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Environment

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Preamble

The governments of the State of Israel and the Palestinian National Authority (hereinafter referred to as “the Parties”)

- **Reaffirming**
the Parties’ commitments to cooperation in environmental protection and coordinated environmental management;
- **Acknowledging**
that the area between the Jordan River and the Mediterranean Sea constitutes a single ecological unit whose protection requires coordinated policies and enforcement efforts;
- **Cognizant**
of the pernicious impact on human health and local ecosystems which are caused by present polluting practices in each Party and the absence of a shared effective, cooperative environmental strategy to reduce these risks;
- **Convinced**
that transboundary pollution can cause significant harm to natural resources of vital environmental, cultural and economic importance, and to human health in both countries;
- **Desiring**
the intensification of efforts to address common environmental problems, prevent land degradation, preserve biodiversity, open spaces and the rich historic landscape and local heritage sites as well as plan for a sustainable future in the area;
- **Confirming**
the Parties determination to restore and enhance environmental quality in the region through domestic and regional programs that pursue pollution prevention and sustainable development;

- **Reaffirming**
the Parties intent to prevent further pollution of their respective countries owing to unsustainable population growth, production, consumption, resource development and increasing use of water;
- **Having**
developed and implemented incipient cooperative programs and measures to achieve such purpose and objectives which need to be upgraded and expanded;
- **Taking Note**
of the important role that Non-Government Organizations (NGOs) have played in promoting environmental cooperation between the two Parties in the past and the important potential contribution of civil society to future harmonization and enforcement of environmental efforts;
- **Aware**
that further research and program development is now required to enable effective actions to be taken to abate the continuing contamination of the area's water, air and land;
- **Determined**
to improve management processes for achieving Agreement objectives and to demonstrate firm leadership in the implementation of control measures;
- **Recognizing**
that their planning strategies must be based on the "precautionary principle" and tenets of sustainable development;
- **Mindful**
that their coordinated enforcement strategy must be based on the "polluter pays principle";

- **Committed**
to attaining environmental standards commensurate with those existing in the European Union or those of the World Health Organization and the U.S. EPA, as relevant to the region;

- **Recognizing**
the common but differentiated responsibilities that each Party has due to the prevailing, asymmetrical, economic conditions and the need for the Palestinian economy to be given time to gradually phase-in a variety of environmental standards and regulations;

- **Mindful**
that progress in transboundary environmental quality will not be satisfactory without the creation of common frameworks for encouraging compliance and the establishment of joint enforcement mechanisms;

- **Confident**
that participation by international representatives in the implementation phase of this agreement will be valuable in order to avert disagreement, politicization and paralysis in the transboundary management of natural resources and execution of environmental policies; and

- **Concluding**
that the best means to preserve the environment in the two countries is by adopting common objectives and standards along with the development and implementation of a coordinated regulatory program as well as assigning special responsibilities and functions in transboundary environmental management to a Joint Israeli-Palestinian Environmental Quality Commission.

Have agreed as follows:

Articles

1. Definitions

As used in this Agreement:

- A. "Agreement" means the present Agreement as distinguished from any previous accords between the Parties;
- B. "Air pollution" means the introduction by man, directly or indirectly, of substances into the air resulting in deleterious effects of such a nature as to endanger human health, harm living resources and ecosystems and material property and impair or interfere with amenities and other legitimate uses of the environment, and "air pollutants" shall be construed accordingly;
- C. "Ambient Air Quality Standards" mean levels of air quality believed adequate, with an appropriate margin of safety, to protect the public health;
- D. "Ambient Water Quality Standards" mean the level of water quality believed adequate, with an appropriate margin of safety, to preserve the integrity of indigenous, aquatic, ecological systems and protect human health;
- E. "Appendix" means any of the Appendixes to this Agreement, each of which is attached to and forms an integral part of this Agreement;
- F. "Banned pesticide" means a pesticide for which all uses have been prohibited by final regulatory action, in order to protect human health or the environment. The term includes a pesticide that has been refused approval for first-time use, or has been withdrawn by industry either from the domestic market or from further consideration in the domestic approval process, and where there is clear evidence that such action has been taken in order to protect human health or the environment;
- G. "Best available technology not entailing excessive cost" (BATNEEC) means the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole.
- H. "Biodiversity" means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;

- I. "Biospheres" means areas of terrestrial and coastal ecosystem in which solutions are promoted to reconcile the conservation of biodiversity and its sustainable use. Biosphere reserves are organized into three zones: the core area, the buffer zone and the transition area. Only the core area requires its legal protection;
- J. "The Commission" or "Joint Environmental Quality Commission" means the Joint Israeli-Palestinian Environmental Quality Commission as described in Article 3 of this Agreement;
- K. "Country of export" means the Party from which the transboundary movement of hazardous waste or hazardous substances is to be initiated;
- L. "Country of Import" means the Party to which transboundary movement of hazardous waste or hazardous substances is to be sent;
- M. "Cultural heritage" means monuments (architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding regional or universal value or national significance from the point of view of history, art or science), groups of buildings (groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science) and sites (works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view);
- N. "Desertification" means land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic variations and human activities;
- O. "Discharge" as used in Articles 12, 14, and 16 means the direct or indirect addition of any pollutant or pollutants into a water body;
- P. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any liquid, solid waste or hazardous waste into or on any land or water so that such liquid, solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

- Q. "Effluent Limitations" means standards or specifications placed by regulatory agencies on the quantity and quality of the effluent leaving each major point source;
- R. "Emission" means the discharge of substances due to combustion from a plant or a vehicle into the air;
- S. "Environment" means natural things which form the physical and biological conditions surrounding man and man-made things;
- T. "Environmental Quality" means the balance between preserving nature (including flora, fauna, natural resources, ecosystems, etc.) and allowing sustainable development that meets the needs of humans to develop, while living in a healthy world;
- U. "Facility" means any building, structure, installation, equipment, pipe, or pipeline, well, pit, pond, lagoon, ditch, landfill, storage container, motor vehicle, rolling stock or aircraft;
- V. "General Objectives" are broad descriptions of air and water quality conditions consistent with the protection of the beneficial uses and the level of environmental quality which the Parties desire to secure and which will provide overall environmental management guidance;
- W. "Hazardous air pollutant" means a pollutant to which no ambient air quality standard is applicable and that may cause or contribute to an increase in mortality or in serious illness;
- X. "Hazardous substance" means substances or group of substances that are toxic, persistent and liable to bio-accumulate, and other substances or groups of substances which give rise to an equivalent level of concern or materials that are banned or severely restricted under Israeli or Palestinian laws and regulations;
- Y. "Hazardous wastes" means wastes that meet the categories defined under Appendix III and contain the constituents listed in Appendix II of the "Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal". Radioactive waste, however, will not be considered hazardous wastes under this Agreement;
- Z. "Integrated pest management (IPM)" means the careful consideration of all the available pest control techniques and subsequent integration of appropriate measures that discourage the development of pest populations and keep

pesticides and other interventions to levels that are economically justified and reduce or minimize risks to human health and the environment. IPM emphasizes the growth of a healthy crop with the least possible disruption to agro-ecosystems and encourages natural pest control mechanisms;

- AA. "Landfill" means a waste disposal site for the deposit of the waste onto or into land including internal waste disposal sites and a permanent site which is used for temporary storage of waste, but excluding facilities where waste is unloaded to permit its preparation for further transport for recovery, treatment or disposal elsewhere, storage of waste prior to recovery or treatment for a period of less than three years, or storage of waste prior to disposal for a period less than one year.
- AB. "Major stationary sources" means a stationary facility or source of air pollutants that emits, or has the potential to emit, 10 tons/year or greater of volatile organic compounds (VOC), 25 tons/year or greater of NO_x, 100 tons/year or greater of CO SO₂ or PM₁₀, or 10 tons/year of any individual Hazardous Air Pollutant;
- AC. "Maximum achievable control technology" (MACT) means the maximum degree of reduction in hazardous air pollution emissions that is achievable taking into consideration the cost of achieving the emissions reductions, any non-air-quality health and environmental impacts, and energy requirements. MACT require affected sources to meet specific emissions limits that are based on the emissions levels already achieved by the best-performing similar facilities;
- AD. "Mobile Source" includes both any self-propelled vehicle designed for transporting persons or property on a street or highway. The term also includes non-road vehicles such as ships, airplanes, off-road vehicles, agricultural and construction equipment;
- AE. "Natural heritage" means natural features (consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view), geological and physiographical formations (and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation) and natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty;

- AF. "Nature reserves" means areas of publicly owned land, in which human intervention and construction is prohibited, managed primarily for nature conservation and providing multiple benefits and uses, such as recreation and water catchments;
- AG. "Natural resources" means materials that occur in nature and are essential or useful to humans, such as water, air, land, forests, fish and wildlife, topsoil, and minerals;
- AH. "Nature Conservation" means the conservation of nature, protection of species, ecosystems and habitats, and also the maintenance of natural ecological processes;
- AI. "NGOs" means Non Governmental Organizations;
- AJ. "Nonpoint Source" means diffuse discharges caused by precipitation moving over the ground carrying pollutants into water bodies, including agricultural and urban runoff;
- AK. "Open spaces" means non-developed lands or lands under limited development, separating or surrounding areas of residential, commercial, or industrial use and devoted to nature conservation, recreation or park uses;
- AL. "Parties" or "the Parties" means the Israeli and Palestinian governments;
- AM. "Pesticide" means any substance or mixture of substances intended for preventing, destroying or controlling any pest, including vectors of human or animal disease, unwanted species of plants or animals causing harm during or otherwise interfering with the production, processing, storage, transport or marketing of food, agricultural commodities, wood and wood products or animal feedstuffs, or substances which may be administered to animals for the control of insects, arachnids or other pests in or on their bodies;
- AN. "Point Source" means any discernible, confined and discrete conveyance from which pollutants are, or may be, discharged including, but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft. This term does not include agricultural stormwater discharges and return flows from irrigated agriculture;
- AO. "Pollution" means contamination by pollutants of air, soil, or water;
- AP. "Recycling" means the recovery of waste into products, materials or substances whether for the original or other purposes or for energy recovery;

- AQ. "Research" means development, interpretation and demonstration of advanced scientific knowledge for the resolution of issues but does not include monitoring of water or air quality;
- AR. "Reuse" means using the same product more than once for the same or different purposes;
- AS. "Severely restricted pesticide" means a pesticide for which virtually all use has been prohibited by final regulatory action in order to protect human health or the environment, but for which certain specific uses remain allowed;
- AT. "Stationary Sources" means a fixed-site source of pollution, mainly power plants and other facilities using industrial combustion processes;
- AU. "Sustainable Development" means development that meets the needs of the present without compromising the ability of future generations to meet their own needs;
- AV. "Trade secret" means a confidential process, method, plan, formula or other information unique to a manufacturer or other business, which gives it an advantage over competitors. Ambiguities between the confidentiality versus the public disclosure of information shall be resolved in favor of public disclosure;
- AW. "Transboundary air and water pollution" means air and water pollution whose physical origin is situated wholly or in part with the area under the jurisdiction of one Party and which has adverse effects, other than effects of a global nature, in the area under the jurisdiction of the other Party;
- AX. "Transboundary protected area" means an area of land and/or sea that straddles one or more borders between states, sub-national units such as provinces and regions, autonomous areas and/or areas beyond the limit of national sovereignty or jurisdiction, whose constituent parts are especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed cooperatively through legal or other effective means;
- AY. "Wastes" means substances or objects which are disposed of, are intended to be disposed of, or are required to be disposed of;
- AZ. "Water Pollution" means the introduction by man, directly or indirectly, of substances into surface or the ground water. "Water pollutants" shall be construed accordingly.

2. Purpose and Principles of the Agreement

1. The purpose of the Parties in ratifying this Agreement is to establish, by this Agreement, a practical and effective instrument to address shared concerns regarding transboundary pollution and preservation of biodiversity, open spaces, natural resources and heritage sites in the two countries.
2. The Agreement seeks to delineate the commitments of the Parties as well as to establish the necessary programs, standards, and procedures for ensuring harmonized and effective cooperative efforts to protect their common environment and ecological integrity. The Parties seek to attain the environmental standards and performance levels that are stated within the EU directives within three-years, unless otherwise stipulated in this Agreement.
3. Previous agreements between the Parties have established an initial platform for future environmental cooperation. Yet, given their inextricable ecological and environmental links, preserving a healthy and scenic environment will require far greater coordination, cooperation and mutual assistance between the Parties than in the past.
4. Both parties acknowledge the centrality of the ecosystem services that traverse their borders for future human survival, and seek to preserve the ecological integrity of their shared environment.
5. Both parties shall take all appropriate measures to prevent activities under their jurisdictions from causing trans-boundary impacts.
6. The enmity and violence that for so long have characterized the Parties' relations caused egregious ecological damage and exacerbated negative environmental trends. Both Parties acknowledge past responsibility for injuring the environment and see a peace agreement as an historic opportunity to not only change their relationship to each other, but to change their relationship to their shared land, water and natural resources.
7. Both Parties, shall individually, or when appropriate, jointly take immediate actions to rehabilitate those resources that have sustained significant harm.
8. In pursuing coordinated environmental policies, both Parties will be guided by the precautionary approach.
9. Both Parties shall seek to harmonize their environmental objectives, standards and programs with those of the other Party in order to facilitate an integrated and effective coordinated effort to protect the environment.

10. To minimize environmental damage and transboundary pollution, both Parties shall adopt, apply and ensure compliance with internationally recognized environmental standards and norms, in particular those that have been adopted by the European Union (EU).

3. The Joint Environment Commission

1. The Parties will establish and maintain a bilateral “Joint Israeli-Palestinian Environmental Quality Commission” (Commission) to facilitate implementation of this Agreement.
2. The Commission shall in all respects have the status of an international body, and shall consist of an Israeli Section and a Palestinian Section. The head of each Section shall be a Commissioner with appropriate experience in environmental affairs and will serve as co-Chair of the Commission.
3. The Commission shall be composed of thirteen members: five representing the Section of each Party and one representative each for the European Union, the United States, and the United Nations Environment Program.
4. The members of each Section shall consist of a Commissioner, an environmental scientist, an environmental engineer, an ecologist or an expert in any of the fields covered by this agreement, as well as a legal adviser. Each section shall retain a secretary.
5. The Commission shall adopt its own rules of procedure as well as rules for conducting activities such as inspections and hearings.
6. The Commission may appoint expert subcommittees, as appropriate, that are to be staffed by individuals who are not members of the Commission and may be comprised of international experts. Each subcommittee will retain an equal number of Palestinian and Israeli members.
7. Commission decisions shall be made by a majority of over sixty-five percent (e.g., by vote of at least nine of its thirteen members).
8. The Commission or either of its two Sections may employ or consult with such assistants and expert advisers as it may deem necessary.
9. The Commission’s responsibilities shall include:
 - a. Reviewing progress made in the implementation of this Agreement, including its general and specific objectives;
 - b. Ensuring the harmonization of standards between the Parties;
 - c. Coordinating the activities between the Parties necessary for promotion of compliance, conducting of joint inspections and the taking of joint enforcement actions;
 - d. Preparing and submitting to the Parties a progress report within a year after the entry into force of this Agreement and at least every two years thereafter;

- e. Releasing each progress report to the public, including publication on the internet, after its submission to the Parties;
 - f. Inviting comments and conducting public hearings as appropriate on joint environmental policies and their implementation;
 - g. Ruling in cases of disagreement with regard to measures necessary to attain general and specific environmental objectives; and
 - h. Making recommendations to the Parties regarding future elaboration or additional annexes that it sees as important to the improved implementation of this Agreement.
10. Each Party shall accord diplomatic status to members of the Commission. Commission members shall be entitled to the privileges and immunities appertaining to diplomatic officers in the territory of the other country.
 11. The Commission and its personnel may freely carry out their observations, studies and field work in the territory of either Party pursuant to the acceptable rights and constraints accorded to diplomats.
 12. The Commission shall meet at least every month and additionally at the request of either Party.
 13. The Parties shall ensure adequate financing for implementation of this Agreement, and in particular for the successful operation of the Commission.
 14. Within 90 days of its establishment the Commission shall develop a workplan and identify priority issues that require urgent attention and financing from donor sources. The workplan and priority actions will be revised every 12 months thereafter following public consultation.
 15. The Commission shall, within four years after the date of entry into force of this Agreement, review its operation and effectiveness in the light of experience.

4. Air Pollution Control

General

1. The Parties recognize the enormous health impact of air pollution on Palestinian and Israeli populations, and that many sources of air pollution are transboundary by nature. Accordingly, the common objective of the Parties is to control transboundary air pollution between the two countries.
2. The Parties also recognize that vehicle emissions and electric power generation are major contributors of greenhouse gases whose emissions need to be reduced.
3. To this end, the Parties shall:
 - a. Adopt ambient air quality standards or regulations that are compatible with recognized international standards, such as the 2005 World Health Organization Air Quality Guidelines or ambient criteria promulgated pursuant to EU Framework Directive 96/62/EC. Ambient air quality standards shall be approved and promulgated within two years after the date of entry into force of this Agreement;
 - b. Periodically review and revise, as necessary, ambient air quality standards and emission limits;
 - c. Adopt the necessary programs and other measures to implement the objectives identified in this Article and to ensure control of transboundary air pollution;
 - d. Monitor air quality and emissions taking place and compile emission inventories based upon criteria that are mutually acceptable to both Parties; and
 - e. Work to harmonize their air quality standards and air pollution emission limits in accordance with their respective legal procedures.

Stationary Sources

4. The Parties shall establish emission standards for NO_x, SO₂, CO, ozone, and particulate matter for major stationary sources that reflect the degree of emission limitation achievable through the application of the best available technology not entailing excessive cost (BATNEEC). The Parties shall establish emission standards for hazardous air pollutants that reflect the degree of emission limitation achievable through the application of the maximum achievable control technology (MACT). The Parties shall consider the list of hazardous air pollutants in Section 112(b) of the U.S. Clean Air Act and similar legislation from other jurisdictions in determining which pollutants are hazardous air pollutants.
5. Each Party shall list the emissions of each major stationary source located within its territory that has the potential to cause transboundary pollution, according to mutually agreed-upon units of measure. The inventories will include each source's address and industrial classification. For each separate emission point in these major stationary sources, each Party shall list the emissions, latitude and longitude, emission point type, stack diameter, stack height, stack gas exit velocity, stack gas exit temperature, width, length, and height, where applicable.
6. Following promulgation of emission limits identified in paragraph 4, each Party shall identify those major stationary sources within its territory that have the potential to cause transboundary pollution and that do not meet applicable air pollution emission limits. For all such sources, based upon site visits, inspections and estimates made by the sources themselves, the Parties shall:
 - a. Identify the type and extent of pollution control equipment which would be required to bring each such source into conformity with applicable air pollution emission limits for each selected pollutant;
 - b. Identify relatively simple and quickly initiated controls and/or changes in management practice to reduce air pollution from each such source; and
 - c. Identify the approximate percentage of emissions reduction of each selected pollutant that would result from such controls and/or changes in management practice and adoption of BATNEEC.

