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Public Participation in Planning—A Multidimensional Model: The Case of Israel

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ABSTRACT Discussion of public participation has lacked a comprehensive framework. This paper presents a multidimensional model of public participation with an institutional perspective, designed to facilitate case analysis and enable systematic comparison. The model has three main dimensions: structure, process and actions. Participation structures and processes include organisation, representation, consultation and legal-administrative channels; actions include information exchange and alternative planning. A pilot application of this model framed a case study of public participation in Israel, where objections and appeals are the main channel for public involvement, giving participation an adversarial connotation. Based on the case study, proposals are made for changes to Israeli legislation, practices, and public awareness. The conclusion discusses the model's methodological, policy and practice implications.

Keywords: Public participation; planning process; planning models; Israel

Introduction

Public participation has enjoyed deserved attention from planning theorists and practitioners. It is recognised as necessary for democratic planning and critical for sound planning practice. But ongoing discussion of public participation has lacked a usable framework for systematic analysis, and debate about different approaches has been hampered by the absence of a comprehensive view. Most recently, in a dialogue pitting collaborative planning against “conventional” participation (Innes & Booher, 2004; Booher & Innes, 2005; Woltjer, 2005), one of the participants called for “a multidimensional model of public participation (that can) tak(e) into account the various dimensions... participation efforts can assume” (Woltjer, 2005, pp. 275–276).

The model of public participation that is presented here answers that call. It was developed for a specific purpose: to serve as the framework for a detailed analysis of rights and practices related to public participation in planning in Israel and a comparison with three other planning systems. Because it was also designed for use in comparative analysis, this model is abstract enough for application in widely differing contexts, while being concrete enough to frame a single case study embedded in a particular setting.

The proposed model is multidimensional because only such a model can generate the comprehensive account of public participation in planning required for such an analysis.¹

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This model was developed by deconstructing the rather vague concepts of “public” and “participation” into an array of specific and more concrete elements, which reflect the institutionalised relationships between actors and processes that are conceivable under the heading of “public participation” in any planning system.

The next section presents the model in detail, itemising all its elements. The case study of Israel follows, in which the model is applied to identify participation related planning rights in Israel and assess their implementation. In the concluding section I discuss the practical application of the case study findings, and the model’s methodological, theoretical and practice implications.

Introducing this paper also demands some disclaimers. Its combination of a relatively abstract general model with a detailed case study may seem ambitious, but in fact its components are quite modest, and each of them—the multidimensional model and the Israeli case study—has distinctly limited aims.

The model is essentially a taxonomy of public participation within the institutional context of a particular planning system. This implies two qualifications. First, the model is only an aid for descriptive analysis; it claims no predictive or explanatory power. Second, its institutional perspective focuses its application and limits its usefulness.

Thus, this model cannot address possibly relevant aspects of public participation at the macro-level, that is, in societies as a whole. Some of these, such as a society’s institutions or socio-economic structure, or its political-administrative culture and philosophy of public participation, might have explanatory potential. Nor could this model help in revealing the relevant particular phenomenology that is latent in richly detailed micro-level case studies. Its strength is what it was designed for: enabling comprehensive analysis of public participation at the meso-level, i.e. in a country’s planning system as a whole, or comparing participation in different planning systems.

The Israeli case, too, has limited aspirations. It is presented here less as a study that has generalisable instructive or explanatory value in its own right, and more as a pilot application of the multidimensional model.² That is not to deny the case’s intrinsic interest as an example (not an exemplar) of public participation in planning, but to suggest that here it is secondary. Just as the Israeli case presented here has an illustrative purpose, so does its evaluative component, which is based more on anecdotal evidence than empirical research. This case is presented here to illustrate the utility of the multidimensional model rather than as a systematic policy analysis.

The Multidimensional Model

Background

Public participation in planning means involvement in the planning process of all the affected individuals and parties, to influence planning decisions and outcomes. It implies direct interaction in the planning system between the planning “establishment” and interested non-governmental participants rather than only through elected representatives in political or administrative processes. Beyond this quite general statement, public participation in planning is something rather vague, which finds concrete expression in many different ways that vary widely depending on the relevant level, type and stage of planning, and the identity of the involved actors.

For many people, public participation primarily means the direct involvement in planning, as individuals, of the general public (as interested, affected or concerned citizens) or of members of communities that are affected by plans in progress.³ But in reality public participation can take other forms. One is indirect participation in planning

through civil society:⁴ interest related non-governmental organisations (NGOs) such as “greens”, sectoral or economic interests (e.g. chambers of commerce and unions), and neighbourhood or community organisations. Usually this involves the formal or informal participation of some organisations, but sometimes it is structured as a more formal and comprehensive way to engage all the affected stakeholders: collaborative planning (Innes & Booher, 2004).

Another form participation can take is its institutionalisation in processes and organisations that ensure public input to, and sometimes even control over, planning processes and decisions. An extreme example is the local planning agencies created for the US Model Cities Program, which were governed by boards elected by the residents of the Model Cities neighbourhood (Haar, 1975).

A different, but no less extreme, form of public participation is the referendum. “Planning by referendum” is widespread and covers many issues. These range from Swiss federal government policies, which are determined by national referendum, through referenda on state policies in the USA (especially common in California) to the “ballot box zoning” (Callies *et al.*, 1991; Caves, 1992) that decides local land-use issues in many US local jurisdictions.

Another even more frequent way of structuring public participation in planning is the appointment of representatives of extra-governmental interests and individuals from outside the planning system to membership of statutory planning bodies and other agencies. The former range from national and regional planning boards and commissions to ad hoc project or plan related steering or advisory committees. The latter include the governing boards of special purpose organisations such as local development agencies and urban revitalisation authorities.

Consultation outside the planning system, with NGOs and other associations representing stakeholders and relevant interests, is another form of public participation. This can take place at various stages of the planning process, and its timing is important in affecting the quality and consequences of planning decisions. Early consultation, while alternatives are under consideration, is a much more significant⁵ form of participation than later calls for comment just before final plan adoption or approval.

There are also other structured forms of consultation with the public, recognised as public participation tools, even though they only cover the lower part of the spectrum between token participation and real empowerment presented in Arnstein’s well known “ladder” (Arnstein, 1969). These range from surveys and focus groups, through interactive neighbourhood or community meetings and hearings, to collaborative planning and design exercises such as charettes and “visioning” projects (Ames, 1998).

Finally, every “well ordered”⁶ planning system enables some formal participation in the planning process of interested parties and those potentially affected by new plans, plan amendments, and other planning decisions. These participation opportunities may be at hearings, lodging objections to plans or proposed developments, or appeals against planning decisions, and planning systems vary in how they extend the right to be heard.

In some countries this participation opportunity includes the right to alternative planning, which means that some extra-governmental actors (other than property owners) have standing to submit alternative proposals to a plan to which they object, or to develop their own plans for an area and propose them as amendments to the prevailing plan. Often, even without the legal right to alternative planning, planning agencies support stakeholders and encourage them to develop alternative plans as a matter of good planning practice.

The relative value of different approaches to public participation is contested, and evaluating their effectiveness is of some interest. But this model was not developed to address these issues. It was designed for a case study that surveyed and evaluated public participation rights and practices in Israel. Consequently, the model presented below is limited. Essentially it is a taxonomic framework, which can facilitate analysis by disaggregating the somewhat abstract subject of public participation into its concrete components.

