



# General Assembly

Distr.: General  
23 October 2013

Original: English

**Sixty-eighth session**  
Agenda item 19  
**Sustainable development**

## **Oil slick on Lebanese shores**

### **Report of the Secretary-General\***

#### *Summary*

The present report is submitted pursuant to paragraph 11 of General Assembly resolution [67/201](#), in which the Assembly requested the Secretary-General to submit a report on the implementation of the resolution at its sixty-eighth session under the item entitled “Sustainable development”. It provides an update on the progress made in the implementation of Assembly resolutions [61/194](#), [62/188](#), [63/211](#), [64/195](#), [65/147](#), [66/192](#) and [67/201](#) concerning the environmental disaster caused by the destruction by the Israeli Air Force on 15 July 2006 of the oil storage tanks in the direct vicinity of the Jiyeh electric power plant in Lebanon, which caused an oil slick that covered the entirety of the Lebanese coastline and extended beyond. It complements the information presented in previous reports of the Secretary-General on the subject ([A/62/343](#), [A/63/225](#), [A/64/259](#), [A/65/278](#), [A/66/297](#) and [A/67/341](#)).

\* The submission of the present report was delayed owing to the extensive consultations on the legal issues covered in the report.



## I. Introduction

1. The present report was prepared by the United Nations Environment Programme (UNEP) and the United Nations Development Programme (UNDP), building on the work undertaken by an inter-agency team<sup>1</sup> established for the previous reports of the Secretary-General on the subject. It provides a brief summary of the information presented in the above-mentioned reports, including preliminary estimates of the costs of environmental degradation of the oil slick previously presented to the General Assembly, together with updates on the relevant issues. In particular, it presents possible options for securing the relevant compensation from the Government of Israel, as requested by the Assembly in paragraph 5 of its resolution [67/201](#), and outlines measures that might be taken to measure and quantify environmental damage resulting from the destruction of the oil storage tanks at the Jiyeh electric power plant, as requested by the Assembly in paragraph 7 of the same resolution.

## II. A brief overview of recent developments

2. The marine oil spill, which was caused by the destruction of the oil storage tanks at the Jiyeh electric power plant by the Israeli Air Force, resulted in the release of about 15,000 tons of fuel oil into the Mediterranean Sea, leading to the contamination of about 150 km of coastline in Lebanon and the Syrian Arab Republic with an adverse impact on the environment and the achievement of sustainable development, as highlighted in General Assembly resolutions [61/194](#), [62/188](#), [63/211](#), [64/195](#), [65/147](#), [66/192](#) and [67/201](#).

3. Several United Nations agencies and other international, regional and national entities, including the International Union for Conservation of Nature, the World Bank and the National Council for Scientific Research of Lebanon, were involved in assessing the implications of the oil spill for human health, biodiversity, fisheries and tourism in Lebanon. A summary of their combined findings was presented to the General Assembly in the previous reports of the Secretary-General. No further studies have been conducted during the past year.

4. In paragraph 4 of its resolution [67/201](#), the General Assembly reiterated its request to the Government of Israel to assume responsibility for prompt and adequate compensation to the Government of Lebanon and other countries directly affected by the oil slick, such as the Syrian Arab Republic, whose shores had been partially polluted, for the costs of repairing the environmental damage caused by the destruction, including the restoration of the marine environment, in particular in the light of the conclusion contained in the report of the Secretary-General ([A/67/341](#)) that there remained grave concern at the lack of implementation of the relevant provisions of the resolutions of the Assembly on the subject with regard to reparations and compensation to the Government and people of Lebanon and the Syrian Arab Republic affected by the oil spill. This echoes and emphasizes previous

---

<sup>1</sup> The inter-agency team established in 2006 comprised the United Nations Environment Programme, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations, the World Health Organization and the World Bank. The International Union for Conservation of Nature was also a key partner in this work.

