

The Environmental Justice in Israel:
Between Socio-Environment Theory and Socio-Political Practice

Draft version¹

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Abstract

The Environmental Justice, although emerged at the human rights movement at USA in the 80's³, can be conceived as a newly thematic perception of environmentalism, and based on the last 4 years of environmental justice activity in Israel could be reviewed on two levels of references:

- a) **As a conceptual idea** which links between the state of environment and social terms (as social justice, distributive justice and procedural Justice).
- b) **As a socio-political reflection** in which the population who suffering from environmental hazardous, in most cases, is political powerlessness, who excluded from decision making processes.

The environmental In-justice picture in Israel, recently published⁴, portrays the following features: 1) The debilitated population, with some similarities to research findings elsewhere, are weaker ones due to status, ethnic and or geographic backgrounds⁵. 2) Lack of accessibility to decision making nodes⁶ as well as to basic services and infrastructure that are essential to ensure the health and welfare of the population. These findings are most acute in the periphery. 3) Inherent inequality of the public systems due to governmental decisions.

The environmental movement' recognition that environmental justice has to be a basis for strategic plan obliges to adopt the socio-environmental policy principles that considering these findings into Sustainability strategic plan, and to implement them on the government work plan.

3 The environmental justice struggles in USA are dated much earlier to the first half of the 20th century. At the 1980's the environmental justice sporadic activities in USA consolidated as a national movement (its first national gathering was on 1991: "First national people of color leadership summit, at Washington DC.). Ref. for example is the *The Quest for Environmental Justice: Human Rights and the Politics of the Pollution*, by Bullard Robert, 2005 Sierra Club Books.

4 The 1st and 2nd annual report on Environmental (In) justice in Israel, 2005 & 2006 Ed, C., Lubanov. The 3rd Environmental (In) Justice Report will be published on October 2007, on the World Habitat Day, titled "Safe Space is a right space". The executive summary of the 1st and the 2nd report in English are on: <http://www.sviva.net/Info.php?docId=EnvironmentalJustice>

5 In Israel, environmental injustice is most acute in the Arab sector, where it is largely unaddressed. Until recently, there has been very limited environmental activity within the Arab sector because the local population tends to identify Israeli environmentalism with Zionism and the exclusion of Arabs from the land.

6 This is probably the most significant aspect of the Israeli version of environmental justice (in compare the American environmental Justice approach).

Aims and Introduction

The article aimed to present and outline "The environmental justice in Israel" on two different, albeit connected levels:

1. As a **Conceptual Model** which is yielded of "Respond to the Needs" – shaping the environmental movement in Israel's toward converting to socio-environment movement.
2. As a **strategic policy platform towards sustainability** – having the recognition and perception that environmental justice is much broader arena to act and implement than grassroots campaigns against inequality in a common geographical space, enable formulating environmental justice principles for integrating with government policy, oriented on **civilian accord platform**.

Since the 'Environmental Justice activity' initiated in USA long before it occupies the Israeli green groups, and due to the fundamental differences between Israel and the States, especially in terms of scale: Israel size is 20,700 squared kilometers⁷, which is about the size of New-Jersey, or in UK relatively terms, is at the size of Wales, or less than one third of Scotland⁸. These physical data have profound influence on social geography and spatial patterns of settlements, i.e., in crowded regions, as the central area of Israel, there are affluent settlements in close vicinity to disadvantage neighborhoods. Therefore the environmental Justice cannot axiomatically adopting the USA version of definition⁹, and we have to define the

⁷ On borders before 67'; after it is 27,869 squared kilometers.

⁸ 20,767 and 78,775 squared kilometers, respectively.

⁹ EPA definition: "Environmental Justice is the 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. EPA has this goal for all communities and persons across this Nation. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work". (<http://www.epa.gov/compliance/environmentaljustice/>).

"Israeli version" of the environmental justice for accurate addressing those policy principles.

Due to being this effort of identifying the environmental justice in Israel at formatting stage, main part of the article is dedicated to recent mapping findings of the local environmental justice characteristics, enable drawing some more concluding remarks and outlines.

