

AMERICAN UNIVERSITY OF BEIRUT

IN THE SHADOW OF PLANNING?
ECONOMIC AND COMMUNAL INTERESTS IN THE
MAKING OF THE SHEMLAN MASTER PLAN

by
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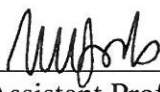
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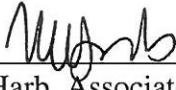
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AN ABSTRACT OF THE THESIS OF

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This thesis argue that in religiously mixed areas of Lebanon, planning practices reflect the tension between two competing claims to land; its economic value as a real estate asset and its communal value as a marker of religious territorial enclaves. As a result, tools of planning such as the master plan are used operationally by contending groups of actors to serve simultaneously their interests to maximize capital gains reaped from (current or potential) property transactions, and to help shape territorial enclaves in a context of religious tensions. These modalities of action are imbricated in power politics, often in violent ways, and together help subvert planning away from its original objectives of rationally regulating the built environment. I examine the town of Bayssour as a case study and retrace the making of the its master plan (1998-2013), part of a larger planning effort to institute land-use regulations for the region where this town is located, the “Shemlan area” which includes eight neighboring localities among which Bayssour.

The findings of the thesis point out to three themes. First, the findings corroborate earlier work by urban scholars about the ways in which planning is used as a tool of territorial management in the name of contending goals: maximizing individual economic interests in land, and protecting the communal religious homogeneity of territories in a context of tensed sectarian struggles. Second, the findings show that throughout the planning process, an emerging discourse on environmentalism is recaptured and used to alternative ends, such as placing certain geographies under close scrutiny and facilitating land use changes which make the construction of these spaces significantly difficult. Third, the findings support the claim that a proper understanding of how planning works needs to weave the informal practices of government with the formal ones. Planning operates through the imbrications of the formal/informal, and TO provide the flexibility for some practices of government that are not feasible by the law.

Two interlinked policy implications emanate from this work: making participatory planning work and harmonizing the various laws related to the built environment in view of avoiding the costly retrofitting of urban expansion in rapidly urbanizing semi-rural settings. Reflections on the role of municipalities in urban policies are also included.

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CHAPTER I

INTRODUCTION

*“Bayssour allah yo’ mora!” (God, may Bayssour always prosper) –
popular saying by Bayssour’s residents*

At the entrance of Bayssour, Em Anwar greets you. A large statue of a woman, made with the yellow limestone native to the area, wears a shawl draped on her shoulders and her chest. In the background is a map of the Lebanese territory, the height of the statue or a little larger. Em Anwar’s features are not clearly distinguishable, and her figure is not slim. From afar, she looks like an aggrandized figurine of the grandmothers of Bayssour, tired but still plowing the fields, planting seasonal vegetables and harvesting olive trees. But one of her hands is stretched high, and she is holding a torch. Em Anwar is not the official name of this sculpture, but that is how she is commonly known among the Bayassra and visitors alike. Everyone has their opinion about what/who Em Anwar symbolizes, but there seems to be an agreement that she is the leitmotif of the mother of martyrs (*um al shuhada*), and perhaps even of Bayssour itself. The torch and the map of the Lebanese territory are also highly symbolic. If Em Anwar were Bayssour, she is Bayssour healing from the wounds of the civil war, and holding the torch of hope, the torch of/for future generations of Lebanese youth from Bayssour. Today, the map has replaced the statue, and Em Anwar was moved to the side. She stands among the shrubs and trees of the landscaped entrance to Bayssour.

Bayssour is not distinguishable from any other mid-sized expanding Lebanese towns, no longer villages, but not yet cities. The town is situated 15 kilometers south of Aley, and is home to about fifteen thousand residents. Despite its small scale and

population, Bayssour and its neighborhood made national and international news a number of times in the last decade, certainly more times than is warranted by its otherwise mundane character.

The first was in 2008 in what has become known as the May 7 events (*ahdath sab'a ayar*). On May 11, the Radar hill of Bayssour witnessed violent waves of armed fighting between members of the Progressive Socialist Party (PSP), and Hezbollah who launched their attack from the adjacent hills of Kayfoun. I remember the severity of the fighting. My mother was in Bayssour that day at the funeral of a distant relative. She called to tell me they are not sure they will be able to carry the corpse to the cemetery of the town because of the sniping. The Bayssour mini-battle was part of the larger armed conflict which started on the streets of Beirut on May 7. That Friday, Hezbollah fighters had seized much of the streets of Beirut igniting episodes of street fighting of varying severity which quickly spread beyond the capital. An article on Al Jazeera English on Friday May 16, 2008 explains:

“Sunday's clashes [May 11] resulted in the collapse of pro-government forces in the Aley region, a stronghold of Walid Jumblatt, a prominent politician and a leader of Lebanon's Druze community. The area had hitherto been controlled mostly by Jumblatt's Progressive Socialist Party (PSP) and its fighters. The violence came a day after Hezbollah accused Jumblatt's supporters of killing two of their members and kidnapping a third. Machinegun fire and loud explosions rocked several Druze villages in the Chouf district, including Aayat and Baysur.”(Al Jazeera, 2008)

The armed fighting of May 2008 heightened the animosity of the Bayassra vis-à-vis their Shiite neighbors in Kayfoun, in a context of rising sectarian tensions since the assassination of Prime Minister Rafic Hariri in 2005, and an obsession with stories about wealthy Shiites buying land across the Lebanese territory to anchor their presence

and expand their control. The armed conflict was only a confirmation of these deep-seated fears fueled by rumors at least as much as by facts. But more than anything, there was bitterness and disappointment, “we opened our houses to them in 2006, not only the schools, hospitals and dispensaries, our own houses...”¹ The feeling was worse than mere sectarian tension, it was a feeling of betrayal.

Two years after these tragic events, Bayssour’s neighborhood made national news. In July 2010, the cornerstone laying ceremony of the Balamand University of Souk Al Gharb was aired on national television. The ceremony was held under the auspices of Patriarch Hazeem, with the participation of MP Waleed Jumblatt, who was reportedly the master mind of the project. He has brokered the negotiations which lead to the acquisition of the 48,000 square meter piece of land where once stood the School of Souk El Gharb, and brought on board wealthy businessmen from Souk Al Gharb to finance the project. Months before the official ceremony, Jumblatt announced the project is to lift Souk Al Ghareb from years of post-war neglect, and is at the service of the area’s entire community (Annahar, 2010).

More recently, in December 2013, Bayssour made national news this time because of the fall from grace of its son Ghazi Al Aridi, then minister of public works. Ghazi Al Aridi’s fall from grace was allegedly due to tensed relationships with MP Walid Jumblatt who accused Aridi of fraud, including registering real estate destined as gifts to Jumblatt in his name. But Bayssour was more than just concerned with this reputational mishap. For the event uncovered some truths which were less known before the scandal, namely that Aridi owns 36 land lots in Bayssour a number of which on the Radar Hill (*tallet el radar*), and that he has tailored the zoning of Bayssour and

¹ Interview with a resident woman in Bayssour, June 2011

manipulated floor exploitation ratios (FERs) to fit the desired uses of his properties. This was problematic as Aridi was not only maximizing his personal wealth by manipulating real estate values, he was doing it at the expense of the community, more precisely the Druze community of Bayssour for whom the Radar Hill is contentious geography, a strategic military spot, and their only outlet to access free picnic spots and enjoy some greenery year-long. (Al Akhbar, 2013b; Eid, 2013).

The last and arguably most shocking moment of fame for Bayssour was in October 2013, when Rabeeh Harb, then husband of Rudaina Malaeb was joining his in-laws in Bayssour along with Rudaina for a reconciliation meeting. Rabeeh and Rudaina had eloped two weeks earlier and the meeting was supposedly to set things right. Upon their arrival to Bayssour, Rabeeh was captured by Rudaina's father, brother and uncle who beat him up and cut off his genitals. The hideous crime was denounced in the media. Jumblatt scolded the Bayassra from their lack of tolerance and called for a community dialogue before the Druze "drive themselves to extinction" (Al Akbar, 2013a) while Rudaina's brother, father and uncle were sentenced to 8 years in prison. The sociological and cultural significance of this crime are important and complex and their discussion is beyond the scope of this work. But I mention it here, because in discussions with the Bayassra about this crime, opinions oscillated from how shameful and non-representative of Bayssour this act was, to characterization of Bayssour as a Druze fiefdom, the contours of which must be marked and protected.

A. Thesis argument and Significance

In this thesis, I weave together Bayssour's moments of fame and link them to its war ridden past in a narrative about planning in "deeply divided societies". I argue

that in religiously mixed areas of Lebanon, planning practices reflect the tension between two competing claims to land; its economic value as a real estate asset and its communal value as a marker of religious territorial enclaves. As a result, tools of planning such as the master plan are used operationally by contending groups of actors to serve simultaneously their interests to maximize capital gains reaped from (current or potential) property transactions, and to help shape territorial enclaves in a context of religious tensions². The management of territories, particularly, the consolidation of territorial enclaves, is enabled through other planning practices such as the provision of informal building permits as well as by land grabbing strategies deployed by powerful political actors. These modalities of action are imbricated in power politics, often in violent ways, and together help subvert planning away from its original objectives of rationally regulating the built environment.

I examine the town of Bayssour as a case study and retrace the making of the its master plan (1998-2013), part of a larger planning effort to institute land-use regulations for the region where this town is located, the “Shemlan area” which includes eight neighboring localities among which Bayssour. Specifically, I show how different actors intervened since the inception of the planning effort and throughout the multiple and analyze the potential consequences of their interventions on the area’s built environment. By investigating the processes which lead to allocation and revisions of land uses, I show that (i) property owners and developers mobilize whatever access

² I am not assuming a group for each set of interests which is immutable over time. The same actor or actors can be part of multiple coalitions which don’t necessarily advance the same goals. Sometimes these goals conflict between on the one hand private economic interests, and in the other communal sectarian interests. Although I acknowledge this is case, I do not refine my analysis in this thesis to take into account the futility and porosity of these coalitions.

they have to the municipality and the Directorate General of Urbanism³, in order to maximize the real estate values of their properties, (ii) municipal officials use the master plan tactically to enable the regulation of the built environment through exceptional measures which serve their territorial interests in strengthening the presence of one group at the expense of others, and (iii) private interventions in land markets superimposed on the master plan coalesce with planning practices at the municipal level to reinforce territorialized sectarianism.

Classifying practices into “individual” vs. “communal” was helpful to analyze the strategies different actors deployed not only to change the zoning scheme, but also to understand how these actors mobilized broader practices such as the manipulation of land sales, and the granting of informal permits (tsareeh bina’) to advance both individual and communal goals. I use the term “individual” not only to emphasize actions taken by singular persons, but also to connote the weaknesses permeating the public planning apparatus in Lebanon from central institutions to local governments, and the frequency with which planning practices are appropriated by connected individuals with privileged access to the state. Along the same lines, communal carries a double meaning. The first is in opposition to “individual” in an effort to show those instances when the practice of planning overcomes an individualized logic and becomes the project of a group working towards the same objective. And the second is to refer to sectarianism and to emphasize that this process is not emancipatory, as communal planning is done to reify a mode of enclave urbanism whereby each religious community or sect seeks to preserve access of in-group members to land, to ensure a religiously homogenous populating of the territory. This logic is even more salient in

³ Lebanon’s central planning apparatus which is a Directorate of the Ministry of Public Works and Transport

areas which have religiously been mixed throughout history such as my area of study. The use of these same terms also has its drawbacks. First, although “individual” connotes a weak public sector, I show that it is through the state’s public apparatus that planning practices become “individualized” and changes to the master plan as well as other practices which serve individual interests are made possible. As such, it is not so much the weakness of the public sector, but rather the creative ways in which it is possible to appropriate it that matters here. This distinction is important as it may point out to different policy recommendations: one entails overhauling the state’s planning apparatus with appropriate incentives in order to strengthen it above and beyond narrow individual interests, and the second focuses on finding those legal and institutional crevices where the planning apparatus is susceptible to appropriation and finding ways to minimize this potential. Indeed the two sets of policy recommendations which emanate from this thesis are concerned with these crevices and address avenues for participatory planning in Lebanon, and the harmonization of various laws affecting the built environment which are often treated separately. Second, although the use of the term “communal” alludes more to communal politics and/or communal conflict a process which is exclusionary at the core and seeks to distinguish “us” from “them” or insiders from outsiders, I often heard, at the end of long interviews in Bayssour and Kayfoun, “we still got to their funerals and weddings”⁴ with “their” referring to the Bayassra by Kayfoun’s residents and vice versa. Such comments nuanced my understanding of how people live and enact difference and sectarianism, and made me aware that the period of my fieldwork is a period of heightened sectarian tension, that things have not always been what they were at the moment of investigation, and that

⁴ Interview with resident from Kayfoun in June 2011, which was also repeated in interview with resident from Bayssour in June 2011

there is perhaps hope that the future hold different potential outcomes. As a caveat then, I acknowledge that some of the dynamics documented in this thesis may be transient, born out of that particular moment (for example an explicitly sectarian environmental discourse), but some are structural (for example how municipalities go about managing their territories in a context where they lack financial means and political and/or administrative prerogatives).

B. Planning in Deeply Divided Societies

That the practice of planning in Lebanon works both to reinforce the logic of territorial conquest and segregation by warring communities and enable the accumulation of private wealth from real estate transactions is not a new argument (Bou Akar 2012, Farah 2012, 2013, Fawaz 2010, 2014, Harb 2011). This thesis corroborates these findings, and shows the different elements at work when investigating these dynamics beyond Beirut and its immediate suburbs, particularly religiously mixed mountainous settings in Lebanon. The rest of this section looks at some of the literature on planning in deeply divided societies, intercepted by relevant literature about planning in Lebanon to show how scholars have problematized divisions within Lebanese society and the resulting practice of planning in this context.

Common across the literature on planning in deeply divided societies such as Israel/Palestine (Yiftachel 1995, 1998, 2000, 2001, 2006 and Weizman 2007), South Africa (Watson, 2002), and Sarajevo, Belfast, Bilbao and other cities (Bollens 1998, 2007), or Lebanon (Bou Akar 2012, Farah 2012) is an argument that planning has been used towards goals that cannot be equated with the «rational organization of space» in the name of a «common good», and that these practices both reflect the social, political

and economic conditions in which they are shaped, and at the same time, constantly producing new relationships vis-à-vis their context.

Drawing on the planning practice that led to the creation of Israel's development towns, Oren Yiftachel (1995, 1998, 2000, 2001) shows how planning was used by ruling elites in Israel as a tool to redraw/organize the development of the territories under their control in ways that serve the political project of "judaizing" the land they occupied. Central to Yiftachel's discussion about planning practices in Israel is the alignment of planning and planners along the goals of the state project of perpetuating and expanding an "ethnocratic regime" (2006). "Ethnocratic regimes promote the expansion of the dominant group in contested territory and its domination of power structures while maintaining a democratic façade" (Yiftachel 2006, 3). Planning and the land form one basis of the ethnocratic regime, one of its sustaining mechanisms, in a context "where planning authorities enjoy enormous powers of implementation" (Yiftachel 2001, 120). Moving away from a detailed examination of the role of planners, and claiming that it is but one (at times marginal) element in myriad forces shaping the nature of cities and regions." (Yiftachel 2006, 213), coins the practice of planning in Israel's "ethnonational planning" which, as in the case of the development towns and Majed El Krum illustrated above, "has caused massive destruction, violent colonialism and ethnic cleansing" (ibid, 217). Along these lines Yiftachel calls positioning this "state-territory-ethnicity" axis at the center of theorization about planning in contexts such as Israel/Palestine, but also more broadly in the global south. If we are to take Yiftachel's invitation seriously, and think about the specificity of the Lebanese context, it becomes clear that a tenant of Yiftachel's argument is the presence of a strong state which imposes a coherent and continuous

vision of planning across governance levels (local, regional and national) and institutions (municipalities, private planning offices and central planning agencies).

But scholars of Lebanon have shown that in the absence of such a coherent vision of planning and in the context of a weak state, different actors position themselves to fill the crevices left empty by the central planning apparatus. Rather than a story about a weak state which is replaced or transcended, this literature shows how and when, in a context where neoliberal urbanism has restructured city space, the state's resources and planning capacities are mobilized or inhibited by different actors carve out their own spaces of planning and governance which may be institutional (a party which controls a department within a particular ministry) or territorial (for example Hezbollah's control over the southern suburbs).

Harb (2010) describes how Hezbollah was engaged in the spatial production of "Dahiye" as physical materialization of "codes, values, and norms of the resistance society and the Islamic milieu" (Harb 2010, 139). Three strategies were used for this endeavor: (i) "quadrillage and centralization" which entails an intricate territorial surveillance architecture in villages of the South and Bekaa but also of neighborhoods in Beirut. As Harb indicates, this is a military organization of space in sectors (qita'), subdivided into quarters (murabba'at), and the latter further divided into cells (khaliyat). The smallest unit, the cell, is presided by a party adherent usually from the neighborhood and the cell constitutes the interface for dweller' access to Hezbollah's panoply of services and resources. The second strategy is the "use of spatial planning tools" and here the emphasis is on counting and using supporting spatial imagery to produce knowledge and put forward policies (the Wa'ed reconstruction project, improving the tax base of the Ghobeyri's municipality). And the third is "religious

symbolization and territorial demarcations” an assemblage of posters, images and graffiti displayed on billboards along main highways and walls, but also TV broadcasts and song disseminated through the media outlets owned by the party, all choreographed by the party’s “Information Unit”. These three strategies combined transform” al-Dahiye into a territory marked with a socio-political identity- that of the Islamic milieu and the resistance society” (ibid, 145), a neighborhood which is otherwise “comparable physically to other lower-middle-class neighborhoods in Beirut such as Tariq-al-Jadideh and Basta” (ibid, 144). Harb adds important nuances to her analysis, and emphasizes that the relationship between religiosity and spatiality is not monolithic or immutable over time, since not all residents of al-Dahiye adhere to Hezbollah’s politics, although this may be difficult to measure. While the religiosity of space may become more pronounced with the rise of sectarian struggles and could translate into “militarization, territoriality, and *entre-soi* social practices” (ibid, 149), it wanes down and is transformed “into political pragmatism” (149) when the national political environment is less tense. In addition, the spatiality of Hezbollah’s religiosity seems to vary with income such that “higher-income groups seem to require less territoriality and religiosity, and to rely more on a neoliberal market logic” (ibid, 150). This textured analysis is helpful and testifies to the particularities of the Lebanese context when addressing planning in divided societies, for it shows under what conditions different forms of division actually happen and how the use of planning tools varies accordingly.

Fawaz 2009 shows how in the wake of the 2006 Israeli war on Lebanon, “the reconstruction of Haret-Hreik [...] materializes a new role for Hezbollah which has taken charge of rebuilding a major suburb of Beirut, independent of public agencies” (Fawaz 2009, 325). However, to take on this planning project, Fawaz shows that

Hezbollah manipulated information regarding the state's compensation packages. For example, the party claimed that without party support in the form of subsidies, these packages were not sufficient for reconstruction. In addition, public discussion or debates about the neighborhood's various planning and design options were avoided, and residents "were strongly encouraged or cajoled into signing delegations of attorney that hand over the authority over reconstruction to the party" (ibid, 327). In short, steps were taken "to rapidly return the entire displaced population to the suburb, evidently to restore its previously consolidated territorial base (ibid). In another article, Fawaz (2014) shows that Hezbollah mobilized a particular conception of property which did not differ much from a neoliberal conception of property as "freehold, individual property". According to this conception, reconstruction is prioritized at the individual level, and this forecloses other planning interventions at the neighborhood scale which could have extended the project of reconstruction to Haret-Hreik public spaces, streets, sidewalks and playgrounds where planning issues were most pronounced before the war. Furthermore, the author shows that Hezbollah members who were on the negotiation team for the compensation schemes offered by the government "insisted on this formulation of compensation per housing unit and individual property unit rather than for entire buildings, rendering the task of clarifying property issues indispensable" (Fawaz 2014, 8). Thus, in these two articles, Fawaz shows that a non-state actor such as Hezbollah selectively aligned itself with state interventions (the party accepted state compensation) but also imposed its own rational on these interventions (the conception of private property) in the service of both territorial consolidation (of a stronghold in the city) and private accumulation (by preserving and defending privately held property). But planning interventions to segregate and entrench territorial exclusion can be even

more pronounced. In his book *Hollow Land Israel's Architecture of Occupation* Eyal Weizman (2007) demonstrates how various planning and design tools were mobilized to construct the "Hollow Land", to slice a territory which is whole into six dimensions: three Israeli and three Palestinian (air, land, and subterranean), a kind of three-dimensional sovereignty; in other words the tireless attempts of engineering physically, "psychopolitically", socially and economically "vertical sovereignty" and its corollary of the two state solution. Weizman uses this case as "a laboratory of the extreme" (2007, 9). Within this "laboratory" he conceptualizes the practice of planning as one which deepens what he calls "frontiers" which he sets "against the geography of stable, static places, and the balance across linear and fixed sovereign borders, frontiers are deep, shifting, fragmented and elastic territories" (ibid,4). The practices result in the most brutal and intense forms of segregation and subjugation continuously inflicted by the planning apparatus of the Israeli state on the Palestinians. More akin to a colonization process, "[t]he logic of visibility, to both see and be seen- dictated the overall mode of design. Visual domination was important not only to exercise domination, but to demonstrate the presence of the occupation's power.... The sense of always being under the gaze was intended to make the colonized internalize the facts of their domination" (ibid, 82). What was enacted here is "omniscient presence but physical absence". Although the author documents in great detail the role of state planners as architects of the occupation, and dedicated an entire chapter to the "master planner", and "the architect of the frontier" Ariel Sharon, he is also careful to emphasize that "the geography of occupation did not emerge out of clear government decisions and planning guidelines, but mostly evolved out of confused interactions between different, mostly inconsistent and often opposing political agents and ideological interests. In fact,

although many people - including Sharon himself - would have liked recognition as the master-planner of the settlement project, the colonization of the occupied territories did not grow out of the master plan; rather it evolved as a “strategy without a strategist” (92-93). This detail is important to emphasize, especially in the case of Israel/Palestine where even the smallest design details are thought of. If despite design regulations which impose a specific cladding of limestone in the most far flung suburbs of Jerusalem to give the impression of authentic continuity of the old core, if despite the radial design of settlements perched on hilltops in the middle of the West Bank so that settler’s presence is part of the security apparatus with “to help run the occupied territory into an optical matrix radiating out from a proliferation of lookout points/settlements scattered across the landscape.” (132), if despite all these attempts to securitize and “populate the territory”, none of these practices can be ascribed to one ingenious plan, then even the darkest side of planning can indeed be contested and negotiated.

If we attempt to trace such tangible modes of territorial segregation in Lebanon, the account is again pluralistic, of multiple actions by multiple parties. Indeed, Beirut is entangled by barricades and barbed wire and guarded by myriad security systems. These are what Fawaz, Harb and Gharbieh (2012, 177) term the visible architecture of security in the matrices of checkpoints, armored vehicles and barbed wire, under subtle surveillance by cameras and metal detectors. Perhaps the most contentious is Hezbollah’s security perimeter around the southern suburbs, but the contested borders between districts loyal to sectarian political parties are demarcated by panoplies of flags, graffiti and posters and securitized by militias tied to political parties. Together with the plethora of private security they transform their vicinities into islands

of security, where “securitization may be the reflection of the fragmentation of a political system and society that are increasingly compartmentalizing the city into territories each securitized by its own system” (ibid, 189). Bou Akar (2012) also shows how the tactical tools of urban planning are transforming Beirut’s peripheral spaces into frontiers of sectarian conflict. The Sahra Choueifat district is a periphery-turned-frontier between its longstanding Druze residents and the Shiite displaced by the civil war and post-war reconstruction. In their efforts to solidify their territorial base, Hezbollah worked to resettle their Shiite constituents via the real estate market, but to resist their encroachments the Druze municipal authorities responded by zoning the area for industrial rather than residential uses (an industrial zone is a synonym for Druze territory and residential zone for Shiite territory). Whereas before the outbreak of violence in May 2008 (the worst sectarian fighting since the civil war) officials claimed that land-pricing rationality was the reason the zoning was changed, afterwards it was openly articulated as security measures, thus revealing how violence is inculcated into the policies of city planning. Interestingly, Bou Akar adds that such actions are concomitant with a logic which never seeks to curb urban growth and profit making out of real estate development.

Beyond Israel/Palestine and Beirut, planning interventions in segregated cities also highlight the pressures of market forces in what are often rapidly growing markets where real-estate investments yields windfall profits. Interestingly, there is no agreement in the literature about the potential of master plans. Bou Akar showed they are the materialization of “planning wars” (Bou Akar 2012, 165) while Watson calls for small scale localized planning interventions in lieu of mega-plans and Bollens stands in defense of such planning tools. Narrating the story of the rise and fall of the

Metropolitan Spatial Design Framework (MSDF) for metropolitan Cape Town, Vanessa Watson (2002) traces back a process which extended over ten years to show how planners used their technical expertise to push for a more equitable and just post-apartheid Cape Town, but were held back by the legacy of modernist planning which sustained the apartheid system, and by broader political and economic changes characteristic of the dynamic transition period. At that time, the negative consequences of the modernist 1975 “multi-nodal” plan (Watson 2002, 19) were weighing heavily on the state apparatus and although the apartheid system was already seriously challenged, its planning principles were still the only guiding principles used to manage the city’s growth. Spatially segregating urban African dwellers in areas located outside the metropolitan region’s boundary and ill-equipped with transport infrastructure was not only legal, but also the prevalent planning rationale. This exercise was carried out according to an “entirely scientific and internationally acceptable [methodology referred to as the “sieve method”] ...that would appear untainted by political considerations” (ibid). Throughout the process, technical knowledge was deployed to sustain a repressive regime. Although a group of planners from the University of Cape Town were critiquing the “multi-nodal” city model, and trying to generate a body of alternative knowledge about the role and principles of city planning, it was unclear what alternatives for the city were pushed for. With time, the power of their progressive ideas started waning while planners retreated into technical and bureaucratic. In 2000, by the end of the ten years period, the MSDF was far from materializing the progressive alternatives envisioned earlier. Watson’s conclusion then is that in post-apartheid South Africa, planners were having a hard time getting out of the structures of the city that were designed for segregation; structures which were still largely supported by some

actors to maintain segregation. As such, the author concludes that in such rapidly changing and politically unstable contexts, mega-plans such as the MSDF are sidelined. She suggested that accumulated, short term and localized interventions may have a greater chance of impacting city space.

