



Intensive activity by the Palestinian Authority to register land in Judea and Samaria

April 24, 2018

During the past year, the Palestinian Authority (PA) has been very active in **promoting land registration arrangements in the Land Registry in Judea and Samaria**. This activity is carried out by the **Land and Water Settlement (Registration) Authority**, a body operating within the framework of the **Palestinian Land Authority**. The Land Authority is subordinate to the Palestinian government and its head enjoys ministerial status. **Special emphasis** is placed **on registering land in Area C and in the Jerusalem area**¹. The PA perceives land registration as an important legal **means for proving Palestinians' ownership of land in Judea and Samaria**. In the ITIC's assessment, the purpose of land registration is **to make it as difficult as possible for Israelis to purchase land in Judea, Samaria and East Jerusalem and to grant advantages to Palestinians who turn to the courts, including the Israeli courts**.

- ▶ This activity was revealed in a recent interview granted to the Wafa News Agency by **Judge Moussa Shakarneh**, the new chairman of the Palestinian Land Authority (April 7, 2018). In the interview, Judge Shakarneh said that the land settlement and registration process in the West Bank had already begun and that no one would be able to stop it. According to him, half of the land registration activities **are carried out in Area C and in the Jerusalem area as part of a "strategic move" by the Palestinian leadership** aimed at protecting the Palestinian lands and establishing the Palestinians' right to them. According to him, **this move also implements the "right of return"** through the registration of land belonging to Palestinians living abroad (for details of the interview, **see Appendices A and B**).
- ▶ The PA's registration activity is carried out in addition to **the PA's cooperation with Turkey**. This cooperation includes the transfer of documents from the Ottoman archive to the PA, **in order to prove Palestinian ownership of land in Judea and Samaria and to prevent Israel from taking it over**. At the present time, **the Palestinians are placing an emphasis on documenting the Palestinian *waqf* ownership (religious endowments) of**

¹ Area C comprises regions in Judea and Samaria that are under Israeli security and civilian control. The term is derived from the Oslo II Accord (1995). Most of the land-related disputes between Israel and the Palestinians pertain to Area C.

Palestinian land in the Jerusalem area, with the assistance of the Ottoman archive which they received from the Turks (including land registration documents throughout the Ottoman Empire in 1517-1914) ².

² For further information see the ITIC's Information Bulletin from March 15, 2018: "The Palestinian Authority in collaboration with Turkey is searching the Ottoman State Archives for documentation regarding Palestinian ownership of lands, including *waqf* property in Jerusalem, to prevent land from being sold to Israel"

Appendix A

Highlights of the interview granted by Judge Moussa Shakarneh to the Wafa News Agency (April 7, 2018)

► **Judge Moussa Shakarneh is the new chairman of the Palestinian Land Authority**, who took office on March 14, 2018. He is also the head of the **Land and Water Settlement (Registration) Authority**³, a body operating within the framework of the Palestinian Land Authority. In this capacity, he enjoys the status of a government minister and is subordinate to the Palestinian government.



Judge Moussa Shakarneh, who serves as Chairman of the Palestinian Land Authority and Chairman of the Land and Water Settlement (Registration) Authority (Wafa News Agency, April 8, 2018)

► In an interview granted to the Palestinian Wafa News Agents (April 7, 2018), Judge Moussa Shakarneh discussed in detail the land settlement and registration activities carried out by the Land and Water Settlement (Registration) Authority. The main points that he made are as follows:

- ◆ In the 1950s, Jordan began the process of regulation and registration of land in the West Bank. This process was stopped after the (Israeli) “occupation” under the Civil Administration Order. When the PA was established, the regulation activity was resumed at the Land Authority, but it proceeded slowly. **Since the Palestinian leadership views the issue of land settlement and registration in the Land Registry as a strategic plan, a special authority was established for this purpose on March 22, 2016.**

