

GENERAL REGULATIONS OF ENVIRONMENT IN THE GCC STATES 1997

By the Name of God the Most Merciful the Most Benevolent

INTRODUCTION

The great developmental growth, in the last few years in GCC States, has created some negative results, which are considered a clear threat to the environment in the area and calls for positive attention and consideration.

To enable this growth to continue, there should be a balancing means between the development and the natural and environmental sources, which means, agriculture, industry and economy.

As a result of such direct connection between the development and environment stability, there should be rules and regulations to guarantee the continuity of both development and environmental elements including environmental rules in the frame of sustainable development.

Based on this, the Supreme Council of the GCC has agreed on certain measures, during its sixth session in Muscat (Oman), in 1985. On its second clause, a resolution called for, "*Setting up a comprehensive system for the protection of the environment incorporating the basic rules for the protection of the environment*".

Another clause called for "*Setting up a clear plan and aspects to use for dealing with environmental problems aiming at the protection of environment against pollution, and also to protect its nature and human resources. It would entail the development and consolidation of all national facilities which are deemed essential for the preservation of the environment to ensure its safety. Besides, there must be great concerns for the herediterial technology which are essential for the environment*". In accordance with this, the GCC Secretariat General, in collaboration with Member States, have set up these regulations, bases and procedures for the protection of the environment in GCC.

Their Excellencies, the ministers responsible for environmental affairs, in their fourth meeting convened on 9/11/1414 corresponding to 20/4/1994 in Abu Dhabi, have agreed to adopt the current version of these regulations "General Regulations of Environment in the GCC States". The Supreme Council in its 16th session (Muscat- Oman, Dec. 1995), has authorized the Ministerial Council to agree upon these regulations after the completion of their study and review on national levels. However the Ministerial Council has agreed upon their sixtieth session held in Sept. 1996, since they represent the minimum basics required for preparing and developing similar national legislations in the member states.

Section (1)
GENERAL PRINCIPLES

Article (1)

BASIC RULES:

1. The environment is whatever surrounds the human being such as water, air, land and atmosphere and whatever is contained in these surroundings such as animals, plants, non-living materials, the various forms of energy, natural regulations and operations and human activities.
2. The human being is an integral part of the environment in which he lives and utilizes its resources.
3. Every person has a basic right to live a convenient life in an environment compatible with human dignity, and in return he bears the responsibility for conserving this environment and improving it for the benefit of his generation and future generations within the concepts of sustainable development.
4. The responsibility for management of the environment, its natural and wildlife resources particularly the ability of the natural resources to satisfy the development needs of the present and future generations, lies on the shoulders of the official authorities, public and private establishments as well as responsible and ordinary persons.
5. The official authorities, public and private establishments, with regard to matters concerning the environment shall adhere to the principle of public good and shall give it priority over any other consideration.
6. Protection of the environment against pollution and deterioration is less costly, easier to implement and more feasible than rectifying damage after it happens.
7. Environmental considerations should be taken into consideration and given foremost priorities. These priorities should be merged with all stages and levels of planning so as to make environmental planning an integral part of the comprehensive development planning in all industrial, agricultural, constructional and other field in order to avoid the negative effects that result from overlooking these considerations.
8. Environmental assessment of projects should be adopted and environmental assessment studies should be included in the feasibility studies. The licensing of projects and facilities with the agreement of the concerned authority should be linked to the environment protection in the light of the result of such studies.
9. Financing and lending institutions should take into consideration the environmental aspects of the projects they finance or lend to.
10. All new facilities and projects and any major change in an existing project should use the best available technologies to control pollution and prevent environmental deterioration. As for existing projects, they should use the technologies that guarantee compliance with environmental feasibility standards, whenever they exist, or the technologies that prevent the occurrence of any substantial negative effect on the environment.
11. Technologies in use should be reconsidered so as to be more compatible with the environment. The importance of revival and development of suitable traditional technologies should be emphasized within this framework.
12. Spreading awareness and environmental education among individuals and the community through mass media and education curriculum, with emphasis on the importance of enhancing the sense of responsibility, at both individual and collective levels for protection and conservation of the environment.

