the major processes that transformed land tenure practices in Lebanon—including the Beirut seafront—was the institution of a comprehensive cadastral survey during the French mandate period. Then, the French military used aerial photography both to repress anti-colonial mobilizations as well as to achieve the greatest possible accuracy in determining land ownership.² The cadastral survey sought to advance the development of a land registry, which was initiated in the early years of the mandate. The registry identified land by plot and individual owner.

Seeking to build on the cadastral survey and land registry, the Lebanese government eventually developed a master plan for the city of Beirut in 1951. This master plan was based on French planner Micheal Ecochard's plans for the city from the early 1940s. However, the effective master plan was not adopted until 1964, and it bore little resemblance to Ecochard's original vision for the city.³ The changes in the master plan were the result of pressures from vested interests in the real estate sector.⁴ On the one hand, the resultant zoning codes neglected the infrastructural needs of the newer suburbs where industrial expansion was taking place. On the other hand, they reinforced patterns in urban growth favorable to existing

² H. Hibri, "Mapping Beirut: Toward a History of the Translation of Space from the French Mandate through the Civil War (1920-91)," *The Arab World Geographer* Vol. 12 No. 3-4 (2009), pp. 119-135.

trends in real estate speculation.⁵ The major mapping projects of the 1960s were part of Chehabist efforts at state-led planning and institution building. However, financial and real estate speculation ultimately curtailed the ability of state and non-state actors in favor of such developments.

The coast, similar to what happened throughout the rest of Beirut, was subjected to modern zoning laws and property subdivisions. Historically family-owned lands on the Beirut seafront were transformed into specifically defined single plots and attributed to individual ownership. Simultaneously, the first set of zoning codes applied to the Beirut seafront variously prohibited building construction on the coast—with different degrees of prohibition depending on the zone. Thus the combination of (private) ownership of the seafront and (public) zoning laws prohibiting construction therein produced an unclear understanding of what is private and what is public.

While an investigation of the ownership history of the Beirut coast was our starting point, our goals were not limited to the technicalities of legality and illegality that undergirded the transformation in land tenure. Rather, we were keen to uncover the realities of property practices to also differentiate between ownership and use. We thus explore the social context and legal frameworks that enabled the production of the realities of the seafront. This reality is underpinned by private exploitation of plots of land adjacent to the sea, consequently banning free and public access to the sea. Our ultimate goal is the publication of our research findings and the redefining of public space so as to examine the realities that govern the relationship of people to space.

^{3 4 5} Jad Tabet, *Al-Imar wa-al-Maslaha al-'Amma fi al-Turath wa-al-Hadatha: Madinat al-Harb wa-Zakirat al-Mustaqbal [Construction and Public Good]* (Beirut: Dar al-Jadid, 1996).

The Coast of Beirut

Despite the ambiguity about who exactly owns what, we are all aware that we have lost our right to freely access the sea throughout the majority of Beirut's beaches.

A 1997 report commissioned by the World Bank and Lebanese government indicated that capital holders, some of which hold political office, own eighty-one percent of the coastal areas between Jounieh Bay and Beirut International Airport—approximately fifty-one kilometers in length.⁶ Furthermore, an estimated one-fourth of the total area of seafront property was privately developed in violation of the law. Most of these violations took place during the civil war as part of a broader process of seafront encroachment. Inhabitants abandoned the coastal areas in search of safer abodes as fighting devastated the entire region. The seafront areas north of Beirut and south of Tripoli were among the most in-demand as potential leisure resorts. Economic and political conditions specific to the civil war also encouraged a housing boom that was linked to population movements. In turn, this expansion of activity in the real estate sector enabled the money laundering of wealth looted throughout the years of the civil war. The context of hyperinflation from 1986 and onwards further consolidated the centrality of the real estate sector as a safe haven for capital. Seafront properties, because they provide greater opportunities for profitable operations, benefited more than others from such investments.⁷

Since the civil war ended in 1990, residents and activists have regularly denounced these coastal encroachments

2003 | Source: Geographic Affairs of the Lebanese Army



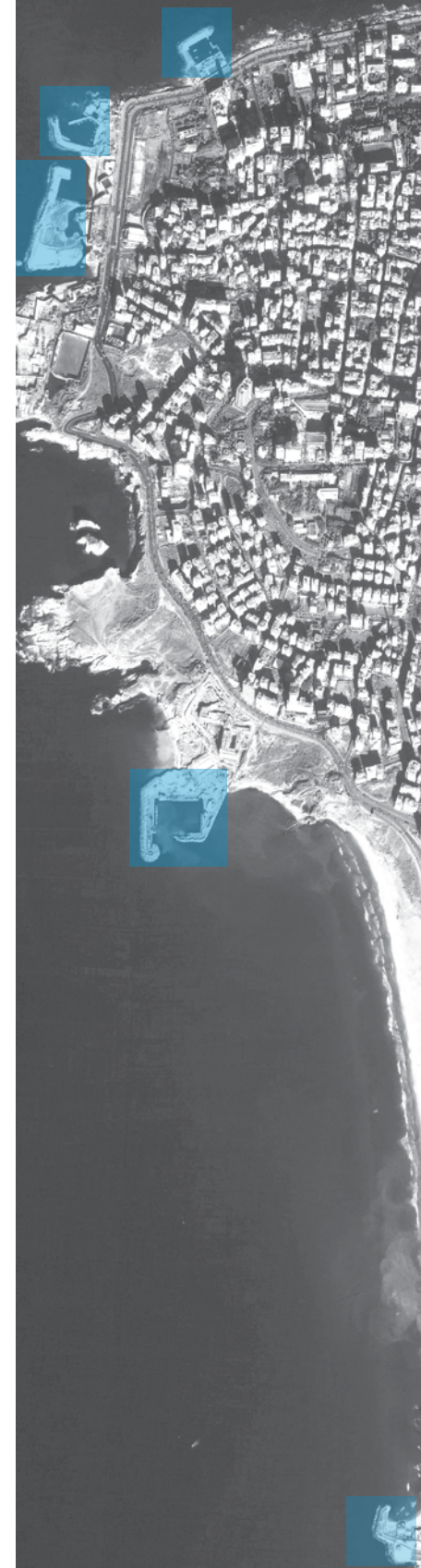
⁶ ECODIT and Institut d'Aménagement Urbain de la Région d'Ile de France, *Regional Environmental Assessment Report on the Coastal Zone of Lebanon* (Beirut: Council for Redevelopment and Reconstruction, 1997).

