

THE MEDITERRANEAN COAST

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Introduction

This chapter discusses Israel's Mediterranean coastal strip, which extends for 190 kms and is subject to intense competition over land use as well as massive development pressures. The decade that has passed since the Rio convention in 1992 has been perhaps the most strenuous for Israel's Mediterranean coast. During this period, and especially at its outset, an unprecedented surge in development began along the coast. This accelerated development was as far removed from the notion of sustainable development as could be imagined. In the last few years, in the wake of a far-reaching public and legal campaign led by the environmental organizations and the Environment Ministry against these trends, a transformation can be discerned in the attitude of the decision-makers and the public towards coastal development. However, there is still a significant gap between recent declarations about a progressive approach to coastal development and reality, which shows little proof of progress in anchoring these intentions in statutory or legally binding instruments.

Changing the current situation and reversing the anticipated trends will demand simultaneous action along a number of lines: protective legislation; increased enforcement and application of the established policy in relation to Israel's coastal stretch.

Description of the current situation

This document relates solely to the coastal region. Since the accumulation of pressures on the coast has increased substantially in the past decade, activists' efforts have naturally been geared mostly toward this sphere. The sea region, on the other hand, although it too is threatened, has experienced a general tendency towards improvement in the past years.

When one considers the existing condition of Israel's Mediterranean coastal stretch, the need to apply the concept of sustainable development gains increased validity. This coast extends for only 190 kms, and one-quarter of it is already occupied by infrastructure and military facilities, and is hence closed to the public. The remaining 150 kms is subject to intense competition over different land-uses, and subsequently the stress on this coastal region is extreme. The extent of development planned along the coast is expected to amplify: another 40 kms. of coastal stretch is designated for building; six additional marinas are at various stages of planning; a long line of resort villages planned along the coast threaten the continuity of open spaces along the coast; and large-scale infrastructure projects are in the planning process, including desalination plants, a power station, a marine network for the transportation and supply of gas, and the construction of an artificial island as an airport. The ever-increasing pressure on the coastal strip is largely tied to the rise in population, as evidenced by calculations which show that today only 2.5 cms of coastal strip per resident remain, as opposed to a 31 cms of strip per resident 50 years ago, at the time of the State's establishment.

The current picture points to the discrepancy between the progressive-sounding declarations relating to the coastal strip, and the fact that no binding legal or statutory ground for such declarations exists, as will be outlined below. The principles of sustainable development along the coast are advocated across almost every platform, and yet the planning institutions and governmental authorities continue to promote and to approve plans that contradict these very principles. Among the primary reasons for this is the fact that the coastal strip is viewed by various agents (the government among them) primarily as an economic resource, and not as a natural and public resource.

In one of the decisions given this past year, the Israeli Supreme Court addressed the state of Israel's shores, in a statement which accurately reflects reality: "We have only to add that in our present situation the question of coastal preservation and access to the shoreline gains increased importance in light of the need to preserve what little is left of the nation's coasts, which have quickly become a scarce and over-exploited resource, and not always for the benefit of the general public."

Nevertheless, the current situation also indicates that the trends of intensified and unchecked development that characterized the early 1990s, and which will be delineated further on, have been considerably curbed. At the same time, planning for most of the coastal territory has been revised in

ways that embrace both the positive and negative possibilities of development.

Background on the past ten years

Today, the primary means for protecting the coasts is through the National Outline Plan for the Mediterranean Coasts (NOP 13), which designates land-uses, and specifies what is allowed or prohibited along the coastal strip. This plan, which was approved 20 years ago, embodies a correct approach to development.

Attempts on behalf of the Environment Ministry during the 1990s to update the plan (NPP 13C) and to bolster its environmental underpinnings did not succeed and were not fulfilled, so that this plan, which had already come a long way, is now slowly receding into oblivion. Its potential contribution currently receives only indirect expression, primarily among those who were responsible for drafting it.