Article (2)

DEFINITIONS:

- *Concerned Minister*: The Minister responsible for protection and conservation of the environment.
- *Concerned Authority*: The central agency responsible for protection and conservation of the environment.
- *Concerned Body*: The concerned authority or any other body performing specific tasks and functions related to the protection and conservation of the environment.
- *Licensing Body*: Any body responsible for licensing projects that have a probable effect on the environment.
- *Environment Protection*: Group of rules, regulations and procedures which could guarantee the prevention of pollution or limiting its effects or combating it. As well as, preservation of environment and rehabilitation of the affected areas due to malpractice and also creating preserved areas in land and sea and isolating the sources of pollution. Also forbidding any malpractice which might threaten the environment and encouraging the positive behaviours.
- *Permanent Development*: Providing the needs for the present generation without prejudice to the environment of the future generations.
- *Project*: Any facility, establishment or activity that is likely to be a source of pollution or environmental deterioration.
- *Environmental Assessment of the Project*: The studies that should be carried out before licensing a project to determine the probable environmental effects as well as to devise the means and measures necessary to prevent or alleviate any negative effects on the environment, or to achieve or enhance any positive output to the environment.
- *Best Available Technology* : The best available technology for control of pollution and prevent of environmental deterioration resulting from a project in comparison to what is practiced in other similar projects in the world.
- *Environmental Quality Standards*: The limits or concentrations of pollutants that are not permitted to be exceeded in air, water or land.
- *Source Standards*: The limits or concentrations of pollutants from various sources that are not permitted to be discharged. They also include the technologies for pollution control and the operational practices that reduce the pollution resulting from the project.
- *Environmental Protection Standards*: Both environmental quality standards and source standards.
- *Existing Projects*: Any projects designed and commenced before the issuance of this regulation or before the issuance of the environment protection standards, whichever is earlier.
- *New Projects*: Any new project which have not been established at the time of issuance of the Environment Protection Standards whichever preceding.
- *Major Alteration*: Any extension or alteration in the design or operation of any existing project which is reasonably likely to produce a tangible effect on the environment. For the purpose of this Article, any replacement which is equal to the original project in terms of type and capacity is not considered a major alteration.
- *Public Bodies*: Any ministry, department or governmental or semi-governmental agency.
- *Person*: Any natural or juristic person or natural or artificial organization whether it has a juristic personality or not.

SECTION (II)
GENERAL OBLIGATIONS

Article (3)

DUTIES OF THE PUBLIC BODIES:

1. Working to prevent negative environmental effects which may result from their own projects or projects under their supervision or licensed by them.
2. Taking all suitable measures to guarantee application of the rules stipulated in this regulation on their own projects under their supervision or licensed by them, including compliance with the environmental protection regulations and standards in force in addition to issuing the necessary rules, regulations and additional guidelines in this regard in consultation with the concerned authority.
3. Monitoring the application of the environmental regulations and standards and compliance with them on their own projects or projects their supervision or licensed by them and preparing periodic report about their effectiveness and the extent of compliance to them.
4. Any public body responsible for issuing standards, specifications or rules related to activities affecting the environment should give the concerned authority ample opportunity to give its opinion before granting such licenses or permits or issuing such regulations, standards or specifications.

Article (4)

DUTIES OF PERSONS:

1. Any person responsible for the design or implementation of any project should make sure that the design and operation of such a project complies with the regulations and standards of environment protection.
2. Any person intending to do any work, or neglecting to do any work, that may lead to the occurrence of negative effect on the environment should seek, through studying the environment assessment or any other suitable means, to identify those probable effects and take all the suitable measures to prevent such negative effects or reduce their probability to the lowest possible level.
3. In case of the occurrence of any of the probable negative effects, the concerned person should take the necessary steps to stop or alleviate such effects.
4. The person responsible for a work that causes damage to the environment, or a negative effect on the environment caused by his neglect, shall not be absolved from the responsibility for the damage caused to the environment as a result of his actions or negligence even after complying with the provisions of Paragraph (2) of this Article.

Article (5)

EMERGENCY PROCEDURES:

1. All public bodies and their projects shall undertake to make and prepare the necessary emergency plans to protect the environment against the risk of pollution which could result from emergency incidents that may happen during the conduct of their activities.
2. Any person in charge of any project or utility that may, in the opinion of the concerned authority, have negative effects on the environment should make sure that there are emergency plans to prevent or reduce the risk of those negative effects and that he possesses the means of implementing such plans.
3. The concerned authority shall ascertain that the emergency plans referred to in paragraph (2) of this Articles are suitable and give its opinion, whenever

necessary, to the person responsible for preparing the emergency plan on whether such plans should be adopted or amended.