While identifying possible forms of public participation, the model says nothing evaluative about them, either in general or particular. How effective collaborative planning is in enabling broad participation or affecting decisions and outcomes, compared to public representation on statutory planning committees, or whether pre-deposit consultation with stakeholder NGOs really gives adequate representation to all affected parties and interests, is not discussed here. That is left to the researchers who might find this model a useful framework for their analysis. The availability of this model as an analytical tool might also encourage research into public participation that adopts a comprehensive approach, and enable more systematic comparative study of participation practices in entire planning systems in different contexts.

Forms of Public Participation

Public participation in planning can be viewed as an institutionalised part of planning systems,⁷ in which all the various actors, processes and structures that are involved combine in a set of discrete forms. These can be recognised under three main dimensions of public participation: structure, process and actions.

Structural Participation

There are various forms in which the structural aspect of public participation can be institutionalised. One form is participative (as opposed to representative) democracy, taking the forms of referenda or government by assembly. Another form is civil society: social capital institutionalised as NGOs and interest associations, and their formal and informal access to, and participation in, planning decision making. In its third form participation essentially gives the public control over the relevant planning institution. The fourth form is collaborative planning, where a network of planning agencies and stakeholder-representing organisations is entrusted with a specific planning undertaking. The last gives the public access to the planning process through representation on decision-making bodies.

Participative democracy. Political democratic participation can take two forms. One is the referendum, where planning decisions are determined through a prescribed political-administrative process that submits them to a public referendum. "Planning by referendum" is quite widespread, ranging through major national policy issues to local land-use designation and approval of development proposals. The other form, government by public assembly, is rare, a survival of the original form of democracy. Nevertheless, where it is still practised, as in some New England towns in the USA and in *kibbutzim* (communal settlements) in Israel, the town meeting or the community assembly ensures total public participation in all planning decisions.

Civil society. The institutionalisation of a society's social capital (Putnam, 1995a) in its civil society, its NGOs, sectoral and interest associations and ad hoc issue related interest or

stakeholder groups, is an important structural aspect of public participation in planning. Their number, identity, activism, influence and power have a critical impact on the strength and effectiveness of public participation in a particular society. Countries vary in their civil societies. Part of this variation is attributable to meta-level socio-cultural factors and governance. But this model focuses on the societal meso-level of planning systems.

At this level, observation of different planning systems also reveals variations in their countries' civil societies: the number, characteristics and activities of the relevant NGOs, interest groups and issue-orientated ad hoc associations that are involved in planning in general and specific planning issues in particular. These undoubtedly account for some of the differences in the quality of their respective public participation processes.

Another important factor affecting public participation in planning is how civil society is integrated (if at all) into formal planning and statutory planning bodies and procedures. This can occur in formal and informal consultation, and in representation (see below). For systematic analysis of public participation in planning, all these are of considerable interest.

Institutionalised public control. In this form, planning institutions or special purpose organisations are governed by the relevant public. Here, the "subjects" of the plan or the project's or undertaking's "users" control the process that determines the body's decisions and actions. A special purpose public agency with a governing board entirely or mostly consisting of public representatives is one such organisation. A statutory planning body made up of public representatives is another.⁸ There are plenty of examples. They include the (now defunct) US Model Cities Agencies⁹ and the still active US Community Development Corporations, The Netherlands National Planning Commission,¹⁰ neighbourhood or "quarter" representative councils of some Israeli cities (including Jerusalem and Tel-Aviv), and the Israeli Industrial Area Councils.¹¹

Collaborative planning. In contrast to the conventional model of public participation in planning, where public involvement is complementary to state agency led planning, in collaborative planning public participation is integrated into the planning process. Here a structured partnership of relevant planning agencies and NGOs that represent stakeholders and affected interests is empowered from the outset to address and resolve a specific planning issue, to develop a particular plan or to plan a strategic project.

Collaborative planning developed in the USA (Innes & Booher, 1999) and has since spread (with some modifications) to other countries. In many cases in the USA the collaborative planning framework was a governmental initiative to effect participative planning under state or federally funded programmes.¹² Formal participative planning exercises in the context of mediated dispute resolution programmes (Susskind, McKearnon & Carpenter, 1999) also come under this form of public participation.

Representation. Public representation (other than politicians and elected officials) on statutory planning bodies is a common way of effecting public participation in planning. Structured public participation in decision making can also take the form of representation on governing boards or commissions of special purpose planning related organisations or agencies.¹³ This form of participation is very widespread, and informed readers will readily recall examples in the planning systems with which they are familiar.

Participatory Processes

We can identify three kinds of public participatory processes. One is consultation, that is, formal or informal consultative interaction in the planning process between involved public and governmental agencies and NGOs and other interest groups representing the public and relevant stakeholder interests. The second is participation in planning through formal administrative and legal channels: objections, administrative appeals and judicial review. The third is active public participation in plan making and planning decisions, involving the participation actions discussed under the following heading.

Consultation. Consultation in its widest sense means interaction initiated by the responsible planning authority or agency to obtain the advice and opinions of concerned parties on a plan or project in progress, or a pending planning decision, and taking the information received into account among its relevant planning considerations. Consultation can take several forms, some of which are aspects of public participation and some of which are not.

One form of consultation in many statutory planning processes is mandatory formal consultation with other state agencies and authorities at different levels of government. This may involve forwarding plans for review and comment to other governments and agencies, and receiving formal sign-off approval from superior authorities such as the responsible Minister (as in Israel and the UK) or Crown Representative (in The Netherlands).

Consultation that is an aspect of public participation means interaction between the planning agency on the one hand, and extra-governmental bodies such as NGOs and voluntary associations representing involved or affected interests and stakeholders on the other. Such consultation, formal or informal, can take various forms: meetings to review and discuss plans and projects in preparation and related issues of concern, forwarding draft plans and policy documents for review and comment, or including such bodies in the planning or project team's information distribution network with an open invitation to comment and respond. Some statutory planning processes (as in the UK) include formal consultation requirements with selected NGOs in the course of plan preparation.

Administrative and legal channels. The affected public can participate in the planning process through formal channels. One of these is the statutory planning process, the other is the legal system. These aspects of public participation, which exist in every well ordered planning system, are often taken for granted, but in the absence of other forms of participation, they may be the most important avenues of participation available.

Statutory planning—objections and appeals. Most countries' statutory planning processes enable affected parties to object to deposited plans or to proposals subject to planning approval, and to appeal against planning decisions. All these objections and appeals are deliberated within the statutory planning system, and systems vary in their processes and availability of objections and appeals.

Judicial review—legal appeals. The legal system, which provides for judicial review of administrative planning decisions, allows injured parties with legal standing to appeal planning decisions to the courts. There is wide variation between societies in their recognition of these rights to appeal, and the extent to which their legal systems are involved in planning. The USA stands at the litigious extreme, while in some European countries legal adjudication of planning issues is very unusual.

Participation Actions

Public participation in planning can take other forms besides consultation and adversarial intervention through the statutory planning system or legal appeals. Affected public and stakeholder interests can engage the planning system directly in the planning process through a variety of participation actions. There are three kinds of participation actions: information exchange, goal-setting and programming, and alternative planning.

Information exchange. The “lowest” level of participative interaction is information exchange, where the planning agency informs the public about plans and planning decisions, and solicits information for use in the planning process. Some of the latter is objective data designed to supplement and update other information sources, but a good deal of it is intended as a kind of participation in planning. Such information exchange takes several forms.