In Belfast, ethnic cleavages are taken as given, and plans are devised based on the status-quo. This is referred to explicitly in the texts of the plans where “issues of sectarianism [are] defined outside the scope of planning” (Bollens 1998, 692) and social, economic and political consequences emanating from these issues are considered outside the realm of the planner’s actions. The author argues that this neutral approach has many downsides, one of which is the absence of a strategic plan which would guide the overall development of Belfast. Contrary to Watson, Bollens claims a mega-plan would maximize the benefits of the small politically informed decisions when they are made, instead of having their benefits lost in ad-hoc planning process which supports them. Frequently referring to following “the wishes of the people” (ibid, 694), planners expressed their dismay stating that “[i]n the sectarian battleground of Belfast, ‘there is a sense of almost persecution, planners retreat into narrow technical roles’”. (ibid, 695) In a comparative gesture, the author discusses the case of Johannesburg post 1991 where planners were trying to address the core spatial, economic, social and political issues which sustained the apartheid regime. Despite these efforts, the author indicates that the market system and other social forces making urban land prices exorbitantly high, have somewhat replaced the apartheid system with equally exclusionary measures. Not only were post-apartheid planning ideas difficult to implement, but also, technical planners with strong adherence to planning rules and regulations, were pit against community planners who emphasized their role as “mediators in the development

process between community needs and government resources” (ibid, 701). A new battle ground for legitimacy opposing technical expertise to community’s voice emerges. Comparing between these two cities the author concludes that neutral policy in deeply divided societies does not seem to lead to desired outcomes. He concludes that the success of problem resolving and equity based urban policies depends on strong implementation mechanisms, and a long and sustained commitment to effectively alter existing inequalities, and mass poverty. In broader terms, the unsettled question is whether “urban planners [should] become more attuned to group identity as a criterion within planning processes and decisions (Neill, 2004; Sandercock, 1998)... [or] transcend and overcome urban and societal divisions (Marcuse & van Kempen, 2002).” (quoted in Bollens 2007, 236).

This brief literature review showed how planning has been conceptualized in a deeply divided society such as Lebanon. The literature attempted to show the nuances and contours of such a conceptualization highlighting the multiple and shifting alliances and confrontations between the state and various actors which take on planning roles at various historical junctures. The literature also showed how such alliances seek to promote the tandem objectives of protecting private economic interests vested in land and real estate, and the communal/group interests of territorial religious homogeneity. While this literature has focused on Beirut and its immediate suburbs, this thesis explores planning dynamics in religiously mixed mountainous settlements highlighting their specificity in relation and comparison to the above literature.

C. Methodology

The case study of the Shemlan master plan includes a total of 9 localities Aitat, Ainab, Ayn-Anoub, Shemlan, Kayfoun, Bayssour, Dfoun, Remhala, and Bennay. Bayssour is the largest of these localities in terms of its surface area and its population. It is indeed interesting that despite the primacy of Bayssour and its pivotal role in pushing forward the demand for a master plan after the mountain reconciliation (*mousalahet el jabal*) the title of the master plan in the archives of the Directorate General of Urbanism (DGU) most probably because Shemlan is the richest among the 9 localities.

Of the 9 localities included in the master plan, *I focus in a detailed manner on Bayssour, and draw on comparative information about Shemlan and Kayfoun when relevant.* Bayssour is the largest of all nine localities, as such urbanization pressures and their ensuing consequences are most pronounced in this municipality. This case study and its broader context are interesting for three reasons. First, the master plan initially represented a post-war planning effort pushed forward by nascent municipalities in 1998. Second, the three municipalities represent a microcosm of the religious diversity typical of Mount Lebanon; Bayssour is Druze locality, Kayfoun is a Shiite one, and Shemlan is a Christian locality but has always been a resort town with an influx of wealthy Lebanese Sunnis and Arab expatriates. Third, the patterns of urbanization studied here (especially expansion via construction declarations) and the role of municipalities and their interaction of the central planning apparatus are relevant beyond this case study, especially for the municipalities of medium sized towns and villages (10,000 to 15,000 dwellers). Hence, the policy recommendations emanating from this work are relevant beyond the group of municipalities explored here.

I substantiate my argument with five data sources: (i) a total of 39 interviews with various actors at the national, regional and local levels conducted over two consecutive summers in June, July 2011 and 2012. My interviewees included the minister of public works then Ghazi Al Aridi, the planners of the Directorate General of Urbanism (DGU) who commissioned and supervised the master plan and its subsequent revisions, the planner hired by the private consulting firm subcontracted by the DGU to do this work, the secretary of the Mouhafez of Mount Lebanon, the presidents of the municipalities of Bayssour since 1998, the presidents of the municipalities of Kayfoun Shemlan, Aitat Bennay, Remhala and Souk Al Ghareb, as well as other members of these municipal councils, municipal employees in Bayssour, Shemlan and Kayfoun, the local planners who proposed master plan revisions, realtors knowledgeable about the area's land markets, and a select number of property owners. With the exceptions of Ghazi Al Aridi, then minister of public works and transport; and Dr. Kameel Nassar, Dean of the Faculty of Medicine at Balamand University and president of the municipality of Souk Al Ghareb, I refer to all my interlocutors anonymously or use pseudonyms in the text to protect their identities, (ii) the master plan and all documents accompanying it (with information on the area's demographics, land markets, and urban challenges), (iii) data on construction permits (*tarakhees bina'*) and construction declarations (*tasareeh bina'*) given by all three municipalities for the period 2007-2012 capturing the area's urban expansion, (iv) an examination of all relevant laws, decrees and decisions which govern urban development in the area and beyond, (v) a media analysis of newspaper articles for the period 1998-2010 about the area.

The 39 interviews I conducted form the backbone of this work and have shaped the narrative I expose in the remainder of this work. I conducted semi-structured

interviews and asked my interlocutors a few open ended questions to launch the discussion: (i) how did you hear about the master plan, and when, (ii) who was involved in this planning effort and how did they come together, and (iii) why did the master plan keep changing. In rare cases did I have to mention the armed conflict of May 2008 or the sectarian tension in the area, and rarely did these topics emerge at the beginning of my interviews, or even in the first round of interviews I did. But upon our second or third encounter, my interlocutors were more comfortable discussing issues such as the pressure of particular landowners who changed the master plan, and the fear from further Shiite expansion. I always looked to interview the planners, the president(s) of the municipality and the realtors involved in each locality. Interviews and discussions with residents and landowners were based on rumors I heard and decided to pursue and sometimes based on references by planners and municipal employees. The landowner of the largest lots on the Radar Hill who is not a native of Bayssour refused to talk to me.

Throughout my interviews, I often struggled to disentangle politics from policy, objectives from intentions and the recent past of my area of study from its present. When I submitted to these binary classifications, I found myself oversimplifying complex realities, and when I didn't I diluted the concepts which formed the backbone of this work. The time dimension was particularly puzzling, as my interviewees linked the master plan and its various changes to the May 2008 events although the zoning of Bayssour had already been approved by the DGU in 2005, three years before the tensions erupted. But there was a stubborn association in people's minds between the two. This is perhaps because people were more concerned about future armed conflicts in the area, than with the master plan and its repercussions. It took several interviews with the same interlocutors to get the timeline right and clarify

facts from perceptions, and I did not always succeed. This invited me to reflect on my position as planner vis-à-vis this project and the topics I have grappled with here.

I am implicated in this writing, since I have decided to write about an area where I grew up, and where many family members and friends still live. The fact that my mother is from Bayssour and is known in the area shaped how people responded to my inquiries and their responses were always filtered. There were efforts either to exaggerate their political allegiance to the Progressive Socialist Party (PSP) and its anti-Hezbollah stance, or to emphasize mutual respect and tolerance, depending how my interlocutors read my family's politics. The point is that being from Bayssour did not make all my interviews smooth and the information conveyed candid. I adopted a different strategy for both Kayfoun and Shemlan. In Kayfoun I was accompanied for all my interviews with a male friend who is from Kayfoun and lives there year long. When I introduced myself, people recognized my grandfather who had served for a longtime as the president of the municipality of Bayssour before the civil war. To talk to the municipality, I activated professional contacts, not personal networks. In Shemlan, I walked in without introductions, and introduced myself and my research. It happened that I shared some connections with one of the municipal employees, which facilitated my contact with the municipality. In all three localities, repetitive visits helped establish mutual trust. My perceived religious affiliation impacted how people interacted with me and answered all my questions.

D. Thesis structure

The rest of this thesis is organized as follows. In chapter II I provide a succinct profile of the area under study, including the physical, socio-economic and demographic

characteristics of the area. I link these characteristics to the war-ridden history of the area and the importance of its location in the unfolding of the Lebanese civil war, which was a prelude to what it witnessed in May 2008. I conclude by documenting post-war reconstruction efforts, continued economic distress and their effects on the demand for land, given the primacy of the real estate sector in Lebanon's economy. In chapter III, I trace the genesis of the Shemlan master plan as a post-war reconstruction effort by nascent municipalities and show which actors sought to change the zoning allocated in certain areas to increase FSIs for their properties thus protecting their individual stakes in land, how they went about doing that, and what discourses they mobilized throughout the process. I also zoom in on the Bayssour master plan to show the manifestations of communal interests in land, how pressure was exerted to ensure that the zoning of the Radar Hill in Bayssour curtails even the most minimal construction activity, and how the history of this particular geography was brought to bear on current planning practices. In chapter IV, I show how broader planning practices such as the granting of construction informal construction permits (*tarakhees bina'*) and the manipulation of land sales by powerful political actors such as Walid Jumblatt coalesce with the constant revisions of the master plan to enable always two simultaneous logics of maximizing individual economic stakes in real estate, while protecting and enforcing the religious homogeneity of landownership in these localities. Once again the history of this particular geography is a useful lens to understand the rational of these practices. Chapter V concludes with a summary of the main findings and discusses two sets of policy recommendations emanating from this work: making participatory planning work, and harmonizing the various laws related to the built environment in view of a rational management of future urban expansion.

CHAPTER II

BEYOND BEIRUT AND ITS SUBURBS: LOCATING MY CASE STUDY

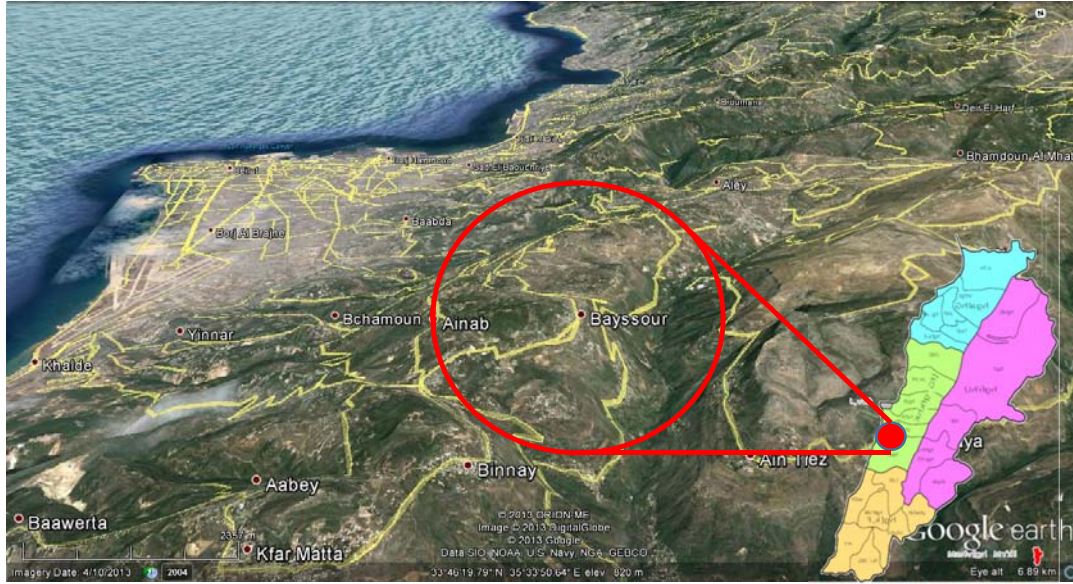


Figure 1: Baysour in relation to Beirut (Google Earth, 2013)

A. Location, Socio-economic and Demographic Profile of the Study Area

1. Geographic Characteristics

Shemlan and its surrounding 8 localities form part of the Western plane of Mount Lebanon. It extends over a total area of 2,776 hectares (27,760,000m²), and is located 8km in a straight line from the capital Beirut. The area is characterized by a mountainous landscape with hills, valleys, and narrower planes. Its lowest altitude is reached at 160m in Ain Anoub while its highest is reached at 960m at Baysour's Radar hill. Like many similar mountainous settings, altitudes vary significantly in the same locality where the difference between the lowest and highest altitude in Bennay reaches

700m, in Aytat, Ain Anoub, Aynab and Bayssour 500m, while in Shemlan, Kayfoun and Dfoun 300m. This particular feature has important repercussions for planning such mountainous settings, especially that the bulk of urbanization in these towns and villages is concentrated in a more or less narrow band where the difference between the highest and lowest altitudes is 100m at most, with the exception of Qabrechmoun-Remhala where urbanization is split between two cores, one in Remhala (Christian dwellers) and one in Qabrechmoun (Druze dwellers). This coincides with similar urbanization patterns across the Lebanese territory whereby urbanization spreads from the historic core along the main roads. The further one is from the main road, the more scattered the urbanization becomes and the larger lands lots become. I discuss these characteristics further in the remainder of this chapter. Table 1 shows the size of the localities included in the area of study.

Table 2.1: Summary of geographic and demographic characteristics (Dar Al Handassa Nazih Taleb & Partners, 2001)

Locality	Surface area (hectares)	Population Size	Lowest & highest altitudes (meters above sea level)	Average altitude (meters)
Dfoun	116.5	1,400	850-520	675
Shemlan	144.4	2,000	850-550	700
Kayfoun	168.5	4,800	890-590	775
Aytat	243.6	4,000	770-300	650
Aynab	335.1	3,000	950-480	750
Qabrechmoun-Remhala	365.2	7,700	950-250	Qabrechmoun: 725 Remhala: 425
Bennay	365.6	3,000	930-210	750
Ain Anoub	411.5	3,300	620-160	500
Bayssour	625.3	12,000	960-430	800

2. Demographic and Socio-economic Characteristics

In 2005, at the time the socio-economic survey accompanying the master plan was conducted, the total number of dwellers was estimated at 42,000. Most of them were permanent residents of their localities with the exception of the Christian localities of Shemlan, Dfoun and Remhala where at least half of the dwellers are weekenders. Baysour counts the largest number of inhabitants which amounted then to 12,000, the majority of which are permanent dwellers, and Dfoun is the smallest with its total population amounting to 1,400 half of which at most are permanent dwellers.

According to the master plan report (Dar Al Handassa Nazih Taleb & Partners, 2001), the economy of these localities relied in 2001 on three sectors. Agricultural production, considered an important economic sector in the area of study, but employs only 1.5% of the workforce in Baysour, the largest of all three localities. Those whose income is derived mainly from agriculture rely on migrant labor (mostly Syrians) to harvest their crops and tend their agricultural lands. But the agriculture sector in the area, like elsewhere in Lebanon, was already suffering significantly ten years ago, at the time the master plan document was produced. The document showed that the cost of land rehabilitation for agriculture use, which includes plowing and planting the soil, building supporting walls, setting up an irrigation system and irrigating, as well as other crop specific seasonal costs, amounted to USD \$33,600 per hectare of land, whereas the average profit generated from selling the produce of this same hectare of land is USD \$11,340. Although the report mentions that agricultural producers in the area may save on some of these costs because they work their own lands and have access to water from their own properties, it is clear that the return on investment in agriculture was quite poor. And the situation worsened after the Lebanese government significantly lessened

its subsidies in the sector, a factor which was emphasized in the report. Other economic sectors employ small percentages of the labor force *locally*, including the construction sector and its ancillary services of painting, carpeting, plumbing, etc..., some light industries scattered in Kayfoun's valley, and along the main road between Remhala and Qabrechmoun, and small scale commerce concentrated along the main roads of the larger towns such as Bayssour, Kayfoun and Qabrechmoun.

In addition to these productive sectors, what keeps these localities alive is a rent based economy derived from their role as summer resorts and weekend destinations especially Shemlan, Aynab, Aytat and to a lesser extend Kayfoun classified as summer resorts. The Dar Al Handassa Nazih Taleb & Partners 2001 report does not provide an estimate of the size of this sector, but discussions with shop owners as well as apartment owners who rent their properties in the summer indicate the sector is sizable and generates important seasonal revenues. During the summer season, ancillary touristic services also developed in these cores such as small restaurants and cafes, and traffic intensifies in small local grocery stores. However, what sustains these localities year long, and makes land the backbone of their development is their proximity to Beirut and Aley, which translates into proximity to job opportunities. One public bus line links Cola Beirut to Bayssour via Aramoun, Aytat, Shemlan, Aynab and Qabrechmoun, and multiple minivans (informal public transport/private pooled transportation) with flexible schedules (a van every hour) circulate between Cola and Qabrechmoun, and Cola and Kayfoun via different routes. Travel time from Bayssour to Cola is about thirty minutes by car. And because of this proximity to Beirut, and Aley, the area in general and Bayssour in particular have seen, in the past 5 years, an influx of middle income Druze families. The latter are not natives of Bayssour, and for them the religious homogeneity

of the locality is a decisive feature of an emerging affordable housing market with apartments for both rent and sale, since Bayssour remains a cheaper option than Choueifat or Aley. In response to this increasing demand, more than 10 buildings with an average of 8 apartments each were developed between Bayssour and Qabrechmoun and have been almost entirely sold and rented to non-Bayssouris. The average size of these apartments is 180 square meters and they sell for an average USD \$180,000¹. And this trend will continue. Indeed, as per per e-geopolis/menapolis projections², the area forms part of the pockets of expansion of “greater Beirut” in the upcoming 15 to 30 years, highlighting its future role in Lebanon’s urban hierarchy. So it is expected that in the future, demand for land and housing in the area will increase even further. Figure 2 shows e-geopolis/menapolis projections. The red dots show the locations of each of Kayfoun, Shemlan and Bayssour. The yellow cover encompasses all the areas where urbanization densities will increase by 2030, enlisting these localities as part of “greater Beirut”.

¹ Interview with developer and architect in Bayssour

² The e-Geopolis/MENAPolis program is a collaborative project between e-Geopolis and the Center for Mediterranean Integration (CMI) which aims to: (i) characterize and measure urbanization trends in 5 countries of the Middle East and North Africa Region (MENA) between 1960 and 2010, and (ii) to build projection based on these measures up until 2030. Results can be accessed on <http://e-geopolis.eu/spip.php?rubrique41>



Figure 2: Lebanon: Urban areas spatial growth 2010-2030 (E-Geopolis/MENApolis)

B. A Landscape of Conflict

As already mentioned in the introduction, the most recent conflicts witnessed in the area are popularly known as the May 2008 events. An extension to similar street fighting which was taking place in Beirut and its suburbs, armed conflicts sprung between the Islamic Resistance in Lebanon (Hezbollah thereon) and the PSP (Progressive Socialist Party)³ fighters. The fighting spread from Mattie to Aytat, then Kayfoun reaching Bayssour, and spread across the hill tops of Aley, known as Tallet el Tlet Tmenet (the Triple 8 Hilltops). Indeed, Bayssour, Aytat and Aynab were deeply entangled in what Bou Akar (2012) described as “the worst sectarian fighting [...] since the end of the Lebanese civil war (1975-1990)”. An article in Annahar published on

³ The Progressive Socialist Party PSP is the Progressive Socialist Party (in Arabic: الحزب التقدمي الاشتراكي, al-hizb al-taqadummi al-ishtiraki), is a political party established in Lebanon since 1949. Although it proclaims to embrace a secular, socialist ideology, it is led by the prominent Druze sectarian leader Walid Jumblatt and supported mostly by followers of the Druze faith. (website: <http://anbaaonline.com/>)

May 12, 2008 among countless others attests to the severity of the fighting, reporting that “Choueifat, Aley, Aytat, Qmatieh, Kayfoun and Bayssour witnesses violent fights between the PSP and member of Hezbollah and its allies killing more than 5 and wounding at least 12 people. By 8PM, the Lebanese army had spread in the area from Aytat and Qmatieh to Bayssour, Kayfoun and Aley reaching the 888 hill.” (Annahar 2008).

Although this was the most recent wave of fighting, the area’s religious diversity (Bayssour is Druze, Shemlan is predominantly Christian with an influx of wealthy Lebanese and Arabs mostly Sunni, and Kayfoun is Shiite), and its strategic location and its geography of hills and valleys have turned it into a landscape of conflict. Overlooking Beirut and connecting the coast to the hinterland (the Chouf and the Bekaa) via Jisr El Qadi, the hills of Bayssour, Kayfoun, and Shemlan are contested territory in an ever present geography of war. A breach of these strategic points in the military sense by any one of the warring factions would translate into gaining control of a strategic passageway to the country’s hinterland. Figure 3 is a google map showing the two routes to reach Deir El Qamar (the Chouf region) from Aley. The route in blue goes through Bayssour via Jisr Al Qadi traversing the valley (hills are shown in dark grey) through pre-dominantly Druze localities. During the civil war, it was imperative for Progressive Socialist Party and its allies of the Lebanese National Movement⁴ to maintain control over this route. Without protecting the hills of Bayssour and their neighboring Shemlan and Kayfoun, their control of this route is undermined. The grey route is an alternative one, controlled by opposing factions and parties (Christian

⁴ See Cammett (2014), chapter 3 for a description of the histories of various Lebanese political parties

Lebanese Forces and their allies) and going through predominantly Christian localities, hence quite difficult for Druze militia fighters to maintain control over⁵.

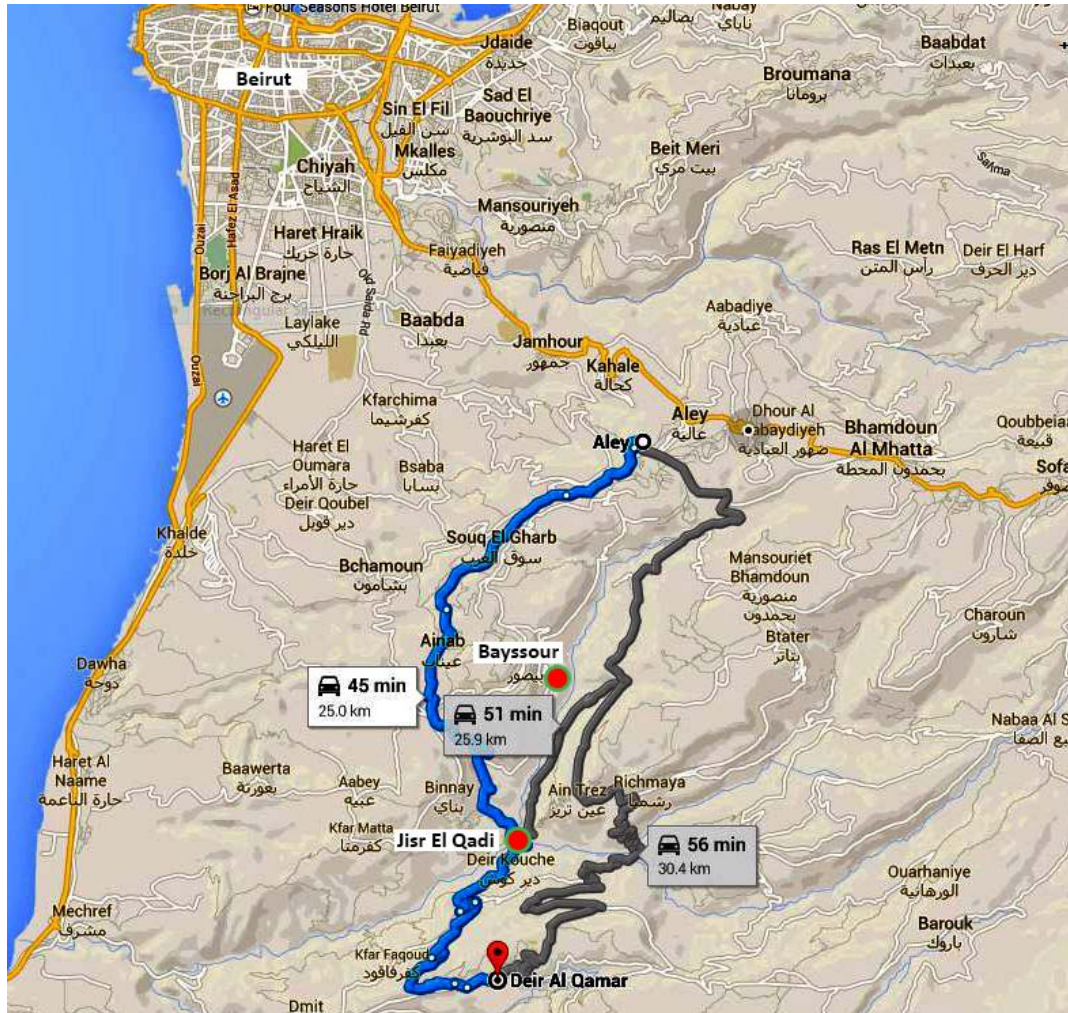


Figure 3: A strategic geography (Google Maps, 2014)

Indeed, during the Lebanese civil war, Baysour was sandwiched between the two fronts of Kayfoun-Souk Al Ghareb and Bennay-Abbey. As a result, the area including the towns and villages of Souk Al Ghareb, Aytat, Aynab, Ain Anoub,

⁵ The strategic dimensions of these access routes were reconstructed through interviews with two ex-militia fighters from Baysour in June 2011

Bayssour, Kayfoun, Shemlan, Remhala-Qabrechmoun, Dfoun, Bennay, Abbey- Ain Drafeel, and Kfarmatta witnessed bloody battles that lead to notorious massacres in these villages (The Lebanese war [Harb Loubnan], 2005, Andari, 1983). Although the episode of the civil war known as “The War of the Mountains” extending from 1982 to 1984 is by far the most violent episode of conflicts witnessed in the area, in 1958 the heights of Shemlan were bombed by the air forces of President Camille Chamoun, engaged in a war against Kamal Jumblatt and his allies (Craig, 1998). Digging even further in history, manuscripts of orientalist scholars document “the massacres of Christians” by their Druze neighbors in Deir El Kamar conveying “the barbarism and bestiality” of the Druze sect. These accounts further add that when Christians in other parts of the country revolted against these massacres, they were slaughtered at the southern border of Bayssour during the 1860’s civil strife in Ottoman Lebanon (Churchill, 1862). I am not using these historical references to pinpoint who perpetuated atrocities against whom, but rather to show how this geography has been written as one constantly caught up in violence. And there is no doubt that the Lebanese civil war has been the longest and most violent of these episodes, and its effect on the area were, in many ways, irreversible.