A policy document regarding Israel's coastal waters was prepared towards the end of the 1990s and approved in 1999 by the National Council for Planning and Construction—Israel's uppermost planning institution. The policy document, which was prepared by a broad interdisciplinary committee of experts and coordinated by the Ministry of the Interior, undoubtedly represents a step forward in respect to the treatment of the coast as a natural and public resource. The document speaks in favor of integrated management for sustainable development and details the necessary action in each and every field. It defines a long list of principles whose application will allow development alongside preservation of both natural resources as well as the public's rights to the coast.

However, and this is the central point, this document lacks any kind of statutory, legal or binding authority, and therefore the true test is in the application of its recommendations. In actuality, very few of the recommendations have received any kind of attention at all and even fewer have been realized or put into action.

In order to substantiate the change in approach towards the coastal territory and in order to strengthen protection of the coast from heavy development pressures, the Environment Ministry has drafted a bill for the "Protection of the Coastal Environment." This proposal, however, has been shuttled from one government office to another for three years now and at

present no end can be seen to this deferment. The result is the discrepancy mentioned earlier between theory and practice.

Examining the current state of affairs allows for a rough division of the decade since the Rio convention into two periods. The first half of the decade was characterized by extremely accelerated development along the coastal line which had nothing in common with the principles of sustainable development, social justice, preservation of natural and landscape values, and so on. There was one catalyst for this accelerated development—real estate. The rising land value of the coastal strip along with rapid growth led to heavy strains on the coastal region. Examples are numerous, and we will highlight the foremost among them:

Development of new marinas, e.g. the Herzliya Marina: At the outset of the 1990s there began a wave of marina developments that were ostensibly a response to demand for anchoring sites, and designed to serve as tourist attractions. However, upon scrutiny, the case of the Herzliya marina shows that the occupancy of anchoring spots is less than 50% and that all the hotels planned in the project were transformed during the promotion period into private holiday apartments for the wealthy. This state of affairs, typical of other marinas as well, suggests that the true reasons for the development of the marinas were not those declared at the outset but rather the opportunity that “arose” for developers to sell luxury apartments on the coastline. In addition, the project was executed by private entrepreneurs who built the public infrastructure in exchange for dried land for marketing. This system, in which the state is involved only in the planning stages, led to a series of violations whose motivation was to increase the developers’ profits at the expense of the public good, and in some of the cases legal proceedings are pending.



Herzliya Marina

Housing development in the guise of tourist development, e.g. the Carmel Beach Towers: The phenomenon of housing development disguised as tourism projects, evident in the previous example as well, proceeded throughout the 1990s along the entire coastline in a series of projects. The most outstanding project, in several respects, is the Carmel Beach Towers in Haifa. This development was built on the Haifa coastline on land that was designated in NOP 13 for hotels and recreation. In reality, when the project entered the marketing stage, it was revealed that the hotel units were being sold as holiday apartments for private residency. When it became evident that the government bodies with a hand in the matter, such as the Ministry of the Interior, the Ministry of Tourism, the Israel Land Authority and the local authorities were keeping silent, a petition was filed at the Supreme Court by the environmental organizations. This petition was recently heard by the Court, which judged that one of the goals of NOP 13 had been to prevent private residency along the coast. Consequently, all further marketing for such purposes was prohibited. Legal decisions in a similar spirit had already been given in preceding years, but not in a court such a high-level court.



Carmel Beach Towers

Destruction of the coast and cliffs, e.g., the Ashkelon beaches: Because coastal currents traveling from south to north are the primary source of sand replenishing Israel's beaches, every marine construction creates an obstruction to this flow of sand. The largest such constructions erected in the last decade are the three marinas in the cities of Herzeliya, Ashkelon, and Ashdod. Although the complex modeling that was used during the planning stages of the Ashkelon marina predicted that damage to the coast would be minimal, in reality the coastal strip to the north of the marina has diminished by more than 50%, and the cliffs along the coast are deteriorating. This coastal strip lies in the 'shadow' of the marina and the supply of sand to it has therefore almost completely ceased. As a result, the coastal strip has narrowed and protection of the cliffs has been impaired, causing accelerating the deterioration of the cliffs. Attempts to obligate the local authorities or the developers to restore the damage have been fruitless.

