

Air Pollution Under Lebanese Laws



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In modern world, air pollution constitutes a dangerous matter reflecting usually all by itself the sensitivity of environmental problems. Taking into consideration research and studies realized in this field showing the direct impact of air pollution on citizens' health and activities, public authorities did not hesitate to elaborate coercive legislation and Non-Governmental Organizations interested and concerned by environmental matters kept on drawing public and private sectors' attention to the dramatic consequences of air pollution.

Certainly, air pollution is related to the economical and industrial activities, the cornerstone of modern societies. Therefore, in order to limit its impact and bring remedies, taking in consideration the available techniques, air pollution control in all countries consists in concrete measures and targeted actions, rather than on vague propositions and pious wishes.

Then if the interest in air pollution matters is recent in developed societies and international agreements already approved in Rio De Janeiro are nowadays subject to rough negotiations between the partners of industrialized countries responsible for the progressive and dangerous deterioration of the atmosphere, what can be said about countries like Lebanon where legislations and regulations should be seriously examined for a better implementation of the needed actions?

Legislative decree 21 issued on July 22, 1932 relative to classified establishments submitted the latter to an

administrative authorization whenever their activity is dangerous or harmful to security, air salubrity, noise, scent, public health, it is still a very general text comparing to the importance of air pollution.

In response to the obligation of fighting air pollution, the Ministry of Environment set out in the "arrêté" (Ministerial decision) 20/B issued on January 21, 1994 amended by regulation 52/1 issued on July 29, 1996 and other amendments, the highest limit authorized in air pollution, noise, drinkable water, dangerous products... Moreover, the environmental law promulgated by law 444 issued on July 29, 2002 states in its fifth title, chapter 1 (Article 24 and following) relative to the protection of air and the struggle against inconvenient scents that every physical person or legal entity of public or private law must commit oneself to prohibit emanation of atmospheric polluting products sanctioned by laws or exceeding the authorized limits. This prohibition also concerns acquisition, utilization and management of tools, machines and vehicles with polluting emanation exceeding the authorized limits.

In addition, Article 26 of the environmental law stated that every physical person or legal entity of public and private law must not exceed the set limits in case of personal utilization of tools, machines or loud speakers or any alerting tool.

Under Article 27, the sanctions in cases of air or noise pollution are the notification of the lawbreaker by the local authority - the municipality in this case - and the information of the Ministry of Environment and all other concerned ministries of the matter. In case the lawbreaker does not comply with the notification, the Ministry of Environment can take all required measures to stop the polluting activity.

However, in case of air pollution, these rules, as established by ministerial regulations, are not subject to a careful follow up. In fact, the organisms in charge of the control of air pollution do not have clear determined functions: thus policemen do not control vehicles' air



pollution and on the other hand, the establishment of such policy requires accelerated training programs by public authorities and the endowment of technical equipments capable of identifying regularly the level of air pollution for the appropriate awareness of the citizens. Moreover, Article 28 of the environmental law foresees the necessity to promulgate a decree taken in the Council of Ministers for the establishment of quality regulations to be respected in environmental matters. A law was promulgated on 13th of April 2018 under number 78 for the protection of quality air but it must receive a wide publicity and people in charge of the struggle against pollution should be submitted to a qualified training.

Laws regulating air pollution matters require a true coordination on a sociopolitical level between productive forces - mainly industries - and consumer forces in which case using cars is a rather typical example. After the promulgation of law 78/2018, it is now imperative in Lebanon to work as fast as possible to establish an institutional system to control air pollution. A convenient administrative authority should be in charge of this serious matter. Society's health and capacity depend on the implementation of the legal framework protecting it from an environment in crisis.