C. Post-war Reconstruction Efforts and the Demand for Land

1. Displacement and reconstruction

As elsewhere in Lebanon, the effects of the civil war on the area were devastating. After an intense period of heavy shelling in 1983, inhabitants of these localities were displaced and the people remaining there were militia fighters spread on the frontlines and in the hills. Bayssour in particular suffered most from the shelling

from the facing Christian village of Chartoun, which was then under the control of the Lebanese Forces⁶. In my interviews, ex-militia fighters indicated that about 60% of Bayssour's buildings were raised to the ground and what was still standing was heavily damaged, and dwellers were displaced for a period extending between 1983 and 1985. It is not until ten years after the end of the civil war that Christian dwellers symbolically "returned" after the post-war reconciliation efforts, popularly known as Mosalahat El Jabal. These reconciliation efforts coincided with the disbursement of cash indemnities by the Lebanese government to home owners to rehabilitate their war-torn properties. Displacement had fundamentally changed the economic, social and political fabric of the area. Many young men were killed, leaving entire families without bread earning fathers and sons, surviving on meager resources, and often supporting a physically challenged family member who lost a limb or their eyesight during the war. Many people did not want not go back to their towns and villages, and those who did came back as weekenders rather than permanent dwellers, especially the Christians (Feghali, 1997).

Post-war reconstruction efforts fell short of encouraging the "return" of displaced people. In many cases, cash indemnities for the reconstruction of damaged homes were disbursed 10 or 15 years after the end of the conflict, long after people had rebuilt their houses in Bayssour or Kayfoun, often by pooling their savings with those of extended family members. In many cases too, the compensations received were not enough to even rebuild a quarter of the houses, and many complained that there was

⁶ "Established in 1976, the Lebanese Forces emerged as an alliance of Christian militias that were all devoted to ejecting Palestinian forces from Lebanon [...] On August 30, 1976, Bashir Gemayal was elected commander of a unified command structure under the aegis of the Lf. Although the Kataeb was a dominant component of the LF, the organization was independent of the Party [...]. The leadership created an effective fighting force, with a hierarchy structured according to a military ranking system. This configuration as well as the fighters' close familiarity with the mountainous areas of Lebanon, enabled the LF to fight effectively in both urban and rural terrain." (Cammatt, 2014, 77-78)

preferred treatment of certain party members (referring to members of the Progressive Socialist Party- PSP) who received disproportionately higher compensations packages. The last installment of indemnities was disbursed in Bennay and Abbey in 2012 and 2013 after reconciliations in both villages. Bou Akar (2005) shows the effects of this policy on post-war reconstruction. Focusing on war displaced squatter populations who moved from Beirut's city center to its suburbs including Sahra Choueifat and Kafaat, she argues that disbursement of cash indemnities was politically manipulated, that the amounts disbursed did not match the needs of beneficiaries to access housing in the city, and that the timeline for disbursement was not certain. She finds that, as a policy framework, cash indemnities for post-war reconstruction helped some families to access legal housing, but also "reinforced the formation of religious enclaves in the geopolitical urban context of Lebanon. Since the government did not intervene in the relocation process, the families chose to move to the areas with which they identify, afford, and felt comfortable to move to" (Bou Akar, 2005, 60).

As such, in towns like Bayssour which were very heavily damaged, the urgency of post-war reconstruction pushed people to take their own initiatives to rebuild, sometimes haphazardly. Although the DGU had issued a special type of permit, the displaced construction permit (*rokhsat bina' mouhajar*), most of the Bayassra rebuilt without permits, while the displaced construction permit is still used until today in Bayssour, but also in Christian towns such as Souk Al Ghareb and Dfoun. Indeed, fieldwork made me realize that "post-civil war reconstruction" was *still* ongoing, especially as related to access to basic services. It is not until mid-2012 that the Council for Development and Reconstruction (CDR) had allocated a budget for the building of a water and sanitation network as well as a water recycling and purification station for the

towns and villages of Bayssour, Aytat, Shemlan, Bayssour, Aynab and Qabrechmoun. Up until that time, the sewage of Bayssour flowed down to neighboring Mejdlaya in the bottom of the valley and then to the river. At the time of fieldwork, the CDR sanitation project hit a few hurdles because the group of towns and villages targeted by the project could not agree on organizing themselves in a union of municipalities, a pre-condition for the launching the CDR project; “Aytat wanted out, and Aynab was complaining that Bayssour will be the president of the Union. It is a large municipality with a poor tax base whereas the neighbors are richer and smaller municipalities”⁷.

The absence of a sanitation network in 2012 in Bayssour and its neighboring towns is an indicator of the broader dismal state of regional development post-civil war. As Harb (2000) has argued, the rebuilding of basic infrastructure including roads, water and sanitation and phone networks was so heavily Beirut centric that “the portion bestowed to rural areas and to agricultural regions from the 10-year plan does not exceed one-third of the planned reconstruction expenses during the first stage, although these zones form 80% of Lebanon and group almost half of its population (Baalbaki 1994: 90).” (Harb El-Kak, 2000, 129) Today, almost 25 years after the end of the civil war, “a newborn with complications will die in the Qabrechmoun hospital [the public and only hospital servicing this area], before reaching Beirut... even the hospitals in Aley are underequipped... there is still a lot of destitution (*te'teer*) here”⁸.

2. The Demand for Land

When unequal regional development and lack of development opportunities is compounded by displacement and ensuing religious segregation, the effects on the demand for land are noticeable. A comparison among Bayssour, Shemlan and Kayfoun

⁷ Interview with municipal council member from Bayssour, July 2012

⁸ Interview with a physician at the Kamal Jumblatt Public Hospital in Qabrechmoul

is telling in this regard. It shows that the land markets of these three localities can be placed on a spectrum from “closed” to “open” using a number of indicators. I use the terms “open” and “closed” to qualify the nature of land transactions, with “open markets” referring to markets where land may be sold to people from outside the locality, whereas “closed markets” are those where land sales are restricted to natives of the locality. I use these terms with caution, since I know that it is rarely the case that land markets in Lebanon are entirely open, or entirely closed as social networks always and institutions such as trust always mediate land sales. However, my assumption is that because of a pattern of religiously homogenous enclave urbanization, it is rare for a non-Bayssouri, not to mention a non-Druze buyer to accept to engage in an informal land transaction in a locality where he has no networks, let alone where people belong to a different sect. These are after all semi-rural mountainous localities, rather than Beirut or its immediate suburbs. With these cautionary notes in mind, I describe Bayssour’s land market as rather “closed” since demand for land is by the Bayassra who remain, for the most part, the primary users of acquired assets. On the other hand, Shemlan has always been a summer resort and weekend destination for wealthy Beirutis and Arabs. Its land market is thus more open. Kayfoun is a relatively open market situated in the middle of the spectrum, since demand for land is by a rather exclusive and relatively better off group of Shiites for whom the locality is also a summer resort.

Relatively “open” vs. “closed” land markets are of course conditioned by several factors. As mentioned earlier, the Lebanese civil war has pushed citizens to dwell in homogenous enclaves, a pattern which was perpetuated, and became even more entrenched since the end of the civil war. The reconciliation effort (*mousalahet el jabal*) and the distribution of cash indemnities by the Ministry of Displaced to finance post-

war reconstruction did little to restore the area's religious diversity. People had already settled closer to their jobs and the war torn regions had little to offer in terms of opportunities and services to warrant their return. As such, displaced dwellers who had secured jobs and housing elsewhere sold their lands. But those for whom land was the only bankable asset returned to rebuild and resettle. This is the case for Bayssour where land still constitutes an important channel for intergenerational mobility; one's biggest achievement in Bayssour (at least as important as putting their kids through university if not more) is their ability to acquire a piece of land and build a multistory building, and allocate a flat per child children (almost always their sons rather than their daughters).

In addition, the age of the localities, including patterns of urbanization and institutions of property ownership also affect the demand for land. In Bayssour, most lands are transferred from generation to generation without formal registration. This becomes problematic if owners decide to put their properties for sale on the market, because they can't prove freehold ownership. Indeed, a very large proportion of Bayssour's lands are co-owned (sometimes by an entire extended family of more than 10 individuals). The process of clearing such land titles is extremely costly and lengthy. This an important point which I discuss in chapter IV to explain why urban expansion in Bayssour happens informally in an effort to accommodate the repercussions of the institutions of property ownership which characterize these markets.

I use three indicators to gauge the relative openness of land markets: (i) the percentage of roads as a share of a locality's total surface area, the logic it being that the more connected locality, the more it is understood to be formally urbanized - figure 4, (ii) the distribution of lot sizes (with smaller plots indicating a more intense formal urbanization process) - figure 5, and (iii) the locality's surface area covered with a

pattern of regular subdivisions, with regular subdivisions indicative of a higher reliance on market/formal institutional mechanisms since it would be a formal lot subdivision.

This analysis has many shortcomings since the only way one can gauge market activity is by comparing the cadastral maps with aerial photographs over time. Therefore, rather than claiming to establish causal relationships, my objective is to indicate that land subdivision patterns and available infrastructure are different across the three localities and examining these differences may be useful to understand the types of master plan changes municipalities usually seek and push for.

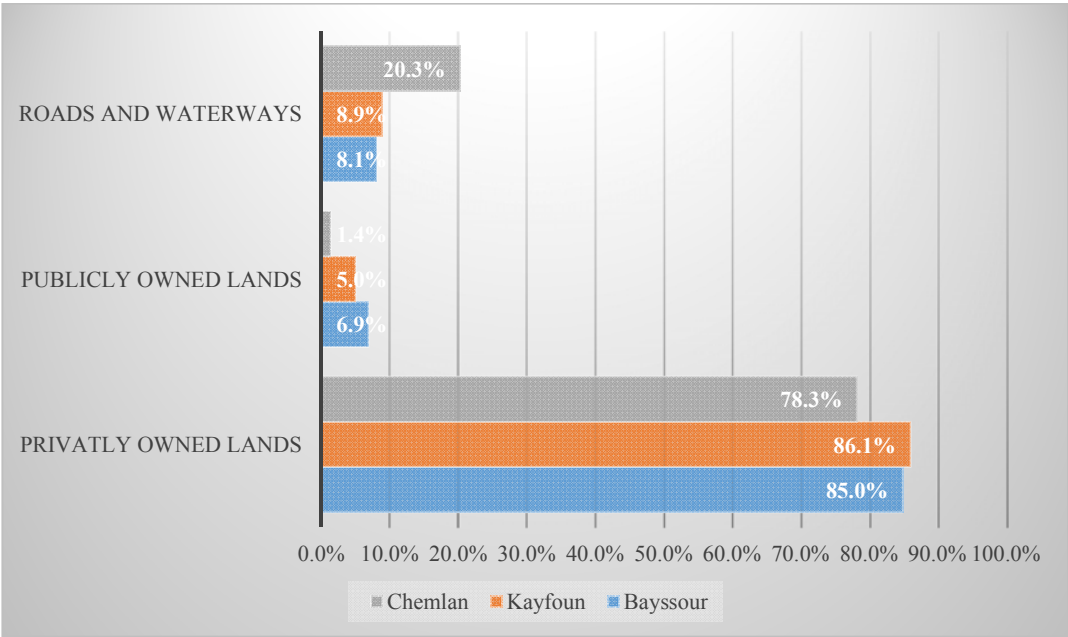


Figure 4: Percentage share of roadways in relation to other property types (data from Dar Al Handassa Nazih Taleb & Partners, 2001; bar chart by author)

Figure 4 above shows the percentage share of roads as part of each locality’s total surface area. Although Bayssour and Kayfoun have a similar percentage share of roads, Bayssour is 3.7 times the size of Kayfoun, and so in absolute terms Kayfoun’s share of roads is greater than Bayssour’s. As expected, Shemlan has the highest share of

roads among all three localities, and this percentage includes existing roads as well as those planning and approved by decree (*al takheet*).

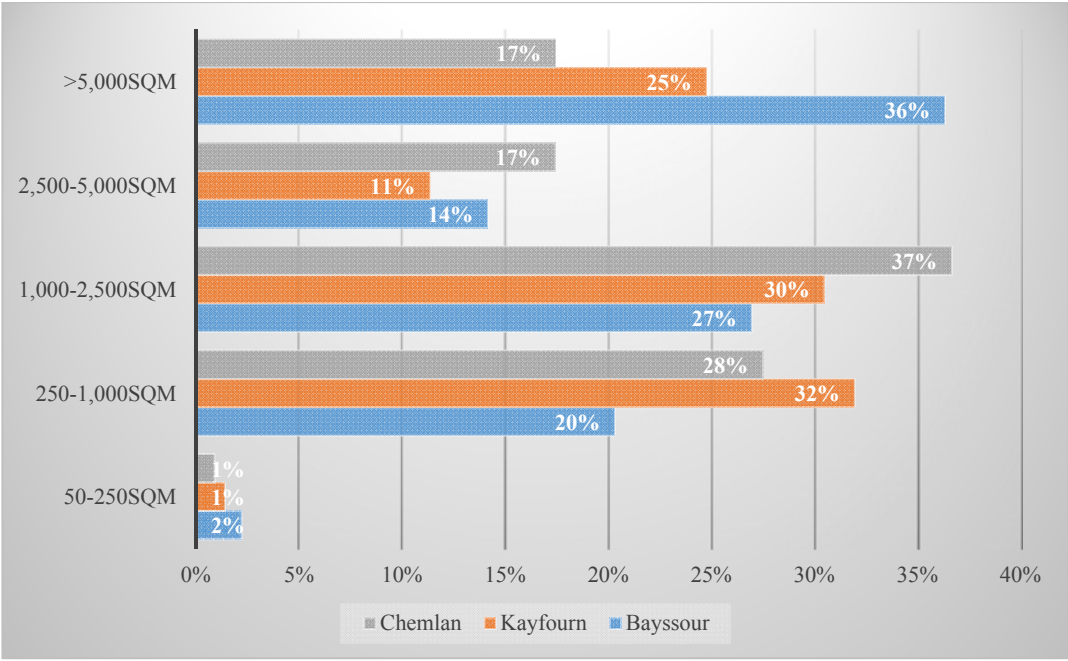


Figure 5: Distribution of lot sizes by percentage of total surface area (data from Dar Al Handassa Nazih Taleb & Partners, 2001; bar chart by author)

Figure 5 shows that Bayssour concentrates the highest percentage of lot sizes above 5,000 square meters (36% compared to 25% in Kayfourn and 17% in Shemlan), while more than one third of Bayssour’s lots (37%) are between 2,000 and 2,500 square meters. Because of the master plan regulations in terms of minimum lot sizes are the same across all three localities, and these land lot sizes have not been field surveyed but only enumerated on the map, the explanation is two-fold. Formal subdivisions are rare in Bayssour as compared to Kayfourn and Shemlan, either because extended family members split the land and build on the same lot without formally subdividing, or because there are simply less demand for smaller land lots which would necessitate such

formal subdivisions. In other words, there is less formal market activity going on. Finally, these two indicators can both be used to read the patterns of regular subdivision of the type done by real estate developers. With regular subdivision again indicating pronounced, market-based formal development activity. Bayssour is least covered by this pattern of formal subdivision. The largest subdivision project dates from 1972 and was done after a non-native acquired the large lot on the hill known as Tallet el Kamar. The lots were not sold, and it is not until a few years ago that the last of the lots in this regular subdivision was sold to someone from Bayssour. Most of the remaining lots were sold to natives, and none were sold to non-Druze individuals⁹.

Although none of these indicators provide conclusive evidence, all three combined with the socio-economic realities of the area of study as well as its war-ridden past and unstable present, provide a useful background to understand planning practices in the area, specifically how and why landowners and municipalities seek to protect communal and economic interests vested in land.

⁹ Interview with real estate broker in Bayssour June 2011

CHAPTER III

A PLAN ALWAYS IN THE MAKING: THE CASE STUDY OF THE SHEMLAN MASTER PLAN

“We are in a logic of containment, containing the market, we are in defense mode, that’s what planning is about in Lebanon. It is not about planning an area to redevelop it. Planning is not about setting a vision, or collaboration between a number of municipalities towards shared projects with private sector participation, and public sector support. We are still functioning according to the logic of how, without upsetting such and such, can I limit his exploitation ratios? This is a caricature; things are grey and not this black and white. But really we are in a logic of fear and containment, to reduce negative impacts without creating confrontations; that is the view of the public sector, how do we limit market forces without upsetting politicians. How are we to politically maneuver around private interests so that it does not totally kill public ones? We have actually allowed private interests to have the upper hand in planning no matter what their consequences are, instead of reorienting them. That is the real problem of planning, and our current planning documents are useless to achieve this balance.”¹

Such was the perspective of one of the planners hired to devise the Shemlan master plan. They² expressed their opinion with frustration and despair, building on their experience in devising similar “physical plans” for over 45 similar localities across the Lebanese territory. A comparable, though less frustrated, view was also expressed by an architect who had volunteered to help one of the municipalities understand and review the proposed zoning scheme of the locality to request changes to the DGU, “in general, localities devise master plans to initiate economic development, to revive a certain area, but here the master plan was devised to control the haphazard post-war reconstruction activities.”³ That “containing” private interests, and “fear” are the logics

¹ Interview with one of the planners hired to devise the Shemlan master plan in June 2011

² I maintain the anonymity of my interlocutors including their gender to protect their identity

³ Interview with Aytat volunteer planner in June 2011

of planning, and that municipalities fail to engage in collaborative efforts for shared development projects are statements this chapter seeks to trace and unbundle.

Taking into account the historical development of the area, especially its war ridden past and its unstable present (see chapter 2), as well as the factors which affect demand for land, this chapter documents the process of devising, approving, and continuously revising the Shemlan master plan. In developing this story, I show how different actors intervened since the inception of the master plan and throughout its various revisions to advocate for their individual economic interests and to maintain (or increase) the real estate values of their land. Crucial to understanding the interventions of these actors from the inception of the master plan and throughout its multiple revisions is the time dimension of policy-making facilitated by the legal ambiguity which governs the implementation of master plans, and the “consultative” role of municipalities in the process. Focusing on Bayssour, I show that a constellation of local planners worked with the municipality to propose alternative zoning schemes for the locality which included spot zoning changes, and area zoning changes, both aimed at increasing the floor exploitation ratios (FERs) and hence the real estate value of the land lots in question. At the same time, through their participation via the municipality, they were able to collectively push for ensuring that the master plan excludes development in certain areas of the locality for example land located on Bayssour’s Radar Hill, a strategic and highly symbolic geography in the minds and pasts of the Bayassra. They enrobed their requests for revising the zoning of the Radar Hill in a narrative and discourse about beauty and environmentalism which, as I show throughout the thesis, echoes the perspective of the planners at the General Directorate of Urbanism, Lebanon’s central planning apparatus within the Ministry of Public Works and

Transportation, and dovetails nicely with the vision they espouse when planning such semi-rural settings throughout the country. A discourse about environmentalism is also appropriated and mobilized by the municipality and finds roots more broadly in what I identify as a particular cachet of Druze environmentalism exemplified by the environmental activism of MP and regional za'im Waleed Jumblatt to protect the Chouf region, create natural reserves such as Barouk, and support environmental NGOs⁴.

The rest of this chapter proceeds as follows. First, I trace back the genesis of the Shemlan master plan in the context of post-war reconstruction efforts. Second, I provide a brief overview of the Urbanism Law in Lebanon emphasizing its modernist legacy. Third, I compare master planning as stipulated in the text of the law to the reality of the exercise, by mapping the various actors who intervened throughout the process, documenting the perspectives and contributions of each. Finally, I document the various revisions which sought to change the zoning of the Radar Hill and show the justifying narratives which enabled them.

A. Reinstating State Presence After the Civil War: Nascent Municipalities Demand a Master plan

Elected in 1998, the first post-war municipal council in Bayssour was extremely active⁵.

⁴ Walid Jumblatt's support for environmental NGOs is most pronounced in the case of the NGO of the Chouf Reserve (*Mahmiyat Araz Al Baourk*) as well as the Association for Forest Development and Conservation (AFDC) whose was kick-started under the auspices of Jumblatt but has now expanded its projects to cover the entire Lebanese territory.

⁵ The municipal council is the local authority of Bayssour. Throughout the civil war, no elections of local governments were held. But in the mid-nineties, a grass-roots civil society movement lobbied for long overdue municipal elections. In 1998, the first post-war municipal boards came to power, and were characterized with varying qualifications and capacities, some with weak technical expertise with council members and presidents who did not have high-school degrees and some with well-trained and politically committed members (Favier, 2001).

“Unlike municipalities which came after us, we were a non-politicized board, believe it or not personal qualities and qualifications and not party politics affected people’s votes in the first municipal elections... People were fed up with the void at the local level, and wanted to see results, and we have a lot of achievements to speak of during our time in office”⁶.

For Bayssour’s municipality, like many others at that time, reconstruction was the main preoccupation. And the municipality played a key role in the reconstruction efforts. It worked to attract funds to renovate and expand the locality’s public school, rehabilitated a public garden with a playground area for kids, restored and rebuilt the structural walls along the locality’s main streets, and completed rehabilitation, asphaltting and maintenance of local roads. It also helped residents who received indemnities rebuild their house;

“we were very strict with members of the Internal Security Forces (ISF) from the local gendarmeries, trying to extract bribes from people who were rebuilding... we facilitated the process of obtaining displaced construction permits for every entitled household, only in exceptional cases did people build without permits and even then we had an agreement with the local gendarmeries.”⁷

In addition, at that time, the central government was attentive to the demands of local governments engaging with municipalities and civil society in numerous debates about decentralized local governance, as well as the mandates, financial and technical capacities of municipalities. As an example, in August 1998, a Conference for the Municipalities of the Chouf Casa was organized in Baakline, under the auspices of MP Waleed Jumblatt. The conference was organized in three sessions: (i) environment

⁶ Interview president of the municipality of Bayssour in June 2011

⁷ Ibid

and natural reserves, (ii) municipalities and decentralized local governance, and (iii) urban planning, master plans, the built environment and heritage preservation. The proceedings of the last session testify to the uneasy relationship between municipalities and the DGU. Indeed, the director general intervened to note that municipalities flock to the DGU offices everyday asking for master plans for their localities and that the DGU wants to assist them, but that the relation should also be one of absorbing and understanding, “like the one between Lebanon’s Muslim and Christian communities”. In that sense, each team has to understand the mandate and limitations of the other and also understand the limits of its maneuvering while respecting the law, giving the example of the lengthy discussions the DGU and municipalities were engaged in regarding the master plan which regulated construction along the main road in the Chouf [...]” (Proceedings of the conference of the Chouf municipalities 1998, 107-109).

In the context of reviving municipal governance, Bayssour and its neighbors had organized themselves in an informal union and took to the Ministry of Interior and Municipalities (MoIM) their demands for a master plan. This informal gathering included the presidents of the municipalities of Aytat, Shemlan, Bayssour, Kfarmatta, Mejdlaya, Bennay, Deir Koubel, Ain Ksour, Abbey-Ain Drafeel, Dfoun, Kayfoun, Bshamoun, Aynab, Basateen, and Ain Anoub. Collectively, they delegated to Talal Al Jawhar, then president of the municipality of Kayfoun, the task of organizing a meeting with Michel El Murr, then minister of Interior and Municipalities to transmit their long list of demands three of which are relevant here: (i) defining the nature of the relationship between municipalities and the DGU, (ii) delimiting the jurisdictions of the local gendarmeries and their ISF members especially as related to sanctioning building violations and enforcing compliance with building permits, and (iii) adopting a master

plan for the area (Annahar 1999). My discussions with mayors confirmed collective engagement in this effort, with the objective of regulating construction activities and protecting what was left of the green spaces in the area. My interlocutors also emphasized that their demands as post-war municipalities were developmental in nature (see chapter II). They included the extension of basic services and infrastructure still lacking in the area as of this writing. They argued that such infrastructure investments were necessary to guarantee acceptable living conditions if internally displaced people were to return and resettle in their towns.

In that perspective, the demand for the master plan was inscribed in a broader post-war reconciliation and reconstruction effort. Indeed, this was the eve of the mountain reconciliation (*mousalahet el jabal*) brokered by Patriarch Nasrallah Boutros Sfeir and MP Waleed Jumblatt. Together, Sfeir and Jumblatt made a highly symbolic journey across the mountain, stopping in each and every village which witnessed massacres between Druze and Christian communities. In the presence of Sfeir and Jumblatt, village-wide reconciliations were brokered among members of warring communities, acknowledging the mutually inflicted horrors of the civil war, and vowing to forgive in the hope that this reconciliation will trigger the return of the displaced and will reinvigorate economically dead villages. Thus, the mountain reconciliation was supposed to anchor peaceful cohabitation with others, and communal life (*al 'aysh al mushatark*) in an area which was religiously mixed throughout history. This symbolic and historical visit was followed by individual reconciliation meetings at the level of the localities, and was also a precondition for the disbursement of indemnities. Indeed, the last two localities to receive indemnities were Abbey-Ain Drafeel and Bennay (Bennay is included in the Shemlan master plan) for which a reconciliation meeting was held in

November 2010. The disbursement of indemnities followed in 2011-2012. (Annahar 2011).

It is in this context that in 2000, the DGU responded to the demand of this group of municipalities. It developed Terms of Reference (ToRs) for the Shemlan area master plan, and launched the bidding process to commission it to a private consulting firm. The winning firm was Dar Al Handasah Nazih Taleb & Partners, who in turn subcontracted the work to a planner to whom I will henceforth refer as the private planner. According to their account, conveyed in a rather frustrated tone, the Terms of Reference were driven by crude logic “of physical planning without any underlying strategic rationale”⁸. The next section will show why this statement is not surprising by looking at the legal framework and regulatory tools governing the built environment in Lebanon.

B. Outdated Tools Addressing Rapidly Changing Realities: Planning Laws and Their Application

In *Seeing from the South*, Vanessa Watson (2009) echoes a reality about planning in the global South which applies well to Lebanon. She contends that, in much of the cities of the global South, planning systems applied today have emerged in the US and Europe in the early 20th century, and are usually the legacy of past colonial presence in these countries. Although the urban conditions and forms of government under which these rules were conceived changed significantly, they continued to be applied, almost unchanged especially in the global South. The essence of this

⁸ Interview with private planner in June 2011

“Early 20th-century approach to urban land management usually comprises a detailed land use plan depicting the desired future which assigns use rights in land, and manages any alteration of these, in conformance with what is called a ‘master plan’. Master planning has, almost everywhere, carried with it a particular vision of the ‘good city’ which reflects the thinking of early urban modernists such as the French architect Le Corbusier. Urban form is shaped by a concern with aesthetics (order, harmony, formality and symmetry); efficiency (functional specialization of areas and movement, and the free flow of traffic); and modernization (slum removal, vertical or tower buildings, connectivity, plentiful open green space).” (Watson, 2009, 2261)

Much of the public planning efforts in Lebanon happen along the same principles, and with the same tools, that is using master plans which are in reality “the map that shows you where the different zones are located in the city, - which is really a “map”, and not a “plan” (Elliott, 2008, 17). The map is accompanied by a table which sets the floor to exploitation ratios (FERs), minimum lot sizes, minimum setbacks and other design controls (tiled pitched roofs, stone cladding, etc...) allowed in each zone. In my lengthy discussion with the private planner who devised the Shemlan master plan, reference was always made to zoning and floor exploitation ratios, but not once to “a plan”. In fact, they ubiquitously equated the plan with the zoning ordinance.

