



HIGH LEVEL POLICY DIALOGUE ON ENFORCEMENT OF WATER LAWS IN SWIM-SM COUNTRIES 14-15 October- Athens

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Policies and Plans towards Enforcing Water and Environment Legislation

- The **National 10-year Strategy Plan** for the Water Sector by GDHER / MEW (2000-2009) that includes elements of an IWRM Plan and calls for a holistic consideration of water resources within a complete policy and planning cycle;
- **Water Sector Restructuring** (2000) through Law 221 (and 241, including amendments and a number of by-laws) so as to reflect the new vision of water resources management based on an IWRM approach;
- **National Water Sector Strategy** (NWSS, 2012) that aligns with IWRM principles.
- The **Water Code** (submitted to the Council of Ministers) tackles within a comprehensive and integrated governance framework, institutional and management issues and recommends provisions for the implementation of sustainable water management.
- **Draft Water Users Association Law**, under revision, to be submitted to the Council of Ministers
- **Draft law for amendment of law 221 giving MeW the authority of contracting s with international companies** , for the management and investment of dams and Hill-Lakes by adoption of the principle of self-financing for design and / or construction , operation and transfer it on the basis of bidding documents for each dam and for a maximum period of thirty years , In accordance with the provisions of the law of public accounting

Water Sector Restructuring

Law 221 - Basic Principles

1. Environmental and Natural Ecosystems Protection
2. Integrated Water Resources Management including Domestic, Irrigation and Waste Water
3. Financial Balance
4. Water Quality Protection
5. Increasing Administrative and Financial Autonomy

MEW's Responsibilities based on law 221:

- Issuance, enactment and enforcement of legislations and regulations
- Study and implementation of the Large Hydraulic Projects (Dams and Tunnels)
- Water Resources Protection
- Overseeing of Water Establishments (Wes) and Concessions Control
- Approving Tariff Policy
- Performance Evaluation of the WEs (Performance Evaluation Committee)

4 Water Establishments were created by merging 21 Water Authorities:

- They are responsible for Water Projects from A to Z: Studies, Implementation, O&M, cost recovery, etc...
- They function according to their own by-laws once these by-laws are approved by the Council of Ministers

Water Code provisions:

- Create a Higher National council for water;
- Introduce the concept and management of water basins
- Administration and management of economic and financial management of water
- Media and Water Awareness campaign
- **Create a water police**
- Protection from hazards such as floods and droughts
- **Restraining Measures**

Main gaps in the current legal/regulatory set-up

- Incomplete implementation of Law 221 and its amendments, like the establishment of Performance Evaluation Committee and the lack of bylaws needed amendments after 10 years of issuance and application in order to finalize the implementation of the water sector reform as well as integrating all local Committees and municipal Water and Waste water management into Water Establishments (WEs)
- Need to modernize irrigation laws, thus abolishing the Ottoman law of 1913 in a view to facilitate and organize the use of irrigation water, mainly through the creation of Water Users Associations (WUAs)
- Needs to go back to the original text requiring more recruitment independence and not to be submitted to the Council of Civil Service in order to attire skilled experts
- Needs to develop Wastewater practices within WEs which are not used to this kind of practices
- Need to develop the legal requirements to support strategic priorities in the water sector
- Need to achieve the ratification of the Water Code
- Need to undertake an in-depth gap analysis of all laws and regulations governing the water sector

Main gaps in the enforcement/ application of laws

- Limited implementation due to lack of capacity, resources (human/financial, e.g “water controllers/police”) and equipment to monitor, inspect, audit and enforce laws.
- Minimal cross-ministerial coordination
- Very limited incentives and compensations for those preventing water quality degradation
- Penalties foreseen by laws are very severe but often not applied.

