

Public Participation in Environmental Decision Making Processes in
Israel and the Role of NGO's in Shaping the
Socio-Environmental Agenda¹

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1. Preface

Public Participation in decision making process, especially on environmental issues, considered to be in Israel far behind the western countries. The obligation in Israel of including the public participation in environmental issues is routed to the planning procedures solely. Large parts of the 'wide public" are almost totally excluded from decision making process.

The article presents the 'Forums' - a new initiative of meetings between the local population at the southern part of Israel, where the majority part of the Israel chemical

¹ Draft version

industries locate, with the factories executive directors - practically adding new dimension of acting participation in environmental decision making process. The analysis of the reported environmental transformations, following the establishment of the 'Forums', is presented from different potential stakeholders' views, and aimed to bring to the discussion the fundamental questions, which varied on different levels of practical, ethical and methodological aspects of Responsible Care. Few of the main questions are:

- Do the '*Environmental Responsibility*' and the '*Environmental dialogue*' have been two equal constituents of one equation? – with mutual linkages and shared goals of achieving environmental performances and improvement the quality of life of the local residents, as directed by local NGO in the south region, or should it caring via independent stages, as recommended by the Ministry of Environment in Israel. Or might it be the 'chicken and egg' question - Which came first?
- How do we estimate the contribution of the Forums, as public participation method, to any recent detected improvements on environmental performances by the industries?
- What is the role of NGO's in catalyzing policy for sustainable development, in practice, especially in the remote region as the desert area of the Negev?

2. Introduction

Public participation in social and environmental decision-making and implementation has become a cornerstone of social governance worldwide. Cited benefits of public participation include, beyond proven progress in different social-environmental parameters, improving the quality of decision-making and facilitating policy implementation (UNITAR, 2008)².

Yet, diverging perspectives and experiences exist on "How to best implement the concept in practice" as emerged from international level documents. The prominent and most affected are "Agenda 21", the World Summit on Sustainable Development, Johannesburg Plan of Implementation, The Europe Convention on Access to Information (UNECE), Public Participation in Decision-making and Access to Justice in Environmental Matters (Arhus Convention) that provide important driving forces for participatory in social-environmental governance.

² <http://www.unitar.org/environment>

2a. Frame of the discussion:

It is consensually prevailing that active participation in social-environmental governance has a socio-economic context and local capacities which essentially determine how civic participation can effectively contribute to good governance as well as to environmental and social sustainability.

The other aspect is, although the growing number worldwide in recent years of organizations, institutions and scholars conduct research on participatory environmental governance, knowledge gaps remain concerning the issue of 'how and under what conditions participatory institutions can foster environmental and social sustainability, in addition to democratic values'.

Having this in mind, among the questions to be raised are:

- What are the “best practices” for public involvement from environmental sustainability perspective? Social sustainability perspective?
- To what extent are the capacities of civil society organizations sufficient to ensure consistent, equal and effective public participation? and
- How do institutional settings affect the inclusiveness of participation and recognition of diverse forms of knowledge?

3. Public Participation - in Theory and in Practice:

Public participation in decision making process in Israel, especially on environmental issues, considered to be far behind the western countries (Lubanov C., 2007)³. The obligation in Israel of including the public participation in environmental procedures, *in theory*, is based on a government resolution⁴ on adopting sustainable development

³ At the beginning of our work on the environmental justice issues in Israel, about 5 years ago, we adopted the wide definition of 'Environmental Justice' of the Environmental Protection Authority (EPA) in United States as defined while referring to all three elements of environmental, distributive and procedural Justice: "Fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.... It will be achieved when everyone enjoys the some equal access to the decision-making process... "(The underline is not in the origin).

<http://www.epa.gov/ebtpages/envienvIRONMENTALJUSTICE.html>
<http://www.sviva.net/filesystem/Final-Report-English%282%29.pdf>

⁴ Israeli Governmental Resolution 246, on 14 May 2003 stated that the policy of the Government will be based on the principles of sustainable development, that the government will promote the Plan of Implementation which was adopted at the Johannesburg World Summit and that each government ministry will draft a strategic plan for sustainable development which will relate to the period up to 2020 and will be updated every three years. In learning process of sustainable development in Israel, an analysis of the experience in other countries was conducted with the intention of choosing the process most appropriate for

policies and on guidelines in different ministries, whereas, *in practice*, it is not observed. Among the 15 Principles for Sustainable Development included in the above mentioned resolution are: paragraph 8 which refers to accountability and transparency, indicating on establishment of transparent assessment mechanisms or indicators to allow the public to monitor environmental, social and economic development trends in the medium and long range, and paragraph 12 about Public Participation: Partnership of local authorities, civil society and the private sector in activities and in responsibility for their common future.

