

**PART A: THE PALESTINIAN ENVIRONMENTAL ASSESSMENT POLICY**

A policy to establish an environmental assessment process in Palestine

WHEREAS the Palestinian National Authority seeks to achieve sustainable development in Palestine through conserving and enhancing environmental quality and by encouraging and promoting economic and social development that conserves and enhances environmental quality;

WHEREAS environmental assessment provides an effective means of integrating environmental factors into planning and decision-making processes in a manner that promotes sustainable development and the Palestinian National Authority that has no environmental assessment process;

WHEREAS the Palestinian National Authority seeks to establish an environmental assessment process as will be required by the proposed Palestinian Environmental Law;

WHEREAS the Palestinian National Authority seeks to exercise a leading role within Palestine, and internationally, in anticipating and preventing the degradation of environmental quality and at the same time ensuring that economic and social development is compatible with a high level of environmental quality;

WHEREAS the Palestinian National Authority seeks to facilitate stakeholder consultation in the environmental assessment of development activities to be carried out within Palestine, and to provide public access to the information on which those environmental assessments are based;

NOW, THEREFORE, the Ministerial Council approves the Palestinian Environmental Assessment Policy, through resolution No.:

Date:        /        / 1999

## **The Palestinian Environmental Assessment Policy**

### **chapter 1**

#### **Article 1: Definitions**

In this Policy:

"**Ministry**" means the Palestinian Ministry of Environmental Affairs.

"**Minister**" means Minister of Environmental Affairs.

1. "**Development activities**" means projects, plans or programs.

"**Project**" means the pre-construction, construction, operation and decommissioning of any physical development.

"**Plan**" means a design for the layout, construction or operation of a group of projects or other land uses.

"**Program**" means a group of projects or plans to be implemented over a limited period of time.

2. "**Environment**" and its components means water, air, land, humans and other forms of life including domesticated and non-domesticated plants and animals, the inter-relationships among them and future generations. It also includes socio-economic conditions as well as sites and resources that are of historical, archaeological, cultural, or landscape value.

3. "**Environmental Approval**" means a conditioned and/or unconditioned approval, issued by the Ministry, which attests to the satisfactory completion of all environmental requirements or the environmental assessment for a development activity, and which grants environmental approval for the purpose of issuing a permit by the permitting authority without contradicting other applied rules and regulations.

4. "**Environmental assessment (EA)**" means the overall process whereby the potential environmental impacts of proposed development activities are studied and reviewed before considering Environmental Approval.

5. "**Environmental assessment decision**" means any decision made by the Ministry which is responsible for implementing this policy.

6. "**Environmental audit**" means a systematic, periodic evaluation of environmental management for existing installations, facilities or activities for the purpose of protecting and safeguarding the environment.

7. "**Environmental impact**" means an adverse or beneficial change in the environment due to a development activity.

8. “**Environmental impact assessment (EIA)**” means a detailed assessment of the environmental impacts of a proposed project according to approved terms of reference.
9. “**Permitting authority**” means any authority that grants permission according to the regulations and laws effective in Palestine.
10. “**Initial environmental evaluation (IEE)**” means a general, reconnaissance-level study of the environmental impacts of a proposed project according to approved terms of reference.
11. “**Mitigation measure**” means any measure included in the plan for a development activity to avoid, reduce or rectify an adverse environmental impact, or to compensate for an adverse environmental impact by replacing or providing substitute resources.
12. “**Residual impact**” means an adverse environmental impact which remains after mitigation measures are implemented.
13. “**Scoping** “ means the process of establishing the range of action alternatives and potential impacts to be included in terms of reference for environmental assessment studies.
14. “**Screening**” means the process of determining whether or not an environmental assessment study is required for a proposed development activity.
15. “**Stakeholder**” means any person in his natural or legal capacity with an interest in, or affected by, a development activity.
16. “**Review**” means assessing the adequacy of an environmental assessment report, taking into account the points of view of stakeholders, and assessing the acceptability of the proposed development activity in terms of existing plans, policies and standards.
17. “**Terms of reference**” (TOR) means the written requirements issued by the Ministry to govern the carrying out of an environmental assessment study, consultations to be held, data to be produced, and the form and content of the environmental assessment report. A TOR is often produced as an output from scoping.
18. “**Strategic environmental assessment (SEA)**” means the environmental assessment of plans or programs.