7. Each Party shall report to the Commission a timetable for completing, no later than 2013, the objectives in paragraph 4 of this Article.
8. Recognizing that quarries pose a severe dust hazard and cause environmental damage, the Parties shall develop and implement a sustainable management strategy for quarries that includes immediate adoption of BATNEEC within one year after the date of entry into force of this Agreement. The management strategy shall be implemented within two years after the date of entry into force of this Agreement.
9. **The burning of garbage outside an approved incinerator will be prohibited by both Parties within one year after the date this Agreement enters into force.**

Mobile Sources

10. Each Party shall continue to implement EU standards for fuel (EN 228 for petrol/gasoline and EN 590 for diesel) pursuant to EU Directive 98/70. In the event the European Commission strengthens its fuel standards, the Parties shall adopt the revised fuel standards within 1 year of their effective date in the European Union.
11. Each Party shall prohibit the importation of fuel that does not meet the EU fuel standards referred to in paragraph 10.
12. **Each Party shall require that all new motor vehicles sold inside their country comply with the EuroV emission standards according to the timetable established by European Union directives.** The Parties shall adopt regulations requiring that air emissions from new vehicles comply with these standards within one year after the date that this Agreement enters into force.
13. Within two years of the entry into force of this Agreement, the Parties shall establish an inspection and maintenance program to assure that motor vehicle emission control systems are functioning properly. Emission tests shall be conducted on motor vehicles over three model years old. The testing program shall use procedures that effectively measure vehicle emissions by simulating actual driving conditions, and measure non-methane hydrocarbon, carbon monoxide (CO), nitric oxides (NOx), and particulate matter.

Air Quality Monitoring

14. A joint air quality monitoring program shall be developed by the Commission to follow progress towards attaining ambient air quality standards. The program shall integrate existing monitoring programs and include meteorological stations in each country that shall monitor on a continuous basis: wind speed, wind direction, and temperature.
15. The joint air quality monitoring program shall also include permanent, continuous air pollution monitoring stations, baseline data collection, and sample and quality assurance programs (including standard sampling and analytical methodology, inter-laboratory comparisons, and compatible data management) to allow assessment of the following pollutants: ozone or other photochemical oxidants, fine particulates (pm10 and/or pm 2.5), suspended particulates, sulfur dioxide, and any other pollutant designated by the Commission.
16. The Parties shall require all major stationary sources of air pollution to monitor their emissions for each parameter or pollutant for which an emission standard applies and report monitoring results on a quarterly basis to their respective Environment Authority.
17. The Parties will supplement emission reporting by major stationary sources with a program of inspection and oversight that will include spot-checks of stack emissions by government authorities.
18. Information or data collected from air pollution monitoring stations or stack emission inspections, and any monitoring reports submitted to the respective Environment Authority by third parties, shall be made available to the public.

Greenhouse Gas Reduction

19. The Parties will seek to reduce their emissions of greenhouse gases and will cooperate to pursue joint initiatives involving energy conservation policies, shifts to decarbonized electricity, decarbonized fuels, carbon sequestration and methane controls through livestock and landfill management.

20. In the event that Israel becomes an Annex I country under the Kyoto Protocol and chooses to meet future greenhouse gas reduction targets under the Protocol through the clean development mechanism (CDM), it will give a preference to financing CDM projects in Palestine.
21. The Parties will discourage the transport of goods using heavy vehicles through appropriate means, including taxes and traffic management. In particular, within two years after the date of entry into force of this Agreement, the Commission will prepare a report, in coordination with the Ministries of Transportation of the Parties considering the feasibility of a rail transport system (for passengers and goods) that would link the main urban centers of the two countries.
22. The Commission shall prepare recommendations for the imposition of carbon taxes for stationary sources and for vehicles entering urban centers, or other economic instruments, to encourage greenhouse gas reductions.
23. The Commission shall prepare recommendations for cooperative measures to adopt energy efficiency plans and to develop alternative energy sources. These measures will include Israel assisting Palestine in developing renewable energy technologies.
24. The Commission will conduct a study of possible new cross-border power stations to provide electricity for the future.
25. The Parties will attempt to coordinate their efforts to promote energy efficiency and development of renewable energy sources, including: retrofitting and reducing pollution from existing sources; cooperating in energy-technology research; researching and developing new cross-border power plants; creating a binational energy data base; instituting bilateral energy efficiency programs; and increasing program financing for cross-border energy efficiency efforts.
26. The Parties will conduct studies and public education campaigns in order to promote energy conservation.
27. The Commission shall prepare a progress report within one year of the date of entry into force of this Agreement, and at least every two years thereafter, reviewing the progress made in the implementation of this Article, including its general and specific objectives.

5. Waste Reduction, Reuse, Recycling and Coordinated Waste Management

General

1. The common objective of the Parties is to minimize the production of solid waste through policies that encourage the reduction, reuse and recycling of waste (including establishment of waste-to-energy facilities) and encourage cooperation and mutual assistance to that end.
2. The Commission will help coordinate national policies and facilitate cooperation in promoting recycling and integrated waste management initiatives between the two Parties.
3. The Parties shall take the necessary measures to prohibit the abandonment, dumping or uncontrolled disposal of waste.
4. The Parties shall develop a plan to identify and remediate existing landfills that are causing or may cause harm to the environment or human health, including facilities that are causing or may cause groundwater contamination. Israel will bear the costs of rehabilitating such landfills in the West Bank and Gaza which have received solid waste from Israeli citizens and communities

Integrated Solid Waste Programs

5. The Parties shall enact legislation that requires hazardous and non-hazardous wastes to be separated, with the former required to meet the conditions stated in Article 6 of this Agreement.
6. The Parties shall prepare solid waste reduction plans with measurable targets for the next ten years and submit them to the Commission. The Plans shall include measures to reduce the amount of recyclable and biodegradable waste disposed in landfills or other waste facilities.
7. The Parties will submit to the Commission an annual report detailing progress made towards achieving these goals.
8. The Commission will prepare a program to encourage cooperation and mutual assistance in the area of recycling, composting, and reuse between the Parties and seek funding to implement it.

9. The Parties commit to removing obstacles to export of recyclable raw materials that can be integrated into a production process used by the other Party and will work to facilitate import of appropriate recycled raw materials to local plants.
10. The Commission will establish a common recyclable resource center that compiles information about the availability of materials for reuse or recycled materials for production in conjunction with local industrial associations.

Litter and Solid Waste Disposal

11. The Parties shall prohibit littering in public areas and establish enforcement procedures and penalties to ensure the cleanliness of public spaces.
12. The Parties shall enact and implement laws and regulations or regulations that prohibit the abandonment, dumping or uncontrolled disposal of solid waste, and establish enforcement procedures and penalties to ensure their implementation.
13. The Parties shall ensure that waste is transported to disposal sites in an environmentally sound manner with all waste covered or compartmentalized to prevent losses of refuse during transport.
14. New solid waste disposal facilities shall be designed for at least twenty years of operation and include plans for operation, closure and after-care:
 - a. Without risk of harm to water, air, soil, plants, or animals;
 - b. Without using processes or methods which could harm the environment;
 - c. Without causing a nuisance through noise or odors; and
 - d. Without adversely affecting the countryside, including ecologically sensitive areas and scenic open spaces as well as places of special ecological, historical, cultural, religious or tourism value.
15. Existing solid waste disposal facilities in operation at the time that this Agreement enters into force may not continue to operate unless, within two years after this Agreement enters into force, the operator presents to the responsible authority a management plan, including any necessary corrective measures, which would bring the facility into compliance with this Agreement.

16. The responsible authority shall decide whether existing operations may continue on the basis of said management plan, this Article, and any applicable laws and regulations. For facilities that are not granted permission to continue operations, the responsible authority shall take necessary measures to require the operator to close the facility and to rehabilitate or secure the site to prevent environmental damage or health hazards.
17. The operation of waste disposal facilities shall comply with standards set forward in Annex 2 of the EU Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste as well as the EU Directive 2006/12/EC of the European Parliament of 5 April, 2006 on Waste.
18. The Parties will ensure that any holder of waste, public waste collector, or a disposal undertaking disposes of the waste operate in compliance with local laws and regulations.
19. The Parties will ensure that individuals or institutions treating, storing or tipping waste on behalf of third parties operate according to the conditions of a permit that is issued by the responsible authority.
20. The Parties commit that the responsible authority will periodically check that the conditions of the permit are being complied with. They will also monitor undertakings which transport, collect, store, tip or treat their own waste or third party's waste.
21. In accordance with the "polluter pays" principle, the cost of waste disposal must be borne by the holder who has waste handled by a waste collector or an undertaking and/or by previous holders or the producer of the product giving rise to the waste.

6. Management and Transport of Hazardous Substances and Wastes

General

1. Given that severe health and environmental damage may result from hazardous substances and hazardous wastes, the common objective of the Parties is to ensure proper storage, treatment, and disposal of such material in their countries. The Parties also shall undertake efforts to minimize use of hazardous materials and to reduce generation of hazardous waste.
 2. The Parties agree that the definition and classification system for hazardous wastes to be employed by both countries will be that contained in the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.
 3. Within six months of the date this Agreement enters into force, the Commission will prepare a work plan to encourage cooperation and mutual assistance in managing hazardous wastes and hazardous substances and to expeditiously develop a hazardous waste disposal facility in Palestine.
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Appropriate Disposal

4. The Parties agree that the handling and disposal of hazardous wastes will be subject to more stringent controls than for non-hazardous wastes.
5. The Parties shall enact such legislation as may be necessary to prohibit the disposal of hazardous waste at sites and facilities that are not licensed for their acceptance and to prohibit illegal transboundary shipments of hazardous waste.
6. The Parties recognize that disposal sites for hazardous waste of various types shall be licensed in each country with stipulations that ensure that disposal will not cause damage to the surrounding environment or to human health.
7. The Parties shall ensure the availability of licensed disposal facilities for environmentally-sound management of hazardous wastes and medical wastes. Special efforts shall be made to avoid groundwater contamination or runoff from storage ponds during rain events and to prevent adverse impacts from emissions and odors from disposal sites.

8. The Parties shall ensure that persons involved in the management, treatment, or disposal of hazardous wastes have received proper professional training and are required to take such steps as are necessary to prevent pollution or adverse health impacts. If a release of hazardous waste or substances occurs, the responsible Party will be required to minimize the consequences thereof to protect human health and the environment.
9. Where hazardous materials are to be transported and disposed of within either Israel or Palestine (without trans-border movement), the Parties agree that national inspection systems may be relied upon within each State.
10. The Parties shall implement documentation systems concerning the transportation, handling and disposal of hazardous wastes, and associated inspections, with the objective of making “cradle-to-grave” documentation available to the Commission for inspection.
11. The Parties will enact regulations to limit the use of asbestos in construction and to ensure that any asbestos removal from buildings complies with Directive 1999/77/EC of the European Union regarding asbestos.

Notification and Approval of Export

12. Pursuant to Article 11(1) the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Parties shall adopt a binding framework setting forth detailed procedures and conditions for the transboundary shipments of hazardous wastes and hazardous substances. These procedures shall ensure that such transport of hazardous materials do not harm or endanger human health or the environment and are conducted in accordance with the principles of the Basel Convention.
13. The Parties shall seek to reduce the transboundary movement of hazardous wastes and other wastes to the minimum consistent with the environmentally sound and efficient management of such wastes, and will ensure that transport is conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movement.

14. The Parties agree that where the transboundary movement of wastes of any type is involved, each Party shall maintain full records of the transportation, handling and disposal methods employed.
15. The environmental authority of the country of export shall notify in writing the environmental authority of the country of import prior to any transboundary shipments of hazardous waste or hazardous substances. A copy of the notification shall simultaneously be sent to the Commission.
16. The notification referred to in paragraph 15 of this Article shall be given at least 25 days in advance of the planned date of export and may cover an individual shipment or a series of shipments extending over a twelve-month or lesser period. Notification shall comply with the criteria set forth in Annex V(A) of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.
17. The environmental authority of the country of import shall have 15 days from the date of acknowledgement of receipt of the notification provided in paragraph 15 of this Article within which to respond to such notification, indicating its consent, with or without conditions, or its objection to the export. A copy of the response shall simultaneously be sent to the Commission.
18. Each Party enjoys the right to prevent the import of hazardous wastes and other wastes if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner or for other good cause.
19. The country of import shall have the right to amend the terms of the proposed shipment contained in the notification in order to give its consent. The country of export shall readmit any shipment of hazardous waste that may be returned for any reason by the country of import.
20. Each Party shall cooperate in monitoring and spot-checking shipments of hazardous waste and hazardous substances across the common border to ensure, to the extent practicable, that such shipments conform to the requirements of this Article and its national laws and regulations.
21. In order to facilitate compliance with the requirements of the importing country for the import of hazardous substances, each Party shall cooperate by making its import requirements, including expected information and documents, known to the other Party.

Damages

22. The Parties may require, as a condition of entry, that any transboundary movement of hazardous waste be covered by insurance or other financial guarantee in respect to damage to third parties caused during the entire movement of hazardous waste, including loading and unloading.
23. Whenever a transboundary shipment of hazardous waste or hazardous substances is carried out in violation of this Article, the national laws and regulations of the Parties, or the conditions to which the authorization for import was subject, or whenever the hazardous waste or hazardous substances produce damages to public health, property or the environment in the country of import, the competent authorities of the country of export shall respond immediately. The authorities in such cases shall take all practicable measures and initiate and carry out all pertinent legal actions that they are legally competent to undertake so that when applicable in accordance with its national laws and regulations the physical or juridical persons involved:
 - a. Return the hazardous waste or hazardous substances to the country of export;
 - b. Return in as much as practicable the status quo ante of the affected ecosystem; and
 - c. Repair, through compensation, the damages caused to persons, property or the environment.
24. The country of import shall also take, for the same purposes, all practicable measures and initiate and carry out all pertinent legal actions that its authorities are legally competent to undertake.
25. The country of export shall report to the country of import all measures and legal actions undertaken in the framework of this section, and shall cooperate with the country of import, on the basis of this Article or of other bilateral treaties and agreements in force between the Parties, and to the extent permitted by its national laws and regulations, to seek in its courts the satisfaction of those matters covered in subparagraphs a to c of paragraph 23.

7. Coordination of Pesticide and Pest Control Policies

General

1. The Parties seek to control agricultural pests, rodents and insects that pose a health risk to humans through cooperative actions that do not harm the environment or public health.
2. Integrated pest management will be facilitated through the coordination of national pesticide application policies between the two Parties' Ministries of Agriculture and the adoption of national plans for regulating pesticides which will be coordinated through the Commission.
3. A general, common objective of the Parties is to ensure the safety and health of pesticide applicators and to reduce, to the extent feasible, the utilization of chemical pesticides, utilizing biological controls and other mechanisms of integrated pest management to ensure agricultural productivity.
4. Another common objective of the Parties is to prevent the smuggling of pesticides which have been banned from one Party to another.
5. The Parties shall rely on their Ministries of Agriculture to take a lead role in overseeing application of pesticides and implementing pest control policies.

Regulation

6. The Parties shall enact legislation for the regulation of pesticides and make provisions for its effective enforcement, including the establishment of appropriate educational, advisory, extension and health-care services. The legislation shall include provisions requiring that all pesticides, before they are imported, formulated, packed, labeled, sold or given as a sample, offered for sale, or used, must be permitted or registered.

Cooperation in Control of Pests and Insects

7. The Parties shall take measures to reduce mosquito habitat by drying or covering standing water in which mosquitoes lay eggs and, if necessary, by use of biological control agents. The Commission will coordinate public education campaigns in both countries to disseminate information on eliminating mosquito habitat around homes.
8. Alternatives to chemical pest controls will be encouraged among farmers by agricultural extension services.
9. Alternatives to chemical pest controls will be encouraged among homeowners by educational and promotional programs initiated by the Parties.
10. When these measures are not satisfactory, chemical pesticides may be utilized which comply with EU standards. Pesticides withdrawn from use under and listed in Annex I to Council Directive 91/414/EEC and Annex I in the Commission Regulation EC 2076/2002 shall be phased out for use in both countries by January 1, 2011
11. The Parties shall prepare Action Plans, to be submitted to the Commission for review or approval, with the aim of reducing of human and health and ecological risks associated with pesticide application and human dependence on pesticide use. The Action Plans should encourage and promote research on, and the development of, alternatives posing fewer risks, including biological control agents and techniques, non-chemical pesticides, and pesticides that are, as far as possible or desirable, target specific, that degrade into innocuous constituent parts or metabolize after use and are of low risk to humans and the environment.
12. The Parties shall require appropriate and relevant training for pesticide distributors and professional pesticide applicators in order to ensure full awareness about the risks and hazards, to provide information on risk reduction, and to encourage utilization of alternatives to chemical pesticides.
13. The Commission shall coordinate minimum standards for pesticide application and personal protective equipment. The Parties shall permit such equipment to be marketed only if they comply with established

standards. The Parties shall ensure that pesticide application equipment and accessories in professional use shall be subject to inspections at regular intervals. The inspections shall verify that the pesticide application equipment and accessories satisfy the essential health, safety and environmental standards.

14. The Parties shall ensure that all pesticide application equipment and accessories for professional use have been inspected at least once by 2012, and that only pesticide application equipment and accessories having successfully passed inspection are in professional use.
15. The Parties will inventory obsolete or unusable stocks of pesticides and used containers, establish and implement an action plan for their disposal, or remediation in the case of contaminated sites, and record these activities.

Notification and Coordination

16. When a Party has banned or severely restricted a pesticide or chemical, it shall notify the Ministry of Agriculture in the other Party. Notification shall be transmitted as soon as practicable after the regulatory action has been taken, and in any event not later than 45 days following the taking of such action.
17. When a Party has banned or severely restricted a pesticide or chemical prior to the entry into force of this Agreement, it shall provide an inventory of such prior regulatory actions to the other Party.
18. The notice or inventory shall contain the following information, if available:
 - a. The name of the pesticide or chemical that is the object of the regulatory action;
 - b. A concise summary of the regulatory action taken, including the timetable for any further actions that are planned. If the regulatory action bans or restricts certain uses but allows other uses, such information should be included;
 - c. A concise summary of the reason for the regulatory action, including an indication of the potential risks to human health or the environment that are the grounds for the action;

- d. Information concerning registered pesticides or substitute chemicals that could be used in lieu of the banned or severely restricted pesticide or chemical; and
- e. The name and address of the contact point to which a request for further information should be addressed.

Aerial Spraying

19. Aerial spraying shall be generally banned over all areas that are within two kilometers of the border of the two Parties with derogation possible where it represents clear advantages and also offers environmental benefits compared to other spraying methods, or where there are no viable alternatives. Authority to grant a derogation is held by the Commission; approval will require approval by at least nine members (over sixty-five percent) of the Commission.

Maximum Residue Limits

20. The Commission shall coordinate maximum residue limits (MRLs) for pesticide residues in and on fruit, vegetables, cereals, foodstuffs of animal origin, and products of plant origin. MRLs should be set at the lowest achievable level consistent with good agricultural practice for each pesticide with a view to protecting vulnerable groups such as children and the unborn. MRLs shall be continually monitored by the Ministries of Agricultures in the Parties and shall be changed to take account of new information and data.

Labeling

21. The Commission will coordinate pesticide labelling between the two Parties, in conformance with Article 11 of the 2002 United Nations, Food and Agriculture Organization's "International Code of Conduct on the Distribution and Use of Pesticides."