Decree 8735 (1974)

- Prevent discharge of wastewater from industries within waterways and beaches
- **Enforce** Force industrial establishments to treat their wastewater before discharge

Law 444 (29/07/2002), Protection of the Environment

- Basic Principles and General Provisions
- Organizing the Protection of Environment
 - Environment Planning
 - National Environment Council
 - Financing Environment Protection
 - Mechanism of Environment Pollution Control .
- Environment Information System and the Participation in the Environment Management and Protection
 - Environment Information System
 - System of Participation in Environment Management
 - Incentives

Law 444 (29/07/2002): Protection of the Environment

- Assessment of the Environmental Impact
- The Protection of Environmental Surroundings
 - Protection of Air and Combating Disturbing Smells
 - Protection of Marine Coast and Environment from Pollution
 - The Protection of Water Environment from Pollution
 - The Protection of Soil Environment and Underground
 - Establishments
 - Harmful and / or Dangerous Chemical Materials
 - Sound and Noise Harm
 - Natural Resources Management and Protection of Biodiversity
 - Natural Risks and Disasters

Law 444 (29/07/2002): Protection of the Environment

- Liabilities and Penalties
 - Liabilities
 - Misdemeanor Apprehension
 - Administrative Measures
 - Penalties
- Final Provisions

Decree no 8213 (31/5/2012): Strategic Environmental Assessment

- Strategic Projects and plans from related Ministries and administrations are subject to Strategic Environmental Assessment, Ex : Water and wastewater Management, , Energy, Transportation, Solid waste, Master Plan for land-use, Development of Residential, Industrial, Agricultural, Touristic, Environmental Sectors, Exploitation of Natural and Extracted Resources

Decree No 8633 (16/5/2012):

Environmental Impact Assessment

 MoE must give its opinion about the report presented from the owner of the project, this opinion could be approval with or without conditions or rejecting with clarified reasons.

 The related ministry gives the license for implementing the project based on the opinion of MoE on the report of EIA.

 Initial Environmental examination or detailed EIA depends on the type and size of the project

Example of Projects subject to EIA:

- Dams ,Hill Lakes, artificial lakes, ponds: for potable water and irrigation
- Irrigation schemes for more than 500 hectares
- Desalination plants
- Wastewater treatment plants
- Marine drainage canals
- Integrated Wastewater networks with wastewater treatment plants

Example of Projects Subject to IEE:

- Irrigation schemes for more than 100 hectares
- Purification plants for Potable projects
- Wastewater Networks

It took more than 10 years to pass the Decree. However, MoE has been enforcing the EIA process by mainstreaming it into the permitting procedure of several line ministries including Water, Public Works & Transport, Industry, and Tourism.

Law 251 (22/4/2014)

Employment of Environment prosecutors and investigators

- Environmental Crimes: violation against the law and regulations concerning the protection of forest wealth, Natural protected areas, Biodiversity, Ecology, Air, Water, Soil from pollution.
- Violation against the law concerning Environmental system for the Public and public regions, National and Trans-boundary water basins, Violation on the environment regarding, maritime property, river and groundwater
- Violations against all the Issued Environmental laws and decrees.
- Decisions' and rulings about the results are published in two local news papers
- Establishing Environmental Department related to MoE and represents it in every Mohafaza (administrative borders in Lebanon)
- Establishing Environmental inspectorates, its members will be nominated later in a decree in the council of ministers, based on proposal by the minister of Environment, this unit has the authority of judicial inspector related to environmental criminals under the authority of the Environmental prosecutor
- Mandatory Course about water and Environment laws must be studied at the Institute of Juridical Studies

Decree 8471 (18/3/2012)

- Lebanese Government adopted the **Provoking and Encouraging** method by issuing the decree 8471 (18/3/2012) granting a certificate to Industrial and non-industrial companies who are compliant with the required environmental conditions in the related laws and decrees. **“Environmentally complying Establishments”** – this is the name of the certificate - can use it as logos on their products



Compliance, monitor, audit, enforcement of environmental legislation

- The Lebanese government is in continuous updating of its Environmental laws and legislations, the adequacy of Environmental legislation, current level of compliance with these legislation, the capacity available to monitor, inspect, audit and enforce legislation is a matter of experience with time and political will.
- Upon practicing these laws and legislations we could know the gaps or the obstacles in applying it.

Capacity development needs to improve compliance with water legislation

- Cooperation with the related Institutes in Lebanon who would train or teach in this domain and building of their capacities
- Exchange of experiences between SWIM countries and among SWIM and Non-SWIM countries
- Taking advantage of lessons learnt and success stories from other countries



**THANK YOU FOR YOUR
ATTENTION!**