

HUMAN RIGHTS WATCH

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His Excellency Saad Hariri
Grand Serail
Beirut, Lebanon

Cc:
Ministry of Environment
UN Development Programme

March 15, 2018

Dear Prime Minister Hariri,

I'm writing to thank you for taking the time to meet with us on January 8 to discuss the health risks of open burning waste and the ongoing waste crisis in Lebanon.

We have read the summary waste management plan passed by Cabinet on January 11, 2018, and are writing to follow up on our meeting with detailed recommendations for how Lebanon can bring its waste management practices into compliance with international law.

Since our meeting, Human Rights Watch has launched a public campaign calling on parliament and the cabinet to urgently pass a national waste management law and solid waste management strategy that cover the entire country and comply with environmental and public health best practices and international law. In the past two weeks, we have received more than 12,000 signatures.

Please find attached our recommendations with regard to a long term national waste management strategy that cabinet should adopt. We would be happy to discuss in more detail, I can be reached at [REDACTED] or [REDACTED].

Sincerely,

Lama Fakhri
Deputy Middle East Director
Beirut Director
Human Rights Watch

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1. Develop a sustainable waste management strategy

Adopting sustainable waste management practices is essential to ending the waste crisis, reducing the amount of waste being open dumped and burned, and realizing residents' right to health and a safe environment. This is an ongoing crisis that is posing health risks to residents. Cabinet should urgently set a timeline to adopt a sustainable long-term waste management strategy.

Cabinet should adopt a national waste management framework that complies with environmental and public health best practices, covers all municipalities in Lebanon, and meets Lebanon's obligations under international law. It should include a comprehensive plan and timeline for the environmental clean-up or rehabilitation of the 941 open dumps in Lebanon, prioritizing those where open burning is putting the health of nearby residents at risk. The strategy should account for the technical, institutional, and financial aspects of solid waste management planning and clearly allocate responsibilities and coordination between ministries, municipalities, international institutions, and the private sector. It should ensure proper disposal of hazardous and medical waste, and that such waste does not enter the regular solid municipal waste stream unless properly treated. Cabinet should urgently adopt a decision explicitly banning the open burning of waste.

The strategy should include adequate nationwide options and plans for waste reduction, reuse, and recycling and composting at the source. Such measures should be supported by proper incentives including by regulating and taxing waste-intensive products and polluters, and introducing penalties for violators. There is a real need for an incentive structure within Lebanon's waste management contracts to encourage proper waste disposal, recycling, composting, and safe disposal. The strategy should also include plans for managing different waste streams, including hazardous waste, medical waste, and electronic waste, and impose a tracking system for waste that poses a risk to public health or the environment.

Given that national long-term sustainable solutions will take time to develop and implement, the Lebanon cannot afford to continue relying on open dumping and burning in the meantime. There is an urgent need for a transition plan

that will close or rehabilitate open dumpsite as soon as possible and within a concrete and public timeframe.

2. Adequate resources, training, and expertise within municipalities

Municipalities consistently told Human Rights Watch that they did not have the adequate technical expertise or financial resources to manage their solid waste, and so resorted to the cheapest options such as illegal open dumping. The Ministry of Environment has found that municipalities typically receive their budgetary allowances from the Independent Municipal Fund several years behind schedule and therefore tend to resort to quick solutions and fixes, including open dumping. Cabinet should ensure that municipalities receive their allotment from the Independent Municipal Fund on time each year, and that they have the necessary financial and technical support to implement the early stages of waste management envisioned in the summary waste management plan Cabinet passed on January 11, 2018.

3. Adequate monitoring and oversight of waste management, Ministry of Environment resources, and citizen complaints mechanisms

People have the right to know about health risks in their environment, but Lebanon is not currently conducting adequate monitoring of the environmental and health risks of the waste crisis. As part of any waste management plan, the ministries of environment and health should conduct regular monitoring of the environmental and health impacts of waste management, publicize these results, and take appropriate administrative action against individuals, corporations, and municipalities who violate environmental laws.

Officials at the Ministry of Environment told Human Rights Watch that they did not have the financial resources to adequately monitor dumps across Lebanon for environmental violations.

Cabinet should ensure that the Ministry of Environment has adequate financial resources and staff to conduct monitoring and publicly report on the environmental impact of the waste management system, and ensure that any

proposed plan or solution passes an environmental impact assessment.

4. Adequate enforcement for non-compliance or violation of environmental laws; the right to redress

There is a need for accountability and redress for those who suffer as a result of environmental harm caused by the mismanagement of waste. There are a number of ways in which states ensure the right to remedy for environmental harm, including the establishment of dedicated environmental courts, developing procedural rules that facilitate plaintiffs' access to courts, utilizing national human rights institutions to investigate violations, building the relevant expertise of the judiciary, and appointing dedicated public prosecutors and police to bring environmental cases.

The adequate monitoring and oversight of waste management and municipalities should include the development of a citizen complaints mechanism within the Ministry of Environment, and a process by which residents can submit complaints or share information about violations. In case of violations, the responsibility parties should face adequate administrative penalties.

5. The right to be free from discrimination

Human Rights Watch found that open burning of waste was 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. 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.

6. Public education

Any waste management plan should also focus on reduction of waste and public education about the importance of proper waste management and reduction. In coordination with the ministries of health and education, the national strategy should include public awareness programs to 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.

Awareness raising should be the responsibility of the central government, and should not be delegated to individual municipalities who may not have adequate resources or expertise.

The national strategy should call for incorporating the environmental and health implications of waste management in public school curricula. The Ministry of Education should design and implement educational tools for school children of different ages and organize workshops to train teachers. The ministry should also ensure that public schools promote and engage in sorting and recycling of waste.

The Ministry of Environment should also engage with civil society in educating the public; non-governmental organizations may be well placed to help raise awareness and bolster the waste management capacities of communities and municipalities.

7. The right to information

The public has a right to information about health risks in their environment. Lebanon's waste management strategy should explicitly state that citizens have this right and outline a mechanism by which members of the public can access environmental monitoring information from the Government in a timely manner. The failure to provide this information should result in administrative and judicial review of alleged violations. At the same time, the Ministry of Environment should regularly 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 plans.

Cabinet should commit to a transparent process for adopting a long-term waste management strategy and plan, including by publicizing proposals under consideration (along with financial information and the required environmental impact assessments) and inviting input from civil society and the general public.

8. Allow civil society and affected communities the opportunity for informed input and engagement in solid waste management planning

The public has a right to participate in environmental decisions and governments should facilitate this engagement. Cabinet should 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.