The Strategic Negev⁵ Development national Plan, initiated on 2005 by the Prime Minister office, has numerous implications for the future of the Negev Region' varied population groups – in the city of Beer Sheva⁶, the development towns and the Bedouin settlements⁷ – and for an environment on area of more than half of the country in size. Since it was defined as a 'strategic plan', it bypassed the process of public participation.

3a. Case Study – the "Forums", a new formatting of public participation

In contrary to the public practically inconsideration in governmental national projects in the southern Israel, a new initiative of promoting the public interest in the environmental decision making process in the private sector is ongoing for the last couple of years, via the procedure of the "Forums". The forums have been carrying on in the southern space of Israel according to new approach of "Environmental Responsibility". Those 'Forums' bring together representatives of the chemical industry in the Negev, local residents and environmental activists, initiated and led by regional environmental NGO 'Sustainable Development for the Negev' (SDN)⁸. Each of the forums meets about once a month discussing ways of solving environmental problems related to the factories and raised by the harmed neighboring population

Israel. Based on this analysis, it was decided to have each ministry prepare its own strategy in accordance with sustainable development principles and with the participation of the public.

⁵ The Negev is the southern part of Israel and consists 60% of the land of Israel.

⁶ Also written: Beersheba, Be'er-Sheva, Beer Sheba.

⁷ Most of the population which estimated of about 100,000 people, reside in unrecognized villages with no basic infrastructures as running water, electricity and accessible roads.

⁸ Sustainable Development for the Negev (SDN) is a community based NGO working since established 1998 to increase environmental awareness and protection, and to encourage public participation in development of the Negev region.

Nine forums have already existed at the following plants: Bromine Compounds Ltd, Ramat Hovav Local Industrial Council, Makhteshim-Chemical Plants Ltd., ESC – The Environmental Services Company Ltd. and Ecosol – Israel Ecological Solutions Ltd., The Dead Sea Works Ltd, The Teva -Tech Industrial Ltd., Cemagis Ramat Hovav, Gani Hadas National waste treatment site.

Insight Data -The chemical industry in the Negev has real influence on the life of the local population resides in the Negev, socially, economically and environmentally. It is one of the biggest employers in the region, as well as one of its biggest polluters (land, water, air).

The Southern District incorporates two sub-districts: the largest is the Beer Sheva spread over 12,945 sq' kilometers, which are 58.5% of the total land area of the State of Israel's international borders. Most of the region is a desert (Negev)⁹. The area is diverse in terms of the different types of settlements and includes settlements from both ends of the social-economic ladder in Israel, including: 32 municipalities (local and regional). There are 123 communities in the regional authorities, in many different settlement forms: agricultural rural settlements, developing towns, community settlements, Bedouin settlements, and the city of Beer Sheva which considered the fourth metropolis urban area in Israel.

The demographic data: The Total population of Israel is 7.2 millions, 1.438 million Arabs (20%), 5.45 millions Jews (76%) and the rest called "Others" (4.4%)¹⁰ (Central Bureau of Statistics, 2007). The population at southern Region of Israel: 560,000 (about 8% of the total population of Israel); Jews: 370,000 (66%, compare to 76% national average); Arabs: 153,000 (27% compare to 20% national average). These figures are not included the residents of the unrecognized Bedouin Villages in the South which estimated by 100,000 people (38%); others: 37,000 (about 7% compare to 4% national average). Birth rate: in Israel is 1.8% per year, Jews 1.5%, Arabs 2.6%, and Bedouin 5.5%. The Bedouin in the Negev ranked on the last place in socio-economic ladder. Less than 1% of the young Bedouin in the Negev are gained academic studies (compare to 13% national average). Also relevant noting is: only 1% of the Beer Sheva District land is in Bedouin ownership, while they represent at least

⁹ Negev Statistical yearbook, by the Negev Development Authority and The Negev center for regional development at Ben Gurion University (www.negev.co.il).

