

MONITOR REPORT ON THE IMPLEMENTATION OF GOVERNMENT DECISION 3790 FOR INVESTMENT IN EAST JERUSALEM

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WRITTEN BY:
NOA DAGONI



מעון - نقابة عمالية (ג.מ.)
מעון - ארגון עובדים (ע"ר)
MAAN-WORKERS ASSOCIATION [R.A.]

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Government Decision 3790 for the Reduction of Socio-economic Gaps and for Economic Development in East Jerusalem provides for an investment of approximately NIS 50 million for the promotion of land settlement¹ and registration in East Jerusalem. The Decision sets a target for the settlement and registration process of “at least 50% of land in East Jerusalem by the end of 2021 and 100% of the land by the end of 2025.” The procedures set forth in the Government Decision constitute a significant policy change – from a freeze on land registration in East Jerusalem that lasted many years, to the establishment of target dates for the complete registration of land rights. As part of the steps set forth therein, the Decision also provides for the appointment of staff designated for this specific endeavor, to be headed by the Director-General of the Ministry of Justice. According to the 2019 Annual Status Document of the Ministry of Jerusalem and Heritage [Hebrew], the Custodian of Absentee Properties, the General Custodian, and the Unit for Public Participation are also listed as members of the staff.

I. Use of Government Decision 3790 to Register Land in East Jerusalem to Jewish Owners

As part of Ir Amim’s monitoring of the implementation of Government Decision 3790, a grievous revelation has come to light with regard to land registration. Decision 3790 is intended to improve the overall welfare of residents of East Jerusalem, yet through the use of budgets allocated for such purposes set forth in the Decision, in the past month the process of land registration was completed in the Sheikh Jarrah neighborhood (in Umm Haroun, Registration Bloc 30821) exclusively to Jewish owners who owned the land prior to 1948.

In Umm Haroun, the area of the Sheikh Jarrah neighborhood where the registration was carried out, approximately 45 Palestinian families live in about 40 buildings. This registration process puts these families at serious risk of eviction.

II. Land Settlement Procedures in East Jerusalem

Approximately 90% of the land rights in East Jerusalem have not been registered. Between 1948 and 1967, Jordan applied a process of land

¹ The legal term “land settlement” refers to the process prior to the official registration of land rights whereby information is collected and claims of land ownership are clarified.

settlement for some of the land in East Jerusalem – Including in Sheikh Jarrah. With the annexation of East Jerusalem to Israel in 1967, the processes for land settlement and registration set in motion were nullified or frozen by Israel. Due to political considerations, Israel did not initiate comprehensive actions to register land rights in the Palestinian neighborhoods of East Jerusalem until 2018. Among these considerations were the potential dramatic implications of this process in the international arena.

This persistent and intentional policy took a turn with the publication of Government Decision 3790, which set goals for the full settlement and registration of land rights in East Jerusalem by the end of 2025. Since the beginning of the process, Ir Amim and other bodies have expressed concern regarding the possible misuse of the mechanism used for land settlement for the purpose of registering land rights to the State or to Jews alleging ownership (see: [the Quarterly Report from May 2019](#) [Hebrew]). This risk is particularly threatening for families in houses for which there are allegations of Jewish ownership before 1948 (on the basis of the 1970 Legal and Administrative Matters Law) and for the families whose members are likely to be defined as ‘absentee’ in accordance with the Absentee Properties Law. Prospects become even more dire with the joining of the General Custodian – who is responsible for property pursuant to the 1970 Legal and Administrative Matters Law – and the Custodian of Absentee Properties to the staff entrusted with land registration procedures laid out in Decision 3790.

The framing of the land settlement procedures as part of Decision 3790 created the impression that, despite concerns, the overarching process would be for the overall benefit of the Palestinian residents who would reap the rewards of its economic and planning provisions. However, the recently-discovered decision to include Umm Haroun among the initial registration plots – an area where numbers of well-publicized eviction attempts of Palestinian residents have been taking place in favor of the General Custodian, private entities, and settler associations – suggests otherwise.

Moreover, the registration of land in Sheikh Jarrah under Jewish ownership undermines a declared objective of promoting land settlement in East Jerusalem: a means of assistance for solving the severe housing shortage in East Jerusalem. As of 2018, the Palestinian residents of East Jerusalem made up approximately 40% of the city’s population, yet only about one-quarter of

the residential units in Jerusalem were located in Palestinian neighborhoods.² On the basis of these and additional data, in our estimation an addition of more than 24,000 residential units is necessary in order to enable each nuclear family in East Jerusalem to live in its own apartment.

One of the prominent factors causing this situation is the serious discrimination in planning laws and processes. After widespread expropriation of Palestinian land beginning in 1967, public planning and construction commenced in East Jerusalem, however, mainly where Israelis lived. About 56,000 new residential units were built for approximately 220,000 Israelis. In contrast, the public planning carried out since 1967 for new Palestinian neighborhoods was very limited, and in the past two decades no planning of this nature was carried out at all. In 2019, of all of the master plans specified for building in Jerusalem that were advanced in the planning and building committees (both district and local), only 7.4% were designated for Palestinian neighborhoods.

