

Public Spaces and Public Platforms

For a new understanding of the role of Lebanese municipalities regarding public spaces

Executive summary

Lebanon's cities have undergone a reckless process of urbanization in the last decades, which happened at the expense of their public green spaces, as well as public urban ones solely dedicated to pedestrians. In larger Beirut for instance, the proportion of public spaces has been rapidly dwindling, mainly because of the booming real estate and the absence of public regulations. As a consequence, green areas in Beirut have been confined into vacant, abandoned lots.

The need for public spaces in Lebanese cities is therefore urgent: recreational public spaces, public green spaces, sites of cultural and historic value, and most importantly, arenas enabling civic encounters and dialogue.

The stance of this paper is that **the protection of existing public spaces as well as the creation of new ones will pave the way for a new civic identity.** But it requires a **civic knowledge of the existing laws on the public space.** **Focusing mainly on municipalities given their capacity to respond to citizens' needs and demands,** the paper exposes **advocacy options for citizens and CSOs** by developing at length the **wide prerogatives of the mayor and the municipal council in terms of urban planning, environment protection, public cleanliness, road traffic and public transportation, heritage preservation, and safeguarding the waterfront as well as public properties** (*section I*).

However, unwinding the legal means granted to local leaders is not enough to **restore and revitalize the role of Lebanese municipalities with respect to public spaces.** The paper advocates for an increased civic participation in municipal affairs and **proposes a series of participatory mechanisms aiming at the gradual transformation of the municipality into a public platform** (*section II*). The proposed roadmap elaborates and sets forth the following actions:

- Raise the awareness of citizens concerning their rights and duties in the municipality;
- Press for law amendments to improve municipal transparency and information sharing;
- Press for law amendments to improve civic participation in municipal affairs;
- Press for a series of advocacy options to impact municipal policies regarding public spaces.

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Introduction

Laying out the problem

According to a survey conducted by the World Bank in 2010, 87% of the Lebanese live in cities. The urbanized area in Lebanon increased from 260 sqkm in 1960 to 649 sqkm in 1998, a number that is estimated to reach 884 sqkm in 2030. A study conducted by the Council for Development and Reconstruction (CDR) shows that more than half of the population live in the capital Beirut, the density of which is expected to rise from 406 to 453 inhabitants per sqkm. Beirut is one of the most densely populated cities with an overly complex and massive road network (approximately 25% of the city's mass, with a ratio of 1.11 km/sqkm), which is among the highest in the region.

At the national level, the percentage of forest areas has dramatically dropped, from 35% in the 1930s to 13.4% today. Non-forest green areas (vegetation and trees) cover 11.1% of the land's area. The proportion of green areas in public spaces in Beirut is around 11%, which is very low. These public spaces are divided into two major categories: managed landscapes covered by man-made plantation, and abandoned landscapes consisting of vacant lots and natural vegetation. These public spaces have long remained neglected but have been suffering the consequences of the ever inflating real estate bubble since 2009.

Beirut has also one of the lowest public green space ratio in the world (0.8 sqm per inhabitant), which is below the international health standard. Indeed, the World Health Organization (WHO) defines that a healthy city should include at least 10 sqm of public green spaces per inhabitant, and 40 sqm of private green spaces per inhabitant. Beirut's largest public green space (the Pine Forest or "Horsh al-Sanawbar") is closed to Lebanese citizens, except for those who hold a special permit. "Horsh Beirut" (as it is commonly called), a forest of 1,250,000 sqm in the late 17th century, shrank to 800,000 sqm in 1967 (approximately 5% of the area of *intra-muros* Beirut), to reach 255,000 sqm today. The Jesuits' Garden in Ashrafieh has known a similar fate: the park has gradually decreased in size since its cession by the Jesuit congregation to the municipality of Beirut and to private buyers in the 1950s. It constitutes today 1/8th of its initial area (3,682 sqm/30,000 sqm). In 2012-2013, the municipal council of Beirut *covertly* selected the park for demolition in order to build an underground car park, which is said to recreate an artificial replica, triggering popular uproar and a series of civic mobilizations in June 2013.

In sum, green areas in Beirut are confined into vacant, abandoned lots as the capital has become a dense city with an inflated vehicular network (“car dedicated city”) that is highly hostile to pedestrians, especially Beirut’s Central District (BCD). Its dwindling public green spaces rank it among the unhealthiest cities to live in according to WHO standards.

Concerning Beirut’s waterfront, a few coastal enclaves remain freely open to the public, such as Ramlet el-Bayda’s public sand beach (managed theoretically by the municipality of Beirut, but in fact by a local NGO), the remaining seaside having been privatized or semi-privatized.

This bleak portrayal of the situation also includes the destruction of historic and archaeological sites, such as Beirut’s Phoenician’s port in June 2012, the demolition of Villa Medawar in January 2013, and more valuable architectural buildings.

The situation depicted above was centered on Beirut due to the availability of facts and figures, and to the prevalence of the mentioned events in recent news. Similar trends are observed elsewhere in Lebanon, leading us to the same conclusion.

Sects and the city: the public space as site for inclusion and democracy

A distinction must first be drawn between two types of public spaces: natural public spaces and urban public spaces. Natural public spaces generally include forests, green areas, and waterfront. An urban public space may be a gathering spot or part of a neighborhood, downtown, special district, or beaches. Examples also include spaces such as squares, parks, marketplaces or souks, public greens, piers, special areas within convention centers, sites within public buildings, concourses, etc.

In Lebanon, most urban public spaces have been invaded by sectarian struggles, ideological slogans and religious symbols. They have been privatized in the name of the motto “might makes right” as much as they have been disfigured by the politics of elimination of the Other.

