



Settlement of Land Title in East Jerusalem:

A Means of Dispossessing Palestinians from their Lands and Homes

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After a year of monitoring the advancement of the Israeli government's settlement of land title procedures in East Jerusalem in the framework of Government Decision 3790, a brief overview of these proceedings, including the way in which they are carried out and their implications is provided below.

In 2018, the State of Israel began promoting settlement of land title proceedings in East Jerusalem for the first time since its occupation and unilateral annexation in 1967. As part of [Government Decision 3790 to "Reduce Socio-Economic Gaps and Advance Economic Development in East Jerusalem,"](#) the state allocated 50 million NIS for advancing the settlement of land title process and determined that it would be completed by 2025. This decision, which was made after more than five decades during which the state chose not to advance such proceedings in East Jerusalem due to political and policy considerations, immediately aroused suspicion and concern among Palestinian residents. There was acute alarm that these procedures would be exploited to dispossess Palestinians of their lands for the benefit of advancing the interests of the state and Jewish settlement in East Jerusalem.

Settlement of land title is a procedure initiated by the state in which land ownership rights are officially registered in the state's land registry ("Tabu"). Registration via the settlement of title process formally and nearly irrevocably establishes land rights; after completion, it can rarely be contested. Therefore, publicly announcing the initiation of settlement of land title procedures and actively inviting those with valid land claims to open a case and submit evidence are essential conditions for the process. In a less politicized and conflict-ridden context, settlement of title proceedings are indeed an essential tier of urban planning and economic development as it promotes transparency, clarity, and finality of property rights.

While the majority of land (over 95%) on the Israeli side of Green Line has undergone a settlement of title procedure, approximately 90% of the land in East Jerusalem has **not** had these processes completed or even begun at all. The Jordanians who controlled East Jerusalem between 1948 and 1967, began to carry out these procedures in several neighborhoods, yet following the 1967 War and Israel's subsequent annexation of East Jerusalem, all proceedings were frozen by the Israeli authorities. This freeze remained in place until the change in policy brought about by Decision 3790.

The inclusion of the settlement of land title procedures in a government decision described as intended to "create a better future for East Jerusalem residents," implies that such a measure would ostensibly benefit Palestinians, providing them with the means to affirm and solidify landownership rights through formal registration. However, the reality is far from that. Indeed, measures carried out over the past year in the framework of these procedures and in tandem with them confirm the suspicions that such proceedings are being

used as a tool to seize more land in East Jerusalem, leading to the expansion of Israeli settlements and further Palestinian dispossession.

The manner in which the settlement of title process is being implemented, alongside the existing legislative framework, clearly turns it into a mechanism that places entire Palestinian communities in East Jerusalem in danger of displacement.

Official publications released over the first three years of the decision's implementation by the Ministry of Jerusalem and Heritage (the body responsible for implementation of Decision 3790), indicated that no significant progress was made in advancing the settlement of title proceedings. Yet, contrary to this account, in May 2021, it was uncovered in the framework of Ir Amim's long-term project monitoring the implementation of Decision 3790, [that the Israeli government had not only initiated, but completed these procedures in Um Haroun, Sheikh Jarrah](#), formally registering the title of properties under the name of Jews who allegedly owned the land before 1948.

In a breach of regulations, the settlement of title officer, who is responsible for its implementation, did not inform the 45 Palestinian families residing on the respective plot of land in Sheikh Jarrah that this process was taking place, which deprived them of the power to defend their property rights. The advancement of the settlement of title process was thus conducted in an underhanded manner without the residents' awareness and/or the public's knowledge.

In the months that have since passed, additional plots of land across East Jerusalem have been discovered where the settlement of title procedure was initiated without the knowledge of respective Palestinian residents and/or community councils. Moreover, the lack of transparency is not limited to residents alone. In response to a freedom of information request filed by Ir Amim, the settlement of title officer denied the request for maps detailing which blocs are undergoing the process.

Recently, official documents published by the Ministry of Jerusalem and Heritage, which summarized the implementation of Decision 3790 over the past three years, state that 158 blocs in East Jerusalem are currently undergoing settlement of land title proceedings, but did not contain sufficient details. A partial mapping of the blocs of land undergoing this process can be found on a [new interactive map](#), recently released by Bimkom - Planners for Planning Rights based on information collected together with Ir Amim.

Furthermore, the parameters by which the settlement of title officer selects areas to conduct these procedures are neither transparent nor made public. However, an examination of the locations where the procedure is currently underway reveals the driving rationale: settlement of land title is largely being promoted in areas where the state and/or settlers have a particular interest and likely have some capacity to prove land ownership rights in the framework of the proceedings. For example, the procedures are occurring in neighborhoods already targeted by settlers, such as Sheikh Jarrah, as well as in existing Israeli settlements in East Jerusalem, such as French Hill and in areas marked for new settlements, including [Atarot, Givat Hamatos and Givat HaShaked](#).

Alongside these procedures, in September 2021, [the JNF-KKL issued a decision to promote a comprehensive plan to advance land registration of at least 2500 dunams of land in East Jerusalem](#) which it claims to have owned prior to 1948 and currently being managed by the General Custodian. If KKL's land registration process is indeed

carried out, this coupled with the government's settlement of title procedures could cause an extreme rise in eviction lawsuits filed against Palestinians residing in the areas in question.

Another significant issue facing Palestinians in East Jerusalem concerns the possible application of the Absentee Property Law on lands undergoing the settlement of title process. The question of applicability of this law in a settlement of title claim in East Jerusalem has not been entirely clarified, but the residents are aware that if it does indeed apply, their rights are likely to suffer. If at some point in the succession of land ownership, one of the owners is considered an "absentee" as per the Absentee Property Law – a classification that applies to many residents of East Jerusalem – their property could be registered partially or fully as “absentee” and therefore automatically transferred to the Custodian of Absentee Property. However, if they choose not to participate in the proceedings due to this concern, they likewise run the risk of losing their property. According to the Land Settlement of Title Ordinance, if no land ownership claims are filed during the settlement of title process, the plot can be automatically registered as state land.

Lastly, there is a bureaucratic challenge for residents of East Jerusalem to obtain the required documents to prove the succession of ownership as necessitated by the settlement of title process. Many of these documents are located in Jordan or Turkey - who do not cooperate with Israeli procedures - and therefore it is difficult or even outright impossible to obtain them. The mere existence of a settlement of title procedure where documents which can attest to property rights exist, but cannot be acquired, can lead to future obstacles in the process and raise challenges for both the Israeli authorities and Palestinian residents who claim land ownership.

As long as the settlement of title process continues in its current form with a clear bias toward the interests of the state and settler organizations over the promotion of due process, transparency and cooperation with Palestinian residents, it not only undermines its stated rationale, but will inevitably lead to further Palestinian displacement and dispossession. In parallel to the eviction procedures being carried out in Sheikh Jarrah and Silwan by state-backed settlers, the settlement of land title process will serve as yet another mechanism for extensive Israeli takeover of Palestinian properties throughout East Jerusalem.

Therefore, the settlement of land title procedures must be halted in its current form; yet if nevertheless it continues to be advanced, it must be carried out in a public, transparent, and equitable manner for the actual benefit of East Jerusalem residents.

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