Whose Dalieh?
Issam Fares Institute for Public Policy and International Affairs
American University of Beirut
November 12, 2014

As part of the Social Justice and the City Lecture Series, the Issam Fares Institute for Public Policy and International Affairs hosted a discussion entitled “Whose Dalieh? A Discussion on Property, Laws, and Ecology of Dalieh” with architect and urbanist Abir Saksouk, lawyer Nizar Saghieh, and landscape architect Nahida Al-Khalil. The lecture focused on Dalieh, a large piece of sea-front land in the Beirut Rawcheh area, as a case study that helps understand the social, legal, and environmental aspects of public space in the city.

The Social History of Dalieh: between Public Right and Private Property

Architect and urbanist Abir Saksouk presented the social history of Dalieh as an intersection between public space and private property in Beirut. According to Saksouk, Dalieh reconfigures the concept of public space as a utility. Thus, she argues that because Dalieh remains an intrinsic part of the practice of social activities such as swimming, diving, fishing, family picnics, touristic sailing, and even a celebratory place for many different religious occasions by the Beirut citizens¹ which gives it its public character.

According to Saksouk, the Dalieh’s property ownership documents dating back to the 1940s show that it belonged to Beirut families. Despite these documents, access to Dalieh is considered to be a public right and is being utilized as such through a 1954 legislation that forbids any sort of construction work in the area. After the end of the civil war, three real estate firms purchased the lots but kept the area accessible to the public. Recently, the area was fenced off in order to build a privately owned touristic resort. This has awakened many different civil movements and campaigns to ensure the citizens’ public right, as Dalieh is an indispensable social and historical destination. Saksouk concludes by saying that the citizens of Beirut, herself included, will keep on defending their rights to redeem Dalieh.

Lessons in Law

Saghieh, executive director of Legal Agenda, argued that such cases are vital for reviving the jurisprudence that governs public space. Saghieh embarked on a mission to research the legality of the construction project. His first finding was a law that got passed by the parliament on April 1st, 2014 entitled “an extension to an old law in 1995 exempting hotels from legal provisions pertaining to construction”. The original law practically allows investors building hotels to increase the exploitation factor of the land plot, whether or not it falls on the coastal

area. The nineteen-year extension of the law was swiftly passed without any parliamentarian
discussions. This can be seen as one legal route the investors went about to expand their
project.

Originally, a 1966 ministerial decree outlawed any form of construction on the coastal
area categorized as the “tenth area”, which included Dalieh. In 1982, a ministerial decree
altered its predecessor by allowing investors to invest in the coastal public areas as long as 25%
of the area remains a public area governed by the municipality. In 1989, another non-published
ministerial decree cancelled the latter and returned the property ownership to the private
investors instead of the municipality without consulting any higher legal committee or taking
the required procedures in giving the public its rights. Therefore, this decree allowed building
and investing on coastal public areas. However, Saghieh argues that since the decree was not
published and happened during a period when Lebanon operated with two governments, he
was able to file a complaint against it in order to cancel its validity and regain the 1966 decree.
Saghieh sees that legal channels that champion the public cause can challenge the dominating
legal narratives that favor private developers.

**Dalieh as an environmental, geological and cultural heritage**

Through field research, landscape architect Nahida al-Khalil was shocked to discover
that private lots mostly dominated the Dalieh area as she continuously used it as a public area.
Al-Khalil states that the Dalieh area is the “only remaining open coastal area in Beirut” free of
any sort of resorts, hotels, or private institutions. Al-Khalil explains that a citizen of Beirut only
enjoys 0.5-0.8 square meters of the city’s surface area in public space. This is contrasted to 9-12
square meters for a citizen in a developed country.

Al-Khalil emphasizes that in addition to its social and cultural importance, Dalieh is also
the most important coastal rock formation in Lebanon and the only remaining coastal karst
outcrop in Lebanon signifying the country’s great geological history formed by weathering or
sculpting. Dating back to the Neolithic period, it is an environmental treasure that should be
preserved since it is a hope for many diverse species of animals and plants (for example, as a
cave for the endangered fruit bats).

Dalieh is already being threatened environmentally. A decree, Al-Khalil says, has been
issued in 2009 to protect this area since it is highly sensitive. This decree has long been
forgotten. A study done by Île-de-France in conjunction with the Municipality of Beirut in 2000
showed Dalieh as the backbone of the green and natural spaces in Beirut that must be
preserved from any construction work.

**Summary by Stacey Baaklini**