

March 20, 2019

## **Human Rights Watch's Comments on the Integrated Solid Waste Management Strategy**

We welcome the opportunity to provide input and feedback into the Ministry of Environment's strategy regarding the implementation of the Integrated Solid Waste Management Law (Law 80/2018). Please find below some detailed recommendations for how the strategy can be improved.

### **1. Rights-based Approach**

Lebanon is party to the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which requires it to take steps to achieve the "right of everyone to the enjoyment of the highest attainable standard of physical and mental health." This includes the right to a healthy environment. The strategy should explicitly recognize and respect the rights of all residents of Lebanon to life, health, and a healthy environment.

Under international law, victims of violations of the right to health should be entitled to adequate reparations, which could take the form of restitution, compensation, satisfaction, or guarantees of non-repetition.

The right to health also includes the right to seek, receive, and impart information and ideas concerning health issues. Lebanon has an obligation to provide education and access to information concerning main health problems in the community, including methods of preventing and controlling them.

The free and open Lebanese Waste Management Information System (LWMIS) will play an important role in fulfilling this right. We recommend moving the development of this system from a medium-term priority to a short-term priority and clearly outlining the timeline for the system's creation. The strategy should clearly state how stakeholders will be consulted in the system's development, as well as what information will be included in the system.

The Ministry of Environment should use the system to inform the public about the state of the environment through annual reports or online tools and databases to facilitate access to environmental information, including educational materials, statistical data, environmental impact assessments, and monitoring and evaluation plans and results.

The system should also display information related to the complaints received by the ministry, as well as the measures that the ministry took to address each complaint.

### **2. Consultation and Community participation**

Key stakeholders and the public have a right to participate in environmental decisions, and the Ministry of Environment should facilitate this engagement. We are encouraged by the addition of a chapter dedicated to consultation.

However, some key actors whose participation is vital in ensuring the success of the strategy's implementation are not included in the strategy. These include:

- Ministry of Justice: the ministry plays a key role in ensuring accountability and redress for those who suffer as a result of environmental harm caused by the mismanagement of waste.
- Ministry of Education: the ministry has an important role to play in designing awareness programs, in close coordination with the Ministry of Environment, and in introducing waste management awareness and best practices into school curricula.
- Ministry of Information: the ministry's cooperation will be vital in developing the Lebanese Waste Management Information System (LWMIS) and in ensuring that this system is free, open, and accessible to the public.
- Ministry of Health: the ministry's cooperation will be necessary for establishing and implementing guidelines on the proper handling of medical waste. The ministry will also need to assess, monitor, and report on the environmental impact on public health.
- Ministry of Energy and Water: the ministry's cooperation will be necessary in developing waste to energy programs.

We welcome the development of a comprehensive Stakeholder Engagement Plan. However, the development of this plan is given priority "C". We suggest more highly prioritizing this, given that consultation must be included at every stage in the development, planning, implementation, and enforcement of the strategy.

The Stakeholder Engagement Plan should, in particular, ensure that affected communities and civil society have the opportunity for informed input and engagement in solid waste management planning prior to the adoption of particular approaches or decisions.

The Ministry of Environment should facilitate this, including by encouraging and facilitating public participation in the development of policies, plans, and environmental standards through online portals; making draft regulations available online and open for public comment; publishing notices of proposed rules and giving the public an opportunity to submit comments; allowing public participation in environmental impact assessments; and holding stakeholder consultations with civil society organizations and communities affected by environmental harms caused by waste.

### **3. Monitoring and Evaluation**

We are encouraged by the priority allocated to the setting up and strengthening of procedures for monitoring and evaluation. However, we suggest that the development of a well-functioning LWMIS be set as a short-term, rather than medium-term, priority. A functioning information system is a pre-requisite for the strategic implementation of many policies and measures that are to be executed in the short-term.

The strategy does not provide any details about the way in which the ministry will conduct its monitoring and evaluation. However, it assigns the responsibility of "monitoring the fulfillment of targets set" to the National Solid Waste Management Authority (NSWMA), to be established in accordance with the ISWM law. Given that

the NSWMA is also responsible for the implementation of central projects, this dual role may constitute a conflict of interest.

The strategy should include plans and adequate allocation of resources for both the proactive and the reactive monitoring of waste management violations. The strategy should set a detailed plan regarding the frequency and scope of proactive visits to dumps and other waste management sites.

