Palestinian Territories

EIA profile

Updated to: 26 September 2013

Screening

Screening process

Screening is a required step of the EIA process. The Environmental Quality Authority (previously the Ministry of Environmental Affairs) takes the screening decision with the assistance of the Environmental Assessment Committee.

Different screening procedures are applied for different types of projects.

The Annex 1 of the Environmental Assessment Policy (2000) contains a list of types of major proposed development projects for which a full EIA is mandatory (without thresholds). For these projects, the proponent must first obtain approval from the appropriate Ministry or Local Planning Committee. Then, the proponent submits an Application for Environmental Approval to the Environmental Quality Authority (previously the Ministry of Environmental Affairs). The Authority will notify appropriate permitting autorities that an EIA is required. Extensions or additions for these types of projects have to be screened for the need for IEE or EIA studies.

For project types that are not listed in Annex 1, the screening decision on whether or not an IEE or EIA must be conducted is based on screening criteria listed in Annex 2 of the Policy. For such projects, the proponent submits the Application for Environmental Approval to the appropriate permitting authorities. These authorities then refer it to the Environmental Quality Authority. The Authority then decides on the need for further study of the activities and the level of detail of the study. It decides whether or not an Environmental Approval can will be granted and if so under which conditions, or if an EIA report or and Initial Environmental Evaluation report is required.

The policy also applies to projects that already existed before the legislation was put in place. Annex 5 specifies that environmental auditing is designed to deal with such existing developments.

Sensitive areas

The location of the development activity in or near sensitive areas such as natural reserves, wetlands, or registered archeological and cultural sites is listed as a screening criteria in Annex 2 of the Enviornmental Assessment Policy.

Contents of the starting document

Annex 3 of the Environmental Assessment Policy specifies that the Application for Environmental Approval document, on which the screening decision is based, shall provide a basic description of the proposed project. If the project type is not listed in Annex 1 (for those types an EIA is mandatory), a screening decision is taken based on screening criteria. If this is the case, the Application for Environmental Approval should contain sufficient information to allow the project to be screened according to the defined criteria.

Finally, the document should also list information regarding environmental and other permits that must be obtained and complied with. It should indicate how expected conditions of these permits will be fullfilled and include a signed statement by the proponent that these conditions will be fullfilled.

Timeline Screening

The Environmental Quality Authority (previously the Ministry of Environmental Affairs) has 14 working days to take the screening decision after it has considered the Application for Environmental Approval to be complete.

Scoping

Scoping process

In Annex 3 of the Environmental Assessment Policy it is stipulated that Terms of Reference are defined for any Initial Environmental Evaluation report or an EIA report. However, scoping studies to prepare for the formulation of these Terms of Reference are merely required by for certain projects as decided by the Environmental Quality Authority (previously the Ministry of Environmental Affairs).

The main outcome of the Scoping process are the Terms of References of an Initial Environmental Evaluation report or an EIA report. According to the Environmental Assessment Policy, they specify the minimum scope of any study. In the Palestinian Territories, the Environmental Quality Authority is responsible for defining and approving the Terms of Reference. This is done on the advice of the Environmental Assessment Committee and in consultation with the proponent. As part of the Terms of Reference preparation, the Environmental Quality Authority may require the proponent to carry out scoping studies. Scoping studies thus are not done for each project, but for selected ones. The EA guidelines provide generic Terms of Reference for EIA reports and for Initial Environmental Evaluation reports.

Contents of the scoping document

The policy does not prescribe any specific requirements for the content of a potential scoping report or the Terms of Reference, but EA guidelines provide generic Terms of Reference.

Timeline scoping

The policy does not prescribe any specific requirements for the content of a potential scoping report or the Terms of Reference, but EA guidelines provide generic Terms of Reference.

Assessment

Assessment process

The EIA is conducted by the proponent. Stakeholder consultations may be required for it. Concerning the methods for writing an EIA report, sufficient surveys and fieldwork to adequately study and analyze the issues to be addressed as defined in the Terms of Reference have to be carried out. EA guidelines further give an introductionto environmental assessment methods.