## **Chapter 2**

### **Article 2: Goals of the Policy**

This Policy shall be interpreted and implemented to support the sustainable economic and social development of the Palestinian people through assisting in meeting the following goals:

1. Ensuring an adequate standard of life in all its aspects, and not negatively affecting the basic needs, and the social, cultural and historical values of people as a result of development activities.
2. Preserving the capacity of the natural environment to clean and sustain itself.
3. Conserving biodiversity, landscapes and the sustainable use of natural resources.
4. Avoiding irreversible environmental damage, and minimizing reversible environmental damage, from development activities.

### **Article 3: Principles Underlying The Policy**

1. The application of this Policy must be transparent, equitable and effectively administered in order to encourage environmentally-sound development.
2. Environmental assessment must enhance development, by contributing to its environmental sustainability, not inhibit it.
3. Environmental assessment should begin as early as possible since it is a means for both planning and evaluating development activities through all stages including decommissioning.
4. Proponents of development activities should pay the costs of carrying out environmental assessment studies. Preparation of studies and reports must be carried out by specialists qualified to carry the work.
5. Environmental assessment should specify measures for mitigating potential impacts, and for environmental monitoring and management, throughout the life of a development activity.
6. Environmental assessment should clearly identify who benefits from a project and who suffers the negative effects.
7. In the absence of Palestinian environmental standards, appropriate standards will be considered in EA studies and in the measures and conditions included in the environmental approvals of projects.
8. Stakeholder consultation is an essential component of the EA Policy.

**Article 4: Development Activities Subject to the Policy**

This Policy applies to the following categories of development activities:

1. Proposed public- and private-sector projects, and proposed extensions or additions to existing projects, as described in Annex 3.
2. Proposed plans and programs, as described in Annex 4.
3. Existing projects, as described in Annex 5.

**Article 5: Responsibility for Implementation**

In fulfilling its responsibility, the Ministry shall:

1. Ensure that the goals and principles of the Policy are achieved and reflected in the implementation of the Policy
2. Establish and manage the required implementation procedures.
3. Provide advisory and technical guidance to individuals, organizations, agencies, and proponents who are required to comply with or participate in implementing the Policy.
4. Produce guidelines and best management practices for complying with the Policy.
5. Maintain a register of all activities currently being appraised under the Policy.
6. Establish procedures for, and ensure, the monitoring and follow-up of conditions attached to activity environmental approvals under the Policy.
7. Periodically evaluate the implementation of the Policy and recommend adjustments or improvements to it.

**Article 6: Environmental Assessment Committee**

a) An inter-agency Environmental Assessment Committee shall be established with members from the following governmental agencies:

1. The Ministry (chair)
2. Ministry of Industry
3. Ministry of Local Government
4. Ministry of Transport
5. Ministry of Agriculture
6. Ministry of Health
7. Ministry of Tourism and Antiquities
8. Ministry of Planning and International Cooperation
9. Palestinian Water Authority
10. Palestinian Energy Authority

Other agencies may be asked to join the EA Committee as required to review the nature and location of individual projects.

- b) The EA Committee shall undertake the following responsibilities according to its own procedures:
  - 1. Ensure adequate scoping of environmental assessment studies.
  - 2. Prepare and approve terms of reference for environmental assessment studies.
  - 3. Review environmental assessment reports.
  - 4. Recommend environmental assessment decisions to the Minister.
  - 5. Assist the Ministry to ensure compliance of projects with Environmental Approval conditions.