Fencing of the coast and obstruction of free passage, e.g., the Nitzanim Beach: Despite the fact that the right to free passage along the coast is mentioned in several documents, in reality one meets a trend of closing off beaches for events, in addition to those closed for security or military purposes. Nitzanim beach, for example, one of the most popular open beaches in Israel, has transformed in the past two years into a giant event park in which sections of the beach are closed off to the general public during private functions of different kinds (weddings, trade union gatherings, parties, etc.). This phenomenon of appropriation of the coast by developers has not met with any opposition from state authorities.

Automobile use on the coast: With the rise in standard of living and the increase of off-road vehicles in Israel, the trend of driving cars along the beach has become a national scourge, and a source of injury to both the bathers and the natural coastal territory. In 1997, the Israeli government approved a bill to prohibit automobile use on the coast. However, to date, the local authorities have not taken the trouble to enforce the law. In response to a petition filed by a private lawyer, a number of measures were taken, but with the withdrawal of the petition matters reverted to their previous state and the off-road vehicles continue to destroy the coast.

Protection of the natural value of the coast: The most effective protection of the coastal environment is achieved by formally declaring the area a nature reserve. In reality, although 20 reserves along 42 kilometers of beach have been defined by the Nature and Parks Authority as worthy of protection and were nominated as nature reserves, only six kilometers have been declared. The state of marine reserves is even more severe. The

primary reason for this is the refusal of local and state authorities to declare territories in their jurisdiction as nature reserves.

Nevertheless, in the second half of the last decade, over the past few years, there has been a certain change in attitude and awareness in relation to the coastal environment. The drive for development, depicted above, has for the most part been curbed, and the position of decision-makers and the public in relation to the coast has begun to undergo a process of transformation. Of late, it is possible to recognize this progress among professional decision-makers at the highest echelons. It is difficult to say the same for decision-makers on the local level, or even on the political level. The primary reasons for this change can be traced to a number of factors that collectively contributed to it: the negative impression created by the projects built along the coast, the stubborn campaign against them led by the environmental organizations, and the enlistment of the Environment Ministry in this campaign.

Has the government fulfilled its obligations, and if so how?

As a signatory to Agenda 21, the Israeli government has committed itself to a plan of integrated and sustainable management of the coastal area, both on the level of policy and on the level of implementation. The immediate outcome was to be the creation of a designated body or authority to enforce the policy on the local and national level.

On the national level, the statutory basis provided by NOP 13 at the beginning of the 1980s was expanded at the end of the 1990s into an inclusive and wide-ranging policy regarding the coastal complex. The policy document regarding Israel's coastal territory was drafted primarily by state authorities, and clearly reflects an overall sustainable vision of coastal protection and development, even in relation to the policy guidelines set out in Agenda 21.

However, to a large extent this policy document arrived too late—after many new realities had already materialized “on the ground.” More importantly, it has no statutory or legal standing that might affect future development.

The Israeli government did not act upon Agenda 21's recommendation to create the necessary apparatus for integrated and sustainable coastal management, either at the national level and certainly not at the local level. Nor does government policy anywhere reflect a key topic emphasized in Agenda 21—education—in particular, education for the sustainable development of coasts.

In actual fact, the state authorities were not capable of resisting the extreme pressures from developers, who succeeded in advancing their own interests. They did this, on the one hand, by taking advantage of gaps and oversights in the NOP 13, and on the other hand, because of lack of scrutiny and enforcement on the part of the government. This incompetence in protecting the country's coastal resource is expressed in the State Comptroller's Report No. 49 (1998), which stated that the program: "established principles for development of the coast and for the creation of tourism and recreation centers for the general public, alongside assurances of the protection of the coast's natural resources. It was found that the program failed in protecting these resources."