1. Planning Laws

The case of the Urbanism Law in Lebanon (Droit de l’Urbanisme et de l’Environnement) promulgated in 1963 (Law/decreet 69/83 September 9 1983) , confirms Watson’s perspectives about a modernist planning paradigm inherited from colonial presence in and influence on Lebanon. Indeed, Verdeil (2002) documents the reform of the Urbanism Law under the French mandate motivated both by economic concerns and political control. He notes that the birth of these reforms in the wake of colonial institutions left its legacy on Lebanon’s urban planning framework (Verdeil,

2002, 174)⁹. These reforms took root and defined the practice of urban planning during the mandate period and beyond. Indeed, Verdeil notes that even as the independent Lebanese state under presidents Beshara El Khoury (1946-1952) and Camille Chamoun (1952-1958) sought a “Libanisation” of urbanism professionals, the practice of urbanism during the period differed very little from the mandate period (ibid, 188). And, that president Fouad Chehab, a military man, pushed the restructuring and reform of Lebanon’s planning apparatus only reinforced the modernist orientations of the planning project. This was a time when planning agencies were being established, when the DGU was for instance developed and the first planning law (Loi de l’Urbanisme) decreed. The prevalent law is a version last revised in 1983. This was also a moment when a ministry of planning (no longer present) was concerned with regional development, with plan to implant industrial and touristic activities in regional poles to halt rural migration. These plans never really materialized but the logic then was to achieve a structural transformation of the Lebanese economy by moving it from an economy dependent on agriculture to one dependent on industrial and tertiary services; modernist planning was the instrumental tool to achieve this transition (Verdeil, 2002).

Planning laws sought to translate this vision into reality by stressing two features: the neutrality of technical expertise, and the comprehensiveness of the planning exercise conducted in a highly centralized fashion by the DGU. In his book, *Droit de l’Urbanisme et de l’Environnement*, Hyam Mallat (1982), defines the master plan as the means of the central administration to act on local governments. The master plan is a legal document which stipulates the organization of the “collective life” (vie

⁹ “l’oeuvre réformatrice en matière foncière et réglementaire transformèrent le cadre même dans lequel était exercé l’aménagement urbain, déterminant un héritage dans lequel l’État indépendant du Liban dut se couler (Verdeil, 2002, 174)

collective, p 11) of the locality, in line with national planning objectives¹⁰ After explaining the content of the master plan documents, and the different categories of plans (master plan, detailed plans, etc...), Mallat describes the content of the various articles of the Urbanism Law. Of particular interest here are Articles 10, 11 and 12 which stipulate the process of devising master plans, and particularly Article 10 indicating that the master plan and its accompanying documents must be submitted to municipalities for their feedback (*pour avis*), to ensure that they are in synch with local realities as assessed and diagnosed by the municipal council. The municipal council is granted a period of one month to review the master plan document, and should there be no reviews, the plan is considered de facto approved by the municipal council. But the law is ambiguous as to what this consultative role of municipalities entails in terms of capacity of the municipality to legally block the master plan from being approved. For instance, Verdiel notes that one of the important changes to the Urbanism Law of 1983 is the attempt to avoid a negative vote by the municipality regarding master plans, a point which has always contributed to the non-application of master plans (Verdiel, 2002, 396)¹¹. And it is interesting to note that this clause about the role of municipalities of planning has been introduced based on the jurisprudence of the State's Council (*majles shoura al dawla*) in an effort to harmonize the Urbanism Law with the Municipalities Law of 1977 (Lamy 2010, 11). In summary, this legal ambiguity about

¹⁰ Article 8 of the planning law (Loi de l'Urbanisme) defines detailed master plans (as opposed to a national master plan) as plans and accompanying regulations which assign land uses in the region/locality in question, and may include the delimitation of zones where construction is prohibited "non-aedificandi". More specifically, master plans delimit the perimeter of the locality in question taking into account its agricultural potential, defines land uses and floor exploitation ratios taking into account existing infrastructure and services, and delimits those neighborhoods which necessitate preservation

¹¹ «L'une des principales modifications de la loi de l'urbanisme résidait dans la possibilité de passer outre un avis négatif de la municipalité à propos des schémas directeurs d'urbanisme des localités, l'un des points noirs qui conduisaient à la non application ou à l'application dénaturée du seul dispositif de contrôle et d'orientation de l'urbanisation disponibles entre les mains de l'administration» (Verdiel, 2002, 396).

what a consultative role of the municipality makes it possible for local governments, in practice, to engage in an endless back and forth with the DGU, requesting revision to the master plan, even if these revisions are not approved. However, the law (article 12) indicates that urban plans and regulations are approved and promulgated by decree by the Council of Ministers based on the proposal of the Minister of Public Works and Transport.

2. The Process of Devising and Approving a Master Plan: the Law vs. Its Practice

Mallat lists the various steps in the elaboration of a master plan which include: (i) declaring an area under study and preliminary analysis (article 9), (ii) elaboration of the master plan and its various regulations by the DGU, (iii) submission of the regulations and the master plan to municipalities for review and comments (article 10), (iv) promulgation of the plan (article 11), and (v) revision of the plan and its regulations (article 13). As described here and stipulated by the law, the master planning process is perfectly linear with each step logically and orderly following the next leading to the approval of the master plan by the HCU, and its promulgation by decree in the Council of Ministers. Only after approval by decree of the Council of Ministers does the master plan become a document conferred with executive powers. It is then published in the Official Gazette (*al jareeda al rasmiya*) and becomes implementable.

In practice however, the process is far from a linear one. It is iterative and subjected to political pressures since the inception of the master plan and throughout its various revisions. The process also entails a constant back and forth between the Higher Council for Urbanism (HCU) and municipalities. When municipalities request revisions to the master plan, the HCU may or may not grant its approval. And the criteria for decision-making are not clearly formulated. Rather, its decision seems contingent on the

established connections and networks between members of the municipal council, or architects working with the municipality, and members of the HCU, including the minister of public works and transport and the director general of the DGU, both of whom are members of the HCU. The HCU, via the director of the DGU, may also receive direct complaints of citizens whose properties are adversely affected by planning regulations, including complaints about construction permits, and land subdivision or consolidation permits. During my multiple visits to the DGU offices in Beirut, I saw an announcement posted next to the elevators on the ground floor alerting citizens that the Director General of the DGU will be receiving citizen complaints only on certain days and certain hours of the week. A discussion with an architect who volunteered to assist one of the municipalities in my sample to revise its master plan shows that the chain of complaints is even more complicated. This architect noticed that the proposed zoning scheme has significantly lowered the FERs assigned to his land lot, and that as a result he will be unable to build the three story house for his parents as a result. He headed to the DGU to see its director general whom he already knew, but the latter indicated that the HCU will not approve any individual zoning changes. If he wanted to make sure he can build his three story house, he needs to convince the municipality to change the zoning of a larger area surrounding his land lot, for the HCU will approve revisions in his case only if it were to emanate from the municipality¹². In another case, a member of a different municipal council indicated that their meetings with the director general of the DGU was fruitless, their revisions were never taken into

¹² Interview with volunteer architect, July 2012

account and their only hope was to see the minister of public works if they even wanted their revisions approved¹³.

The cases indicate that the practice of approving and revising master plans is fluid rather than proceeding in a sequential manner from DGU to municipality, to HCU and then to the Council of Ministers. Not only is the process fluid, but constant exchange between the DGU, HCU and municipalities is common, even if municipalities don't always get their revisions approved. And when they do, the result is a dizzying area of versions of master plans, and it becomes difficult to distinguish decreed from non-decreed master plans, and those versions en vigueur from those which are being revised, since there is a multitude of versions circulating between the main DGU office in Beirut, the regional DGU offices – in this case the Aley office- and the concerned municipalities. Beyond the case study of the master plan, this phenomenon has already been documented by Bakhos (2005) who maps all the master plans across the Lebanese territory, and distinguishes two types of plans: those approved by ministerial decree and those still awaiting to be decreed. He indicates that because the DGU found itself unable to control urban expansion outside planned zones even when the latter are placed under study in view of devising master plans for them, it was granted full political endorsement to implement master plans approved only by the HCU without a decree by the Council of Ministers, which only accentuated the ambiguity of master planning regulations. This ambiguity causes problems especially when disagreements arise while granting construction permits in specific zones. In those instances, the municipality only recognizes the stipulations of the Building Law not those of the master plan which is in the making, while the DGU abides by a non-decreed ordinance.

¹³ Interview with municipal council member, June 2012

C. Mapping Actors and Practices: The Case of a Master Plan Constantly in the Making

I faced this confusion many times during field work, when I collected different versions of the master plan in force from the municipality and the regional Aley DGU office¹⁴. Thus, the only way I was able to conceive of the Shemlan master plan was that of a plan “constantly in the making”. This perpetual extension of the status of “master plan in the making” was further amplified when by 2005, Ghazi Al Aridi, a native of Bayssour, became Minister of Public Works and Transport. From his position of power, he bestowed specific attention to the zoning ordinance of Bayssour, and by extension to the master plans of all the neighboring localities. This unique situation presented an opportunity for me to investigate how master planning happens when the municipality’s opinions becomes informally binding because of its political connections. And as the recent accusations of corruption directed at the minister have shown, Ghazi Al Aridi himself owns 36 lots in Bayssour, and has indeed used his powers to pass a zoning ordinance which preserves the real estate value of the lands he owns. Before this became public knowledge aired on national television (for example the recent episode of Al Fasad aired on New TV on December 20, 2013 at 9:00PM) the Bayassra knew about this manipulation of the master plan, so did the DGU planners who repeated this openly in our discussions. But the changes and revisions which were passed pertained to interests broader than those of the private interests of Ghazi Al Aridi alone, as these revisions were engineered by the municipality and its planners, and hence reflected their vested interests too.

¹⁴ In one case, the master plan version I had retrieved from the DGU office in Aley was different from the version shown and discussed with me during my meeting with the president

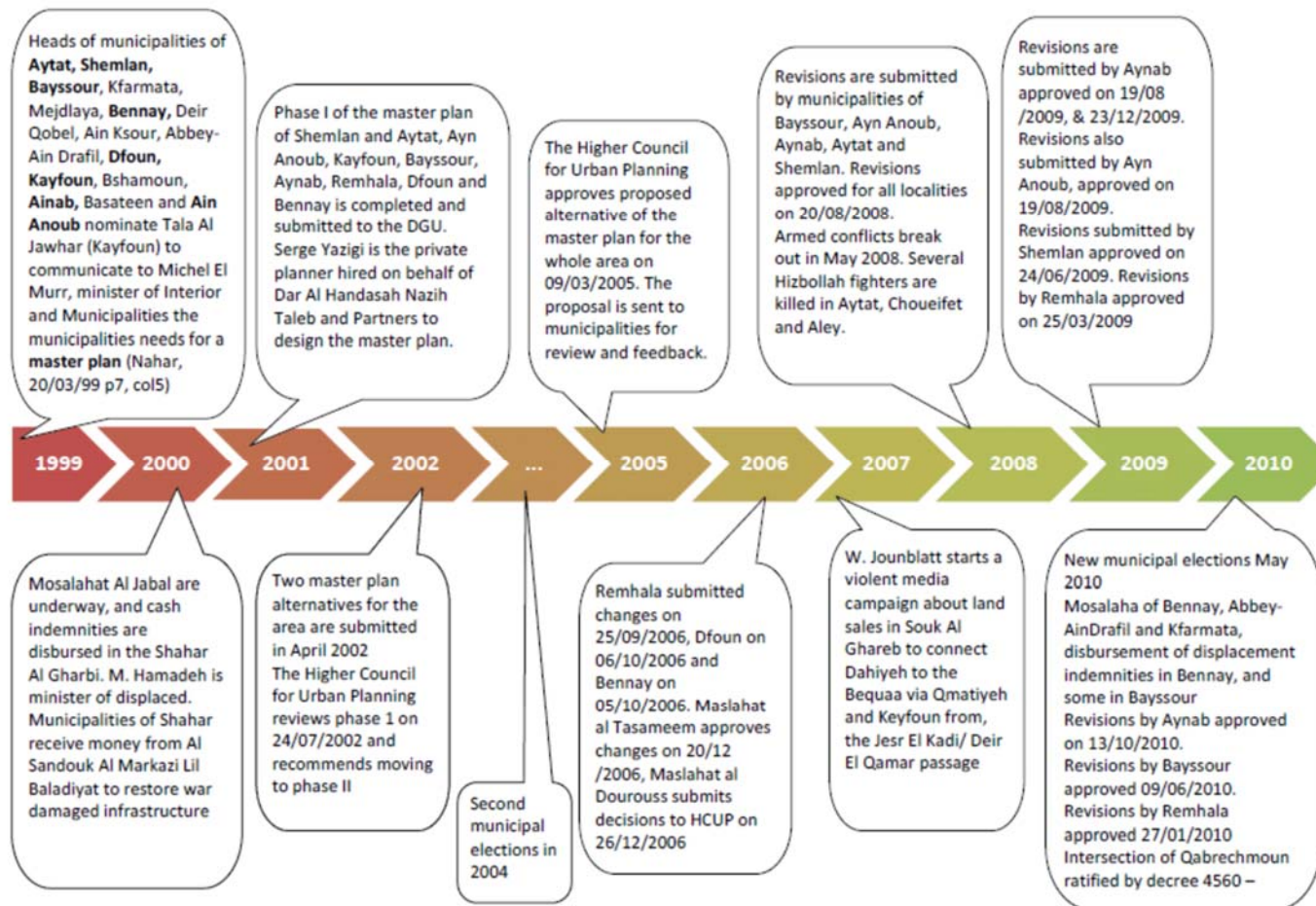


Figure 6: Chronology of the Shemlan Master Plan 1999-2010 (reconstructed by author from various revisions)

1. A Plan Constantly in the Making

Figure 6 above traces the making of the master plan from its inception until the latest revisions I documented in 2012. As the figure shows, a first version of the master plan was approved by a decision from Higher Council of Urbanism in 2005 but as of this writing has not been approved by decree of the Council of Ministers. This enables the introduction of even more changes than the ones documented in the figure above. Up until 2012, there was extensive back and forth communication between the municipalities and the DGU to revise the master plan. And if it were to be approved today by the Council of Ministers, this master plan would effectively regulate construction activity based on an assessment which captured the reality thirteen years ago, hence making the current proposal obsolete. This analysis was confirmed during my interviews, where the private planner indicated:

“The only positive thing that I could do was to lower on purpose the coefficients, and since when an area is under study, they freeze it, and don’t give any construction permits, if those permits are different from my proposals. So I lowered exploitation ratios, especially in steep areas and in places where there is a little more greenery left. And since it takes 8 to 10 years to transform the plan into a legally binding document approved by the council of ministers, I wanted to make sure that during those 8 to 10 years no permits are given except if they abide by my proposal even if it the proposal has not been approved. That is what I understood the DGU planners do. That does not mean of course that they don’t change the document. I know that the version they have right now is a version I have not seen, because no one has consulted me about it, even though the proposal was approved by the Higher Council with the exploitation ratios that I have suggested. But after this approval is obtained, at the DGU, there is pressure from municipalities to change the zoning scheme. They may also submit the document with subcontracted private firm’s logo on it, although the firm is no longer “ethically responsible” for what went into that proposal.”

Bakhos (2005) confirms that the efficiency of urban regulations in Lebanon is questionable arguing that these regulations are constantly trying to catch up with urbanization, rather than regulating it because of limited tools and lack of strategic vision (p 14). A number of my interlocutors echoed this view indicating that master plans: (a) are restricted to physical planning, (b) depend on zoning as the only tool for planning, (c) lack a strategic vision which takes into account prospects for the economic development of the area under study, (d) preclude an integrated thinking about current infrastructure services and future needs, (d) are unable to convey the principle that land may be exploited in myriad ways other than construction activity, and (e) necessitate a very costly and lengthy data collection effort which eats up the public budget before any reasonable recommendations are put forward.

2. Two Types of Zoning Revisions

That almost all the revisions submitted by municipalities pertain to increasing exploitation ratios is a case in point. Indeed, municipalities ask for two types of revisions: (i) type I revisions are *area zoning* changes which entail changing the exploitation factors of large zones and is the most common type of changes, and (ii) type II revisions are *spot zoning* changes which usually entail altering the border of a zone to insert an extra lot, or to change the FERs of a small number of adjacent lots. Type II changes are less common and more difficult to enact. Table 2 shows the stipulated exploitation factors attached to the various zones of the Shemlan master plan.

Table 3.1: The zoning ordinance of the Shemlan master plan (Dar Al Handassa Nazih Taleb & Partners 2001)

Zone	Subdivision			Constructible Lots			Min. Setbacks		Exploitation		No. of Floors	Max. Building Heights*	
	Min. Area (sqm)	Min. Façade (m)	Min. Depth (m)	Min. Area (sqm)	Min. Façade (m)	Min. Depth (m)	From Roads (m)	From Lots (m)	FAR (%)	BUA			
A	Heritage & Commercial	600	18	18	300	13	13	Atl & Min.	3	40	0.85	2	9.50
B	Residenyal & Commercial	800	20	20	400	15	15	3 m	3	30	0.90	3	11.00
C	Residential	1,000	22	22	600	16	16	Atl & Min. 4 m	4	25	0.50	2	9.00
D	Extension 1	1,200	25	25	750	18	18		4	20	0.45	2	9.00
D-1	Extension 2	1,500	30	30	750	18	18		4	20	0.45	2	7.50
E	Extension 3	2,000	35	35	1,000	20	20		4.50	15	0.35	2	6.00
V	Special Residential & Villas	1,500	30	30	800	20	20		4	15	0.35	2	7.50
F	Agricultural & Woods	5,000	50	50	2,500	35	35	Atl & Min. 6 m	6	5	0.05	1	4.50
I	Industrial**	1,500	30	30	800	20	20		4	30	0.60	2	9.00
T	Touristic (Hotels)	2,000	35	35	1,000	20	20		4	25	0.55	2	9.00
	Touristic (Restuarants & Cafes)	2,000	35	35	1,000	20	20		4.50	15	0.35	2	7.50
T1	Touristic (Hotels)	2,000	35	35	1,000	20	20		4.50	15	0.35	2	7.50
	Touristic (Restuarants & Cafes)	2,000	35	35	1,000	20	20		4.50	10	0.25	2	7.50
AR	Archeological	5,000	50	50	2,500	35	35	8	5	0.05	1	4.50	

Rather than a document simply prescribing FERs and some urban design standards (set-backs and facades), for property owners this table points to the loss of resources they have to incur as a result of the zoning scheme. Defined as “the number of spatial units of floor space that are built on a unit of land” (Bertaud, 6, 2012), the FER allocated per zone is one of the chief determinants of the price of land, and the apartments and homes which landowners can build for themselves, for their kids or for sale on that land lot. Thus, the stakes are huge. A particular legal framework, for example the absence of property taxation, combined with the peculiarities of the Lebanese economy has made it such that investment in real estate is not only lucrative, but perceived as the safest investment option¹⁵. This is a sector, which even after experiencing a downturn in the last couple of years, still amounts to USD \$8.87 billion in volume of real estate transactions (BankMed, 2014), for a country where per capita GDP in 2013 amounted to USD \$44.35 billion (World Bank, WDI).

It is within this contest of the primacy of real estate investment that, *all* municipalities in the area have submitted requests to the DGU for area zoning changes generally to reduce the coverage of low exploitation ratio zones such as zones F (agriculture), V (Villas), E (3rd extension) and to increase the coverage of high exploitation ratio zones such as zones B (1st extension), C (2nd extension). As an example, in 2008, the municipality of Aytat submitted a request to the DGU for

¹⁵ Berthélemy et al. (2007) indicate that non-tradable sectors such as real-estate are “highly favored by the fiscal system, through a combination of VAT exemptions and limited taxation” (20). That capital markets are underdeveloped and banks lack a diversified portfolio of investment lending are further fueled by a bias for real estate investments where investors calculate and perceive “a different macro risk, for various reasons. First, because land property is not taxed; second because agents might consider that external demand (which constitutes a large part of the total demand for real estate – 42 percent on average between 1998 and 2002, and probably more in the most recent years) will not be affected by macro-economic adjustments; third because real estate investments might comprise short term speculative investments, or on the contrary very-long term investments which are less sensitive to macro-economic fluctuations” (16)

extensive area zoning change. The request is the most detailed of all submitted requests and is typical not only of the requests of municipalities, but also of the *de facto* urban shape which dictates the zoning of these semi-rural rapidly expanding localities. Hence it serves as a good illustration of type I changes. Below is a translation of the requested changes and of the zoning of Aytat (Figure 7) to situate these zoning changes on the map:

“Based on the invitation addressed to the president of the municipality and transmitted to the members of the municipal council as per article of the Municipalities Law 77/118 and its amendments, to discuss and decide upon issues on the agenda of the council,
Based on the Municipalities Law number 77/118 and its amendments especially article 49
Based on the decision of the Higher Council for Urban Planning documented in meeting minutes number 11 dates 09/03/2005
And after examination and discussion,

Following are the decisions:

Article one:

- 1- Concerning zone A, and since it is located in the middle of the locality, we suggest that no gas station be allowed to locate in the zone, and to expand zone A to connect with zone B (as per the attached map)
- 2- Concerning zone B, we suggest that it is expanded to cover the locality from its beginning to its end along the sides of the main road (as per the attached map) and where many shops are located
- 3- Concerning zone C, which is not part of the current zoning ordinance, we suggest creation zone C and extending parallel to zone B on both sides if the main road so that it acts as a buffer between zones B and V.
- 4- Concerning zone D, we suggest it be cancelled and transformed into zone A because it includes many heritage homes
- 5- Concerning zone D1, we suggest reducing the zone coverage of the zone and transformation it into B (as per the attached map)
- 6- And concerning zone F,
 - a. Replace parts of zone F with zone E (as per the attached map) where the creation of artisanal trades is possible)
 - b. Replaces remaining parts of zone F with zone V (as per the attached map)
 - c. Replace remaining parts of zone F with zone D1
- 7- Change the zoning of some parts of zone V into zones C and B”

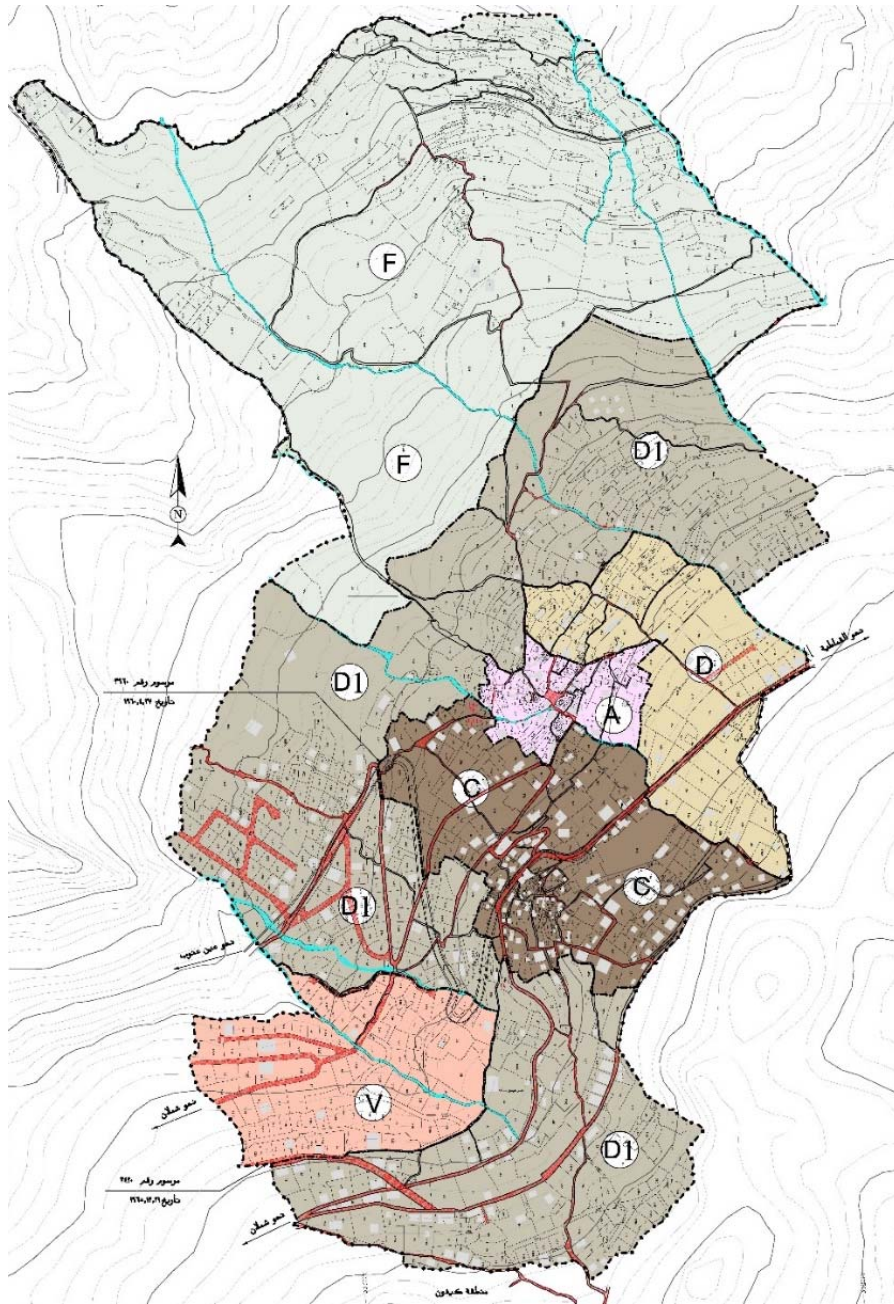


Figure 7: The master plan of Aytat (Dar Al Handassa Nazih Taleb & Partners 2001)

This long list of area zoning changes translates the attempt of the municipality not only to increase exploitation ratios, but also to synchronize the “map” with the *de facto* urban form of the locality, thus reifying the logic of catching up with urbanization.

Indeed, as shown by the above example, the requested changes pertain to increasing exploitation factors across all the zones of the locality, so much so that the request entails cancelling zoning F (the agricultural zone) in its entirety. Not all of these changes were approved by the DGU, but this list of requests translates very crudely into a co-centric zoning scheme around the old core of the locality. The core is usually zoned A or B, typically zones with the highest exploitation ratios. A main road cuts into this core and along the sides of the main road, the distribution of the exploitation ratios is inversely proportional to the distance from the core; the further away from the main road and the core, the lower the exploitation ratio. Topography also plays a role, with the elevated lands usually zoned V (villas) or T (tourism) or F (agricultural), while lands in the valley are zoned F (agricultural).