The public space is neither an anti-religious space nor a non-religious space, nor is it neutral in the sense of indifference. It is, on the contrary, a space engaged in non-discrimination in which each citizens feels protected and reassured of the diversity of religious beliefs. From a social perspective, public spaces are open to all, regardless of sectarian affiliation, ages or gender, and as such they represent a democratic forum for citizens and society. When properly designed and cared for, they bring communities together, provide meeting places, and foster social ties. These spaces shape the cultural identity of an area, are part of its unique character and provide a sense of place for local communities. They possess four key elements that are crucial to democracy:

1. They are open and freely accessible to all users
2. They are inclusive and promote equality between their users

3. They safeguard the freedom of their users
4. They reflect local culture and history

The public space can therefore be conceived of as a site where democracy becomes possible, hence the crucial importance of public spaces to foster a harmonious encounter between the citizens, paving the way for a meaningful dialogue and a tangible national reconciliation. The protection of existing public spaces as well as the creation of new ones will pave the way for a rational and democratic management of religious diversity, for it is by the called-for culture of the public space that tolerance can emerge in this age of religious extremism and fanaticism.

However, for this culture of dialogue (national dialogue, dialogue between the religious sects) to prevail, for these secular places of conviviality to blossom, the citizens and the decision-makers must acknowledge the primacy of the legitimate Right and of the laws over all forms of political or religious hegemony, hence the importance of new policies in the domain of the public space.

Expanding public spaces and establishing public platforms

The need to public spaces in Lebanon is therefore urgent: need for local national and local public spaces of all kinds, need for recreational public spaces, need for public green spaces, need for healthier cities, need for sites of cultural and historic value, need for arenas enabling civic encounters and dialogue.

For this to be achieved, governmental and politically-enabled partners are a necessity. However, since 2005, Lebanon's public institutions have confronted overwhelming political crises that resulted in institutional paralysis at the central government level. At the local level, however, citizens have an opportunity to restore and improve what has been lost with the central government. Currently, there are more than 1,000 municipalities in Lebanon. They are governed by an elected municipal (decisional authority) council presided by an elected mayor (head of the executive authority). In the municipality of Beirut, the executive authority is headed by the *muhafez* (appointed by the Council of Ministers).

Simply put, the municipality is responsible for managing all local affairs within their jurisdiction. Given the wide array of prerogatives given to Lebanese municipalities, it is clear that the latter can become the main active partners of the citizens, especially if they are turned as *public platforms and tribunes* from which citizens and CSOs regularly express themselves.

Based upon this observation, the present paper aims to raise the awareness of CSOs and citizens regarding their rights and duties in the municipality regarding public spaces. It

proposes information and tools to be used in campaigns advocating for new public policies in this regard; policies that create opportunities to understand the city as urban space and as civic space (*polis*). They should aim at the following:

1. Preserving and protecting existing public spaces
2. Expanding and improving existing public spaces, and creating new ones
3. Establishing public platforms for advocacy by building partnerships with municipalities

Section I focuses specifically on public spaces and public space advocacy. It exposes at length the legal provisions regulating the role of Lebanese municipalities regarding public spaces. **Section II** focuses on policies that create a more enabling environment for civic participation. It exposes mechanisms and steps to be adopted and advocated for by citizens and CSOs.

I. The prerogatives of the Lebanese municipalities regarding public spaces

Article 47 of the Lebanese Municipal Act (Decree-Law No. 118 of June 30, 1977) stipulates that “each work of public character or interest, in the municipal area, falls within the scope of the Municipal Council’s competence”. Furthermore, the Municipal Council is entitled to express its recommendations, observations, and suggestions in *all domains* related to public needs within its area. The rules promulgated by the Municipal Council regarding the issues falling within its competence shall be compulsory within the municipal area (Art. 48), thereby granting the Lebanese municipalities a considerable room for maneuver. Simply put, Lebanese municipalities enjoy a large degree of freedom and may perform virtually any prerogative pertaining to public interest within their area.

Detailed below is the scope of work of the municipalities in the domains touching on public spaces.

Streets

All roads, streets, alleyways, etc. that are *exclusively inside the municipal area* are considered a municipal property and therefore fall under the authority of the municipality. Excluded from this consideration are international roads or roads linking two or several towns, which fall under the authority of the Ministry of Public Works or other central institutions, such as the Council for Development and Reconstruction.

Concerning the municipal streets, the municipal council, which represents the decisional authority within the municipality, is entitled to do the following:

1. **Creating new streets and sidewalks, and expanding existing ones.** According to §12 of Art. 49, the municipal council may “plan, improve, and expand the streets [...], and execute [road] designs related to the municipality as well as the Master Plan in cooperation with the Directorate General of Urban Planning (DGUP) with the observance of the provisions of the Expropriation Act [No. 58 of May 29, 1991], provided that the approval of both the DGUP and the competent municipality be bound to approve the project.

In case of contradiction between the municipality and the DGUP, the Council of Ministers shall definitely decide on the subject.”

2. **Conducting all kind of roadwork,** such as maintaining and preserving the streets, roads, sidewalks, walls, posts (cleaning, improving, painting, renovating, restoring,

embellishing – such as planting trees and flowers, etc.). The **mayor** should **personally** ensure that all streets and public spaces are duly lit (Art. 74, §20).

3. **Naming the streets** (Art. 49, §11), as well as public squares, and buildings. On the other hand, naming public streets, squares and buildings as well as setting up monuments and statues is subject to the authentication of the Minister of Interior and Municipalities, as stipulated in Art. 62, §3.

4. **Numbering the streets and buildings.**

Heritage

The municipal council can play a major role regarding the protection and safeguarding of cultural and historic heritage. Art. 49 of the Municipal Act and other legal provisions grant the council a considerable room for intervention, which may comprise the following:

1. Inventorying, mapping, and documenting the heritage inside the municipal area, in collaboration with the Ministry of Culture.
2. Protecting, improving, reviving, and embellishing the archaeological sites in coordination with the Ministry of Tourism and the Ministry of Culture and Higher Education.

To offset this financial burden and carry out this task successfully, the municipalities are entitled to collect entrance fees (Art. 67 of the Law on Municipal Fees and Surcharges No. 60 of August 12, 1988).

