

Chapter 6

Sustainability and Urban Planning Law: The Case for an Emerging Administrative Law in the UAE

Abderrahim El Maslouhi

United Arab Emirates University, UAE

ABSTRACT

This chapter aims to highlight how UAE administrative authorities have dealt with the alignment of urban planning policy with sustainability standards. Although there is no specific federal law on urban planning yet, the state's constitutional federal structure allows constituent emirates to develop and implement their own specific legislation in this area. Referring to Abu Dhabi and Dubai cases, the chapter presents an emerging but robust set of rules that could be lumped under the term "UAE urban planning law." While the two Union's largest emirates arrange their own town planning policy differently, comparison reveals how Abu Dhabi and Dubai have succeeded over the years in forging a solid reputation over the years as some of the world's most innovative and eco-friendly sustainable cities. However, while the outcomes are impressive, further efforts are required to integrate urban planning law into UAE's higher education strategies as part of law curriculum.

INTRODUCTION

In the UAE's context, the urban planning-sustainability pairing and its integration into the State's highest priorities, including those relating to education, cannot be seen as just another sectoral policy choice, but as a transformative lever aimed at restructuring other policies. It is at once a locomotive for economic development, social

DOI: 10.4018/979-8-3693-2987-0.ch006

inclusion, tourism revival, environmental sustainability (Ahmed, 2017; Salameh & Touqan, 2023; AlDabbagh, 2022), and thoughtful insertion into globalization (Atry, 2017). The public authorities in the United Arab Emirates use four main tools to achieve this objective: strategic planning, engineering design, artificial intelligence and legal framing. This chapter focuses on the latter.

Urban planning, also known as town planning, refers to the art, science and technique of planning human settlements. It is the mobilization of the community will and the design of strategies to create, improve, or preserve the environment in which we live (Fischler, 2012, 108). Urban planning law, on its side, belongs to the field of public law and is closely linked to administrative law. It has more or less close links with other branches of law. These include criminal law, environmental law, health law, tax law and others. Substantively, it is often mistakenly equated with construction law which represents only one thematic focus among many others. With its focus on technical, economic and sociological facets, the literature on the legal aspects of urban planning is not abundant. As defined by Jacquot and Priet (2004), urban planning law is a set of rules and institutions set up to achieve land development in line with the planning objectives of public authorities. As such, it forms part of administrative regulation, enabling public authorities to control the allocation and use of land within the framework of public utility easements and restrictions imposed by law. In his *Legal Foundations of Land Use Planning*, Jerome G. Rose (2017) argues that law is a key instrument for achieving community goals in urban planning. Despite this importance, law must work with other disciplines such as statistics, geography, economics, sociology, architecture and philosophy to achieve a lucid analysis of existing constraints and opportunities. This connectivity of law with other realms of knowledge helps to understand the societal values and relationships that often limit the effectiveness of law as an instrument of urban planning. For example, philosophy is instrumental in elucidating discrepancies between the certainty of the law and the freedom of the individual. Should planning law enhance human freedom, or rather restrict it? With this in mind, innovative planners can create new programs that use the full range of legal opportunities to address the two main tensions that characterize planning public choice: individual freedom and the need to regulate it (Rose, 2017).

This equation is all the more relevant as the whole mission of urban planning today is to make it a tool for achieving sustainable development objectives, rather than a devastating factor for the environment and biodiversity. Today, urban planning is strongly confronted with environmental problems linked to land use change (Scherer et al., 1999) and climate change (Jiang et al., 2017). This makes administrative planning regulation more essential than ever to curb the impact of human activities and urban transformations on the environment. The UAE provides a pioneering pathway in this regard. Its model stands out for the prominence accorded

18 more pages are available in the full version of this document, which may be purchased using the "Add to Cart" button on the publisher's webpage: www.igi-global.com/chapter/sustainability-and-urban-planning-law/356530

Related Content

Produce Internationally, Consume Locally: Changing Paradigm of China's Food Security Policy

Vasilii Erokhin (2020). *Handbook of Research on Agricultural Policy, Rural Development, and Entrepreneurship in Contemporary Economies* (pp. 273-295). www.irma-international.org/chapter/produce-internationally-consume-locally/243944

Sustainable Business Practices and Their Influence on Manager Decisions: Transversal Study

Mirela-Ctina Turke, Dan Ioan Topor, Sorinel Cpuneanuand Dana Maria (Oprea) Constantin (2022). *Research Anthology on Business Continuity and Navigating Times of Crisis* (pp. 1706-1737). www.irma-international.org/chapter/sustainable-business-practices-and-their-influence-on-manager-decisions/297380

A Holistic Study on Green IT/IS Practices in ICT Departments of Collaborative Enterprise: A Managerial and Practitioners Perspective

Bokolo Anthony Jnr (2020). *International Journal of Social Ecology and Sustainable Development* (pp. 1-26). www.irma-international.org/article/a-holistic-study-on-green-itis-practices-in-ict-departments-of-collaborative-enterprise/246085

Sustainability Assessment in a Geographical Region and of the Activities Performed

Berrin Kurunand Bhavik R. Bakshi (2016). *Handbook of Research on Green Economic Development Initiatives and Strategies* (pp. 18-43). www.irma-international.org/chapter/sustainability-assessment-in-a-geographical-region-and-of-the-activities-performed/157882

A Study on Usage of Agricultural Engineering Equipment for Various Crops and Yields in South Tamilnadu

Thangavel Chandrakumar, Dhinakaran Sakthipriyaand Devi Mahalakshmi S. (2023). *International Journal of Social Ecology and Sustainable Development* (pp. 1-15).

www.irma-international.org/article/a-study-on-usage-of-agricultural-engineering-equipment-for-various-crops-and-yields-in-south-tamilnadu/322014