Participation through information is one form of information exchange. This involves providing planning agencies with insight into the perceived problems, needs, preferences, goals, values and aspirations of the designated beneficiaries of their plans. This will help well intentioned planners to produce better plans and contribute towards better informed planning decisions.

There is a large kit of tools for this kind of public participation in planning, some of which merge with other aspects of public participation. The public meeting, for example, may also be an arena for hearing objections as mandated by statute, when it takes the form of a formal hearing. Some forms of consultation with interest or stakeholder organisations or representatives may be little more than this kind of informative participation. Other information-obtaining tools include surveys, focus groups, and outreach activities, such as neighbourhood planning offices and “drop-in” storefront project centres. Participative planning exercises such as charettes and visioning also fall under this form of participation, though they serve goal-setting and alternative planning (see below) as well.

Information about plans and planning decisions is another form of information exchange. The flow of information from the planning agency to the public, about planning intentions (such as to prepare or amend a plan for a specified area), plans and projects in preparation, pending and adopted planning decisions (for example, applications for planning approval, deposited plans) is an important but often neglected aspect of public participation. After all, without knowing what planning is going on, the interested or affected public has no way of participating in the planning process, let alone materially influencing planning decisions.

This “right to know”, as a basic necessary, though not sufficient, condition for democratic participation in planning, is recognised in all well ordered planning systems.¹⁴ Basic prerequisites for this condition are transparency, access and notice. Transparency applies to the planning process and its products: plans and related planning documents.

Process transparency means that planning authorities’ proceedings, interactions and decisions must be open and documented, making them accountable and subject to public review. In most countries this is enforced through administrative law, procedural rules and due-process norms, but gaps in these sometimes result in process transparency that leaves much to be desired.

The transparency of planning documents has enjoyed less attention than the planning process, but it is also a subject of concern. Critics of technocratic planning remarked on

non-professional publics' difficulties in understanding the information presented in conventional plans and supporting documents. Some planning systems that were responsive to these objections have introduced extensive and radical reforms in their specifications for mandatory plans and plan documentation. Prevailing norms for plan presentation have also improved significantly in many societies. But in some planning systems practice has hardly changed for decades, and the transparency of their statutory (and other) plans and documents is very limited.

Most countries' statutory planning processes include mandatory provisions for free access to planning information, and due process requirements for notice of planning actions and decisions to appropriate interested or affected parties. Such notice may be given through personal service (such as registered direct mail), posting at the relevant site, posting at other prescribed locations (such as local government and other government agency offices), advertisement in local and national newspapers, and notice in the official legal bulletin. Many statutory planning processes also require public hearings (with appropriate dissemination of notice) on deposited plans and submitted planning proposals.

Recognition of the inadequacy of these tools in today's larger and more heterogeneous communities has elicited a whole gamut of supplementary ways to get information on planning proposals, issues, and pending planning decisions to the potentially concerned public, and mobilise their more active participation. These include wide or targeted mailings and distribution of flyers, articles and announcements in the print media, use of Internet sites and homepages, features on local television, and staged events and planning exercises. The latter merge into the reverse form of information related participation (above), or alternative planning (below).

Goal-setting and programming. At a higher level of interaction than simple information exchange, planning agencies can invite affected publics, communities, interest groups and stakeholders to participate in setting the goals for the relevant planning undertaking. This may be developing a plan or planning policies for a territorial unit, jurisdiction or special purpose organisation (such as a regional, city or neighbourhood plan, planning for a river basin management association or a metropolitan transit authority), or planning a strategic project or facility such as a local high school complex, a city sports stadium and convention centre, a metropolitan light rail corridor, a regional park system, or a national high-speed rail extension. Often, goal-setting implies these public parties' participation in determining the principal programme characteristics or design specifications for the proposed plan or project.

Goal-setting and programming uses some of the interactive tools mentioned above under information exchange, such as visioning exercises and design charettes. Structural participation arrangements can also enable public involvement in goal-setting and programming. These can range from ad hoc teams, working groups or advisory bodies made up of or including stakeholder representatives, through formal public representation on planning teams, to structured interactive processes, a limited form of collaborative planning.

Active public participation in planning that goes beyond goal-setting and programming, that is, when it extends to involvement in the design and evaluation of alternatives and participation in elaborating the selected plan, is more than a limited participatory action. Rather, such participation becomes structural, taking the form of significant public representation among the responsible planners in a conventional planning process, or structuring a participative process through collaborative planning.

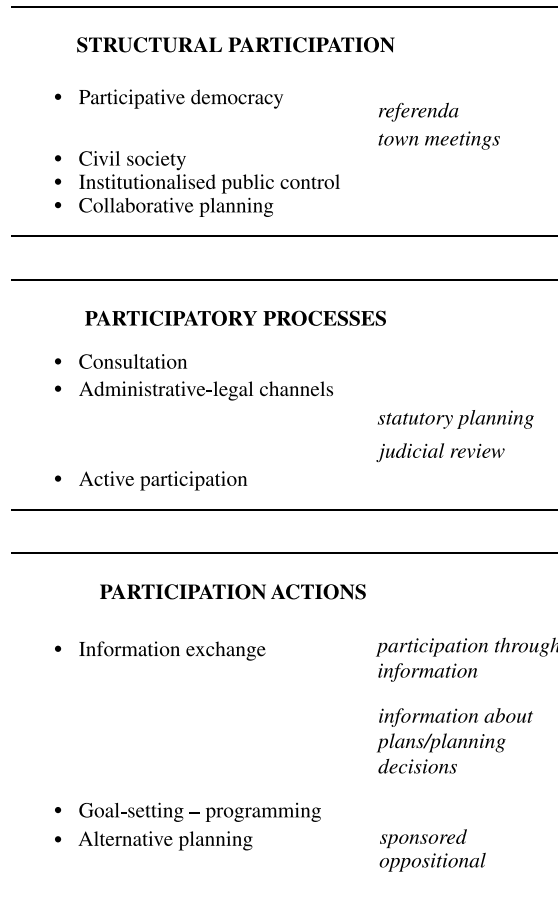


Figure 1. Forms of public participation.

Alternative planning. In the context of a particular planning process, development and submission of their own plan¹⁵ by non-governmental parties (neighbourhood or community associations, interested or stakeholder NGOs or advocacy planners) is alternative planning. While it is certainly at one of the highest “levels” of participation, countries’ planning systems vary widely in their embrace of alternative planning.

Public participation through alternative planning may be a right, though this is usually limited.¹⁶ More often, where alternative planning is found, it has been encouraged and facilitated in recognition of this form of public participation as an accepted part of good planning practice. It is rare to find true “oppositional” alternative planning when both these conditions are absent.

*The Case of Israel: Participation Rights and Practices*¹⁷

The above model served as the framework for a review of public participation in planning in Israel, which focused on participation related planning rights. The case study identified positive planning rights,¹⁸ evaluated their implementation (routine effectuation

or enforcement) and identified prevailing and missing supplementary participation practices.

Israel has a well developed planning system that most resembles the British one of the mid twentieth century. There is a hierarchical statutory planning system for land use and settlement planning, with planning and building commissions and statutory plans at the national, district and local levels, which provide the framework for review and approval of development proposals and projects. Sectoral ministries (Housing and Construction, Health, Education, etc.) are the lead agencies for planning in their domains, but the statutory planning system also encompasses the land-use related aspects of other sectors such as transportation, tourism, energy, and environment (including such matters as solid waste disposal, national parks), each of which has its national statutory plan.