^{7 8} E. Verdeil, "Entre Guerre et Reconstruction: Remblais et Empietements Littoraux a Beyrouth," *Le Littoral, regards, pratiques et savoirs, Etudes offertes à F. Verger*, edited by N. Baron-Yeles, L. Goeldner-Gianella, and S. Velut (Paris, Editions Rue D'Ulm, 2003), pp. 319-335.

and embankments as both the de facto privatization of the seafront and an intolerable environmental disaster. Despite the fact that the normalization of these dynamics became a major political issue around which people mobilized, the state was unresponsive. From the point of view of government officials, the discussion about the seafront is concerned neither with the public right to access nor with the protection of the environment. These officials are instead more interested in regulating the exploitation of tourist complexes for a period long enough to ensure the profitability of investments that were illegally made to begin with. The offenders are only to be fined the first year, and subsequently required to pay an annual fee thereafter. Estimates circulating in the press during 1999 indicate figures as high as 250 million US dollars for the first year of the implementation of this policy (i.e., the initial fines), and approximately ninety million US dollars in annual taxes, equivalent to three percent of total state revenue in 1998. The goal was therefore not to end the occupation of the seafront, but to make that occupation tax-effective for the state.⁸

Consequently, the post-war period featured the state seeking to reframe rather than question the looting of land that had previously been maritime public domain. In this context, various development projects and tourist resorts similar to those built during the war, but now originating in government authorization, have mushroomed since 1991. Examples of these include the Bain Militaire in the Manara area, and the controversial project occupying the site of the Maison de l'Artisan in 'Ain al-Mrayseh. What used to be done illegally during the civil war continues to happen under legal cover after the end of the war.

The most glaring example and primary precedent of this dynamic is the reconstruction of downtown Beirut and the massive landfills in the sea. The newly created properties that the downtown development project incorporates have their origins in embankments created throughout the war: the city's garbage waste and the demolition debris from destroyed buildings. Through this example, we can come to better understand the ways in which wartime urbanization and postwar (reconstruction) urbanization represent more continuity than they do discontinuity. It is this very relationship between war-induced urbanization, reconstruction-justified urbanization, and the occupation of the coast that has produced the ongoing disappearance of beachfront public space.



Reading the Map / Reading the Place

Having collected the ownership records for all coastline properties in Beirut, we came to recognize the importance of mapping seafront ownership patterns (pages 10-11). The resultant map illustrates the relationship between the types of ownership and the zoning regulations of Beirut. It also sheds light on the centrality of real estate companies.

The map visualizes the different forms of private exploitation of the seafront. It specifies either the general legal framework or the specific law that enabled construction/development along different parts of the Beirut coast. This was made possible by cross-referencing data we collected from each of the zoning laws, the legislative framework, and the on-site construction status. We were also able to map the different degrees of legal infractions on the seafront.

Based on this map, we selected specific seafront locations to narrate the ownership and development history specific to them: [Ajram Beach](#), [Riviera Beach](#), [Sporting Club](#), [Bain Militarie](#), and the [Mövenpick Hotel and Resort](#) (pages 12 to 23).

In presenting these histories, we reproduced the form of the official *Ifada 'Aqariyya* (property record) from the land registry of Beirut, using parts of its official text to provide information about these sites. We deliberately chose to do so without indulging in the analysis of this information. We also feature an additional two other sites—[al-Daliyeh](#) and [Ramlet al-Baydah](#)—because they are the last surviving accessible communal spaces on the Beirut coastline. They are also contested sites, as there are ongoing struggles around the control of their uses. By presenting stories of their uses in the context of the properties' cadastral, legal, and social histories, we hope to convey a more critical understanding of public space in Beirut.

Significant Laws, Decrees, and Orders that Govern the Beirut Seafront

Order No. 144 (*issued in 1925*) categorizes the sea, which is defined to include the furthest high-water point on the beach, as an inalienable maritime public domain.

Environment Law No. 444 (*issued in 2002*) establishes free and open access to the seashore as a right of every Lebanese citizen.

Decree No. 14914 (*issued in 1966*) limits the use of all plots in Zone 10 to sports, leisure, and maritime activities only. It also sets a one-floor construction limit (*vis-à-vis* height) in the zone, and a ten percent surface exploitation factor for real estate companies based on Article 19 of the Urban Planning Law.⁹

Decree No. 4810 (*issued in 1966*) amended the Public Maritime Domain Law, and applies to all private property areas adjacent to the sea. It allows for the exploitation of the maritime public domain on condition that the government approves the nature of the proposed

project and area sought for exploitation, as well as contributes to the tourism and industrial sectors of the economy. Additionally, the decree allows any resort owner to use three times the surface area of the resort plot to construct a marina.

Law No. 402 (*issued in 1995*) allows for the doubling of the exploitation factor for all plots with a surface area above twenty thousand square meters.

⁹ A surface exploitation factor is a ratio that measures the quantitative relationship between, on the one hand, the specific area of a property wherein construction is permitted and, on the other hand, the total area of said property.

¹⁰ A general exploitation factor is a ratio that measures the quantitative relationship between, on the one hand, the combined area of all floors in the construction area(s) of a property and, on the other hand, the total area of said property.

Beirut Master Plan: Zoning Laws and the Beirut Coast

All seafront properties in Beirut fall under the purview of Zones 9 and 10, which are governed by the following controls:

Zone **9**

Construction of any kind is prohibited in this zone

Zone **10**

Established under Decree No. 4711 of 24 June 1966

II This zone is designated for sporting, maritime, swimming, entertainment, and restaurant activities. The surface exploitation factor is fifteen percent, with a 0.2 general exploitation factor.¹⁰ The maximum building height is nine meters from the lowest point of the natural landscape along the building façade, keeping the rooftop level of buildings two meters below the level of the Corniche with a requirement to plan all roofs adjacent to the Corniche as gardens.

III Construction of any kind is prohibited in this zone. It is also prohibited to change or alter the natural landscape. It is possible, within the three years subsequent to the issuing of this zoning code, to remove existing cafes in this zone [that were constructed prior to the effective date of the code] and to rebuild them with the condition that their structural height does not exceed street level and with a façade that maintains the open natural landscape. The owner is required to place the roof of the building at the disposal of the Municipality of Beirut as a public park, and to implement whatever technical procedures are necessary for this purpose.

IV This zone is designated for sporting, maritime, swimming, entertainment, and restaurant activities. The surface exploitation factor is fifteen percent, with a general 0.2 general exploitation factor. The maximum building height is nine meters from the lowest point of the natural landscape along the building façade, keeping the rooftop level of buildings two meters below the level of the Corniche with a requirement to plan all roofs adjacent to the Corniche as gardens.

V Construction of any kind is prohibited in this zone. It is also prohibited to change or alter the natural landscape.

Map of Beirut's Seafront Ownership and Private Exploitation

- 1 Ajram Beach
- 2 Maison de l'Artisan
- 3 AUB Beach
- 4 Riviera Beach
- 5 Manara Palace Café
- 6 Bain Militaire
- 7 Long Beach and Rawda Café
- 8 Sporting Club
- 9 Dbaibo Café
- 10 Abandoned Structure
- 11 Petit Café and Bay Rock Café
- 12 Al- Daliyeh
- 13 Mövenpick Hotel and Resort
- 14 Grand Café and Bayt Ward
- 15 Ramlet al-Baydah

Types of Ownership

- 0001 Plot Number
- Maritime Public Domain
- Private Exploitation of Maritime Public Domain
- Plot Owned by Municipality
- Plot Owned by Family / Families
- Majority Shares of Plot Owned by Real Estate Company
- Entire Plot Owned by Real Estate Company

Forms of Private Exploitation

- Violation of the Building Law
- Violation of allowable built-up area specified by the Master Plan
- Violation of Order of Maritime Public Domain
- Exceptional Decree

9
10

II

III

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1 Ajram Beach

802

Cadastral Area

Ain al-Mrayseh

Type

Property

Owner

The Ajram, Fawwaz, and Tabet families.