3. Take initiative to list historic sites as national or even world heritage.
4. Exempt the owners of historic buildings or houses from municipal fees in virtue of a decision taken by the municipal council, provided it formally recognizes them as sites displaying a touristic or historic value (based on Art. 67 of the abovementioned law), or grant them fiscal advantages in paying their municipal fees (Art. 108 of the said law).
5. Setting and enforcing urban planning specifications for residential agglomerations adjacent or close to archaeological or historic sites.
6. Preserving the “traditional character” of streets, neighborhoods, souks, etc.
7. Initiating and conducting awareness-raising campaigns and fundraising campaigns for the preservation of historic sites or buildings.
8. Preserving and restoring religious sites.

Moreover, according to the Municipal Act, the **mayor** is **personally** tasked with the protection of public monuments (Art. 74, §29), a provision that is also indirectly devolved upon the municipal council. Therefore, in order to prevent any interference of prerogatives

between the executive and the decisional authorities, it is advised that the mayor's decision be consolidated by another that is taken by the municipal council. The decision may also be directly taken in the council, preferably (but not necessarily) upon the suggestion of the concerned municipal committee.

Road traffic and public transportation

Art. 74 of the Municipal Act stipulates that the **mayor** is **personally** tasked with "organizing and facilitating traffic and circulation in the public streets, squares, and roads" (§20). This disposition might lead to an interference of competencies between the mayor (head of the executive authority) and the municipal council (decisional authority), as such a provision comprises limitless prerogatives, such as:

1. Regulating internal traffic
2. Setting the speed limit in the streets and in the neighborhoods
3. Organize trainings for the municipal police to regulate the traffic
4. Erecting traffic signs and general signage (no parking, no trespassing areas, etc.)
5. Creating parking lots (provided they are conform to urban planning regulations)

Moreover, the **mayor** is held **personally** responsible for "imposing the necessary measures regarding the cleaning, the comfort, the safety, and the security of public transportation means" (Art. 74, §25).

To avoid confusion, and for better municipal governance in general, it is much preferable that the above decisions be taken by the municipal council. The latter may also appoint a **specialized municipal committee for road traffic**, which would be in charge of all matters related to road traffic and public transportation. The committee could include citizens and CSOs devoted to traffic issues and driving awareness (see section II for further elaboration on municipal committees).

Concerning public transportation, the municipality enjoys a wide range of liberty. The **municipal council** is indeed entitled, within its area, to "establish or manage directly or indirectly, or contribute to, or help in [creating] local means of public transportation" (Art. 50, §5).

The **municipal council** may also "regulate transportation of all types, and determine its fees if necessary within the municipal area, with observances of the provisions of the laws in force" (Art. 49, §17). It should be noted that fixing the transportation rate for all types of vehicles and public vehicles within the municipal area in no longer subject to the validation of any authority of administrative control (Art. 59, §5).

Public cleanliness and aesthetics

The municipality is, in theory, fully in charge of public cleanliness within its area. However, contrary to the spirit of local governance and in spite of the Municipal Act, the Council of Ministers has bound a number of municipalities to hire Sukleen for this purpose. When not subject to this limitation, the municipality is considered responsible for collecting the garbage within its area. It may also hire a private company to this end.

The **mayor** is **personally** tasked with “ensuring public cleanliness and debris removal” (Art. 74, §20 of the Municipal Act). As for the municipal council, no special provisions are made explicit in the Municipal Act. However, the prerogatives of the council, listed in the said law, are not restrictive, as the text plainly indicates that the scope of work of the council is not limited to the ensuing competencies (Art. 49 of the Municipal Act, emphasis added). The legal room for interpretation grants therefore the municipal council considerable authority with regard to public cleanliness.

The role of the municipality in that regard is more satisfactorily legislated in the Decree No. 8735 of August 23, 1974 on “Ensuring Public Cleanliness”. In virtue of this Decree, the municipality is considered responsible for grooming, raking, and cleaning all public spaces from any construction material or miscellaneous waste, detritus, or garbage of any kind (domestic, industrial, agricultural).

In light of the above, the municipality may not only install litter bins along the streets and roads, but also perform the following:

1. Designate a place to gather domestic, industrial, and agricultural waste for sorting and treatment, or burial (under specific conditions), or incineration (Art. 13 of the said Decree).

This municipal decision must be approved by the *muhafez* after consultation with the Health Council within the *mufaza* unit. The decision may also be unilaterally taken by the *qa'immaqam*.

2. Gather the waste (domestic, industrial, agricultural) in private properties (in agreement with the owner) or municipal properties (*masha'*) or municipally rented properties, provided these wastelands are walled (cannot be seen) and away from residential, touristic, archaeological, green areas, or waterfronts (Art. 7, 9, 12-14, and 17).

This municipal decision must be approved by the *muhafez* after consultation with the “Urban Planning section” within the *muhafaza* unit.

3. Prevent wastewater to be discharged into streams, rivers, waterways, water/drain pipes, in the sea, as well as in waste pipes that have not yet been completed or grant official permit to (Art. 3 and 4).

The municipality is also, by law, the guardian of urban aesthetics. It may, in that regard, perform the following:

1. Prevent the posting of bills, posters, pictures, banners, graffiti, tags etc. on private and public walls, fences, tree trunks, public squares and monuments, lamp posts, electricity and telephone posts, road signs (Art. 5 of the abovementioned Decree).
2. Regulating the billboard activity, controlling the advertisement displayed on the billboards, and removing unauthorized billboards (Art. 5, 16, and 26). Unauthorized billboards may also be fined (Art. 35 of the Law on Municipal Fees and Surcharges No. 60 of August 12, 1988).
3. Prevent the hanging, in public, of the clothes on the line to dry on the façade of buildings facing international roads or main roads in the administrative centers of *aqdiya* and *muhafazat*, or cities presenting a historic character, in winter sports cities and "summer cities"¹, as well in any town or village, the municipal council of which takes a decision in this direction. It is possible, however, to hang the clothes to dry behind covering nets making them unseen to the eye (Art. 8).
4. Reduce the amount of the fees on renting value by 10% *at least* for all buildings located on international roads and main roads that decorate the roads in question by displaying roses (fully along) their balconies or gardens. The municipal decision is taken by the municipal council based on the recommendation of the concerned municipal committee (Art. 10).
5. Obligate the owners of the buildings located on international roads and main roads in the cities in question to restore, (re)paint, or clean the façade of the buildings once every 5 years (Art. 11 and 20).