### **Chapter 3**

#### **Article 7: Environmental Assessment Studies**

- 1. For the purpose of considering Environmental Approval of projects, two kinds of EA studies may be required:
  - a) An Initial Environmental Evaluation (IEE) for projects where significant environmental impacts are uncertain, or where compliance with environmental regulations must be ensured; and
  - b) An Environmental Impact Assessment (EIA) for projects which are likely to have significant environmental impacts. An EIA may be carried out as a result of an IEE.
- 2. When an EIA is required, the Ministry is empowered to establish and charge a fee equal to the costs incurred by the National Authority to review and consider the Environmental Approval of a project.
- 3. Proposed projects and extensions to existing projects for which an Environmental Impact Assessment must be conducted are listed in Annex 1.

For project types not listed in Annex 1, a determination of whether or not an IEE or an EIA must be conducted will be based on screening criteria listed in Annex 2.

**Article 8: Stakeholder Consultation**

1. Proponents are required to consult stakeholders during the scoping and conduct of Environmental Impact Assessments.
2. Stakeholder consultation may be required during Initial Environmental Evaluations as determined by the Ministry.
3. The Ministry is empowered to conduct its own stakeholder consultation to verify the information provided, or extend the proponent's consultations.
4. Initial Environmental Evaluation and Environmental Impact Assessment Reports shall be made available by proponents for stakeholder review and comment as specified by the Ministry.
5. The Ministry shall coordinate EA consultations with consultations by other authorities pursuant to other regulations and laws.

**Article 9: Transboundary Environmental Impacts**

Development activities within or outside of Palestine may have transboundary environmental impacts. As required, the Palestinian National Authority, through the Ministry, shall negotiate reciprocal agreements with neighboring countries to ensure that EA contributes to mitigating such impacts. Such agreements shall be consistent with the principles of the 1991 United Nations "Convention on Environmental Impact Assessment in a Transboundary Context".

**Article 10: Objections**

1. Objections to environmental assessment decisions shall be made according to the provisions of related laws and regulations.

**PART B: ANNEXES TO THE PALESTINIAN ENVIRONMENTAL ASSESSMENT POLICY**

**ANNEX 1:**

**PROPOSED PROJECTS AND EXTENSIONS TO EXISTING PROJECTS FOR WHICH AN ENVIRONMENTAL IMPACT ASSESSMENT IS MANDATORY**

An Environmental Impact Assessment (EIA) shall be conducted for the following types of major development projects:

1. Power plants (including gas turbines, substations and super tension lines)
2. Quarries and mines
3. Waste water treatment plants including main sewers
4. Cement plants
5. Solid waste disposal sites
6. Hazardous waste disposal sites
7. Plants producing, storing or using hazardous substances
8. Airports and landing strips
9. Seaports, jetties and harbors
10. Refineries
11. Industrial estates
12. Major dams and reservoirs
13. Major roads
14. Steel mills

Extensions to existing projects of the types listed above shall be screened for the need for IEE or EIA studies according to procedures described in annex 3.



**ANNEX 2:**

**EA SCREENING GUIDELINES FOR PROJECTS AND  
EXTENSIONS TO PROJECTS**

Based on an Application for Environmental Approval, screening criteria are used to determine whether an Initial Environmental Evaluation or an Environmental Impact Assessment is required for a project.

Screening will be based on requirements of relevant land use plans, and on whether the project is likely to:

1. use a natural resource in a way that pre-empts other uses of that resource,
2. displace people or communities,
3. be located in or near environmentally sensitive areas such as natural reserves, wetlands, or registered archeological and cultural sites,
4. generate unacceptable levels of environmental impact,
5. create a state of public concern, or
6. require further, related development activities which may cause significant environmental impacts.

### **ANNEX 3:**

## **EA ADMINISTRATIVE PROCEDURES FOR PROPOSED PROJECTS AND EXTENSIONS TO EXISTING PROJECTS**

### **1. EA DOCUMENTS**

There are three types of EA reports that represent sequential stages in the project life cycle and the EA review process: 1) an **Application for Environmental Approval**, 2) an **Initial Environmental Evaluation (IEE) Report**, and 3) an **Environmental Impact Assessment (EIA) Report**.