The Environmentalism¹⁰ in transition

A. From nature conservation to societal affiliation

The environmental movement in Israel has been experienced substantial change in the last 2 decades. This change has been detected on two consequent phases:

The first phase largely appeared in the number of non-governmental organizations (NGO's) and in the widening scope of their interest fields. The second phase, which has identified only in the last couple of years, is the recognition that the environmental state has social roots and has direct connection to socio-political status.

Those recent changes have layered on earlier change which lasted along the first 3 decades of the state of Israel (50's-80's). 50 years ago, solely one meaningful national NGO was acting in the arena - The Society for the Protection of Nature (SPNI), which dealt with 'traditional' nature conservation¹¹. Since then, the environmental movement in Israel has been enlarged in terms of fields of activities and expanding toward environment issues (and not merely nature conservation) including waste disposal, renewable energy sources, planning, while offering professional tools and methods to cope with the those problems, as environmental

¹⁰ Environmentalism – in this context, includes the "environmental movement" (categorical name of the green NGO's), and the environmental discourse, both the academic and public.

¹¹ The SPNI was among the firsts to establish sustainable development think-tanks, offering sustainable Development alternative policy, following Rio Summit. The writer directed those teams.

legal activity, environmental policy and political lobbying at the Israeli Parliament. This stage is accompanying with establishing local branches of International eco-groups (as Friends of Earth, Eco-peace, Greenpeace), and many other new initiatives of "native" groups on the national, regional and local level. On the Governmental perspective, the Environment Ministry was established on 1988¹².

B. Societal affiliation and sustainability

There is no doubt that the Israeli environmental movement has undergone a constructive transition over its 50+ years history. With its roots in campaigns that focused on nature preservation¹³, it has matured into a broad-based force in public discourse that has transformed its original narrow focus into a broad quality of life vision for the Israelis citizens. Critics of the early movement asserted that by focusing on nature, environmentalists were ignoring the issues that concerned most Israelis as economic well-being, quality of life and lately public health.

By identifying the environmental crisis as a social crisis, the acting front moved to be on the social arena. The challenge was then offering new patterns of development which are based on sustainability. The interpretation of sustainable development attitude, by the environmental policy groups was not to oppose development but rather to ask some questions that were social in their nature: How can we advance type of development which is not motivated by private gain, for the short term, but is based on efficient and enlightened utilization of environmental resources ,and their just distribution; who are the beneficiaries; what is the social responsibility concerns environmental burdens; what are the measures to be taken in polarised political existence in common geographical space; what is the role of the NGO's, and much so.

In preparation for the Johannesburg World Summit in 2002, a "sustainability coalition" was formed, consisted of numerous social and environmental NGOs in

¹² Till then Environmental protection Authority was part of the Interior Ministry.

¹³ The first nature conservation campaign held in 1954, for preserving the Hula Lake in the Upper Galilee, led by SPNI.

Israel, to assess environmental trends and offer concrete recommendations for future action. The coalition's shadow report to the Johannesburg Summit, "Paths to Sustainability"¹⁴, can be considered as a formative document since it expressed, for the first time at the environmental discourse in Israel, a social-environmental agenda based on a wide diversity of narratives and concerns. The report was an important step in consolidating the turning of Israel's environmental movement towards the social inclination, and paved the way to establish the environmental justice committee, as the main tool today for conveying social-environmental policy by the civilian society.

The Environmental Justice in Israel – Ideology and Practice

The 'ideological' concept of establishing the environmental justice committee was to provide a civilian platform to create (environmental-) dialogue between the Jewish-Arab communities. The practical approach behind was that developing co-operation, in a tensed political period, might be greatly enhanced by dealing jointly with environmental issues.

While the Israeli environmental movement has experienced a constructive transition over decades, the timing of establishing the Committee was punctual, consequent to political circumstances. On October 2000, in which 13 Arab citizens were killed by the Israeli police during mass demonstrations (where a Jewish citizen was also killed), a serious rift clouded above the fragile web life between Jewish and Arabs inside Israel. Following a governmental commission to investigate the October 2000 events, few recommendations were included in the Commission final report¹⁵ proposing immediate and long-term courses of action to reconstruct Arab-Jewish relations, and finding a meaningful space for a joint Arab-Jewish civil agenda.

