

**Strengthening the Environmental Legislation Development and Application
System in Lebanon (SELDAS)**

(LIFE 02 TCY/RL/032)



**First Progress Report
From 1 March 2003 to 30 November 2003
Submitted on 15 December 2003**

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Introduction:

This report summarizes the progress of work under the “Strengthening the Environmental Legislation Development and Application System in Lebanon (SELDAS)” since its actual starting date (1 March 2003)¹ till 30 November 2003.

SELDAS is a project by the UNESCO-Cousteau Ecotechnie Chair at the University of Balamand, Lebanon (the Chair), funded primarily by the European Commission Life Third Countries programme (EC) and hosted by the Lebanese Ministry of Environment (Ministry). SELDAS aims at strengthening the capacities of the institutions dealing with environmental legislation development and enactment, as well as those dealing with environmental legislation application. Embedded in this lies the objective of triggering environmental law education.

Section 1 is the technical report which is divided into 5 subsections: subsection 1 presents a summary of activities and results since the start and subsection 2 gives an overview of project management. A detailed description of progress during reporting period is outlined in subsection 3 and an assessment of this progress in subsection 4. Finally, future planning for the next period of time is provided in subsection 5. Section 2 is the financial report; it includes the project consolidated statement of expenditure. Supporting documents are enclosed in annexes.

Section 1: Technical Report

1. Summary of Activities and Results since the Start:

1.1 Project Initiation (Task 1):

After official approval of SELDAS project by the EC in September 2002 and contract signature by the Chair in December 2002, the Chair and the Ministry initiated the procedures related to project endorsement by the Council of Ministers. Approval of the Council of Ministers to enact the relevant decree was granted on 3 April 2003. The change in government which took place shortly after delayed the decree signature and publication in the official gazette to June 2003. Annex 1.1A is SELDAS endorsement decree in Arabic (decree # 10254 dated 6 June 2003).

1.1.1 Office Set Up:

Activities at the Ministry started officially on 1 March 2003, after significant progress was made in decree preparation and review stages, as outlined in the Chair’s letter of 24-04-2003 to the EC (enclosed in Annex 1.1B). An office at the first floor of the Ministry was set up, and the necessary equipment (computers, printers, scanner and software) as well as hard and soft collection of Lebanese legislation and consumables (stationary, stamp, etc.) purchased.

1.1.2 Project Management Tools:

Instruments for ensuring a smooth and timely execution of the project were designed including: (1) a detailed project workplan -which was revised lately as mentioned in Subsection 5-, (2) budgeting sheets, (3) progress sheets as well as a filing and archiving system. Annex 1.1C is a compilation of these sheets/ documents.

¹The Commission, in its letter dated 12-08-2003, took note of the project actual starting date reported in the Beneficiary’s letter of 24-04-2003 but “did not formally accept this change”, thus considering 01-01-2003 to be the start date of activities.

1.1.3 Project Exposure:

Tools for disseminating project related information were also designed and they include: (1) project logo, (2) business cards, (3) letter heads, (4) brochures and (5) webpage² (<http://www.balamand.edu.lb/seldas>); samples are provided in Annex 1.1D.

Introductory letters about the project were prepared – sample enclosed in Annex 1.1E - and sent to the various stakeholders and where possible introductory meetings held (Delegation of the European Commission in Lebanon, Parliamentary Committee for the Environment, Order of Lawyers in Beirut, UNESCO office in Lebanon, etc.). An official launching ceremony was held on 6 June 2003 at Phoenicia Intercontinental, in the context of the World Environment Day. The ceremony was chaired by the main actors (Minister of Environment, Head of the Delegation of the European Commission in Lebanon, Chairman of the Parliamentary Committee for Environment, President of Cousteau Society and President of the University of Balamand) and attended by key stakeholders. Additional details on the ceremony including press echo are provided in Annex 1.1F.