Plot Description

A plot of land containing a building constructed in 1959 and made up of two floors (ground-level and first). The Ajram structure is made up of the women's beach (open six months of the year), al-Sayyad Restaurant, several stores on the main street, and a number of abandoned structures such as the old Ghaleil Restaurant, a wedding hall, a large swimming pool, a motel, and changing rooms. Ajram (Women's) Beach was closed during the civil war and reopened in 1992. *Entrance Fee: 15,000 L.L.*

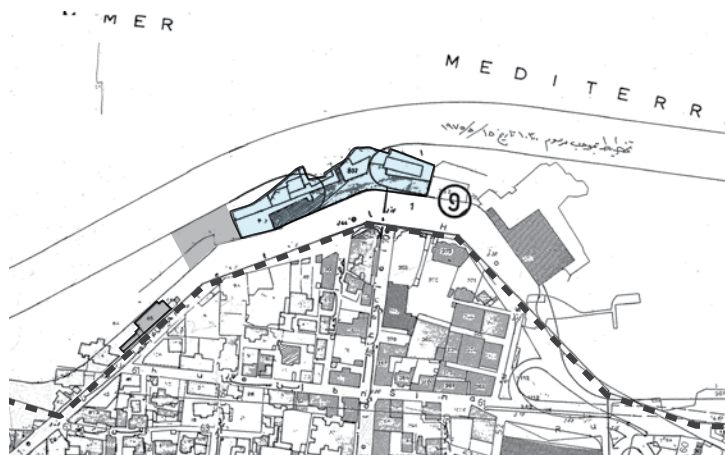
Legal Framework

This plot is located in Zone 9 of the 1954 Beirut Master Plan, where construction of any kind is prohibited. Yet it benefits from Decree No. 4810 and its amendments, which grant the right to exploit—within conditions—maritime public domain to private property owners with plots adjacent to the sea.

Notes from the Official Land Registry Records

The area of maritime public property exploited until 1971 is 4,603 square meters, whereas the actual area approved for exploitation—according to Decree No. 11213—is only 3,300 square meters. *Memo 1 (Undated)*

Building violation noted in the records of the Municipality of Beirut on 17 June 2010 for the unauthorized construction above the al-Sayyad Restaurant. *Memo 2 (Undated)*



The “women’s beach” consists of a small cove completely surrounded by wooden fences—partly on rocks and partly on the water—so that the women could swim without being seen. As the war came to an end in 1990, Ajram Beach was turned into a women-only beach starting at eight o’clock in the morning every day. Male swimmers continued to use the beach for swimming exercise in the earlier hours of the morning, before the women’s time.

“Ajram Beach was made up of a small wooden café adjacent to the rocks. It also included several small fishing boats. This was prior to the George and Michel ‘Ajram (brothers) turning it into one of the most renowned beach resorts on Mina al-Hosn Street. Their close connections with the [then] Prime Minister Sami al-Solh enabled this transformation.”

Translated excerpt from Khalid al-Lahham, *Bayrut fi al-Dhakira al-Sha’biyya [Beirut in Popular Memory]* (Bayrut: Sharikat al-Zawaya, 1996).

“Many of the big music stars had visited Ajram: people who became very famous later on such as Wadi’ al-Safi, Samira Tawfiq, Souad Mohammad, and others. Singer Mahmoud Ajroush used to frequent Ajram during the 1950s and he had talked about how the women’s beach became a destination for Beirut families; that Ajram had made it possible for some women to practice swimming during the 1940s—a time when it was not possible for a woman to walk on the street without covering her face.”

Quoted from Ramez Abu Zahr (one of the “kings” of Lebanese singing)

Building violation noted in the records of the Municipality of Beirut on 3 July 2010 for an authorized building extension. *Memo 3 (Undated)*

Not Noted in Any Official Document

Adjacent to Ajram, a structure was erected in 1963 on public domain to serve as an open space for exhibitions. At the end of the civil war, it was transformed into an exclusive restaurant and beach (La Plage).

4 Riviera Beach

Cadastral Area

Not applicable due to the fact that it was constructed on public domain comprised of large rocks.

Type

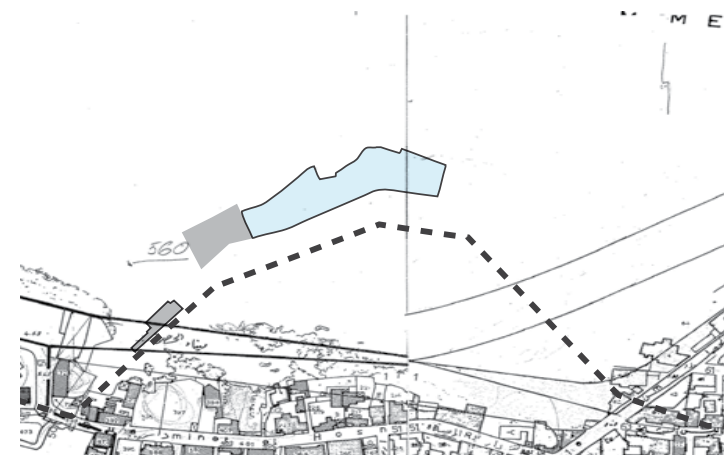
Maritime Public Domain

Plot Description

A rocky property forming part of the maritime public domain, but consisting of the Riviera Beach Resort, which was erected in 1974 and consists of a swimming pool, changing rooms, and a restaurant. *Entrance Fee: 40,000 L.L.*

Legal Framework

This plot is located in Zone 9 of the 1954 Beirut Master Plan, where construction of any kind is prohibited. Yet it benefits from Decree No. 4810 and its amendments, which grant the right to exploit—within conditions—maritime public domain to private property owners with plots adjacent to the sea. In this specific case, the private property through which the owner was able to obtain a decree to exploit the maritime public domain is the plot on the other side of the Corniche where the Riviera Hotel is located.



A Corniche visitor recounts that there is a municipality sign on the sea-view sidewalk of the Corniche, across from the Riviera Hotel. The sign lists of all the activities that the public is not allowed to engage in on the Corniche. Behind this sign, we find the Riveira Beach, enclosed upon itself, banning the public from freely accessing the sea—and also banning domestic workers from entering it at all. Behind the walls of the resort there is a concrete jetty that circles the swimming areas, preventing its patrons from fully accessing the sea. Some patrons of private beach resorts go to the beach only to give the sea their backs so as to face the new towers.

“We might always travel to a particular city through a particular dream. It is the city of our childhood, the one we imagined before we got to know it. It is the one that was filled with our fears and audacity. It is the city of our adolescence, of a daring heart and worn-out shoes, of endless discussions at the school’s gate. It is the city of our youth that wanted to change the world. Has the necessary distance to reach the shores of the city become possible today?”

“We have no alternative but to walk toward these shores, across the large emptiness that the war has left us, and a bitterness of violence that we thought was purifying—but that did not do anything but reproduce the conditions of its own possibility. For some of us, through detention or exile, after a long [period of] isolation and an incurable feeling of being torn, followed by a period of tranquility, perhaps a hope for an encounter is still possible.”