It should also ensure that the Ministry has the financial resources and staff to adequately respond to and address citizen complaints reactively. The strategy should clearly delineate the process by which citizens can file complaints, track their complaints, and receive notifications regarding the way in which their complaints were handled. The strategy should also clearly explain how the complaints will be handled by the Ministry, and how the Ministry will cooperate with the municipalities, security forces, and judiciary to respond to complaints.

#### **4. Enforcement**

The strategy highlights the need to improve the capacities and mechanisms of the Ministry of Environment to ensure proper compliance control and enforcement of the waste management law. However, the section on enforcement does not provide any details about the ministry's plan to enforce the strategy, nor does it mention the vital role of the Ministry of Justice in this regard. The strategy should set clear penalties for violators on a sliding scale of sanctions commensurate with the gravity of the harm resulting from the violation, and the penalties should serve as effective deterrents to future violations. The strategy should also provide guidance on redress measures for those who suffer as a result of environmental harm caused by the mismanagement of waste.

Although the NSWMA is stated as the body responsible for ensuring the law and strategy are implemented, it is not mentioned in the section on enforcement. The strategy allocates a "sufficient number" of experienced environmental inspectors who will be in place at the regional and municipal levels. However, it does not provide any details on what will be deemed a sufficient number, how often they will conduct inspections, whether those visits will be proactive or in response to complaints, and what enforcement powers these inspectors will have. Further, the strategy does not indicate whether these environmental inspectors will be employees of the Ministry of Environment or the municipalities. Given the importance of ensuring compliance, the role of the environmental inspectors should be clearly delineated in the strategy.

The strategy underscores the responsibility of the public to ensure compliance. However, it does not outline a process by which citizens can submit complaints. The strategy should clearly outline a complaints mechanism stating how the complaints will be handled by the Ministry of Environment, the timeframe for responding to complaints, and how citizens can check on the status of their complaint.

The strategy introduces the possibility of establishing an additional compliance body, the "independent compliance control agency," but it does not provide details on how this body's role will be different from the NSWMA.

## **5. Discrimination**

The strategy should combat the discrimination currently propagated by the current waste management practices.

The open dumping and open burning of waste is disproportionately taking place in lower-income areas of Lebanon. States have an obligation with respect to those who may be particularly vulnerable to environmental harm. The rehabilitation of priority dumpsites is listed in the strategy as a medium-term priority. This should be made a short-term priority, and the phrase “priority dumpsites” should be clearly defined to include open dumps where the open burning of waste is occurring in lower-income areas.

The site selection criteria listed in the strategy are very broad and do not provide any indication of the factors that the Ministry of Environment will take into account. Particular consideration should be given to the issue of discrimination when selecting sites. Waste treatment facilities should be placed in locations to minimize any environmental or health impacts, not based on the economic status of any nearby community. As such, the strategy should include concrete impact assessment tools and clear guidelines for the selection of waste treatment facilities’ locations.

## **6. Public Awareness**

Although the strategy underscores the importance of public awareness, all measures related to awareness are set as medium and long-term goals. Given the importance of the public’s role in waste reduction, monitoring, and enforcement, these efforts should begin immediately.

The strategy should lay out a plan, in consultation with the ministries of health and education and civil society, to design and implement public awareness programs that promote sustainable waste management practices that respect the right to health and a clean environment, while demonstrating the health risks of open dumping and burning.

## **7. Objectives and Targets**

We welcome the strategy’s identification of concrete targets to be reached in the short, medium, and long-term, as this would allow for a robust monitoring and evaluation program. However, we are concerned that there does not appear to be a baseline assessment of the current indicators or an explanation of how the targets were set.

In order to enhance the credibility and feasibility of the strategy, a baseline assessment of Lebanon’s current waste management indicators and a study of the capacities of existing waste management facilities and programs should be publicized. In addition, an explanation of the methodology behind the setting of the objectives and targets, given Lebanon’s current indicators, would enable a better assessment of the strategy’s feasibility.

This information is necessary to design a robust monitoring and evaluation program to evaluate the success of the strategy in meeting its objectives and targets.

## **8. Financing**

Neither the law nor the strategy set a budget. Although the strategy does identify the need to create financially self-sustaining waste management programs and implement fees and taxes to cover the costs of some other programs, there does not seem to be an assessment of the financial costs of the strategy's implementation.

Estimating the costs of the programs outlined by the strategy and drawing up an estimated budget is vital for passing financial measures, setting tariffs, and designing full cost-recovery systems.