The Ministry shall provide guidance on the content and preparation of these reports.

#### **1.1 Application for Environmental Approval**

An Application for Environmental Approval is the project document informing the relevant permitting authorities and the Minister that a project is being considered which may be subject to the EA Policy. It is the document used by the Ministry to screen a project for its disposition under the EA Policy, and to consider permitting conditions.

A proponent should be able to prepare an Application for Environmental Approval with little or no assistance from environmental specialists. The Application for Environmental Approval provides a basic description of the proposed project and, if the project type is not listed in Annex 1, it should include sufficient information to allow the project to be screened according to the criteria listed in Annex 2.

The Application for Environmental Approval should also list what environmental and other permits must be obtained and complied with, indicate how the expected conditions of these permits will be fulfilled, and include a signed statement by the proponent that these conditions will be fulfilled.

#### **1.2 Initial Environmental Evaluation (IEE) Report**

An IEE Report documents the results of a general, reconnaissance-level evaluation of the likely environmental impacts of a proposed project, based largely on existing information. An IEE Report should be prepared during pre-feasibility studies of a project. Its main purpose is to identify likely impacts, to estimate their severity, to indicate which impacts may be significant, and to indicate what opportunities are available to mitigate adverse environmental impacts and enhance potential environmental benefits. As appropriate, an IEE Report should include proposals for monitoring and managing likely impacts, especially those which affect local people.

An IEE Report is used as a basis for granting Environmental Approval, or for requiring either project changes and a revised IEE Report or a more detailed EIA Report before Environmental Approval is considered further.

### **1.3 Environmental Impact Assessment (EIA) Report**

An EIA Report documents the results of a comprehensive environmental impact assessment of a project, based on terms-of-reference approved by the Ministry. It is broader in scope and contains more detailed analysis than an IEE Report. An EIA involves sufficient surveys and fieldwork to adequately study and analyze the issues to be addressed. It should be undertaken during pre-feasibility and/or detailed feasibility studies of a project, and in close liaison with engineering, financial and other project planning work. An EIA Report describes the environmental planning that went into a project and what features are incorporated to mitigate adverse impacts and capture potential benefits. It includes an analysis of the severity and significance of impacts and benefits, especially for individuals and communities directly affected by the project. It also provides an environmental monitoring and management plan.

An EIA Report is used as a basis for determining whether or not Environmental Approval is granted and, if so, under what conditions.

## **2. EA ADMINISTRATIVE PROCEDURES**

A flowchart of the EA administrative procedures is given in Figure 1.

### **2.1 Application for Environmental Approval**

For projects listed in Annex 1, a proponent must first obtain initial approval from the appropriate Ministry or Local Planning Committee. The proponent then submits an Application for Environmental Approval to the Ministry. The Ministry will notify the appropriate permitting authorities that an Application for Environmental Approval has been received and that an EIA is required.

For projects not listed in Annex 1, the proponent submits the Application for Environmental Approval to the appropriate permitting authorities as part of his overall application package for initial approval. These authorities then refer the project to the Ministry. The Ministry may ask the proponent for further information to ensure the Application is sufficient for consideration under the EA Policy. In consultation with these authorities and others through the EA Committee as required, the Ministry then applies the screening guidelines (Annex 2) and determines whether or not an IEE Report or an EIA Report is required. If an IEE Report or EIA Report is not required, the Ministry will determine, in coordination with the relevant permitting authorities or the EA Committee as required, whether or not Environmental Approval will be granted and, if so, under what conditions.

Once the Ministry considers that an Application for Environmental Approval is complete, it has a maximum of 14 business days to determine the need for an IEE or an EIA Report, or to determine whether Environmental Approval will be granted based on the Application alone. If this deadline is not met, the proponent has the right to submit a written complaint to the Minister, who must respond in writing within a week from receipt of the complaint.