8. Assessment, Notification, Mitigation and Environmental Impact Statements

General

1. The Parties recognize the importance of assessing the impacts of projects and activities that may have significant, adverse transboundary environmental impacts before implementing them.
2. Each Party shall assess those proposed actions, activities and projects within the area under its jurisdiction that, if carried out, would be likely to cause significant, adverse transboundary environmental damage. This includes pollution of air, water, and soil, increased noise and odors, as well as harm to shared open spaces, vistas and biodiversity. Delineation of appropriate mitigation measures will accompany the assessment.
3. Each Party shall notify the other Party concerning a proposed action, activity or project as early as practicable in advance of a decision concerning such action, activity or project and shall consult with the other Party at its request.
4. In addition, each Party shall, at the request of the other Party, consult concerning any continuing actions, activities or projects that may cause or will cause significant, adverse transboundary environmental damage. This includes changes to its laws, regulation or policies that, if carried out, would be likely to affect environmental quality for the other Party.
5. **If either Party becomes aware of an environmental problem that is of joint concern and requires an immediate response, it shall notify and consult the other Party forthwith. The Parties shall take all appropriate and cost-effective measures to prevent, reduce and control significant, adverse transboundary environmental impact from proposed activities.**
6. Environmental Impact Statements offer an opportunity for evaluating projects and for mitigating environmental consequences.

Requirement to Prepare an Environmental Impact Statement

7. The Parties shall prepare an environmental impact statement (EIS) for projects that are likely to have significant, adverse transboundary environmental impacts. Projects located away from the border may still have a significant adverse transboundary impact.
8. The Commission is authorized to recommend to one of the Parties that an EIS, be prepared for any project that conforms to the categories found in EU Council Directive 97/11/EC of 3 March 1997 amending Directive 85/337/EEC. Appendix 2 includes additional factors to consider in determining whether other projects may have a significant adverse impact and for which an EIS will be prepared.
9. Once informed by the Commission, the Party of origin shall consider the preparation of a comprehensive EIS in compliance with this Article before making a decision approving or authorizing a proposed project that is likely to have significant, adverse transboundary environmental impacts. If it chooses not to prepare an EIS, the Party will inform the Commission in writing of the reasons for not complying with the recommendation.
10. Israel's Ministry of the Environment and the Palestinian Environmental Quality Authority will be responsible for preparing guidelines for preparation of the respective Party's EISs conducted under this Agreement and coordinating comments to statements prepared by the other Party. These authorities are referred to as the "environmental authority" generically in this article.
11. The Commission will play an advisory role, act as a forum for information exchange, and help organize public consultations and hearings as needed regarding EISs.

Procedures Associated with Preparation of Environmental Impact Statements

12. The environmental authority of the originating Party is required to notify the environmental authority of the affected Party of a proposed activity that is likely to have a significant, adverse transboundary environmental impact. The notice will include basic information about the proposed project, its likely adverse transboundary impacts, an outline of the decision-making process, and the timeline for carrying out an EIS.
13. The environmental authority of the originating Party will send to the Commission and the environmental authority of the affected Party a scoping report outlining the intended scope of the EIS including the alternatives to the project and impacts to be analyzed.
14. **The environmental authority of the Party of origin must use all reasonable means to notify people that are likely to be affected by the project (in both countries) about the availability of the scoping report.** Reasonable means include at least publishing in two popular newspapers and posting notices in the area. The public will be encouraged to submit its comments regarding the possible environmental impacts to the environmental authority of the originating Party within 60 days.
15. Notice must also be given to the environmental authority of the affected Party and the Commission. The environmental authority of the affected Party must be given a reasonable time, at least 30 days, to comment. The environmental authority of the affected Party is required to seek public comment and input from other government entities on the scoping report.
16. The environmental authority of the originating Party must oversee the preparation of a draft EIS according to the relevant domestic laws and regulations. The minimum contents of an EIS shall include:
 - a. A description of the purpose of the proposed project;
 - b. A description of the proposed project;
 - c. A description of the potentially affected environment in both countries, including specific information necessary for identifying and assessing the environmental and human health effects of the proposed project;

- d. A description of reasonable alternatives to the project;
- e. An assessment of the likely or potential environmental impacts of the proposed project and of the reasonable alternatives to that project, including the direct, indirect, cumulative, short-term and long-term effects;
- f. An identification and description of measures available to mitigate adverse environmental impacts of the proposed project as well as to the reasonable alternatives, and an analysis of those measures;
- g. An indication of gaps in knowledge and uncertainties which may be encountered in compiling the required information; and
- h. A brief, non-technical summary of the information provided under the above headings.

Public Access to the Environmental Impact Statement

- 17. The originating Party will make copies of the draft EIS, or a comprehensive summary of it, available to the public in both countries in English. The draft EIS will be made available in both paper form and electronically. A summary of the EIS will be made available in both Hebrew and Arabic and will be submitted with the draft EIS.
- 18. The environmental authority of the Party of origin will seek comments on the proposed project from interested people including people likely to be affected and interested NGOs (in both countries). The environmental authority will also seek comments from relevant government agencies. The environmental authority of the affected Party and the Commission will assist the authority to circulate the draft EIS and seek comments. The draft EIS will be available for comments for a reasonable amount of time (at least 60 days).
- 19. The Party of origin will ensure that opportunities given to people in the affected Party to participate (including, but not limited to, notice, copies of documents, opportunity to comment, and public hearings) will be at least equivalent to opportunities given to the public of the Party of origin.

20. If there is demand by the public or by NGOs that is endorsed by a formal request by at least one member of the Commission, the Commission shall request from both environmental authorities that public meetings be convened. During the public meeting, the Party of origin will provide information about the project and will offer affected individuals and organizations an opportunity to comment.

Final Environmental Impact Statement

21. After the public comment period, and after any public meetings, the Party of origin will publish a final EIS. The final statement must respond to comments received by noting changes made in the final document or explaining why changes were not made.
22. The decision on the proposed activities must take into consideration and shall respond in writing to the comments from interested persons from both countries and the affected Party.
23. The Parties shall monitor the projects and provide the Commission with information about adverse transboundary impacts.

9. Coordinated Land Use Planning

General

1. The Parties acknowledge that given their contiguous geographical locations, land use in large areas of each Party is likely to have influence on the environment conditions in the other Party.
2. The Parties recognize that in order to avoid the friction associated with transboundary impacts of new development projects, it is their mutual objective to cooperate and coordinate land use planning in areas where transboundary impacts are anticipated.
3. The Parties understand the potential environmental and economic benefits associated with the utilization of joint infrastructures and will explore the feasibility of merging infrastructures and developing joint infrastructure in the future.

The Land Use Planning Subcommittee (LUPS)

4. In order to plan, oversee and coordinate the land use of the Parties in areas where transboundary impacts are anticipated, a Land Use Planning Subcommittee (LUPS) of the Commission will be established.
5. The LUPS shall be comprised of an equal number of representatives from each Party and will include representatives of each Party's environmental ministry and public representatives. Each Party shall designate a senior government official from its Ministry of Interior to serve as co-chair of the LUPS. The co-chair shall report to the relevant land use authorities of both Israel and Palestine.
6. The LUPS primary objective will be to coordinate land use planning in the border region on the basis of specific environmental sensitivities as well as to minimize any transboundary impact of new development and ensure sustainability of the region.
7. Parties shall present major new development initiatives to the LUPS in order to allow for an evaluation of potential impacts.

8. If there has not been an environmental impact statement prepared for new development that is likely to produce significant transboundary environmental impacts, the LUPS is empowered to recommend that an environmental impact statement be prepared that evaluates the transboundary impact of the development, pursuant to Article 8. LUPS must inform the developer of the EIA requirement within 45 days of receiving notice of the planned development.
9. The LUPS is empowered to pursue planning studies that address regional concerns to both Parties.

The Bi-national Strategic Masterplan for Development

10. The LUPS will commission a “Bi-national Strategic Masterplan for Development” (BSMD) for strategic planning of land use at the conceptual level in areas near the shared border in both Israel and Palestine. The proposed plan shall focus its activities on future development intended within five kilometers of the borders between the Parties, and shall include the consideration of shared physical and environmental infrastructure in Israel and Palestine.
11. The BSMD will constitute a single, synthesized, comprehensive, conceptual planning framework for the Parties, reflecting the scenarios envisioned by the Parties’ for future residential, commercial, industrial, and tourism development, population growth, water conservation, usage, and needs, agricultural lands and ecological corridors.
12. On the basis of these scenarios, a coordinated and sustainable infrastructure plan can be developed including inter alia, roads, railways, energy, natural resources, waste disposal.
13. The BSMD will be based on principles of sustainable development and seek to reduce the potential of future development which would cause future nuisances and hazards that can affect human populations or cause damage to sensitive open spaces and important areas of biodiversity or cultural resources.

14. The LUPS will oversee review of the BSMD. When the LUPS has approved it, the document will be considered for approval by the Commission. Once approved by the Commission, it will be forwarded to the Parties for ratification.
15. Upon approval by the Commission and ratified by the Parties, the BSMD will become an Annex to this Agreement. Once approved, the Parties shall take into account its zoning designations in the detailed land use planning they conduct within their respective territories. Any subsequent exceptions from the BSMD will require authorization from the LUPS.

Public Consultation

16. The Parties shall take the measures necessary to ensure that the drafting of the BSMD and related decision-making considers public and stakeholder opinions and provides the public and stakeholders with meaningful opportunities to consult, advise and participate directly in activities that support this plan.
17. The detailed arrangements for such information and consultation shall be determined by the LUPS, which, depending on the particular characteristics of the projects or sites concerned may:
 - a. Determine the public that should be notified, including the public affected or likely to be affected by, or having an interest in the BSMD plan, along with relevant non-governmental and other organizations concerned;
 - b. Specify the places where the information can be consulted;
 - c. Specify the way in which the public may be informed (e.g.: by bill-posting within a certain radius, publication in local newspapers, organization of exhibitions with plans, drawings, tables, graphs, models);
 - d. Determine the manner in which the public is to be consulted (e.g.: by written submissions, by public enquiry);

- e. Set appropriate time frames for the consulting process, thus giving an early and effective opportunity for consultations, including the expression of opinion, before the BSMD is completed and approved; and fix appropriate time limits for the various stages of the procedure in order to ensure that the decisions within the BSMD planning are taken within a reasonable period.
18. The LUPS shall inform the public of the content of the decision and, if the Parties' legislation so requires, the reasons for the decision.

Coastal Zone Management

19. The Parties agree that the management of the coastal zones of the Mediterranean Sea and the Dead Sea are of particular significance. A specific unit within the LUPS shall address land use planning in these coastal areas.
20. The Parties shall follow the principles of Integrated Coastal Zone Management with respect to the coastal zones referred to in Article 12. Accordingly, they shall give particular attention to:
 - a. The protection of water resources and water quality including the coordination of waterbasins and flows from the hill regions;
 - b. The balanced development of the coastal zone, through the optimization of land use including the restrictions on new marinas;
 - c. The development and protection of nature reserves and the preservation of biological and cultural diversity and underwater archaeology;
 - d. The management of land-based pollution sources;
 - e. The management of coastal and offshore pollution sources;
 - f. Emergency response, including response to spills;
 - G. Climate change and the effects on erosion.

10. Biodiversity and Nature Protection

General

1. The Parties recognize the rich biodiversity which is created by their location at the meeting place of three continents and the importance of coordinating proactive conservation efforts to preserve nature.
2. The Parties acknowledge the importance of the ecosystem services created by natural biodiversity as well as the many threats to local ecosystems and the need to work together to protect the uniquely rich diversity of local flora and fauna.
3. The Parties shall cooperate in implementing policies that conform to internationally-accepted principles and standards concerning the protection of endangered species and of wild fauna and flora. Such protection shall include:
 - a. Restrictions on trade in protected and endangered species;
 - b. The conservation of protected, endangered and migratory species of wildlife;
 - c. The preservation of existing forests, nature reserves and protected natural assets;
 - d. Harmonization of hunting laws and regulations, including hunting seasons, for migratory species; and
 - e. The enforcement of regulations pertaining to hunting, and in particular regulations prohibiting hunting of protected and endangered species.

Protected Species

4. The Parties will promulgate regulations and enact laws which protect the flora and fauna on the common protected species list that appears in appendix 3 to this Agreement ("Protected Species").
5. The laws and regulations will include provisions to affect the management and expansion of nature reserves, pursuant to Article 10 of this Agreement, and penalties for individuals who trade or harm species listed in Appendix 3. "Harming" species includes killing, injuring, hunting, poisoning, or otherwise harming protected animals, and picking, cutting, burning, or otherwise harming protected plants.
6. Israel agrees to offer to transfer to Palestine live specimens of native plant and wildlife species that have abundant populations in Israel (such as Dorcas gazelles and Nubian ibex) for the purpose of restoring populations across the region.

National Plans

7. Each Party will prepare a National Action Plan to protect the open spaces, cultural landscapes, natural resources and biodiversity in its territory as well to preserve existing ecological corridors. The Action Plan of the Parties will comply with the requirements set forth in Articles 6-17 of the Convention on Biological Diversity (1992).
8. The Israeli Nature Reserves and National Parks Authority and the Palestinian Environmental Quality Authority or the Natural Resources Authority will report to the Commission on the state of biodiversity and progress in implementation of their respective Action Plans every two years.

Joint Action Plans

9. The Israeli Nature Reserves and National Parks Authority and the Palestinian Environmental Quality Authority or the Natural Resources Authority will prepare a Joint Action Plan for Preservation of Biodiversity that will be submitted to the Commission within a year after entry into force of this Agreement. The Joint Action Plan will be designed to strengthen joint Palestinian-Israeli decisionmaking, in particular improving coordination and addressing the interrelationship between national and transboundary issues, taking account of biodiversity and environmental impacts in decision-making.
10. The Joint Action Plan will specify the measures and management strategy that will be taken to prevent the extinction of the leopard (*Panthera pardus nimr*), the Palestinian ibex, or any other species whose survival is deemed by the Commission as requiring transboundary cooperation.
11. The Joint Action Plan will set forward a list of invasive species that threaten biodiversity and the measures that will be taken to eliminate or reduce the presence and adverse impacts of invasive species.
12. The Joint Action Plan will include strategies designed to build partnerships between the government sector and the finance, education and private sectors (including landowners, conservation practitioners, and NGOs), as well as establish public education, awareness and experiential programs for Palestinian and Israeli youth and communities.
13. The Joint Action Plan will contain a strategy for containing the spread of rabies. The Parties will take preemptive, cooperative measures for rabies control, notwithstanding existing commitments to nature preservation.
14. Progress reports about the implementation of the Joint Action Plan will be submitted as part of the biennial report about the state of biodiversity and implementation of National Action Plans pursuant to paragraph 7 of this Article.

11.

Establishment and Management of Transboundary Protected Areas

General

1. The Parties acknowledge the importance of protecting areas of significant natural and cultural heritage and shall work together for the purpose of conserving shared ecosystems and areas of natural and cultural heritage.
2. The Parties shall establish transboundary protected areas, including Parks for Peace (as defined by the World Conservation Union (IUCN)), for the enjoyment by people, the protection of flora, fauna, and cultural resources, as well as the promotion of peace and cooperation. The Parties will also work together to promote appropriate transboundary areas such as Biosphere Reserves and World Heritage Sites as defined by UNESCO.
3. The Commissions for UNESCO will help to coordinate the activities within the aegis of the Organization.
4. The Parties will prepare a harmonized Tentative List of sites for World Heritage Listing and for the identification of trans-national serial sites.
5. Parks and forests which have been designated as protected areas during the Israeli military occupation in the West Bank should continue to be protected by the Palestinian government.

Existing Nature Reserves and National Parks in the West Bank

6. The Israeli government will pass to the Palestinian government the infrastructure and facilities of existing nature reserves in the West Bank. The Palestinian government will continue to operate these sites and allow public access to them, pursuant to its domestic rules, laws and regulations.

The Parks and Landscapes Subcommittee

7. The Commission shall establish a Parks and Landscapes Subcommittee that shall be comprised of an equal number of representatives from each Party. The subcommittee shall include, at a minimum, representatives of the Israel Nature and National Parks Protection Authority and Antiquities Authority and representatives from the parallel Palestinian authorities.
8. The Parks and Landscapes Subcommittee shall develop a five-year work plan that includes a timeline for identifying high priority areas for conservation and protection, establishing transboundary protected areas, methods for encouraging cooperative activities between the Parties towards the goal of conserving shared ecosystems and areas of cultural heritage and a strategy for funding these activities. This work plan shall be submitted to the Commission along with annual progress reports describing progress towards the goals identified in the work plan.
9. The Parks and Landscapes Subcommittee will oversee, implement and monitor the progress of co-operative activities developed to accomplish the conservation of shared ecosystems and cultural heritage.
10. The Parks and Landscapes Subcommittee, working with members of the Commission, shall cooperate on identifying, planning, designing, and developing transboundary protected areas and Parks for Peace.

Establishment of Transboundary Protected Areas

11. The Parties agree that the areas listed in Appendix 4 are high priority areas for conservation and protection. [Priority will be given to establishing transboundary parks along the Jordan River and around the Dead Sea and Gilboa region.](#) The Parks and Landscapes Subcommittee will meet at least once a year to review and update the list of substantive and geographical areas.

12. Within six months of its creation, the Parks and Landscapes Subcommittee shall adopt and publish the criteria and information it will consider in determining whether an area warrants inclusion in Appendix 4. The criteria shall include provisions to ensure that areas of cultural importance to one Party that may be located in the other Party's territory are considered for inclusion on the list.
13. The Parks and Landscapes Subcommittee shall accept and consider petitions from either Party, any person, or nongovernmental organization requesting that an area be included in Appendix 4. A petition shall address the criteria and information identified by the Subcommittee pursuant to paragraph 10.
14. Should a natural or cultural area listed in Appendix 4 no longer meet the criteria for listing, the Parks and Landscapes Subcommittee may consider removing the area from the list. Prior to removing an area from appendix 4, the Subcommittee shall issue a written decision explaining why the area no longer meets the criteria for listing.
15. The Parks and Landscapes Subcommittee shall make recommendations to the Parties as to the appropriate designation under each Party's laws and regulations necessary and appropriate to protect the areas identified in Appendix 4. The Parties shall expeditiously pursue the recommended designations. To the extent the proposed designation requires preparation of an application or supporting material, or if a Party requires technical assistance seeking the designation, the Parks and Landscapes Subcommittee shall provide assistance as needed.
16. The Parks and Landscapes Subcommittee will develop management plans for each transboundary protected area established under this Agreement. In addition to information that may be required to be included in the management plan by relevant laws and regulations or international conventions, the management plans shall include measures to ensure conservation of the areas, identify actions necessary to restore the ecological or cultural values, if necessary, and provide for equal access to the sites by people from both countries. The Parties shall fully implement the management plans.

Cultural and natural heritage sites

17. Each Party will favorably consider consulting and cooperating with the other Party as well as seeking assistance from the other Party and the international community to establish and preserve and harmonize cultural and natural heritage sites.
18. **Access to World Heritage Tentative or Inscribed sites will not be restricted by the Parties unless such restrictions are necessary for the sustainable management of the site.** Each Party will favorably consider consulting and cooperating with the other Party as well as seeking assistance from the other Party and the international community to establish and preserve and harmonize cultural and natural heritage sites.
19. Whilst fully respecting the sovereignty of the States on whose territory a cultural and natural heritage site is situated, the Parties recognize that there are many unique sites in the region that constitute a world heritage and whose protection requires the international community as a whole to co-operate. Each Party will prepare a tentative list of sites listing those of regional significance and that have a potential for outstanding universal value.
20. The Parties recognize the duty of ensuring the identification, documentation, research, protection, conservation, presentation and transmission to future generations of cultural and natural heritage and will endeavor to implement UNESCO mechanisms including the World Heritage Convention (1972), the MAB program, the Ramsar Convention and the Convention on Biological Diversity.
21. **Each Party will favorably consider consulting and cooperating with the other Party, as well as seeking assistance from the other Party and the international community, to establish and preserve and harmonize cultural and natural heritage sites.**
22. Access to World Heritage tentative or inscribed sites will not be restricted by the Parties unless such restrictions are necessary for the sustainable management of the site.
23. Each Party undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage situated on the territory of the other Party.