Although this issue is one of the most central crises facing East Jerusalem, there is no mention of instituting planning processes for residential buildings in Government Decision 3790. While the absence of land registration also constitutes a significant obstacle for planning in the Palestinian neighborhoods of East Jerusalem, instead of addressing this crisis, the implementation of the registration process as it was carried out in the Umm Haroun neighborhood of Sheikh Jarrah, only exacerbates the crisis by transferring broad tracts of land where Palestinians live into Jewish ownership.

Beyond the cynical use of the Government Decision, the land settlement and registration that was uncovered in Umm Haroun was carried out both with exceeding haste and without the knowledge of the Palestinian residents who have lived there for decades. This constitutes a direct violation of the Land Settlement Ordinance, of which a substantive requirement of the registration process is notifying the current residents of the land.

III. A Petition was Filed against the Land Settlement and Registration in Umm Haroun

In the wake of the discovery of the underhanded land registration procedures in Sheikh Jarrah, Ir Amim, together with Bimkom: Planners for Planning Rights and the Association for the Welfare of the Residents of Sheikh Jarrah, filed

² [The Statistical Yearbook of the Jerusalem Institute for 2020](#) [Hebrew].

an [urgent petition](#) [Hebrew] to the High Court of Justice on May 2, 2021. As part of the petition, the organizations demanded that the High Court freeze the land registration in the Umm Haroun bloc of Sheikh Jarrah until the legal issues laid out in the petition are clarified. The petition likewise called upon the court to expunge all invalid land registration as a result of unethical procedures.

Together with the petition, a [request](#) [Hebrew] was submitted for an urgent hearing in the context of an additional petition filed in December 2020 by the Sheikh Jarrah community association and Ir Amim, concerning the necessity for the Israel General Custodian to establish procedural regulations for the management of its property – including many properties in Sheikh Jarrah and in East Jerusalem in general. The request for an urgent hearing was filed in light of the blatant intervention of the General Custodian in the land registration process, brought about as a member of the planning and land registration staff as detailed in Decision 3790.

According to the State’s response to the petition regarding land registration in Sheik Jarrah, it transpires that on April 20, 2021– prior to the filing of the petition – all stages of the registration process were completed with respect to the entirety of the plots within the Umm Haroun bloc.

Ir Amim is moving forward with the hearing of the petition before the Court.

IV. Advancement of Land Settlement in Umm Haroun without Notification neither to the Residents nor the Public and in Violation of the Land Registration Ordinance

According to the [2019 Status Document of the Ministry of Jerusalem and Heritage from October 2019](#) [Hebrew], Bloc 30821 in Umm Haroun was included in a limited list of “pilot blocs,” which constituted initial steps in the overall process of land settlement and registration in East Jerusalem. Other blocs on the list were located in Sur Baher, Beit Safafa, Atarot, and Beit Hanina. According to the published documentation, only in March 2020 was information regarding the Umm Haroun bloc designated to be collected. Furthermore, the bloc’s numbering in the document relates to a newly registered bloc that does not appear in the municipal maps, and therefore, identification of the relevant plots is very difficult. The report from the Ministry of Jerusalem and Heritage also noted the significant difficulties that accompany the process of land settlement – foremost among them objections on the part of the residents, who are concerned, as stated, about the misuse of the mechanism.

The 2020 Status Document of the Ministry of Jerusalem and Heritage regarding the implementation of Government Decision 3790 [Hebrew] that was published in March 2021, reported on the progress of land settlement processes and the groundwork for it. According to the Document, there has been progress in the registration processes of the pilot blocs, despite the limitations created by the Coronavirus crisis. However, while the Status Document contains details regarding the progress within the pilot blocs in the neighborhoods of French Hill, Sur Baher, and Beit Hanina, there is no mention in the Document of the registration process in Sheik Jarrah. This is in spite of the fact that it has become clear that this is a bloc in which the registration process is in more advanced stages.

Further reported in the Status Document from March 2021 were that efforts were being made to encourage cooperation of residents and acquire their trust. Some of these actions included turning the Jordanian property rights tables held in the Land Settlement Office into legible and accessible documents in Hebrew so that the residents can use them in their dealings with officials in the municipality and in the government; and the writing of an explanatory document in Arabic regarding the land settlement process and what documents are required in order to prove land ownership. None of these measures, however, were carried out in the land rights registration process in bloc 30821 in Sheik Jarrah.

