

PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY AND DECISION- MAKING FOR SUSTAINABLE DEVELOPMENT

Alona Vardi,

*SHATIL, the New Israel Fund's Empowerment and Training and Center, and
the Coalition for Public Participation in Planning*

Naomi Tsur

*Sustainable Jerusalem Coalition and the Society for the Protection of Nature
in Israel*

This chapter deals with the manner and degree of public participation in the formulation of policy and decision-making for sustainable development in Israel. Beginning with a survey of the relevant sections of Agenda 21, it goes on to describe the current situation in Israel and the development of the environmental movement since the Earth Summit in Rio. In the next section, we examine the government's activity—which unfortunately has been focussed on reducing the degree of inclusion of non-governmental organizations (NGOs) in these processes. The chapter ends with policy recommendations to the government and suggestions for action to NGOs.

Background

Agenda 21 highlights the importance and contribution of NGOs in the development, design and implementation of sustainable policy. The Agenda in fact states that the NGOs' status must be strengthened for them to become strong partners with the capacity to form and implement sustainable development policy.

Among other things, in the chapter entitled "Strengthening the role of Non-Governmental Organizations: Partners for Sustainable Development Programme Area," the Agenda notes the following policy guidelines:

Non-governmental organizations play a vital role in the shaping and implementation of participatory democracy... Formal and informal orga-

nizations, as well as grass-roots movements, should be recognized as partners in the implementation of Agenda 21.

The Agenda recognizes that NGOs often possess experience and expertise which are vital for the implementation of environmentally sound and socially responsible sustainable development. These assets can be fully realized only if there is effective communication and cooperation between governmental authorities and voluntary organizations. This cooperation should in turn be supported by institutions mandated, and programs expressly designed to carry out Agenda 21.

On a more practical level, Agenda 21 recommends that governments take measures which focus on the establishment or enhancement of dialogue with NGOs, and on the encouragement of partnerships and dialogue between NGOs and local authorities concerning sustainable development issues. It is the government's responsibility to involve NGOs in national mechanisms and procedures for carrying out Agenda 21, with a focus on education, poverty alleviation, and environmental protection. Instrumental to these processes is that data and information are made accessible to NGOs, so that they can effectively contribute to the research, design, evaluation and implementation of programs.

As for the execution, the Agenda recommends concrete action:

Governments will need to promulgate or strengthen... any legislative measures necessary to enable the establishment by non-governmental organizations of consultative groups, and to ensure the right of non-governmental organizations to protect the public interest through legal action.

The environmental movement in Israel—a decade of development since the Earth Summit

The decade since the Rio Earth Summit has seen a significant development in Israel of organizations for social change in general, and of the environmental movement in particular. Whereas, in the early 1990s, the number of Israeli environmental organizations could be counted on one hand, currently over one hundred NGOs are active in Israel either on a national or a local level. These range from local action committees working on issues relating to their immediate environment, to community organizations and regional action networks, as well as national organizations dealing with development and environmental policy (relating to open spaces, water, air, transportation, the coastline). Interests also emerging are environmental education and development of environmental leadership.

This rapid and massive development can be attributed to two factors: the rapid rise in population which began following the large immigration wave from the former Soviet Union and the development of Israeli civil society. Many environmental organizations, particularly the local ones, arose as a reaction to destructive development enterprises, eradication of open spaces and coastal areas, air, water and land pollution, and the environmental discrimination of groups and sectors far from the society's centers of power. In their day-to-day work, these organizations are trying to promote sustainable agendas and solutions to Israeli society's growing needs.

Government activity—no tools for public participation in sustainable development

Agenda 21 recognizes the knowledge, experience and capability that NGOs have to offer in designing and realizing sustainable development policy, while at the same time it appreciates their contribution to democratic processes in general. Unfortunately, Israel's government does not share this opinion as to the role and capacity of NGOs to participate in processes that determine policies and make decisions.

In contrast to the democratic development and vibrant dynamism among social and environmental NGOs, it seems that the Israeli government does not view these organizations as allies for sustainable development. Contrary to its commitments in Agenda 21, the government does not encourage or coordinate dialogue between NGOs and government authorities in order to make intelligent use of the former's knowledge and capabilities. Moreover, the government creates obstacles to transparency of information, and the limitations of the existing planning process impede access to justice. Worst of all, various Israeli governments have enacted legislation which reduces the ability of the public and of civil organizations to exercise influence and to be a part of policy-making. Again, these actions are in flagrant contradiction of the Israeli Government's commitment to promoting legislation to assist NGOs' participation in these processes.