¹⁰"Others" includes mainly Christians from former Soviet Union states and those which not classified by religion.

27% of the district's population (Abu Samur S., 2005)¹¹.

Employment –Around 165,000 people employed in the Beer Sheva district (CBS 2006). The employment structure in the Southern Israel is different than the national pattern, which only 28.2% of the employees work outside of their residence compared to 47.7% in Israel. This behavior is being explained in number of ways: The Beer Sheva district is remote from employment zones in the country's center and north; The habit of commuting to work outside of the residential area has not developed in Beer Sheva, also due to undeveloped accessible transportation, and the offered wages compensate the long drive to the employment zones in the center or north. The wage gap between the Negev area and the national average is: 10.7%.

The Chemical Industry - 4 of 5 of the leading chemical companies are located in the Negev. About 7000 of the total employees in the Negev are occupied in the chemical industries, mostly in production (33% of the employees in the industrial production)¹². In the last years, the chemical companies have been experienced economic pressures from two main sources: man power - relocating the factories to countries with low paid man power¹³; and environmental demands by the environmental ministry.

Ramat Hovav Industrial Compound¹⁴ - The local Industrial Council of Ramat Hovav locates 8 miles south of the City of Beer Sheva, designated in the mid 1970s as an industrial zone, and hosts 17 chemical factories, concentrating over half of Israel's chemical plants on 5,500 acres. Organic wastes from the factories are piped to a series of evaporation ponds that take up almost half of the site's acreage. The factories generate over \$1.5 billion in export revenues every year and include Makhteshim-Agan, a world leader in the manufacture of herbicides and pesticides, and other subsidiaries of 'Israel Chemicals', the country's largest industrial conglomerates. Also at Ramat Hovav is the national toxic waste site to which 70,000 tons of hazardous materials are shipped annually by road. The site processes organic, inorganic and solid waste through chemical-biological treatment, incineration and landfilling. The Ramat Hovav industrial Council has municipal authority over the area and is responsible for the development of infrastructure as well as the issuance and monitoring of business licenses within its jurisdiction. In 1987 the government of

¹¹ Abu Samur is the planner of the Regional Council of the Unrecognized Villages in the Negev (RCUV). His article "*Spatial Discrimination and Distributional Injustice*" appeared on the 1st Environmental (In) Justice Report, 2005, p.39 Ed. Lubanov C., (In Hebrew, executive summary in English).

¹² The National Strategic Plan to Negev Development, the Prime Ministry Office. (www.negev.gov.il).

¹³ Under the wave of the Globalization

¹⁴ Source: Ramat Hovav Local Industrial Council (Please see appendix 1).

Israel set up a corporation, 'Environmental Services Company', to manage the site, after a series of operational blunders caused frightening incidents of explosions, leaks and fires¹⁵, and is operated under the supervision of the Environment Ministry. The corporation remediates tons of unspecified toxic matter dumped in unlabelled containers during the site's first two decades¹⁶, while expanding the plant to accommodate the ever-increasing quantities of hazardous wastes generated within Israel. The members' structure of Local Industrial Council's General Assembly reflects the exclusion of the social dimension¹⁷ from the decision making procedures by having representatives as follows: 3 plant representatives¹⁸, 3 government representatives (Ministries of the Interior, Industry & Trade and Health) while there is no official representative of public, and the representative of the Ministry of the Environment is only in status of observer. There are also 3 representatives of adjacent municipalities including Municipality of Beer Sheva and two Regional Councils (consist of rural and agricultures settlements). The Council's budget is not supported by state funding.

4. Reframe the discussion: Analysis and Critic Review

The new Model of "*Environmental Dialogue for Environmental Responsibility*" was aimed to integrate two conceptual elements: 1) Perception of sustainability, in which local community is essential part for achieving sustainability on local and regional scale; 2) An approach of "Environmentally Responsibility"¹⁹ which was developed in the global industrial world, especially in world's chemical industry.