Public participation in planning in Israel is reviewed in detail below. Framed by the multidimensional model summarised in Figure 1, the sections that follow identify participation related planning rights and evaluate their implementation, including supplementary participation practices. Israel's political-administrative system does not include referenda,¹⁹ and there have been few attempts at collaborative planning,²⁰ so the relevant elements of structural participation are civil society, institutionalisation of public control, and representation.

Civil Society

Though a relatively young country, Israel has an extensive and active civil society that is comparable to other western democracies. Identifying and describing the roles, attributes and interactions of all the quangos²¹ and NGOs that are actively involved in Israel's governance and planning, not to mention the myriad of ad hoc issue based or interest orientated associations that aspire to influence political and planning decisions, is well beyond the scope of this paper. But two peculiar aspects of Israel's civil society warrant highlighting, if we want to understand its role in public participation in Israeli planning.

One aspect is the existence of powerful quangos that are in effect the descendants of pre-independence institutions, which have important roles in Israeli planning. These include the Jewish Agency, the Israel National Fund, and the Israel Lands Authority, which are respectively engaged in or control rural settlement planning, open land preservation and afforestation, and the management of state lands (Alexander, 2004a).

Although they are not state agencies,²² they are no less powerful in their domains, and their non-governmental nature, rather than facilitating public participation in relevant planning decisions, inhibits it. Their institutional opaqueness, due to their complex governance and their almost total lack of accountability, insulates them from public pressures. These organisations (and several lesser ones like them) are significant actors in the Israeli planning system (with representatives on many planning bodies), and an integral part of the planning establishment. As such, their opaqueness, rigidity and non-responsiveness contribute to the adversarial nature of the public participation that occurs in Israeli planning practice.

The second aspect is the ambivalent relationship between Israel's ruling establishment and its civil society. On the one hand, all the conventional political liberties and civil rights give the country's civil society, including organisations and associations advocating every conceivable interest, every political movement, and any ideology, a level playing field for expression and action. On the other hand, the institutionalisation of state-civil society interactions in many particular domains reveals a highly selective and even discriminatory attitude towards different parts of civic society. As a result, some NGOs

and interest associations are co-opted into the establishment, while all the others are identified with “the opposition”.²³

Israel’s statutory planning system offers a perfect example of this kind of selection. There are three formal channels for interaction with civil society, that is, with those NGOs and interest associations that are involved in the planning process and aspire to affect planning decisions. One is public representation on statutory planning bodies, which is prescribed by law and controlled by the Minister of the Interior. The organisations here representing civil society are professional associations and academic bodies, and the Israel Nature Preservation Society (INPS), the veteran spokesperson for environmental interests.

The second channel is the law’s provision giving selected organisations²⁴ standing to represent the public interest in statutory planning proceedings (see also below under Objections and Appeals). The list shows four quangos including the Jewish Agency and the Jewish National Fund, six professional associations (representing architects, landscape architects, planners and contractors), and five environmental and conservation organisations. Of the last, four (including the INPS) are experienced organisations (similar to the Nature Conservancy in the USA, for example) that promote environmental interests and conservation concerns within the establishment. The fifth, the Israel Union for Environmental Defence, is a later addition: a younger environmental advocacy organisation that has launched successful legal attacks on dubious planning decisions. Very recently two planning advocacy associations²⁵ were added to the list.

In spite of some welcome relaxation, most of the “entitled” NGOs are clearly establishment organisations, and this list vividly illustrates the relegation of the bulk of Israeli civil society to the opposition. But the listed organisations are not favoured by consulting them during the planning process, except through their representatives on planning bodies. Their listing only allows them to lodge objections and appeals to deposited plans on the claim of injury to a broader public interest, while all other members of Israel’s civil society can only oppose planning decisions if they can establish a nexus between the plan’s potential impact and their specific private interest. This is the third channel of formal interaction with civil society in the planning process. In summary, in Israel there is an adversarial relationship with civil society, partly perhaps due to the society’s administrative culture, but certainly because it is institutionalised to be that way.

Israeli civil society resembles that of other western democracies. But if we compare the role of civil society in the Israeli planning system with its role in some other well ordered planning systems, we find significant differences, which suggest that Israel is exceptional in its relationship to its civil society and the resulting interaction with civil society in its planning process.

The Netherlands is probably most like Israel. Its counterpart to the Israeli establishment quangos might be organisations that are the relics of the “pillarisation” of Dutch society.²⁶ Some of these are still quite influential, but their impact on planning decisions is negligible compared to the power of Israel’s quangos in its planning system. The Dutch planning process also resembles Israel’s in the importance of the formal administrative channel for structuring civil society participation in the planning process.

But even here the differences are significant. One difference is that any group or organisation in Dutch civil society can intervene in statutory planning processes on public interest grounds, not only a limited set of recognised organisations as in Israel.²⁷ The other is that, in contrast to Israel, civil society is not confined to adversarial channels of expression, but enjoys a close partnership with government and the planning

establishment, through the well developed practices of consultation that are essential to policymaking in The Netherlands.

In the UK, civil society's roles in the planning process are also much more diverse and active than in Israel. British NGOs and interest associations can and do actively use administrative and legal channels to confront controversial plans and projects, but they are also frequent and influential participants in the planning process in other ways. These include formal consultation (in the statutory planning process) and informal consultative interaction, and involvement (often as stakeholder representatives) in the active public participation that has become standard practice for major plans and projects.

Civil society in the USA is also a much more active participant in planning than in Israel. Its planning interventions also include administrative-legal channels, but far more significant is the intensive involvement of American civil society in every form and level of planning. This ranges from national sectoral and interest NGOs, through organisations and associations representing particular stakeholder interests, to established neighbourhood and community organisations and ad hoc local associations formed to address single issues or confront particular planning decisions. They participate in planning in every way, from structural participation (stakeholder representation and collaborative planning), process participation (consultation and active participation) and actions from goal-setting and programming to alternative planning.

US civil society also seems to enjoy a more cooperative, even symbiotic, relationship with the planning establishment than most other countries. This may be attributable to two factors: one socio-cultural and one institutional-political. The socio-cultural factor is the idealised image civil society has traditionally enjoyed in American society. Though its privileged role has eroded in the last decades (Putnam, 1995b), it is still "motherhood and apple pie". The institutional-political factor is the mandated institutionalisation of public participation in planning and policymaking that began with the "maximum feasible participation" legislation in the 1960s. Though also weakened later, this produced and still sustains federal and state government programmes and funding to initiate and support community and local NGOs and associations.

These countries' civil societies appear to be much more active and important participants in planning than Israel's, enjoying symbiotic or cooperative relationships with the planning establishment which Israel's civil society does not. Such comparisons qualify Israel's superficial resemblance to other western societies with well ordered planning systems. Highlighting the differences, they reinforce our conclusion that Israel's planning system has institutionalised an adversarial interaction with civil society, inhibiting public participation to the detriment of the planning process and its consequences.

Institutionalised Public Control

The planning system in Israel and its related institutions offer few examples of "user controlled" organisations. No such institutions are part of the statutory planning system, nor do any executive agencies follow this model.

The only "user controlled" organisations that exist are part of public participation frameworks created and sponsored by several of the large cities, for example, the "quarter councils" which represent the city's subareas in Jerusalem and Tel Aviv, and neighbourhood committees for targeted renewal neighbourhoods in Haifa. Though the creation of these bodies is undoubtedly a significant increment in public participation in planning in these cities, their role is primarily information exchange and advisory, and their influence on planning decisions is limited.