## **2.2 Initial Environmental Evaluation (IEE) Report**

Terms-of-reference (TOR) for an Initial Environmental Evaluation (IEE) are prepared by the Ministry on the advice of the EA Committee, as required, and in consultation with a proponent. The Ministry may require the proponent to carry out scoping studies as part of TOR preparation. From the decision to require an IEE and following the completion of any required scoping studies, the Ministry shall have a maximum of 21 business days in which to prepare TOR. If this deadline is not met, the proponent has the right to submit a written complaint to the Minister, who must respond to in writing within a week from receipt of the complaint.

The TOR specify the minimum scope of any study. The proponent is responsible for defining the full scope of the study and for justifying it in the IEE Report

Stakeholder consultation is optional when undertaking an IEE. In consultation with the proponent and the EA Committee as required, the Ministry determines whether stakeholder consultation is required and, if so, what the minimum requirements should be. It may be required during scoping and terms-of-reference preparation, and during the conduct of the IEE.

The proponent submits a draft IEE Report to the Ministry which conducts an initial, internal review to determine if the report contains the minimum requirements specified in the terms of reference. Once the Ministry is satisfied that the minimum requirements have been met, the proponent finalizes the IEE Report and the Ministry accepts it for review. The Ministry then conducts a detailed technical review of the report with the assistance of the EA Committee as required. Depending on the complexity and scope of the project, an independent consultant may be retained to review the report and advise the Ministry. The Ministry staff may also meet with non-governmental stakeholders to verify or extend any stakeholder consultations undertaken by the proponent.

When the reviews are completed and consolidated, the Ministry meets with the proponent to discuss the IEE Report and, if necessary, require that revisions or additions to the report be made before Environmental Approval is considered further.

Once it has accepted an IEE Report for review, the Ministry has a maximum of 21 business days in which to complete the first review, and a maximum of 14 business days for the review of each subsequent revision or addition to the report. If any of these deadlines are not met, the proponent has the right to submit a written complaint to the Minister, who must respond in writing within a week from receipt of the complaint.

When the Ministry's review is complete, the Ministry must attest that the IEE Report has been satisfactorily carried out and:

- i) Find that project changes and a revised IEE Report are required before Environmental Approval can be considered further; or
- ii) Grant Environmental Approval with, if necessary, conditions to be included in subsequent permits; or

- iii) Find that an EIA Report is required before Environmental Approval can be considered further.

The Minister determines what course to follow and advises the proponent and relevant permitting authorities accordingly.

### **2.3 Environmental Impact Assessment (EIA) Report**

Terms-of-reference (TOR) for an Environmental Impact Assessment (EIA) are prepared by the Ministry on the advice of the EA Committee, as required, and in consultation with a proponent. The Ministry may require a proponent to carry out scoping studies as part of TOR preparation. From the decision to require an EIA and following the completion of any required scoping studies, the Ministry shall have a maximum of 21 business days in which to prepare TOR. If this deadline is not met, the proponent has the right to submit a written complaint to the Minister, who must respond in writing within a week from receipt of the complaint.

The TOR specify the minimum scope of any study. The proponent is responsible for defining the full scope of the study and for justifying it in the EIA Report

Stakeholder consultation is mandatory when undertaking an EIA. In consultation with the proponent and the EA Committee, the Ministry determines what the minimum requirements for stakeholder consultation should be. It may be required during scoping and terms-of-reference preparation, and during the conduct of the EIA. At minimum, the proponent must meet with the principal stakeholders to inform them about the proposed project and to solicit their views about it. More problematic projects should involve more extensive consultations. The methods and results of these consultations must be documented in the EIA Report.