According to the Status Document of the Ministry of Jerusalem and Heritage, the land settlement process began in August 2019. Since then and until the completion of the settlement and registration process, no publicization was made regarding the process being carried out in the Umm Haroun neighborhood. Notices were not distributed; there were no visits by the land settlement officer to the neighborhood; inquiries were not made to households or the community council as expected in cases such as this. Inquiries made in the office of the land rights registration officer and in the Ministry of the Interior did not result in any further information on the subject.

The entities dealing with the implementation of the land registration clause in the Government Decision were aware of the significant complexity of the process and the accompanying risks. In a meeting of the standing committee for the implementation of Government Decision 3790 that was called to

summarize the activity in 2020,³ the group discussed the risks that the residents face in the land settlement and registration process. One such risk that was raised dealt with the case of the submission of documents that lack the certification framework for proving ownership, meaning the residents risk loss of ownership of the land. According to the summary of the committee meeting, the authorities recognized the need for a change in the existing policy in order to reduce the risks faced by the residents of East Jerusalem as part of the land rights registration process.

It is apparent that in spite of the awareness of the sensitive nature of the process, not only were extra precautionary measures not taken, rather in the specific case of registration in Sheik Jarrah, a land grab occurred. From the reports of the Ministry of Jerusalem and Heritage, as well as from the conduct of the land settlement officer, a misleading impression was created that there had been no progress in the registration of lands in Sheik Jarrah, while – In actuality – It had advanced to the final stages of registration.

As the petition from Ir Amim, Bimkom, and the Association for the Welfare of the Residents of Sheikh Jarrah states: “The land rights registration process was completed or nearly completed in its entirety while Palestinian residents either living in the neighborhood or with rights to the properties being registered **were unaware, could not know, and were not made aware of the existence of this procedure.** They did not know that they needed to submit memoranda of claims and, in any event, were left in the dark of the ramifications of non-submission of such memoranda – including the risk of losing their rights to the land.” This behavior undermines the essence of the land rights registration process; the importance of informing the public regarding the procedure is clearly reflected in the Land Settlement Ordinance, which is entirely based upon the public’s knowledge of the existence of the land rights registration process and, by its very nature, a public process.

V. A Look to the Future – The Umm Haroun Case as a Warning Sign

The authorities’ decision to obscure information regarding the progress of land settlement and registration in the Umm Harun bloc heightens the

³ Meeting of the Permanent Committee – Decision 3790, Summary Activity. 2020, from Mar. 3, 2021.

apprehension that procedures of this kind are also occurring in other areas of East Jerusalem.

According to our findings, the registration has also been completed in bloc 31484 on the Mount of Olives – a process that was not reported in publications of Decision 3790.

The reporting in the Status Document for 2020 also has worrisome implications. It transpires that among the “identified plots” (plots as to which there is single-value identification of the registered owners/claimants by way of their identity certificate or passport number) in Beit Hanina and in Shuafat – which are of the highest priority for advancing land registration – there are plots under Jewish ownership, others owned by institutional bodies, or under complete or partial state expropriation.

It is further reported that the land rights settlement office actively turns to other entities who assert ownership of land in East Jerusalem in order for them to initiate settlement processes. Although it has not been specified who these bodies are – it merely says that “among them are state bodies.” In the absence of details, there is concern that these bodies include the Custodian of Absentee Properties, the General Custodian, or other State entities that are liable to constitute a threat to the ownership rights of East Jerusalem residents of their land and assets.

The Israel Land Authority is also involved in the registration process, specifically with blocs in the Jewish area of Musrara (blocs 30053 and 30054), Givat Hamatos/Tabliyah (blocs 30995 and 30996), and North Atarot (blocs 31254 and 31255). Thus, under the auspices of a government decision for socio-economic development in East Jerusalem and with use of the budget allocated for it, the registration of Jewish residential areas or areas designated for Jewish building or settlement in East Jerusalem is being advanced.

Until now, from our discussions with the planning officials and community figures in some of the areas in which the registration process is being advanced, it appears that – at best – partial, and at times zero, information was provided neither to the residents nor to the planning professionals.

What until recently was limited to serious concerns regarding the land settlement and registration process, both among the Palestinian residents of East Jerusalem and among organizations that operate to defend the residents’ rights, has been disclosed in the case of Umm Haroun as an exceedingly disturbing reality. The entities responsible for the implementation of Decision 3790 must

carry out a meaningful inquiry regarding the dangerous and serious use of this Decision which is ostensibly intended for the welfare of the residents of East Jerusalem, and instead is on track to further harm them.



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Ir Amim is an Israeli nonpartisan organization that deals with the complexity of life in Jerusalem within the context of the Israeli-Palestinian conflict. The organization acts to promote stability, equality and a agreed-upon political future in Jerusalem.

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The workers' organization WAAC-Maan is a general workers organization which unites workers in Israel. In addition, the organization unites Palestinian workers who work for Israeli employers in industrial areas in the areas of the settlements. For twenty years the organization has operated a branch in East Jerusalem which assists the residents there to realize their social rights and acts to promote fair employment for women.