“User controlled” planning related organisations, rare in Israel, are much more widespread in other countries. In Britain, for example, “user controlled” bodies are not part of the statutory planning system, but the UK has an extensive presence of resident controlled neighbourhood associations and community organisations, which are active participants in planning processes and well integrated into planning decision making for the areas of their concern. In The Netherlands such structural participation in planning is perhaps a bit weaker than in Britain, but still more frequent than in Israel. Also, The Netherlands has a “user controlled” body within its statutory planning system: the *Rijksplanologische Commissie*, which is made up entirely of public members.

The USA probably has the strongest institutionalised structural participation of all the countries we know. This may be the legacy of the “maximum feasible participation” requirement of the federal programmes of the 1960s and of other subsequent mandatory citizen participation requirements (Brody, Godschalk & Burby, 2003, pp. 245-246), which thus produced many “user controlled” executive planning agencies and planning related organisations.

These include the Model City Area agencies and the Office of Economic Opportunity local or county agencies of the 1960s and 1970s (of which some successors still survive), the Job Training Partnership Act’s Private Industry Councils of the late 1970s and early 1980s, and the local Community Development Corporations of today. Federal, local and foundation funding also facilitated the emergence of many effective resident governed neighbourhood and community organisations, enabling their active participation in planning in their areas and their integration into local planning systems.

While the USA is perhaps an extreme contrast to Israel, the frequency of “user controlled” organisations in many other countries and their institutionalised participation in their planning systems suggests that their rarity in Israel is not just chance. Rather, it is another symptom of the adversarial nature of public participation in Israel’s planning system.

Representation

Most statutory planning bodies in Israel have public representatives among their members. The National Planning and Building Council has 32 members, of whom about a third are public representatives (of various sectors, and of interest NGOs) designated by law. But two factors reduce the value of this representation. One is the relatively small number of public representatives, who make up a minority of the Council even if they all vote together. The other is the manner of their selection. They are all appointed by the Minister of the Interior from lists of approved nominees submitted by the bodies they represent.

The district planning and building commissions have one public representative among their seventeen members: a practitioner of the planning and building professions nominated by the professional associations and appointed by the Minister. Local level statutory planning bodies (planning and building commissions and appeals committees) are made up of elected officials without any other public representation.

Other statutory planning bodies are the ad hoc steering committees and executive committees appointed to supervise and govern the preparation of specific statutory plans. Their composition is not prescribed by law, and although they are always chaired by the representative of the planning administration and include representatives of the ministries and local authorities concerned with the relevant plan, they usually include several public representatives of affected interests and salient stakeholders. In practice, the public members of these bodies have a significant influence on plan preparation and

planning decisions, and this representation is one of the most tangible expressions of public participation in planning.

While legally mandated public representation on statutory planning bodies is routinely implemented in Israel, it is too little to be effective or to influence planning decisions. The discretionary appointment of public members of ad hoc steering and executive committees has been a much more significant contribution to public participation in planning. We can conclude, therefore, that the shortcomings of public representation as a participative element in the Israeli planning system are not the result of unwilling or ineffective implementation. Rather, the fact that representation contributes so little to public participation in planning is attributable to flaws in the enabling law, which gives public representatives such a small role in planning institutions.

Consultation

The Planning and Building Law (1969 and amended) requires extensive intra-governmental consultation in the statutory planning process, but its only reference to consultation with extra-governmental bodies or interests is its provision (Clauses 93 and 95) for notice of the deposit of particular statutory plans to specified NGOs. This provision is not mandatory, but at the discretion of the Minister and other statutory planning bodies, enabling them to initiate pre-deposit consultation on these plans. To the best of our knowledge, this provision has hardly ever been utilised in the statutory planning system. In fact, the only formal interaction with non-governmental organisations and interests in the statutory planning process is after plans have been deposited, in deliberating objections and appeals.

Israel's planning law does not require any extra-governmental consultation, and in practice there is no formal consultation. Though there is some informal consultation with selected NGOs (such as the Society for Nature Protection in Israel) its effects are relatively limited. By contrast, some other countries with well ordered planning systems have extensive pre-deposit consultation on pending plans and projects, either formal or informal and sometimes both.

For example, in The Netherlands and the USA planning agencies engage in extensive informal consultation with relevant NGOs (representing stakeholders, constituencies, and interests) in the course of plan development and project review. In the former this is attributable to the Dutch political-administrative culture of consultation and consensus (Alexander, 2002b, pp. 36-37). In the latter it may be an expression of the informal American way, or a pragmatic response to the threat of later objections and litigation by excluded interests.

Another example is the UK, where the statutory planning process includes mandatory consultation with particular public associations and NGOs in the course of preparing and reviewing specified kinds of plans. Usually compliance with this requirement stimulates a round of broader consultation with additional relevant stakeholder and interest representing organisations, though in Britain's centralised and bureaucratic professional dominated administrative culture, consultation requirements are specified in nationally provided guidance.

Administrative-Legal Channels

Statutory planning—objections and appeals. The Planning & Building Law is liberal in enabling interested parties to express their opinions in the course of the planning process, by giving them the right to object to deposited plans and appeal planning decisions.

However, since this right can only be exercised near the end of the planning process, its value is limited. This right is extended to “everyone with an interest in the land, building or any other planning item who sees himself injured” (Clause 100), and the law mandates administrative procedures to ensure appropriate participation in the planning institutions’ deliberations of the objecting parties and those lodging appeals.

Courts’ decisions have also been generous in giving standing to object or appeal, by giving a broad interpretation to the reference to potentially injured parties, not limited to those with property interests in the planning area. While denying standing to any general public or collective interest,²⁸ the courts and planning commissions allow any parties to object to a plan who see themselves injured in terms of any personal interest or a specific group interest, without having to prove violation of legal rights.

Lodging objections to deposited plans and appealing planning decisions are the most intensively used channels of public involvement in the Israeli planning process. Paradoxically, a planning right to object to plans and appeal planning decisions, that has intrinsically negative connotations (based as it is on the adversarial legal model), has become the main expression of public participation in planning. This is hardly consistent with the positive images of partnership and consensus usually associated with the idea of public participation.

Judicial review—legal appeals. A supplementary channel (to statutory objections and appeals) for public participation in planning is to initiate judicial review of approved plans and planning decisions, by attacking them in court. This includes appeals to administrative courts, and petitioning the Supreme Court.²⁹ Besides citing flaws in due process, plans and planning decisions can be appealed by claiming violation of basic rights (e.g. objectionable discrimination) or patent unreasonableness.

Private (third) parties have made extensive use of legal appeals to intervene in the planning process, and public petitioners (NGOs and interest associations) have sometimes effectively mobilised the High Court of Justice to participate in planning and change critical planning decisions. Prominent recent cases include the Israeli Association for Civil Rights appeal of the Beersheba metropolitan statutory plan, which discriminated against Bedouin rural settlement, the Ka’adan decision which voided discriminatory housing allocation that excluded Arab candidates, and the *Keshet Hamizrachi* decision that required the Israel Lands Authority to consider distributional justice in allocating the planning gains from up-zoning agricultural land (*Bimkom*, 2007, Chs 2, 3, 4; *Bimkom*, 2005, p. 24, note 19).

In Israel, legal appeals of planning institutions’ decisions are a common supplement to statutory objections and appeals, and the level of judicial activism in Israeli planning is reminiscent of the USA. But this similarity is deceptive, because it has quite different reasons in these two countries’ contrasting planning systems. The USA, in the absence of a national hierarchical statutory planning system such as Israel’s and those of other European countries, has a different way of providing a hearing to affected parties. Local planning institutions deal with the first level of objections and appeals, which addresses local plans and approved development proposals.

