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Recommended Citation

Hussein, Salah. "Update on the Environmental and Legal Consequences of the Recent Lebanon-Israel War." *Sustainable Development Law & Policy*, Spring 2007, 52, 76.

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UPDATE ON THE ENVIRONMENTAL AND LEGAL CONSEQUENCES OF THE RECENT LEBANON-ISRAEL WAR

by Salah Hussein*

In addition to over 1,150 civilian deaths, 3,700 civilian injuries, and the creation of nearly one million refugees and internally displaced peoples,¹ the recent Lebanon-Israel war in the summer of 2006 left the Lebanese infrastructure and environment severely damaged.² According to “Lebanon Rapid Environmental Assessment for Greening Recovery, Reconstruction and Reform 2006,” a report issued by the United Nations Development Programme, the war resulted in the “destruction of approximately 445,000 [meters squared] of road network, 92 bridges and overpasses, as well as the destruction or damage of an estimated total of 130,000 dwelling units in addition to water supply and wastewater infrastructure.”³ Lebanon’s Council for Development and Reconstruction, a quasi-governmental organization, estimated that the destruction resulted in approximately U.S. \$2.5 billion in damages, not including losses of revenue.⁴ In addition to the massive devastation caused to the civilian infrastructure, the region’s environment paid a heavy toll as a result of the war, the effects of which are still being dealt with today.

The most widely publicized environmental consequence of the war was Israel’s attack on the Jiyeh power plant, located south of Beirut. A report by the United Nations Environmental Programme (“UNEP”) stated that up to “75,000 cubic met[ers] of heavy fuel oil could have been burned, spilled or leaked into the ground after the Israeli air raids of 13 and 15 July 2006, though the exact amount is still unknown.”⁵ The attack resulted in the spill of 15,000 cubic meters of oil, which spread across the Mediterranean coast, reaching the Syrian coastal city of Tartus to the north and Tyre in the south.⁶ Approximately 150 kilometers of Lebanon’s coastline, out of a total 220 kilometers, was directly affected by this spill.⁷ That Israel targeted the plant on three separate occasions and had even threatened to bomb the power plant again⁸ clearly indicates that Israel’s attack against the plant was willful and deliberate, and therefore could constitute a war crime based on principles of international humanitarian law (“IHL”), due to the civilian-use nature of the plant.⁹

Once the ceasefire went into effect on August 14, 2006, a coalition of organizations including UNEP, various NGO’s and Lebanese Ministry of Environment (“MoE”) took part in Phase I of the cleanup process along the coast.¹⁰ Phase I involved “the removal of free floating oil and the bulk of the oil that can be remobilized from all heavily affected sites along the coast,” and

according to MoE, was successfully completed in January 2007, a full six months after the Summer War.¹¹

Phase II, on the other hand, which is only just beginning, may prove to be a much more challenging task. The sea continues to deposit oil onto the shores of the country, and shifting sands continually expose large deposits of oil from the bombed power plant.¹² The remaining cleanup will be a much more costly and lengthy effort, and one which the government may not be able to handle. UNEP reports that the “disposal of toxic waste and other debris

from Israel’s bombing last July and August still poses a major environmental challenge to Lebanon. Unexploded cluster bombs, sacks oozing oil on beaches, mountains of rubble and bombed-out factories with stockpiles of chemicals all may have a far-reaching impact on people and their

environment unless treated urgently.”¹³ The MoE reports that the first phase of the cleanup cost between U.S. \$137 and \$205 million dollars, and the “assistance that Lebanon has received to date is less than [five percent] of the needed financial resources” for these projects.¹⁴

Despite several proclamations by the Lebanese government that it intended to pursue legal action on an international level against Israel for the alleged war crimes committed, action on the part of the government has been minimal.¹⁵ This is likely due both to internal political turmoil and the likelihood that Israel could pursue similar action against the Lebanese government because of Hezbollah’s position in the government and its conduct during the war. The International Court of Justice has opened up its own investigation into whether war crimes were committed by either side, under the title *Expert Legal Inquiry into Possible Violations of International Humanitarian Law in the Armed Conflict in Lebanon*.¹⁶ Whether either side can collect against the other for violations of IHL is yet to be seen.

Because of this, it is likely that Lebanon’s only remedy to its environmental situation is to seek financial assistance from donor countries to continue the cleanup and reconstruction process, which, if the first six months are any indication, will likely take another six months to one year and several hundred million dollars to complete. The country has a long way to go before full environmental recovery is achieved.



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¹ Press Release, United Nations, Humanitarian Factsheet on Lebanon, IHA/1220 (Aug. 16, 2006), available at <http://www.un.org/News/Press/docs/2006/iha1220.doc.htm> (last visited Feb. 25, 2006).

² Amnesty International, *Israel/Lebanon: Deliberate Destruction or “Collateral Damage”?* Israeli Attacks on Civilian Infrastructure (Aug. 23, 2006), available at <http://web.amnesty.org/library/index/engmde180072006> (last visited Feb. 25, 2007).

³ U.N. Dev. Programme, *Lebanon Rapid Environmental Assessment for Greening Recovery, Reconstruction and Reform 2006* (Jan. 2007), at 12, available at <http://www.undp.org.lb/events/DraftReport.pdf> (last visited Feb. 25, 2007) [hereinafter UNDP].

⁴ Jeffery Stinson, *Lebanese Infrastructure Damage Tops \$2.5B*, USA TODAY, Aug. 7, 2006, available at http://www.usatoday.com/news/world/2006-08-07-lebanon-damage_x.htm (last visited Feb. 25, 2007).

⁵ IRIN, *Lebanon: Long-term Environmental Challenges Ahead* (Feb. 8, 2007), available at <http://www.irinnews.org/Report.aspx?ReportId=70043> (last visited Feb. 25, 2007); see also Abigail Okrent, *Oil and Water Don't Mix: Legal Remedies for Environmental Wartime Destruction on Lebanon's Mediterranean Coast*, SUSTAINABLE DEV. L. & POL'Y, Fall 2006, at 36.

⁶ UNDP, *supra* note 3, at 12.

⁷ UNDP, *supra* note 3, at 15.

⁸ Yaakov Katz, *IAF Knocks Out Missiles Capable of Hitting TA. 35 Israelis Wounded in Rocket Attacks on North*, JERUSALEM POST, Jul. 18, 2006, at 1.

⁹ See Amnesty International, *supra* note 2.

¹⁰ REPUBLIC OF LEBANON, MINISTRY OF ENVIRONMENT, OIL SPILL UPDATE 1 (2007), available at <http://www.moe.gov.lb/NR/rdonlyres/CCB2F82C-6BBB-4EAF-988F-AB941B6E0DD5/5403/OilSpillUpdateFebruary2007.pdf> (last visited Feb. 25, 2007) [hereinafter MoE].

¹¹ MoE, *id.*

¹² IRIN, *supra* note 5.

¹³ IRIN, *supra* note 5.

¹⁴ MoE, *supra* note 10, at 3.

¹⁵ Associated Press, *Lebanon to Sue Israel Over Oil Spill Caused by War Bombing* (Sept. 13, 2006), available at <http://www.haaretz.com/hasen/spages/762366.html> (last visited Feb. 25, 2007).

¹⁶ International Commission of Jurists, ICJ Legal Resource Center, *Lebanon - ICJ Expert Legal Inquiry Into Possible Violations of International Humanitarian Law Begins Second Stage of Investigations* (Oct. 10, 2006), available at http://www.icj.org/news.php3?id_article=4029&lang=en (last visited Feb. 25, 2007).