Article (6)

THE USE OF THE BEST AVAILABLE TECHNOLOGY:

The licensing authority should make sure that new projects and major alterations to existing projects use the best available technology for control of pollution and prevention of environmental deterioration. Existing projects should use technologies that ensure compliance with the environmental quality standards wherever they exist to prevent occurrence of any tangible negative effects on the environment. The concerned authority may develop special standards that take into consideration the type and age of the project and specify any suitable procedures that such a project may follow.

Article (7)

ENVIRONMENTAL SUPERVISORS:

Any person possessing the responsibility for supervision of a project comprising activities or operations which may, in the opinion of the concerned authority, have intense negative effects on the environment, should appoint or designate an employee to be responsible for guaranteeing that those activities and operations are carried out in accordance with the provision of this regulation or any other regulations issued by virtue of it, or serving some of its purposes, including the regulations concerning environment protection issued before this regulation.

Article (8)

ENVIRONMENTAL EVALUATION OF PROJECT:

The licensing authority should ensure that environmental assessment studies for projects are carried out at the feasibility study stage in accordance with the principles and procedures specified by the concerned authority, and should obtain the agreement of the concerned authority to the result of these studies before licensing the project.

Article (9)

LAND USES AND COASTAL ZONES:

The public bodies during preparation and implementation of the land use and coastal zones plans, should take the environmental aspects into consideration and allow the concerned authority to review these plans and to give its opinion about them. They should also take into consideration what the concerned authority or any other concerned body classify as areas of a special environmental nature requiring the limitation or legalization of some activities. Similarly, the reciprocal environmental effects that may result from certain land uses in the neighboring countries should be taken into account in order to contain such effects before they occur.

Article (10)

CONSERVATION OF THE LIVING SPECIES:

The concerned authority (the body responsible for coordination with the concerned authority), in coordination with the responsible authorities or through them, should issue the rules and regulations related to the conservation of wild and domestic life, particularly those threatened with extinction and implement those rules and regulations. These include:

- a. Banning or restriction of hunting wild animals.
- b. Banning or restriction of cutting or removal of trees, shrubs and herbs.
- c. Regulation of cutting firewood and production of charcoal.
- d. Regulation of local trading in living species.
- e. Regulation of the import of living species as animals, plants or their parts or products from countries where such species do not enjoy sufficient protection.
- f. Establishment and management of nature reserves.
- g. Conservation of biological resources of local domesticated animals and local plants of economic value and improving them.

Article (11)

RATIONALIZATION OF THE USE OF NATURAL RESOURCES:

Within the context of sustainable development, all public bodies, each within its competence should endeavor to rationalize the use of natural resources, living or non-living to conserve and develop the renewable resources, and to extend the lifetime of the non-renewable resources for the benefit of the present and future generations. This includes preparation, development and application of appropriate regulations to realize coordination between the patterns and rates of utilization of the recycling and re-use technologies and conservation of energy and development of the traditional technologies and regulations which are compatible with the local and regional environments.

Article (12)

ENVIRONMENTAL EDUCATION AND ENVIRON-MENTAL AWARENESS:

All public bodies responsible for education should introduce environmental subjects in all educational phases and make sure that the curricula containing environmental aspects is given sufficient attention to these aspects, endeavoring at the same time to establish and develop institutes specialized in environment sciences to qualify technical personnel.

All bodies responsible for public information should work to reinforce environmental awareness programs in the various visual, oral and printed media of information.

Article (13)

DEVELOPMENT PLANNING AND THE ENVIRON-MENT:

All public bodies should work to merge environmental considerations with the planning process at the level of the developmental projects, programs and plans for the various sectors with the general development plan.

Article (14)

AIDS AND LOANS:

All financing and lending institutions should consider compliance with the environmental protection regulations and standards a basic condition for providing loans for projects.