The proponent submits a draft EIA Report to the Ministry which conducts an initial, internal review to determine if the report contains the minimum requirements specified in the terms of reference. Once the Ministry is satisfied that the minimum requirements have been met, the proponent finalizes the EIA Report and the Ministry accepts it for review. The Ministry then conducts a detailed technical review of the report with the assistance of the EA Committee. Depending on the complexity and scope of the project, an independent consultant may be retained to review the report and advise the Ministry. The Ministry staff may also meet with non-governmental stakeholders to verify or extend the stakeholder consultations undertaken by the proponent. The Minister, or his deputy may, if it is considered warranted, require the proponent to hold stakeholder meetings on a project, chaired by the Ministry, to solicit further comment on it and on the EIA Report.

When the reviews are completed and consolidated, the Ministry meets with the proponent to discuss the EIA Report and, if necessary, require that revisions or additions to the report be made before Environmental Approval is considered further.

Once it has accepted an EIA Report for review, the Ministry has a maximum of 28 business days in which to complete the first review, and a maximum of 21 business days for the review of each subsequent revision or addition to the report. If any of these deadlines are not met, the proponent has the right to submit a written complaint to the Minister, who must respond in writing within a week from receipt of the complaint.

If stakeholder meetings are required to review the project and an EIA Report, the Minister may extend a review deadline to a maximum of 42 business days upon giving notice to the proponent, relevant permitting authorities, and affected parties.

When the Ministry's review is complete, the Ministry must attest that the EIA Report has been satisfactorily carried out and:

- i) Grant Environmental Approval with, if necessary, conditions to be included in subsequent permits; or
- ii) Withhold Environmental Approval since the project has unacceptable environmental impacts.

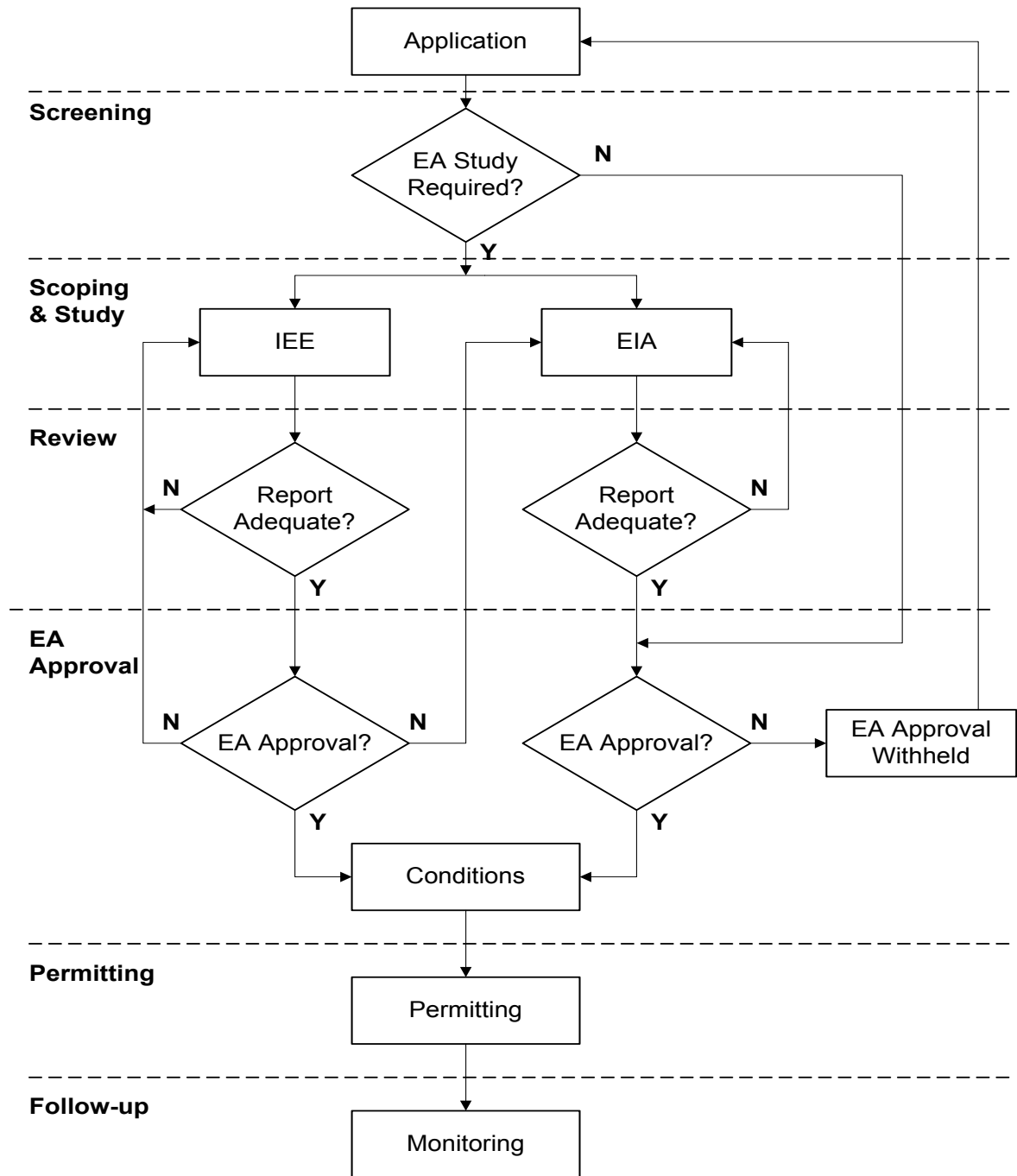
The Minister determines what course to follow and advises the proponent and relevant permitting authorities accordingly.