¹ These cities, the total of which is no less than 56, were determined in the Decree No. 2362 of December 13, 1971.

Cultural life

The municipal council is also entitled, within its area, to establish or manage directly or indirectly, or contribute to or to help in the execution of the following works and projects (Art. 50):

1. Museums, public libraries, theaters, cinemas, amusement centers, clubs, playgrounds, and other public and sports shops as well as social, cultural, and artistic institutions (§3).
2. All kinds of social and cultural events (theater, conferences, festivals, musical events, etc.).
3. Erecting monuments and memorials.

Urban Planning

The municipal council is entitled to establish a General Master Plan for the municipal area in coordination with the DGUP within the Ministry of Public Works, as stipulated in Art. 49, §12 of the Municipal Act.

The General Master Plan is considered effective upon its authentication by the DGU, with the approval of the Ministries of Environment, Agriculture, and Industry, regarding the zoning of the concerned areas (green areas, agricultural areas, industrial areas). In case of contradiction between the municipality and the DGUP, the Council of Ministers shall definitely decide on the subject.

Once the General Master Plan is approved by the competent authorities, the municipal council may start executing it. It should be noted that the council may establish the following within the framework of the Master Plan or without the existence of a Master Plan:

1. Public gardens and public places (Art. 49, §12 of the Municipal Act).
2. Shops, parks, racing places, playgrounds, toilets, museums, hospitals, dispensaries, shelters, libraries, popular residences, wash houses, sewers, waste drainage, and others (Art. 49, §13 of the said Act).

The municipal council is also entitled, within its area, to establish or manage directly or indirectly, or contribute to or to help in the execution of the following works and projects:

1. Popular residences, toilets, public wash houses, and swimming pools (Art. 50, §2 of the said Act).

2. Public shops for buying food, refrigerators for keeping them, and threshing floors (Art. 50, §6).

All these actions are subject to the authentication of the *muhafez*, as stipulated in Art. 61, §6 of the said Act.

Concerning municipal property, the municipal council is responsible for the following:

1. Supervising public utilities and drawing up reports regarding the work progress thereof to the concerned administrations (Art. 49, §22 of the Municipal Act).
2. Removing any encroaching on municipal property.

Environment

According to the Municipal Act, the **mayor** is **personally** responsible for “protecting all that relates to the environment, landscapes, maintaining trees and forested areas as well as preventing pollution” (Art. 74, §29). This translates into a large scope of action that should be preferably the business of the municipal council as elected deliberative authority.

In light of the above, the municipal council may undertake everything he sees fit to protect the environment, which includes the following actions, **without limitation or restriction**:

1. (Re)foresting the lands that are the property of the municipality.
2. Maintaining and protecting green areas by hiring or reactivating the role of forest guards and *masha'* guards.
3. Preventing or contributing to the prevention of forest fires.
4. Preserving and protecting the municipal *masha'* in virtue of a decision taken by the municipal council and consolidated by a decision of the Minister of Agriculture.
5. Establishing game or natural reserves in virtue of a decision taken by the municipal council and consolidated by a decision of the Ministry of Environment.

Such a procedure requires the constitution of a documented case file detailing the biodiversity (floral diversity and species diversity) of the natural area in question.

All the above actions may be conducted in cooperation with the forest guard (*ma'mur al-ahraj*) and the Ministry of Agriculture.

Along the same lines, Art. 23 of the Urban Planning Law entitles the municipality to *exchange its property for another that belongs to individuals* in order to protect forested areas and, more generally, natural public spaces located near or in the midst of residential agglomerations. In other words, municipalities are entitled to exchange municipal property suitable for building for private property that is considered unsuitable for building due to its green character.

Furthermore, according to Art. 24 of the same law, municipalities and unions of municipalities may sign a contract with the owners of forested lands in order to turn these surfaces into natural parks accessible to the public in exchange for an entrance fee collected by the municipality, and aiming to generate the necessary revenues to maintain and guard these surfaces.

May the municipality grant a permit for the exploitation of the waterfront?

This raises the question of whether cafés, restaurants, resorts or any institution in the domain of tourism or leisure may include the waterfront as part of their lucrative activity (establish a terrace or sidewalk or private beach) on which the municipality can collect a fee.

It should be noted that waterfronts include: shores of seas (beaches, strands) and lakes, banks of rivers, streams, mountain streams and torrents, or any other waterway (Art. 2 of Decision No. 144/S of June 10, 1925 on the Definition of Public Property). Although antiquated, the definition of the surface of the seashore belonging to the state is essentially clear: is considered a public property the farthest surface ever reached by the waves in wintertime as well as the whole strand and pebbles composing the beach.

The municipality may not grant a permit for the exploitation of the waterfront since the latter is the *exclusive property of the central authority*. Permits for its occupation, use, or exploitation are only granted by the competent ministries (Public Works, Environment, Tourism, Culture, or Agriculture).

The municipality is only allowed to grant permits for the use or exploitation of its own property. In this case, the municipality may collect a fee on the permit itself, as well as on the use or exploitation or temporary occupation of its property (Art. 43, §2 and Art. 46, §2 of the Law on Municipal Fees and Surcharges No. 60 of August 12, 1988).

Opportunities and limitations

It is clear from the above that the municipality assumes a central role in creating, maintaining, and improving public spaces in whichever way the municipality sees fit. On several levels, the municipality can be considered as virtually almighty, given the endless prerogatives imparted on it in the domain of public spaces, especially that the prerogatives listed in the Municipal Act are given on an indicative basis only, and therefore may cover a much wider scope of work within the spirit of Art. 47 ("each work of public character or interest, in the municipal area, falls within the scope of the Municipal Council's competence").