1.2 Diagnosis of the Current Environmental Legislative Setting (Task 2):

Task 2 of SELDAS aims at diagnosing the current environmental legislative setting in terms of identifying gaps and overlaps, as well as analyzing linkages between environmental degradation and absence of proper legislation and/or enforcement. Analysis results will be presented in a report. It is anticipated that the report will consist of about 15 chapters, i.e. one chapter per source or sink of pollution (e.g. chapter 6 will be about environmental legislation governing the industry sector). This task is considered a core foundation for future work in environmental legislation. A detailed (9-step) methodology and time framework for work execution, validation and review was put and is enclosed in Annex 1.2A.

Assistance in the execution of this task was subcontracted to Arab Resources Development s.a.r.l. (ARD), a private consulting firm, as per the project proposal. Detailed terms of reference were prepared and signed by both the Chair and ARD. Further details are provided in Subsection 2.

Literature review about environmental legislation at the international level was conducted. In parallel, the collection of Lebanese legislation³ was screened to identify texts regulating sources and sinks of pollution (step 1 of 9). Results (i.e. collection of existing Lebanese environment related legislation) are not enclosed since they consist of about 20 folders (between 50 and 250 pages each) of legislation texts (in Arabic). Future months will be dedicated to further refinement of the methodology of work mentioned above, after consultation with key professionals, followed by the start and completion of text analysis as well as drafting and review of the report, as mentioned above (steps 2-9).

It is forecasted that the execution of this task, planned to be completed in a 9-month period as per the project proposal, will require a total of 13-month. Reasons include:

- a number of environment related legislation texts much higher than anticipated;
- a methodology for analysis even more challenging than anticipated; and
- a circle of reviewers much larger than originally planned to optimize the validation process.

It is planned to absorb this 4-month delay by squeezing the training and seminar related activities in 10 months instead of 15. Further details are provided in subsection 5.

² In the context of a current Ministry activity aiming at modifying/ upgrading the website of the Ministry, SELDAS has assisted in the design of the webpages of two pertinent divisions of the national coordination department; these are the Legal Affairs division and the Public Relations and External Affairs division.

³ Legislation is law, decree or ministerial decision

1.3 Drafting and Amendment of Environment Related Legislation (Task 3.3):

Task 3.3 of the project proposal (drafting pilot legislation) was expanded, following the Ministry's request formulated at the first internal committee meeting, without however jeopardizing the quality of execution of project core tasks. The revised task consists of:

- Draft new environment related legislation (topic to be selected by the internal committee)
- Review environment related legislation under preparation (by other departments/ projects at the Ministry)
- Defend selected environment legislation under review (prepared by the Ministry)
- Comment on environment related legislation under review (prepared by other institutions)

1.3.1 Draft New Legislation (Core of Task 3.3):

SELDAS task 3.3 aims at drafting a pilot legislation, the topic of which to be selected based on identified priorities.

The internal committee, established by the Minister of Environment (See Subsection 2), was assigned the duty of selecting the topic of the pilot legislation based on a well-justified selection process (See Subsection 2).

The internal committee, which has met twice so far, has selected "clean air" to be the topic of the pilot legislation, a decision approved by the Minister on 23 September 2003. Details of the rationale for this choice and minutes of meetings are enclosed in Annex 2.1C.

1.3.2 Review of Environment Related Legislation Under Preparation (By Other Departments/ Projects at the Ministry):

SELDAS feedback was sought on several draft pieces of legislation prepared by other internationally funded projects at the Ministry:

- a draft law about integrated coastal area management (prepared under UNEP/ MAP Coastal Area Management Plan);
- a draft law about the ratification by the Lebanese government of Beijing protocol related to the protection of the Ozone layer;

- a draft decree about environmental compliance action plan (prepared under EC-MEDA MSC-IPP Environment);
- a draft decree about the classification of environmental technology industries (prepared under EC-MEDA MSC-IPP Environment);
- a draft decree about the prequalification of environmental consultants (prepared under EC-MEDA MSC-IPP Environment);
- draft endorsement decrees for two internationally funded projects at the Ministry (GEF/UNEP – about combating insect infestation in Tannourine; EC-Life – Stable Institutional Structure for Protected Areas Management);

- five draft ministerial decisions about environmental guidelines for various phases of domestic solid waste management (prepared under EC-MEDA MSC-IPP Environment); and
- one draft ministerial decision about environmental guidelines for the establishment and/or operation of small wastewater treatment plants (prepared under EC-MEDA MSC-IPP Environment).

