

Mission Report

Event	Environmental Legislation Study Tour
Date	4-11 July 2004
Place	Germany (Berlin, Heidelberg, Stuttgart, Karlsruhe, Bonn)
Organized By	Ministry of Environment through two projects: <ul style="list-style-type: none"> - Management Support Consultant-Investment Planning Programme-Environment (MSC-IPP) - Strengthening the Environmental Legislation Development and Application System in Lebanon (SELDAS)
Participants	<ul style="list-style-type: none"> - M.P. Yassin Jaber (Member of the Parliamentary Committee for Administration and Justice) - M.P. Kaissar Moawad (Member of the Parliamentary Committee for Environment) - Judge Omar El Natour (Director General of the Ministry of Justice) - Judge Bechara Matta (President of the Litigation Panel- Ministry of Justice) - Judge Chucri Sader (President of the Legislation and Consultation Panel- Ministry of Justice) - Judge Tarek Majzoub (Assistant Advisor at the Council of State- Ministry of Justice) - Dr. Walid Abdel Rahim (Representative of the Lebanese University- School of Law) - Mr. Mansour Bou Sader (Representative of Saint Joseph University- School of Law) - Dr. Issam Moubarak (Representative of La Sagesse University- School of Law) - Dr. Jihad Attieh (Representative of the University of Balamand- Institute of Environment) - Mr. Fayad Kamel (Minister's Advisor- Ministry of Environment) - Mrs. Maya Abi Zeid Daou (Environmental Law Specialist- Ministry of Environment) - Mrs. Samar Malek Azar (International Law Specialist- Ministry of Environment) - Mr. Edgard Chehab (Deputy Team Leader of MSC-IPP Project) - Ms. Carla Hanna (Project Officer for Legal Matters-SELDAS Project. SELDAS project is also representing Holy Spirit Kaslik University- School of Law)
Departure and Arrival	Departure: Sunday July 4, 2004 Arrival to Beirut: Sunday July 11, 2004
Aim	Strengthening and improving environmental law drafting, working strategically on environmental law development, improving the enforcement of environmental law , supporting the implementation of environmental laws and international conventions, strengthening the standing of environmental law in legal education and the legal sector in general.

<p>Themes Discussed</p>	<p><i>Visits and Discussions:</i></p> <p>1- Berlin:</p> <ul style="list-style-type: none"> a- Overview of Environmental Law in Germany by Dr. Lothar Guendling. Main issues: Objectives of the environmental legislation study tour, overview of the procedures followed in drafting environmental laws and some environmental litigation cases. b- Meeting at the Foreign Affairs Office with the Ambassador Julius Georg Luy. Main issues: Major environmental and bio-political issues, emphasis on the importance of environmental issues in European Union Legislation, importance of the international conventions' secretariats and funding of environmental projects. c- Meeting at the Federal Ministry of Environment with Lady Secretary of State, Ms Simone Probst. Main issues: Introduction on the law making procedure in Germany, development of environmental policy and legislation, problems in the implementation of laws as well as current trends in environmental policy and law. d- Meeting at the Federal Ministry of Environment with the Head of the Legal Affairs Department. Main issues: Organization and structure of the Federal Ministry of Environment, importance of EC directives and public participation. e- Meeting at the Federal Agency of Environmental Protection (UBA) with four representatives of the agency. Main issues: how to ensure a harmonized implementation of environmental legislation, basic overview of the European Emission Trading Scheme, air quality information and monitoring program for air quality. <p>2- Heidelberg:</p> <ul style="list-style-type: none"> a- Visit to Heidelberg Max-Planck-Institute for Comparative Public Law and International Law. Round table discussion with environmental law professors on teaching of environmental law in Germany, possibilities of collaboration between German and Lebanese Universities as well as a general idea on the work of the institute (research and publications). Visit of Max-Planck-Institute library. b- Meeting at Heidelberg Municipality with the Head of the Environmental Protection and Public Health Office and another representative from the Office. Main issues: general overview on the role of Heidelberg Municipality in the protection of environment, organization and structure of the Environment Department, cooperation on the local level as well as an overview of the sustainable environmental management.
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3- Mannheim:

Visit to MVV Headquarters (a consulting company and one of Europe's leading providers of utility services: electricity, gas, water, waste management and public transport systems):

An overview of the legal aspects of environmental issues concerning power industry, renewable energy, cogeneration, emission trade, recycling management and waste management.

Brief presentation on the incineration plants.