But for more advanced appeals, and to object to extra-local plans and projects, such as metropolitan or regional plans, and state and federally initiated and funded strategic projects, the affected parties turn to the appropriate courts. As a result, judicial intervention in all levels of the planning process is common in the USA, and the courts play an important role in planning. Striking examples of US judicial planning are the

“Takings Issue” (Strong, Mandelker & Kelly, 1996) and fair share housing allocation (Coyle, 1993, pp. 65–83).

This accounts for the apparent similarity between Israel and the USA in their level of “judicial activism” in planning. But in Israel the courts do not intervene in planning as a higher order supplement to the planning system itself, as the American courts do. Rather, affected parties in Israel invoke the courts in default of other recognised and institutionalised channels of public participation in planning.

Active Participation

In Israel active public participation involving the activities discussed below is still relatively rare, though it has become more frequent and widespread over the last decade. This increase shows in changes in prevailing practice and proposals for revised norms.

Changes in practice include the planning administration’s increasing demand for a formal public participation element as part of its request for proposals for major statutory planning projects, and larger (national and local government) planning agencies implementing quite elaborate and well designed public participation efforts in developing strategic plans. For example, Tel-Aviv’s recent Master Plan included an elaborate goal-setting exercise and extensive group interactions that mobilised thousands of citizen participants.

Reforms to the Planning and Building Law under consideration include several proposals to enhance public participation. These include revisions in the standard specifications for statutory plans to make them more transparent, and mandating a social impact statement that would include affirmative certification of public participation in the plan’s development. However, in general these examples are more exceptions than the rule, and in most planning undertakings today active public participation is still conspicuously absent.

Information Exchange

Participation through information. The Planning & Building Law does not mandate public hearings but enables them, and also provides for a kind of public inquiry in hearing objections by an Examiner. These are the limits of the statutory provisions for participatory information exchange. Formal hearings are sometimes held, though they are by no means routine practice, but the appointment of an Examiner is customary for important or large-scale statutory plans and plans for strategic national projects. This participatory channel, however, has been seriously and deliberately weakened in the last few years, with the creation of the National Infrastructures Commission to bypass the statutory planning system for strategic national projects (Han, 2004).

The last decade or two saw a significant increase in sponsored public participation using some of the forums and media for participatory information exchange. Hearings have become more frequent (though not universal), and there is wider use of various media to stimulate interest in plans in preparation and to mobilise participation.

Some major strategic planning projects include a systematic public participation element, with specialist experts to design and apply participation processes and tools. For example, the recent Tel-Aviv Strategic Plan included early stage opinion surveys, mailings, and a series of public neighbourhood meetings, in addition to consultation with citizen bodies such as the Quarter Councils (Gavrieli & Segal, 2007, pp. 48–49). Other examples are recent regional strategic planning projects (Upper Galilee and Misgav) which used some of these tools (Shmueli, 2005, pp. 493–505). Nevertheless, in Israeli

planning as a whole, this kind of sponsored public participation is still more the exception than the rule.

This contrasts with the situation in many other western countries' planning systems, where these forms of public participation are widely employed as standard practice. In most well ordered western planning systems, hearings in some form or another are a required part of the statutory planning process, means for eliciting information are routinely deployed in the course of plan preparation and the preliminary stages of project development, and planning agencies use a variety of media and actively engage in outreach activities to mobilise public participation.

Critics say that such sponsored participation is limited to one-way information flows—from the planners to the public to gain support for their proposals by explaining and justifying plans, and from the public to the planners to provide empirical data and needs-values related information, reflecting an obsolete planning paradigm (Booher & Innes, 2005). Nevertheless, having them is better than not, and sometimes they even become a bridge to more interactive participation and alternative planning.

Information about plans and planning decisions. The Planning & Building Law requires notice of planning actions and decisions to specified interested or affected parties. In broad generalisation, these are the same parties who have standing to object or appeal the plan or planning decision. Depending on the type of plan or planning decision and the status of the recipients, such notice may be given through personal service (for example registered direct mail), posting at the relevant site, posting at other prescribed locations (such as local government and other government agency offices), advertisement in local and national newspapers in prescribed format, and notice in the official legal bulletin.

This law, which prescribes free access for interested parties to plans and other planning information, is reinforced by the Freedom of Information Law of 1998 that entitles anyone to obtain any public information³⁰ upon demand. Though it is not subject to any limitations of standing, the request for information under that law must follow a prescribed format and procedure. The complexity and duration of these procedures present serious obstacles to effectuation of the right to know.

Israel's legally required forms of notification of pending and approved plans and planning decisions are very similar to other western countries' planning systems. In all these, formal compliance is routine, but systemic failures have reduced their effectiveness,³¹ so that it is generally recognised today that they are inadequate for communicating with their designated audiences.

In Israel the relatively rare use of supplementary means of getting information to the public and mobilising participation (described above) has exacerbated the shortfalls of mandated notification processes and formats. By contrast, in many other countries' planning systems, agency sponsored mobilisation and information diffusion efforts have in large measure compensated for ineffective formal notification.

Like Israel, other developed western countries have freedom of information laws that entitle the public to access public information, which includes planning related information (Bimkom, 2007). However, these vary in the breadth of their coverage and in their ease of utilisation, with the USA probably the best, and Israel's the worst.

Israel was the last to enact its law, which includes significant limits on the kinds of information available, though the courts have interpreted these very narrowly and have usually privileged the public's "right to know". Anyone demanding information as provided for by the law has to undertake a lengthy and complex process that often includes the threat or reality of legal action to enforce compliance from reluctant public

agencies. These have been slow to internalise democratic norms of transparency to supplant their bureaucratic culture where control over information is a legitimate source of power.

Goal-setting and programming. Active participation, as stated above, is still relatively rare in Israel. Consequently, so is active public involvement in the goal-setting and programming stage of the planning process, either through mobilising individual members of affected publics to join in formal visioning exercises or charettes, soliciting their input through focus groups or mailed questionnaires, or collaborative planning with stakeholder participation or representation on planning teams. A notable exception is the recent Alexander River Watershed Strategic Plan, an interesting effort at collaborative planning integrating stakeholders in a planning process initiated by a regional council (Shmueli, 2005, pp. 505–509). However, with more frequent adoption of active public participation in major planning projects, the use of these tools has increased though it is far from being as widespread as in other well ordered planning systems.

This is an important part of active participation. But, as we concluded above in our discussion of civil society's active participation in planning, Israel has at least a decade's worth of catching up to do before public involvement in goal-setting and programming, through direct public mobilisation and participation, through consultation, or by stakeholder involvement of civil society, begins to approach the practices that prevail in most well developed western societies today.

Alternative Planning

The Planning & Building Law (Clause 61.A (b)) limited the right to prepare and submit statutory plans and planning proposals to state bodies, that is, planning authorities, local governments and government ministries. Amendment 43 (1995) of the Law extended this right to private parties who are "owners of ... or have an interest in the land."

Until recently, "interest" was understood as a property interest, and neither the planning authorities nor the courts were prepared to admit plans for consideration that were not submitted by planning or other government agencies or landowner-developers. However, a recent High Court of Justice decision has given a narrow foothold to alternative planning, when it prevailed on the Jerusalem District Planning & Building Commission to consider an alternative plan for developing a neighbourhood, which was prepared and submitted by the local residents' association as a counter-plan to the deposited statutory plan amendment. By implication,³² this decision legitimised the residents' interest in the entire planning area to give their association the right to "alternative planning". Notwithstanding this extension of the right to plan, alternative planning is still very rare.