1.3.3 Defend Legislation Under Review:

In line with legislation drafting and amendment, SELDAS was asked to defend and follow up on two major draft legislation⁴ of utmost importance to the Ministry:

- Ministry of Environment draft new organizational law, decree and related ministerial decisions (staff terms of reference and national coordinator/ focal points mandates decision⁵); and
- Draft Environmental Impact Assessment decree.

SELDAS has assisted the Ministry in defending its draft new organizational law, under debate at the Parliament since March 2002. The draft has now passed the various parliamentary committees, waiting to be enacted by the General Assembly. Urgent staffing needs in terms of specific expertise absent in the current legislation, but reflected in the proposed organizational law and decree, suggested the need to introduce selected amendments to the existing organizational decree awaiting the enactment of the proposed law and decree. In this respect, a project decree was prepared and defended by SELDAS. The decree was enacted in October 2003 (decree #11112 dated 7-10-2003); a copy is enclosed in Annex 1.3A.

The draft ministerial decisions related to national coordinator/ focal points mandate were amended by SELDAS based on comments by chiefs of services at the Ministry. The decisions were enacted by the Minister in September 2003 (decisions # 34/1 and 35/1 dated 09-09-2003); a copy is enclosed in Annex 1.3B.

SELDAS has also taken a leading role in defending the draft Environmental Impact Assessment decree under review by the pertinent bodies since summer 2001. In this respect, counter arguments to the arguments raised by the Council of State and the Council of Ministers Legal Adviser were provided.

1.3.4 Comment on Legislation Under Review (Prepared by Other Institutions):

The aim of this task is to attempt to green sector legislation prepared by various institutions. In this respect, SELDAS feedback was sought on the following legislation so far:

- a draft law amending the law pertaining to the establishment of the National Council for Scientific Research, which is currently under review at the Parliament. Feedback aimed mainly at ensuring the inclusion of environmental studies in the mandate of the Council;
- a draft law amending the construction law, which is currently under review at the Parliament. SELDAS suggested the addition of a section on environmental conditions and drafted the corresponding two-page text.

1.4 Organization of Training Sessions and Awareness Seminars (Tasks 3-5):

A draft program for training sessions and awareness seminars, enclosed in Annex 1.4A, was prepared. The targeted audience for every seminar was outlined and a draft schedule for every training session/ seminar put. It is anticipated to start the program in September 2004 and complete it in a 10-month period.

In line with task 3.2.3 “Expose public officials to procedures used for developing and assessing environmental legislation in Europe”, a working note, enclosed in Annex 1.4B, was drafted. The working note includes possible centers to visit, potential participants, etc.

A working note related to task 5.1.1 “Establish a mechanism for mobilizing resources to provide financial assistance to two lawyers for pursuing graduate studies in environmental law in Europe” was also prepared (Annex 1.4C). It includes potential schools, possible sources of funding, etc.

⁴prepared under the Mediterranean Environmental Technical Assistance Program Unit of Planning and Programming project at the Ministry of Environment (1999-2002)

⁵prepared under the EC-MEDA MSC-IPP Environment

2. Project Management:

2.1 Personnel Recruitment, Committees Establishment and External Assistant Hiring:

The Chair, represented by its holder and project coordinator, and the Ministry, represented by the national coordination department, appointed a project manager who started her duties at the Ministry on 1 March 2003. Administrative delays were incurred in the hiring of the project officer for legal matters who started work on 1 September 2003. Curriculum vitae of the project members are enclosed in Annex 2.1A.

At the suggestion of the Minister of Environment, an internal committee, headed by the Director General of the Ministry and composed of key staff from the national coordination department and advisors to the Minister for legal issues along with the project manager, was established. Annex 2.1B is the corresponding Minister's decision # 19/1 dated 31 July 2003. The main role of the internal committee is to select the topic of the pilot legislation to be prepared by the project team as per task 3.3 of the project proposal as well as review and approve the legislation once completed. The internal committee has met twice so far, as previously stated. Minutes of both meetings are enclosed in Annex 2.1C.