The assessment covers environmental, social, cultural, economic and transboundary impacts of the

project.

source

EIA policy (1999) Annex 3

Contents of the EIA report

As prescriped in Annex 3 of the Environmental Assessment Policy, the EIA reports describes the environmental planning of the project as well as the incorporated mitigation measures for adverse impacts and measures to capture potential benefits. Furthermore, the EIA report ought to include an analysis of the severity and significance of impacts. This especially accounts for impacts on individuals and communities that are directly affected by the proejct. Moreover, methods and results of stakeholder consultations have to be documented in the EIA report. Finally, a environmental monitoring and management plans has to be provided. According to El-Fadel & El-Fadl (2004), the requirements for report content are incomplete.

source

El-Fadl K & El-Fadel M., 2004. Comparative assessment of EIA systems in MENA countries : challenges and prospects. Environmental Impact Assessment Review 24 (2004), 553-593.

Review

Review process

The review process of the EIA report takes place in two stages. After a first draft report is submitted to the Environmental Quality Authority (previously the Ministry of Environmental Affairs), it conducts an initial, internal review. During this process, it is determined whether the report contains the minimum requirements as defined in the Terms of Reference. Once the Authority is satisfied, the proponent finalizes the EIA report. The Authority then conducts a detailed technical review with the assistance of the Environmental Assessment Committee. Procedures and criteria for the review process of the EIA report are specified in EA guidelines. Thereafter, the Authority meets with the proponent to discuss the EIA report. They then communicate their decision on whether the report has to be revised or additons have to be made, or whether the Environmental Approval is granted.

During the review process, the Authority may also meet with non-governmental stakeholders to verify or extend the information revealed by the stakeholder consultations that had been conducted by the proponent. The head of the Environmental Quality Authority or his deputy may also require the proponent to hold stakeholder meetings.

The policy does not mention that the review results have to be documented.

source

EIA policy (1999) Annex 3

Review expertise

Through the Environmental Assessment Committee, relevant expertise from within the government can be involved in the review process.

Depending on the complexity and scope of the project, an independent consultant may be retained to

advise the Environmental Quality Authority (previously the Ministry of Environmental Affairs).

Timeline Review

Once the Environmental Quality Authority (previously the Ministry of Environmental Affairs) has accepted the EIA report for review, it has a maximum of 28 working dates to complete the detailed review process. If stakeholder meetings are required the review deadline can be extended to a maximum of 42 working days. A review process of any potential revision or addition to the report can take a maximum of 21 working days.

source

EIA policy (1999) Annex 3

Decision making

Integration of ESIA into decision-making

EIA supports the decision on whether an environmental approval is issued or not, which is again needed for obtaining a project approval licence from the appropriate sectoral ministry.

On the basis of the EIA report, The Environmental Quality Authority (previously the Ministry of Environmental Affairs) decides if an Environmental Approval is issued for a project. This environmental approval is linked to project approval decisions, as the Environmental Law states that licences for projects are not allowed to be issued or renewed unless an environmental approval has been obtained. The Authority is assisted by the Environmental Assessment Committee.

An Environmental Approval may include permit conditions. It may specify required mitigation measures including a compliance schedule, measures that need to be implemented for complying with relevant standards and requirements and monitoring and reporting duties of the proponent.

source

METAP, 2000. Evaluation and future development of the EIA system in the Palestinian Authority. METAP EIA institutional strengthening project. EIA policy (1999)

Decision justification

The policy states that the EIA report is used as a basis for determining whether or not an Environmental Approval is granted and, if so, under what conditions. It does not state that in the Environmental Approval a direct link has to be made to the EIA report, but it suggests that the report should mention mitigation measures on adverse environmental impacts.

Timeline decision-making

Not specified

Possibilities for appeal

The Environmental Assessment Policy does not provide EA-specific information regarding the possibilities

for appeal, it merely states that objections to environmental assessment decisions shall be made according to the provisions of related laws and regulations. According to the Environmental Law, the proponent has the possibility to impeach the decision of revoking or suspending the licence of a project that violates the environmental conditions required for granting the licence before a specialised court.

Follow-up

Compliance monitoring

The Palestinian Environmental Law and the Environmental Assessment Policy require monitoring activities on compliance regarding EA through self-monitoring operations of the proponent but also through the Environmental Quality Authority (previously the Ministry of Environmental Affairs).

Non-compliance penalties

In Article 55 of the Environmental Law it is determined that a license can be permanently revoked or temporarily suspended by the specialized agency if the project violates the environmental conditions required for granting the licence. Further any facility owner or operator that provides incorrect or missleading information regarding the environmental aspects of the facility can be penalized by imprisonnement and has to pay a fee.

