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ENVIRONMENTAL LEGISLATION

IN THE MIDDLE EAST --

A PRELIMINARY SUMMARY

by

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In the following preliminary summary, we list some of the more significant legislation enacted by Middle East countries concerning environmental matters. This summary is based on material currently available in our Chicago offices, and supplemented in some cases by advice from our correspondent law firms in the Middle East.

Many Middle East countries have only recently enacted and begun implementing general environmental legislation. In some cases, those laws do not contain the detailed or specialized rules found in similar laws in the United States -- for example, specific rules for solid waste, hazardous chemicals, marine pollution and the like. In other cases, however, municipal regulations will provide additional requirements to supplement a Middle East country's general environmental laws.

In addition, under general principles of law in the Middle East (whether Islamic law rules in countries like Saudi Arabia, or civil law rules adopted elsewhere in the region) a party causing environmental damage might be liable either under contract or tort

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for actions which cause injury to the physical or financial interests of another party. In extreme cases, general criminal law rules in a Middle East country might be relevant (as recently occurred in Lebanon, where the import and dumping of toxic wastes was deemed a "violation of the domestic security of the country".)

1. Bahrain

The Law Concerning the Environment 1996 was issued by virtue of Law Decree No. 21 (1996). This is the first comprehensive environmental law in Bahrain.

In the past, Bahrain had enacted other laws that contained some environmental protection rules, such as: Law Decree No. 3 (1975) Concerning Public Health; Law Decree No. 5 (1981) Concerning Fishing; Law Decree No. 20 (1983) Concerning Agricultural Quarantine; Law Decree No. 21 (1983) Concerning Protection of Palm Trees; Law Decree No. 6 (1984) Concerning Regulation of Industry; Law Decree No. 3 (1985) Concerning Control of Imported Food Material; Law Decree No. 11 (1989) Concerning Insect Sprays; and Law Decree No. 7 (1980) Establishing the Commission for the Protection of the Environment.

2. Egypt

Egypt's Environmental Law was enacted by Law No. 4 (1994). That law provides for the establishment of an Agency for Environmental Affairs, empowered to draw up general environmental protection policy, prepare plans needed to preserve and develop the environment, and follow-up implementation in coordination with other competent government authorities.

3. Jordan

The Law for the Protection of the Environment was issued by virtue of Law No. 12 (1995). That law, the first comprehensive environmental law in Jordan, establishes the Public Corporation for the Protection of the Environment. The Jordanian environmental agency is an official public corporation empowered to protect and enhance the environment, and implement its environmental policy in coordination with other competent Jordanian authorities.

4. Kuwait

For many years, the Kuwaiti government has supported environmental protection measures -- and the damage caused by

Iraq's invasion has only strengthened that resolve. Kuwaiti initiatives have been supported by domestic entities such as the Kuwaiti Institute for Scientific Research ("KISR"), and the Gulf Regional Organization for the Protection of the Marine Environment, headquartered in Kuwait.

In 1992, a ministerial resolution required the preparation of an environmental impact statement as part of any public or private project that would affect natural resources or the health of the population. Under that resolution (patterned after U.S. regulations), Kuwait's Environmental Protection Council had the right to demand any additional information needed to assess the proposed project's impact on the environment.

More recently, Kuwait enacted Law No. 21 (1995), as amended by Law No. 16 (1996), creating a more powerful Public Institution for the Environment. That Institution, attached to the Council of Ministers, has responsibility for protecting the country's environment by developing policies, establishing guidelines, executing and supervising work plans, supporting environmental research, monitoring the environment, and examining international and regional agreements.

5. Lebanon

In recent years, the Lebanese government has enacted a number of laws to protect the environment, including protection of forests (Law No. 558 of 1996), and declaring the Shuf Cedars a natural reserve (Law No. 532 of 1996). Lebanon has also ratified a number of international conventions, including the 1989 Basel Convention on Toxic Wastes -- which potentially has relevance to a bitter controversy regarding the dumping of import toxic wastes.

Despite such legislation, however, local criticism have been levelled at the Lebanese government (including the Ministry of Environment) for failing to be more active in resolving the significant environmental issues facing the country. Probably for the first time in Lebanon's history, riots took place over the environment -- in the summer of 1997, Beirut residents took to the street over problems with garbage disposal services. Concern for the environment has clearly been demonstrated in the country.