In Israel, then, there was no legal standing for alternative planning until recently, and it is still very limited. In practice, agency sponsored alternative planning and oppositional counter-planning are rare, though they exist. An example of the former is the current detailed town planning scheme for the village of Issawiyya (in the Jerusalem District) being developed by the residents with *Bimkom* as their advocacy planners. A case of the latter is the Bedouin "counterplan" for Bedouin settlement in the Negev, in opposition to Israeli government plans for the region (Alexander, 2004b).

The status of alternative planning in other countries' planning systems varies. Some (such as The Netherlands) resemble Israel in the relative absence of alternative planning, both as of right and as prevailing practice. In others, for example the UK, there is no legal standing

for alternative planning either, but it is widely practiced (often as state sponsored advocacy planning) as an integral part of public participation in plan and project development.

The USA differs most from Israel and the other European planning systems in its embrace of alternative planning. The American planning and legal systems do not limit legal standing to submit plans for approval, so alternative planning is practised there as of right. Indeed, implementation there of the “maximum feasible participation” requirement for many federally funded undertakings stimulated widespread advocacy planning, which often took the form of developing alternative proposals to unwanted government and developer initiated plans and projects. As a result, alternative and advocacy planning continue to be an important part of public participation in the USA.

Summary: Public Participation Rights and Practice in Israel

From the above analysis one conclusion is compelling. In Israel, overall public participation in planning is underdeveloped. In all the relevant dimensions—structural participation, process participation and actions—Israeli participation rights and practices are inadequate and ineffective, and in each of these Israel lags significantly behind prevailing practice in other well ordered planning systems.

The only exception is the administrative-legal channel, which offers the Israeli public its main way of participating in planning. The right to object and appeal in the statutory planning process is well developed, routinely implemented and effectively utilised. This also applies to judicial appeal of planning decisions. In this element Israel is at least the equal of any other western planning system.

But this finding reveals a distorted planning system in Israel, where the administrative-legal arena for lodging statutory objections to plans and appeals of planning decisions and appealing them to the courts is the principal way for the public to assert its right to be heard.³³ In most other western planning systems, the administrative-legal channel for public participation is not that different from Israel’s, but in these cases, unlike in Israel, the other elements are well developed and provide a variety of supplementary channels for public participation in planning.

In Israel, statutory objections and planning and legal appeals through the administrative-legal channel are almost the only option for effective public involvement in planning. This has had a destructive effect on Israel’s planning system, giving public participation adversarial connotations to experienced planners and officials, and making it something to be minimised and best avoided.³⁴

Conclusions

The Israeli Case: Enhancing Participation Rights and Improving Practices

The case study of public participation in Israeli planning revealed a distorted planning system where adversarial participation is still the prevailing norm. Most of the recommendations for remedial actions involve strengthening those elements that are now neglected, and which could provide valuable supplementary channels for public participation in planning. Remedial actions are proposed on three fronts: 1) legislation; 2) institutions and practices; 3) public awareness.

Legislation and regulation. Several amendments to the Planning and Building Law are proposed. One proposes increasing the number of public representatives on statutory planning bodies and ad hoc steering committees. Another mandates consultation with

specified non-governmental organisations and associations in the course of the statutory planning process, before deposit of finalised plans. A third extends the right to alternative planning, to include public and planning interests and give standing to appropriate voluntary associations and NGOs.

To enhance the exchange of information, the public notice provisions of the Planning & Building Law should be given “teeth” by penalising non-compliance and enabling late objections if the notifying party could not prove service. The Freedom of Information Act should be amended to simplify the procedure for requesting public information, and to make recalcitrant public officials personally responsible for non-compliance.

Institutions and practices. To ensure more effective diffusion of information about pending plans and planning decisions, planning institutions and agencies should routinely supplement the mandated provisions for notice with appropriate media and communicative tools and practices. They should also voluntarily initiate consultation with appropriate and relevant extra-governmental organisations and interests in the course of the planning process, even in the absence of mandating legislation.

To enhance representation, planning teams for major plans and strategic projects should have a significant number of public members on steering committees and include strong advisory councils or boards made up primarily or wholly of public representatives. Planning institutions and public agencies should encourage alternative planning by mobilising “user” associations, sponsoring advocacy planning efforts and facilitating (not opposing, as they do now) submission of alternative plans for consideration.

Public awareness. Raising public awareness of and demand for active participation in planning is an important step toward implementing the above recommendations. This includes lobbying for legislative amendments and institutional change, public relations through the appropriate media, and focused activities in educational and cultural arenas. Target audiences are elected and appointed officials and decision makers, the planning and allied professions, and selected “user” and interest groups and organisations.

The Multidimensional Model: Methodology, Theory and Practice

The application of this model to the case of Israel confirms its usefulness as an analytical framework. As such, it can make a significant methodological contribution to research on public participation in planning. The model’s taxonomic framework is comprehensive enough to enable systematic analysis of public participation in all its relevant aspects and abstract enough to allow comparative research across widely differing societies. At the same time it is concrete enough for “thick” case studies in specific institutional contexts (such as a country’s planning system as a whole, or defined by sector or territory) that can yield useful findings with policy relevant implications and practical action recommendations.

This pilot study of public participation in Israel’s planning should facilitate replication by applying this model to assess and evaluate public participation rights and practices in other countries. At the same time, the multidimensional model applied here to a single case clearly lends itself to comparative research on public participation in planning across several countries, providing an integrating framework for description, analysis and comparative evaluation.

The model also contributes to planning theory, by enhancing our understanding of public participation in planning, putting flesh on the abstract bare bones of this well

known and widely used, but rather vague term. In relating the general concept of public participation to the multifold variety of particular real world institutions and practices, the multidimensional model relieves ignorance and corrects false impressions of what public participation is.

This model and its empirical application make it clear that no simple uni-dimensional approach can do justice to the concept of public participation in planning or encompass its real life complexities. Recognising the multidimensional nature of public participation in planning, however, is not only a theoretical insight. It also has some practical implications for planning research and practice. One addresses the debate on the relative value of different forms of public participation, another relates to planning practice research and a third explores the policy and practice consequences.

The debate between proponents of one form of participation and another cannot proceed, as before, in relative isolation from their contexts. Not that evaluating the effectiveness of different forms of participation is without interest, but in future anyone advocating one form of participation will have to assess it in the framework of a planning system as a whole, as shown by the multidimensional model here.

This is especially true of planning practice research focused on public participation. Recognising the limited value of highly targeted case studies, analysts address the trade-off between thick description of a particular practice and richer exploration of a broader context. Our pilot application in the Israel case suggests that these do not have to be mutually exclusive, and that a comprehensive case study covering an entire planning system is compatible with a level of detail that can yield insightful and useful findings.

The multidimensional model's policy and practice implications are the same as its implications for research. Policy analysis aiming to produce practical recommendations will not succeed unless it addresses the planning system as a whole, taking on public participation in all its actual and potential aspects, in its real world social, cultural and institutional context. Isolated action to introduce or improve one particular form of public participation will be less effective than a concerted effort to transform planning and participation practices at those points that offer the best potential for change.