A major impediment, however, to proper municipal rule in this regard is the administrative bottleneck due to the tight control exerted by the *qa'immaqam*, the *muhafez*, and the Minister of Interior and Municipalities on the expenditures and public works ordered by the municipality, as the below table summarizes it:

Control authority	<i>Qa'immaqam</i>	<i>Muhafez</i>	Minister of Interior and Municipalities
Action			
Authorizing transactions regarding the supplies, works, and services	When their value ranges between 30 million and 80 million LBP (Art. 60, §7 of Mun. Act)	If their value exceeds 80 million LBP (Art. 61, §1)	
Validating the special specifications related thereto	◆ (Art. 60, §7)	◆ (Art. 61, §1)	
Authorizing works held in trust and requiring invoices when buying supplies	When their value ranges between 20 million and 50 million LBP (Art. 60, §8)	If their value exceeds 50 million LBP (Art. 61, §2)	
General specifications regarding the supplies, works and services			◆ (Art. 62, §8)

Buying estates and selling municipal private property

In virtue of the Municipal Act, the municipal council may buy and sell property under the following conditions:

Competence	Administrative Control
Set the specifications for selling municipal properties (Art. 49, §7)	Authentication of the <i>qa'immaqam</i> or the <i>muhafez</i> : <ol style="list-style-type: none"> 1. The <i>qa'immaqam</i>: When the value of the estate does not exceed 100 million LBP (Art. 60, §4) 2. The <i>muhafez</i>: When the value of the estate exceeds 100 million LBP (Art. 61, §3)
Buy and sell property (implied by Art. 49, §7; Art. 60, §4; and Art. 61, §3; selling is also authorized by the Decision No. 275 of May 25, 1926 on "Managing and Selling Public Property")	Same as above
Set the general specifications for buying municipal properties (implied by Art.60, §4; Art. 61, §3; and Art. 62, §9)	Same as above + authentication of the Minister of Interior and Municipalities (Art. 62, §9)
Transfer public municipal property to private municipal property (Art. 49, §16), provided that the streets and sections located in the municipal area are considered municipal properties, except for the international roads (implied by Art. 62, §7)	Authentication of the Minister of Interior and Municipalities (Art. 62, §7)
Transfer public municipal property to a certain profit , when this property has been allocated to a public benefit purpose (implied by Art., §4)	Authentication of the <i>muhafez</i> (stipulated in Art. 61, §4)
Use the public municipal properties in order to execute their public projects , carry out excavations and installation works for lighting, sewers, and waste water projects (Art. 136)	No control exerted by the central bodies

It should be noted that the distinction between public municipal property and private municipal property does not seem to be substantiated in Lebanese laws. One may, however,

infer that any estate bought constitutes a private municipal property, and that public municipal property may not be sold unless transferred to private municipal property.

Expropriation

In virtue of the Municipal Act, the municipal council is entitled to expropriate **under the provisions of the Expropriation Act (No. 58 of May 29, 1991), pending the approval of the DGUP**. According to Art. 49, §12 of the Municipal Act, **the municipal council may expropriate to execute a project related to** “planning, improving and expanding the streets, **establishing gardens and public places**, and executing designs related to municipality”. In case of contradiction between the municipality and the DGUP, the Council of Ministers decides definitely on the matter.

In case the expropriation is not justified by the above reasons (comprehensive developmental planning, or execution of a municipal project), it can be argued that the approval of the DGU may not be required. This remains a matter of speculation due to the absence of concise legal provisions.

Unions of Municipalities may also expropriate, as stipulated in Art. 126, §2 of the Municipal Act, the Council of the Union shall discuss and decide on matters related to “planning, expropriation, and specifications, and all that is required to execute projects”.

In Unions, the Engineering Body is in charge of “preparing the expropriation lists and the detailed statements in order to transfer them to the competent evaluation committees” (Art. 122, §5). As for municipalities, this task should be best undertaken by specialized municipal committees before being approved by the municipal council.

According to the Expropriation Act, the expropriating authority must justify its act in the name of public interest, and observe specific conditions (among which is to provide an equitable monetary compensation to the original owner) for the expropriation to take place. Furthermore, **the expropriation ordered by the municipal council is not effective until a Decree issued by the Council of Ministers**, at the request of the Minister of Interior and Municipalities (based upon the request of the concerned municipality), **confirms the expropriation in the name of public interest** (Art. 2 of the Expropriation Act).

Expropriation may also be ordered as a result of a comprehensive urban planning, or in the wake of executing a local or national Master Plan (Art. 34-40 of the Expropriation Act). It may also be ordered in case of emergency, in compliance with specific conditions (Art. 58).

II. The municipality as public platform: Creating the missing link between the citizens and their local representatives

Is the municipality a public space?

As mentioned above, the municipality enjoys large prerogatives regarding public spaces, but these are not applied in practice, and are subject to extensive administrative and financial oversight. One should highlight that the municipal institution itself, though not entirely coinciding with the concept of public space, does present major functions that intersect crucially with it.

When properly functioning, the municipality's role is to bring citizens and communities together, provide meeting spaces, and foster social inclusion. As a public locally elected institution, the municipality's role is crucial in shaping the cultural and civic character of a locality, and in providing a sense of belonging for its constituents and residents alike. In short, much like the public space, the municipality is a privileged site for local democracy, that is to say an arena where local democracy becomes – or should become – possible.

Despite these similarities, the municipality cannot be considered a public space due to its explicit political and governmental mission, as provided by the existing laws. Moreover, the municipality is in charge of protecting public spaces, and as such assumes a superior function which is not only limited to considerations pertaining to urban planning.

That being said, the Lebanese municipal institution does present enough characteristics to become a cornerstone of local democracy and civic participation. It could therefore be considered a *public platform* performing the following functions:

1. Promoting neighborliness and inclusion through increased interaction between the elected representatives on the one hand, and the constituents and residents on the other.
2. Fostering community involvement and cohesion.
3. Safeguarding the freedom of the citizens and equality among them.
4. Ensuring civic liberties.

For the municipality to become an open public platform and perform these functions properly, two major mechanisms should be put in place, namely transparency and accountability with regard to the activity of the municipality.