The discussed case study of Forums modeling is a unique example in two prominent aspects: One, in difference to other places, probably world-wide, was initiated and directed by the Environmental local NGO at the Southern region of Israel. This, in turn, might reflect a macro-change in the relations between environmental organizations and industrial factories. Traditionally, for decades, the relationships were conducted in Israel in an unchanging ritual of two parallel lanes. The

¹⁵ The Israeli Union for Environmental Defense (IUED), an environmental association that protects the environment mainly by tools of Law and litigation procedures (www.yarok.org.il).

¹⁶ And 'granted' the Negev the title of 'The Dumping site' backyard of Israel.

¹⁷ To be discussed later. As the neighboring community and workers.

¹⁸ Bromide Compounds, Makhteshim, Teva-Tech

¹⁹ Selected sources of examples of corporate social and environmental responsibility are on: [http://www.un-ngls.org/documents/publications.en/develop.dossier/dd.07%20\(csr\)/Section%20III.pdf](http://www.un-ngls.org/documents/publications.en/develop.dossier/dd.07%20(csr)/Section%20III.pdf)

Environmental NGO's blame the factories for damaging and polluting the environment and demand that they moved to a more sustainable mode of economic development (Tal, 2003). On the other side, the industrialists have declared that their commitment to the standards set by governments, and not by NGO's.

Mapping the main different voices and attitudes, following the Forums' activity and its consequent results, with reference to Ramat Hovav case, reveals the advantages and particularly the weaknesses of the 'Forums' instituting. Examination of the wide course will focus on the sustainability aspects, not only in terms of the local community benefits and environmental performance, but as reflected in macro-scale development that might affect, in the long term, the environmental decision making steps in Israel.

The guiding assumption is that the establishment of the Forums had created a new reality, in which in the shared geographical zone in the Negev, some progress has detected in social and environmental dimensions.

Defining the 'new reality' might became a relatively easy task to the Forum' partners, and to the different stakeholders that closely engage with the Forums, but simultaneously pose methodological difficulties and challengeable work for formulating professional methods enable to estimating the impact of the Forums on the environmental performances.

Closely examining the Ramat Hovav Industrial Council' environmental monitoring results²⁰ present trend of significant lowering of pollutant concentrations in the air, soil and in the water over the last 4 years. For example: following complaints by neighboring residents about odors, via the Forums meetings, the council reported on technological solutions applied to all sources of odor annoyances from plant stacks that are in advanced stages of planning and deployment. They also reported on significant improvement in wastewater quality and consequently on reduction in odor annoyances. From the SDN' (environmental NGO) point of view, this example is a clear reflection of an act directly stemmed by the Forums work so far. The common work began with the a stage of defining concerns by the local community; via achieving modes of creating transparency and a systematic way for providing and

²⁰ Reporting by the Local Industrial Councils. There are no other sources of data.

receiving information and concerning the environment data. The next stage is related to offering practical and implementable solution.

Further more, one of the CEO of a prominent chemical plant, Makhteshim industry, Mr. David Ben-Simon, expressed his experience after two years of working in the Forums frame by saying that "The Forums positively motivated interacted corporation between the industries themselves toward achieving shared sustainable solution²¹". Ben Simon indicated that "the Forums have crucial weight on decision of the industries about financial investments in environmental solutions".

Another direct outcome of the Forums is reported measurements that were taken, and undoubtedly brought about openness and transparency on the side of industry towards the community. This is implemented via regular publishing if the plant has met or not official standards and norms.

The issue that the Forums brought to an openness and transparency is on consensus, but there are those who argue that '*Reporting first!*' and that reporting should be implemented independently from the 'Dialogue'.

According to Deputy Director General for Policy and Planning at the Ministry of the Environment, Ms.Valerie Brachya²², the environmental commitment of the industry obliged them having "**Reporting**" before "**Dialogue**", and the procedure of providing information to the public (in general, not only the neighboring communities) should be a precondition to any Dialogue format. The Reporting has to be according to international acceptable standards. Brachya recommends on establishing mechanism to solving conflicts, which one of them is 'Enlighten Dialogue' with the community.

Scrutinizing the demand posed by the International Council of Chemical Associations (ICCA)²³ concerns 'Responsible Care' shows that it is meaningfully less than it is required today in others acceptable mechanisms. There is no independent control mechanism on the output information, the information providing the wide public is upon the "good will" of the corporation, and the public participation does not required effective involvement.

²¹ David Ben-Simon, former CEO of Makhteshim industry quotation in a Forum meeting on 6 February, 2006.