Existing laws, for the most part, address neither the issue of public participation nor that of NGO input, providing at best only a partial solution. The following examples are illustrative:

- The Planning and Building Law, 1965, regulates issues of development, planning and construction by balancing the public interest with the private interests of property owners. To this end, the law grants the public the right to object to a plan. Regrettably, though, this

standing, which is granted to the public, assures that residents who wish to influence the environment in which they live are negatively stereotyped, so that they are seen as “nuisances,” as “contrary,” and are labeled as “objecting to every development plan,” etc. The very establishment of the public’s role in the planning process as that of objector precludes their constructive involvement and turns them into a negative and protracting factor in what is otherwise perceived as a positive process.

- Another central issue is the insufficient manner in which planning information is presented to the public. Since the public’s role is currently cast as “objector,” fair and proper publication of submitted plans would only facilitate it in fulfilling this negative role. Even so, in the current state of affairs, anyone who is not specifically trained to decipher the planning committees’ miniature announcements in the newspapers, would in any event never learn about plans in the pipeline that might affect him or her immediately. Furthermore, the reality of the legal system often dictates that only citizens who are able to invest considerable finances in professional consultations and legal representation enjoy a chance of affecting construction plans. Even these interventions which, due to the law’s limitations, always come too late, are unable to substantially alter the proposed plan.

Another obstacle facing resident groups is the absence of appropriate representation on the planning and building committees.

- With the exception of one slot allocated for an environmental NGO representative in the National Council for Building and Planning, there is no NGO representation in government committees that make decisions in the fields of environment and development. Nor is there any consultation process with these groups. Committees that make decisions about prevention of sea pollution, river management, experiments on animals and so on, operate without any public representation.

In addition, Israel’s various governments have reduced the (already narrow) place of NGOs in the policy and decision-making systems. Two main examples should be noted:

- In the early 1990s, “Committees for Residential Development” were set up in order to meet the large residential needs of the new immigrants. The goal set for the committees (which were established through emergency legislation) was to shorten the duration of the

deliberation and approval of building and development plans, with no checks or balances, and while depriving citizens of the right to have their objections heard. In many cases, this rapid approval process was used to advance plans which would not have been approved by the ordinary process. As a result, plans were approved which brought about massive environmental damage (such as the approval of plans for thousands of residential units without proper sewage solutions, or without an appropriate road system). Only a number of years later were the environmental organizations successful in bringing these committees' activity to an end.

- At the outset of 2002, the government revised the Planning and Building Law, and set up the "Planning and Building Committee for National Infrastructure." This committee's purpose is the rapid approval of development plans of the widest scope without any checks or balances (for power plants, desalination plants, national roadways, airports and so on). The resulting reality is one in which the larger the project and the more far-reaching its environmental and social impact, the shorter its approval processes. Through this process-shortening, environmental impact assessments have been utterly voided of content, and the ability of NGOs to be involved in or to influence policy-making has been severely curtailed.

Activities of non-governmental organizations

A survey of NGO activity reveals that they have been the main proponents and agents for the realization and implementation of the vision of Agenda 21. These organizations have often succeeded in influencing the Knesset (Israeli parliament) and the government to bring about a change in policy in the area of public participation. Although not exhaustive, the following section highlights several achievements of NGOs in recent years:

The Coalition for Freedom of Information was established by SHATIL in 1992 with the following goals:

- To pass a Freedom of Information Law in Israel, which would clearly state the public's right to obtain information from government offices and define clear criteria and procedures for obtaining information.
- To raise the awareness of the Israeli public and government about rights to freedom of information.

Among the members of the coalition were organizations dealing with human rights, minority rights, women's rights, the disabled, and the environment.

After an intensive, multi-year coalition effort, the Knesset passed the Freedom of Information Law in 1998, ensuring the rights of Israeli citizens to obtain information from the government. As of June 1999, local authorities that do not supply information must provide justification for their refusal, either to the person who made the request or to the court.