Translated excerpt from Jad Tabet, *Al-I’mar wa-al-Maslaha al-’Amma fi al-Turath wa-al-Hadatha: Madinat al-Harb wa-Zakirat al-Mustaqbal [Construction and Public Good]*(Bayrut: Dar al-Jadid, 1996).

6 Bain Militaire

Cadastral Area

Not applicable due to the fact that it was constructed on public domain comprised of large rocks.

Type

Maritime Public Domain

Plot Description

A piece of land forming part of the public domain, made up of a resort consisting of swimming pools, gymnasias, and restaurants. There are sixty chalets and three hundred changing rooms for exclusive use by military officers and their families, available for rent during two seasons: summer (June-October) and winter (all other months). Membership at the resort for civilians is available subject to criteria specified by the responsible military directorate. These include being of appropriate educational and social standing, and enjoying a good reputation and proper morals.

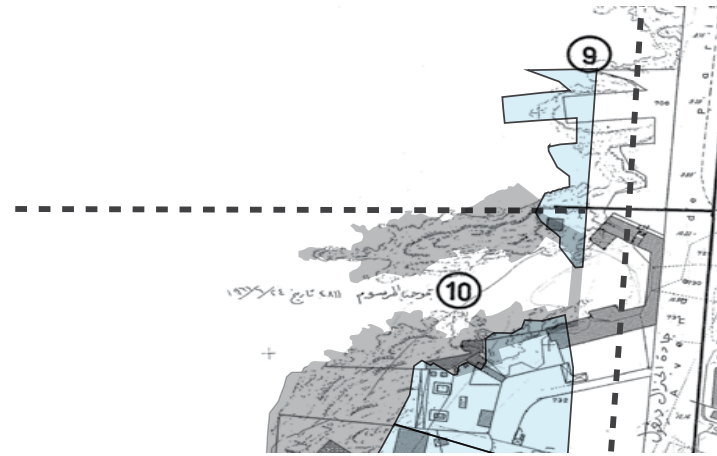
Legal Framework

This plot is located in Zone 10 of the 1954 Beirut Master Plan, where land use is specified for sporting, maritime, swimming, entertainment, and restaurant activities. The surface exploitation factor is limited to fifteen percent, with a general exploitation of 0.2. These legal criteria generally apply to privately owned plots in this zone. However, the Bain Militaire's complex is entirely constructed on maritime public domain. It thus cannot benefit from Decree No. 4810 and its amendments, which grant the right to exploit—within conditions—maritime public domain to private property owners with plots adjacent to the sea. Consequently, Bain Militaire is an entirely illegal enterprise.



1972 | Source: Geographic Affairs of the Lebanese Army

Adnan is a fisherman who was born where the Bain Militaire is presently located. His family used to own lands nearby and lived on the adjacent hill. They used to plant these lands with fig trees, grape vines, and cacti. There was a well from which they watered these crops. Adnan also recounts that there used to be a café for Khodr al-'Oud that consisted of a wooden kiosk with an entertainment venue by the sea. According to Adnan, the Bain Militaire location used to be Bayt Rawda during the Ottoman period. Later on, it was transformed into a military base for the army of the French mandate, and subsequently taken over by the Lebanese army, which turned it into a private club.



8 Sporting Club

703

Cadastral Area

Ras Beirut

Type

Private Property

Owner

The al-Rifa'i, al-Nsouli, Serji, Rawda and other families.

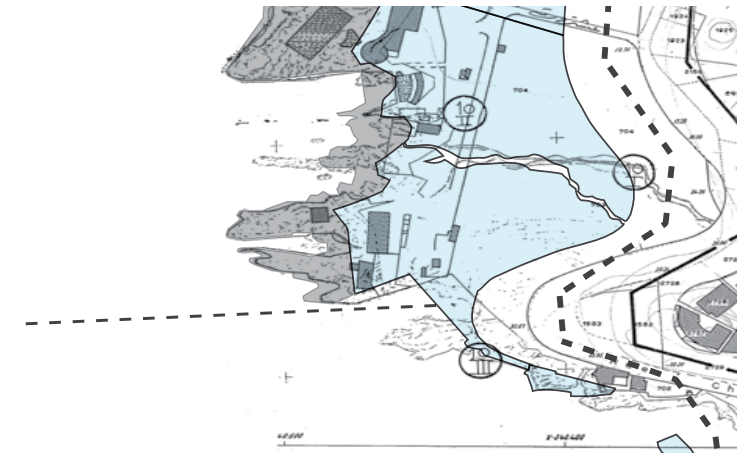
Plot Description

According to a 1972 memo in the official land registry record: "A plot of land, partly consisting of maritime decks and facilities for the café, two swimming pools, bathrooms, and changing rooms. Part of the Sporting Club building structure is erected [and thus encroaching] on maritime public domain as well as on plot number 704 where Long Beach (previously known as Hammam Mustafa wa-Sa'id al-Rifa'i) is located. Another section was previously a sand beach that is currently made up of concrete decks. The northern section of the rocky jetty is also currently made up of a concrete deck. As for a rocky area that was previously below sea level, it is currently made up of concrete decks and athletic courts. In addition, there is an area that was acquired by constructing a landfill to dry out a part of the sea that was previously a naturally submerged gulf."

Entrance Fee: 30,000 L.L.

Legal Framework

This plot is located in Zone 10 Section II of the 1954 Beirut Master Plan, where building activity is limited to sporting, maritime, swimming, entertainment, and restaurant activities. The surface exploitation factor is fifteen percent, with a 0.2 general exploitation factor. It also benefits from Decree No. 4810 and its amendments, which grant the right to exploit—within conditions—maritime public domain to private property owners with plots adjacent to the sea.



On 25 December 1938, a group of Lebanese swimmers organized the first event of what would become an unofficial annual race featuring both a 100-meter and a 200-meter competition. A race that used to take place every year in France on Christmas Day was the source of inspiration. The Beirut race started in Hammam Qamar (later Sporting Club) in Ras Beirut and ended in Odeon Beach Zaytouna in Mina al-Hosn.

The participating swimmers used to train daily in Hammam Qamar, up until the annual race became an official event in 1975—which then started in the Saint George Hotel beach and ended in Hammam Qamar. In 1988, the race was relocated to Bain Militaire in the Manara area, where it was also then placed under the auspices of the commanding general of the army.

The owners of Sporting Club acquired several benefits during the period of Rafiq al-Hariri's premiership. During that time, the Ministry of Transport approved many activities, circumventing both the Municipality of Beirut and the General Directorate for Urban Planning (DGU).

