

LAND ISSUES IN THE WEST BANK



Source: Palestinian Assembly for Photography and Exploration

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Main highlights of the project: Achieving Planning and Land Rights in Area C, West Bank – Palestine (2019-2023). This project is implemented by the United Nations Human Settlements Programme (UN-Habitat) in partnership with the Land and Water Settlement Commission (LWSC) at the bequest of the European Union (EU).

April 2020 UN-Habitat conducted a pilot **assessment on the response to the COVID-19 pandemic** by the Local Government Units (LGUs) of some of the targeted communities in the project. Information and data was compiled for eight of the LGUs in the communities targeted in the land settlement component of the project: six of which are in the Hebron governorate, Um Al Daraj “Az Zawadin”, An Najada, At Tawani, Khallet Al Mayaia, Al Karmil, and Emnizel, and two in the Bethlehem governorate, Al Walajah and Wadi Fukin.



Source: UN-Habitat, 2020

The assessment exposed the high performance of the LGUs with regards to campaigns for raising awareness on hygiene guidance, the implementation of spatial distancing protocols in all the targeted communities, effective closure of public places, and rapid contact tracing to prevent disease spread (Figure 1). The pandemic was not widespread in these communities where at the time of assessment (end of April 2020) there were a total of six confirmed cases and no recorded deaths, 54 confirmed cases in four of the targeted communities have so far been recorded during the second wave (end of July 2020). The numbers are considered moderate considering the communities are in the Hebron and Bethlehem governorates. Hebron is currently the most effected by the pandemic, having 51.5 per cent of the active cases, Bethlehem is less affected at 3.4 per cent of the cases, in comparison with the Jerusalem and Ramallah governorates, where the rates of infection reached 29.1 per cent and 5.8 per cent respectively.

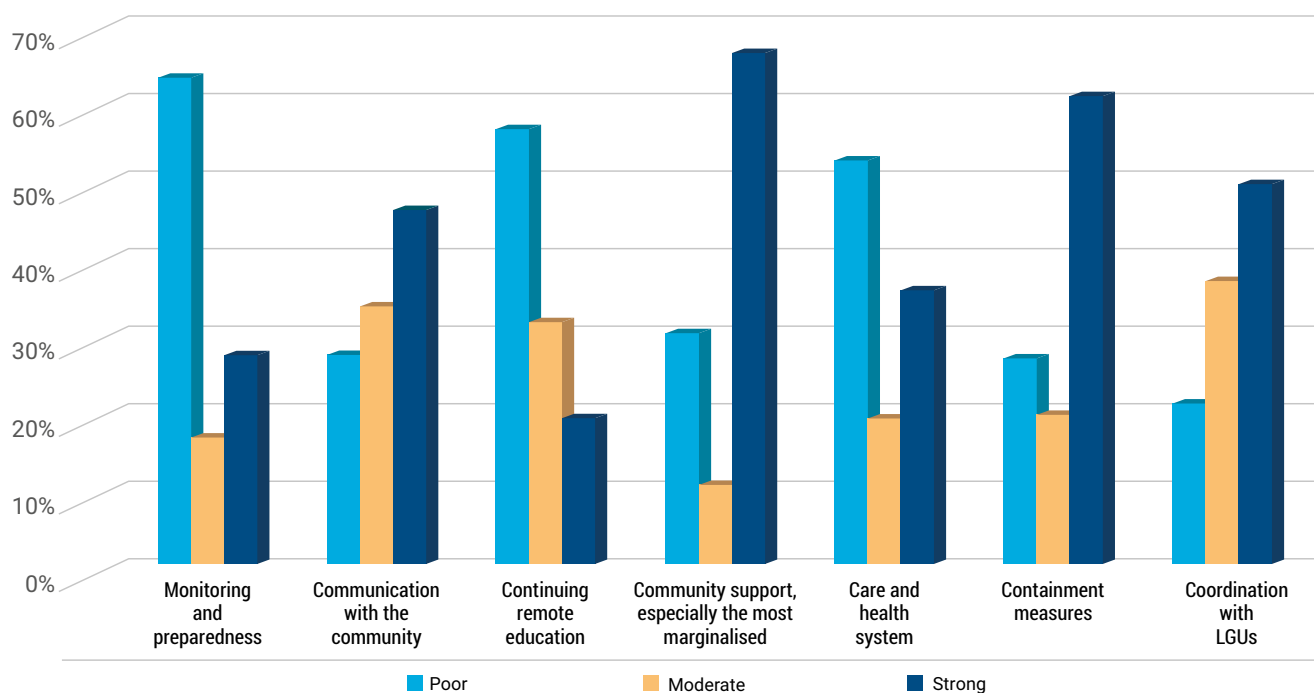


Figure 1: Community response levels

The information collected and the analysis identified the following priorities for intervention:

1. To increase the number of effective health institutions in these communities
2. To intensify the support for the marginalised populations, especially through the collection and sharing of information and the establishment of shelters
3. To construct sewage networks and manage wastewater
4. To monitor and minimise the negative impacts on the environment
5. To strengthen support for family protection including women subjected to violence

28 April 2020 LWSC reopened its offices and commenced settlement work which had been halted since 17 March 2020 following the closure of all governmental institutions due to the COVID-19 crisis. LWSC formed an emergency response team early on and continued remote office work during this period. LWSC adopted spatial distancing and safety protocols that are still being implemented for all staff and visitors to their offices. Despite COVID-19 closures, LWSC has completed the land settlement of 73,926 dunums in 2020.