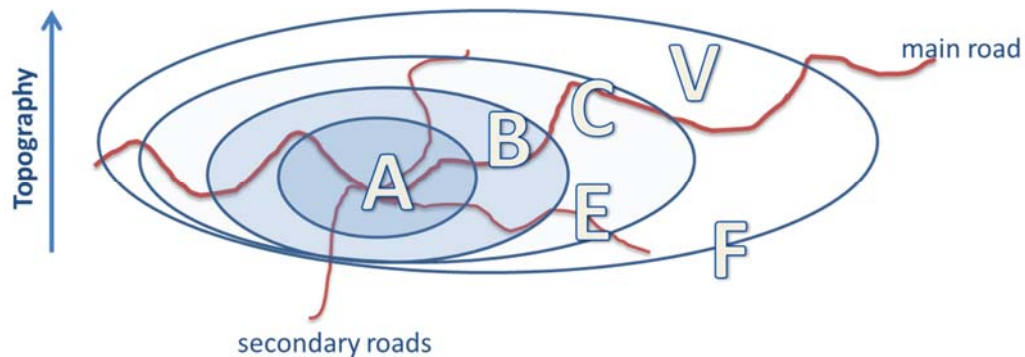


Figure 8: Diagrammatic representation of the zoning logic (author)

Figure 8 is a very crude abstraction, but it does capture the essence of the proposed zoning. At a very basic level, this zoning scheme makes sense; the highest exploitation ratios, and as a corollary the highest densities are the most infrastructure intensive ones. Hence, it makes sense to locate the highest density zones along the main

roads, where basic services are already extended and can probably accommodate a little extra density. The further away from the main road, the lower densities should become, as higher densities would typically require the costly extension of basic infrastructure, the most expensive of which are road construction and the extension of a sanitation network (World Bank, 2013).

But this abstracted principle of co-centric zoning remains useless in dealing with the reality of these rapidly urbanizing localities, because it reifies an archaic practices of planning rooted in 1960's laws which have substantially been revised since. Without introducing new tools to incentivize and direct urban expansion in specific locations (such as extending infrastructure to guide urbanization instead of witnessing entire areas urbanize and then extending infrastructure and services at exorbitant costs), it is difficult to see how the practice of this particular practice of land use planning can be mobilized to protect the environment and manage sprawl¹⁶. And more importantly, because of this type of practice, it is difficult to understand what scientific rationale is mobilized to draw the line separating two zones where the difference in exploitation ratios between two zones (e.g. zones B and D) can translate into two extra floors. Indeed, this type of land use planning falls prey to the lobbying efforts of powerful land owners who will mobilize their networks to maximize their economic interest in land. And this logic is already anticipated by planners, and integrated in their plans! In the words of the private planner,

“we visited the area and physically assessed that this looks suitable for such and such zoning, while that looks suitable for other types of zoning, here give them room to expand, here restrict expansion to protect green areas, here

¹⁶ A couple of my interlocutors had built two story houses in zones designated as zone F agriculture. interview, June 2011

cut/break, interrupt the sprawl and continuity along main streets so that localities don't connect that way, and lose their character, it was all about physical planning, "*haram hon rah tenza' eza 'titor aktar*", give them just 2-3 floors maximum based on a purely physical approach"

It is exactly this practice of planning which drives landowners to lobby for type II changes. Type II changes entail either extending the boundary of a high exploitation factor zone to include an additional lot previously located in a low exploitation ratio zone, or much less common, to create a small high exploitation zone island in the middle of a low exploitation zone (e.g. a zone V(villas) surrounded by a zone F (agriculture). This second type of revisions in its two variations is less common and much more difficult to get approval for, especially the second variation. Below is an example of revisions submitted by the municipality of Shemlan requesting type II spot zoning changes.

"Subject: Changing the master plan for the cadastral area of Shemlan

The municipal council of Shemlan,

Based on the minutes of the municipal council meeting on August 14, 2010

Based on decree number 77/118 and law number 97/775 and its amendments (the municipalities law)

Based on the decisions of the Higher Council for Urban Planning number 11 taken on 09/03/2005 and number 33 taken on 20/08/2008 and number 25 taken on 24/06/2009

Based on the request submitted by _____ and registered as decision number 203/2013 on 01/06/2010

Based on transfer (*ihala*) number 45549 to the DGU on 08/7/2010 and registered under number 381/20120 in 16/07/2010 (request for feedback)

And given the municipality's objective of encouraging investment in the locality

The following decisions are made:

Article 1: Approving changing the master plan as related to lots number 964 and 965 in the cadastral area of Shemlan in view and conditional upon building a hotel and changing the zoning from D1 to B."

Two dimensions are important to note for this specific example: (i) the request was channeled via the HCU, which lends credibility to the assumption that landowners of lots 964 and 965 had access and requested changes directly at the level of the HCU, rather than the municipality. Although there is an active regulation that allows for hotel owners to build more anyway, provided they secure approval, the request later trickled down to the municipality, which approved it explaining that the zoning ordinance will allow affected land owners to build a hotel in the locality, attracting businesses and generating employment. Figure 9 shows the proposed zoning for Shemlan highlighting the location of lots 964 and 965. With these illustrations in mind, I complement the discussion about the weakness of master planning as a process of regulating the built environment in Lebanon by providing the narratives of various actors involved in this effort.

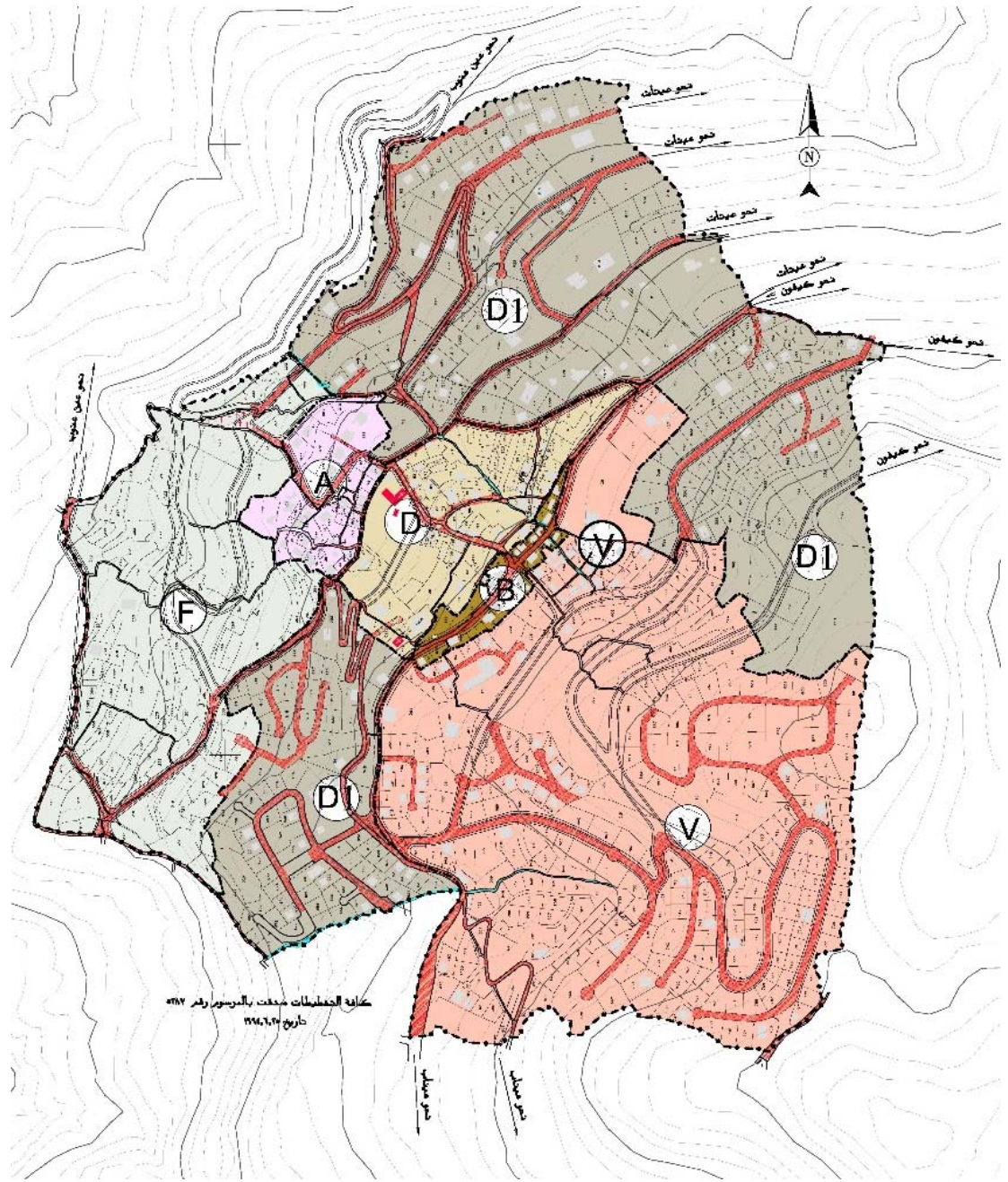


Figure 9: Red star showing location of spot zoning changes on lots 964 and 965 in Shemlan (Dar Al Handassa Nazih Taleb & Partners 2001)

3. The Viewpoints of Different Actors

The perspectives exposed here are those of: the municipality, the municipality's volunteer planners (defined below), the DGU planners, the private planner, and the current Minister of Public Works and Transport. Each of these narratives is important; and taken together they show how master planning as a particular type of land use planning is geared away from its objectives of rationally regulating the built environment.

a. The Role and Perspective of the Municipality

Lack of trust characterized the relationship between municipalities and the DGU, as well as the relationship among municipalities. All eight presidents of municipalities I interviewed agreed that the master planning process was disconnected from reality, and totally controlled by the DGU and the HCU with very little say for the municipality. The exception was Bayssour where the three successive presidents of the municipality since 1998 indicated that their voice was heard only after Ghazi Al Aridi became Minister of Public Works. In addition, almost all municipalities had designated architects and surveyors from the locality or the area to review the master plan and propose revisions to the DGU. This was an acknowledgment by municipalities that master planning is partly a technical exercise, and that if they were to propose revisions to the master plan, these would need to be backed up with expert opinion or else their credibility would be questioned. But even when recommendations were proposed by technical experts, my interlocutors reported that the relationship with the DGU lacked mutual trust, and that all proposed revisions were based on the assumption that municipalities did not act out of concern for the public good, but rather to maximize

their own interests by lobbying for an increase in exploitation ratios. One of my interlocutors specifically recalled;

“I used to schedule an appointment with the head of the DGU weeks in advance, and send official memos with revisions, and feedback ahead of the meeting, and he would make us wait for hours... I asked the municipality planners to accompany me so that our discussions can also be technical, and he (the head of the DGU) used to make us all wait... there was no respect for the fact that I am an elected official...”¹⁷

And when coordination with the DGU took place, some municipalities felt excluded from the process, and lamented that their neighbors were receiving preferential treatment,

“I know that the DGU planner was invited to the Sakhra restaurant in Shemlan, and over lunch or dinner they produced the master plan. We made petitions and revisions. It is not logical the way they zoned [...]. We asked that the zoning be revised to make this area Villas too in harmony with our neighbors. And minister Ghazi Al Aridi is the one who put pressure on the DGU to make this change. We couldn't really get to communicate with the architect who was in charge of this.”¹⁸

In the above quote, my interlocutor used “they” to refer to the presidents of some the municipalities included in the Shemlan master plan, excluding their municipality Kayfoun. When asked about the meeting and its content, the DGU planner indicated it was unrelated to the master plan, and its purpose was to gain a better sense of the issues and demands of municipalities. So mistrust was high, not only between municipalities and the DGU, but also among municipalities. This was somewhat

¹⁷ Interview with president of the municipality of Bayssour in June 2011

¹⁸ Interview with a resident of Kayfoun in June 2011

surprising because, as mentioned earlier in this chapter, the demand for the master plan was initially articulated as a collective effort by a number of municipalities in the area, and without their collaboration, and their insistence to kick-start the process, today's master plan would have never seen the light. But it seems that with time, and as municipal elections brought in new presidents, the momentum for "positive change"¹⁹ was lost. In other words, the efforts of municipalities were never institutionalized. That Ghazi Al Aridi became minister of Public Works further increased this mistrust, as all other municipalities were confident that the minister was giving Bayssour preferential treatment, and paid lip service to other municipalities who submitted requests for changes.

b. The Role and Perspective of the Municipality Planners

"Too many cooks spoil the broth, and each works to protect their own interests"²⁰ explained one municipality planner when I asked about their participation in reviewing the proposed zoning scheme for Bayssour. The same planner explained that eight architects, surveyors and engineers volunteered to review and revise the Bayssour master plan but only two ended up doing all the work. This group came together based on a call by the president of the municipality to revise the Bayssour master plan. Because Bayssour is a small town where people know each other, this group was well acquainted professionally as well as socially. I can't confirm whether their views were homogeneous and whether there were disagreements among them, since I only interviewed the two most active members of this group, and those who were still working with the municipality during my fieldwork. What started as a conversation

¹⁹ Interview with president of the municipality of Bayssour in July 2011

²⁰ Interview with volunteer architect in Bayssour in June 2011

about how other volunteering architects lobbied for changes only when the latter affected areas where they owned land turned into a discussion about their individual involvement in the labor intensive effort of proposing revisions to the master plan:

“I own one piece of land where I plan to build a house for myself and my brothers, and in the proposed master plan, it was zoned F, agricultural. When I went to the DGU offices in Beirut and discussed my case with the Director General, he informed me that he will not process any requests for spot zoning changes. So the only way to change the zoning ordinance for my lot would be to justify a revision for the entire F zoning proposed for the area where I own land. But this turned out to be quite complicated, since the lot I own falls on the border of two municipal boundaries, so I had to negotiate with the presidents of two municipalities and justify a change in zoning for both in order to build on my land lot. I don’t own land anywhere else, and there is no reason why that area should be zoned agricultural. It is all being built anyway.”²¹

I will not situate the above mentioned lot and zone on the map to protect the identity of my interlocutor, but the anecdotal evidence suggests that volunteering planners which assisted the municipality of Bayssour in revising its zoning ordinance are not only driven by their commitment to the betterment of the community and locality. Their private interests matter, and those who were able to pass on the changes they desired early on later pulled out of the planning effort. Because this collaboration between the municipality of Bayssour and the group of volunteer surveyors and architects could be considered a beacon of public participation, it is important to reflect on participation in a context where no effort is even made to conceal pervasive private interests.

²¹ Interview with volunteer architect in June 2012

c. The Role and Perspective of the Private Planner

The private planner was so disenchanted with his experience that he indicated he will not repeat the experience of working on another DGU master plan, since the entire process is pointless even before requests for changes are made because it restricts the effort to lengthy and costly data collection and physical planning;

“the TORs of the DGU lack a strategic vision and a development approach, and are restricted to physical planning, the methodology did not require any scientific approach for determining exploitation ratios across zones ...we are sometimes asked to exclude green areas, rocky plains or forests from our area of study to save the couple of thousands of dollars that would have gone into mapping and surveying these areas ...whatever the proposal we submit is, whether it is founded or not, they take it, and without going back to the consultant, the DGU takes the proposal and sits with municipalities and submits to their pressures for changes, and starts changing whatever they can change, without reverting back to us or determining the reasons for this. You end up with so much money spent, a document that serves almost nothing, and a document that in time loses its spirit and its core.”²²

d. The Role and Perspective of the DGU’s Planners

“If you were to ask me this question fifteen years ago, I would tell you that municipalities are not involved at all in this exercise. But today, the situation is different. We [the DGU] consult with municipalities and involve them more in the decision-making process. But the majority are crumbles of municipalities (*foutat baladiyat*) with very weak technical skills and capacities.”²³

Such was the response of the DGU planner who followed up on the design, approval by the HCU and revisions to the Shemlan master plan when asked how they share responsibilities with municipalities. In all cases, the DGU planner lamented that it is resourceful and connected landowners who make their grievances known, and they

²² Interview with the private planner in June 2012

²³ Interview with the DGU planner in August 2012.

don't do it at the level of the municipality, but rather at the level of the HCU. Most recently though, and in an effort to include municipalities throughout the process, the DGU has tried to avoid making changes directly as a result of individual grievances. Instead, it redirects angry landowners to the municipality, asking the latter to negotiate with the respective municipalities any zoning changes²⁴. However, of all the parties intervening in the making of master plans, my interlocutor noted that the Council of Ministers is where real politics is played out, and where the municipality's political connections can support it or hurt it. It is eventually the Council of Ministers which approves the master plan by decree, and here the influence exerted by the minister of public works is important.

In addition to a hierarchy of stakeholders, where the municipality seems to be the weakest in terms of decision-making, the DGU planner commented about planning tools indicating

“The hierarchy of planning laws is the building code, the urban planning law (Droit de l'Urbanisme), master plans (*tasameem tawjeeheeya*), and detailed plans (*tasameem tafsiliya*). The planning law has not been amended since the 1960's, it is a frozen tool, it is no longer operational and there is no relation between local master plan, and the Lebanese National Master Plan (LNMP). And these tools are not appropriate for development projects which is what is needed today.”²⁵

And my interlocutor was also aware that updating planning tools alone is not enough, as long as municipalities remain technically weak and underfunded, and decentralization is non-existent. They recognized that unions of municipalities are better

²⁴ Note that this is exactly the process that was echoed by the volunteer planner in Baysour documented at the beginning of this section.

²⁵ Interview with the DGU planner in August 2012.

positioned to undertake planning projects in the development sense, but as of today, some municipalities are not even surveyed, in other words, land lots within the municipality are not even in cadasters, they still rely on deeds from the years of the Ottoman Empire (*hujaj*)²⁶.

Finally, my interlocutor discussed enforcement of the master plans, and acknowledged that once the HCU approves the second phase of the master plan by decree, both the municipality and the DGU start granting permits according to it. If it takes about 10 years from the time a budget is set to put an area under study to the day it is submitted to the Council of Ministers, the DGU must work with something in the meanwhile. And in all cases, master plans are decrees (*maraseem*) which may always be amended, while laws, need more time and organizational efforts among a great number of stakeholders to be amended.

e. The Role and Perspective of the Minister of Public Works

When I asked minister Ghazi Al Aridi why the master plan of Baysour has been subject to so many changes, he explained that as minister of public works, he often asks the DGU to dismiss the changes municipalities ask for. He explained that the process of master planning is a long one, from the day a budget is set for it at the Directorate of Studies and Consultancies of the DGU until the day it is approved at the council of ministers. Throughout this period, new municipalities can be elected and ask for changes to the zoning ordinance the outgoing municipality has already approved, and the minister complained “I don’t work for municipalities to change their zoning

²⁶ This is the case of Bennay which is one of the nine localities included in the Shemlan master plan.

ordinance at the outset of each municipal election”²⁷. But master plans are changed nevertheless according to the minister for three reasons. The first is the politicking of municipalities especially around election times to buy votes, repay for votes, or just keep loyalties checked. In this case, “monetary greed” in the minister’s words, and a commercial reasoning, in other words the exchange value of land, is a main driver to lobby for zoning changes, mostly increasing the exploitation ratios of land to build more. And this is easily recognizable according to the minister because “of the line” (*el khatt*) which separates two zones, “odd looking lines are easily recognizable on a master plan” he added. The second criteria for zoning changes is “the reality on the ground” (*halat al ‘amr al wake’*) and impunity; the “certainty that no one will demolish your property” (*ma hada bi hedd*). The minister illustrated this case with the example of an industrialist building a small factory in the Bekaa valley in an area zoned agricultural. The owner had access to DGU planners, and was negotiating a change in land use to make it industrial. The case was brought up to the minister’s attention who instructed the DGU to approve the land use change, since this is a factory which created a number of employment opportunities, and no one was going to demolish it. And third, DGU staff, and municipal staff like other public servants, are not immune to pressures and bribes, and will grant permits which don’t comply with technical specifications. To illustrate this third case, the minister gave the example of a high ranking officer in the Lebanese army whose neighbor held such a permit. He asked the DGU to relax the criteria for granting a building permit, since his neighbor had violated the law, but still held a permit. Perhaps the most interesting aspect of this discussion is that, with the exception of politicking by municipalities, cases described here pertain to changes in

²⁷ Interview with Ghazi Al Aridi in June 2012

land use and design specifications by highly connected people; an elite whose access to the state does not compare to individuals who lack these networks and connections.

D. Safeguarding the Radar Hill

In addition to safeguarding their individual economic interests in land, this same group of volunteer planners worked together with the municipality of Bayssour to protect the religious homogeneity of land in Bayssour, particularly on the Radar hill. Collectively, they lobbied to change the zoning of the Radar Hill in a way to make it particularly difficult for people to build it. This section exposes the logics which guided the practices of these planners and argues that in this particular case, the master's plan objective of environmental protection was selectively pursued and defended, not only because these planners were genuinely concerned about protecting the environment, but also because of the strategic location of the Radar Hill, the memory of this particular geography in the minds of the Bayassra be it during the Lebanese civil war, or the May 2008 military confrontation with Hezbollah. The lobbying efforts of these planners and the decision of the municipality to revise the zoning were consequential also because of landownership patterns of the Radar hill which made it easier to selectively pit communal and economic interests against each other all weaved together in a rhetoric about environmentalism, greenery and the beauty of the mountain.

1. The Multiple Meanings of the Radar Hill

In the lives and minds of the Bayassra, the Radar hill has multiple significances: (i) a strategic geography which may be militarized at any point, (ii) “the lungs of Bayssour”, and (iii) expensive real estate, a large part of which is owned by a

non-Bayssouri. It is precisely the entanglement of these multiple meanings which helps explain how and why the zoning of the Radar hill was changed.

Along with the Bhamdoun hills, the Radar hill constituted the breaching points for the military subjugation of the jabal – and as a consequence the entire Lebanese territory- had it fallen under the control of the Lebanese Forces and the Israeli army in 1983”²⁸. In his memoirs, National Front militia fighter Mohamad Al Theeb (1986) confirms the crucial role played by the geography and location of the area of study, especially of Bayssour and its Radar hill, in the unfolding of the decisive battles of the Lebanese civil war; “the enemy’s plan was to reach Qabrechmoun and Radar Bayssour... right from the outset of the battles, and from the Radar to the hills of Abbey, you can subjugate (*eskat*) all the coastal localities. And from there you can link the three fronts immediately: Kfarmatta, Souk Al Ghareb, Khaldeh, and surround the Dahiye [...]” (Al Theeb, 1986, 149). A sketch of Al Theeb is a perfect illustration of how this space can be militarized at any moment. What Deeb details in his memoirs, my interlocutors confirmed as they recalled not only the civil war, but the more recent May 2008 militarized confrontation with Hezbollah. Sitting on the balcony of his house, my interlocutor pointed out the edge of the Radar hill: “you see Abu Makram’s house the one with the red tiles just before the white building, our youth (*shabebna*) stopped Hezbollah there before they reached the Radar”²⁹.

²⁸ Interview with previous militia fighter from Bayssour in August 2012

²⁹ Interview with one of the volunteer planners in Bayssour, July 2012

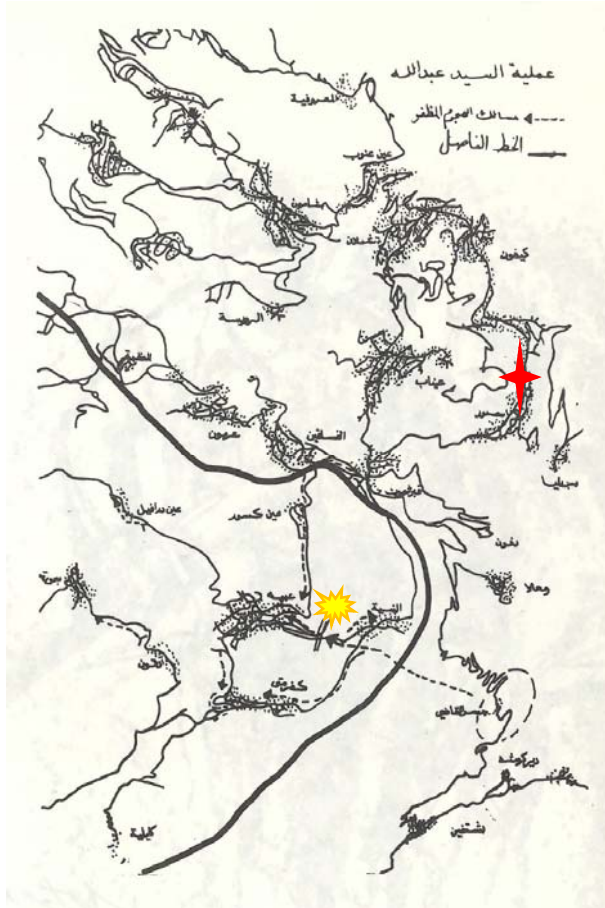


Figure 10: Baysour as a frontline. (Al Theeb 1993)

But the Radar Hill has another significance too, it is “lungs” (*ri'at*) Bayssour as the picture below shows. This makeshift sign was posted not by the municipality, but by Bayssour’s residents who regularly organize cleaning campaigns with the municipality to keep the area clean. Indeed, the space is used collectively as a huge public space since private properties are not fenced off and many families from Bayssour and neighboring towns enjoy the dense greenery of the Radar with its pine and oak trees and use easily accessible lands situated alongside the road for picnics and barbecues. In cool summer evenings, while my nephews ride their bicycles on the low traffic Radar road, family and friends gather to sip matteh and socialize. The space has turned into a destination and the municipality organizes every summer a moon watching event which has become famous in the area.



Figure 11: Campaign to keep the Radar Hill clean [Radar, lungs of Bayssour] (author 2011)

Finally, with almost all my interlocutors, perceptions about the beauty and importance of the green Radar hill were followed by a number of factual statements about land ownership. Land on the Radar is owned by three parties: the municipality of Bayssour, ex-minister Ghazi Al Aridi, and a sheikh from the Dakdouk family who is not a native of Bayssour. The ownership of large tracts of land by a non-Bayssouri was a troubling issue for my interlocutors. That he is a Druze sheikh did not seem to assuage their worries and the fear was that “he can sell to whomever he wants, whenever he wants”³⁰, especially that in their view increasing demand for land located on this hill will be by non-Bayassra. In addition, lot sizes on the hill are significantly larger than in the rest of the locality (Dar Al Handassa Nazih Taleb & Partners 2011) and the square meter is estimated between USD \$80 and \$100. Thus, as a broker from Bayssour who had bought lands on the hill on behalf of Ghazi Al Aridi explained, “with the exception of the minister and (he named two wealthy Bayassra) few can afford to buy land on the Radar”³¹.