Notes from the Official Land Registry Records

This plot is specified for sporting, maritime, and entertainment activities. It consists of one floor (four meters high) and an exploitation factor of ten percent through real estate companies in accordance with Article 19 of the Master Plan as outlined in Decree No. 14914. [Memo 1 \(Undated\)](#)

Sporting Club (previously known as Hammam Qamar) trespassed the limits of its plot as per the survey records of 1964. [Memo 2 \(Undated\)](#)

In 1964, the owners of an adjacent plot filed a legal complaint against the owners of Sporting Club and Long Beach in order to remove encroachments on their plot. [Memo 3 \(Undated\)](#)

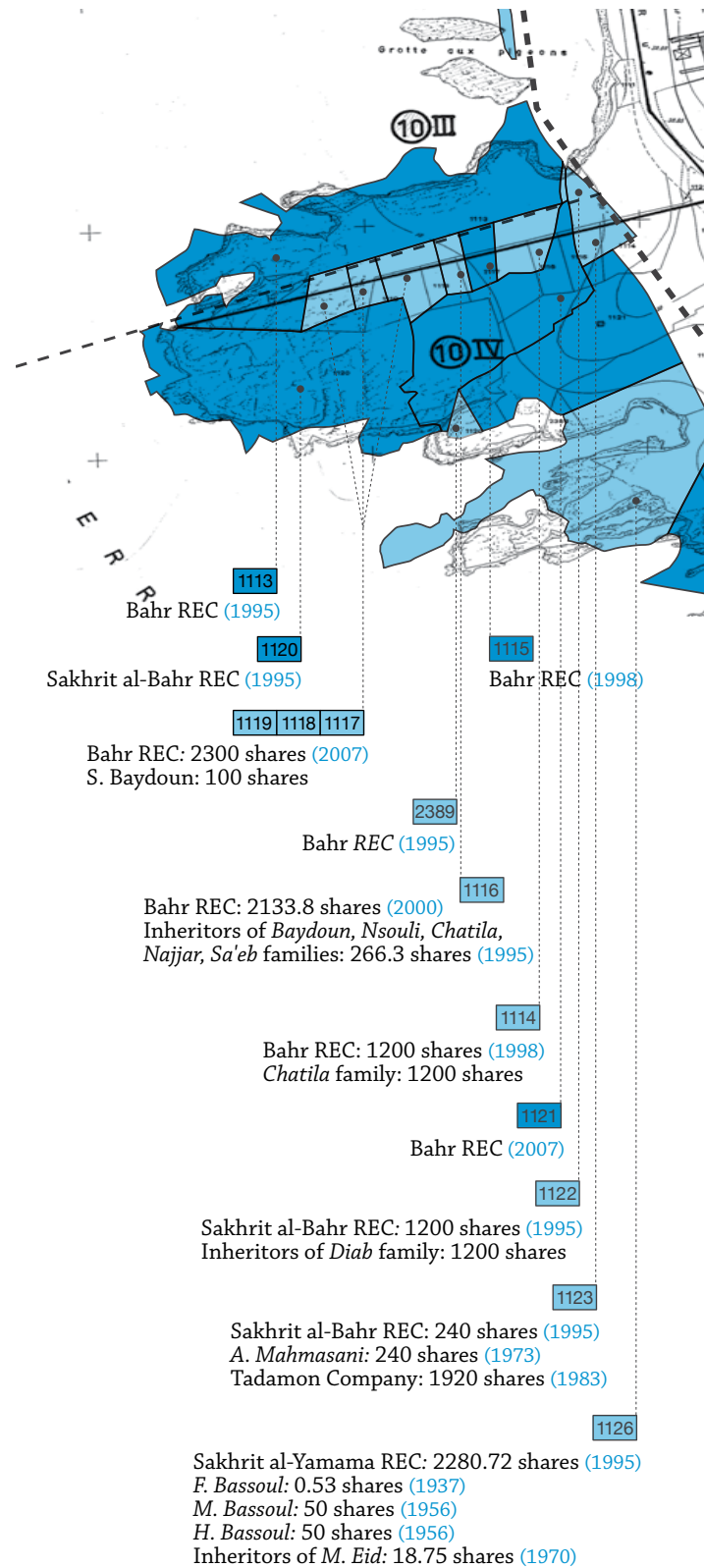
In 1995, the owners of the Sporting Beach plot pledged to the Municipality of Beirut to cease the violations of exceeding the limits of their plot without the consent of the owners of the adjacent encroached upon plot. [Memo 4 \(Undated\)](#)

6 Al-Daliyeh

In the Rawsheh area of Beirut, there is a seafront land known as al-Daliyeh. It is made up of several large plots. According to property records that date back to the 1940s, the site was declared an area “not designated for construction.” Its ownership can be traced back to several families, most notably Chatila and Baydoun. As a result of various property sales and purchases, the ownership structure of the area expanded over the years to include other families, most notably Itani, Matar, and Mu’awwad.

The plots that make up al-Daliyeh are located in either Section III or Section IV of Zone 10 of the 1954 Beirut Master Plan, depending on the specific plot. Construction is prohibited in Section III, with specific exceptions made for structures in existence prior to the implementation of the zoning codes. Construction is permitted in Section IV, but limited to sporting, leisure, and maritime facilities. Therein, the structural height is limited to the Corniche level, with a general exploitation factor not to exceed one percent and ten percent for individual holders and real estate companies, respectively. This is in accordance with Article 19 of the Master Plan as outlined in Decree No. 14914.

The name of the area originates in the old port that exists there. Al-Daliyeh forms one of the primary popular public spaces in Beirut. It features several informal kiosks, and is where the local annual Nowruz celebration takes place. A seaside open space, al-Daliyeh brings together a variety of social groups: Beirut fishermen, patrons of the Rawsheh Corniche, residents of the suburbs, as well as members of the Iraqi, Syrian, and other communities residing in Beirut. This mixture of social groups gives al-Daliyeh its own unique character, particularly during Sundays and holidays.



(...) : year of purchase of plot or shares of plot
REC: Real Estate Company

The archival record indicates that ownership of the different parts of al-Daliyeh was historically confined to specific Lebanese families (mentioned above), which is similar to other parts of the Beirut seafront. However, 1995 featured the start of a fundamental transformation in the ownership structure of the plots that comprise al-Daliyeh. Major property purchases were registered in the name of three real estate companies that secured ownership of most of the plots through consolidating the various shares. One example of this dynamic is the fate of plot number 1113, which the late Prime Minister Rafiq al-Hariri's Bahr Real Estate Company purchased through consolidating the majority of the shares of plot number 1113 in a single day. The company bought out the remaining outstanding shares, owned by former Minister Michel al-Murr, in 2007 through a ten million dollar financing arrangement with Bank Med. Murr had himself purchased his shares in 1979 from its then-owner Wadi' Mu'awwad.

According to a man appointed by Hariri to negotiate with the various share- and plot-owners, “Hariri envisioned the coast being covered with resorts, hotels, and yacht marinas. Such a project would attract a different type of tourists to the city through commercial activities and restaurants that were to be inserted into the area.”

In 2005, representatives of Hariri initiated negotiations with the informal occupiers of the kiosks located along the al-Daliyeh beach. The negotiations sought to establish the amount to be paid to the occupiers as compensation for vacating the area so as to begin the implementation of a development project. It seems that regardless of what type of tourist development project these real estate companies planned for the area, it would have little tolerance for undisciplined public use by the diverse social groups. According to those occupiers, the negotiations ceased after the assassination of Hariri.

Hariri conceived of al-Daliyeh area as a crucial part of the high-value investment potential of the (expanding) private domain. Al-Daliyeh thus represents a threat to both the dominant touristic vision of Beirut as well as private capital. Unlike the previous owners of the

land, it is only when a politically-connected major investor consolidates the ownership of the entire area that he is able to use politics and money to exploit the land in a “proper” manner. This is dependent on his ability to secure exceptions (through a presidential decree under the pretext of a “public good”) that make legal what is otherwise illegal under the zoning codes of the area (similar to the case of the Mövenpick Hotel).