24. The Parties will examine the development of joint scientific and technical studies and research and the establishment of a joint regional center for training in the protection, conservation and presentation of the cultural and natural heritage. *The UNESCO Forum – Universities and Heritage should be a platform for the exchange of ideas.*

Law Enforcement

25. The Parties shall ensure that illicit trafficking of cultural objects or artifacts and of endangered species will be controlled by establishing a joint committee to take the necessary measures according to international procedures.

Protecting Migrating Birds and their Migration Routes

26. The Parties declare their mutual interest in preserving and researching migrating birds and their habitats for the benefit of biodiversity, nature preservation, agriculture, education, tourism and aviation safety.
27. The Parties will cooperate with each other to study bird migration in the Middle East. Ornithological findings and data generated through this research will be applied to protecting birds and conserving avian habitat and important migration areas. The Commission will explore the possibility of expanding this research network to include representatives from Jordan and Egypt.
28. The Parties agree to continue and expand multidisciplinary joint-education programs on migrating birds and to explore opportunities to promote ecotourism.
29. The Parties will work with the relevant international bodies, including BirdLife International, AEWA and UNEP-WCMC to support the conservation and inscription of the flyways and stop-over sites on the World Heritage List as part of the Great Rift Valley initiative.

12. Pollution Prevention of Aquatic Ecosystems

General

1. The general, common objective of the Parties is to prevent and control transboundary pollution of marine or fresh water ecosystems between the two countries.
2. To this end, the Parties shall:
 - a. Adopt ambient water quality standards for shared water bodies;
 - b. Monitor water quality at locations necessary to determine compliance with shared water quality standards;
 - c. Establish and enforce limits for wastewater discharges from point sources that are designed to attain the shared water quality standards;
 - d. Monitor discharges from point sources in a manner necessary to maximize compliance with shared water quality standards;
 - e. Establish and enforce best management practices (BMPs) for use of agricultural chemicals to limit the release of contamination from non-point sources that are designed to attain the shared water quality standards;
 - f. Develop and direct a bi-lateral program of preventing accidental and operational marine pollution, including the monitoring of waste dumping by ships in the ports of Gaza and Ashdod as well as the deployment of clean-up vessels for all major port areas;
 - g. Establish a bi-lateral emergency response program to handle chemical or oil spills in the ports of Gaza and Ashdod; and
 - h. Adopt necessary programs and other measures to implement such specific objectives and ensure control of transboundary water pollution.

Standards and Monitoring

3. The Commission in conjunction with the Joint Water Committee shall appoint a Water Quality Subcommittee to oversee activities involving pollution prevention in fresh and marine waters.
4. The Subcommittee shall be composed of equal numbers of representatives from each Party. Members of the Subcommittee should have professional training and experience in the area of water quality, environmental health and ecology.
5. **The Water Quality Subcommittee shall develop ambient water quality standards for shared water bodies. The standards need not be uniform, but will ensure the intended uses and carrying capacity of each shared stream and watershed.**
6. Standards shall be guided by the 17 July 2006 European Commission's Proposed Directive on Environmental Quality Standards in the Field of Water Policy; the U.S. Environmental Protection Agency's National Recommended Water Quality Criteria and Maximum Contaminant Levels (MCLs); the 2006 World Health Organization's Guidelines for Drinking-Water Quality; and the 2003 World Health Organization's Guidelines for Safe Recreational Waters.
7. The Water Quality Subcommittee will establish a water quality monitoring program to ensure the attainment of shared water quality standards in transboundary water bodies and assess trends in compliance. The program will specify the locations at which water quality shall be monitored, the parameters to be monitored at each location, and the frequency of sample collection at each location.
8. Water quality monitoring data shall be made freely available to the other Party and to the public in a timely manner.
9. Each Party shall identify and describe each major point source of water pollution that may impact a shared water resource.
10. For each such major point source of water pollution, including sewage treatment facilities, each Party shall identify the location of the point source discharge, the flow rate of the discharge, and pollutant levels in the discharge.

11. The Water Quality Subcommittee shall recommend effluent limitations that apply to each such major point source of water pollution. The purpose of the effluent limitations shall be to reduce the discharge of pollution according to the use of the best available technology that is economically feasible. The limitations shall be guided by European Union Integrated Pollution Prevention and Control Bureau BAT reference documents (BREFs); U.S. EPA Effluent Limitation Guidelines, and World Bank Group Environmental, Health, and Safety Guidelines.
12. The major point sources identified under this Agreement must comply with effluent limitations within one-year after the limitations are adopted.
13. Each Party shall identify and describe major agricultural activities in which the use of agricultural chemicals, nutrients and sediment may generate runoff or seepage that may impact a shared water resource.
14. The Water Quality Subcommittee will develop best management practices (BMPs) for such agricultural activities. The purpose of the BMPs is to prevent or minimize impacts to shared water resources from the use of agricultural practices. The BMPs shall be technically feasible and economically achievable.

13. Combating Desertification

General

1. The Parties recognize that their desert regions, in which the climate is arid or hyper-arid, constitute unique landscapes and are the home to rich ecosystems which must be respected. The common objective of the countries is to live “with the desert” through development of sustainable, alternative livelihoods and not to “conquer the desert” and to exceed its carrying capacity.
2. The Parties also recognize that in their semi-arid regions, desertification and degradation of soil and land resources poses a regional problem which threatens the future sustainability of a variety of land uses in the area. Desertification poses a transboundary problem both in the dust produced by eroded soils and loss of land cover and the ecological impacts associated with land degradation.
3. Policies and management practices for combating desertification are well known and cost-effective. Chief among these is sustainable dryland agriculture, afforestation, sustainable grazing policies and prudent water management.
4. Cooperation to combat desertification between the Parties promises to improve the sustainability of the local agricultural and pastoral economy as well as preserve land and landscape.

National Action Programs to Combat Desertification

5. The Parties shall draft and implement domestic National Action Programs, pursuant to the Article 9 of the United Nations Convention to Combat Desertification.
6. The purpose of *National Action Programs* to Combat Desertification is to identify the factors contributing to desertification and specify the practical measures, legislation and initiatives that will be undertaken to combat desertification. These will include, inter alia, development of sustainable irrigation programmes for both crops and livestock, afforestation programs, erosion control regulations, and seasonal grazing schedules on public lands for herders.

7. The Parties shall establish a formal program of cooperation and research with the goal of reducing soil degradation and the creation of prosperous alternative livelihoods for residents of arid regions in Palestine and Israel. The program will be overseen by their respective Ministries of Agriculture.
8. Among the projects that will be considered:
 - a. Intensive agriculture in green houses as well as the development of closed irrigation systems;
 - b. **Afforestation that traverses the borders in semi-arid and dry subhumid lands;**
 - c. Integration of flood-dependent agricultural system in semi-arid regions;
 - d. Development and cultivation of salt and drought resistant cultivars and crops;
 - e. Development of aquaculture and algae production;
 - f. Solar energy initiatives;
 - g. Defining desert reserves as part of the natural or cultural landscape sites of the region; and
 - h. **Development of desert ecotourism opportunities.**
9. Each Parties' *National Action Programs to Combat Desertification* will contain provisions that coordinate these projects and activities with those of the other Party.
10. The Parties agree that by 2012 grazing will be limited to one animal for every four hectares of rangelands that are not irrigated and one for every hectare when lands are irrigated.
11. In order to assess the effectiveness of the National Action Programs, the Parties will establish a series of shared indicators and benchmarks for assessing land degradation, through the use of remote sensing.
12. The Commission will explore the potential for attaining financial support for Palestinian activities to combat desertification via the Global Environmental Facility and the Global Mechanism.

14. Monitoring Compliance, Corrective Actions and Enforcement

General

1. It is the common objective of the Parties to coordinate their environmental enforcement programs related to activities with a transboundary impact in order to maximize the effectiveness of their efforts to achieve compliance with this Agreement and the measures adopted by each country to implement this Agreement.
 2. Facilitation of transboundary environmental objectives and policies requires the establishment of a common enforcement presence between Israeli and Palestinian regulators that will be overseen by the Commission.
 3. The Parties will support the work of the "Joint Environmental Inspection Teams" (JEITs) in pursuing implementation of this Agreement.
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Enforcement Principle

4. Nothing in this Agreement shall be construed to empower a Party's authorities to undertake law enforcement activities in the territory of the other Party.
5. Each Party shall ensure that judicial, quasi-judicial or administrative enforcement proceedings are available under its law to sanction or remedy violations of its environmental laws and regulations.
6. Each Party shall ensure that citizens and/or NGOs have access to the courts to challenge violations of environmental laws and regulations.
7. Sanctions and remedies provided for a violation of this Agreement shall, as appropriate:
 - a. Take into consideration the nature and gravity of the violation, any economic benefit derived from the violation by the violator, the economic condition of the violator, and other relevant factors; and
 - b. Include compliance agreements, fines, imprisonment, injunctions, the closure of facilities, remedial action, and the cost of containing or cleaning up pollution as appropriate.

The Joint Environmental Enforcement Subcommittee

8. The Commission shall appoint a Joint Environmental Enforcement Subcommittee ("JEES") to oversee enforcement of, and compliance with, this Agreement. The JEES shall be comprised of an equal number of representatives from each Party
9. Members of the JEES may be comprised of members of the Commission and/or other appointed experts, but all should have professional training and experience in the area of enforcement and/or the environment.
10. The JEES's responsibilities include:
 - a. Setting priorities for the JEIT's activities;
 - b. Ensuring that there are sufficient financial resources for the JEIT's ongoing activities;
 - c. Organizing joint training activities for the JEIT;
 - d. Receiving complaints with regards to JEIT activities;
 - e. Serving as a liaison with the governments of the Party and with the Commission with regards to policy coordination and implementation;
 - f. Evaluating the effectiveness of the JEIT enforcement work; and
 - g. Providing consultation to the Parties and to the Commission with regards to the implementation and enforcement of their responsibilities to promote compliance under this Agreement.

Joint Environmental Inspection Teams

11. The Commission shall establish, upon the signing of this Agreement, six JEITs under the control and supervision of the JEES, which shall commence operation immediately. One JEIT will be established for each of the following areas of implementation and be staffed with representatives with expertise in the subject matter to be monitored by the particular team: air quality, water quality, solid and hazardous waste, parks, nature reserves and regulation of hunting, pesticides, and biodiversity (including rabies control).

12. Each team that works as part of the network of the JEIT will have specific responsibilities and expertise regarding a given environmental media and violations that may arise in that context. Yet the teams will also work in concert and provide back up and support when enforcement activities require additional manpower or enforcement presence. Coordination will be overseen by the JEES.
13. The JEITs' mandate shall be:
 - a. Searching and investigating breaches;
 - b. Monitoring compliance;
 - c. Designing and implementing emergency corrective actions;
 - d. Laising with national enforcement authorities; and
 - e. Providing investigation material to national authorities.
14. Each JEIT shall be comprised of an equal number of no less than two representatives from each Party. Each Party will provide a vehicle for the member of a JEIT, unless otherwise agreed. The JEES may agree on changes in the number of JEITs and their structure.
15. Each Party will pay its own costs, as required to carry out all tasks detailed in this Article. Common costs will be shared equally.
16. The JEIT shall operate, in the field, to monitor, supervise and enforce the implementation of this Agreement and to rectify the situation whenever an infringement has been detected, and take actions to:
 - a. Prevent air pollution emissions that exceed performance standards, the illegal burning of garbage and other violations of the air quality standards;
 - b. Prevent unauthorized dumping of solid wastes;
 - c. Prevent the utilization of unapproved pesticides and agricultural practices;
 - d. Prevent illegal discharges into the marine environment;
 - e. Prevent the transport of hazardous materials without a permit or the disposal of hazardous wastes in facilities that are not approved hazardous waste disposal sites;
 - f. Stop inappropriate activities in transboundary parks and nature reserves as well as illegal hunting;
 - g. Stop activity that requires an EIS that has begun without an approved EIS;

- h. Monitor and enjoin construction that is unauthorized or that may cause transboundary environmental damage;
 - i. Prevent other violations of environmental norms stipulated in this Agreement or conduct compliance campaigns that have been defined by the JEES; and
 - j. Ensure the execution of the instructions of the Commission on the operation of monitoring and measurement systems.
17. Activities of the JEIT shall be in accordance with the following:
- a. The JEIT shall be entitled, upon coordination with the relevant authorities and with the assistance of the local police forces to free, unrestricted and secure access to all industrial and potential polluters that are not designated as security zones, including those privately owned or operated, as required for the fulfillment of their function;
 - b. All members of the JEIT shall be issued identification cards, in Arabic, Hebrew and English containing their full names and a photograph;
 - c. Each JEIT will operate in accordance with a regular schedule of site visits to prioritized sites approved by the Commission, based on their potential to become sources of transboundary pollution;
 - d. A member of the JEES or Commission may require that a JEIT visit a particular industrial plant, waste disposal site, agricultural operation, nature reserve, etc. in order to ensure that no infringements of this Agreement have occurred. When such a requirement has been issued, a JEIT shall visit the site in question as soon as possible, and no later than within 24 hours. Members of the JEES or Commission shall be able to join a JEIT for visits in their own country or for visits in the territory of the other Party and shall enjoy the status of observers;
 - e. If the JEIT cannot agree on the actions to be taken, the matter will be referred immediately to the JEES for a decision;
 - f. Upon arrival at a site, the JEIT shall collect and record all relevant data, including taking photographs as required, and ascertain whether an infringement has occurred. In such cases, the JEIT shall take all necessary measures to rectify it, and reinstate the status quo ante, in accordance with the provisions of this Agreement;

- g. The JEIT shall be assisted by those institutions in both Parties established to coordinate security arrangements as well as the Multinational Force and other security mechanisms established under the final Peace Agreement, to enable the JEIT to implement its functions. In addition, local law enforcement agencies in both parties will support the JEIT when their authorities are required for successful enforcement work.
- h. The JEIT shall report their findings and operations to the JEES, using forms which will be developed by the JEES and provide it with an annual report about its activities. The JEES shall review the JEITs' reports and submit a report summarizing the JEITs' activities on an annual basis to the Commission.

Citizen and Non-Governmental Organization Submissions

- 18. The JEES shall consider a submission from any NGO or person asserting that a Party is in violation of this Agreement, if the JEES finds that the submission:
 - a. Is in writing (in Arabic, Hebrew, or English);
 - b. Clearly identifies the person or organization making the submission;
 - c. Provides sufficient information to allow the JEES to review the submission, including any documentary evidence on which the submission may be based;
 - d. Appears to be aimed at promoting enforcement rather than at harassing the identified person or facility;
 - e. Indicates that the matter has been communicated in writing to the relevant authorities of the Party and indicates the Party's response, if any;
 - f. Is filed by a person or organization residing or established in the territory of a Party; and
 - g. Indicates that available remedies under the Party's law have been pursued.

19. Where the JEES determines that a submission meets the criteria set out in paragraph 17, after conferring with local enforcement authorities in the Parties to see if enforcement actions are not already taking place, the JEES may immediately decide to recommend enforcement action by the JEIT. Alternatively, it may request a response from the Party. Where the JEES makes such a request, it shall forward to the Party a copy of the submission and any supporting information provided with the submission.
20. The Party shall advise the JEES within 30 days or, in exceptional circumstances and on notification to the JEES, within 60 days of delivery of the request:
 - a. Whether the matter is the subject of a pending judicial or administrative proceeding, in which case the JEES shall proceed no further and of any other information that the Party wishes to submit;
 - b. Whether the matter was previously the subject of a judicial or administrative proceeding; and
 - c. Whether private remedies in connection with the matter are available to the person or organization making the submission and whether they have been pursued.
21. Within 30 days of receiving a response from a Party concerning a submission that has been forwarded to that Party pursuant to paragraph 17 the Subcommittee shall report accordingly to the Commission and if it deems appropriate, recommend enforcement action be taken by the JEIT. A letter to the individual or organization alleging violation, describing the JEES's response or decision to decline to respond, shall be sent at that time.

Party Submissions

22. If a Party has concerns regarding the other Party's implementation of its obligations under this Agreement, those concerns may be addressed in writing to the JEES. Such a submission shall be supported by corroborating information.
23. Upon receiving the submission, the JEES may immediately decide to direct enforcement action by the JEIT. Alternatively, it may transmit a copy of that submission to the Party whose implementation of a particular provision of the Agreement is at issue and to the Commission. The Party shall provide a reply to the JEES within 30 days or, in exceptional circumstances, and on notification to the JEES, within 60 days of delivery of the submission.
24. Where a Party concludes that, despite having made its best, bona fide efforts, it is unable to comply fully with its obligations under the Agreement, it may address to the JEES a submission in writing, explaining, in particular, the specific circumstances that it considers to be the cause of its non-compliance.
25. The JEES shall consider the information submitted under paragraphs 21-23 as soon as practicable. The JEES shall consider the submissions, monitoring data and other information gathered by the JEIT(s) with a view to securing an amicable solution of the matter on the basis of respect for the provisions of the Agreement. Not later than 30 days following receipt of the submissions submitted under paragraphs 21-23, the JEES shall report to the Commission, including any recommendations it considers appropriate to bring about full compliance with the Agreement. The report, which shall not contain any information received in confidence, shall be made available to any person upon request.
26. The Commission may approve a recommended enforcement action by the JEIT or the JEES, reject the recommendation, or forward the matter for resolution under Article 19 of this Agreement.

15. Early Warning Protocols and Emergency Response

General

1. The Parties shall establish early warning systems covering environmental accidents or related events in either Israel or Palestine. Such events may include spills of hazardous materials, oil discharges, or any event with the potential for transboundary effects on human health and/or significant impacts on the environment.
2. The Parties shall inform the Commission of the individual or agency which is to serve as the appropriate point of contact for overseeing early warning protocols and emergency responses.
3. In cases where transboundary environmental impacts are anticipated, the Party in whose jurisdiction an accident or other event occurs shall immediately inform the other Party through the agreed point of contact.
4. Each Party is responsible for managing environmental accidents or related events in its territory and for deciding whether it needs external help to respond.
5. The Parties will establish a framework for a cooperative emergency response to handle accidents or other events that may produce transboundary impacts. The framework shall be coordinated by the points of contact.
6. The Commission will establish a Subcommittee to develop protocols for early warning of and responses to environmental accidents or events with a transboundary impact that create emergencies. The Subcommittee shall be comprised of an equal number of representatives from each Party. The warning system will enable a swift and effective response to emergencies that may have transboundary impacts on human health and/or the environment.
7. Detailed information on the implementation of the early warning system by each Party shall be provided to the other Party, within three months after the entry into force of this Agreement. This information on the early warning systems shall include individual points of contact for each Party, who will be continuously available for an expeditious response.
8. The Parties will make arrangements to share information, ensure coordination and enable collective decision-making during a response to an emergency.

9. The Parties recognize that an effective strategy for managing transboundary risks from environmental accidents or events should focus both on preparedness as well as managing the consequences of such events. The parties shall give priority to prevention and mitigation and thus shall take precautionary measures to prevent, monitor and mitigate accidents and event with environmental impacts.
10. The Parties, in addressing transboundary environmental risks, shall involve, as appropriate, all the relevant authorities at national, regional and international level: all stakeholders including local communities, non-governmental organizations and private enterprises, utilizing, among others, community-based disaster preparedness and early response approaches.