Assembly requests. To date, however, the Government of Israel has not assumed responsibility for the relevant compensation.

5. In paragraph 5 of its resolution [67/201](#), the General Assembly requested the Secretary-General to give further consideration to the option of securing the relevant compensation from the Government of Israel. Possible options are outlined in paragraphs 8 to 12 below.

6. In paragraph 6 of its resolution [67/201](#), the General Assembly expressed appreciation for the assessment made by the Secretary-General of the value of the United Nations Compensation Commission, and took note of his conclusion that certain cases of the Commission provided useful guidance in measuring and quantifying the damage sustained and in determining the amount of compensation payable in respect of it. In this regard, the Assembly, in paragraph 7 of resolution [67/201](#), requested the Secretary-General, capitalizing on the useful guidance provided by certain cases of claims reviewed by the F4 Panel, to consider taking appropriate measures, within existing resources and in consultation with the relevant United Nations agencies, to measure and quantify environmental damage resulting from the destruction of the oil storage tanks at the Jiyeh electric power plant. Owing to the lack of available resources, no measures were taken in the past year to measure or quantify such environmental damage. It should be noted, however, that initial assessments of the relevant environmental damage were made in 2006 and 2007, and presented to the General Assembly at its sixty-second session (see para. 15 below). The measures that could be taken to build on those assessments, subject to the availability of resources, are outlined in paragraphs 13 to 20 below.

7. In paragraph 9 of resolution [67/201](#), the General Assembly welcomed the agreement of the Lebanon Recovery Fund to host the Eastern Mediterranean Oil Spill Restoration Trust Fund, and, in paragraph 10, noted that, in his report, the Secretary-General had urged Member States, intergovernmental organizations and the private sector, among others, to make voluntary financial contributions to the Trust Fund. In this regard, the Assembly requested the Secretary-General to mobilize international technical and financial assistance in order to ensure that the Trust Fund had sufficient and adequate resources, since Lebanon was still engaged in the treatment of wastes and the monitoring of recovery. In this connection, UNDP and the Ministry of the Environment of the Government of Lebanon convened a small donor meeting in July 2012 to mobilize resources for the environmentally sound management of recovered wastes; as a result, a donor Government expressed interest in donating the necessary funds as part of a wider development project with the Government of Lebanon. To date, the funds have not been provided. In addition, no contributions have yet been made to the Eastern Mediterranean Oil Spill Restoration Trust Fund hosted by the Lebanon Recovery Fund.

### **III. Possible options for securing the relevant compensation from the Government of Israel**

8. Despite repeated requests by the General Assembly to the Government of Israel to assume responsibility for prompt and adequate compensation to the Government of Lebanon and other countries directly affected by the oil slick, the Government of Israel has, to date, neither assumed such responsibility in principle nor paid the requested compensation.

9. In the case of the payment of compensation for environmental damage sustained by Kuwait as a result of the unlawful invasion and occupation of Kuwait by Iraq, as handled under the auspices of the United Nations Compensation Commission, the Security Council, in its resolution 687 (1991), adopted under Chapter VII of the Charter of the United Nations, affirmed that Iraq was liable under international law for environmental damage, and decided to create a fund to pay compensation for claims in respect of such damage and to establish a commission to administer the fund. The Government of Iraq accepted the provisions of resolution 687 (1991). In its resolution 692 (1991), the Security Council, again acting under Chapter VII of the Charter, accordingly proceeded to establish the Compensation Commission. As such, in the context of the Commission, there was a clear legal basis on which the relevant compensation was sought. Furthermore, institutional arrangements were established to determine the amount of compensation required and to administer the payment of compensation.

10. In the current case, in addition to the failure by the Government of Israel to admit its liability with regard to the environmental damage, no formal procedure has been established to receive claims for compensation, to evaluate such claims, to determine the amount of compensation and to administer its payment. Also, no fund has been established to enable such payment.