³ Originally: **Hay’at Taswiyat al-Aradi wal-Miyah.**

- ◆ **The process of land settlement in Palestine has already begun.** The plan being implemented in the West Bank constitutes a “**strategic plan for Palestine**” designed to protect the land and establish ownership. **Half of the registration and regulation activities take place in Area C and in Jerusalem.** The plan implements the “**right of return**” by registering the land in the name of its owners, even if they have emigrated (from Palestine) and live abroad. The plan will also put an end to thousands of land ownership disputes between Palestinian citizens and will reduce the number of cases brought before the courts.
- ◆ **Land is at the heart of the conflict with the (Israeli) “occupation” and the regulation and registration of land in the Land Registry is the best means of preserving Palestinian ownership of the land.** This is because the Land Registry Office gives a deed of ownership to the owners of the land, **with which they can protect their land.** The documents that currently exist – land use certificates – are not ownership documents since they are insubstantial in all matters related to proof of ownership. **Documents issued by the Land Registry Office are official documents of ownership in all countries of the world, including Israel. After land is registered in the Land Registry and the ownership deeds are issued, it will not be possible to deprive the Palestinian people of ownership of their land. The ownership deeds that will be given to citizens can be used for protection before any court, even courts in Israel.**
- ◆ **The land settlement activity has already begun.** According to Shakarneh, **around 70 land settlement plans are currently being carried out throughout the West Bank**, based on accurate aerial photographs and detailed plans. **To promote these plans, 70 offices have been established in the various regions** (see Appendix B). According to Shakarneh, prior to the establishment of the **Land and Water Settlement (Registration) Authority**, no land registration was carried out in Area C. However, **land registration is now being carried out on every inch of the West Bank, and more than half of the activity is being carried out in Area C.**
- ◆ **The most important land settlement activities are now being carried out in the area surrounding Jerusalem, especially the East and northwest Jerusalem** (in this context, Shakarneh mentioned **the village of Bir Nabala** in northwest Jerusalem, which is controlled by the PA). This is in order **to prevent the transfer of land to the**

(Israeli) “occupation” and so that citizens will have documents with which they can protect their lands.

◆ Land settlement procedures are usually lengthy because they are technical-legal procedures. Every Palestinian citizen is required to accompany the teams of surveyors, to submit the necessary documents, and to present arguments attesting to his right to the land. **During 2017, an area of 283,000 dunams (28,300 hectare) were surveyed throughout the West Bank.** This year (2018) they hope to double this figure. **Shakarneh expects that within five years, all the land in the West Bank will be surveyed and registered in the name of its legal owners.**

◆ **The Land Authority is working to establish a land bank and a national archive,** so that the information will be accessible to all landowners and they will be able to obtain it easily. This will help real estate companies carry out projects for the benefit of the Palestinian public.

Appendix B

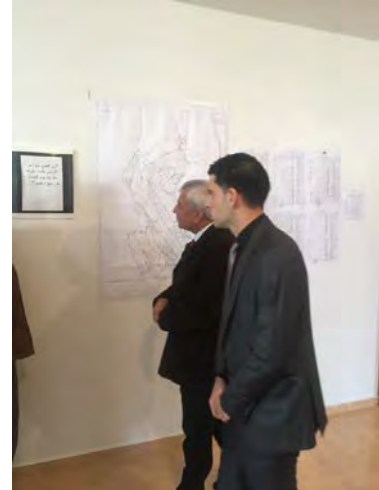
The activity of the Land and Water Settlement (Registration) Authority over the past year



Profile photo on the official Facebook page of the Land and Water Settlement (Registration) Authority. The Palestinian flag is marked on the map of Palestine, conveying the message that the entire Land of Israel belongs to the Palestinians (Facebook page of the Land and Water Settlement (Registration) Authority, October 11, 2016)

A close look at the Facebook page of the Land and Water Settlement (Registration) Authority shows that **the statements made by Moussa Shakarneh about the intensive activity carried out by the authority are supported by activities on the ground.** These activities are reflected in several areas: the signing of cooperation agreements with Palestinian local authorities; the opening of offices of the Authority at local authorities; Moussa Shakarneh's visits to the offices of the Authority in the various areas; the holding of professional trainings and courses for the employees of the Authority; the signing of a cooperation agreement with the Palestinian Wafa News Agency and with the Palestinian Broadcasting Authority (in the ITIC's assessment, this is because they perceive the struggle over land registration also as a struggle for hearts and minds).

The activity of the Land and Water Settlement (Registration) Authority over the past year



Moussa Shakarneh visiting the offices of the Land and Water Settlement (Registration) Authority in the Ramallah District (Facebook page of the Land and Water Settlement (Registration) Authority, January 16, 2018)



Moussa Shakarneh participating in the opening ceremony of the office of the Land Settlement Authority in the Nablus District with the participation of Nablus District Governor Akram Rajoub and Nablus Mayor Adly Yaish (Facebook page of the Land and Water Settlement (Registration) Authority, November 21, 2017).



Moussa Shakarneh participating in the opening ceremony of the Land Authority office in Beit Ummar, north of Hebron (Facebook page of the Land and Water Settlement (Registration) Authority, October 8, 2017).



Moussa Shakarneh meeting in his office in Ramallah with representatives of the offices in the various areas to keep abreast of the land settlement process (Facebook page of the Land and Water Settlement (Registration) Authority, September 26, 2017)



Moussa Shakarneh at a seminar for employees of the Authority on the use of GNSS (Global Navigation Satellite System) data (Facebook page of the Land and Water Settlement (Registration) Authority, August 16, 2017)



A team from the Land and Water Settlement (Registration) Authority meeting with residents of the village of Kharbatha Al-Misbah, west of Ramallah, to map and register their land (Facebook page of the Land and Water Settlement (Registration) Authority, March 21, 2017)