Risk Identification Assessment and Monitoring

11. Each Party shall take appropriate measures to identify risks in its respective territories covering, among others, the following aspects:
 - a. Natural and human-induced hazards;
 - b. Risk assessment;
 - c. Monitoring of vulnerabilities; and
 - d. Emergency management capacities.
12. The Parties shall assign risk levels to each identified hazard according to agreed criteria.
13. The Ministry of Environment in each Party shall communicate the above information to the Commission. Information that is deemed as having a direct bearing on national security or industrial trade secrets will not be communicated.
14. The Commission shall receive and consolidate data including recommendations on risk levels from the Parties. On the basis of such information, the Subcommittee shall define a regional risk-analysis system which will disseminate the information to the Parties and will conduct analysis on possible regional-level implications.

Prevention and Mitigation

15. The Parties shall, jointly or individually, develop strategies to identify, prevent and reduce risks and potential emergencies arising from hazardous materials, dangerous facilities, industrial processes , or other potential environmental hazards.
16. Each Party shall undertake measures to reduce damages from environmental accidents or related events which include:
 - a. Developing and implementing legislative and other regulatory measures, as well as policies, plans, programs and strategies;
 - b. Strengthening local and national emergency management capability and co-ordination; and
 - c. Promoting public awareness and education and strengthening community participation.
17. The Parties shall co-operate in developing and implementing regional environmental accident prevention and mitigation programs to complement national-level efforts. This shall include exercises and simulations to prepare for emergency situations coordinated by the Commission and the points of contact.
18. The Commission shall facilitate training and ensure that exercises will deal with realistic and up-to-date scenarios. It will exchange know-how and experience, scenario building and training exercises and will establish crisis management and rapid alert and civil protection mechanisms.

Early Warning System

19. The parties shall, as appropriate, establish, maintain and periodically review national emergency warning arrangements including:
 - a. Regular risk assessment;
 - b. Early warning information systems;
 - c. Communication network for timely delivery of information; and
 - d. Public awareness and preparedness to act upon the early warning information.

20. The Parties shall co-operate, as appropriate, to monitor hazards which have transboundary effects, to exchange information and to provide early warning information through appropriate arrangements.

Preparedness

21. The Parties shall, jointly or individually, develop strategies and contingency response plans to reduce damage from environmental accidents or related events.
22. The Subcommittee established under section 5 above shall, as appropriate, prepare Standard Operating Procedures for regional cooperation and national action required, as well as enhance their national capacities, including the following:
 - a. Regional standby arrangements for emergency relief and response;
 - b. Utilization of military and civilian personnel, transportation and communication equipment, facilities, goods and services and to facilitate their trans-boundary movement; and
 - c. Co-ordination of joint disaster relief and emergency response operations.
23. The Commission shall, in this context:
 - a. Be informed regularly by the Parties of their available resources for the regional standby arrangements for emergency relief and response;
 - b. Facilitate the establishment, maintenance and periodical review of regional standby arrangements for emergency relief and response; and
 - c. Facilitate periodic review of regional standard operating procedures.

Technical Co-operation

24. In order to increase preparedness and to mitigate environmental accidents, the Parties shall undertake technical co-operation, which will be facilitated by the Commission, including the following:
- a. Facilitate mobilization of appropriate resources;
 - b. Promote the standardization of the reporting format of data and information;
 - c. Promote the exchange of relevant information, expertise, technology, techniques and know-how;
 - d. Provide or make arrangements for relevant training, public awareness and education, in particular, relating to disaster prevention and mitigation;
 - e. Develop and undertake training programs for policy makers, emergency managers and emergency responders at local, national and regional levels; and
 - f. Strengthen and enhance the technical capacity of the Parties to implement this Article.

Rehabilitation

25. The Parties, jointly or individually, will conduct a post-accident analysis. The data will be transformed and/or conducted through the Commission which will perform and formalize a final regional analysis of the data.
26. For the purpose of the implementation of this Article, the Parties shall, jointly or individually, develop strategies and implement programs for rehabilitation as a result of an environmental accident or related event. The Parties shall promote, as appropriate, bilateral, regional and international co-operation for rehabilitation.

16. Scientific Research for Environmental Cooperation

General

1. The objective of this Article is to establish a framework for enhancing bilateral cooperation between the Parties to engage in scientific research for protecting, improving and preserving the environment, including the conservation and sustainable use of their natural and cultural resources.
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Modalities of Cooperation

2. Cooperation between the Parties shall be accomplished by the:
 - a. Exchange of scientists, research workers, specialists, and scholars;
 - b. Exchange of scientific and technological information and documentation;
 - c. Organization of bilateral scientific and technological seminars and courses in areas of mutual interest; and
 - d. Joint identification of environmental problems, the formulation, funding and implementation of joint research programs, the application of the results of such research in the environmental field, and the exchange of experience and know-how resulting therefrom.
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Establishment of an Environmental Research Subcommittee

3. The Commission shall establish an Environmental Research Subcommittee (ERS) that will be overseen by the Commission. The ERS shall be comprised of an equal number of representatives from each Party, and it shall be comprised of no fewer than five representatives from the academic community from each country with expertise in environmental and ecological sciences, environmental engineering, economics and policy. Each Party shall also designate a senior government official from its relevant national authority to serve as its representative on the ERS. The ERS shall be responsible for:
 - a. Establishing priorities for cooperative activities;
 - b. Developing a work program as described in paragraph 7 of this Article, in accordance with those priorities; and
 - c. Examining and evaluating cooperative activities.

4. The ERS shall meet within one year after its establishment and as appropriate thereafter. Each Party shall designate a member to serve as co-chair of the ERS.
5. All decisions of the ERS shall be made by consensus, unless the ERS decides otherwise. These decisions shall be made public by the ERS, unless it decides otherwise, or as otherwise provided in this Agreement.
6. The joint chairmen of the ERS shall submit a report to the Commission regarding the activities each year on February 1, which will be posted on the Commission's web site.

Work Program

7. The work program developed by the ERS shall reflect shared priorities for cooperative activities and the common environmental problems for which additional information is needed, and shall be agreed upon by the Parties. The work program may include long-, medium-, and short-term activities related to:
 - a. Economic analysis of environmental problems, including contingent value and cost-benefit studies;
 - b. Monitoring of ambient environmental conditions and of emissions and discharges;
 - c. Strengthening each Party's environmental management systems, including reinforcing institutional and legal frameworks and the capacity to develop, implement, administer and enforce environmental laws, regulations, standards and policies;
 - d. Fostering partnerships to address current or emerging conservation and management issues, including personnel training and capacity building;
 - e. Conserving and managing shared, migratory, and endangered species in international commercial trade and management of marine and terrestrial parks and other protected areas;
 - f. Promoting best practices leading to sustainable management of the environment and reduction of green house gas emissions;

- g. Facilitating technology development and transfer and training to promote the use, proper operation and maintenance of clean production technologies;
 - h. Developing and promoting environmentally beneficial goods and services;
 - i. Studying particular health effects of transboundary pollution on local communities;
 - j. [Developing joint environmental curricula for the school systems; and](#)
 - k. Any other areas for environmental cooperation on which the Parties may agree.
8. In developing cooperative programs, projects and activities, the Parties shall develop benchmarks or other types of performance measures to assist the ERS in its ability to examine and evaluate the progress of specific cooperative programs, projects and activities in meeting their intended goals. The ERS should consider the extent to which the activities taken collectively contribute to the fulfillment of the Parties' long-term national and/or regional environmental goals. As appropriate, the ERS may draw upon relevant benchmarks that have been established through other mechanisms.

Facilitation of Technical Assistance

- 9. Each Party shall facilitate, in accordance with its laws and regulations, duty-free entry for materials and equipment provided pursuant to cooperative activities provided for under this Agreement.
- 10. Each Party shall facilitate the entry of equipment and personnel related to this Agreement into its territory, subject to its laws and regulations.

Exchange of Information

- 11. [The Parties shall promote cooperation among scientific libraries, centres of scientific and technological information, and scientific institutions for the exchange of books, periodicals and bibliographies, including the exchange of information and documents by means of electronic information and communications networks.](#)

Literary Works

12. In the case of publication by a Party or public bodies of that Party of scientific and technical journals, articles, reports, books, including video and software, arising from joint research pursuant to this Agreement, the other Party shall be entitled to a worldwide, non-exclusive, irrevocable, royalty-free licence to translate, reproduce, adapt, transmit and publicly distribute such works.
13. The Parties shall ensure that literary works of a scientific character arising from joint research pursuant to this Agreement and published by independent publishers shall be disseminated as widely as possible.
14. All copies of a copyright work to be publicly distributed and prepared under this provision shall indicate the names of the author or authors of the work unless an author or authors expressly declines or decline to be named. Copies shall also bear a clearly visible acknowledgement of the co-operative support of the Parties.

17. Transparency of Environmental Information and Participation by the Public, Nongovernmental Organizations and Other Institutions

General

1. The Parties recognize the importance of access to environmental data as a precondition to effective environmental policies. Information about the environmental conditions and activities affecting the environment that have transboundary significance need to be shared between the Governments of the Parties.
2. The Parties shall adopt international procedures to guarantee the availability of data on environmental issues, and in particular the approach of the Aarhus Convention concerning environmental information and public participation.
3. The Parties agree that data relating to matters covered by the current Agreement shall be made available to the other Party and to the public, with the exception of data or information that is deemed a trade secret or that is vital to its national defence or security.
4. Involvement of the Palestinian and the Israeli publics in the shared environmental challenges is critical if the environmental objectives of this Agreement are to be attained. The Parties seek to engage the public by facilitating participation in policy making, encouraging campaigns to improve the environment and providing maximum information and data about environmental conditions.

Data Transparency and Exchange

5. Data related to matters covered by this Agreement shall be made available with the exception of data or information vital to national security, or that is deemed a "trade secret" or other exceptions delineated in Article 4 of the Aarhus Convention.
6. Information that characterizes the emissions of a facility will not be considered a "trade secret" under this Agreement.
7. Each Party will ensure that data sets, and other information about the environment which they have collected that may be considered relevant to environmental conditions in the other Party, will be translated into English.

8. The Parties shall provide sufficient information to the public about the type and scope of environmental information held by the relevant public authorities, the basic terms and conditions under which such information is made available and accessible, and the process by which it can be obtained.
9. Each Party shall ensure that environmental information progressively becomes available in English electronic databases which are easily accessible to the public through public telecommunications networks. Information accessible in this form should include:
 - a. Reports on the state of the environment;
 - b. GIS based information on operators with significant transboundary impact on the environment, including licenses and monitoring results;
 - c. Texts of legislation on or relating to the environment;
 - d. As appropriate, policies, plans, standards and programs on or relating to the environment, or environmental agreements with potentially significant transboundary environmental impacts; and
 - e. Other information that might reflect on the possibility of transboundary influences on the environment of the other Party.
10. Each Party shall, at regular intervals not exceeding three or four years, publish and disseminate a national report on the state of the environment, including information on the quality of the environment and information on pressures on the environment.
11. Each Party shall encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products, where appropriate within the framework of voluntary eco-labeling or eco-auditing schemes or by other means.
12. Each Party shall:
 - a. Publish the facts and analyses of facts which it considers relevant and important in framing major environmental policy proposals that may have a transboundary impact;
 - b. Publish, or otherwise make accessible, available explanatory material on its dealings with the public in matters falling within the scope of this Agreement; and

- c. Provide in an appropriate form, information on the performance of public functions or the provision of public services relating to the environment by government at all levels.
- 13. The Commission will maintain a website in which data and information relevant to this Agreement will be accessible in Hebrew, Arabic and English.
- 14. The Parties agree that the primary contact points for the exchange of environmental data between them shall be the Ministry of Environment in Israel and the Environmental Authority in Palestine. Each Party agrees to establish an Environmental Data Unit and nominate representatives within its respective Ministry to act as a central repository and contact point for environmental data of all types.

Public Participation

- 15. Each Party shall endeavor to provide opportunities for public participation in the preparation of policies relating to the environment.
- 16. Each Party shall make appropriate practical provisions for the public to participate during the preparation of plans, programs and regulations that may affect the environment, within a transparent and fair framework, having provided the necessary information to the public.
- 17. Unless otherwise agreed, the Commission shall include public sessions in the course of its regular meetings.
- 18. The Commission shall encourage and facilitate, as appropriate, direct contacts and cooperation among government agencies, multilateral organizations, foundations, universities, research centers, institutions, nongovernmental organizations, firms and other entities of the Parties, and the conclusion of implementing arrangements among them for the conduct of cooperative activities under this Agreement.

18. Financial Resources

General

1. Given the central importance of financing to the achievement a healthy common environment and to preservation of the ecological integrity of the region, the Parties, taking into account their capabilities, shall make every effort to ensure that adequate financial resources are available to implement the Agreement.
2. The Parties recognize that their present economic capabilities are not symmetrical and that special efforts will need to be made to attain additional international assistance for Palestinian environmental infrastructure as well as funding for the human resources and operational expenses associated with Palestinian environmental protection activities.
3. As funding will be essential to enable full Palestinian participation in the institutions of this agreements and to provide them with the necessary capacity to meet the commitments of this agreement, the Parties call on the international community to priotize aid that will allow for effective Palestinian implementation of this agreement.

Financing Mechanisms

4. The Parties, independently and through coordinated efforts of the Commission, undertake to:
 - a. Mobilize substantial financial resources, including grants and concessional loans, in order to support the implementation of environmental protection and nature preservation programs;
 - b. Promote the mobilization of adequate, timely and predictable financial resources, including new and additional funding from the Global Environment Facility for Palestinian initiatives that relate to its focal areas;
 - c. Facilitate through international cooperation the transfer of technology, knowledge and know-how; and

- d. Explore, in cooperation with other Middle Eastern countries, innovative methods and incentives for mobilizing and channeling financial resources to support Palestinian infrastructure projects and environmental protection activities as well as public activities that encourage cooperation between Israelis and Palestinians in the environmental realm. Financial resources shall be sought among foundations, governments, non-governmental organizations and other private sector entities, particularly debt swaps and other innovative means which increase financing by reducing the external Palestinian debt burden.
5. In order to mobilize the financial resources necessary for the infrastructure, human resources and operational costs associated with Palestinian environmental protection efforts, the Parties shall:
 - a. Rationalize and strengthen the management of resources already allocated for environmental protection by using them more effectively and efficiently, assessing their successes and shortcomings, removing hindrances to their effective use and, where necessary, reorienting programs in light of the integrated long-term approach required by this Agreement;
 - b. Encourage due priority and attention within the governing bodies of multilateral financial institutions, facilities and funds, including regional development banks and funds, to support Palestinian initiatives required for the implementation of this Agreement;
 - c. Examine ways in which regional and subregional cooperation can be strengthened to support efforts undertaken at the national level.
 6. The Commission shall promote the availability of financial mechanisms and shall utilize such mechanisms to seek to maximize the availability of funding for Palestinian environmental activities as well as activities that promote environmental cooperation between the Parties. In particular, the Commission will:
 - a. Maintain a list of environmental projects and grant proposals associated with implementation of this agreement that are ready for immediate implementation for presentation to potential donors;

- b. Provide to the Parties and relevant intergovernmental and nongovernmental organizations information on available sources of funds and on funding patterns on a regular basis in order to facilitate coordination among them;
- c. Facilitate the establishment, as appropriate, of mechanisms, such as national environmental protection funds, including those involving the participation of non-governmental organizations, to channel financial resources rapidly and efficiently to the local level for coordinated environmental protection activities; and
- d. Prepare a report on its activities to generate funding for environmental activities on an annual basis to the Parties which inter alia assesses the adequacy of available funding and prioritizes the specific areas in need of additional support to ensure implementation of this Agreement.

19. Consultation and Resolution of Disputes

1. Either Party may request in writing consultations with the other Party regarding whether there has been a meaningful violation of this Agreement or a persistent pattern of failure by the other Party to effectively comply with the terms of this Agreement or enforce its environmental laws and regulations and thereby prevent transboundary environmental damage.
2. In such consultations, the Parties shall make every attempt to arrive at a mutually satisfactory resolution of the matter.
3. If the Parties fail to resolve the matter within 60 days of delivery of a request for consultations, or such other period as the Parties may agree, either Party may request in writing a special session of the Commission.
4. The requesting Party shall state in the request the matter complained of and shall deliver the request to the Foreign Minister of the other Party.
5. Unless agreed otherwise, the Commission shall convene within 20 days of the delivery of the request and shall endeavour to resolve the dispute promptly.
6. The Commission may:
 - a. Call on such technical advisers or create such working groups or expert groups as it deems necessary; or
 - b. Have recourse to good offices, conciliation, mediation or such other dispute resolution procedures; or
 - c. Make recommendations, as may assist the Parties to reach a mutually satisfactory resolution of the dispute. Any such recommendations shall be made public if the Commission so decides.
7. Where the Commission decides that a matter is more properly covered by another agreement or arrangement to which the Parties are party, it shall refer the matter for appropriate action in accordance with such other agreement or arrangement.
8. If the matter has not been resolved within 60 days after the Commission has convened, the Commission shall, on the written request of either Party, convene an arbitral panel to consider the violation or the alleged persistent pattern of failure by the Party complained against to effectively enforce its environmental laws and regulations and prevent transboundary environmental damage.

9. The Commission shall establish and maintain a roster of up to 30 individuals with expertise in environmental matters, six of whom must not be citizens of either of the Parties, who are willing and able to serve as panelists. Roster members shall:
 - a. Have expertise or experience in environmental law or its enforcement, or in the resolution of disputes arising under international agreements, or other relevant scientific, technical or professional expertise or experience;
 - b. Be chosen strictly on the basis of objectivity, reliability and sound judgment; and
 - c. Be independent of, and not be formally affiliated with or take instructions de facto from either Party or an enterprise which contributes to the activity in question or other enterprises which maintain significant industrial activities in either party.
10. An arbitral panel (hereinafter: the Panel) shall be comprised of one Israeli panelist, one Palestinian panelist and one international panelist who will serve as chair. The roster members shall be appointed by mutual agreement of the Commission. The members expenses shall be paid by the Commission or by the Parties.
11. The Panel shall convene within 20 days of its establishment and establish its own rules of procedure and summarize them in writing. In the event of disagreement, the chair of the Panel is empowered to determine the procedures. These procedures shall provide:
 - a. A right to at least one hearing before the Panel;
 - b. The opportunity to make initial and rebuttal written submissions; and
 - c. That no Panel may disclose which panelists are associated with majority or minority opinions.
12. On request of either Party, or on its own initiative, the Panel may seek information and technical advice from any person or body that it deems appropriate. The Panel may visit the site of the controversy and request that measurements be made in its vicinity.
13. Unless the Parties otherwise agree, the Panel shall base its report on the submissions and arguments of the Parties and on any information it has gathered or received.

14. Unless the Parties otherwise agree, the Panel shall, within 60 days after convening, present to the Parties an initial report containing:
 - a. Findings of fact;
 - b. Its determination as to whether there has been a meaningful violation of the Agreement or a persistent pattern of failure by the Party complained against to effectively enforce its environmental law, or any other determination requested in the terms of reference; and
 - c. In the event the Panel makes an affirmative determination, its recommendations, if any, for the resolution of the dispute, including a plan of action for reaching a state of compliance.
15. Unless there exist unusual mitigating circumstances, resolution of the dispute will normally require that the Party complained against adopt and implement an action plan sufficient to remedy the pattern of non-compliance or nonenforcement. The Panel shall consider the economic consequences of any ruling in any time table that it sets for implementation of the action plan.
16. Panelists may furnish separate opinions on matters not unanimously agreed.
17. Either Party may submit written comments to the Panel on its initial report within 30 days of presentation of the report.
18. In such an event, and after considering such written comments, the Panel, on its own initiative or on the request of either Party, may:
 - a. Request the views of the Parties;
 - b. Reconsider its report; and
 - c. Make any further examination that it considers appropriate.
19. The Panel shall present to the Parties and to the Commission a final report, including any separate opinions on matters not unanimously agreed, within 60 days of presentation of the initial report, unless the Parties otherwise agree.
20. If, in its final report, the Panel determines that there has been a violation of the Agreement or a persistent pattern of failure to effectively enforce its environmental laws and regulations to prevent transboundary pollution, the Parties may agree on a mutually satisfactory action plan, which normally shall conform with the determinations and recommendations of the panel.