11. In the light of the above, the possible options to secure the relevant compensation from the Government of Israel may require the following:

(a) Determination of the liability of the Government of Israel for its act that caused the oil slick on Lebanese shores and the relevant environmental damage, and acceptance by the Government of Israel of its liability;

(b) Establishment of procedures to receive and evaluate claims from the Government of Lebanon and other relevant Governments, and to determine and administer the relevant compensation;

(c) Ensuring that funds required for payment of the relevant compensation are provided by the Government of Israel.

12. It would be desirable that the parties concerned settle this matter peacefully, through negotiations, including by undertaking the actions listed above. However, in the light of the lack of response by the Government of Israel to the repeated requests by the General Assembly to assume responsibility for the relevant compensation, it would appear that assistance, for instance by a third party or by processes under the auspices of a principal organ of the United Nations, may be required to help to ensure that the Government of Lebanon and other affected Governments receive adequate compensation from the Government of Israel. One possible form of assistance could be the establishment, with the parties' consent, of an independent commission, which might be composed of three to five members, with the mandate to receive claims for the relevant compensation, evaluate the claims, determine the amount for compensation and recommend the payment of the relevant compensation.<sup>2</sup>

---

<sup>2</sup> The arrangements for such an independent panel or commission could be modelled on those of conciliation commissions established to investigate the factual aspects underlying a dispute and to make formal proposals for its settlement; for instance, the United Nations Model Rules for the Conciliation of Disputes between States (General Assembly resolution 50/50, annex) contains a number of examples of conciliation procedures established under certain international treaties in the field of the environment.

#### IV. Possible options to measure and quantify relevant environmental damage

13. In paragraph 7 of its resolution [67/201](#), the General Assembly requested the Secretary-General, capitalizing on the useful guidance provided by certain cases of claims reviewed by the United Nations Compensation Commission, to consider taking appropriate measures, within existing resources and in consultation with the relevant United Nations agencies, to measure and quantify environmental damage resulting from the destruction of the oil storage tanks at the Jiyeh electric power plant. There have been ongoing consultations between UNEP and the UNDP offices in Beirut and their contacts within the Ministry of the Environment of Lebanon with respect to the above-mentioned resolution and possible actions that might be taken in response to it. However, in the absence of any resources, it has not been possible to consult further afield at the current time.

14. Of the possible options, the first would be to request the United Nations bodies and agencies and other relevant organizations involved in the initial assessment of the relevant environmental damage to undertake, subject to the availability of additional resources, a further study to assess the environmental damage that resulted from the destruction of the oil storage tanks at the Jiyeh electric power plant.

15. In the above regard, it should be recalled that, in the report of the Secretary-General to the General Assembly at its sixty-second session ([A/62/343](#)), the outcome of a World Bank economic assessment of the environmental degradation in question was presented,<sup>3</sup> providing an overall figure and a detailed breakdown of the estimated costs of the environmental damage caused. According to the study, the costs of environmental degradation associated with the oil spill were estimated at between \$166.3 million and \$239.9 million. These figures included the damage caused (estimated at between \$102.8 million and \$176.4 million) and the costs of clean-up and monitoring (estimated at \$63.5 million). A further assessment by relevant United Nations bodies and agencies and other relevant organizations could build on the initial work of the World Bank with a view to measuring and quantifying the environmental damage sustained by Lebanon and other neighbouring countries. The study might then be submitted to the General Assembly or to the processes that might be established to handle the relevant compensation, as described above.

16. A second possible measure would be the establishment of a panel of independent experts appointed by the Secretary-General with the task of carrying out an assessment of the relevant environmental damage. As in the case of the first option, the assessment report would then be submitted to the General Assembly or to any process established for the purpose of handling compensation. A similar study, carried out in 2006 by the Expert Working Group for Lebanon,<sup>4</sup> presented an estimate prepared by the Ministry of the Environment of Lebanon at the time of the

<sup>3</sup> World Bank, *Republic of Lebanon: Economic Assessment of Environmental Degradation Due to July 2006 Hostilities*, report No. 39787-LB, 11 October 2007, Washington, D.C.