SECTION (III)
FUNCTIONS AND DUTIES OF CONCERNED AUTHORITY

Article (15)

THE FUNCTIONS OF THE CONCERNED AUTHORITY:

1. Review and assessment of environment conditions by means of conducting surveys, monitoring and data collection as well as other suitable means.
2. Documentation and publication of environmental information.
3. Preparation, issuing, reviewing, development and interpretation of environmental protection standards.
4. Preparation of proposal for environmental regulations.
5. Preparation of proposals for environmental contingency plans.
6. Issuing executive regulations for environmental rules and environmental protection standards.
7. Review of environmental assessment for projects and approving them before licensing them.
8. Issuing approval documents to the results of environmental assessment studies of projects and specifying the conditions required for approval within these documents.
9. Supervision and monitoring to ensure that all public and private bodies comply with this and other regulations and standards of environment protection and any other conditions comprised within the approval documents of the environmental assessment studies.
10. Review of land use plans to ensure that they include the environmental consideration and classification of land with a special environmental nature.
11. Follow-up new development in the area of environmental protection and conservation of the regional and international levels and representation of the state to the respective regional and international bodies and organizations.
12. Proposing plans and policies required to implement certain aspects of this regulation.

Article (16)

PREPARATION OF THE ENVIRONMENTAL PROTECTION STANDARDS:

1. The concerned authority will be responsible for issuing, reviewing and developing the environmental quality, particularly those relating to the following:
 - a. Surface and ground water.
 - b. Sea and coastal waters.
 - c. Air
 - d. Noise
2. The concerned authority should issue (prepare) the source standards to organize the discharge and emission of the air, water and ground pollutants from fixed or moving sources.

Article (17)

APPLICATION OF ENVIRONMENTAL PROTECTION STANDARDS:

1. The concerned authority may stipulate to any person operating a project which in the opinion of the concerned authority, may produce pollutants or lead to deterioration of the environment to provide it with the following information:
 - a. The nature of activities performed and the materials used.
 - b. The liquid, gaseous and solid and other wastes resulting from these activities.

- c. The methods and equipment used to reduce or stop the pollution and environmental deterioration resulting from these activities.
2. The concerned authority shall be entitled to stipulate to any person operating a project which, in the opinion of the concerned authority may lead to a temporary or permanent pollution, to monitor and take samples from the gaseous, liquid, solid and other wastes resulting from his operations. The persons responsible for monitoring and taking samples should be agreed to by the concerned authority which should be provided with the results of these operations.

Article (18)

INFRINGEMENT OF THE ENVIRONMENTAL LAWS:

1. When the concerned authority becomes certain that one of the environmental protection standards mentioned in Article (6) of this regulations is being infringed upon, it shall be entitled to do the following directly or through the concerned or responsible bodies:
 - a. To ask the person responsible for the infringement to submit a report about the steps which he proposes to take to prevent the recurrence of the infringement in future.
 - b. The steps proposed to prevent the recurrence of infringement must be approved by the concerned authority.
 - c. To ask the said person to remove the solid, liquid or gaseous wastes or any other negative effects and to restore the situation to its original condition before the occurrence of the infringement whenever possible.
2. When it becomes obvious to the concerned authority that the person required to comply with some obligation in accordance with the provisions of Paragraph (1) of this Article has failed to carry out that obligation or has repeatedly failed to comply with those standards, then the concerned authority, in addition to applying other penalties stated in the current regulations, may required the licensing authority or any responsible authority to suspend work on the project that has failed to comply with the environmental protection standards until sufficient measures to ensure compliance with these standards are taken.

Article (19)

CONTROL OF HARMFUL ACTIVITIES:

The concerned authority shall be entitled to take the measures it deems necessary to avoid, prevent or reduce damage to the lowest possible level before it occurs. These measure include:

- a. Temporary or permanent stoppage of any activities which the concerned body considers to have an adverse effect on the environment.
- b. Imposing restrictions on those activities to reduce their damage to the lowest possible level.
- c. Imposing technical and operational standards and other necessary requirements..
- d. Imposing any other means which the concerned authority deems fit.

Article (20)

INSPECTION:

The concerned authority shall be entitled to perform the following:

- a. Enter and inspect project facilities.
- b. Request report about the activities which are likely to produce pollution or environmental deterioration.

c. Take samples from refuse and the materials used or stored in the project or produced by it, in order to ensure that it complies with environmental protection regulations and standards.