2. Land Use Made to Fit

Pieced together these narratives helped me understand the multifaceted significance of the hill in the minds of dwellers, volunteer planners, and municipal officials. Reconciling all these concerns from filtering out potential outside buyers, and remaining true to their environmental mantra, to ensuring that minister Aridi does not object to the zoning of the hill required some creative maneuvering of land uses by Bayssour’s municipal employees and elected representatives.

Bayssour’s low level bureaucrats, municipal employees who have not only witnessed the destructive effects of the civil war on the locality, but some has also taken

³⁰ Interview with municipal employee in Bayssour, July 2012

³¹ Interview with two real estate broker in Bayssour in July 2011

part in it. They were convinced that demand for land located on the Radar hill will increase. As such, with the help of experts, the volunteer planners who participated in revising the Bayssour master plan, they sought to change the zoning of the Radar hill to maintain a fine balance between the use and exchange values of land. My interlocutors at the municipality ³² explained that the particular attention to the land use assigned to the Radar hill reflects a concern to preserve conserve the pristine setting of the hill, repeating that “Waleed beik is conscientious about greenery and the environment”³³, and emphasizing how the Radar hill was “beautiful, and any construction activity there would be like stabbing us in our hearts”³⁴, that it constitutes “Bayssour’s lungs”³⁵. The hill encloses the little greenery (*khadar*) that remains in the area, and “if the Shiites build it, their waste water (*majareeron*) will run down on our heads”³⁶.

The environmental discourse at the level of Bayssour has a distinctive Druze flavor with reference to *Waleed beik*, but an environmental discourse to justify municipal actions and decisions is not unique to Bayssour. Farah (2013) uses Foucaultian discourse analysis to investigate how municipalities frame and address environmental issues. He shows how these discourses and their manifestations enable municipalities to construct spaces of government of a local public good. Focusing on twenty municipalities, and eight non-governmental associations and political parties in Lebanon, Farah finds that the environmental rhetoric of municipalities manipulates arguments and their references, whereby municipalities appropriate certain elements of it, distort others and construct new elements which respond to their own needs.

³² They include municipal employees and presidents of municipalities, June and July 2012

³³ Interview with Ghazi Al Aridi in July 2012

³⁴ Interview with an architect resident of Bayssour working at the Aley DGU office in June 2012

³⁵ An expression written on a street sign posted on the road leading to the Radar and urging people not to litter

³⁶ Interview with Bayssour resident in July 2011

Municipalities mobilize this appropriated environmental discourse in several ways including disseminating it in their municipal communications and institutionalizing it in regulations and the organization of certain municipal services. More specifically, the author identifies the following actions: communication and awareness raising campaigns including posting signs and distributing brochures, commissioning studies and technical reports, modifying zoning ordinances to prohibit certain land uses, appealing to courts, small “green pilot actions, and putting in place specific infrastructure and services (ibid, 52). Farah further concludes that these actions inscribe the environmental discourse in the physical, social and political spaces of the locality in more or less permanent ways. In analyzing the effects of these actions, Farah notes that awareness raising campaigns are used to communicate a message about local identity whereby environmental regulations are used in localities where changes affecting the environment go hand in hand with those affecting the communitarian demography of the locality. It is particularly the case in localities where “native” populations are Christian or Druze and area facing a Shiite expansion such as the southern suburb of Beirut. In these cases, we see municipalities proceed to change zoning regulations to decrease FERs in “interface” areas to disrupt urbanization trends they identify as a communitarian “invasion” (ibid, 54). But Farah also adds that in changing zoning regulations, municipalities often face resistance because of economic stakes attached to real estate, whereby elected municipal officials have to face powerful families who block any zoning changes susceptible to decrease the real estate value of their properties. When these tensions materialize, they become the center and focus of contentious local politics (ibid, p 56).

Bayssour's case study is a good illustration of the above observations about the environmental discourse at the local level. The actions the municipality took in response to the environmental discourse I showed earlier demonstrates apt political maneuvering on behalf of the municipality. Indeed, Bayssour municipality took a decision to create a new land use of environmental tourism³⁷ to fit their zoning need of the Radar. This type of land use did not exist neither in Bayssour's master plan, nor in the master plans of any of the neighboring localities. Below is a translation of the municipality's request to the DGU regarding this change in land use.

“Subject: land use change
Number: 198
Date: 04-04-2012
Concerned party: DGU

We hereby submit to you the decision number 8 dated 03-04-2012 by the municipality of Bayssour requesting to the change the land use of the Radar area in Bayssour currently zoned F to become an environmental tourism zone. This request is for your information to take into account and proceed with the change of land use as requested.
Signed by the president of the municipality of Bayssour.”

Unlike an agricultural zone F -or even worse a *non aedificandi* zone-, zoning an area for environmental tourism does not necessarily erode the real estate value of land, but rather “makes it more difficult for people to develop their land, with the strict design specifications that we are thinking about”³⁸. By doing so, the municipality sought to curb potential land development, or sale by the single largest land holder on

³⁷ By new I mean not included among the land uses of the Shemlan master plan

³⁸ Interview with Bayssour municipal employee in June 2012

the hill³⁹ who had no say at the level of the municipality because he was not a native of Baysour. Interestingly, the line delimiting the environmental tourism zoning traces the contours of Ghazi Al Aridi's properties but does not include them; the latter are zoned villas V. Figure 12 shows the zoning of the Radar Hill before this change was submitted. Although field work for this thesis project ended before the request for the change of zoning was looked into by DGU, the example illustrates how the municipality and its planners mobilized a discourse about greenery with a distinctive Druze flavor to justify zoning changes to the Radar hills. Since touristic activities have the potential to generate income for landowners, this proposed zoning succeeded – at least from a public opinion perspective- in striking the balance between the exchange and use values of land.

³⁹ I reached out to this landholder for a discussion about how the master plan affected the price of his landholdings. He and his real estate broker refused to talk to me.

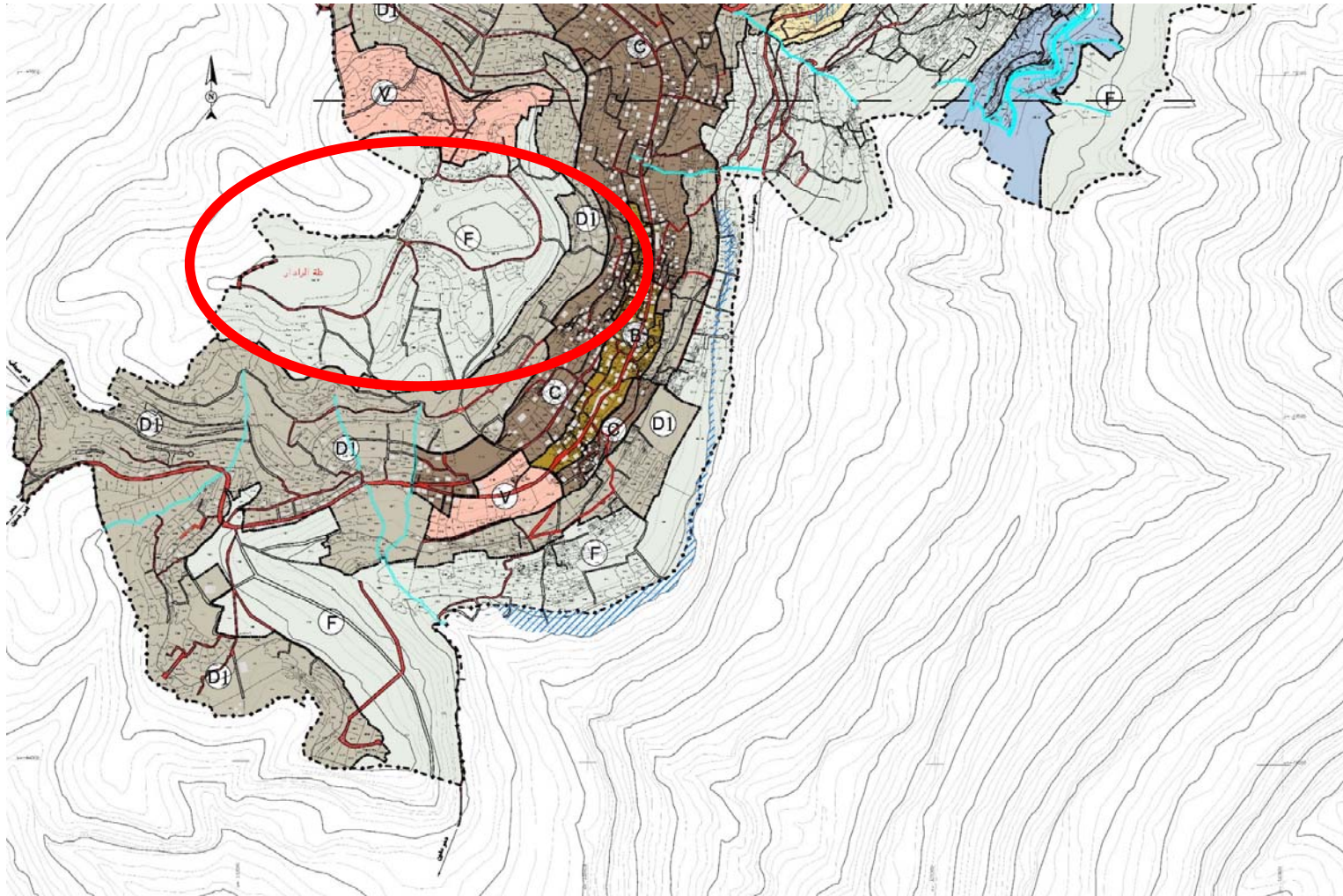


Figure 12: The original zoning of Bayssour's Radar Hill (Dar Al Handassa Nazih Taleb & Partners 2001)

Interestingly, this attempt for a zoning change of the Radar Hill was not the first. In the earliest proposed scenario for the master plan of Bayssour, the area extending a couple of hundred meters above the locality's main road and up to the Radar Hill was zoned third extension (zone D). The first lobbying effort of the municipality sought to transform it into an agriculture zone (zone F) thus significantly lowering the FERs of these lands. As recounted by my interlocutor, significant political pressure was exerted among members of the municipal board to pass on a non-aedificandi zoning (no construction at all). On the eve of voting for this zoning change phone calls were made among members of the board to dissuade others from approving the change, because it would lead to devastating consequences (*kharab byout*)⁴⁰ especially for those small landowners who did not own property elsewhere. The day of the voting, 8 members voted against the decision, 7 members voted for it and one member abstained from voting. In an attempt to find a solution which would please everyone the "environmental tourism" zoning was devised as a middle ground. I mention this process here to show the extensive zoning changes and back and forth decisions affecting the Radar hill. I stopped fieldwork before this back and forth came to an end, but the dynamic documented here is akin to what Bou Akar termed "zoning and planning wars" (Bou Akar, 2012, 165). In *Contesting Beirut's Frontiers*, Bou Akar argues that "critical to the understanding of the contestations of post-civil war Beirut are the ways in which the production of mundane geographies (such as housing, roads, and industrial zones) by religious-political organizations have transformed Beirut's peripheral spaces into frontiers of conflict" (ibid, 150). Although she focuses on Sahra Choueifat, a contested "frontier" between the PSP who controls the municipality and

⁴⁰ Interview with member of Bayssour's municipal council, June 2011

Hezbollah who controls its housing and real estate markets, the different zoning changes from industrial to residential zones affecting Sahra Choueifat are similar in their intensity and significance to those affecting the Radar hill. Interestingly, Bou Akar also finds that enabling discourses are crucial in the case of Sahra Choueifat too, especially after the armed conflict of May 2008. Bou Akar indicates

“After May 2008 discourses shifted, exposing people’s fears and anxieties. Changes that were previously described as “normal” planning exercises (folded inside zoning and planning wars) now were openly articulated as security measures that would “curb the threat” to Choueifat and its existence, and protect Choueifat from another outbreak like the “May 7 events.” The same municipal office that told me in 2004 that their job was “simply technical, to make sure that construction follows the laws,” stated openly in 2009 that “we have been all along trying to stop this influx that attempts to take over ‘our area.’” (ibid, 165)

In fact, the similarities with the case of Bayssour are numerous but what is perhaps different is the mobilization of the environmentalism in these two cases. For while Sahra Choueifat is always haunted by the specter of “environmental degradation” (ibid, p 153, 166, 168), in Bayssour environmental preservation is mobilized in relation to a pristine location which evokes images of greenery and beauty in the minds of those who protect it. Chapter IV follows this rhetoric about the beauty of the mountain, and examines the broader set of informal planning practices which are inscribed within this logic.

CHAPTER IV

TEMPORALITIES OF PLANNING: INFORMAL EXPANSION AND THE MANIPULATION OF LAND SALES

In the chapter III, I showed how particular actors who have preferential access to the municipality or the DGU lobbied for spot zoning changes and area zoning changes. The status of master plan “always in the making” reinforced by ambiguity surrounding the approval of master plans and the “consultative” role of municipalities also enabled a particular type of participation in the case of Bayssour to protect the Radar Hill from construction activity, in an effort to maintain the religious homogeneity of the territory. Lobbying for this communal interest in land was enrobed in a particular discourse about beauty and environmentalism with a distinctive Druze flavor. In passing the multiple changes to the zoning of the Radar Hill, the master plan’s objective of environmental protection was indeed selectively pursued, only because communal/religious interests and individual/economic interests were not pitted against each other given landownership of the Radar Hill.

In this chapter, I locate land use planning within a continuum of more or less formal practices which include the grating of informal building declarations (*tasareeh bina’*) instead of building permits (*tarakhees bina’*) and the manipulation of land sales by powerful political actors to show how these broader planning practices were also reinvested to maximize both individual economic interests in land and communal religious ones. Throughout this chapter, I show how concepts of beauty and aesthetics are mobilized to maintain these planning practices, and map onto the economic backgrounds of these localities, resulting in highly segregative outcomes. In addition, I

show again how municipality used the law (Law of Municipalities) to maintain the control over their territories, even when they lacked the technical (and financial) capacities to manage the consequences of urban sprawl.

The rest of the chapter is organized as follows. The first section looks at the controversy of granting building declarations. I locate this controversy within a political struggle between centralized institutions and local governments over the right of municipalities to control and regulate construction activity within their territories. I examine the exchange which took place between the Ministry of Interior and Municipalities, the Ministry of Public Works and Transportation, municipalities and unions of municipalities, the General Directorate of the Internal Security Forces, and State Council (*Mjales Shoura al Dawla*)¹ regarding the application of the construction law, and more specifically under whose jurisdiction the enforcement of building permits falls. Second, I show how the notion of aesthetics and the rhetoric about the beauty of the mountains were mobilized alongside interpretations about the economic reality of these localities and perceptions about their unstable political future to justify certain planning practices, especially to curb Shiite expansion, and enable Druze densification. Third, I show how Waleed Jumblatt intervened in the sale of a large lot of land locate at the edge between Kayfoun and Souk Al Ghareb and donated the land to Balamand

¹ The judiciary in Lebanon is divided horizontally into four main court systems, each having a multilevel hierarchical structure. These systems are: (i) the Judicial court system known as *kadaa' dli*, (ii) the administrative court system known as *Majlis al-Shura*, (iii) the military court system, and (iv) the religious court systems. The administrative court system is composed of administrative tribunals and the State Consultative Council (*Majlis Shura al-Dawla*.) The administrative courts' jurisdiction is limited to matters involving or arising from administrative decisions issued by the state or any of its agencies and institutions. The administrative tribunals constitute the first judicial level whose decisions may be appealed to the State Consultative Council. The State Consultative Council functions as an appellate or Cassation level court to review judicial decisions made by a variety of administrative bodies and also acts as an original court for certain types of disputes such as annulment requests against ministerial decrees for abuse of power. (Retrieved from <http://www.loc.gov/law/help/lebanon.php>)

University in an effort to marry both the economic and communal interests vested in land.

A. The Central-local Struggle for Regulating Construction Activity

In response to my question whether Bayssour's master plan was useful in regulating densities and rationalizing urban expansion, my interlocutor, a civil servant at the municipality of Bayssour who has been in his post for several years, launched into a discussion about the role of municipalities in low-income contexts such as Bayssour. He argued that in such a context, the municipality feels compelled to respond to people especially those whose means are limited, and people have no other place to build. Although some dwellers were perfectly capable of building legally, they were not willing to engage in the very lengthy process of legalizing existing structures before adding new floors. Thus, like all other municipalities in Lebanon, the municipality of Bayssour grants building declarations (*tasareeh bina'*) for building red tile roofs. Referring to a caveat in the Building Code Law 646/2004 regarding the type of works which may be exonerated from a building permit, municipalities started granting declarations for dwellers to build red tile roofs because the latter fall under the type of construction activity which does not affect the structure of an existing building. Indeed article 2 of Building Code 646 states that exempted from construction permits and requiring only construction declarations *without* the need to revert back to the regional office of the Directorate General of Urbanism (DGU) are: (i) normal maintenance works, renovation and beautification which do not affect the structure of a building (with the specific nature of such works specified by decree), (ii) the construction of fences and supporting walls which do not exceed 3.5 meters in height as well as

terracing works and demolitions, and (iii) interior decoration works as well as changes to the electric, water, sanitation and ventilation systems within the house. This series of exemption does not apply if the building in question is classified as a heritage building.

What further facilitated the role of the municipality in granting these declarations is a design specification stipulated by the master plan which requires the construction of a red tile roof in zones C, D and V as a pre-requisite for obtaining an occupation permit (*eskan*) i.e. for legally occupying the house and obtaining its property deed from the cadaster (Dar Al Handassa Nazih Taleb & Partners 2011). I show later in this chapter how municipalities used this stipulation to grant a large number of building declarations rather than building permits in a response to lobbying efforts which seek to preserve individual economic interests vested in real estate, but also respond to the communal objective of enabling the uninterrupted expansion of Druze presence in Baysour.

1. Regulating Construction Activity: Between Municipalities and the Internal Security Forces (ISF)

A political struggle between central institutions and local governments about the role of municipalities in enforcing compliance with building regulations has set precedence for the practice of granting declarations at the local level. Since 1992, the Ministry of Interior, the committee for consultations and regulations within the Ministry of Justice², the Ministry of Public Works and Transportation, the General Directorate of the Internal Security Forces, and governorates, unions of municipalities and municipalities have been engaged in a debate about the mandates, roles, and responsibilities of municipalities in regulating construction activity within their

² *lajnat al tashree'at wal istisharat* which is mandated to give the final binding legal opinion regarding the interpretation of legal texts

jurisdictions. This political struggle materialized in a series of decrees, memos and decisions issued by these institutions in the last eighteen years. Each new memo issued is communicated to governorates across the national territory which in turn communicate it to local gendarmeries and municipalities to abide by its stipulations. I collected this series of memos, decrees and decisions from the office of the governor (Mouhafez) of Mount Lebanon. At the time I interviewed one of the secretaries of the governor, the campaign to crackdown on illegal construction activity across the territory was at its height. Print and visual media showed report after report about the surge of illegal construction, and the –at times violent- confrontations with the members of the Internal Security Forces who sought to sanction violators. Verdeil (2011) reconstructs the 2011 manifestations of this exchange in what he terms “the crisis of illegal construction in 2011” from a series of 23 articles published in the Daily Star newspaper in the month of April 2011³, and Fawaz (2013) brings up the 2011 crackdowns on illegal construction arguing for a re-politicization of the right for housing. She writes,

“Throughout the months of April and May 2011, a surge of illegal connections occupied the limelight of Lebanese politics, and news coverage reported daily confrontations between police forces, sometimes backed by the national army, and self-help builders. [...] A common thread in the public responses of policy makers and the news coverage was the criminalization of those who had built in violation of property, building and urban regulations” (Fawaz, 2013, 24)

³ The chronology can be retrieved online from <http://f.hypotheses.org/wp-content/blogs.dir/144/files/2011/04/Chronologie-de-la-crise-de-la-construction-ill%C3%A9gale-au-Liban.pdf>

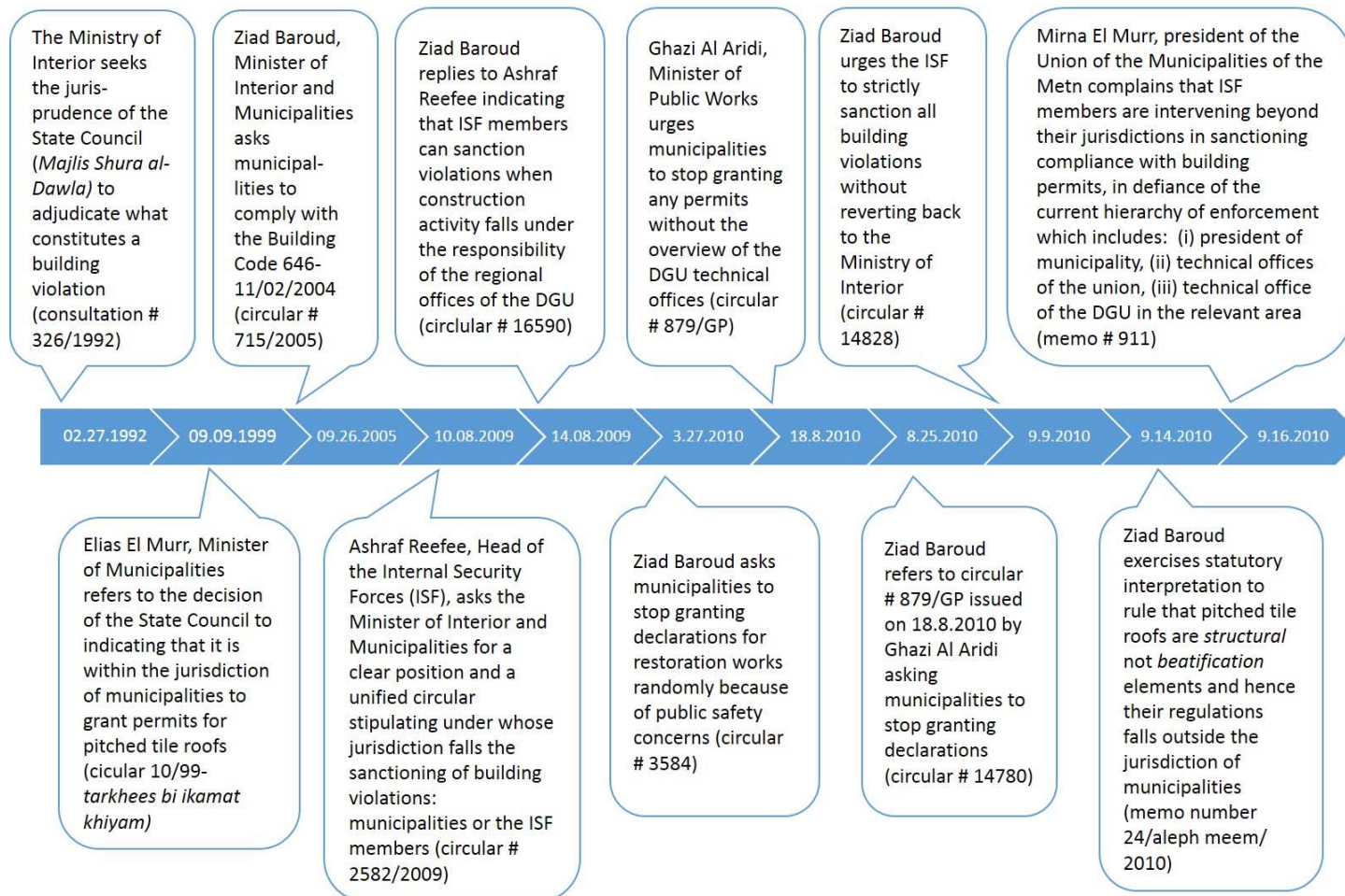


Figure 13: Controversy of building declarations (reconstructed by author from various documents, June 2012)

Using the texts of these various memos, decisions and decrees, I reconstruct the exchange among this constellation of local governments and central institutions which resulted in above mentioned 2011 crisis. Figure 13 provides a chronology of this exchange from 1992 to 2010⁴. This exchange of at least 11 memos and decisions 8 of which issued between 2009 and 2010 as well as their wide circulation is first and foremost an indicator of state presence, contrary to a common discourse in the media about the absence of the state (*ma fee dawleh*). Of particular interest and significance here is the process through which each of these institutions sought to carve out a space of political legitimacy by constantly reverting to the jurisprudence of the State Council to back up their decision. This is not only a sign of a present state, but one which is constantly seeking to legitimize its actions internally. But this Lebanese state is not a monolithic entity which has a unified and agreed upon understanding of the law, and defends a common perspective about its implementation or repercussions. Within it are contradictory opinions and interests about how, in this case, municipalities should manage urban expansion within their jurisdiction. Examples from the memos documented above illustrate this point. First is the opposition between the president of the union of the municipalities of Metn, Mirna El Murr and Ziad Baroud. Murr opposed the decision of Baroud, when he asked the members of Internal Security Forces in all regions to intervene directly in municipalities and impose sanctions on all building violations without reverting back to the ministry. She explicitly mentions in her circular

“as to the violations during construction activities, the latter are subject to the control of these authorities [referring in order of priority to the president of the municipality, the technical office of the union, and then to the respective DGU

⁴ This chronology was reconstructed from a series of memos I have collected at the Mouhafaza of Mount Lebanon in June 2012. The translation from Arabic is mine.

office], which are mandated by law to sanction building violations [...] therefore based on the minutes of the meetings of the union, we write to ask that you emphasize to the General Directorate of the Internal Security Forces that its members have no authority to intervene in the subject of building permits...”

Second is the legal deliberations between Ziad Baroud and Ashraf Reefee, then the Director General of the ISF. Ashraf Reefee under the pressure of non-compliance of municipalities, had asked the Minister of Interior in official communication number 2582/204ch2 dated 08/10/2009 for a unified circular defining once and for all the role of ISF members in sanctioning building violations. Upon this request, the Minister of Interior reverted back to the Commission of Consultations and Regulations who in turn gave their final opinion that the ISF members were indeed mandated by law to sanction building violations according to set procedures. And finally, two different ministers of Interior and Municipalities took drastically different decisions regarding the role of municipalities in regulating construction activity: Elias El Murr increased their roles, while Ziad Baroud constantly sought to curtail it with relative success.

2. Red Tile Roofs Are Structural Not “Beautification” Elements

The center piece and legal basis upon which the above exchange revolved concerned the type of construction activity municipalities were allowed to regulate *without* reverting back to the DGU offices. This section will show how municipalities fought to maintain their right to grant building declarations.