21. A complaining Party may, at any time beginning 180 days after a Panel determination request in writing that a Panel be reconvened to determine whether the Party complained against is fully implementing the action plan. On delivery of the request to the other Party, the Commission shall reconvene the Panel. The Panel shall make the determination within 60 days after it has been reconvened or such other period as the Parties may agree.

Appendixes

Appendix 1.

International Agreements Relevant To The Environment Which Are To Be Ratified And Implemented By The Parties Under Article 2(10)

- *The Agreement for the Establishment of a General Fisheries Council for the Mediterranean (1949).*
- *The Convention for the Establishment of the European and Mediterranean Plant Protection Organisation (as amended in 1951).*
- *The International Plant Protection Convention (1951) and its revised text, which entered into force in 1991.*
- *The International Convention for Prevention of Pollution of the Sea by Oil (1954), as amended in both 1962 and 1969.*
- *The Convention on the High Seas (1958).*
- *The Convention on the Continental Shelf (1958).*
- *The Convention on the Territorial Sea and the Contiguous Zone (1958).*
- *The Convention on the International Maritime Organization (1958).*
- *The Convention on Fishing and Conservation of the Living Resources of the High Seas (1958).*
- *The Convention on Wetlands of International Importance Especially as Wildlife Habitat (1971; widely known as the Ramsar Convention).*
- *The International Convention for the Prevention of Pollution from Ships (1973), as modified by the Protocol of 1978.*
- *The Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973).*
- *The Convention for the Protection of the Mediterranean Sea Against Pollution (1976), and four related Protocols concerning cooperation in cases of emergency oil spills; the prevention of pollution from ships and aircraft; protection against pollution from land-based sources; and protection against pollution from exploration and exploitation of the continental shelf.*
- *The Convention on the Conservation of Migratory Species of Wild Animals (1979).*
- *The Protocol Concerning Mediterranean Specially Protected Areas (1982).*
- *The Vienna Convention for the Protection of the Ozone Layer (1985).*
- *The Montreal Protocol on Substances that Deplete the Ozone Layer (1987), plus the London Amendment of 1990, and the Copenhagen Amendment of 1992.*
- *The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989).*

- *The Convention on Biological Diversity, which arose from the United Nations Conference in Rio de Janeiro (1992).*
- *The United Nations Framework Convention on Climate Change (1992).*
- *The Bahrain Environmental Code of Conduct for the Middle East (1994).*
- *The United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (1994).*
- *The Treaty of Peace Between the State of Israel and the Hashemite Kingdom of Jordan (1994).*
- *The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1995).*
- *The Declaration on Cooperation on Water-Related Matters of 13 February 1996, between Israel, Jordan and the Palestine Liberation Organization (which arose from the Multilateral Working Group on Water Resources).*

Appendix 2.

Definition of Significance for Requiring Environmental Impact Statements under Article 8(8)

To determine whether a proposed project will have a “Significant” transboundary effect, both the context and the intensity of development should be considered.

The context of the proposed project means that the significance of an proposed project must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

The intensity of the proposed project refers to the severity of impact. The environmental authorities must bear in mind that more than one government body may make decisions about partial aspects of a major project. The following should be considered in evaluating intensity:

1. Impacts that may be both beneficial and adverse. A significant adverse effect may exist even if the Party believes that on balance the effect will be beneficial.
2. The degree to which the proposed project affects public health or safety.
3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, water bodies, or ecologically critical areas.
4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.
5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
6. The degree to which the project may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
7. Whether the project is related to other projects with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

8. The degree to which the project may adversely affect significant natural, scientific, cultural, or historical resources.
9. The degree to which the project may adversely affect an endangered or threatened species or its habitat.
10. Whether the action threatens a violation of international, national, local law or requirements imposed for the protection of the environment.

Appendix 3.

List of Protected Species under Article 10(3) And (4)

	Common Name (English)	Scientific Name
Mammals	<ul style="list-style-type: none"> Greater Horseshoe bat Euroasian Badger Striped Hyaena Mountain Gazelle 	<ul style="list-style-type: none"> Rhinolophus ferrumequinum Meles meles Hyaena hyaena Gazella gazella gazella
Amphibians	<ul style="list-style-type: none"> Crested Newt 	<ul style="list-style-type: none"> Triturus vittatus
Reptiles	<ul style="list-style-type: none"> Gunter`s Cylindrical Skink 	<ul style="list-style-type: none"> Chalcides guentheri
Aves	<ul style="list-style-type: none"> Bonelli`s Eagle Lesser Kestrel Bee-eater Spectacled Warbler 	<ul style="list-style-type: none"> Hieraaetus fasciatus Falco naumanni Merops apiaster Sylvia conspicillata
Plants	<ul style="list-style-type: none"> White broom Crown Anemone Sun`s-Eye Tulip Terebinth tree Kermes Oak Lortet`s Iris Three lobed Sage Persian Cyclamen Wild Marjoram Eastern strawberry tree 	<ul style="list-style-type: none"> Retama rietam Anemone coronaria Tulipa agenensis Pistacia palaestina Quercus calliprinos Iris lortetii Salvia fruticosa Cyclamen persicum Origanum syriacum Arbutus andrachne

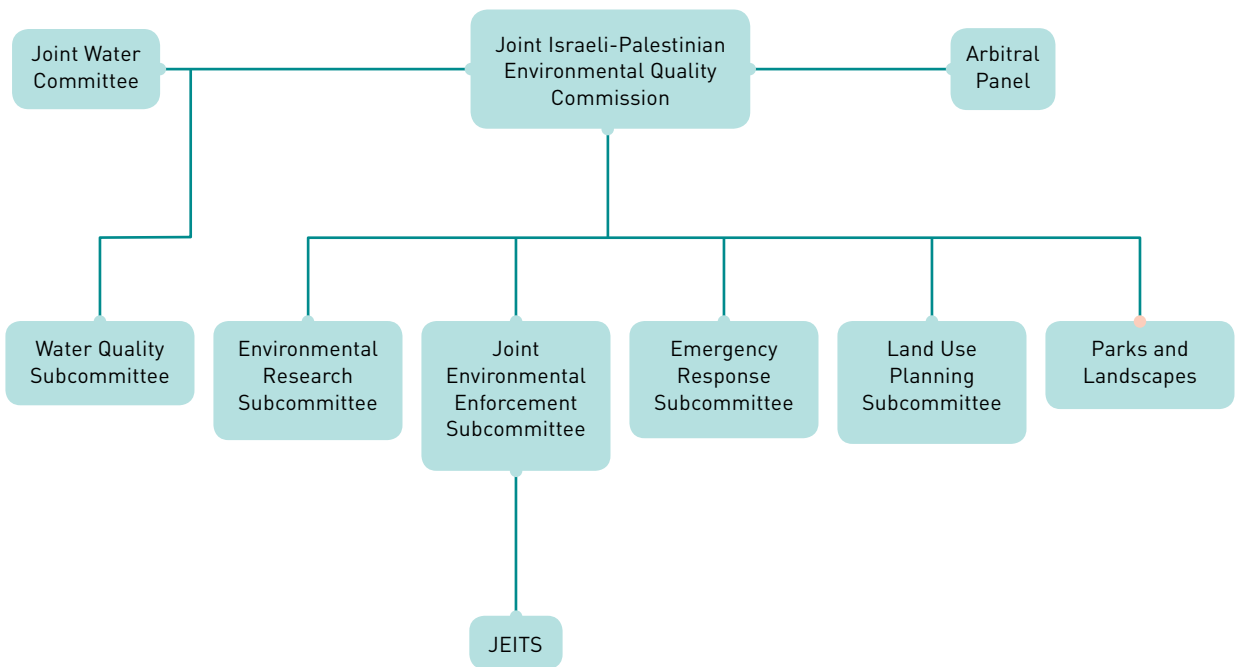
Appendix 4.

Sensitive Ecological Corridors and Potential Transboundary Preservation Areas as Referred to in Article 11



Appendix 5.

Structure and Mandates for Teams, Committees, Subcommittees, Panel, Commission, and Parties



WQ

- Develop ambient water quality
- standards for shared water bodies.
- Establish water quality monitoring program.
- Develop best management practices for agricultural chemicals.

Env Research

- Establish priorities for cooperative activities.
- Develop work program.
- Examine and evaluate cooperative activities.
- Annual report to Commission.

JEES

- Set priorities for JEITs.
- Ensure sufficient financial resources for JEITs.
- Organize training for JEITs.
- Liaise with Parties and Commission.
- Evaluate JEITs.
- Consult on implementation.
- Review submissions concerning violations of Agreement and render decisions.

Em Response

- Develop protocols for early warning and emergency response.
- Define a regional risk analysis system.
- Prepare standard operating procedures for regional cooperation and national action.
- Enhance national capacities.

LUPS

- Recommend EIS be prepared for new development.
- Pursue planning studies addressing regional concerns.
- Commission and oversee review of binational master-plan for development.
- Work with Parties to involve public in development of plan.
- Create unit to address planning of coastal areas.

Parks / Landscapes

- Develop five-year work plan.
- Oversee, direct, implement, monitor development of shared ecosystems.
- Adopt/publish criteria for high priority areas.
- Update list of high priority areas.
- Recommend to Parties appropriate designation for areas.
- Provide technical assistance.
- Prepare management plans

<p>-----</p> <p>Arbitral Panel</p> <p>-----</p>	<ul style="list-style-type: none"> • Adopt and publish rules of procedure. • Conduct hearings on disputes and issue written decisions / reports. <p>-----</p>
<p>Joint Environmental Inspection Teams</p> <p>-----</p>	<ul style="list-style-type: none"> • Search and investigate breaches. • Monitor compliance. • Design and implement emergency corrective actions. • Liaise with national enforcement authorities. • Provide investigation material to national authorities. • Ensure execution of the instructions of Commission. • Prevent violations of the Agreement. <p>-----</p>
<p>Joint Commission</p> <p>-----</p>	<p>General</p> <ol style="list-style-type: none"> 1. Adopt rules of procedure, rules for inspections and hearings. 2. Prepare biennial progress reports. 3. Receive reports from Parties and Subcommittees. 4. Review efficacy of Agreement after 4 years. 5. Oversee activities of subcommittees. <p>-----</p> <p>Air</p> <ol style="list-style-type: none"> 1. Adopt and implement joint air quality monitoring program. 2. Prepare a report considering feasibility of rail transport system. 3. Prepare recommendations for imposition of carbon taxes. 4. Prepare recommendations for adopting energy efficiency plans and develop alternative energy sources. 5. Study possible cross-border power plants. 6. Prepare progress report. <p>-----</p> <p>Solid Waste</p> <ol style="list-style-type: none"> 1. Encourage cooperation in recycling/reuse/composting. 2. Establish common recyclable resource center. <p>-----</p>

Haz Waste

Prepare work plan to encourage cooperation in managing hazardous waste/ substances and develop a disposal facility in Palestine.

Pesticides

1. Coordinate public education campaigns regarding elimination of mosquito habitat.
2. Coordinate minimum standards for pesticide application and minimum stds for application equipment.
3. Review applications to grant derogation to ban on aerial spraying.
4. Coordinate maximum pesticide residue limits.
5. Coordinate pesticide labeling between Parties.

EISs

1. Recommend that Parties prepare EIS for certain projects.
2. Conduct oversight and facilitate transboundary EIS exchange and public participation.

Land Use Planning

1. Establish and oversee Land Use Planning Subcommittee (LUPS).
2. Consider approving land use master plan.

Transboundary Parks

1. Establish and oversee Parks Subcommittee.
2. Explore expanding migratory bird studies to include Jordan and Egypt.

Aquatic Pollution

Appoint Water Quality Subcommittee (with Joint Water Committee).

Desertification

Explore financial support for Palestinian activities to combat desertification.

Enforcement

1. Establish Joint Environmental Inspection Teams.
2. Establish Joint Environmental Enforcement Subcommittee.
3. Consider recommendations on enforcement from JEES.

Emergency Response

1. Establish Subcommittee.
2. Consolidate information on potential risks from the Parties.
3. Coordinate training exercises and simulations.
4. Facilitate training.
5. Establish crisis management and rapid alert and civil protection mechanisms.
6. Facilitate establishment/maintenance and review regional standby arrangements.
7. Facilitate review of regional standard operating procedures.
8. Facilitate technical cooperation.
9. Prepare regional analysis of data collected from post-accident analysis submitted by Parties.

Scientific Research

Oversee ER Subcommittee.

Transparency

1. Develop and maintain website to disseminate information relevant to Agreement (three languages).
2. Encourage/facilitate contacts/cooperation among specified agencies and organizations.

Financial Resources

1. Coordinate efforts to seek funding to support commitments under the Agreement.
2. Coordinate efforts to coordinate transfer of technology, knowledge, and know-how.
3. Coordinate efforts to seek funds to support Palestinian infrastructure projects.
4. Promote the availability of financial mechanisms and use the mechanisms to maximize funds available.
5. Maintain list of environmental projects and grant proposals.
6. Provide information on available sources of funds.
7. Facilitate establishment of funding mechanisms.
8. Report on activities to generate funding.

Dispute Resolution

1. Resolve disputes between Parties regarding implementation of Agreement
2. Establish and maintain roster of panelists for arbitral panel.

Parties

Commission

1. Establish and maintain Commission.
2. Grant diplomatic status to members of Commission.

Air

1. Adopt and enforce ambient air quality standards or regulations, periodically review and revise.
2. Establish pollutant emission limits for NO_x, SO₂, CO, ozone, PM and hazardous air pollutants.
3. Require major stationary sources to monitor emissions and report
4. Make emissions reports and monitoring data available to public.
5. Inventory major stationary source emissions.
6. Create inspection and oversight
7. Identify and rectify major stationary source violators.
8. Prepare timetable for adoption of BATNEEC for major stationary sources.
9. Prepare timetable for adoption of MACT for hazardous air pollutants.
10. Establish BATNEEC for quarries within one year.
11. Ban burning of garbage outside approved incinerators within one year.
12. Implement EU standards for fuel.
13. Adopt automobile emissions standards for new vehicles
14. Establish vehicle emission control system inspection and maintenance program within two years.
15. Seek to reduce greenhouse gas emissions.
16. Coordinate efforts to promote energy efficiency and development of renewable energy sources.
17. Promote energy conservation.

Solid Waste

1. Enact legislation re: mandatory segregation of hazardous waste from other wastes.
2. Prepare solid waste reduction plans.
3. Prepare annual reports re: solid waste reduction progress.
4. Remove obstacles to export of recyclable raw materials.
5. Prohibit littering in public places, and establish enforcement procedures and penalties.
6. Enact legislation to prohibit uncontrolled waste disposal
7. Control transport of waste.
8. Establish and enforce rules for solid waste disposal facilities.
9. Review management plans of existing facilities.

Haz Waste

1. Enact legislation to ensure hazardous waste properly disposed at licensed facilities and prohibit illegal transboundary shipment of hazardous waste.
2. Ensure availability of licensed disposal facilities for hazardous waste and medical waste.
3. Ensure proper training of persons involved in disposal of hazardous waste.
4. Prepare to minimize consequences of release of hazardous waste or substances.
5. Enact regulations to limit use of asbestos in construction and regulate asbestos removal.
6. Establish records system for hazardous waste transport/handling/disposal.
7. Participate in notification program re: transboundary shipments of hazardous waste.
8. Enforce laws regarding transboundary shipments of hazardous waste.

Pesticides

1. Enact/enforce legislation regulating pesticides including permitting/ registration program and educational/advisory/extension health care services.
2. Reduce mosquito habitat.
3. Encourage homeowner pest control with alternatives to chemicals.
4. Encourage alternatives to chemical pest controls among farmers.
5. Ensure pesticides withdrawn from use in EU are withdrawn from use locally.
6. Prepare action plans with aim of reducing risks from pesticide use.
7. Require training for pesticide distributors and professional applicators.
8. Develop and implement pesticide application equipment inspection program.
9. Inventory and create action plan for disposal of obsolete/unusable pesticide stocks.
10. Notify when banning/severely restricting pesticide and prepare inventory of those previously banned/severely restricted.
11. Ban aerial spraying.

EISs

1. Assess projects proposed to determine if there is likely to be significant, adverse transboundary environmental damage.
2. Notify other Party of proposed action, activity, or project that would likely create significant, adverse transboundary environmental damage.
3. Consult concerning continuous actions with significant, adverse transboundary environmental damage.
4. Take appropriate and cost-effective measures to prevent, reduce and control significant, adverse transboundary environmental damage.
5. Prepare EISs for projects with potentially significant, adverse transboundary impacts.
6. Participate in transboundary EIS process.
7. Prepare guidelines governing preparation of EISs.
8. Monitor/report on projects that required EIS.

Land Use Planning

1. Designate representatives to LUPS.
2. Present major new development initiatives to LUPS for evaluation of potential impacts.
3. Ensure public and stakeholders involved in development of master plan.
4. Ratify land use master plan after approval by Commission.
5. Follow principles of integrated coastal zone management.

Biodiversity

1. Cooperate in implementing policies conforming to internationally-accepted principles.
2. Enact laws to protect flora and fauna on protected species list; expand nature reserves.
3. Transfer of species to restore Palestinian populations.
4. Prepare action plan to protect open spaces/natural resources/biodiversity.
5. Prepare biennial report on state of biodiversity and progress in implementing action plans.
6. Prepare joint action plan for preservation of biodiversity and progress reports.

Transboundary Parks

1. Establish transboundary protected areas including peace parks.
2. Transfer infrastructure and facilities of existing reserves in West Bank to Palestine (continue to operate as reserves).
3. Consider working with other Party to establish and preserve cultural and natural heritage sites.
4. Examine development of joint scientific and technical studies/research and center.
5. Cooperate to study bird migration, apply findings to protect birds/habitat/migration areas.
6. Continue/expand joint-education programs on migrating birds.
7. Explore opportunities to promote ecotourism.

Aquatic Pollution

1. Adopt ambient water quality standards with monitoring program.
2. Establish limits for wastewater discharge, monitor, and enforce.
3. Establish and enforce best management practices for agricultural chemicals.
4. Develop and direct bi-lateral program for preventing pollution.
5. Monitor waste dumping from ships and deploy clean-up vessels.
6. Establish bi-lateral emergency response program.
7. Adopt programs/measures to meet objectives.
8. Inventory major point sources that may affect shared water resources.
9. Identify major agricultural activities with potential to create runoff to shared water resources.

Desertification

1. Draft and implement national action programs to combat desertification.
2. Jointly establish formal research and cooperation program to reduce soil degradation and provide alternate livelihoods for residents of arid regions.
3. Limit grazing.
4. Jointly establish benchmarks for assessing land degradation.

Enforcement

1. Ensure judicial, quasi-judicial or administrative enforcement proceedings are available to remedy violations of environmental law.
2. Ensure citizen access to court.
3. Grant JEIT members access to sites, issue ID cards.