Not only did the relevant governmental ministries fold under the development pressures they faced, they also failed to recognize the focal problems in time and to take action accordingly. The planning institutions and the government agencies are in fact responsible for neutralizing the National Outline Plan for Coasts, by allowing developers and local authorities to bypass it, thereby voiding it of content and lending a hand to the unbridled and destructive development along the coast. The government authorities were not vigilant about enforcing the law, nor did they outline and implement a policy that would protect the public's rights on the coast or the coast's natural resources, as the examples in the previous section have clearly demonstrated.

Only in the past few years, as described above, is it possible to point to some kind of progress. This progress is most evident in the Environment Ministry, which has harnessed itself to the campaign begun by the environmental organizations. Certain progress, although less dramatic, can be discerned within the Ministry of the Interior, which has begun to understand the need for controlled development of the limited and essential resource that is the coast.

What have the environmental organizations done?

In the mid-1990s, Israel's environmental organizations recognized the trends and threats overshadowing Israel's Mediterranean coasts as a result of accelerated development. The response to this was a concentration of effort in the realm of planning and construction by means of wide-ranging activity, consisting primarily of:

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- Public campaigns against projects which were in the process of construction along the coast. These campaigns succeeded in undermining the projects on the one hand, and in increasing public awareness of the problem on the other.
- Legal campaigns against a series of projects along the coast, which were built for private residences, although they were originally intended for tourism. These campaigns led to a series of important rulings in the courts, which accepted the petitions and spoke out against the infringement of the public's rights to the coast.
- Far-reaching planning activity, which led to a high level of specialization. This allowed for successful deliberation in the planning institutions and led to the rejection of certain plans.
- Generation of professional reports and opinion documents that were acknowledged by decision-makers and contributed to a change in position, of both the decision-makers and of the general public.

Parallel to the various channels of activity, wide-ranging public and media activity was undertaken year-round by the environmental organizations, preventing the issue from disappearing from the public agenda, and allowing it to penetrate the public's awareness and bring about change.

In addition to local campaigns, the environmental organizations are privately advancing a bill in parliament for the protection of the Mediterranean coast, by means of a coalition of 20 organizations called the Coastal Organization Forum. The bill deals with a long series of issues and is based on the need for sustainable development along the coast and the protection of public rights. The bill has passed a preliminary reading in parliament and is in preparation for a first reading.

Recommendations for change

- Change in the current situation can be brought about in the long term by means of education that will engender a significant change in attitudes. However, the complex of pressures threatening the Mediterranean coasts also demands an immediate response. The most rapid and most significant change can be achieved by means of clear, comprehensive and effective legislation, which will be readily enforced. This would follow in the footsteps of many countries that are endowed with a much longer coastline than Israel but have still found reason to

legislate laws to protect their coasts. It is therefore essential that the government recognize the urgency of this legislation. Only recognition of this type will prevent the government from placing obstacles in the way of policy implementation, and will allow it to resist the pressures of economic players and of local governments.

- Change can also be brought about by means of increased enforcement. In recent years the environmental organizations have filled the void in this area and have often pursued legal avenues of action. But the correct and appropriate way is for the government bodies responsible for enforcement to faithfully carry out their job, even if it means changing priorities and investing resources.
- Implementation of the Coastal Policy Document for Israel in which tremendous effort was invested. The document was adopted by the National Committee for Planning and Construction and all that remains now is to carry out its recommendations. The government can call for implementation of the policy at different levels and can actively work to this end.
- It is useful to expose decision-makers to action that has been taken around the world in relation to coastal issues. The abundant and wide-ranging activity of Western countries can influence Israel's decision-makers directly or indirectly.
- The proposal to establish a coastal and river authority, which is currently being kicked about in the Environment Ministry, should be considered. However, the fear is that the establishment of a limited authority without all the requisite capacities, which are currently dispersed, is likely to complicate the system even further, and to come at the expense of other objectives, such as the promotion of the coastal legislation.
 - It is necessary to consolidate and strengthen the authority of the Environment Ministry so that it can operate more effectively, both on the level of integrating principles of sustainable coastal development, and on the level of enforcement and administration of penalties.