6. Oman

The primary Omani legislation concerned with the environment is Royal Decree 10/82 (1982), the Law on the Protection of the Environment and Prevention of Pollution. This law provides the framework for all other laws and regulations concerning

environmental protection, with responsibility shared between the Ministry of Regional Municipalities and Environment ("MRME") and the individual municipalities.

For example, the management of non-hazardous waste is regulated by Ministerial Decision No. 17/93 (1993). Occupants of premises used for residential, commercial, industrial, agricultural or other purposes must store and dispose such waste in a way in which there is no nuisance or threat to the public health. Each municipality is responsible for establishing a system for the collection of such waste from residential areas, while commercial businesses must arrange for such waste to be transported to sites designated by the relevant municipality.

7. Qatar

Qatar established a Committee for the Protection of the Environment ("EPC") in 1981, directed by an inter-ministerial council chaired by the Minister of Health. Initially, the EPC was primarily concerned with recommending which international environmental organizations, treaties and protocols Qatar should join or sign.

In 1993, the EPC was merged into a newly created Department of the Environment, which now reports directly to the Ministry of Municipalities and Agriculture. Although the directorship of that Department remained vacant until 1995, it is now also focusing on the task of setting and enforcing standards for clean air and for waste disposal.

8. Saudi Arabia

In the past, Saudi environmental protection have been somewhat limited. In many cases, environmental regulations were contained in provisions of laws relating to other substantive areas. For example, Saudi labor laws include provisions designed to protect workers from environmental hazards.

In recent years, Saudi government officials have given greater attention to expanding environmental protection. For example, many Saudi government departments now include "environmental protection" provisions in their procurement contracts, although such contractual provisions are sometimes only narrowly drafted, for example, relating to clean-up of work-sites. In addition, under the Saudi government's Sixth (1995-99) Development Plan, an integrated national environmental code is planned, as well as a national system for environmental impact assessment for industrial, agricultural and urban projects.

The Meteorology and Environmental Protection Administration ("MEPA") has been assigned the tasks of controlling pollution and protecting the environment. MEPA is responsible for ensuring that industrial plants comply with environmental regulations, many of which are based on European and U.S. EPA standards. MEPA also is authorized to inform relevant government authorities if a particular plant is not complying with regulations. (A business cannot receive industrial and commercial licenses from the Ministry of Industry and Electricity, the Ministry of Commerce, and the Royal Commission of Jubail and Yanbu (Industrial Cities), without agreeing to abide by environmental and pollution regulations.)

9. Syria

The Syrian government has started an environmental program aimed at better use of natural resources and preventing pollution. Hagler Bailly Consulting (U.S.) has reportedly obtained a contract to advise the Ministry of Oil on protection of the environment in oil and gas producing areas.

Only a few years ago, Syria created a Ministry of Environment, and has enacted several environmental protection laws. In 1994, Syria created a Center for Scientific and Environmental Studies.

10. United Arab Emirates

In accordance with Federal Law No. 7 (1993), the UAE created a Federal Environmental Authority ("FEA"). The FEA's functions are to: draft laws, carry out studies, propose policy, conduct research, monitor the sea, land and air environment, and protect against hazards that may harm human health, crops, wildlife, other natural resources and the atmosphere. The FEA is authorized to monitor both the public and private sectors, and to have a licensing role over economic activities that might affect the environment.

The FEA together with various institutions in the UAE has been preparing a supplemental law to protect the environment. The UAE also held its first "Environmental Day" on 4 February, designed to raise awareness by individuals and institutions on the importance of protecting the environment.

11. Yemen

The Yemeni government reportedly made some progress in environmental protection during the 1980s, through the

establishment of local development associations (which were given responsibility for environmental improvement).

More recently, Yemen enacted a general Environmental Protection Law under Law No. 26 (1995). That law empowers an Environmental Protection Council (attached to the Council of Ministers) to prepare the national policy for protection of the environment, and coordinate that policy with other relevant government bodies. The Yemeni law contains relatively extensive provisions on protection of water, soil and the use of pesticides; regulation of environmentally damaging activities (e.g., handling of hazardous waste); and marine pollution.

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For many years, governments in the Middle East appeared satisfied with merely "laying the groundwork" for environmental protection, for example, by establishing local environmental protection agencies but without giving those agencies the authority necessary to significantly address environmental problems. More recently, many Middle East countries have "moved to the next level", by empowering their environmental agencies to implement and expand the environmental protection measures already in place.

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