A detailed inquiry into the relevant laws reveals two issues that privilege the interests of investors and developers. The first is that Decree No. 14914 (issued in 1966) raised the general exploitation factor for seafront properties established by the zoning codes for those cases where the property owner was a real estate company. The second issue is that Law No. 402 (issued in 1995) allows for the doubling of the general exploitation factor for all plots with a surface area above twenty thousand square meters. These combine to create a situation in which multi-million dollar investment projects can succeed, while foreclosing such potential for any smaller-scale projects. The social consequences of this dynamic are clear (particular in the aftermath of the civil war): the interests of one particular group are being advanced at the expense of the interests of all the other groups. During this time, politically-connected and wealthy actors have reshaped the production of urban space in a manner that directly benefits them through the manipulation of the legal framework.

The area of al-Daliyeh is the only remaining communal space in the city. The corporate purchase of all the plots of the area is the first step in the effective undermining of this communal function and its transformation into a private interest. Although al-Daliyeh is historically comprised of private property divided among Beirut families, its users and most residents of Beirut consider it an extension of the public domain of their city. From this perspective, we can understand public space as being defined by the practices within that space. It is negotiated through daily interactions, and hence uncontrollable by its very nature. The spatial practices of al-Daliyeh users have produced an urban space that is public as a result of the public's own acquisition of it. They have acquired the right to this spot in the city.

Write in your notes that Abu-Adal said that "al-Daliyeh is the ugliest port in all of Lebanon." You can sign my name if you want. Do you know what the port here is called? "The Cemetery." People only started daring to come down here a few years back. Everybody was afraid of this place, even the army. The area was full of guys and militias during the civil war. The Syrian Army was stationed here for three years during its war with Aoun. It was occupying our house. The Lebanese Army did not show up until the Movenpick Hotel was built. They say they built the military base here to protect the port and to monitor arms smuggling. But they never do anything when there is a problem, not even if a girl is heard screaming. Maybe they built the base because President Lahoud used to swim at the Movenpick!

Write down that yours truly was born here and lived here all his life. My father built a shack in the 1960s. It was a "squatting" situation, and we all grew up and had children here. We are ten families living in al-Daliyeh.

The first time we heard that Hariri bought the land here was when one of the fishermen was digging in the ground and a bunch of people showed up telling him they were Hariri's people and that it was his land. Then they tried to evict us from our homes in 2005, before Hariri died. They think that people will leave their homes so easily. Some people here have sacrificed with their blood.

Abu-Adal (*The man with the muscles*)
A resident of al-Daliyeh in his thirties

I am from the 'Itani family. Whoever lives here, even if not part of the 'Itani family, is called a 'Itani. We are well known here because we used to fish a lot in this area and then sell fresh fish in the streets of every part of Lebanon.

I have been living here for forty-five years and I have nine children. I also own chickens, pigeons, and dogs. Do you know that the Phoenicians bred pigeons on the rocks to use for communicating with other cities?

I was once offered an apartment in exchange for my shack. I refused of course. What am I, an idiot? What would I do with an apartment? My entire life is here. The sea gave me all the basic materials to build my house. Even the metal ceiling drifted in from the sea. But the waves of the sea can take back what they want from this house.

It's nice here. A lot of lovers come to stroll by the sea and stare at each other. Where can they go other than here?

Abu-Abed 'Itani
A fisherman in his fifties

I am one of the ten fishermen who were evicted from their seafront rooms that were located below the Grand Café. That café has always been affiliated with Hariri. They had giant pictures of him hanging in the place. We've been there for forty years, and so has the café. But it did not look like this. In 2001, its owners decided to change its façade and redecorate it, so that it would look classier. They say the customers they wanted to attract to the place did not go well with the presence of poor fishermen such as us. Afraid of tourists being disgusted by our appearances, the Lebanese state intervened to help the Grand Café. The owners of the café set up a "wasta" with Hariri, who turned the Ministry of the Displaced on to us. They gave us four thousand US dollars each, and relocated us to al-Daliyeh. Every two were given a small three-by-three meters room. We certainly aren't comfortable here.

By the way, that empty metal structure near the Grand Café that overlooks Ramlet al-Bayda beach was supposed to be a prayer room Hariri was building for residents of the area. But we don't know why the project was stopped.

A few years ago, we found out that a beach platoon demolished our old rooms that were below the Grand Café. They said that there was prostitution, drugs, and squatting gypsies. I mean, wouldn't it have been better for the classy customers for us to have stayed there?

Abu-Hussein
A fisherman in his seventies

That café you see here is owned by Nabil al-Da'ouq. There used to be a municipality room in its place which they used to help clean the al-Daliyeh. Nabil al-Da'ouq used to work in the electricity company, so he set up a "wasta" and built a small shack from which he served coffee and tea for the Syrian workers from the Movenpick construction site back then. In 2004, he turned it into a café with tables and argileh.

I feel like it is because of this café that they are not paving the road down to the al-Daliyeh. Can you see how bad it is? The cafés up the hill don't want us to take away their business because people and tourists will of course prefer our popular cafés and our seaside location. If they made a [real] road for us, it would have to pass through the Da'ouk café.

Four years ago, Minister 'Aridi came here to al-Daliyeh. I went up to him and said, "fix this road for us your excellency the ministry." He said, "yes, whatever your eyes desire." He called someone over and told him to note down that the road needs fixing. Of course, they are lying to us all along. Each time, there is a different excuse. One time they tell us, "the project is [held up] at the Planning Department," as if there is any urban planning in this country. Another time they tell us the work is stopped because of a problem between Hariri and Jammal Bank. I hope they make up so can get on with our lives.

Maha
A woman in her forties living in al-Daliyeh

13 Mövenpick

1125 1127/2126

Cadastral Area
Ras Beirut

Type
Property

Owner
Merriland Real Estate Company
S.A.L. (1986)

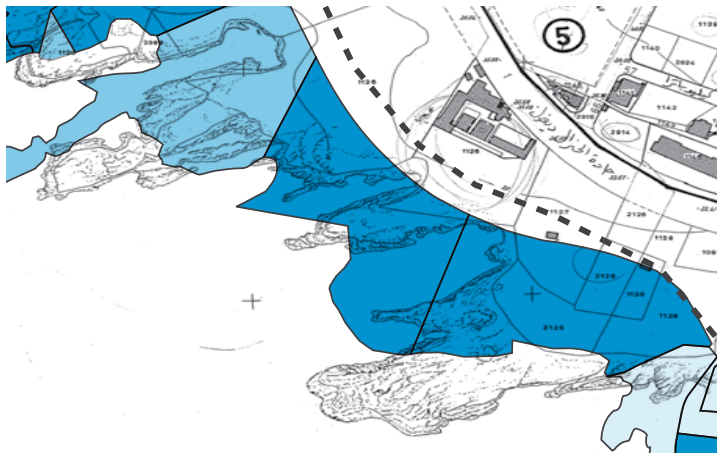
Plot Description

[According to a 2008 memo in the official land registry record:] “A plot of land with a building made up of ten floors [in addition to nine floors underground]... On the ninth lower-level floor, there are 399 changing rooms, five emergency staircases, equipment rooms, a parking lot for 177 cars, a gymnasium that includes a swimming pool... a corridor with a panoramic elevator, a waiting room, two steam rooms, a sauna, a door leading to a massage room with a Jacuzzi... On the first lower-level floor, there are nine rooms, each composed of a sleeping space, a balcony, equipment and service rooms, a kitchen, toilet, salon, office... and a door leading to another room with a bed, toilet, balcony, a presidential wing made of two salons, a dining room, an office, entrance, toilet, kitchen, changing room, Jacuzzi room, sauna room and five balconies. The ground floor is made up of the main lobby of the hotel, which leads to a spacious hall with a corridor that leads to the hotel waiting salon, a roof, a bar, a kitchen, bathrooms, three elevators, a reception...”