Emergency Response

1. Establish early warning systems.
2. Appoint contact person, inform Commission.
3. Inform other Party of possible transboundary environmental impacts.
4. Manage environmental accidents.
5. Inform other Party about implementation of early warning system.
6. Share information, ensure coordination, enable collective decision-making during emergency response.
7. Prioritize prevention and mitigation.
8. Involve relevant authorities and stakeholders.
9. Identify risks and report to Commission.
10. Develop strategies to identify, prevent, reduce emergencies.
11. Undertake measures to reduce damages from accidents.
12. Develop/implement accident prevention and mitigation programs.
13. Establish, maintain and review national emergency warning arrangements.
14. Cooperate to monitor hazards.
15. Inform Commission of available resources for regional standby arrangements.
16. Undertake technical cooperation.
17. Conduct post-accident analysis, transmit data to Commission.
18. Develop rehabilitation strategies for environmental disasters.

Scientific Research

1. Establish environmental research subcommittee.
2. Develop benchmarks to measure progress/success in cooperative research programs.
3. Facilitate duty-free entry of materials and equipment; and facilitate entry of equipment and personnel.
4. Promote cooperation among scientific libraries, centers, and institutions.
5. Allow other Party to reproduce publications arising from joint research, ensure wide publication of literary works arising from joint research, and copies of works to include author names and acknowledge cooperative support of Parties.

Transparency

1. Adopt international procedures to facilitate access to information and public participation.
2. Make information generated under the Agreement available to other Party and the public.
3. Provide information to the public about the information held by authorities and how it can be obtained.
4. Facilitate public participation.
5. Translate collected information that is relevant to the other Party to English.
6. Develop English-language, web-accessible databases to disseminate environmental information.
7. Periodically publish and distribute report on state of the environment.
8. Encourage operators to inform public about environmental impact.
9. Publish facts/explanatory material supporting environmental policy proposals, actions under Agreement, and provide information about performance of public functions.
10. Establish Environmental Data Unit to serve as repository for environmental data.
11. Provide opportunities for public participation in preparation of policies, plans, programs and regulations.

Financial Resources

1. Mobilize substantial financial resources.
2. Promote adequate, timely, and predictable financial resources.
3. Facilitate transfer of technology, knowledge, and know-how.
4. Explore obtaining financial resources to support Palestinian infrastructure projects.
5. Rationalize and strengthen the management of resources already allocated for environmental protection.
6. Encourage priority and attention from financial institutions.
7. Examine regional cooperation.

Dispute Resolution

Attempt to arrive at mutually satisfactory resolution to disputes.

Explanatory Notes

Introduction

This document seeks to describe the rationale and the sources that inform the proposed agreement to facilitate environmental cooperation between the governments of the State of Israel and the Palestinian National Authority (hereinafter referred to as “the Parties”). It provides an extensive bibliography of both legal instruments and scholarly references that have been utilized in the drafting of the Agreement.

Preamble

The Agreement seeks to set forward a series of general principles through the Preamble which both serve as an expression of common values shared by the Parties and as a basis for interpreting the Agreement during the implementation phase. The language and style of Article 1 draws from a number of bi-lateral environmental agreements, most notably, the Great Lakes Water Quality Agreement of 1978 as amended by the Protocol signed on November 18, 1987.

Among the substantive principles adopted at the outset of the Agreement are:

1. The continuity between the present Agreement and previous commitments to environmental cooperation;
2. Recognition of Palestine and Israel as a single ecological unit that requires common management;
3. Embracing several key principles of international law as a basis for interpreting the commitments such as “pollution prevention”, “the precautionary principle” and sustainable development; and
4. Transparency and public involvement are strategic objectives for ensuring improved cooperation and environmental results.

The preamble addresses directly some of the past obstacles to progress in environmental activities through the call for enforcement as part of the present Agreement and the integration of international representatives in the implementation phase through an empowered Joint Environmental Quality Commission.

Article 1 - Definitions

Most of the definitions that appear in Article 2 of the Agreement are generic and technical in nature, having been adapted for the present circumstances from relevant bilateral or multilateral instruments. The Agreement seeks to put forward definitions that are clear, not excessively technical and rooted in existing, objective examples. For the most part the Agreement seeks to base its definitions on EU directives (e.g., The descriptive definition for hazardous substance is partially taken from article 29 of the *EU Directive 2000/60/Ec of the European Parliament*). Biodiversity definitions also rely heavily on EU as well as UN instruments.

There are, however, several cases where American legislative definitions proved appropriate. The definition of a major stationary air pollution source was taken from the *Texas Clean Air Act*. It selected both for its simplicity and the relatively similarity of Texas' climate to that of the Middle East. The definition of "mobile source" air pollution is generally taken from the *U.S. Clean Air Act* (section 216(2)). The "Point Source" definition is based on the definition under the *U.S. Clean Water Act*. While this Act does not contain a definition for nonpoint sources, the 1997 U.S. Environmental Protection Agency, Nonpoint Source Program and Grants Guidance <http://www.epa.gov/owow/nps/guide.html> offers a definition that is used in this draft Agreement.

In other areas, multi- and bi-lateral treaties have emerged as definitive for purposes of international governance, and their definitions were readily utilized. For example, the definition for "desertification" is based precisely on the 1994 United Nations Convention to Combat Desertification the definition of "wastes" is based to a great on the 1989 *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal*; and the definitions of air pollution and transboundary air and water pollution that are taken directly from the 2002 *Agreement between the Government of Canada and the Government of the United States of America on Air Quality*.

In other cases, the most appropriate definitions were found in the literature and even in materials circulated by NGOs. Hence, definitions of pesticides are taken from *the International Code of Conduct on the Distribution and Use of Pesticides*. The definition of “transboundary protected areas”, an important generic term in Article 11, is based on the definition set forward by the International Union for Conservation of Nature (IUCN), the leading international public interest institution working in this field.

Article 2- Purpose and Principles of the Agreement

This section offers a transition between the largely declarative opening article and the operational provisions of the agreements. While the objectives seemingly constitute a theoretical and intangible list, they provide the objective series of common beliefs that enable the Parties to reach a common strategy in the subsequent provisions and for interpreting these provisions when the time comes for implementation. For example, by specifically embracing the *precautionary principle*, the sides agree to err on the side of protection and caution when uncertainty or even political difference create a division of opinion. Or similarly, once the two Parties have agreed to make European “EU” environmental standards a common objective for the future, notwithstanding the present disparities in economic capabilities, adopting common environmental regulations can be done with relative ease.

A key issue which could potentially become divisive involves assessing responsibility for past activities by the Parties that might create environmental problems in the future. Clearly, from the perspective of environmental progress, “the past – is the enemy of the future”. In other words, if the environmental policy discourse becomes dominated by “finger pointing” about who polluted the water in years gone by, and what environmental crimes accompanied the political conflict, little progress will be made. The agreement attempts to be “future oriented”, maintaining symmetry on this issue. While acknowledging past responsibility for injuring the environment on both sides, the peace agreement is perceived “as an historic opportunity, not only to change their relationship to each other, but to change their relationship to their shared land, water and natural resources.” In practice, the one area where it is agreed that past environmental conduct will require future rehabilitation and invest-

ment is the area of abandoned garbage dumps and brownfields that were created by Israeli economic activity in the occupied territories.

Article 3 - The Joint Environmental Quality Commission

Over ten years ago, Article 12 (22) in the Interim Agreement established an Environmental Experts Subcommittee that met periodically from 1996 until 2000. The Subcommittee had no formal authorities and indeed was empowered with far fewer powers than the Joint Water Subcommittee (JWC) established at the same time under Article 40 of the agreement. The JWC, largely considered the most successful institutional innovation of the Interim agreement, proved to be a relatively robust framework during the past tumultuous ten years. Its stamina and dogged functioning under the shadow of political friction illustrated the potential of institutional coordination when dealing with natural resource management (Tal, 2007).

Establishment of an independent, professional body to coordinate environmental management and protection activities has proven to be among the most significant predictors of an effective and successful environmental agreement. Among the most highly-touted (and long-lasting) institution to emerge from a bi-lateral natural resource agreement is the International *Boundary and Water Commission established under the Treaty Between the United States Of America and Mexico regarding Utilization Of Waters of the Colorado and Tijuana Rivers and of the Rio Grande* signed in Washington February 3, 1944. The Commission's success is attributed to the professional expertise of its members and its independence (Mumme, 2005, Hall, 2004).

The proposed Commission in this Agreement relies on the same formula and adopts many of the same provisions that have proven to be so effective for management of the Rio Grande. In particular, it seeks to ensure the professional orientation of members from both Parties, and grants diplomatic status to Commission members. It also draws from the experience of the International Joint Subcommittee that was established under the Treaty between the United States and Great Britain Relating to Boundary Waters, and Questions Arising between the United States and Canada.

The mechanics of the Commission and its procedures were based on a variety of agreements, and even more so, on a commitment to pragmatism and desire that cooperative coordination would not become synonymous with paralysis. Hence, international membership is an integral part of the Commission and decisions are not made by consensus. A series of subcommittees are established throughout the Agreement. Appendix 5 offers a schematic outline of the different committees with a list of each subcommittee's specific authority and mandate.

Article 4 - Air Pollution Control

This Article addresses one of the central transboundary environmental challenges facing Israeli and Palestinian regulators. The magnitude of pollution transport, particularly as a result of westerly winds that reach the Palestinian Authority and Israel has been well documented with 60% of Jerusalem and Palestinian ozone formation associated with Tel Aviv traffic emissions (Danmar, 2002). Atmospheric lead has been traced to Jerusalem from Egypt, Turkey, and East (Erel, 2002). The magnitude of the human health effects associated with urban air pollution has been well documented (Israel Ministry of Environment, 2003) in the area, making cooperation critical for progress in reducing this acute environmental health insult.

The proposed framework for air pollution control relies heavily on the *Agreement between the Government of Canada and the Government of the United States of America on Air Quality as well as the Agreement of Cooperation Between the Government of the United States of America and the Government of the United Mexican States Regarding International Transport of Urban Air Pollution (Annex V)*. Ambient air quality standards for the Parties are linked to the most recent World Health Organization recommendations (2005). A ban by both parties on the burning of garbage, due to anticipated emissions of dioxin, furans and other toxic substances is imposed at the recommendation of a recent report about the region by the United Nations Environmental Program (2003).

As a strategy, linking local standards for mobile emissions to those of Europe promises to provide future benefits to both the Israeli and Palestinian economy beyond the immediate environmental and public health boon. Relative to other provisions, adoption of these standards will not impose an excessive burden on the Palestinian economy which already purchases the vast majority of its fuel from the Israel oil refineries which complies with *EN-228* and *EN-590*. Similarly, car imports from Europe are designed to integrate the cleaner demands of *EURO-V*.

The Article also contains several provisions that address global warming and electricity generation. Although energy conservation does not need to be a “transboundary” issue, its central role in environmental responsible energy and environmental policies for both sides justified its conclusion. At present both Israel and the Palestinian Authority are non- Annex 1 countries under the UN Framework Climate Change Convention. But as this status is likely to change, particularly for Israel, the Agreement began to address the issue accordingly.

Article 5 – Coordination of Solid Waste Management

The United Nations Environmental Program estimates that there are between 200 and 450 garbage dumps located throughout the West Bank which pose potential contamination threats to ground water (UNEP, 2003) (An earlier estimate by the World Bank set the figure at 413) (Kliot, 2003). Restriction of movement since the Intifadah spawned a number of ad-hoc, inappropriate garbage dumps. This, along with the physical damage sustained during the violence to Palestinian waste disposal infrastructure, have created a solid waste crisis. In Israel, recent years have seen the closing of scores of illegal garbage dumps and improvement in the quality of solid waste disposal facilities. Yet, there is a chronic shortage in approved sites for waste disposal, with population centers sending their garbage greater and greater distances for disposal, with extremely minimal increases in recycling and reuse (Israel Ministry of Environment, 2007). Only 20% of Israel’s solid waste is recycled compared to over 80% in leading European nations.

The Agreement puts forward a clear “environmental” solid waste strategy where burial of trash is to be minimized and the Parties are to support the hierarchy of “Rs” for management options: “reduction, reuse, recycle”. Burial is recognized as a “last resort”.

The constituent of the garbage in Israel hints at the potential of recycling, with 36% of the garbage weight organic materials (none is recycled), additional 12% trimmed foliage (out of which 28% is recycled) and 25% paper and carton (out of which 20% is recycled) (Sverdlov et al 2004). Facilitating import and export of recyclable materials will increase the critical mass necessary to reach economies of scale for integration of recyclable materials in production processes.

The Commission is given a mandate to promote cooperative recycling initiatives where economies of scale or the benefits of cooperation might attract investment. Operational standards, set forward in this Article reflect the specific recommendations of the United Nations Environmental Program’s Report from 2003. Solid waste disposal facilities are to be run after taking all measures to reduce environmental impacts. A two-year time table for licensing existing facilities is put in place.

Litter discharged in both parties blows across the border and contaminates ground water, which is a paramount transboundary problem. With population growth in both countries continuing, the solid waste situation will grow more acute with time. Litter laws are to be enacted and enforced. The Agreement draws heavily in this regard from the recent EU Waste directive and recommendations by the United Nations Environmental Program (EU, 2005; UNEP, 2003). The Parties are expected to adopt internal legislation which will set policies for integrated management of solid waste, including the setting of objectives for national recycling and reuse and regular reporting to the Commission.

The Article also contains a commitment on the part of Israel to rehabilitate abandoned sites that were created by the activities and dumping of Israeli citizens and communities. The provisions clarify that associated clean up activities will respect state sovereignty would only be conducted in coordination with the relevant Palestinian authority.

Article 6 – Management and Transport of Hazardous Substances and Wastes

The proliferation of hazardous substances and disposal of hazardous wastes poses one of the key environmental health insults to modern, industrial society and may lie behind the steady increase in cancer incidence world-wide and locally. Due to the disparities in their industrial infrastructure and economies, Palestinian production of hazardous wastes and its general use of hazardous substances, is far below that of Israel's. In the absence of formal normative division between conventional and hazardous wastes, estimates of hazardous waste quantities in the Palestinian Authority remain unreliable (UNEP, 2003). Moreover, no recent estimates of hazardous waste generation levels are available, after the economic recession following Intifadah activities.

In 2002 the Palestinian Authority estimated that the quantities of hazardous wastes generated locally were relatively modest (as 2,5000 tons/year) (PQA, 2002) while figures for Israel estimate levels are two orders of magnitude higher (290,000 tons/year). In the Palestinian sector, the primary generator of wastes appears to be the seventy-one facilities that produce textiles (ARIJ, 1996) while in Israel the chemical industry is by far the predominant producer of hazardous wastes.

The dynamics of developed countries dumping hazardous wastes and substances into developing countries, with resulting egregious ecological and environmental damage is well documented (Murphy, 1994). *The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal* was designed to combat the trafficking in hazardous wastes on the multi-lateral level. There has been anecdotal evidence in the past of such patterns emerging between Israelis and Palestinians given the prevailing asymmetry, requiring a strong bi-lateral regime locally (Palestinian Ministry of Environmental Affairs, 1999). While Israel has a regulation which prohibits the disposal of hazardous wastes in domestic landfills, the relatively modest percentage of hazardous wastes that arrive at the National Hazardous Waste facility in Ramat Hovav suggests that this law is not well enforced (Tal, 2006). In the Palestinian Authority, the United Nations reports that there is essentially no separation between solid and hazardous wastes, nor any system in place for identifying hazardous wastes (UNEP, 2003).

Some basic principles characterize this Article in the Agreement. The need to distinguish between hazardous and municipal wastes and the importance of the Basel convention as a normative framework for monitoring and regulating transport of hazardous substances and wastes is set forth at the outset. Because of its bi-lateral orientation, *Annex III to the Agreement between the United States of America and the United Mexican States on Cooperation for the Protection and Improvement of the Environment in the Border Area* has been instructive.

With regards to specific management strategies, as a result of the modest quantities involved, the United Nations Environmental Program concluded that establishing a separate hazardous waste disposal site in Palestine for the present was economically unjustified. Rather it recommended that efforts should focus on separating hazardous wastes from the municipal and construction wastes and transferring the hazardous waste to the Israeli site in Ramat Hovav (UNEP, 2002). This only makes sense in the short run, and in the long run, an independent hazardous waste site in the West Bank will need to be part of the Palestinian environmental infrastructure. This two phase strategy is reflected in Article 6 of the Agreement. The role of *Annex III of the "La Paz" Agreement between the United States of America and the United Mexican States on Cooperation for the Protection and Improvement of the Environment in the Border Area, Regarding the Transboundary Shipments of Hazardous Wastes and Hazardous Substances* in shaping the orientation of this part of the Agreement was considerable.

Article 7 - Coordination of Pesticide Policies

Exposure to pesticides are among the most significant occupational exposures affecting public health in the region. Little recent information is available. However, pre-intifadah levels suggest the use of some 123 types of pesticides in the Palestinian Authority reaching a total of 1500 tons in the West Bank and Gaza. In Israel, the figures are also high. Israel and the Palestinian Authority have enacted legislation to address this issue (Plant Protection Law, Palestinian Environmental Law, 1999), but enforcement has never been exemplary for either Party.

While recent years have seen some improvement in intensity, pesticide usage remains relatively heavy among Israeli and Palestinian farmers, with exposures reflected in morbidity and ecological damages along the food chain. There are several transboundary aspects of pesticide usage which the Agreement addresses:

1. The illegal import and sales of pesticides which have been banned;
2. The need to coordinate “integrated pest management initiatives” so that pesticide use reduction can be synchronized to minimize the development of immunity among target pests; and
3. Human exposures from applications, generally as a result of drift after aerial spraying.
4. Reduction of pesticide residues.

The Agreement relies heavily on the *EU proposed Directive for Sustainable Use of Pesticides (2006)* which offers a model which on the one hand, leaves states considerable independence in their pest-control strategies; but on the other, is prescriptive with regards to areas where environmental impacts can be transboundary. Each Party is given three years to phase out pesticides which have been banned in Europe since 2003 under Annex I to *Council Directive 91/414/EEC* concerning the placing of plant protection products on the market, and the more recent European Commission Regulation (EC) No 2076/2002. In addition, the La Paz agreement between the U.S. and Mexico contains a practical, bi-lateral framework for ensuring adequate notification and coordination between the Parties.

The proposed EU Directive cites experience in Europe as proving that National Action Programs to control pesticide usage has been the most effective tool for progress and coordination in the area. The Directive also creates a presumptive ban on aerial spraying unless economic benefits can clearly be shown to outweigh the harms. This policy has been integrated into the Agreement along with the right of parties to appeal such decisions to the Commission. As for requirements for pesticide applicators, the FAO “International Code of Conduct on the Distribution and Use of Pesticides” (2002) is a widely-accepted international normative framework.

As the Parties both see Europe as a major export destination for produce, residue limits are based on *EC No. 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin*. Language regarding mosquito control in the Agreement benefited from the public information brochure on reducing mosquito habitat found at: <http://www.fosc.org/PDF/MosquitoHabitatControl.pdf>.