²² Due to lack on written materials about the "Forums" in Israel, I had few discussions with key experts on the environmental decision making process, in preparation of the paper. I discussed the Forums issue with Ms Brachya, the Deputy Director General for Policy and Planning at the Ministry of the Environment, on April 2008.

²³ International Council of Chemical Associations ICCA, www.icca-chem.org

A critic from another perspective of local voice of the 'Global Reporting Initiative'²⁴ raised the argument that SDN is actually functioning as the only stakeholder²⁵, which might be convenient to industries, but weakens the representativeness of the public on all its fragments and different needs, a crucial aspect while considering the diverse Population of the Negev Region. To this view, SDN is the only stakeholder whilst a real process of mapping and identifying all the stakeholders in the case of the Forums, has to take into account all the relevant and the potential stakeholders, including: the thousands local workers, costumers, suppliers, the health system²⁶, the tourists, the soldiers in the regions, the next generations²⁷. For the Industries, having the process conducted with only one stakeholder is "easy life". As far as the SDN concerns, their argument is that they represent all communities in the South of Israel, via mechanism of open participation.

Although the Forums as an 'experimental' project, is running without developing yet a methodological approach enable estimating the community and environmental responsibility in a more quantified way, SDN demonstrates effective community interaction appeared in qualified parameters as openness and transparency, actual real participation, and mutual influence between the community and the executives of the industries. So far the evaluation is personally basis, with heavy weight to organization characteristics, skills, and strategies that facilitate the accomplishment of mutual goals between the community and factory. This is in accordance with results found in the world, showing that the Community Advisory Panels (CAP) promote trust between community members and companies and much less expressed in environmental performances(Lynn et al., 2000).

The other dimension is in relation to the environmental justice conceptuality, the "Forums model" discussion has paved the way for "Reframing the Discussion" about

²⁴ GRI www.globalreporting.org. In Israel implemented by Arkada: www.Arkada.co.il

²⁵ Stakeholders – The common definition refers to those who are engaged with the industries impact, while Shareholders refer to the financially dimension of the firm' owners, and it is beyond the scope of the paper.

²⁶ On 2004, the Health Ministry in Israel released its long-delayed epidemiological survey on disease and mortality in the Negev. The report indicates that both Jewish and Bedouin communities in the area around Ramat Hovav have suffered significant increases in hospitalization for respiratory illnesses and a higher than national average of incidences of cancer.

²⁷ Next Generation - also in context of being exposed to known and unknown carcinogens and toxic matters being released into the air, soil and groundwater around the Industries and in range of local population today.

the Environmental Justice. Traditionally the "distributive, procedural and social" justice were prevailed in use, whilst as it raised in the case of the Negev Forums, that taxonomy of definitions practically reveals the differences between the formal responsibility of the authorities as reflected in procedural resolutions and regulations, but largely conducting the role of the citizens. The discussed case study demonstrates as well the transformation from conceptual idea of environmental justice and adding the dimension of "*participative justice*" as a factor that could shape the policy toward sustainability and practically improving the quality of life.

5. Some Concluding Remarks

Reviewing the new initiative of the Forums as been developing in recent years in Southern Israel shows that the innovation in community-corporate relations, in the chemical industry strengthen the trust of the community that in a closed harmed vicinity to the industries, effective in stimulating transformation in environmental performance, directly and indirectly, but, like in many other places in the world where citizens advisory groups acting, pose methodological difficulties of how to estimate the linked improvement.

The discussed case study of Forums modeling is a unique example, which in difference to other places, was initiated and directed by the Environmental local NGO at the Southern region of Israel.

The Forums as mechanism of "public Participation" reveal the growing impact that the NGO's hold in shaping active involvement of the public in environmental decision making processes, which have crucial influence on level of the individual citizens and its quality of life, and on achieving sustainability of the society on national level in long term.

The opened questions presented in the paper refer to the depended linkage between the 'Dialogue' and the 'Reporting' in the ongoing process, reveals the deep disagreements between the potential stakeholders but also pose challengeable work to continue.

This work should be devoted to further develop independently 'Estimation Mechanism' of the environmental performances, based on the acquired experience at the Forums work, with corporations of the different potential stakeholders.

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²⁸ Selected list. The full list of References will be included at the final version of the paper.