A steering committee, composed of the Ministry of Justice (Council of State, Legislation and Consultation Panel and Litigation Panel), the Order of Lawyers in Beirut (Bar Association) and the Directorate General of Higher Education, along with the Chair and the Ministry, was established, after exchange of pertinent letters between the various institutions throughout August-September 2003 period. Annex 2.1D is a list of the steering committee members. No meeting was held so far, awaiting substantial material for discussion. It is expected to hold the first meeting later in December or early January 2004, with an increasing meeting frequency as progress is made. Given time availability constraints of steering committee members, additional communication/ networking means are being explored such as email, webpage, etc.

A Memorandum of Understanding (MoU) was drafted and signed (June 24, 2003) between the Chair and Arab Resources Development (ARD), the external assistant selected to assist in the execution of a series of activities in tasks 2-5, as per the project proposal. A first module under this MoU, covering detailed terms of reference (TOR) related to the diagnosis of the current legislative setting (task 2) and drafting of pilot legislation (task 3.3), was drafted, discussed and agreed upon between both parties as mentioned in subsection 1.2. A copy of the MoU and Module 1 is enclosed in Annex 2.1E. Bi-monthly meetings have been held with the External Assistant to ensure a coordinated approach and a smooth execution.

Names and coordinates of the main actors of SELDAS project (excluding committees' members) are enclosed in Annex 2.1F.

2.2 Roles and Responsibilities of the Various Players:

The table below outlines the role and responsibilities of the various players along with their respective contribution to project progress so far:

Player	Role and Responsibility	Contribution to Date
Project Coordinator	Beneficiary representative, responsible for project execution towards the EC; overall project supervision (administratively, financially and technically)	Overall supervision (administratively, financially and technically)
Project Manager	Main beneficiary delegate to the Ministry, responsible for daily project management (administratively, financially and technically)	Project initiation (task 1); development of methodology of work (task 2); development of a draft training and awareness program and working notes (tasks 3-5); drafting/ review of legislation from a <u>technical (engineering/ science) point of view</u> ; as well as daily management (monitor progress, review budget, liaise with related projects/ initiatives, coordinate with focal points, organize committees' meetings, supervise external assistant work, etc.)
Project Officer – Legal Matters	Secondary beneficiary delegate to the Ministry, responsible for legal issues, backstopping to project manager	Identification of international environmental law centers (task 2); drafting/ review of legislation from a <u>legal point of view</u> , review/ validation of external assistant work; response to legislation related queries; assistance in daily management
National Coordination Department/ Focal Points	Partner representative, responsible for project integration in Ministry structure, synergy with various departments and complementarity of activities	Daily coordination, follow up and advice (administratively, technically and financially)
Internal Committee	Selection of pilot legislation topic and review of pilot legislation once drafted	Two meetings to select pilot legislation topic
Steering Committee	Inter-agency coordination, exchange of thoughts, opinions and expertise as well as optimization of efforts	-
External Assistant	Assistance in the execution of selected tasks	Gathering of Lebanese legislation related to environmental issues and review of environmental legislation in five countries (EU, UK, France, USA, Tunisia) as well as international environmental conventions

2.3 Liaise with Related Projects/ Initiatives:

Close coordination with related projects/ initiatives has been secured at three levels: local (inside the Ministry), national and international.

At the Ministry level, SELDAS has closely collaborated with the various departments and projects either through review of selected draft legislation prepared by them or through responding to various legislation related queries. More particularly, SELDAS has coordinated with the EC-MEDA MSC-IPP Environment on their legislation related tasks, by exchanging areas of intervention, reviewing draft legislation once drafted and benefiting from the knowledge and experience of international short terms legal consultants to the MSC-IPP project.