Article 8 – Environmental Impact Statements

Although previous peace accords between Israel and the Palestinians (as well as between Israel and Jordan) mention environmental impact statements as an important mechanism for clarifying the environmental ramifications of development projects (and ways to mitigate them); in practice, the instrument has not been used. There are obvious political reasons for the lack of implementation. But specificity in language constitutes an additional reason for the disconnect between international law's bold declarations and actual environmental practices by parties, throughout the world (Kohl, 1997, Talitman, 2003). In this final Agreement, a far more detailed framework for preparing statements is prepared. In a domestic context, Environmental Impact Statements (EISs) are typically not prescriptive documents, but rather "stop and think" tools, requiring the decision makers to consider the full impacts of proposed activities. In a bi-lateral context, statements that suggest considerable transboundary environmental damage may trigger intervention pursuant to Article 14.

The general approach of this Agreement to Environmental Impact Assessments relies on the United Nations Environmental Program (UNEP) Goals and Principles of Environmental Impact Assessment (1987) as well as the Convention on Environmental Impact Assessment in a Transboundary Context (1991) (Espoo Convention).

The Agreement between the Government of the Republic of Estonia and the Republic of Finland on Environmental Impact Assessment in a Transboundary Context offers a valuable concrete bi-lateral accord in this area, which has been instructive. The accord establishes a substantive basis for distinguishing the necessary components in a transboundary EIS.

The U.S. National Environmental Policy Act (NEPA), 42 U.S.C. § 4321- 4331, which was the first major national legislation to implement environmental impact statements, still contains important provisions which are manifested in several of the provisions. One of its particular strength involves provisions designed to ensure public participation in the process, in particular public engagement during the scoping process and their review in reviewing the findings. Given the robust culture of both Palestinian and Israeli civil societies, the participation provisions in Article 8, are liberal and encourage involvement.

Appendix 2 of the Agreement includes a definition of 'significant' which is borrowed from the regulations implementing the U.S. NEPA to help determine whether a project requires an EIS.

Article 9 – Coordinated Land Use Planning

This Agreement can largely be characterized as a responsive instrument which allows the Parties to address environmental hazards and insults as they arise in a coordinated fashion. It is important, that the Agreement also contain provisions that will enable the Parties to proactively take steps to coordinate development in the planning stage in order to eliminate friction and environmental harm to the extent possible.

Article 9 is designed to that end. It creates a framework for coordination for proposed actions, activities or projects that can affect the Parties' environmental quality. The Land Use Planning Subcommittee (LUPS) includes representatives of the government planning bureaucracies as well as environmental ministries and public representatives. For the long run, the LUPS has the task of commissioning and overseeing a conceptual plan for the border region that will reduce the potential for friction and transboundary environmental insults between the Parties.

A number of agreements were reviewed in drafting this section including agreements with a more local focus (e.g., *Memorandum of Understanding for Establishing a Coordinated Tribal/County Regional Planning Program between*

The Swinomish Indian Tribal Community and Skagit County) and agreements drafted to promote coordinated physical planning in the European context. Public participation guidelines included in the Agreement, again generally open by international standards, are based on guidelines promulgated by the European Union as well as those included in the Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem.

Article 10 - Biodiversity and Nature Protection

Palestinian and Israeli lands are blessed with a uniquely rich diversity given the region's location as a bridge between three continents. Palestinian and Israeli scientists and naturalists identify some 530 local bird, 116 mammal and 96 reptile species. Yet, many of the most important and sensitive natural values are under severe threat due to the spread of the growing population of both Parties, industrialization, hunting and the expected development following the peace agreement.

Increased urbanization and the spread of human infrastructures, over-exploitation of natural resources, pollution in all its forms, the introduction of exotic species into local ecosystems are all factors that have caused extensive damage to biodiversity in the region. The recent construction of the separation fence serves to further fragment local habitat. Recent years have seen a precipitous drop in mammal species such as gazelles. In order to safeguard biodiversity and combat the extinction of animal and plant species, the Agreement seeks to establish common regulations to protect flora and fauna species and establish transboundary reserves and maintain ecological corridors (Article 11).

The Agreement relies heavily on the existing framework of the UN Convention on Biological Diversity (1992) and its requirement for preparation of Action Plans to facilitate preservation activities. The Parties are required to supplement these with specific transboundary assessments and commitments. On the Israeli side, the responsible body for implementing nature preservation policies is the Nature Reserves and National Parks Authority. On the Palestinian side, the responsible body is the Environmental Quality Authority or the Natural Resources Authority.

A list of endangered plants, animals and inanimate objects is listed as Appendix 3. The list is based on the list of natural assets that are already protected in Israel. The Parties are required to enact laws which will protect them. Particular attention is to be given to the emerging problem of invasive species which can only be controlled through transboundary cooperation; as well as to action plans to protect animals that are in particular danger of local extinction, such as the leopard, ibex, etc.

Article 11 - Establishment and Management of Transboundary Protected Areas

The first transboundary park was established on the border between the U.S. and Canada in 1932. By the end of the twentieth century, some 158 parks had been established that linked open spaces and habitats across national borders. Of the 309 continental borders between nation-states, over one third (39 percent) have been the site of transboundary reserves and parks (Zbicks, D 1998). Accordingly, there is nothing innovative per se about the establishment of transboundary reserves. (Sandwith, 2001) Indeed, parks that span national borders have been repeatedly cited as serving a potentially conciliatory role in the overall territorial disputes between the Parties in several environmental reports about the Israeli-Palestinian conflict. This culminated in efforts during the negotiations at the Wye plantation to transfer large segments of occupied Israeli territory as nature reserves to the Palestinian National Authority.

Yet, in practice, international experience suggests that the actual coordination of transnational parks across borders is minimal. A 1997 document reports: "Despite a considerable literature promoting the concept of binational parks throughout the world, research has revealed no instances where contiguous parks are jointly managed".

The provisions in this Agreement identify a series of parks that should be created by the Parties as transboundary parks, biospheres, or reserves, depending on the desired level of preservation and human activity. These are delineated as a map in Appendix 4. A framework for coordinating the management of transboundary parks is created through a Parks Committee, which contains representative from the respective nature preservation institutions. The Article also contains a Palestinian

commitment to maintain existing nature reserves in the occupied territories, given their role in the overall ecosystem health of the region. Among the documents which provided direction in the institutional arrangements contained in this Article are:

- *The Memorandum of Understanding between the National Park Service of the Department of the Interior of the United States of America and Parks Canada of the Department of Canadian Heritage of the Government of Canada, on cooperation in management, research, protection, conservation, and presentation of National Parks and National Historic Sites (May 1998).*
- *Bilateral agreement between the Government of the Republic of Botswana and the Government of the Republic of South Africa on the recognition of the Kgalagadi Transfrontier Park (April 1999).*
- *Benelux Convention on Nature Conservation and Landscape Protection (June 1982).*

The strategy embraced in Article 11 is driven by ecological reality rather than geopolitical considerations. The Article relies on a map of ecological corridors, many of which transcend political boundaries. These sites are to be prioritized for protection by the Parties although the degree of preservation may vary between full-fledged nature reserves to parks and biospheres.

The Article contains provisions that focus on National Heritage Sites. Given the many millennia of continuous human settlement, the area is particularly rich in religious, cultural and historic sites. The Agreement leaves the authority to preserve these sites and integrate them into the UNESCO World Heritage site program with each of the autonomous governments who are Parties to the Agreement. Yet it stipulates cooperation and a commitment to preserve sites with religious and cultural significance for the Party.

The Article also addresses preserving migratory birds and their habitats.

Article 12 – Pollution Prevention of Aquatic Ecosystems

The initial Oslo interim peace agreement maintained separate provisions for Water and Environment. Yet, the two subjects are clearly linked. [This Article sets forward basic water quality provisions with an attempt to link the normative environmental protection of water resources with other efforts led by the water group.](#) In preparing this section, we found the World Health Organization’s 2003 Guidelines for Safe Recreation of particular interest. In the area of protection of the marine environment, the Barcelona Convention for Protection of the Mediterranean Sea is the central document.

Article 13 - Combating Desertification

The problem of desertification, or the degradation of soils in the drylands, is common throughout the Middle East. The loss of soil fertility damages crop yields, limits pastoral economies, and creates a variety of environmental nuisances and hazards. Israel has been recognized as an international leader in efforts to combat desertification, but pockets of soil degradation throughout the country exist. Drylands have lower carrying capacity than more temperate climates and their resilience to recover in the event of ecological damage is far lower (Millennium Assessment, 2005).

Unlike most other environmental problems, successful programs to combat desertification require active interventions. Proactive strategies involving afforestation, sustainable desert agriculture, and environmentally sensitive irrigation, as well as the creation of livelihoods, which do not place pressures on the sensitive soils and ecosystems, are essential. Hence, in contrast to other Articles in the Agreement, which are largely proscriptive in nature, and place restrictions on the Parties, provisions involving desertification involve cooperation for sustainable development rather than regulatory coordination. In short, the Parties are encouraged to develop sustainably together.

The Agreement begins by requiring the preparation of a National Action Program for each country. This is the central mechanism required by the United Nations Convention to Combat Desertification (UNCCD, 1994). Yet neither the Israeli nor the Palestinian governments have drafted national strategies to this end, even as many of the components of such a strategy have been in place for many years.

An exception to the pro-development orientation in this area involves overgrazing. Accordingly, a simple regulatory component involving stock limits has been stipulated as a long-term requirement for rangeland management. Rangelands account for some 35% of the lands on the West Bank. The Palestinian Environmental Quality Authority's Biodiversity Strategy and Action Plan (1999) estimated that present carrying capacity in the West Bank is sufficient to support 35,000 animals; while in practice some present herds reach a level of 200,000. The number of animals that Israeli rangelands carry varies but present figures suggest that the grazing herds in Israel are roughly 66,000 cattle, 270,000 sheep, and 37,000 goats (Woerker, 2007) that rely on some 250 thousand hectares of lands. The bifurcated standard for irrigated and rain-fed lands has proven to be effective in preventing overgrazing and led to adoption of systematic, seasonal, nomadic grazing patterns.

The Agreement mandates a joint program to promote cooperation in such relevant areas as: intensive agriculture in greenhouses, irrigation systems, integration of flooddependent agricultural systems in semi-arid regions, development and cultivation of salt and drought resistant cultivars and crops, aquaculture and algae production, etc. Many of these proposals were first put forward in a 1996 initiative for Regional Cooperation and Development Options. (Ministry of Environment, 1996)

Article 14 – Enforcement and Compliance

The Interim Israeli-Palestinian Peace accord was largely unsuccessful in the environmental realm because Article 12 did not establish a formal structure that could oversee implementation and enforcement. By contrast, Article 40 of the Interim Agreement created a detailed framework for enforcement with Joint Supervision and Enforcement Teams, but the framework was never fully implemented. The establishment of a Joint Environmental Quality Commission in Article 3 of this Agreement creates the fundamental institutional backdrop for effective, coordinated efforts to induce compliance. Article 14 of the present Agreement creates a “Joint Environmental Inspection Team” (JEIT) that is empowered with real enforcement authorities, establishing a mandate to intervene in those areas regulated under this Agreement.

At the same time, however, given the sensitive historic conditions regarding externally imposed enforcement, it is important to recognize the Parties’ sovereignty and clarify that the Agreement does not authorize a Party to undertake environmental law enforcement in the territory of the other Party. *Given each Party’s stated objective to maximize efforts to achieve compliance with that Party’s environmental laws and regulations, the Parties are to ensure that there are mechanisms in place under each Party’s domestic law to address environmental violations.* Some of the language in this Article is drawn from the *North American Agreement on Environmental Cooperation (NAAEC) Article 5 that was ratified in 1993.*

Given the potential intensity of bi-lateral enforcement efforts, a layer of oversight between the JEIT, and the general policy making and oversight framework of the Joint Environmental Quality Commission was in order. Other bilateral and multinational agreements frequently create a dedicated enforcement/compliance subcommittee. Article 14 establishes the “Joint Environmental Enforcement Subcommittee” (JEES), which can be comprised of members of the Commission and/or other appointed experts, who are given the responsibility of overseeing the JEIT, handling matters involving compliance/enforcement, and reporting to the Commission. Like all of the subcommittees created under this Agreement, membership shall be based on an equal number of Palestinian and Israeli members.

Likewise, the JEIT mechanism itself is based on symmetry. Each Party provides an equal number of personnel, vehicles and funding to create an inspection force that operates under the supervision of the JEES. When acting in concert, the Agreement seeks to either provide them with the authorities that police investigators enjoy in each country or the full cooperation and participation in enforcement work of law enforcement agencies. If the JEIT teams cannot agree on a mode of action, the disagreement will be forwarded to the JEES.

With regard to noncompliance procedures, many international agreements are silent or vague on the matter, reflecting the politically sensitive nature of enforcement (Raustiala, 2003). Effective provisions work constructively to bring the violating party back into compliance rather than to simply deter noncompliance. The Non-Compliance Procedures pursuant to Article 8 of the Montreal Protocol for controlling Substances that Deplete the Ozone Layer (UNEP 2006) are often cited as a good example of a progressive set of enforcement measures and have been instructive for this Agreement. These allow a Party, citizen, or NGO to submit information concerning alleged violations and allows a pollution source, which has come forward through "self reporting" to seek guidance on measures it can take to bring itself into compliance. Once a submission has been made, the subcommittee will review the information and provide a report with recommendations to the Commission.

The presence of mobile, fast-acting inspection teams that can monitor potential violations and pollution incidents, and on occasion intervene, will be critical for translating the Agreement into actions. It is also important to ensure the necessary expertise for evaluating and rectifying problems in the full range of environmental media covered under the Agreement. The Committee will establish a JEIT with an expertise in each substantive environmental area covered by the Agreement. The JEITs will be staffed by people with appropriate training and experience. Teams will be formed for each of the following areas: air quality, solid and hazardous wastes, parks and nature reserves, pesticides, water quality, and biodiversity. The appropriate JEIT team will then be called upon to respond to incidents falling within their expertise. Yet, the entire JEIT is expected to work in concert, providing backup for broader campaigns and would enjoy authority to intervene in the event that environmental violations of a transboundary nature were discovered during the course of their work.

Many international environmental agreements feature citizen “fire alarm” provisions (Raustalia, 2003). The Agreement also includes provisions that allow citizens or NGOs to file submissions to the Subcommittee alleging that violations to the Agreement are occurring. These complaints will be reviewed, considered, and acted on - if deemed necessary. Although no formal adjudicatory process is established a requirement to respond in writing describing the Subcommittee’s position is stipulated. The Article also includes provisions directing the submissions expected from the Parties, relying as international law so often does, on reporting as a key means for encouraging and ensuring compliance.

Article 15 - Early Warning Protocols and Emergency Response

Principle 21 of the 1972 Stockholm Declaration sets forth one of the fundamental axioms of international environmental law:

“States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies and the responsibility to ensure that the activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction”.

Article 15 offers a concrete application of this principle in its expectation that the Parties assess and notify one another in the event of accident with transboundary environmental impacts and work together to abate environmental damage. Accidents which do not have a transboundary impact remain within the discretionary jurisdiction of each Party. Yet, each Party is required to enact legislation, promote public awareness and initiate plans to reduce damages from environmental accidents or related events.

In order to respond in a coordinated fashion to accidents where there are transboundary impacts or implications, a point of contact on each side will be

established who will coordinate activities in such cases. These will include clean-up and subsequent “rehabilitation” efforts. In addition to establishing procedures for early warning, the Commission is required to initiate exercises to prepare for emergency situations that will be coordinated by the points of contact.

Several agreements in this area informed the specific early warning and response system. These include the Association of South East Asian Nations (ASEAN) Agreement on Disaster Management and Emergency Response, and the EU emergency and crisis coordination arrangements and other EU guidelines.

Article 16 – Scientific Research

Scientific cooperation is an area of environmental cooperation for which both sides have considerable experience. A variety of funding programs (in particular, U.S. AID’s Middle East Research and Cooperation Program – MERC) have allowed for innumerable joint research initiatives, quasi-experimental projects, etc. to be conducted in parallel or together by Israeli and Palestinian researchers. This Article creates a formal framework for continuing this work in the form of an Environmental Research Subcommittee. *The subcommittee is to serve as a bridge between the practical needs of the environmental professionals working in regulatory agencies and the research aspirations of the academic communities of both Parties.*

Other aspects of this Article provide for technical assistance between the Parties and promotion of scientific publications when appropriate. Specific provisions in this Article were based on materials from numerous bi-lateral and multi-lateral agreements between Australia and a variety of nations in the southern hemisphere as well as from the U.S. and its neighbors.

Article 17 – Transparency of Environmental Information and Participation by the Public, Governmental Organizations and Other Institutions

Public, nongovernmental organizations, universities, and Palestinian and Israeli civil society in general have a strong history of participation in environmental matters in the region. Many of the environmental challenges which the Agreement seeks to solve – from litter prevention to reduced automotive emissions – require the engagement and the involvement of the public. Encouraging public participation has proven to be a valuable tool for both improving the quality of environmental policies as well as for involving the public as partners in environmental initiatives.

The Environmental Cooperation Agreement of the Dominican Republic-Central America-United States Free Trade Agreement (DR-CAFTA) includes provisions which seem appropriate to the present Agreement. The Commission is expected to conduct meetings periodically that are open to the public. In addition, it is to find opportunities to engage the public, and a variety of public interest institutions, to confer with regards to its activities.

Article 18 – Financial Resources

The fundamental asymmetrical economic conditions that presently characterize the two Parties is a major challenge that the Agreement must address. Successful implementation of this Agreement is largely dependent on attaining sufficient funding to support Palestinian environmental infrastructures as well as salaries and operational expenses for the relevant Palestinian environmental agencies. Moreover, in order to ensure a balanced and effective series of “joint environmental institutions” that are established under the agreement, funding will be required for full Palestinian participation. In addition, it is important that both societies internalize the “win-win” dynamic associated with environmental cooperation, and supporting activities that bring together Palestinian and Israeli civil societies is a secondary, but surely not insignificant objective.

Previous multi-lateral environmental agreements have included sections that specifically outlined the responsibilities of the Parties for ensuring adequate financial resources. Article 18 articulates a general strategy for financing implementation of the Agreement. It borrows from a few of the provisions found in Articles 20 and 21 from the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa. Considerable responsibility is given to the Commission to initiate funding mechanisms. Representation of major potential donors within the Commission may help facilitate better consistency between donor priorities and the actual Palestinian environmental needs.

Article 19 - Consultation and Resolution of Disputes

Although enforcement proceedings between parties to a bilateral environmental agreement are fairly rare, the existence of a clear and effective mechanism for resolving conflict is important as it creates a modicum of deterrence against disregard and noncompliance with international agreements. **Agreements that do not contain any dispute resolution procedures can be ignored with impunity and often are. This offers the easiest explanation for the relatively low level of implementation for Article 12 of the earlier Interim Agreement heretofore.**

There are many different approaches for adjudicating bi-lateral international instruments: from mediation to resolve disagreements, to mandatory adjudication at tribunals such as the International Court of the Hague. The Agreement offers a simplified version of a medium-stringency-level model established in the agreement on *Environmental Cooperation between the Government of Canada and the Government of the Republic of Chile (1997)*.

Conflict resolution will begin in the Commission. Either Party can raise a complaint about meaningful noncompliance with the Agreement, a pattern of noncompliance, or a lack of enforcement of environmental laws that causes transboundary environmental damage. If a consensual solution is not forthcoming,

an “arbitral panel” is appointed to conduct an arbitration. The members of the panel are selected from a pre-agreed expert list and they are given authorities to hear witnesses, appoint experts and make rulings. The panel will consist of a Palestinian expert, an Israeli expert and an international one who serves as chair. Findings and recommended actions are submitted as an interim report to the Parties, which can be appealed. Given the possibility of irreversible damage when environmental violations continue unabated, a relatively tight time-table is set for the adjudication process.

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