Israeli approach to public participation

public participation in large infrastructure/transport projects and policies

Bimkom, Planners for Planning Rights

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Israeli approach to public participation

1. Planning process in West Bank/Area C/Occupied Territories
2. Planning process in Israel
   a. Three tiered centralized system
      i. National Level
      ii. District Level
      iii. Local Level
   b. Public Participation/Objections
   c. Environmental Impact Assessment
3. Examples of objections to major infrastructure projects
   a. Beer Sheva-Dimona Rail Line
   b. Afula-Jenin Rail Line
4. Main challenges
5. Suggestions for improvements
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1. Planning process in West Bank/Area C/Occupied Territories

   a. Planning under military Civil Administration
   b. Separate planning system and rules for Settlements and Palestinians
   c. Military order for public participation
      i. Never implemented - Issue raised in each objection and have yet to receive sufficient explanation
2. Planning process in Israel

a. Three tiered centralized system
   1. National Level
      a. National Plan (Tama)
         a. No deposition and objection phase
         b. Only public recourse - court system
      2. Committee for Preferred Housing – “Fast track”
         a. Round table required “interested parties”
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2. Planning process in Israel
   a. Three tiered centralized system
      ii. District Level
         1. Public ‘participation’ only at objection stage of plan
      iii. Local Level
         1. Public ‘participation’ legally at objection stage of plan
         2. Depending on the locality, *may have some public participation prior to deposition*. But no regulations, mandates or criteria
2. Planning process in Israel
   b. Public Participation/Objections
   i. Approximately 20 public/professional bodies approved to submit objections
      1. Mainly environmental, industry and professional bodies
      2. Few representing vulnerable and disenfranchised groups
   ii. “Interested parties” can submit objections
      1. Usually require planner or lawyer to file on behalf
   iii. No law requiring public participation prior to deposition of plan
2. Planning process in Israel
   c. Environmental Impact Assessment
      i. Required in National plans, large scale national developments
      ii. Required in plans with obvious environmental risks (power station, airport, site for the treatment or disposal of hazardous waste)
      iii. Required in area with high environmental sensitivity due to natural or landscape resources
      iv. Raze and Rebuild/Urban Renewal is not required
      v. District committees have flexibility when determining which project require EIA
      vi. *The developer/authority filing the plan pay and submit the EIA and can decide which alternatives will be included in the EIA*
3. Examples of objections to major infrastructure projects:

a. Beer Sheva-Dimona Rail line
   i. Original plan for Beer Sheva-Eilat line canceled due to environmental issues (2014)
   ii. Plan of northern section deposited (10. 2020)
   iii. Objection filed by Bimkom and residents of seven Bedouin towns/villages (01.2021)
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3. Examples of Objections to major infrastructure projects: Beer Sheva-Dimona Rail line

- **a.** Ignored needs of six recognized Bedouin towns (population of 65,000)
- **b.** Ignored existence of five un‐recognized Bedouin villages (population of 20,000)
- **c.** Missed opportunity to recognize five villages (2 in process of recognition)
- **d.** No protection for unrecognized villages from hazardous materials

Bimkom suggested locations for stations servicing Bedouin population. Sources: Esri, USGS.
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3. Examples of Objections to major infrastructure projects: Beer Sheva-Dimona Rail line

- Imposed building restrictions detrimental to villages
- Closure of 70 roads leading to villages
- Delineated over 350 buildings for demolition

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Working Group of the Parties to the Aarhus Convention 26.0.2023
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3. Examples of Objections to major infrastructure projects: Beer Sheva-Dimona Rail line

i. All objections were rejected
   1. No alternative stations were advanced
   2. Villages are un-recognized and therefore “unlawful”

ii. Had effective public participation been employed at the screening and scoping stages perhaps the plan would have responded to the needs of all the communities in the region. Once the desired option was offered by decision makers, it was deemed too late for them to go back to the drawing board.

ii. Plan approved in 10.2021
3. Examples of Objections to major infrastructure projects:

a. Afula-Jenin Rail Line
   i. Rehab of outdated/unused rail line (built by Germany prior to WWI and used up until end of British mandate)
   ii. Plan located in Northern Israel adjacent to West Bank border
   iii. Plan includes rail station, transit shuttle station, cargo terminal and border terminal
3. Examples of Objections to major infrastructure projects: Afula-Jenin Rail Line

   iv. **Plan** adjacent to West Bank
       **Industrial park** in construction and
       **planned power station**

   v. **Plan** claimed to connect with **rail plan** in West Bank, never approved

   vi. Palestinian Authority has **different route** for continuation of the line
3. Examples of Objections to major infrastructure projects: Afula-Jenin Rail Line

vii. Objection filed by Bimkom and residents of Mukaibla (07.2021)
1. Damage to development of Mukaibla
2. Noise pollution and environmental issues, proximity to residential area
3. Damage to agricultural lands
4. Defects in procedures for examining alternatives
5. Disconnect between continuation of rail line in West Bank
3. Examples of Objections to major infrastructure projects: Afula-Jenin Rail Line

viii. Committee requested response from Rail Authority
i. Claimed only two alternatives were feasible due to hydrology issues
ix. Bimkom responded with professional opinion – an **alternative** better suited for village, future connection in West Bank and hydrology issues
x. As of 13.06.23 objection committee scheduled additional public discussion before coming to a decision
3. Examples of Objections to major infrastructure projects: Afula-Jenin Rail Line

c. Had effective public participation been employed at the screening and scoping stages perhaps the plan would have responded to the needs of Mukaibla and discovered the inconsistencies with plans and developments in the West Bank.
3. Main challenges
   a. Politicization of Planning
   b. Disfranchisement of large portions of vulnerable populations
   c. Planning data is available to public, but much is only understood by professionals
4. Suggestions for improvements

a. Passage of law to enforce Public Participation at early stages of planning process
b. EIA written by neutral third party
c. Plans and documents should be bilingual and include local language
d. Simplify submission of objections
e. Present planning information in clear, concise and non-technical language
f. Suggestions of best practices from convention members
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Thank You