At the national level, SELDAS has initiated contact with a United Nations Development Programme project at the Parliament aiming at initiating and/ or strengthening policy dialogue on hot spot issues. SELDAS has also followed up on some stakeholders' initiatives in selected environmental legislation topics (American University of Beirut's work on biodiversity related legislation and the Mediterranean Environmental Technical Assistance Program work on solid waste legislation in Lebanon) either through individual meetings or seminars. In particular, SELDAS has coordinated with a team from Saint Joseph University/School of Law working on a EU funded study entitled "*Rapport sur l'Etat Législatif des Pays MED*" (Report on the State of Legislation in MED countries) – environment section.

At the international level, SELDAS objectives and activities were exposed to the World Conservation Union IUCN Environmental Law Committee, the Vice Chair for Western Asia of which is a member of the National Coordination department at the Ministry. Ideas for collaboration were exchanged but with no final commitment yet. On another note, SELDAS project manager had the chance to participate to Salzburg seminar on "Environmental Policy and Public Dialogue" between November 16 and 23, 2003. This seminar was an occasion to learn and discuss with other participants the role of civil society in environmental policy and more particularly in environmental legislation drafting and enforcement. A brief mission report is enclosed in Annex 2.3A.

3. Progress of the Project during the Reporting Period:

The table below describes the progress of work for tasks 1 and 2 (partially) as well as task 3.3 and selected activities under task 6 (although not scheduled to start during the time period covered by this report). A draft program for training sessions and seminars (tasks 3-5) as well selected working notes were developed as described under Subsection 1.4.

Ref.	Activities	Status of Implementation
1.1	Set up the project office	
1.1.1	Purchase the necessary equipment	Completed (Subsection 1.1)
1.1.2	Purchase the necessary consumables	Completed (Subsection 1.1)
1.1.3	Design the filing and archiving system	Completed (Subsection 1.1)

Ref.	Activities	Status of Implementation
1.2	Prepare the project inception report (<i>not prepared since it is not required as per Life Standard Administrative Provisions-2002</i>)	
1.2.1	Check for change in the baseline situation	Completed
1.2.2	Develop a detailed project workplan	Completed (Annex 1.1C & Subsection 5)
1.2.3	Prepare the project workplan schedule	Completed (Annex 1.1C & Subsection 5)
1.2.4	Assign the exact mandates	Completed (Subsection 2)
1.2.5	Develop a progress sheet for monitoring progress schedule	Completed (Annex 1.1C)
1.2.6	Design a budgeting system	Completed (Annex 1.1C)
1.3	Expose the project	
1.3.1	Prepare project briefs and website	Completed (Annex 1.1D)
1.3.2	Introduce the project in a national event	Completed (Annex 1.1F)
1.4	Establish the project advisory committee	
1.4.1	Identify the stakeholders	Completed (Annex 2.1D)
1.4.2	Develop the terms of reference of the advisory committee	In progress
1.4.3	Request from the stakeholders to nominate representatives	Completed (Annex 2.1D)
1.4.4	Conduct an introductory meeting	Not held (Subsection 4)
2.1	Review background literature on environmental law ⁶	
2.1.1	Review international agencies' publications on environmental law	Completed (Subsection 1.2)
2.1.2	Identify networks of environmental law centers, schools and experts	Completed (Subsection 1.2 and Subsection 2.2)
2.1.3	Review international and regional environmental conventions	Completed (Subsection 1.2)
2.1.4	Identify major areas of intervention of environmental law	Completed (Subsection 1.2)
2.1.5	Identify major challenges facing environmental law	Completed (Subsection 1.2)
2.2	Assemble existing Lebanese environmental legislation ⁷	
2.2.1	Review existing literature on Lebanese environmental law	Completed (Subsection 1.2)
2.2.2	Prepare an environmental legislation research plan	Completed (Subsection 1.2 and Annex 1.2A)
2.2.3	Undertake the research	Completed (Subsection 1.2)
2.2.4	Gather the environmental legislation texts	Completed (Subsection 1.2)

⁶ Reports on the findings of this activity are available, however they have not been enclosed since they are not considered as project's outputs but rather background material necessary to construct the matrix mentioned in task 2.3

⁷ Reports on the findings of this activity are available, however they have not been enclosed since they consist of about 20 folders (between 50 and 250 pages each) of legislation texts (in Arabic), as explained in Subsection 1.2