Indirectly, The Environmental Justice Committee was established, after the environment was chosen as a subject for co-existence reconstructing.

¹⁴ Paths to Sustainability: Shadow Report to the Government of Israel's Assessment of Progress in Implementing Agenda 21 (In Hebrew), 2002, Sustainability Coalition, Heschel Center.

¹⁵ Or Commission Report, 2000, submitted to the Israeli Prime Minister.

The Environmental Justice Committee has been active for four years. Publishing comprehensive annual Environmental (In) justice Report that deals with key issues of environment and society, and holding session of professional and regional meetings dealing with specific regional/local problems and suggesting ways to solve them, are the main tools we choose, in order to bring environmental justice issues to the agendas of the environmental movement on one side, and to the decision-makers on the other.

Main features of the Environmental (in) Justice in Israel:

Generally, it has been defined that many of the environmental problems share a clear social context, stemming, among other things, from policies that are inconsiderate of vulnerable populations, preference of the welfare of few mostly of the business sector, and neglect exercised by authorities entrusted with law enforcement and the care for public health. Examples for such problems are quarries, both legal and illegal ones, producing air pollution affecting Arab settlements in the Galilee; sewage not properly attended to in the South Israel, Dimona area; high rates of illness among infants due to air pollution in the Haifa bay; the destruction of nature reserves in the Galilee by sewage pollution.

According to findings of member organizations of the Environmental Justice Committee, the influence of environmental conditions on health is correlated with social status. Disadvantaged groups (on the basis of social status, gender, ethnicity, age or geography) are the principal victims of environmental hazards and their health effects, such as infectious diseases, airway diseases and coronary diseases. Damage to the health of populations and individuals due to environmental reasons is not 'neutral' or 'random'.

Since the complicated of defining, due to uniqueness geographical scale and high density of population in central regions, we found that while all people are subject to health risks when breathing polluted air, some are in greater danger than others: fetuses, babies, children and teens are more vulnerable to exposure to various toxins. The outcomes include higher mortality rates than normal, primarily as a result of respiratory diseases. Impairment has also been recorded in IQ scores and early

stages of child development as a result of parental exposure to pollutants. Other morbidity findings consist of cancer and heart disease.

In geographic areas in Israel in which air pollution levels are higher, there are higher hospitalization rates, both qualitative and quantitative. Affected populations include Bedouin tribes residing in close proximity to the Ramat Hovav Industrial Council in the South, and residents of the northern region in the vicinity of the Haifa bay, where a great number of industries are concentrated. The commonality is pointing out to the activity of industrial factories as the source of pollution, and the regulations and attitudes of the authorities enabling their detrimental activities.

Industrialists refrain from applying advanced purifying technologies, threatening to change factory locations and dismiss the employees depending on them for their livelihood. This creates a distorted equation between environmental pollution and employment, whereas the 'right to health' and a healthy environment allegedly contradicts the right to earn a living. Maximizing profits by few comes at the expense of public health, and the authorities fail to act and rectify the situation.

Slow and cumbersome proceeding by authorities and the quality of prosecution procedures taken by the Ministry of the Environment, prevents the use of stronger legal means against polluting factories in consideration of the rights of local residents to a healthy environment and a healthy life. Past experience teaches us that such petitions end in compromise, purging industrialists of personal responsibility and accountability, setting relatively minor fines. Prosecution as it is used by the State today is not effective in deterring the principal polluters in Israel.