In Lebanon, however, the decisions and designs of the municipality are often perceived as subjects of confidentiality due to the widespread cultural misconception of power and authority. Indeed, while most Lebanese municipalities jealously keep their decisions secret, this behavior is matched by the pervasive lack of civic demand for accountability.

What is thus needed is a new framework regulating the relationship between the municipality and the citizens, as this section will elaborate.

The civic right to know: Advocating for transparency and information sharing

The citizens are often ill-informed about their rights and privileges when dealing with the municipality. Municipal officials and citizens are therefore advised to think that municipal decisions are not the exclusive property of the municipality, but rather the property of the community and the citizens who have elected its members.

CSOs and citizens must advocate for a municipality as public platform in order to exercise their rights to be informed by instituting a set of procedures aimed at ensuring access to municipal documents on a regular basis. To this effect, concerted effort between citizens and CSOs is pivotal to gain awareness and knowledge of them.

The citizens must first become aware of two legal provisions that directly concern them. These are Articles 45 and 55 of the Municipal Act:

Art. 45: *Each candidate in the municipal department or any stakeholder shall be entitled to request a copy of the Municipal Council's decisions, on his own expenses, authenticated by the competent civil servant.*

Art. 55: *The effective public decisions issued by the Municipal Council shall be posted on the door of the municipality center; minutes shall be taken and signed by the competent civil servant, while the other effective decisions shall be notified to the concerned persons.*

Other traditional means of publishing the council's decisions include the official gazette, the local press, signboards, banners, announcements in frequented public places.

Policy recommendations to increase municipal transparency and civic accountability

The below table lists the major amendments to be introduced in the Municipal Act regarding municipal transparency:

Issue	Amendment to be introduced	Notes
<p>Which documents are considered public, i.e. should be disclosed to the citizens?</p>	<p>Key public documents are:</p> <ol style="list-style-type: none"> 1. Annual budgets 2. Financial statements 3. Tender documentation 4. Meeting agendas (but not necessarily meeting minutes) 5. Studies commissioned by the municipal council 6. Projects prepared or conducted by the municipality 7. Reports on past and current activities and projects 8. Work plans for the implementation of municipal projects 9. Audit reports, if any 10. Decisions and circulars emanating from the central bodies (ministries, <i>muhafez</i>, <i>qa'immaqam</i>, Court of Audit, etc.) pertaining to municipal affairs 	<p>Art. 55 already stipulates that all the decisions of the municipal councils are to be made public.</p> <p>Budgets, tendering, commissioning of studies, design and implementation of projects, etc. result of a decision taken by the municipal council.</p> <p>The publication of the annual budget is essential because it constitutes the cornerstone of municipal planning. The same importance applies to the tendering process as it is a major source of mismanagement and corruption in Lebanese municipalities.</p> <p>As for the other listed documents, they are considered crucial to public interest given that the citizens, as the principle beneficiaries of the municipality, ought to know <i>in details</i> how much their fee money amounts to, and how it is spent.</p> <p>The public must also be informed what kind of central regulations (decisions, circulars) are imposed upon a body it elects.</p>

		Finally, it should be seriously questioned here why the meeting minutes of the municipal council should not be made public whereas those of the parliamentary sessions are.
Who may request it?	Any citizen voting or residing in the concerned locality	The amended Art. 45 of the Municipal Act must clarify the terms "candidate" and "stakeholder" by replacing them with the phrase "citizen voting or residing in the concerned locality"
What is the procedure for gaining access to a public document?	<ol style="list-style-type: none"> 1. Via mail or e-mail (by writing to the municipality) 2. Collected on-site 	The amended Art. 45 must take into special consideration the internet as communication channel with the municipality
Who should be the concerned interlocutor at the municipality for such requests?	<ol style="list-style-type: none"> 1. Municipal employee (secretary or administrative employee) 2. Information Counter, Citizens' Reception Desk (to be created) 	Art. 45 or a new legal clause must encourage the municipalities to establish an Information Counter or Citizens' Reception Desk that treat all queries coming from citizens
What is the timeline and cost to access a public document?	<ol style="list-style-type: none"> 1. Promptly: the time to produce a hard or a soft copy 2. At minimal cost: cost of the photocopy and the stamp, if applicable 	To be made clear in the amended Art. 45 as there is no justification for delaying such an administrative formality, nor for collecting a special fee on it
What are the channels to transparency and outreach?	<ol style="list-style-type: none"> 1. Websites 2. Electronic newsletters 3. Social media 4. Monthly bulletins, pamphlets, flyers, brochures, annual reports 	Art. 55 of the Municipal Act is nowadays obsolete and must be amended to include new communication and publication channels between the municipality and the citizens

The civic right to speak: Advocating for the institution of communication channels with the municipality

Participatory and consultative mechanisms are present in the existing laws, as the Lebanese citizens enjoy the right, or the duty, to participate in municipal life through two channels: first, the municipal committees; second, attending the council meetings to raise a municipal issue before the mayor and the council members.

The municipal committees: Advocating for new options

As stipulated in Art. 53, §2 of the Municipal Act, the municipal council is entitled

to elect committees among its members in order to study the issues falling within its scope. He may call for the help of other committees [other than the Tender committee] that he shall appoint from other than its members.

This provision entails that virtually any citizen may be appointed by the municipal council to participate in municipal life, provided that each committee remain presided by an elected member, or the mayor himself (depending on the committee's scope).

Citizens should, however, advocate for additional input on the municipal institution through the following policy demands:

1. **Amend the Municipal Act to highlight the importance and role of the municipal committees.** It is advised to detach §2 from §1 (of Art. 53) to include it as a separate legal clause within the Municipal Act.
2. **Amend the Municipal Act to make the participation of citizens in municipal committees mandatory, not optional.** The newly created legal clause will have to state that the municipal council "must form municipal committees covering all the affairs pertaining to municipal interest", while making clear that most of them "must be appointed from local community".
3. **Reach an agreement with the mayor and the council to create a municipal committee specialized in all that pertains to public spaces.** Building on steps 1 and 2, citizens will gain more leverage to impact the municipal policies regarding public spaces. The creation of special municipal committee for public spaces can also be created regardless of any law amendment.