<sup>4</sup> Expert Working Group for Lebanon, "Lebanon Marine and Coastal Oil Pollution International Assistance Action Plan", 25 August 2006. Available from [www.unep.org/PDF/lebanon/LebanonOilSpill\\_ActionPlan20060825.pdf](http://www.unep.org/PDF/lebanon/LebanonOilSpill_ActionPlan20060825.pdf).

oil spill based on similar spills elsewhere in the world modelled on costs per ton spilled. The estimated costs ranged from \$137 million to \$205 million.

17. A third possible measure would be the establishment of a task team composed of government-designated experts appointed by the Governments concerned. Such a team could undertake activities similar to those of the panel of independent experts referred to in paragraph 16 above, or to those that could be conducted by the United Nations bodies, while the modality of carrying out its tasks might be different from the other options owing to the way in which the experts are appointed. This option could complement the processes for handling compensation, as described above.

18. In any of the above options, although compensation might be determined on a case-by-case basis, the measurement and quantification of the relevant environmental damage might involve a review process similar to that adopted by the F4 Panel of the Compensation Commission, and include the following steps:

- (a) Establishment of a causal link between the damage and the destruction of the oil storage tanks at the Jiyeh electric power plant;
- (b) Identification of the activity in relevant areas, such as reasonable measures already taken to clean and restore the environment or future measures that can be documented as reasonably necessary to clean and restore the environment; and reasonable monitoring and assessment of the environmental damage for the purposes of evaluating and abating the harm caused and restoring the environment;
- (c) Confirmation of evidentiary requirements;
- (d) Where necessary, requesting additional information to substantiate the claim from the claimant or any third-party experts or body assisting with the claims review process, as appropriate;
- (e) Review of the cost estimate submitted by the claimant and adjustment of the claimed amounts in the light of the additional information received;
- (f) Recommendation on the amount of compensation.

19. In order to measure and quantify actual environmental damage in the current case, it might be useful to recall the handling of similar claims by the F4 Panel of the Compensation Commission as presented in the annex to the previous report of the Secretary-General (A/67/341), namely, the claims made by Kuwait concerning marine and coastal environmental damage, and by Saudi Arabia concerning damage to coastal resources and intertidal shoreline habitats.

20. In particular, on the basis of the experience of the F4 Panel in the above-mentioned cases, measuring and quantifying the relevant environmental damage might require such measures as a monitoring programme to obtain information on the amount and type of oil pollution, and to identify and assess the long-term impact on the marine environment of Lebanon and other countries concerned of the oil spills caused by the destruction of the oil storage tanks at the Jiyeh electric power plant. Those activities might need to be followed by a programme for the rehabilitation of certain areas of the Lebanon shoreline through, for instance, the excavation and removal of visibly contaminated material and the treatment of residual contamination in remaining sediments, if such measures are considered reasonable.

## V. Conclusions

21. The Secretary-General wishes to commend the ongoing efforts of the Government of Lebanon to address the impact of the oil spill.

22. The Secretary-General commends the commitment of the international donor community expressed in the past to provide financial and other support, and invites its further support, which would allow the actions required to measure and quantify the relevant environmental damage with a view to the restoration of the damaged environment. Given the prevailing circumstances at the time of the oil spill incident and beyond, the Secretary-General urges Member States, international organizations, international and regional financial institutions, non-governmental organizations and the private sector to continue their support for Lebanon in this matter, particularly for rehabilitation activities on the Lebanese coast and in broader recovery efforts. This international effort should be intensified, since Lebanon is still engaged in the treatment of wastes and the monitoring of recovery. Member States and the international donor community are therefore encouraged to make contributions to the Eastern Mediterranean Oil Spill Restoration Trust Fund hosted by the Lebanon Recovery Fund.

---