The Israel Union for Environmental Defense (IUED) has effectively addressed the need for greater transparency and public participation in planning through specific legal interventions. In 2001, for example, IUED petitioned Israel's High Court demanding that the Jewish National Fund adhere to open planning procedures in preparing its forestry activities, which have an enormous influence on the future of open spaces in Israel. Historically, the JNF has bypassed the normal planning process, basing its large-scale forestry activities on very general plans that have been approved by a closed government committee. The result has been that the public has had no opportunity to review forestry plans that, in many cases, have caused severe damage to the environment. The High Court's ruling declared that the JNF must cease functioning as "a state within a state," and must submit its forestry plans to the official planning committees for approval.

The Sustainable Jerusalem Coalition now has 45 member groups from all sectors of Jerusalem's multi-ethnic and socio-economically diverse public. Sustainable Jerusalem has its own civic and environmental vision, formulated by its member groups. The members of this coalition work together, both in opposing environmentally harmful planning development projects, and in creating sustainable planning guidelines for the future. In order to do this, Sustainable Jerusalem employs its own team of planners (Forum for the Future of Jerusalem), for whom the residents of the city are the clients. With Local Agenda 21 as its guiding light, thus far Sustainable Jerusalem has worked on an extra-municipal platform.

Haifa's Environmental Organizations: A coalition of the Society for the Protection of Nature in Israel, the Organization for Quality Planning and Development in Haifa and the Carmel Public Forum has initiated an alternative masterplan for the Carmel mountain range.

Ein Kerem Residents' Committee: The residents of Ein Kerem, the birthplace of John the Baptist near Jerusalem, have prepared an alternative masterplan for the village's entire landscape basin, out of a desire to

preserve the landscape, the environment and the site's historical and religious value. The plan is an attempt to prevent uncontrolled development.

The Green Forum for Quality of Life in Tel-Aviv: Coordinated by SPNI's Tel-Aviv Center for Environmental Action, the Green Forum is a coalition of 25 neighborhood organizations and 10 environmental NGOs based in Tel-Aviv. The Green Forum enables neighborhood representatives—who have no formal authority or municipal budgets—to make full use of their informal power as grassroots leaders to further a local environmental agenda and fight environmental battles. One of the major achievements of the forum was to break into what had been an exclusively professional area of transportation planning within the city government, so that members of the Tel-Aviv public have become empowered to influence the city's transportation policy.

The Coalition for Public Participation in Planning: Coordinated by SHATIL, this coalition promotes citizen involvement in the urban planning and development process. With 23 member organizations, this coalition is a unique cooperative effort on the part of environmental and social justice organizations to advocate for legislative change and raise awareness about the importance of public participation among citizens and planning professionals.

Besides their contribution to the strengthening of the movements for social change and the environment, these activities have led to a certain change in attitude among Israel's decision-makers. Thus, various government ministries (mainly in the planning field) are beginning to seek mechanisms and procedures for NGO and public participation. One indicator of the government's recognition of NGOs' increased strength can be found in its official report to the WSSD: the chapter dealing with strengthening the role of the NGOs includes no account of government activity aimed at achieving this goal, but rather only that of the environmental movement itself.

Notwithstanding the impressive achievement of the local and national NGOs, their actions and influence will be enhanced if they heed the following recommendations:

- invest in developing professionalism in their fields of activity;
- open additional modes of participation in their activities and expand representation to as many sectors as possible;

- work to build a dialogue with decision-makers in order to become a substantial part of the process of designing sustainable development policy.

Conclusion and recommendations

As described throughout this chapter, the professional capability and activity of environmental organizations in Israel has strengthened considerably over the last decade.

Unfortunately, these developments were in no way a result of the Israeli government's fulfillment of the obligations it took upon itself in Agenda 21, but rather, in most cases, despite or contrary to the government position.

We recommend that the Israeli Government:

- recognize the unique role and contribution of non-governmental organizations, and create informative, reciprocal and participatory procedures for these organizations in the formulation of policy and decision-making for sustainable development;
- immediately repeal legislation intended to advance plans that negate checks and balances, and which fail to provide a role for consultation and participation of NGOs;
- Sign and ratify the Aarhus convention for freedom of information, public participation and access to justice.