Ref.	Activities	Status of Implementation
3.3	Develop a pilot environmental law	
3.3.1	Identify the topic	Topic selected (Subsection 1.3.1)
3.3*	<i>Review environmental law under preparation (by other departments/ projects)</i>	<i>Selected texts reviewed (Subsection 1.3.2)</i>
3.3*	<i>Defend legislation under review (prepared by the Ministry)</i>	<i>Selected texts defended (Subsection 1.3.3)</i>
3.3*	<i>Comment on draft legislation under review (prepared by other institutions)</i>	<i>Selected texts commented on (Subsection 1.3.4)</i>
6.1	Strengthen MoE's capacities in disseminating information	
6.1.1	Strengthen MoE website	
6.1.1.1	Construct a webpage for SELDAS	Completed (Annex 1.1D)
6.1.1.2	Construct a webpage for MoE legislation department	Content developed but not posted yet (Annex 1.1D)
6.1.1.3	Construct a webpage for MoE public relations and external affairs department	Content developed but not posted yet (Annex 1.1D)

4. Assessment of Progress:

The project has been progressing rather smoothly despite delays incurred in the execution of selected activities. A noticeable delay was incurred in hiring the project officer for legal matters mainly because:

- i- The identification of the appropriate profile for this position is not easy since environmental law specialists are quasi absent in Lebanon; and
- ii- The change in government that took place in April 2003 was also among the challenges faced in selecting the project officer for legal matters.

Another major challenge faced was the establishment of a steering committee for the project. Reasons include:

- i- Difficulties in defining a specific role for this committee, other than the usual coordination, dissemination of information, synergy etc. purposes. Need for a specific role stems from the necessity of mobilizing the various institutions/ stakeholders; and
- ii- Transitional period which the country in general and the Ministry in particular went through due to the change in government mentioned above.

5. Future Planning for the Next Period of Time:

As mentioned in subsection 1.2, the execution of task 2 (diagnosis of the current environmental legislative setting) will require a 13-month period, instead of 9; i.e. it is expected to complete the final report on the "State of Environmental Legislation Development and Application System in Lebanon" in July 2004, instead of March 2004, and launch it in September 2004. Training and awareness activities, for which the completion of task 2 is a pre-requisite as per the project proposal, will therefore be launched in September 2004. Accordingly the project interim report (planned for April 15, 2004 according to Beneficiary's reply of August 28, 2003 to the Commission letter dated 12-08-2003) will be submitted on September 15, 2004. The Gantt chart, enclosed in Annex 1.1C, reflects these changes.

Accordingly, in the period extending from December 1, 2003 to August 31, 2004, it is expected to carry out the following activities:

Ref.	Activities	Comments
2.3	Construct a legislation matrix for the environment sector	Carry out steps 2-3 of the methodology of work (Annex 1.2A)
2.4	Diagnose the environmental problems	Carry out steps 3/4-9 of the methodology of work (Annex 1.2A)
3.3	Develop a pilot environmental law	
3.3.2	Draft the law (including the liabilities, penalties, mechanism of handling the penalties money, etc.) and in parallel conduct the corresponding SEA	At least, a first draft of the law will be completed
3.3*	<i>Review environmental law under preparation (by other departments/ projects)</i>	<i>If needed</i>
3.3*	<i>Defend legislation under review (prepared by the Ministry)</i>	<i>Including but not limited to EIA and MoE organizational decree</i>
3.3*	<i>Comment on draft legislation under review (prepared by other institutions)</i>	<i>If needed</i>
7.1.3	Organize periodical meetings for the steering committee	Finalize the committee TOR and conduct meetings
		Organize meetings to decide on “clean air” legislation scope

It is expected that this period will also be used to discuss and agree on:

- Publication details related to the report on the diagnosis of the current environmental legislative setting (task 2);
- Revised scope of training and awareness activities (tasks 3-5);
- Revised scope of proposed trip to European environmental law centers for selected public officials (task 3.2.3); and
- Revised details and results related to the mechanism of sending lawyers to pursue graduate studies in environmental law abroad (task 5.1.1).

Section 2: Financial Report

Annexes: