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

by Salah Husseini*

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 Jiyyeh 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.

Endnotes: Lebanon-Israel War on page 76

* Salah Husseini is a JD candidate, May 2008, at American University Washington College of Law.
25 Telners, supra note 15; Hardy, supra note 21; TransAlta, Presentation at Engineering Institute, supra note 7.
26 Eddy, supra note 14.
29 Colston, supra note 18.
30 CDM Pipeline August, supra note 11.
31 See ENERGY INFORMATION ADMINISTRATION, INTERNATIONAL ENERGY OUTLOOK 2005 (2005) (Ukraine is 17.76% of former Soviet Union projections. These projections only take account of excess allowances from carbon dioxide emissions from fossil fuel consumption. Other greenhouse gas sources may increase the allowances.).
33 Marrakesh Accords, supra note 3, at Decision 19/CP.7.
34 Kyoto Protocol, supra note 1, at art. 12(10).
35 Marrakesh Accords, supra note 3, at Decision 19/CP.7.
37 Marrakesh Accords, supra note 3.
40 Personal Communication between author and Ian Milborrow, Assistant Director, Corporate Finance - Emissions Trading, Pricewaterhouse Coopers (May 30, 2006) (on file with author) [hereinafter Milborrow].
43 Reilly & Paltsev, supra note 41.
44 Reilly & Paltsev, supra note 41.
47 POINT CARBON, supra note 45.
48 POINT CARBON, supra note 45.
50 European Climate Exchange, id.
52 Eddy, supra note 14; Page supra note 12.
53 Personal Communication, supra note 12.
54 Colston, supra note 18; Eddy, supra note 14; Hardy, supra note 21.
55 CDM Pipeline May, supra note 13 (based on a total of 56 approved methodologies as of May 1, 2006).
56 Van Der Linden, supra note 14.
57 Milborrow, supra note 40.
59 Haltes, supra note 58.

ENDNOTES: LEBANON-ISRAEL WAR continued from page 52

6 UNDP, supra note 3, at 12.
7 UNDP, supra note 3, at 15.
9 See Amnesty International, supra note 2.
11 MoE, id.
12 IRIN, supra note 5.
13 IRIN, supra note 5.
14 MoE, supra note 10, at 3.

ENDNOTES: MERGING ENVIRONMENTAL AND ENERGY SUSTAINABILITY continued from page 56

36 Hoornweg et al., supra note 8, at 12.
37 Hoornweg et al., supra note 8, at 8.
38 Jones, supra note 15, at 3.
39 Jones, supra note 15, at 3.

S P R I N G 2 0 0 7