Entrance Fee: 45,000 L.L.

Legal Framework

This plot is located in Zone 10 Section IV of the 1954 Beirut Master Plan.



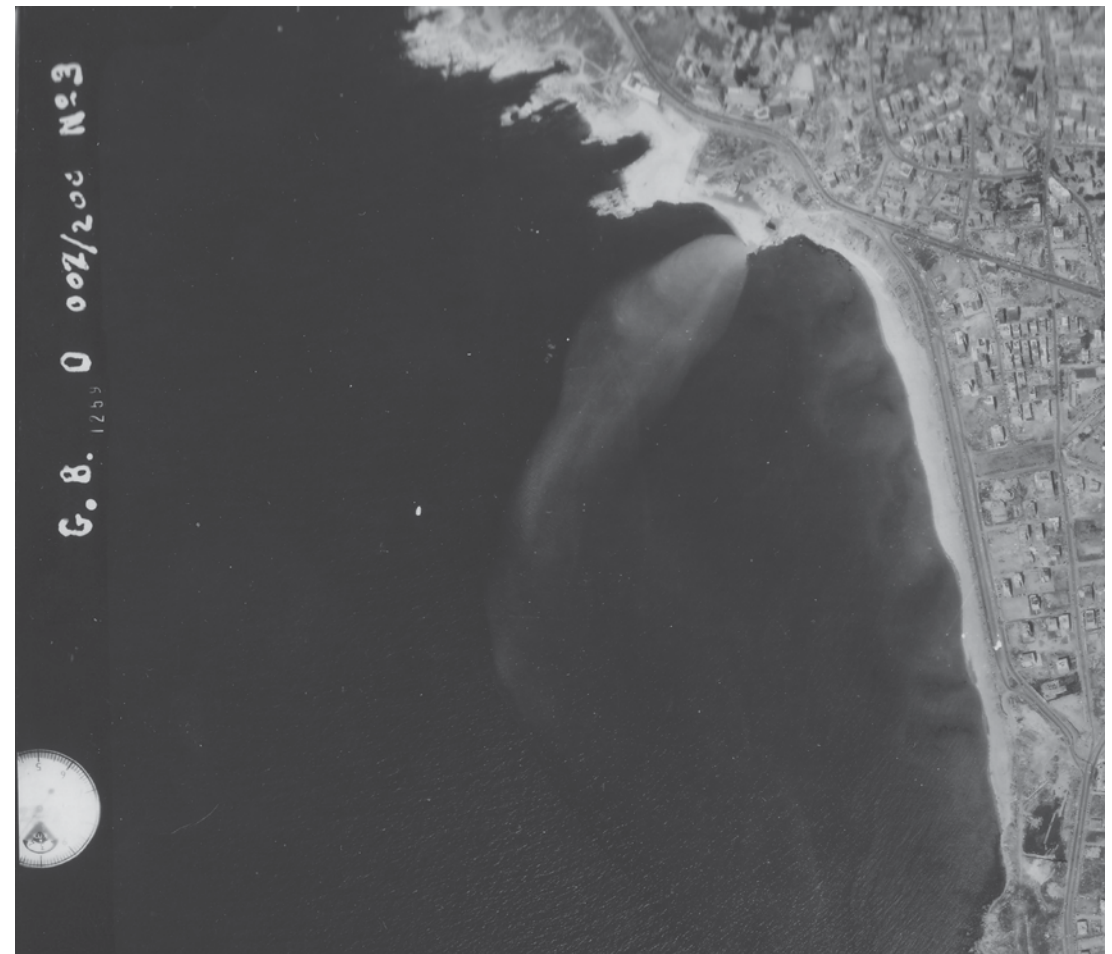
Notes from the Official Land Registry Records

This plot is designated for sporting, maritime, and entertainment activities. It consists of one floor (four meters high) and a ten percent exploitation factor for real estate companies according to Article 19 of the Master Plan on the basis of Decree No. 14914 of 1966. [Memo 1 \(Dated 1963\)](#)

This plot is subject to Decree No. 4810 (1966) regarding the use of coastal properties, and Decree No. 4918 (1982) regarding the planning laws of Zone 10, and Article 2 of Decree No. 169 (1989) which specifies that twenty-five percent of the plot has to be dedicated to public gardens and parks when tourist projects are established on the plot. [Memo 2 \(Dated 1989\)](#)

Not Noted in Any Official Document

During the civil war, a man from the al-Daher family purchased this plot under the name of Merriland Tourism Company. He was only able to purchase it once the prime minister granted him prerogatives in 1986. Through one of the militias, he was able to obtain a construction permit. In 1988, in the midst of the fighting, al-Daher secured the building permit through a presidential decree that was justified on the basis of it allegedly not being possible to consult the relevant authorities. Consequently, as he became a major investor with political connections, as well as the sole property owner for the entire area, he was able to use money and politics to acquire an exemption that allowed him to (legally) build what is prohibited by zoning codes.



