



Applied Research Institute-Jerusalem  
(ARIJ)



Land Research Center  
Jerusalem

## **ARIJ Calls Palestinian Jerusalemites to Boycott it** **A Land Mine before the “Two State Solution** **Land Registration in Jerusalem** **in Service of the Israeli Settlement Project** **and a Camouflage to Legitimize Land Grab**

The land administration issue was and still is one of the most complicated topics the Palestinians had to deal with in the occupied territory. The shortage of official data concerning land use and registration often caused confusion especially as the Israeli occupation ceased all procedures related to land registration and inheritance. The historical context of land registration in Palestine went through various categorization as per the various administrations that went over the land.

During the period of Ottoman epoch in Palestine, the land register process known as the "Taboo" commenced in 1858 to establish rights of land ownership to those of concern.

Some years following the British Mandate over Palestine (1920 -1948), the Land Settlement Ordinance went into effect in 1928 to affirm rights of land ownership. Both the Ottoman and British failed in their operations as the communal farmers who formed the majority of land owners rebuffed the processes, which: “the British” will not deal with the traditional “collective” land ownership system; and because of the high taxes forced by the Ottoman on the registered cultivated lands. Since

Under the Jordanian administration that lasted until the 1967, some land registration occurred in just under 30% of the West Bank. Additional land survey were completed, including in East Jerusalem but were not formally registered because of the war.

As Israel occupied the West Bank (including East Jerusalem) in 1967, it neither recognized nor authorized the traditional communal based system of ownership that existed on the land, particularly where it mostly existed at the southern rural area of the West Bank.

Moreover, Israel instrumented policies, laws and regulations to enable their domination over Palestinian's privately owned lands, which was an initial step toward the issuance of the Israeli military order of 1967 to cease any form of land registration in the occupied Palestinian territory

including East Jerusalem, under the pretext of "protection of rights" of absentee's property rights.

Upon the Trump Administration recognition of Jerusalem as the "unified" capital of Israel and taking the Israeli long awaited step to open the U.S embassy in Jerusalem, the Israeli Occupation Municipality of Jerusalem commenced a plan of "settlement of real estate rights" in Jerusalem. The unstated goal of such a plan is to deprive many Palestinians (who live in diaspora or even in the West Bank) of their rights to inherit their property in occupied Jerusalem, thus paving the way for the occupation to seize their property on the pretext of not having their ownership properly documented, and thus reactivating the Absentee Property Law to "officially" seize the Palestinians' properties.

Until then, in the event of a settlement between the conflicting parties (most likely imposed on the Palestinians), Palestinian Jerusalemites will likely be subject to excessive retroactive taxation in order to register only their property and not the land on which they reside.

On March 19, 2018, the former Israeli Minister of Justice, the current Minister of the Interior in the Bennett government, Ayelet Shaked, announced her intention to initiate procedures for the settlement of real estate and land purchase rights in various locations in the occupied city of Jerusalem.

Approximately NIS 100 million is the budget for the following five years to examine some 17,000 land purchases and real estate transactions that the KKL-JNF claims to have carried out before the 1948 Nakba/occupation of Palestine. It seeks to base its claims on the discriminatory law of 1970 (the Legal and Administration Law) that enables Jews to claim property they lost in East Jerusalem prior to 1948, while denying the Palestinians that same right to do so. Evidently, the KKL-JNF did not complete the registration procedures for 88% of the transactions at the time.

To this end, the occupation government approved in May 2018 a budget of five hundred and sixty million US dollars to strengthen Israel's control and sovereignty over occupied Jerusalem for the next five years; including budget allocations to cover the procedural expenses for the settlement of real estate rights.

The Keren Kaymeth Fund/Jewish National Fund (KKL-JNF) approved Ayelet Shaked's endeavors related to land registration in East Jerusalem, for the benefit of Jews throughout Jerusalem; including the West Bank area, which Israel illegally annexed to the illegally and unilaterally drawn borders of East Jerusalem following the 1967 war.

The transactions pursued by the KKL-JNF take place at 530 sites (360 real estate and 170 land purchases) located in areas of the West Bank that were illegally and unilaterally annexed to the newly drawn borders of East Jerusalem after the 1967 war.

In Jerusalem, 2050 transactions in question, including real estate and lands, and they cover an area of roughly 2,500 Dunums, which have been managed by an appointed Guardianship since

1967. This happened in spite of the fact that much of the lands in question have present owners, and many of the properties currently inhabited as they have been for decades; even some before the 1967 occupation: e.g. Sheikh Jarrah. The Palestinian residents of the targeted properties have been battling their right in Israeli courts for decades as they remain under immanent threat of evacuation at the demand of the KKL-JNF.

### **That being the case ...**

Palestinian Jerusalemites are required not to deal with the Israeli procedures related to land registration in Jerusalem or anywhere else for that matter.

What Israel is trying to do in Jerusalem goes beyond land registration, its goal is to make the status quo on the land, forced annexation “unified”, and then “Greater” Jerusalem, a legitimate act with a Palestinian signature.

The so-called “united” Jerusalem of Israel, which is currently attempting to seek “Greater Jerusalem”, is merely a plan to consolidate its control over the occupied city, ignoring in the process the legitimate rights of the more than 300,000 indigenous Palestinians living in the city. Israel’s action in oPt; including; particularly in East Jerusalem in screaming breach and violation of international law and the UN, UNSC resolutions and fall nothing short of war crime against humanity.

- **Israel violates**

Article 17/2 of the Universal Declaration of Human Rights,

- **Israel violates**

The International Convention on the Elimination of All Forms of Racial Discrimination of 1965,

- **Israel violates**

Article 46 of the Hague Charter of 1907, to preserves private property,

- **Israel violates**

The Fourth Geneva Convention of 1949 and all forms of human rights,

- **Israel violates**

International legitimacy resolutions and Security Council Resolution 198 of 1971, to seize others land by military is illegal and in violation of international law,

- **Israel violates**

UN Security Council Resolution 2334 of 2016,