4- Stuttgart:

Visit to the State of Baden-Wuerttemberg Ministry of Environment and Transport. Main issues:

- Technical presentation on environmental protection and monitoring in industry and commerce;
- Technical presentation on nature protection;
- Discussion with the Secretary of State on Federal and State responsibilities for environmental protection, the budgetary status of the ministry as well as the cooperation between public and private sectors.

5- Karlsruhe:

- a- Meeting at the Administrative Court with the president and members of the court.

Main issues: structure and organization of administrative courts, role of administrative tribunals in the protection of the environment, environmental procedures and cases of environmental litigation.

- b- Meeting at the Federal Constitutional Court with judges of the court.

Main issues: the organization and tasks of the Constitutional Court as well as the jurisprudence of the court with regard to matters of environmental protection.

6- Bonn:

- a- Meeting at the United Nations Framework Convention on Climate Change Secretariat.

Main issues:

- Introduction to global warming;
- Legal Framework of the United Nations Framework Convention on Climate Change;
- National Communications Process for Developing Countries;
- Introduction to the Clean Development Mechanism and joint implementation

- b- Meeting at IUCN Environmental Law Center.

Main issues:

- Overview of IUCN portfolio namely the law center;
- Brief presentation on renewable energies and the need to develop national energy policies;
- Brief presentation on international instruments and processes for conservation, difference between framework conventions and action agreements.

Lessons Learned	<p>Direct benefit from overall participation to the meetings (discussions, experiences, individual conversations and networking) and more specifically increased knowledge related to:</p> <ol style="list-style-type: none"> 1-The proper drafting of environmental legislation: <ul style="list-style-type: none"> - The appropriate procedures to follow while drafting environmental laws; - The important role of research in this process; - Necessity of consultation; - Importance of public involvement; - Good cooperation between parliament and Government. 2- Enforcement of environmental law: <ul style="list-style-type: none"> - Collaboration and coordination between the various public institutions directly or indirectly involved in environmental issues; - Public awareness; - Importance of financial incentives; - Necessity of applying the “polluter-pays” principle. 3- Environmental Protection in general: <ul style="list-style-type: none"> - Importance of the prevention and precautionary principles; - Importance of collaboration between public and private sector; - Respect of the principles and obligations set by the international conventions ratified by Lebanon; - Necessity of compliance with environmental standards for competitiveness on the international market.
Recommendations and suggested follow-up	<ol style="list-style-type: none"> 1-Regular meetings with participants in the tour for update and follow up purposes. 2-Dissemination by participants (to their respective institutions) of lessons learned. 3-Consultation of all institutions involved in environmental issues while drafting legislation. 4-Lobbying and regular follow up on the draft laws, decrees and decisions after sending them to the competent authorities. 5-Importance of reviewing sector legislation to mainstream environmental policy. 6-Working closely with universities to integrate environmental law courses in their curriculum.
Overall Assessment	<p>An evaluation form was filled by every participant; results are enclosed.</p>
Documents	<ul style="list-style-type: none"> - Copies of the various power point presentations. - Documents concerning sustainable development in Heidelberg. - Documents concerning the environment plan in the state of Baden-Wuerttemberg. - The constitution of the Federal Republic of Germany. - Documents and CDs on climate change. - The environmental law programme of IUCN.
Prepared By	<p>Maya Abi Zeid Daou, Samar Malek Azar, Fayad Kamel, Edgard Chehab and Carla Hanna, on July 14, 2004</p>

Overall Evaluation of the Environmental Legislation Study Tour

Berlin	Very Good	Good	Average	Weak	Overall Average
Coverage of subjects	10	3			Very Good
Nature of topics	8	5			Very Good
Importance of subjects for participants	6	7			Good
Competence of lecturers	6	7			Good
Logistic	11	2			Very Good

Heidelberg area (Heidelberg, Stuttgart, Karlsruhe)	Very Good	Good	Average	Weak	Overall Average
Coverage of subjects	9	4			Very Good
Nature of topics	6	7			Good
Importance of subjects for participants	6	6	1		Good
Competence of lecturers	8	5			Very Good
Logistic	10	3			Very Good

Bonn	Very Good	Good	Average	Weak	Overall Average
Coverage of subjects	10	3			Very Good
Nature of topic	8	5			Very Good
Importance of subjects for participants	9	4			Very Good
Competence of lecturers	11	2			Very Good
Logistic	7	3	2	1	Good

General Remarks:

- Some of the meetings were limited to theory; it would have been more interesting if field visits were integrated in the program.
- Good choice of meetings' subjects.
- More discussions would have been more interesting.
- High level of lecturers.
- The schedule was too tight.
- A simultaneous translation (German to English) would have been preferable.
- Very good organization.
- Necessity of follow up.