Attending the sessions of the municipal council

It is true that the sessions of the municipal council are, by law, held in secrecy (Art. 35 of the Municipal Act), and that the meetings minutes may not be made available to the public. However, the same legal clause does give a leeway for external individuals to attend the sessions of the municipal council. Indeed, the *muhafez* and the *qa'immaqam* are entitled to “attend the municipal sessions upon their own request”, that is to say unilaterally, without the law mentioning any right of refusal on behalf of the mayor or the municipal council.

Moreover, the second paragraph of Art. 35 authorizes the mayor to “convene any [municipal] employee or person to the sessions of the municipal council and to listen to him”. In the latter case, the decision to convene external individuals reposes entirely on the person of the mayor, i.e. without prior consultation with the municipal council. It should be noted that the text allows external individuals to express their opinions and expose their case, but it remains unclear as to their right to converse with the municipal council, intervene or comment during the municipal meeting. At any rate, neither the *muhafez* and the *qa'immaqam* nor the citizens are entitled to vote.

The text does not either seem to restrict the size of the audience that may attend the municipal sessions, which grants the citizens a valuable channel of communication with their elected representatives, and above all, a valuable right, albeit indirect, to influence municipal decision-making. The citizens should therefore extensively rely on the second paragraph of Art. 35 and use their municipality as a public platform by regularly asking, in advance, for the mayor’s authorization to speak before the municipal assembly.

The right to act: Advocating for civic consultation and participation in municipal decision-making

For democracy to prosper, the work of elected municipal representatives must be augmented with the active and frequent inclusion of the citizens into the business of the municipality. However, as municipal elections take place according to a 6-year cycle, they provide the citizens with limited momentums to affect local democratic change, let alone the fact that municipalities are often influenced by political parties and/or family politics. Moreover, public protests and demonstrations, although sometimes constituting effective opportunities to express widely shared views on political, socio-economic, or simply public issues, seldom translate into elaborate, implementable democratic solutions. Therefore, an increasingly participatory approach to governance is likely to remedy those limitations. First, the participatory approach covers the time in-between municipal elections by facilitating access to and responsiveness of the municipality. Second, it enables local residents to formulate municipal policies, identify and set municipal priorities on a regular basis.

Participatory municipal governance can be defined as a set of regulated activities for public consultation and inclusive decision-making at the municipal level, usually in the form of open meetings (also called town hall meetings) or youth shadow municipalities. It ensures that the citizens openly advocate for their interests and pursue their projects at the local level. Two guiding principles are however necessary to participatory municipal governance, namely transparency and accountability.

It is therefore highly advised to amend the Municipal Act so that it requires that Lebanese municipalities conduct their business in a manner conducive to civic oversight by institutionalizing youth shadow municipalities and organizing public meetings or town hall meetings. The reform of the legal framework with regard to the participatory mechanisms is essential to prevent failure due to unregulated or person-based practices.

With regard to open meetings or town hall meetings, the following law amendments must be advocated for:

Issue	Amendment to be introduced	Notes
Who must attend the open meeting on behalf of each party?	<p>On the behalf of the municipality: the mayor, deputy mayor, and at least half of the municipal council</p> <p>On behalf of the citizens: the voters and residents of the concerned locality</p>	<p>The presence of the mayor is essential given his position at the head of the executive authority and of the municipality at large. He should preside the open meeting to give legitimacy to the open meeting.</p> <p>A quorum is also required for the municipal council, preferably an absolute majority (half +1), or half of its members. The law should also satisfactorily provide for maintaining the open meeting in the absence of a quorum.</p>
When should the citizens be notified?	<p>3-4 weeks</p>	<p>The open meetings should be preceded by proper advance notice to allow the citizens to prepare for their queries, and allow the diverse community groups to consult between each other.</p>

How should the citizens be notified?	<p>Through public announcements posted on the most frequented locations within the municipality; local print; websites and social media; SMS</p> <p>The notice should mention the date, time, venue, and summary agenda of the meeting</p>	<p>The law must take into account the modern media in reaching out to the citizens, and provide accurately for the venue details.</p>
How often should an open meeting be held?	<p>At least twice a year</p>	<p>Considering that most municipal councils convene on average once a month, it is sound to establish one open meeting every six regular meetings.</p> <p>Three open meetings yearly could be imposed on large municipalities.</p>

With regard to youth shadow municipalities (YSM), the following law amendments must be advocated for:

Issue	Amendment to be introduced	Notes
Should the YSM become mandatory for all municipalities?	<p>The YSM should be made possible but not necessarily mandatory for all municipalities except perhaps for large cities</p>	<p>The creation of the YSM is justified where transparency, accountability, and civic participation is most needed, large cities in particular but not necessarily.</p>
Should the YSM be elected by the citizens, or appointed by the mayor or the council?	<p>The YSM must be entirely elected by the citizens</p>	<p>The reason for creating the YSM would be void if it were appointed as it symbolizes a representative body tasked with exerting civic oversight over the municipality.</p>

How many members should the YSM include?	As many members as the municipal council	The term "shadow" means that the oversight body must be the same size as the original one.
Who may become a member of the YSM?	All registered voters whose ages range between 18 and 30 may be elected, provided their family affiliation does not conflict with that of the municipal board	The law must provide a clear guarantee against the occurrence of a conflict of interests between the municipal council and the YSM caused by family ties, as Art. 28 of the Municipal Act does.
How should the work of the YSM be regulated?	The creation of YSM must be stated in the Municipal Act, however their role and mission should be regulated in details by unified bylaws adopted at the national level	Unregulated activity of the YSM will lead to failure and malfunctioning, as well as diverging (mal)practices, hence the importance of unified national bylaws included in a special section within the Municipal Act or in a separate law.
What is the scope of the YSM?	The scope of the YSM is the same as that of the municipal council	The very concept of the YSM supposes that the oversight exerted should cover the same scope of work as that of the municipality.