An example of these issues is the sewage stream channelled from Dimona (South district) through 5 unrecognized Bedouin villages, flowing in and around them en-route to the Beer Sheva river. The vegetation on the banks of the stream is consumed by livestock, in turn becoming part of the residents' diet (as milk, butter and meat). The sewage stream is not fenced, endangering children who might fall in and drown. Residents are compelled to walk through the stream in some parts in order to get to the school or clinic. The open sewage is a source for pollution, creating foul odours and serving as breeding habitat for mosquito colonies. Both the responsible factory and the municipality fail to address the situation and solve the problem. A

government policy aiming to concentrate the Bedouin Population in a small number of urban settlements under the pretext of promoting their modernization process – regardless of their lifestyle, as they were not consulted when this policy was designed – also affects the proceedings, in fact depriving residents from elementary municipal services. The planner of the Regional Council of Unrecognized Villages demands that all 45 villages currently under the dubious status of ‘unrecognized’ be endorsed by the State, and Bedouin ownership on their land acknowledged. To date, only 1% of the Beer Sheva District land is in Bedouin ownership, while they represent 27% of the district’s population.

Land- and the distribution of space- has always been a core issue in the State of Israel. One of the aspects of land disparities studied include the distortion in mapping municipal boundaries, resulting in extreme inequality in the definition of areas of high-taxation potential under rural regional councils and urban local authorities. Despite the fact that most of the population –over 90%- is urban, rural regional councils regulate some 80% of the land. These include not merely valuable agricultural lands, but industrial areas affluent with factories, power stations and other heavy taxation potential factors. Thus a town’s socio-economic level and its population numbers have an inverted relation to the land size and taxation potential areas under its jurisdiction.

The inequality was aggravated in the recent decade. Accelerated development started in the early 1990s following mass immigration from the former USSR. Agricultural land was rezoned for development needs. Most industrial and commercial areas from the mid 90s were built on agricultural land in the boundaries of the rural regional councils. Immigrants, however, were housed mostly in towns. The same towns supply most of the work force to the very industrial areas, but cannot benefit of taxes paid by them.

Transportation expenditure is over 10% of the government budget. Although intended to serve all citizens directly, by providing roads, railways, bus lines etc., investment on new infrastructure do not benefit all equally. The questions to be raised, followed governmental decisions, are: Who will pay fees of the toll road? Who will read newspapers on the train en route to Dimona? Who will enjoy traffic congestion-free commute to Tel Aviv? While the criteria for expenditure should

include demand, the actual weight given to the importance of this criterion by the professional community and the political level is unknown. Demand is not neutral, for it includes transportation needs backed by desire and capacity to pay, classifying 'needs' as those of strong sectors of society interested in travel (by private car mostly), leaving behind those lacking the means to travel devoid of social mobility and accessibility.

Thus most infrastructure investment has been directed to road construction over the past four decades, while public transportation services, in particular bus services, were dramatically reduced. The disparities are evident in wealthier opposed to poorer settlements, different communities and genders. Higher income earners profit much more from present and past investment although a shift toward public transportation has been evident in recent years.

Water infrastructure - The provision of another type of infrastructure, a basic and essential service, water supply, is on the first stages of implementation of its privatization scheme. Presently water and sewerage are handled by local authorities, which funnel funds to cover deficits rather than invest in infrastructure and maintenance. The Water and Sewerage Corporations Law 2001, enables the transference of services and assets from the authorities to corporations. After 3 years, these assets could be sold to private companies.

Water privatization resulted, wherever it was attempted around the world almost without exception, in the increase of water costs to consumers. Water prices went up and at the same time services were not properly provided and environmental and health regulations not maintained. Profits went up, along with water related diseases and the number of households disconnected from the water supply due to their difficulty to pay bills. Thus the privatization of water supply in Israel presents a potential to a most substantial social detriment.

Population growth and intensified density around urban focal points creates a growing demand to building and construction materials. This intensifies the work undertaken by quarries in Israel's Northern District, resulting in severe damage to air quality and dust pollution throughout the quarrying process; excessive noise; damage to groundwater; topographic changes and damage to natural values; all

threatening public health. The abovementioned outcomes of mining and quarrying most severely affect the Arab settlements located in close proximity to the quarries.

Endeavors undertaken by local activists and NGOs are instrumental in raising awareness in localities to the environmental hazards in their vicinity. Such was the case at the Shagur Nature Reserve in the western Galilee. It used to be a beautiful site and an attraction to travelers. Sewage water channeled to the river from several local authorities turned it into a sewage trail, preventing tourism, generating stench and environmental problems yet to be assessed, such as groundwater contamination and health problems to local residents. The work of a coalition of local and national, Jewish and Arab organizations has developed a plan to change the situation, and has started its lobbying efforts as well as an educational program to better the situation.