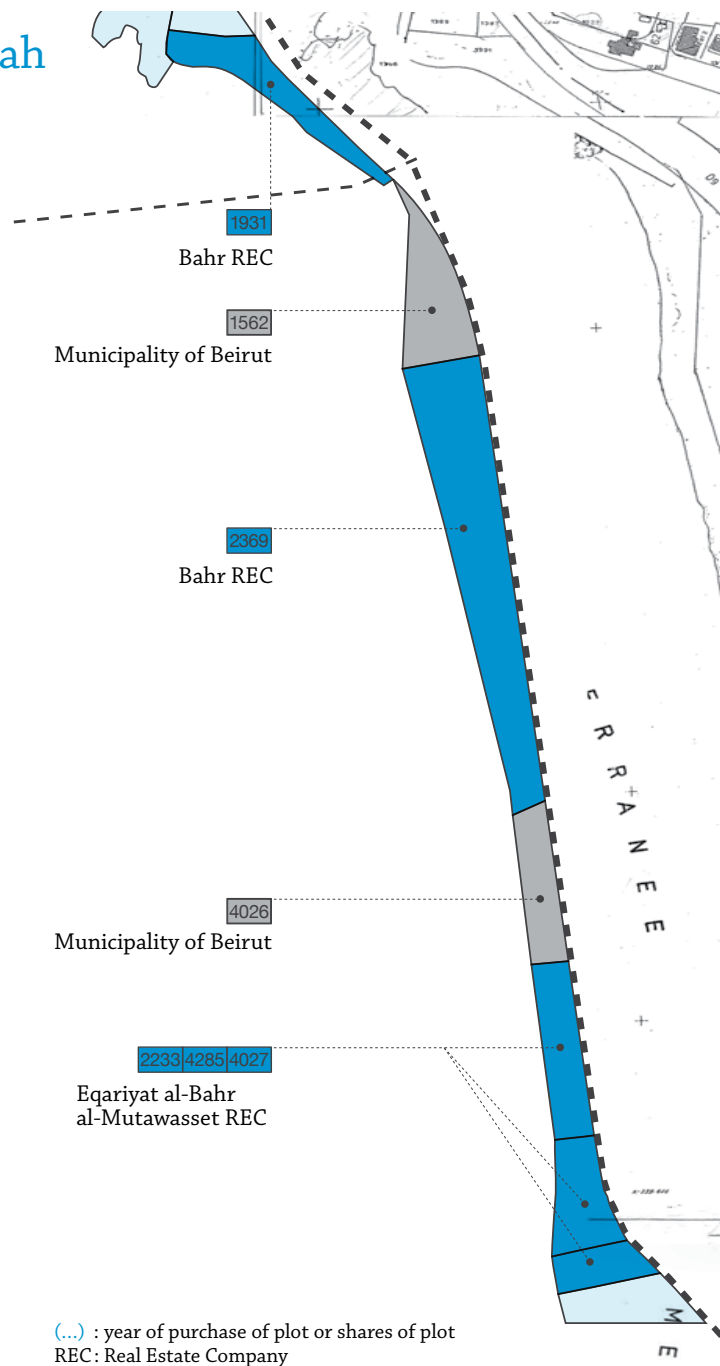
1983 | Source: Geographic Affairs of the Lebanese Army

Hagop is a man in his fifties who used to frequently practice his fishing hobby where the Mövenpick Hotel is presently located. According to Hagop, that location used to be called “Birkit al-Wahsh” (The Pool of the Beast) because there were large fish that ate the small fish. He used to enjoy fishing there until one day the Lebanese army turned the area into a military zone and began requiring a permit to access the area. Hagop and others used to also swim and fish in the adjacent area called “Rass,” because the water there was blue, clear, and clean. When the fishermen were banned from the area because of the Mövenpick, most of them moved to the nearby ‘Itani grotto. Hagop, however, decided to stop practicing his hobby altogether.

Some Beirutis tell of a café named Merriland that used to be located on the present site of the Mövenpick. Merriland used to host *zajal* nights, which became so famous that they started to be called “Merriland nights.” Members of the al-Daher family intended Merriland to be the start of a much larger project. However, the project ultimately failed and was never realized. This was before al-Waleed bin Talal purchased both the land and the company.

15 Ramlet al-Baydah

The Ramlet al-Baydah beach is the only sand beach that continues to be used as a public space in Beirut. The area adjacent to it is comprised of residential buildings where property values are extremely high, ranging between four thousand and six thousand US dollars per square meter.¹¹ From a spatial perspective, the contrast is clear: Ramlet al-Baydah as a residential neighborhood is an exclusive and luxurious urban setting; however, the majority of people that frequent the beach come from elsewhere in the city.



¹¹ ¹³ N. Qumri, "Reclaiming the Public Domain: The Case of Ramlet el Baida Public Beach" (Thesis, American University of Beirut, 2005).

¹² See "Araba'at Ayyub," Ya Bayrut, www.yabeyrouth.com/pages/index210.htm.

Prior to the 1920s, the area used to attract swimmers and families that would come from nearly all of the Beirut neighborhoods. During that time and through the 1950s and 1960s, Beirutis from different neighborhoods used to also head out to Ramlet al-Baydah beach on the annual commemoration of "Arba'at Ayyub." The celebration on the beach used to include the preparation of food and the flying of kites.¹² This spot of Beirut thus functioned as a public space by virtue of peoples' use of it as such. In fact, the understanding of the Beirut beach as a public space was a function of its use as public domain. This dynamic was reflected in the urban master plan drafted by the French in the late 1940s. The associated zoning codes designated the area located between the road and the sea as specified for public use. It thus prohibits any construction that would disrupt the natural continuity of the Beirut coast that the area represents.

According to property records of the area, ownership can be traced back to several Lebanese families. In other words, the public beach of Ramlet al-Baydah is historically located on private property. During the early 1950s, Farid Trad—who was a government-employed urban planner—purchased the part of Ramlet al-Baydah that lies between the road and the sea and developed it through a strategy of property sub-divisions. When the area was divided into separate plots, it was effectively divided into two parts: the area designated for housing (which was east of the road); and the area that remained a sand beach and upon which construction was prohibited (which unofficially allowed for various social groups to access the area under the auspices of the municipality). Thus the Beirut Master Plan of 1954 classified the area between the new road and the sea as private property that was "Non-Aedificandi"—meaning that construction was prohibited (with the exception of temporary structures for public use) and a very low general exploitation factor allowed—thus making it impossible to turn the area into a profitable investment project.

A 1983 municipal law passed under the premiership of Shafiq al-Wazan recognized the sand beach as a public beach so to provide access to those that could not afford the private beaches. Each year, NGOs elected from within the community initiate a summer planning scheme to operate and manage

the beach facilities and establish a working plan to administer the beach and ensure that municipal services flow to it.

However, the 1990s featured a particular transformation in the framework that governs the beach. At the time, a lot of talk circulated about the "privatization" of the Ramlet al-Baydah beach. What does that exactly mean for a site that is historically privately owned? In fact, our research indicates—as was the case with al-Daliyeh—that the turning point was not privatization per se but rather Hariri-owned real estate companies' purchases of the majority of the plots that make up the area. The purchase of property rights by Hariri, coupled with a legal framework that privileged the interests of real estate developers, was effectively the first step in undermining the communal function of Ramlet al-Baydah and transforming its use from public to private. Again, it is only when the plots of land are consolidated under the name of a single politically-connected major investor that legal exceptions (such as those with the Movenpick) are then obtained to allowed for exploiting the land in ways not possible for the previous owners of the plots.

According to Green Line, an environmental non-governmental organization, the new corporate owner of the area was going to develop the area to construct a five-star hotel with an accompanying marina.¹³ However, Decree No. 4810 requires that the marina builder owns all the plots of land the marina would be connected to. Consequently, the existence of one plot of land that was owned by the municipality since 1975 prevented the entire development project from moving forward. We learned from an academic study that Hariri was later able to secure an illegal purchase of this plot. However, we were unable to confirm this issue since the government departments responsible for property records refused to make available the records of that particular plot.

In short, Decree No. 4810 opened the door to the private exploitation of the seafront. Such amendments to the laws governing seafront property privilege private exploitation, in contradiction to Order No. 144 (1925). Second, the strong connection between the political class and seafront developers played an important role in manipulating the "public interest."



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Dictaphone Group creates live art performances based on findings and stories produced through multi-disciplinary research on space and oral history. The aim of these projects is to question our relationship to the city, with a focus on public space, and the goal of its redefinition.

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This Sea Is Mine was originally performed in Arabic in the summer of 2012. It has since been produced as a sound piece available for download in both Arabic and English via the Dictaphone Group website. Also available on the website is the Arabic version of this booklet.