The proponent has the right to consider the reasons for the withholding of Environmental Approval, to redesign his project accordingly, and to submit a revised Application for Environmental Approval.

#### **2.4 Environmental Approval**

Without limiting its content, an Environmental Approval may specify:

- i) Required measures to mitigate adverse environmental impacts or capture potential environmental benefits, including a compliance schedule.
- ii) Measures that the proponent must implement in order to comply with relevant standards and requirements; and
- iii) Monitoring and reporting duties of the proponent.



**ANNEX 4:**

**INITIAL SCOPING OF EA REQUIREMENTS FOR PLANS AND PROGRAMS**

IEE and EIA procedures and reports are designed to deal with individual projects. By dealing with plans and programs, Strategic Environmental Assessment (SEA) is designed to address the cumulative and synergistic impacts of many projects in the same area. These types of impacts may be unavoidable at the project stage, and are more easily anticipated and avoided or mitigated at the preceding plan or program stage. SEA is most often used to guide public-sector decision-makers in the development of government plans and programs.

SEA may be used for plans and programs such as:

- a) Power generation and supply
- b) Solid waste management
- c) Transportation infrastructure development
- d) Tourism infrastructure development
- e) Parks and natural reserves development and management
- f) Development and management of industrial policy and estates
- g) Master plans
- h) Agricultural development programs



**ANNEX 5:**

**INITIAL SCOPING OF EA REQUIREMENTS FOR EXISTING PROJECTS (ENVIRONMENTAL AUDITS)**

Most of the developments that have been carried out in Palestine were prepared and implemented without any environmental considerations. Some of these developments receive public complaints and have significant environmental impacts.

Environmental auditing has been designed to deal with such existing development. Its aim is to mitigate negative environmental impacts through evaluating their environmental management and performance. An environmental audit is prepared by the owner or operator of the development activity, and focuses on mitigation measures for existing environmental impacts to comply with relevant environmental standards and regulations.

Decisions resulting from an Environmental Audit Report can include:

- i) Suspension of the permit for the development activity by the permitting authority until specified measures are implemented;
- ii) Agreement on conditions that will be applied to the development activity, including a plan of implementation; or
- iii) Exemption of the development activity from further compliance with the EA Policy.

Implementation of agreed upon terms and conditions should follow a specified time schedule, and requires continuous follow-up and evaluation.