Stakeholder engagement

Public participation requirements for ESIA process stages

The Environmental Assessment Policy implies that stakeholder consultations may be required during the scoping stage and during the conduct of Environmental Impact Assessments.

The Environmental Quality Authority determines, in consultation with the proponent and the Environmental Assessment Committee, the minimum requirements for the stakeholder consultations. The consultation is done by the proponents. At minimum, the proponent has to inform the principal stakeholders regarding the proposed project and to solicit their views about it.

Access to information

Article 8 (4) determines that Initial Environmental Evaluation and Environmental Impact Assessment should be made available to the public by the proponent for stakeholder review as specified by the Environmental Quality Authority (previously the Ministry of Environmental Affairs).

ESIA practice

Background information

History of ESIA

The Oslo I Accord (1993) and Oslo II Accord (1995) between Palestine and Israel addressed enviornmental issues. In 1993, a draft environmental law was prepared that dealt with environmental impact assessments, licensing of regulated facilities ect. In 1999 and 2000, the Environmental Law as well as an Environmental Assessment Policy were launched.

Since EA has been brought into the legal framework of Palestine, its central authority has changes. In 1998, the Ministry of Environmental Affairs (MENA) was formed and responsible for any issues on EA. Thereafter in 2002, the Ministry was replaced by the Environmental Quality Authority who now is the central EIA authority.

source

Amra Z, 1998. The development of the Palestinian environmental law and legal advocacy. The Palestinian environment ? a new start. http://www.pij.org/details.php?id=426

Legal framework

Enabling law

The Palestinian Environmental Law (1999) introduces EIA into legislation. It determines that norms, rules and procedures shall be set for EIA.

National detailed regulation

The Environmental Assessment Policy (1999)

Guidelines

Guidelines for environmental assessment have been prepared parallel with drafting the EIA policy. They cover the following:

- How to prepare EA submissions including a detailed description of the general requirements for these submissions and main elements of EA reports.
- Guidelines for consultation of the public.
- Environmental management plans.
- Procedures and general review criteria for reviewing EIA reports.
- Generic Terms of Reference for IEE studies.
- Generic Terms of Reference for EIA studies.
- An introduction to environmental assessment methods.

In 2000, MENA was preparing guidelines for EIA's of design and management of quarries and stone crushing plants. It is not confirmed if they have been finalized.

source

METAP, 2000. Evaluation and future development of the EIA system in the Palestinian Authority. METAP EIA institutional strengthening project.

Scope of application

The Environmental Assessment Policy applies to private and public-sector projects (Art. 4). The legislation does not specify if international projects are also subject to EIA.

Institutional setting

Central ESIA authority

The central EA authority in the Palestine Territoires is the Environmental Quality Authority. It was established in 2002 as the successor of the Ministry of Environmental Affairs (MENA). During this institutional change, all the functions, responsibilities and authorities of the former ministry were transferred to the Enviornmental Quality Authority. As the Environmental Law (1999) and the Policy on Environmental Assessment (2000) were formulated previously to the change in central EA authority, they refer to the Ministry.

Other key (governmental) parties

Article 6 of the Environmental Assessment Policy provides a framework for an Environmental Assessment Committee. This Committee is largely involved in all EIAs as it undertakes 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 of Environmental Affairs
5. Assist the Environmental Quality Authority (previously the Ministry of Environmental Affairs) to ensure compliance of projects with Environmental Approval conditions

The Committe is established with members from the following governmental agencies:

1. Environmental Quality Authority (previously the Ministry of Environmental Affairs)
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 Antiquites
8. Ministry of Planning (previously the Ministry of Planning and International Cooperation)
9. Palestinian Water Authority
10. Palestinian Energy Authority

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

(De)centralisation of mandates

The EIA policy is administred through the Environmental Quality Authority (previously the Ministry of Environmental Affairs).It has two directorates, one in Ramallah reponsible for the West Bank activities and one in Gaza. Both take responsibilities for approval of development projects. Regional offices have also been established in Jenin, Hebron and Nablus.

source

METAP, 2000. Evaluation and future development of the EIA system in the Palestinian Authority. METAP EIA institutional strengthening project. El-Fadl K & El-Fadel M., 2004. Comparative assessment of EIA systems in MENA countries : challenges and pros

Payment system

When an EIA is required for a project, the Environmental Quality Authority (previously the Ministry of Environmental Affairs) can establish a fee that is equal to the costs incurred by the National Authority to review and consider the Environmental Approval of a project.

Contact

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