In addition to immortalizing his name in relation to the built environment via the *Murr floor*⁵⁵, Elias El Murr - then minister of Interior and Municipalities- issued

⁵⁵ After the end of the civil war in 1990, the Lebanese government had to face the issue of illegal construction which proliferated throughout the period of the war. People had built extra floors as additions to already existing buildings and the government was looking into some form of amnesty to

circular number 10/1999 on September 10, 1999, stipulating that municipalities have the authority to grant declarations for building pitched roofs. To support his decision, he had consulted with the State Council who fully endorsed it;

“Elias El Murr was a cunning politician. He reverted to the jurisprudence of the State Council to back up his decisions, but in reality he would meet with some members of the Council before their decision is issued to convince him about his perspective. So in reality, the conclusion of the State Council regarding the decisions he issued were all agreed upon beforehand. Ministers succeeding him did not do the same”⁶.

Six years later on September 26, 2005, the Minister of Interior, then Ziad Baroud, issued circular number 13/2005 urging governors to inform the two *ka'emmakamiya* (territorial administrative units) and municipalities of the necessity to comply with building law 646/2004 which prohibits any construction activity before a building permit is issued by the concerned technical offices be it the regional offices of the DGU or the technical offices of the municipalities of Beirut and Tripoli. The same circular urged municipalities to strictly enforce these regulations and abstain from granting any construction permits without reverting back to the concerned technical offices.

Because Ziad Baroud was himself a lawyer, interpretations in his circulars served as counter jurisprudence to that of the State Council as I show below. On September 14, 2010, Ziad Baroud issued circular number 42/2010 where he reinstates

legalize these illegalities. To address this situation, “a compromise was reached whereby an extra floor was allowed to remain provided the owner paid a fee calculated taking into account the location, size of the extra floor and price of land. This was named “The Murr Floor”, after Elias Murr, the minister who came up with the solution to this problem. Murr floor fees became an extra allowance which developers incorporated in their budget. When the central Government finally became strong enough to enforce some basic building regulations in the late 90s, the Murr floor was abandoned.” (retrieved from http://www.yourmiddleeast.com/special-reports/article/war-and-construction-in-lebanon_2079)

⁶ Interview with one of the Secretaries of the Governor of Mount Lebanon in July 2012

the aforementioned stipulations of article 1 of the building law 646, alerting governorates, municipalities and unions to abide by them. Furthermore, he reminds municipalities that the only works exempted from permits are regular maintenance and restoration works as well as beautification works which do not affect the skeleton of a built structure. With the exception of these works, all other construction activities are subject to the control and regulation of authorities regulating construction who must grant a permit before any building work starts. All of the above are straightforward quotes from the text of the law, but herein lies the “Baroud statutory interpretation” mobilized to make a compelling argument. In the same circular, and in addition to the building law, reference is made to decision number 3339 dated 12/11/1930 pertaining to the real estate law, where Baroud broadens the definition of “real estate” to include “all construction materials pulled together to create a *durable physical structure*”. Therefore, and according to this clause, pitched roofs are to be classified in the real estate category of “buildings” and hence fall outside the regulatory authority and oversight of municipalities, because they have become, according to this broadened definition in essence structural. This circular is distributed to governors instructing them to strictly control the works of municipalities in that regard. In the many follow-up circulars that Ziad Baroud issued afterwards (see Figure 13 above), reference is constantly made to this circular as the legal basis of Baroud’s decision. Figures 16, 17 and 18 show a steep decline in permits in all three localities in 2010, because the Minister of Interior had indeed stripped municipalities of the legal justification according to which they had been granting permits.

3. Declarations for “Restoring the Staircase and All Its Adjacent Rooms”⁷

The classification of the pitched roof on the continuum of structural vs. non-structural modification to a building resulted in the prohibition of municipalities from granting declarations to build pitched roofs because the latter are not “beautification” elements, but rather structural ones which require the approval and oversight of the concerned technical offices. But refusing to stop construction activity at any cost, the municipality of Bayssour found a way around this.

The objectives of the municipality were clear. They needed to respond to their constituency and preserve individual vested interests in real estate. Not only were the Bayassra under a constant threat of Shiite proliferation from neighboring Kayfoun, but this was also an old locality. Most of the expansion happened illegally immediately after the civil war whereby people rebuilt without construction permits, and to legalize these properties necessitated not only sizable sums of money on behalf of property owners, but also a lengthy and complicated process most were not willing to go through. As such, to preserve both communal and individual interests in land, the municipality of Bayssour adopted a counter strategy because “construction activity was not going to stop”⁸. It chose to revert to declarations for restoration works to allow people to proceed with building. They backed up their decision by reverting back to the use of the displaced construction permit (*rokhsat bina’ mouhajar*) which is still used in these localities as I pointed out in chapter II, and again article 2 of the Building Code concerning types of construction activity exonerated from a building permit. As a

⁷ As stated in the declaration for restoration works granted by the municipality of Bayssour which I accessed in July 2012

⁸ As indicated by the municipal official who explained how the municipality devised this process, interview in June 2012

reminder, article 2 mentions that renovation and restoration works which do not affect the structure of a building are exonerated from building permits.

In 1994, in an effort to rationalize post-war reconstruction the Ministry of the Displaced issued in 1994 Law number 332 initiating the displaced construction permit. The idea was to create a special type of expedited permit which needed much less documentation for the DGU. Hence construction with a displaced construction permit was still subject to design regulations, but these were more lax, and so was their enforcement, and sanctions of violations if any. Law # 332- was extended several times through laws numbers 542- 24/07/1996, 92- 14/06/1999, 361- 16/08/2001, and finally 548 – 20/10 /2003 which brought a number of revisions to the law in addition to extending it. Originally, law # 332 was promulgated to allow post-civil war reconstruction, the 1996 extension happened after Israeli's military invasion, the 2001 extension after the reconciliation in the mountain, and 2003 to allow for reconstruction post natural disasters which affected the country that year. Thus, the extension of the law was always justified on an emergency basis, stretching the definition of displaced and insisting that the immediate need was for people to rebuild and return to their homes as soon as possible.

Based on this enabling framework of urgency, the municipality of Bayssour started granting declarations for restorations works. But how would declarations for restorations works still enable an increase in density? A savvy municipal official at the municipality, who knew the details of the building law, crafted the language of the declaration as follows.

“Declaration for restoration works

Based on the demand by _____, and after the field visit conducted by the municipal committee on public works on _____, and based on it, the requesting party is declared permission to restore the roof of the staircase and all rooms adjacent to it on the roof of the building located on lot number _____, in Bayssour by tearing it down in its entirety and rebuilding it as it was before.

The imposed conditions: conform to the works declared permitted by the municipality, and the report of the municipal committee on public works, and respect the rights of neighbors.

Duration of the permit: two months from this date.”

According to my interlocutor, the text of this declaration was so commonsensical and convincing from a legal perspective, that members of the Internal Security Forces found it difficult to sanction construction activities when presented with these declaration. Like he tried to curtail the declarations for pitched roofs via legal interpretations in his circulars, Ziad Baroud also tried to curtail this type of declarations in circular number 3584 issued on the 27th of March 2010, albeit with less success. In his circular, Baroud instructs governorates, unions of municipalities and municipalities to comply with the safety regulations of buildings especially as they relate to protection against fires and earthquakes. Both new and *restored buildings* are to abide by these design specifications.

B. Aesthetics as a Justifying Discourse in Urban Policy-making

“I guess intentions... and I ask people to be honest with me: Tell me what you want? I can't be neutral. Municipalities are free to act within their jurisdictions, so if they want to tighten exploitation factors because there is a demographic crawl (*zahef dimographee*) in their direction and the municipality wants to preserve its village and mountain landscape (*al tabe' el karawee wal jabalee*), and to prevent a populist physical appearance for the locality (*caractère populaire*), we, as a central agency, have

an interest in preserving the aesthetics (*al tabe' al jamalee*) and the individual character of these villages, so we work with them to tighten the exploitation ratios”⁹



Figure 14: Standards of beautiful buildings in the region (Dar Al Handassa Nazih Taleb & Partners 2011)

This quote epitomizes the general understanding of what is considered and accepted as an aesthetically pleasant appearance in mountainous areas (Figure 14). Such was the response of the DGU planners responsible for supervising the Shemlan master plan throughout its various revisions and approvals. This affirmation was in response to my question about the general logic of the zoning ordinance for the Shemlan master plan and the consultative process with municipalities. When I probed the president of Bayssour’s municipality about the meanings of expressions such as “village landscape” and “individual character” he indicated that if he had the means, he would mandate that “cut stone cladding for housing façades, and red tile pitched roofs”¹⁰ for all construction activity. He was strongly supportive of such measures, explaining that they have a positive effect on real estate prices; “if you had the choice would you buy in Broumana or Bayssour? And who benefits more from the sale of his property, the land owner in

⁹ Interview with one of the DGU planners on August 15, 2012

¹⁰ Interview with president of Bayssour’s municipality August 2012

Broumana or Bayssour?”¹¹ Along the same lines, a municipality planner indicated “the Christians are so much better at taking care of their setting, they care to have beautiful houses... look at Shemlan with its red tiles, they have done a great effort to maintain the character of the village... but we... we have become a city”¹². Many important notions about beauty and aesthetics are included in this quote. The first is an explicit reference to a good, well planned and preserved Christian locality of Broumana vs. Bayssour. The background for this comment is perhaps a commonly held perception about Christian localities in Mount Lebanon which associates these settings to the picturesque landscape of Lamartine Valley of Hammana for example: lush greenery of pine forests spotted with low density heritage houses with red tile roofs. A serene village setting which is not only the epitome of beauty, but of also of civilized other. This reference about beauty and aesthetics is opposed to the stigmatization of a place like Bayssour, where the lack of aesthetics and density not only overlaps with sectarian identity, but also with taste and ultimately with class.

Because, a pitched roof is not only a design element; it is also a signifier of a certain income level. Indeed, the problem with such a celebrated view of aesthetics is that few permanent residents of Bayssour can afford it. In general, owners who can afford cut stone cladding and red tile roofs fall in two categories: (i) seasonal residents who own or rent houses elsewhere, usually in Beirut or some other large city, and have built their house in the village to enjoy it for a couple of weeks in the summer, and maybe some weekends in the winter, and (ii) wealthy Arab expatriates who own houses mostly in Shemlan, and neighboring hills. Not only are permanent residents unable to

¹¹ Ibid, Broumana is Christian locality but also a famous tourist destination known for its picturesque old Lebanese houses perched among the lush greenery of pine trees

¹² Interview with one of the architects and municipality planners in Bayssour in June 2012

afford stone facades and red tile roofs, they have plans to expand their current houses by building additional floors for their children. A pitched roof would effectively block any plans for expansion.

And the concern with aesthetics cuts across religious lines too, as shown by the quotes above, specifically “because there is a demographic crawl in their direction”, and “the Christians are so much better at taking care of their setting”. In my discussions, notions about aesthetics were always associated with certain religious communities characterized by more or less aesthetically pleasant and attractive environs. In summary, according to my interlocutors in Bayssour, the Christians are best at respecting and preserving aesthetics, the Shiites are lawless and don’t attach much value to anything, let alone aesthetics, and the Druze have modest means to pursue such objectives, as they can barely complete their non-finished houses.

C. Red Tile Roofs to Simultaneously Curb and Increase Densities

1. Curbing Densities

Because it is a signifier of both wealth and religious affiliation as shown above, the red tile roof, as a design element, was used as a double-edged sword both to curb and increase densities on a case by case basis. On the one hand, it is used to curb densities because a pitched red tile roof would prevent the addition of extra floors. Indeed, a Druze architect working in the area indicated “two years ago had a project for a Shiite client building here [referring to the area of study] and I insisted not only to have a tile finishing, but also to have a sloped concrete roof, so that he does not add additional floors”¹³.

¹³ Interview with an architect from Bayssour in July 2012

When I probed my interlocutor further about his client, he acknowledged that this client is a prospective seasonal resident from an upper income group, who is not looking to build an extended family house. It is relatively easy to convince him of the necessity of a pitched roof, because he already attached a certain value to it. In other words, he is not the area's average dweller. But what this transaction confirms is that, even at the micro-scale of individual projects and individual architects, curbing any potential expansion of the Shiites is a concern. It illustrates the feeling of mistrust and adversity which characterized the relationship between the Shiite and Druze communities at the time of fieldwork. To set the context, it is useful to point out here that this project was commissioned in 2010-2011, after the armed conflict of May 2008. But already, since 2005 and the assassination of Prime Minister Hariri, feelings of mutual distrust, and severe adversity towards Shiites in general, and in Bayssour and its environs in particular, had surfaced. Every day lived experiences of residents of Kayfoun corroborate the same feelings of distrust and adversity, as explained by a resident living on the Bayssour-Kayfoun border, "you think we were okay with these kids from Bayssour car racing in front of our house in the middle of the night... these boys are impolite and have no morals, and they were allowed to do this because this is Kayfoun and they are from Bayssour... shame on them! All this was not allowed before 2008! Shame on them!"¹⁴

That the initial attack on Bayssour in May 2008 started from the hills was another reason why the concern with building heights was obsessive; "the shooting started from behind the bare concrete buildings up on the hill... you see where I am pointing, just up there, they [referring to armed Shiite fighters] crossed from Kayfoun to

¹⁴ Interview with resident of Kayfoun, June 2011

Bayssour through the hills until they were right behind Abu Makram's house and workshops, had we prevented such building violations in the past, we could have detected someone on the hills at least"¹⁵, indicated a municipality planner who was also an ex-militia fighter during the Lebanese civil war, pointing out the said building from the balcony of his house. The buildings are shown in Figure 15 below.



Figure 15: The unfinished buildings against the blue sky where the 2008 confrontations started (author 2012)

It was only with this illustration of what a building height can come to signify in the minds of the Bayassra that I understood the significance of additional floors, and why a low density structure was the prerogative of everyone who could exert any type of control over the shape of the built environment in this geography. Of course, expressions such as “ugly”, “uncivilized”, and the loss of a “village character” also reinforce the rectitude of condemning this type of development, and justify, whenever possible, the use of practices such as sloped concrete roofs in the name of aesthetics.

¹⁵ Interview with surveyor and planner from Bayssour, July 2011

2. Increasing Densities

Like red-tile roofs were perceived and used as possible tools to curb a future increase in densities for Shiite owners, the Bayssour municipality used its right to grant building declarations for a pitched tile roof to allow for the expansion of the locality. As already documented, three factors facilitated this practice and its outcomes: (i) a loophole in the construction law about what is considered changes affecting the structure of a building vs. what is considered additions without effect on structure including “beautification” , (ii) displacement and its effects including the poor socio-economic conditions it has left most of these towns in, and the way reconstruction was managed by municipalities, and (iii) a sense of entitlement and attachment to place which is exacerbated with the perceived threat of the other, in the case of Bayssour a constant reminder that “Bayssour is for its people and if we don’t build, they [the Shiites] will take over our homes”. In fact, the zeal with which building declarations were given was legitimized not only by reverting to various interpretation of different laws, but also based on the presence of a threatening other which became even more threatening after the armed conflict of May 2008. “If we are violating the law... what are they doing in Kayfoun... they are rebuilding a second *Dahiye* at our door step”¹⁶, “during my time in office, I granted over 1,000 building declarations... Bayssour grew approximately two-fold”¹⁷ were the comments of two municipal officials when asked about the contentious legal/illegal nature of declarations. That their less than desirable Shiite neighbors were building in defiance of regulations and norms was more of a reason for Bayssour to grant declarations with clear consciousness.

¹⁶ Interview with municipal official from Bayssour, June 2012

¹⁷ Interview with the president of Bayssour, July 2012

Figures 16, 17 and 18 show the number of building declarations vs. building permits granted in each of Shemlan, Kayfoun and Bayssour¹⁸. These figures show different patterns of permits/declaration that reflect not only sectarian counts and strategies to maintain communal sectarian interests in land, but also different patterns of settlements in the area as well as class issues. Indeed, most of the Bayassra used their declarations for building pitched roofs to add an extra floor to their houses, developing the extra floor incrementally room by room, whenever they save some extra money. Some owner-builders had more difficulty than others, and all had to bribe their way through construction, especially at the outset of the tightened control over the compliance with building regulations. The municipality helped residents obtain these declarations not only to counter a demographic threat from neighboring Kayfoun, but also, as mentioned earlier in the chapter, to build legally, these residents have to legalize exiting illegal constructions which are built on lands sometimes owned by an entire extended family. Not only do the Bayassra prefer to invest that money to add a room to their house, they are not willing to engage in such a time-consuming process. This is particular to the case of Bayssour, as shown by disproportionate number of declarations compared to the number of permits. In contrast, in Shemlan, the number of constructions permits is consistently higher than that of declarations. As a reminder, Shemlan is a resort town and weekend destination for wealthy landowners, and its municipality is adamant to preserve the orderly and picturesque setting of the town to attract more buyers and expand its wealthy tax base. As such, declarations granted in Shemlan comply with article 2 of the Building Code, i.e. for building fences, and water ponds

¹⁸ Data is collected for different time periods because of the different times periods at which the automation of municipal records was implemented in the three municipalities. In Bayssour the system was implemented in 2005, in Kayfoun in 2007 and as of 2002, the system was not implemented in Shemlan yet but the small number of transactions made it easy to retrieve the data in hard copy.

and minor restoration works to the facades or roof as indicated during an interview with a municipal employee in Shemlan¹⁹. In Kayfoun, a limited number of declarations were granted since 2007²⁰, too small of a number to account for an increase in the town's overall density as in Bayssour. And because the Shiites in Kayfoun are the expanding body, the demographic trend is not at play. Rather the municipality reverts to building declarations to resolve construction issues in the town's old core (as a quick look at location of declarations granted shows).

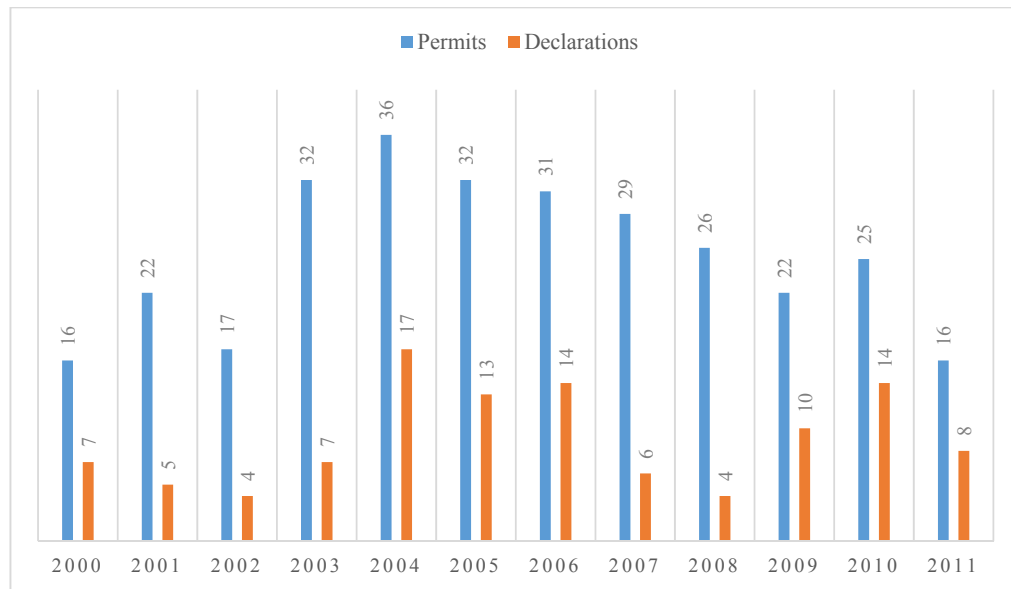


Figure 16: Permits vs. Declarations in Shemlan (reconstructed by author from municipal documents, 2012)

¹⁹ July 2012

²⁰ This was the information that one of the municipal officials in Kayfoun conveyed to me. It may be that my interlocutors in Kayfoun withheld certain information about building violations, since clearly I did not establish the same level of trust as in Bayssour or Shemlan. My assumed sectarian identity as Druze may have also been perceived as arousing suspicion, if not outright threatening, which explains why people may not necessarily be candid with me, interview in Kayfoun in June 2012

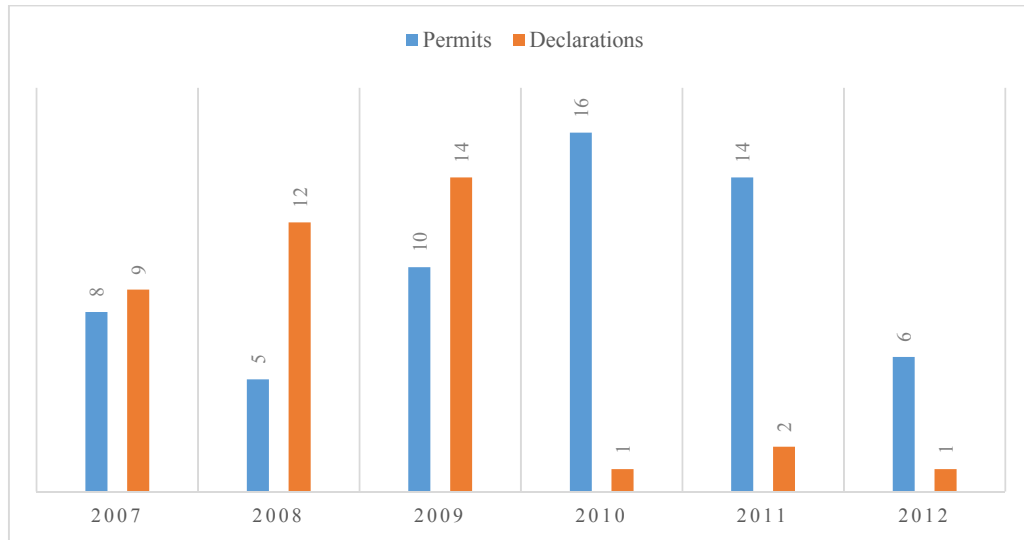


Figure 17: Permits vs. Declarations in Kayfoun (reconstructed by author from municipal documents, 2012)

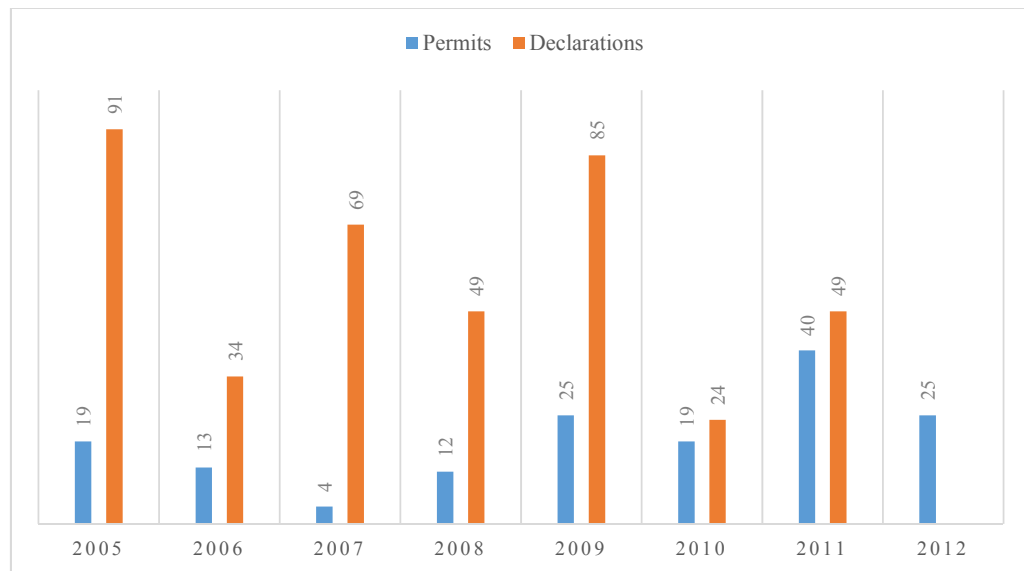


Figure 18: Permits vs. Declarations in Bayssour (reconstructed by author from municipal documents, 2012)

D. Controlling Sales to Desacralize Land Markets: The Balamand University

Beyond the role of municipality officials in granting building declarations to “populate the territory” (Yiftachel, 2003) in the face of Shiite expansion from neighboring Kayfoun, I show how Waleed Jumblatt has assumed the role of a “place entrepreneur” intervening in a major land sale to preserve “the mountain’s identity” (*hawiyat al jabal*). In the rest of this section, I discuss what constitutes this identity and how can interventions in land markets preserve it. I refer to Jumblatt as a “place entrepreneur” borrowing the term from Logan and Molotch (2007), who define “place entrepreneurs” as “people directly involved in the exchange of places and collection of rents,[and] have the job of trapping human activity at the sites of their pecuniary interests” (2007, 29). The authors define two types of place entrepreneurs: “active entrepreneurs” and “structural speculators”; “active entrepreneurs” “need skill, not in the production of a good or service, but in the estimation of the geographical movement of the others” (2007, 30), and “structural speculators” “speculate on their ability to change the relationships of a given place to other places- that is, they seek... to alter the conditions to structure the market” (ibid). These nuances are indeed useful to understand how the significance of the land deal which enabled the construction of a branch of Balamand University in Souk Al Ghareb.

As in the previous chapter about Bayssour’s master plan, I am necessarily interested in unbundling the logics which underpin and facilitate the actions of Jumblatt, and to situate them within a broader spectrum of more or less formal planning practices which seek to maximize individual economic interests vested in land and real estate while, in parallel, preserving communal religious stakes too. In documenting Waleed Jumblatt’s private initiative to alter the demand for land at the edge of Kayfoun, I show

how private initiatives and public planning practices coalesce to territorialize sectarian enclaves.

1. The Historical Significance of a Piece of Land

In *Falling From Earth*, a film directed by Shadi Zeneddine (2007) starring Lebanese actors Carmen Lebbos as Lamia and Rafik Ali Ahmad as Youssef, a key location where the plot unfolds is the war torn dilapidated structure of what once was the School of Souk Al Ghareb. In the movie which recalls the painful Lebanese civil war and its traumatic effects, Youssef dwells in the ruins of an old building said to be located in Beirut. The short description of the movie states

“Youssef has decided to live in the ruins of a building in Beirut. He collects photos of happy people which he sticks on the walls of his room. However, behind each of these images are the sounds of millions of implosions of a city murdered over time, memories and lives torn apart. Many of these photos are the only things left by the inhabitants who fled during the war. Three stories, linked by this crumbling building: the stories of Lamia, Jad and Naya. Beirut is a city where people roam, to and fro, over again. »²¹

The building where the movie was shot is actually the School of Souk Al Ghareb located at the edge of Kayfoun but within the municipal boundary of Souk Al Ghareb. This land lot is one of Kayfoun’s three pockets of expansion which are: (i) towards Shemlan, an extension which is almost entirely urbanized, (ii) towards Baysour where it is quite difficult to expand because land sales are politically mediated by the PSP controlled municipality, and (iii) towards Souk Al Ghareb where Shiites

²¹ Film description retrieved from <http://www.africultures.com/php/index.php?nav=film&no=5730> accessed on December 20, 2013

have been increasingly buying more and more land extending up from neighboring Qmatieh²².