<p>What are the main responsibilities and prerogatives of the YSM?</p>	<p>Responsibilities:</p> <ol style="list-style-type: none"> 1. Exert oversight on the decisions of the municipal council (checking the lawfulness and legitimacy) 2. Follow up closely on the activity of the municipality 3. Ensure the proper functioning of the municipal committees <p>Prerogatives:</p> <ol style="list-style-type: none"> 1. Act as whistleblower (issuing statements, bulletins, etc.) 2. Make suggestions for improvement and propose alternative measures or solutions to the decisions of the municipal council 3. Consolidate and improve the work of the municipal committees 	<p>These are only guiding principles and should be elaborated further.</p> <p>The law should also provide for the coordination mechanisms between the YSM and the municipality (mayor, council, committees).</p>
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Conclusion and recommendations

Involving the citizens beyond the ballot box and beyond public protests: the municipality as permanent public platform

The municipal rule was established to give the citizens the *right* and duty to participate in the conduct of public affairs at the local level and exercise it in the most direct of ways. The below table summarizes Section I by laying out the main municipal prerogatives that citizens and CSOs must advocate for with regard to public spaces:

Type of municipal action	Type of public space	Type of municipal action	Type of public space
Preserve Protect Safeguard Valorize	<ul style="list-style-type: none"> ▪ Seaside, waterfront ▪ Green areas ▪ Forests (prevent fires) ▪ Historic buildings and monuments ▪ Old souks ▪ Archaeological sites ▪ Gardens, parks 	Create Establish Expand Improve Embellish Manage Supervise Maintain Clean Sanitize	<ul style="list-style-type: none"> ▪ Forests ▪ Public beaches ▪ Public gardens, parks ▪ Streets ▪ Pedestrian walkways ▪ Bicycle tracks ▪ Parking lots (taking into account persons with disabilities) ▪ Public amenities (trash bin, sitting benches, kiosks, public toilets, playgrounds, rest houses, etc.)
Facilitate Organize	<ul style="list-style-type: none"> ▪ Road traffic ▪ Public transportation 	Erect Maintain	<ul style="list-style-type: none"> ▪ Monuments
Buy Expropriate	<ul style="list-style-type: none"> ▪ Private property ▪ (to private municipal property: green areas, parks, gardens) 	Adopt	<ul style="list-style-type: none"> ▪ Pro-pedestrian policies (activities and events)
Organize	<ul style="list-style-type: none"> ▪ Car-free events ▪ Festivals 	Remove Fine	<ul style="list-style-type: none"> ▪ Encroachments on municipal property

In order to accomplish these actions, municipalities are required to **hire qualified personnel** and **mobilize the necessary funds**, which might be thwarted by two major challenges:

Challenge	Solutions initiated by CSOs and citizens
Lack of financial resources	<ul style="list-style-type: none"> ▪ Operate within targeted Unions of Municipalities ▪ Encourage the formation of Municipal Coalitions ▪ Raise funds, collect donations
Administrative oversight	<ul style="list-style-type: none"> ▪ Meet with the concerned decision-makers to disentangle the administrative procedure

The municipality as public platform serves as tribune from which public opinions, projects, and interests are expressed and acted upon. The below table summarizes Section II by laying out the main actions to be initiated with the concerned stakeholders:

Stakeholders	Actions to be taken by citizens and CSOs	Potential risks	Risk-mitigating actions
CSOs and citizens (spearheaded by NAHNOO)	<ul style="list-style-type: none"> - Form a coalition - Improve knowledge of relevant laws and regulations regarding public spaces - Improve knowledge of participatory and transparency mechanisms - Select objective(s) and conduct advocacy campaign 	<ul style="list-style-type: none"> - Dispersion of advocacy efforts 	<ul style="list-style-type: none"> - Set clear and specific objectives - Design campaign activities, steps, and meetings ahead of time - Select specific stakeholders and stick to them
Local authorities: <ul style="list-style-type: none"> - Municipality - Union of Municipalities - Municipal coalitions (<i>tajammu' baladiyyat</i>) 	<ul style="list-style-type: none"> - Sensitization through advocacy - Ask for town hall meetings around specific topics - Provide a clear roadmap for cooperation 	<ul style="list-style-type: none"> - Problems of internal governance (intra-municipal dissent) - Lack of developmental vision or will - Lack of knowledge of the laws regulating the municipal space - Financial limitations - Reluctance to engaging in public meetings 	<ul style="list-style-type: none"> - Establish cordial relations through personal meetings, esp. the mayor (also the <i>muhafez</i> in Beirut) - Propose clear objectives and easy cooperation tools ready to be implemented - Engage in talks to determine possible legal opportunities and solutions - Encourage and contribute to the creation of municipal coalitions - Listen to the fears and apprehensions of local representatives and provide a reassuring cooperation roadmap with alternatives

Stakeholders	Actions to be taken by citizens and CSOs	Potential risks	Risk-mitigating actions
Ministries: - Interior and Municipalities - Environment - Culture - Public Works	- Sensitization through advocacy - Lobbying (personal meetings)	- Skepticism towards the project or campaign	- Establish cordial relations through regular meetings - Listen to the ministers and explain campaign objectives - Include them as partners in the campaign - Invite them to participate in the public meetings - Give them credits in finding workable solutions
Local representatives of Government: - <i>Qa'immaqam</i> - <i>Muhafez</i>	- Sensitization through advocacy - Lobbying (personal meetings)	- Skepticism towards the project or campaign	- Establish cordial relations through regular meetings - Listen to them and explain campaign objectives - Include them as partners in the campaign - Invite them to participate in the public meetings - Give them credits in finding workable solutions
Parliamentarians	- Sensitization through advocacy - Lobbying (personal meetings) - Submission of draft laws and law amendments	- Skepticism towards the project or campaign	- Establish cordial relations through regular meetings - Listen to them and explain campaign objectives - Include them as partners in the campaign - Invite them to <i>attend</i> the public meetings - Give them credits in finding workable solutions

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