Notes

1. Previous analyses have either focused on one form of public participation, e.g. collaborative planning (Innes & Booher, 1999) or information exchange (Brody, Godschalk & Burby, 2003), or used partial/incomplete models, e.g. Alfasi's (2003) account of the Israeli experience.
2. The model was developed to provide the conceptual framework for the case study, which is a review and analysis of public participation in the Israeli planning system, focusing on participation related planning rights. This case study is one chapter in a larger report on planning rights in Israel (Bimkom, 2005, 2007). Part I of the report presents the inventory and status of planning rights based on legal research, and evaluates their implementation based on anecdotal evidence and secondary sources (for Israel) supplemented by an informal comparison with three other planning systems (Alexander, 2007, pp. 3-19). Part II of the report evaluates the implementation of selected planning rights based on original field research. The report was prepared by *Bimkom*—Planners for Planning Rights, an Israeli human rights/advocacy planning association. The author was responsible for Part I with legal research assistance from Advocate Mona Yazbek.
3. This approach informs most of the research on public participation in planning, which still includes valuable work, e.g. Churchman & Sadan (2004).
4. For more on the meaning of civil society, see Hall (1995).
5. While often more limited in terms of breadth of participation, it is much more effective in influencing decisions and changing outcomes.
6. This term is not used here with evaluative connotations (like "effective") but is intended to mean conformity to accepted procedural norms of organisational behaviour; other languages (e.g. Dutch, German and

Hebrew) have a more precise and commonly used word for this. Here it refers to planning systems that are basically reasonable, respect the rule of law, and meet threshold standards of due process and sound administration.

7. Institutionalisation here is meant in its broadest sense (Alexander, 2005, pp. 210-213) and planning systems are not limited to governmental institutions and agencies. Rather, planning is viewed as a form of governance (Healey, 1998, pp. 218-220), involving all sectors of society.
8. However, this form of participation is rare in statutory planning systems; more frequent is public representation.
9. The Israeli Project Renewal neighbourhood agencies imitated the US Model Cities agencies in their structural participation, with neighbourhood resident representatives projected to make up a majority of the governing board, but they never reached that stage of development.
10. *Rijksplanologische Commissie*: a national body which, though advisory, carries considerable weight; its members are all “public” representatives: individual experts, members of professional associations and academics.
11. A majority of “tenant” firms’ representatives makes up their membership.
12. This holds true for most of the documented cases, for example the California Growth Management Consensus Project and its follow-on Economic and Environmental Recovery Commission and California Governance Consensus Project—initiated by the State Legislature, the San Francisco Estuary Project and the Santa Monica bay Restoration Project—under EPA’s National Estuary Program, the San Francisco Bay Area Partnership—initiated by the Metropolitan Transportation Commission with federal ISTEA funding (Innes *et al.*, 1994; Innes & Booher, 1999), US watershed management projects including the bi-state Lake Tahoe plan produced under federal or state EPA mandates, Australian state initiated catchment area management plans, South East Queensland sub-regional growth management projects, implemented under Queensland state’s SEQ2001 planning process (Margerum, 2002a, b), and water management in Florida under state mandate (Scholtz & Stiffel, 2005).
13. Here representation means membership of a body short of a majority; if public representatives are a majority we have a different form of participation, covered above.
14. In many countries (Israel, the UK, and the USA among others) this is not limited to planning, but extends to all aspects of state administration and government, and is enforced through “freedom of information” laws.
15. Often this is a “counter-plan” embodying objections to the “establishment” plan (developed by the planning authority or submitted by landholders/property owners and developers) and presenting alternative development options for consideration in the planning authority’s deliberations.
16. The right to alternative planning is implied when a party who is not a planning authority or government agency, nor the landowner of the relevant parcels, has legal standing to submit a plan for the area for approval by the appropriate planning authority. The assignment of legal standing varies widely between different countries’ planning systems, from some (such as the USA) where it is universal, to others (such as the UK) where it is almost non-existent.
17. This section is based on Bimkom (2007) Chapter 5, The Right to Participation in Planning, condensed in Bimkom (2005, pp. 29-31).
18. Planning rights are institutional rights, i.e. justifiable claims of “consumers” in an institution—here a planning system—against producers—the state and its agents including planners (cf. patients’ rights in health care systems); positive planning rights are ones with tested justification (e.g. in laws, regulations, statutory plans, contracts, etc.) making them enforceable. For more on planning rights see Alexander (2002a).
19. The exceptions are hypothetical: the law annexing the Golan Heights to Israel made the return of the area subject to approval by referendum, and recently a law was proposed (but rejected by the Knesset) to hold a referendum on the proposed disengagement from Gaza.
20. Therefore collaborative planning is here subsumed under goal-setting and programming.
21. Quasi-NGOs: organisations that are not formally state agencies, but linked to government in ways that limit their independence and sometimes with delegated state authority.
22. Formally, the ILA is a state agency, as it is supervised by a government minister and funded through the budget (apart from its independent revenues), but its governance that includes non-state bodies makes it more like a quango.
23. In this context, this does not necessarily mean the (party or ideological) political opposition. Rather, opposition is pragmatically identified with interests opposing the establishment. So in Israel’s planning system, “green” organisations are seen (to varying degrees) as such an opposition—in part because they argue against the development interests espoused by many in the planning establishment.
24. These organisations are identified in a periodically updated list compiled by the Ministry of the Interior: <http://www.moi.gov.il>

25. The Arab Center for Alternative Planning, and *Bimkom*—Planners for Planning Rights.
26. “Pillarisation”—in Dutch: *verzuiling*—refers to the institutionalisation at the communal level of four distinct “pillars” of society. These “pillars”—Protestant, Catholic, Socialist and Liberal—were originally (in the late 19th and early 20th centuries) manifested in separate parties, schools, newspapers and associated economic and financial organisations (Lijphart, 1968).
27. This difference is manifest in the number of public interest based objections lodged by Dutch NGOs to controversial plans, e.g. Schiphol airport’s expansion plan (Alexander, 1998, p. 314).
28. Except organisations identified under Clause 100(3) see Civil Society above.
29. As an administrative appeals court, sitting as the High Court of Justice.
30. Subject to certain qualifications itemised in the law; however, the courts have given these a very narrow interpretation, and have usually given precedence to the public right to know; see *Bimkom* (2005, pp. 34-35) and *Bimkom* (2007) Chapter 7, Freedom of Information: The Right to Receive Information.
31. A systematic analysis of the implementation in Israel of the right to be informed reveals some of these: contractors’, developers’ and local authorities’ lack of incentive (even counter-incentive) to effectively fulfill their notification obligations such as posting and personal service, failure of specified media (newspapers, the official bulletin) to reach their intended audiences, and illegibility of the legal notice’s format for any but specialist experts (*Bimkom*, 2007, Chapter 6, Freedom of Information: The Right to Notice).
32. Because this was not a court verdict, but a court endorsed agreement-in-law between the disputing parties (*Bimkom*, 2005, p. 30, note 35).
33. Shmueli (2005, pp. 4-5) comes to the same conclusion; consequently her analysis of public participation in Israeli planning focuses on cases of non-mandatory participation—outside or supplementary to the statutory planning system.
34. Avoidance of statutory public participation requirements has taken various forms. One is local government’s substitution of non-statutory plans—e.g. master plans, development policy documents—for statutory plans; another is structural efforts to bypass the statutory planning system altogether, such as establishment of the special Project Approval Committees in the early 1990s (Alterman, 1995, pp. 164, 168) and the National Infrastructures Committee today (Han, 2004).

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