The significance of public participation is derived from a social-liberal concept, assuming that different groups of society are entitled to full participation in decision-making processes on different issues on the national agenda. The arena of quality of life and health should not to be left entirely in the hands of authorities, those in position of considerable capital, polluters and political pressure groups.

We are witnessing a structured paradox, according to which there is growing willingness on behalf of the establishment to include individuals in the decision making process, which will affect their own futures on the one hand, while on the other, blatant attempts are made to fence in the 'environmental power' accumulated by NGOs.

At times, it is the communities that are lacking willingness to partake in such processes. Evidently, such is the case of Haredi (Ultra Orthodox) communities, which have distinct features and needs in their use of public space, public transportation, etc. that are reflected in their economic conditions and family and community culture. Recently, awareness has been budding in such communities to local environmental activity. Compared with parallel processes in the general (secular) public, the grassroots activities here are in their very early stages. They focus on educational and community programs dealing with issues defined as health, cleanliness and inter-personal values, rather than as 'environmental'. Terms such as ecology and environment are not addressed, for they are still a forbidden taboo,

without rabbinical approval. Harnessing rabbinical leadership to these issues can bring about change.

Some Concluding Remarks

The situation in Israel indicates that disadvantaged and weakened populations suffering from economic and social inferiority also endure, in many cases, severe environmental hazards.

Parallel lines can be drawn between social injustice and environmental problems. The main element is that these populations have no meaningful involvement in the decision-making processes, and the severe environmental problems of which they suffer are not central in the public discourse of Israeli society.

Based on the acquired experience in framing of the Environmental Justice committee work, considering these findings into Sustainability strategic plan, requires adopting the following socio-environmental policy guidelines:

- The Governments must actively implement its resolution¹⁶ regarding the adoption of sustainable development policies and drafting strategic plans to be implemented in every ministry and other governmental authorities. The government must assign proper values to environmental-social issues in the evaluation of development plans and when prioritizing, taking into consideration principles of 'inter-generational justice', the 'needs of future generations'¹⁷ and other long term considerations. The sustainability policies should anchor by the government in the national budget. In the absence of budgetary reference¹⁸, it is more than doubtful that ministries will actively implement this resolution.

¹⁶ In May 2003. The applicability is to other states who formally adopted the sustainable development policy, following Rio summit in 1992 (Agenda 21).

¹⁷ Brundtland Report, 1987.

¹⁸ As it is the case of the 2007/8 Budget proposal in Israel

- Policy makers should apply the 'Precautionary Principle'¹⁹ wherever there is scientific uncertainty considering potential threats to human health and the environment. A norm of environmental justice should be applied, according to which the burden of uncertainty is shifted away from sensitive populations, in cases that the absence of sufficient scientific evidence prevents the use of available tools to evaluate environmental and health risks.
- Authorities in the national, regional and local levels must allocate monetary resources required for basic environmental infrastructure, including the allocation and necessary resources to encourage active transportation, contributing to a healthier lifestyle on one hand, and on the other resulting in decreased environmental pollution.

Recently, the Supreme Court Chief Justice in Israel recognized the constitutional right to “minimal environment”, although no detailed and methodological definition of the term was proposed. This could be a challengeable occasion to rise the demand of execution of rights by all citizens, in particular disadvantaged communities and individuals, to ‘minimal environmental conditions’. Policy guidelines in this context:

- Determining environmental standards and limits to emission of pollutants (into water and air, radiation etc.) based on the most affected and vulnerable populations (such as children), rather than a theoretic average level.
- Creating organized databases on environmental and social issues, including the execution of a series of comprehensive epidemiological studies, their analysis and publication to the public.

¹⁹ Principle 15 in Rio Declaration: "In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."

- Obligating a 'health impact assessment' for projects with a high risk potential for public health, in addition to the environmental impact assessments required today.
- Creating clear and established mechanisms of public participation in planning decision making processes, broadening the active involvement of populations usually excluded, which might be affected by projects and development.

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