The building of the School of Souk Al Ghareb was raised to the ground in 2010 to make space for a new structure: a branch of the Balamand University. That this building was chosen by film director Zeneddine as an epitome of war torn Beirut is no surprise since this structure and the piece of land where it stood are landmarks of the Lebanese civil war. At the cornerstone laying ceremony of the Balamand University in July 2010, Waleed Jumblatt chronicled the historical significance of this piece of land in his inaugural speech. Below, I provide a translation of excerpts of his speech which appeared in an article in Annahar July 24, 2010.

“It was brought up to my attention, two years ago, that there was a piece of land for sale in Souk Al Ghareb, I responded that I am not a real estate broker, but when I knew the piece of land was that of the school of Souk Al Ghareb, I recalled many memories, memories of professors Nadeem Makarem, Jean Akel and Wadih Akel, so I said why not? And in this space, this square witnessed a number of confrontational projects, it was a school, then it was turned into a square for fighting against huge political projects, on the other end were our rocket launchers and the those of the Syrian Arab Army, and on the other end the “New Jersey”, it was the space of struggle between the Soviet Union and the NATO and we were the tools. This is the truth, and I wondered about the most appropriate path of resurrection for this square, the square of war and misery which destroyed Souk Al Ghareb and its surrounding Bayssour, Kayfoun, Ain Al Saydeh and Aley. The best option was a university. But what university can unite the Sufism and wisdom of the people of the mountain and the Sufism of bishop Khodr, and the wisdom of bishop Awdeh and the eloquence of Imam Ali, but the Balamand University headed by patriarch Hazeem the Fourth. Here is the Balamand which came to us to build this mountain again with its wisdom, eloquence, Sufism and knowledge, to pull this area out of the ugly remnants of the civil war.”

²² Interview with real estate broker from Souk Al Ghareb July 2011

Jumblatt was part of the history he described above, but the reasons for buying this piece of land and donating it to Balamand University is not as fortuitous as he describes in his inaugural speech.

2. The Genesis of the Balamand Project in Souk Al Ghareb

As recounted in a long discussion with Dr. Kameel Nassar²³, president of the municipality of Souk Al Ghareb, it took concerted organizational efforts to bring this project to fruition. Indeed, just like the numerous articles which appeared in Lebanese newspapers about the Balamand University - Souk Al Ghareb mentioned, the project is one initiative in a long, slow and painful path towards post war reconstruction and recovery. Dr. Nassar recounts, after the civil war, Souk Al Ghareb had lost most of its residents. Almost all of them moved to Beirut, acquired property, put their kids in schools, and settled in the city. In the early 1990's each of the displaced villages (*koura al tahjeer*) had a committee for the return of the displaced. This committee reckoned that three essential criteria should be satisfied if displaced dwellers of Souk Al Ghareb were to ever think about returning: a church, a hospital and a school. The church was restored with a generous donation from MP Jumblatt in the late nineties. With the help of archbishopric of Beirut, and with the lobbying of Dr. Nassar and other influential natives of Souk Al Ghareb, a state of the art clinic was inaugurated in 2005. The one condition still missing was a school. When Dr. Nassar knew about that the owner of the Souk Al Ghareb school lot was approached to sell the plot, he contacted his cousin, wealthy expatriate businessman Anis Nassar, proposing that they buy the lot to reopen a great institution which was shut down in 1982 because of the civil war, the famous School of Souk Al Ghareb. Together, Anis and Kameel Nassar then took their demand

²³ Interview in July 2012

to MP Akram Chehayeb from Aley who in turn approached Waleed Jumblatt about the project. It so happens that Jumblatt and Anis Nassar were classmates at the American University of Beirut, and with Anis Nassar serving on the board of trustees of the Balamand University and Kameel Nasser the dean of its school of medicine, the project morphed from one of reviving a school to a branch of the Balamand University in the region. Perhaps the only fortuitous event here was that the Balamand University was already looking to expand beyond its main campus in Koura, North Lebanon, and had announced the opening of a branch in Akkar in an explicit attempt to locate quality higher education institutions in marginal underserved areas. That they could have access to free land to locate one of their branches in Souk Al Ghareb, home to one of the largest Greek-Orthodox communities in the Chouf and Aley area, meshed very nicely with their expansion plans. And a deal was sealed between Elie Salem, president of the Balamand University, Waleed Jumblatt who donated the land, and Amin Nassar who would finance the construction of the Branch, with the blessings of Patriarch Hazeem the Fourth. Construction was planned for the beginning of 2014.

One question I repeatedly asked my interlocutors in Bayssour, Souk Al Ghareb, Kayfoun and Shemlan was why now? Souk Al Ghareb's residents had been displaced for years, the area has been economically stagnant for years, vociferous demands were made for quality health and education institutions since the end of the civil war, so why now, why twenty years after the end the civil war? I did not need to press hard to hear the response that some wealthy Shiites were looking to buy the piece of land. After all, it is a huge lot at the edge of Kayfoun estimations of its size vary from 83,000 to 90,000 square meters. And the anecdotes varied as to what for, what could a Shiite owner want to do with such a huge land lot? One anecdote which was repeated at

least three times is that the buyer was Al Mabarrat Charity Association. The reasons varied between opening a branch of the charity in the area, and using the land as a cemetery for the Shiite community. The real reason or the identity of the buyer are not important here. But what is important to note is that rumors were circulating about an interested Shiite buyer. And it is as if this offer for buying this land at the boundary between Kayfoun and Souk Al Ghareb was the alarm bell signaling the weight of the Shiite presence in the area.

That the owner of such a large land lot was approached by a Shiite buyer was signaled that the Shiite community at large no longer felt the need to go through brokers to dissimulate the buyer's real identity as mentioned in a discussion with a real estate broker in Souk Al Ghareb. This particular broker, a veteran among brokers in the area and a native of Souk Al Ghareb, summed up the dynamics of Shiites buying land saying "Jacob had ulterior motives"²⁴ (*li ghayatin fee nafs yaacoub*). He explained that brokers knew members of the Shiite community were buying land in the area, but it was done incrementally and discreetly, for small lots of land. Even an architect who was helping the municipality amend and review the locality's master plan said that preserving Souk Al Ghareb for its dwellers was important, and that the sale of land to non-Christians was a threat²⁵. Indeed, the talk about a Shiite threat is inscribed in a larger wave of fears throughout Lebanon from Shiite buyers purchasing land, and expanding their presence, waves of fear that print media outlets constantly fueled. In Annahar newspaper alone, countless articles published before May 2008 highlighted the salience of this threat over and over again. As an example, an article published in Annahar on May 04, 2007 reports Waleed's Jumblatt's anxiety about land sales which in his view seek to "link the

²⁴ Interview with real estate broker from Souk Al Gharb in August 2012

²⁵ Interview with volunteering planner with Souk Al Ghareb municipality in August 2012

Shiite areas in South Lebanon and Nabatieh to areas in West Bekaa through Hasbayah, and by buying land in the mountain area (*al jurd*) and Sidon to link coastal [Shiite] zones to the southern suburb to East Bekaa via the southern suburb (*al Dahiye*), Qmatieh- Kayfoun- Souk Al Ghareb route”. The articles continued to be published after 2008 where Choueifat became “the archetype” of a shifting “demographic balance” with “Sahra Choueifat... sold in its entirety to members of the Shiite community” (Annahar 2011). And this was not just talk media talk, as Bou Akar (2005 and 2012) has extensively documented the changes affecting Sahra Choueifat’s land and housing markets since 2004. The talk of real estate sale was so dystopian it was even compared to “Israeli settlements in Palestine” (ibid). Thus, media talk, rumors and constant declarations by political leaders such as Jumblatt helped solidify the construction of a common threat coming from Kayfoun and Qmatieh, a threat to the Christians and the Druze of the area.

3. Effects of Universities on Adjacent Land Markets

Like Bayssour’s Radar hill then, the Balamand University land lot is also a “frontier”. But in contrast to the Radar hill, this was a story of hope imbued with enthusiasm about the developmental reawakening (*nahda tanmawiya*)²⁶ this project will bring to the entire. The Balamand University of Souk Al Ghareb, which opens its doors this September 2014 for the first batch of students was perceived by all my interlocutors as a beacon of hope. In our discussion Kameel Nassar acknowledged “Souk Al Ghareb’s location is strategic and unique, everyone wants to run and conquer it, and because of this location, it is destined to open up to its neighbors and live with them in

²⁶ Interview with Kamel Nassar, June 2012

harmony”²⁷. But beyond the hope of a common peaceful future for all the dwellers of the area, or the despair about the grim prospects of peace, the potential branch of the Balamand University on those 90,000 square meters of land changed land market dynamics.

This change in land markets dynamics at the edge of Kayfoun is a result of the spatial entrepreneurship of Waleed Jumblatt, in what seems to be a direct illustration of “ability to change the relationships of a given place to other places- that is...to alter the conditions to structure the market” (Logan and Molotch 2007, 30). By inviting a branch of the Balamand University to the area, he increased land rents, and opened up land markets to the highest bidder regardless of their sectarian affiliation. While before the Balamand project, the highest bidders were Shiite buyers because of the strategic use value they ascribed to this piece of land. Today, the land market surrounding this plot is open to whoever perceives the opportunity of developing small businesses which may service the university and its population, including Shiite buyers. But the difference is that it is no longer only Shiites who want to maintain their stronghold in Kayfoun and expand in the area who are interested in land. They now have to compete with the many other buyers who perceive commercial opportunity in investing in lands in the vicinity of Balamand University. In other words, the prospective presence of the Balamand University released a previously enclaved land market. I heard this reasoning throughout my discussions, especially from brokers in the area.

Indeed, there is reason to believe that the Balamand University will change the dynamics of the land market in the area. The university will become the nucleus of a large neighborhood at the edge of Kayfoun and Souk Al Ghareb, and its density will

²⁷ *ibid*

increase over time. Attracting a new population of students, faculty and staff, the university will become a weighing entity in the area's urban dynamics, and will likely disrupt the logic of territorialized sectarianism. But, unless the university is integrated in both the Kayfoun and Souk Al Ghareb master plans, its effects on the built environment will include uncontrolled sprawl in underserviced areas and subsequent environmental degradation. As of today, the university is integrated in the Souk Al Ghareb master plan which was in the making in 2012, but not in the Kayfoun master plan. In all cases, it seems inefficient to insist on separate master plans for the two adjacent localities which will share the infrastructure burden of a higher education institution of the size of the Balamand University at their borders.

CHAPTER V

CONCLUSION AND POLICY RECOMMENDATIONS

A. Main Findings

First, the findings of this thesis corroborate earlier work by urban scholars about the ways in which planning is used as a tool of territorial management in the name of contending goals: maximizing individual economic interests in land, and protecting the communal religious homogeneity of territories in a context of tensed sectarian struggles. In seeking to advance these two goals, the particular practice of land use planning falls prey to the subversive practices of planners who together with the municipality of Baysour worked to revise the master plan of the locality. This archaic form of land use planning which has not been revised since the 1960's is rooted in an old and poorly staffed public planning apparatus, the center of which is the Directorate General of Urbanism, which has to negotiate its own narrowly construed visions and perceptions of what is politically acceptable, what is environmentally desirable, and what are not. As a result, even competent planners such as the one subcontracted to design the Shemlan master plan could not advance a viable proposal which would not be blocked by municipalities who submit to pressures from land owners seeking to protect their vested interests in land and real estate, and their communal stakes in maintaining the religious homogeneity of their territories. Although I have not emphasized it throughout the chapters, it is important to point out that this is not dynamic which pits one group against the other (DGU planners vs. municipalities and their volunteer planners, or municipalities vs. landowners). Instead, a number of actor wear different hats, and can push for different (and sometimes opposing) goals at

different historical moments. In other words, these relationships are fluid and constantly changing according to context.

Second, the findings of this thesis show that throughout the planning process, the emerging discourse on environmentalism is recaptured and used to alternative ends. From the inception of the master plan and throughout its various revisions, concerns about environmental preservation were dictated by the mountainous geography of the localities. But together, planners and municipal employees activated a discourse about environmentalism and the beauty of the mountain with a distinctive Druze flavor inspired by the environmental activism of Waleed Jumblatt. This rhetoric about protecting the Radar hill, “the lungs of Bayssour” created the space of legitimacy necessary for the municipality to request that the zoning of the Radar hill be changed to “environmental tourism”, a land use which did not exist in Shemlan’s or Bayssour’s master plan prior to this request. Environmental protection in this case was aggressively pursued as one of the objective of the master plan, whereas in submitting to pressures of land owners, the municipality often ignored this environmental dimension of planning. This change to the zoning of the Radar hill is mediated by the multiple significances accorded to it the hill the minds and lives of the Bayassra. Not only was the hill one of the most strategic points of a war front which witnessed one of the most bloody massacres of the Lebanese civil war in 1982-1983, the hill had the potential to be militarized at any point, as was the case during the May 2008 events. In addition, the largest landowner of the hill as a non-Bayssouri, a fact which troubled many planners and municipal officials. In creating this new land use category of “environmental tourism” the municipality sought to advance a zoning scheme which would preserve real estate values of land (as compared to a non-aedificandi zoning which the

municipality can't enact) but make it more difficult for this land owner to sell lands on the Radar hill.

Third, the findings of this thesis support the claim that a proper understanding of how planning works needs to weave the informal practices of government with the formal ones. This provides us with a better understanding of how planning operates through the imbrications of the formal/informal, and how these provide the flexibility for some practices of government that are not feasible by the law. The practices of municipal officials extend beyond land use planning decisions to a broader set of more or less formal practices and coalesce with the private initiatives of powerful political leaders to sustain the dual individual and communal interests in land. Making use of a legal ambiguity in article 2 of the Building Code 646/2004 regarding the type of construction activities exonerated from a building permit under the purview of appropriate technical offices, local governments have been engaged in a political struggle with central planning institutions and enforcement agencies over the right of municipalities to control and regulate construction activity within their jurisdictions. The most severe manifestation of this political struggle materialized in the crackdown by ISF on illegal building violations in 2011. Compared to powerful unions of municipalities whose voice was heard throughout this struggle, the municipality of Bayssour and its neighbors had little say in how this debate unfolded but adopted more subtle ways to help people proceed with construction activity again with the dual aim of protecting individual economic interests in real estate as well as communal interests. Threatened by what was perceived as a "Shiite demographic invasion" from neighboring Kayfoun, the municipality of Bayssour granted more than twice as much building declarations (276) than building permits (125) from 2007 to 2012 as compared

to 39 declarations and 59 permits in Kayfoun, and 42 declarations vs. 118 permits in Shemlan. Discussions with three different consecutive mayors of Bayssour confirm that the period from 2007 to 2012 saw a jump in building declarations compared to previous and subsequent years. These declarations for building red tile pitched roofs, and later on for renovation and restauration works not only granted in a logic of “populating the territory”, but also to allow people continuous investment in their in their land and real estate despite previously accumulated illegalities and the difficulty of proving freehold ownership in a relatively old locality. Acting to counter the same threats which he helped propagate, MP Jumblatt brokered the sale of a land lot at the edge of Kayfoun to Balamand University. Recalling the war-ridden past of the area and the historical significance of this piece of land, Jumblatt explained the new branch of Balamand University will elevate the mountain (el jabal) to the Sufism of knowledge and communal living, away from the painful scars of a horrific civil war. Thus, in his capacity as a space entrepreneur Jumblatt locked the land use of this particular lot into a higher education institution, thus halting the expansion of neighboring Kayfoun towards Souk El Ghareb, and breaking the potential physical connections between lands extending from Qmatieh to Souk Al Ghareb and Kayfoun which he feared will become all Shiite owned. The Balamand University branch of Souk Al Ghareb was enthusiastically hailed by many as a development project much needed in an area still suffering from the repercussions of the civil war. Opening its doors for a first batch of students in September 2014, the university has already “opened” land markets in its vicinity, markets which had thus far appealed only to the interest of mostly Shiite buyers. It is expected that the university will become the nucleus of an expanding

neighborhood attracting investors interested in commercial activities servicing the university, thus breaking the religious homogeneity of land ownership around it.

B. Policy Recommendations

Two interlinked policy implications emanate from this work: making participatory planning work and harmonizing the various laws related to the built environment in view of avoiding the costly retrofitting of urban expansion in rapidly urbanizing semi-rural settings. In discussing these two policy recommendations, I reflect on the role of municipalities in urban policies so that municipalities don't remain local territories where national policies merely unfold. More specifically, I reflect on the prospect of decentralizing some urban planning functions such as granting construction permits and devising master plans.

1. Making Participatory Planning Work

In the absence of exogenous factors such as natural disasters and/or wars, durable structures built today are likely to last for the next 50 years at least. Although this observation is very obvious and perhaps simplistic, its implications for urban management are tremendous. It entails that structures built in un-serviced areas of Bayssour cannot be demolished, but will rather have to be retrofitted at very high costs. As such local and national governments must find incentives to direct urban expansion in the most rational and cost-effective way. Constantly providing services after a tract of land has been urbanized is a costly and lengthy process.

For instance, municipalities can ignore increasing densities in the form of additional stories to existing buildings until the sewage, water and electricity networks servicing these neighborhoods can no longer take on extra densities. At that point,

municipalities have to physically expand infrastructure, which would usually imply exorbitant costs and the need to resort to expropriations. Along the same lines, municipalities may choose to ignore construction in areas zoned agricultural. But built structures bring in more built structures and density attracts more densities. The phenomena can be ignored until the narrow dirt road reaching these houses has to be expanded, asphalted surrounded with supporting walls, and public lighting installed and connections to the drainage and potable water networks extended. When residents start lobbying for these services, the cost of their provision would have already become too expensive for already poor local governments who are unable to fund service provision out of their own budgets and have to instead wait for central agencies to allocate funds and award projects responding to their needs. Even the small fraction of these services they are mandated to provide such as the construction and maintenance of local roads may become burdensome.

But can municipalities be expected to rationally control urban expansion within their territories if the planning exercise remains centralized for the majority of municipalities? With the exception of large municipalities such as Beirut, Jounieh, Saida and Tripoli and perhaps a couple of equipped unions, municipalities in Lebanon don't have the technical skills, resources, or political clout to impact planning in any meaningful way. In addition, master planning is an exercise which straddles two levels of governance the local and the national, with no mediating level in between such as the region/casa or governorate. And the territorial organization of the country is physically bifurcated in an enormous number of municipalities relative to the small size of the country, while the administrative, political and financial backbone of this physical territorial organization remains at the central level. The result is that two levels of

government, the DGU and HCU on the one hand and local governments on the other, with very different resource bases are interacting in a highly skewed relationship, allegedly working towards the common goal of managing local urban development. However, although not documented in this thesis, it seems these dynamics are currently changing. Over the past few years, and in response to the several crisis (for example the July 2006 war on Lebanon, the Syrian refugee crisis) a number of UN-agencies have worked towards mainstreaming RTO (regional technical offices) in Municipal Unions, as more and more groups of municipalities are encouraged to form such unions in their neighborhood, “UN agencies such as UNHCR, International Organization for Migration (IOM) and UN-Habitat and international NGOs such as Norwegian Refugee Council (NRC) and the Danish Refugee Council (DRC), consider UoMs and municipalities to be among the most appropriate local partners in the emergency response” (Boustani, 2014, 3). It is expected that these RTOs, in their attempts to support municipalities developing strategic spatial visions will (and probably already have) influenced how planning happens.

Taking this changes into account, but remaining mindful that a meaningful decentralization of the planning exercise will not happen in a vacuum but will rather be inscribed in the much longer time frame for financial, political and administrative decentralization in Lebanon, can local participation in the planning exercise help strengthen its objective of managing urban sprawl and protecting natural resources? The findings of this thesis show that “participation” already happens in master planning in Lebanon, but it happens behind closed doors where only a select few because of their access preferential access either to the municipality or the DGU able to participate. Perhaps the best example is the small group of volunteer planners mobilized by the

municipality of Baysour to revise the master plan of the locality. While it is an exception, or rather a fortuitous coincidence that Ghazi Al Aridi was minister of public works while the Shemlan master plan was being designed and revised, so that we may treat the changes he made to the Baysour master plan as exceptional also, it is less exceptional that local architects helping the municipality review and revise its master plan own land in the locality, and lobby to change the zoning ordinance so that they can better exploit their land.

But making the participation process more transparent may help enlarge the objective of the planning exercise from the pursuit of narrow individual interests and dark communal ones to broader collective concerns. A study prepared in 2009 by Sebastien Lamy jointly for MAJAL Academic Urban Observatory and the Lebanese Transparency Association discusses participatory democracy in urbanism¹, and proposes avenues for making participatory planning in Lebanon more effective.

Before reflecting specifically on the Lebanese case, the report defines several levels of participation from “information” to “consultation”, “involvement/empowerment” and “cooperation”. Information entails the disclosure of information specific to the planning project at hand either by disseminating it or at least by facilitating access to it by concerned and interested citizens. Rather than a “participatory” step per se, access to information is a pre-condition to all subsequent levels of participation. Consultation entails asking for the opinions and feedback of the interested and concerned population, but is under no obligation to take this feedback into account. Consultation may take various forms including referenda, public meetings, and may happen before a certain planning project starts or at any later stage of the

¹ The original title of the report is « *Rapport de recherche sur la démocratie participative en urbanisme* »

process where feedback is deemed needed. The quality of this consultation exercise typically depends on the relative ease of access to all relevant information prior to the exercise. Involvement/empowerment entails engaging in a discussion with citizens in view of associating them to the decision making process. The French term “concertation” may better capture the aspect of involvement which seeks to reconcile diverging interests and points of view among participants. But in practice, the application of this type of participation is difficult in the context of large planning project because the multiplicity of participants and interests and as such the difficulty of adjudicating among these differing opinions. This type of participation may be more effective for smaller scale projects, such as neighborhood level ones. Finally, cooperation associates citizens directly to the decision making process, and akin to quasi-direct democracy. It entails either coproduction or co-decision. Coproduction is the joint design, along with experts, of the project at hand including the proposal of various scenarios and options, and co-decision is when people in positions of power delegate part of their authority in making decision to citizens and accept the binding recommendations of the latter.

Given the particular Lebanese context, and the findings of this thesis more specifically, it is difficult to imagine how direct participation by citizens in the form of involvement or cooperation is possible. But even more basic levels of participation are absent. Indeed, Lebanon’s Urbanism Law 69/83 September 9 1983 does not include any reference to “participation”, not even “access to information”. With the exception of the “consultative role” of the municipality (article 11) no other consultation mechanism is required when devising detailed land use plans, not even the organization of dissemination campaigns about the project. As such, only elected local representatives

are associated to the planning exercise, but not the concerned citizens at large. Despite these legal stipulations, the report indicates that various planning exercises in Lebanon de facto included a partial processes of informal participation. Examples include certain land pooling operations (*remembrement foncier*) projects in Saida (1985-1992), and Tripoli (decree signed in 2005 but later blocked), participation in the Elyssar and SOLIDERE projects with many different shortcomings and drawbacks. A review of these various experiences allows the authors to conclude that the absence of participation results in many negative outcomes including: (i) the impossibility of advancing environmentally sustainable planning practices because citizens most concerned by the effects of these projects are not associated to the process, (ii) excessively lengthy and repetitive technocratic procedures of revision which steer the planning exercise away from the general interest, (iii) projects which are not accepted by the concerned populations and induce further mistrust in public authorities because the projects are seen as advancing specific individual or communal interests, (iv) inefficient urban policies which weaken further statutory and operational planning documents, and finally (v) elaborated but non-approved plans which eventually lead to further blockages sometimes escalating to tensions and protests.

2. Harmonizing Laws Related to the Built Environment

But if participation is not included at the level of the Urbanism Law, the newer Environment Law, elaborated in 1992 in its article 4 states that “each physical or moral entity, public or private, should guard the protection of the environment, participate in protecting it and deter any actions which pose a threat to it”. Furthermore, article 18 proposes several avenues for “the participation of citizens in the management and protection of the environment”. The report further adds that because master plans have

an explicit environmental component (which is even more the case for semi-rural settings such as the ones discussed in this thesis), these article of the Environment Law can be extended to urbanism laws, specifically via the Environmental Impact Evaluations which are required of large planning projects. And there have been attempts at establishing these links. Indeed, the report indicates that the Lebanese administration has already piloted in 2003 a process of Strategic Environmental Study to accompany the elaboration of the master plan for the locality of Tannourine. With European funding, the project aimed, among other things, to reinforce the capacity of the DGU to manage projects with explicit participation and environmental sustainability dimensions. The municipal council and various NGOs were associated to the planning exercise since the beginning. Five sessions were organized where participants along with experts defined various environmental indicators and objectives. Disagreements erupted among participants when FARs were discussed, especially that elected representatives were in favor of higher FARs and experts lobbied for their decrease. A compromise, the nature of which is not identified in the report, was eventually reached but NGO members were not invited to the last consultation meetings and the plan was never approved by decree of the council of ministers.

Despite its obvious drawbacks, this experience shows that not only do we have the potential legal window of opportunity to make participation part of planning practice, but that given the opportunity to be associated to such an exercise, it is possible for municipalities to enter into discussions with broader groups from civil society and the central administration to put forward their visions and perspectives. At least, the existence of a common platform where all these parties can be brought together to meet and talk is already a positive aspect. Furthermore, demanding that

citizens access information related to the master plan including at the stages of identifying the urban issues at hand and proposing scenarios for action would at least open up the opportunity for citizens to be associated with the planning exercise. Even if powerful landowners would still push for the protection of their economic stakes in land, their lobbying efforts would at least be situated on a spectrum of issues and demands from others across the locality, and they may have to face public naming and shaming if their demands are perceived as excessive or perhaps unfair. In proposing these changes, I am reflecting on the case of Baysour without pretending that such solutions are perfect, or that they will rationalize the winding path of planning exercise. But my observations during fieldwork, as well as the multiple interviews I conducted do indicate that breaking the secrecy around who can influence the planning exercise and how they are doing it may go a long way.

Finally, if there is an opportunity to use this window presented by the Environment Law, more work is needed to harmonize the various legal frameworks which touch upon issues concerning the built environment but are currently unrelated. The Environment and Urbanism Law are one example, and another one is that the Building Code and the Municipalities Law. Determining for example how municipalities unequipped with technical planning offices can still exert some control over construction activity within their territory without having to revert to lacunas within such and such law is another way of thinking about harmonizing these laws, the objective being to prevent a situation where what is considered “legal” under one of these laws actually results in violations according to another. The repercussions of these actions have to also take into account an enlarged role for Lebanese municipalities in urban policies, regardless of how this role will eventually materialize.

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