15 June 2020 UN-Habitat, LWSC, Global Land Tool Network (GLTN) and the World Bank discussed and agreed on the integration role and complementarity of the approach in adopting the **Social Tenure Domain Model (STDM)** along with the **Land Administration Domain Model (LADM)** in building up the Land Information System spearheaded by the World Bank. For the targeted communities by UN-Habitat, STDM will be deployed. STDM is a land information recordation tool developed by GLTN and focusing on social tenure relationships such as right, responsibility or restriction, and built around core values supporting pro-poor, equity, affordability, good governance, subsidiarity, gender sensitiveness, systematic large-scale approach and sustainability. It is adjustable to community needs and circumstances and allows for the reflection of social and economic dimensions related to land.

15 June 2020 UN-Habitat and the Prime Minister's Office met to discuss the **Land Management and Administration Sector Working Group (LMA SWG)** where the Terms of Reference and potential members for the group were discussed. The core group of the LMA SWG will have four members, the Chair (to be confirmed) LWSC, the Palestinian Land Authority (PLA), or both. The Deputy Chair is the World Bank (to be confirmed), and the Technical Advisor is UN-Habitat. It is expected that the first LMA SWG will convene for the first time in the coming months.

24 June 2020 UN-Habitat conducted a field visit to two of the targeted communities in Bethlehem, Al Walajah and Kisan, where progress as well as obstacles of the process were discussed with the LGUs.

29 June 2020 UN-Habitat and LWSC met to discuss the adaptation of STDM in Palestine, and the piloting of additional forms to reflect social aspects in the communities incorporating local tradition, culture, and behaviours existing in the community. Furthermore, it was agreed that UN-Habitat will support LWSC in the preparation of an emergency response to COVID-19.

29 June 2020 Interview with Mr. Mohammad Sharakah, the Acting Head of the LWSC

Question: There are two overarching factors negatively impacting land settlement work today, what are the emergency plans to mitigate the COVID-19 crisis and the annexation plans by the Israeli authorities, in addition to the ongoing military occupation of the West Bank?

Answer: For the past two years, LWSC has been prioritising the settling of land under threat of annexation in Area C, forming 60 per cent of the 730,015 dunums of land settled in 2019, and ninety nine out of the one hundred and nine LWSC offices serve lands in Area C. It is expected that land settlement in the Salfit, Ramallah and Al-Bireh and Qalqilya governorates will be completed by the end of 2021, followed by land settlement in the southern governorates (dependent on COVID-19 outcomes). Land settlement in the southern governorates, especially Hebron, is challenging due to their size and presence of many illegal Israeli settlements.



Source: LWSC

The current emergency crisis and austerity measures due to COVID-19 have exasperated the LWSC's staff shortages and logistical issues. It is estimated that 500-600 employees are needed to complete the LWSC strategy, however, the salaries of the current employees are not even being paid, staff are unable to leave their governorates and are asking to be relocated within their own governorates [LWSC usually does not allow for land settlement commissioners to work in their own governorates to minimise conflict of interest], and settlement teams are not complete. This has impacted the speed of work, however, LWSC is making use of this to focus on increasing their quality of work aiming for 100 per cent accuracy submissions to Tabu and the PLA, additionally, the closures due to spatial distancing provided LWSC with the time needed to focus on revising basins technically and legally, so by the time settlement work was able to continue, forty basins were ready for settlement.

Question: What is your message to the Palestinian communities about land settlement?

Answer: Land settlement is an essential part of the national agenda as every Palestinian citizen is affected by it. LWSC is thankful for the support through this project that tackles the main obstacle faced by communities to land registration, which is the burden of the cost associated with land settlement that usually falls on the communities. The areas targeted by this project were selected based on initial assessments that showed their marginalisation, challenges and low economic abilities. Many other communities have come forward and are requesting to benefit from this project, and it is the hope that this project will be scaled up or replicated in the future.

30 June 2020 Interview with Mr. Amr Nasser, Advisor to LWSC Head, and the focal point for UN-Habitat at the LWSC

Question: How does LWSC support the marginalised communities and ensure that no rights are lost during the formalisation process?

Answer: LWSC works in accordance to the law, which protects usufruct rights to state land. Therefore, these rights are noted in the LWSC system, in order to reflect facts on the ground. LWSC also supports and advocates for the conversion of ownership to the individuals and groups using these lands to protect the land and the people's rights.

Question: How does LWSC support the right of women to land, and that women are not excluded from inheriting land?

Answer: LWSC is vigilant in registering land based on unrefuted documentation, where official inheritance documents are requested showing all men and women beneficiaries. In cases where agreements between family members are presented, LWSC investigates the accuracy of claims, and requires documented proof. Women are also asked if they agree to the terms and whether they were pressured to forego their right to the land, even if they signed away their right years ago. Additionally, usufruct right to the land of male family members does not cancel the women's right to own her share of the land. Land settlement has increased the amount of land registered to women which has reached 33 per cent (see Table 1) of registered plots since 2016 and until 2020.

2 July 2020 The closure due to the second wave of the pandemic commenced, with the highest impact on the Hebron and Nablus governorates (which were previously closed on 20 June 2020), leading to the closure of all governorates. LWSC staff continue to provide necessary services by working from home or in shifts in the offices depending on the different locations and needs.

12 July 2020 Agreement signed between UN-Habitat and GLTN for the application of STDM, mainstreaming of the Gender Evaluation Criteria* and building the capacities of LWSC staff. GLTN is a dynamic and multisectoral alliance of international partners, established by UN-Habitat, for increasing access to land and tenure security for all, with a particular focus on the poor, women and youth, where they develop, disseminate and implement land tools that support land reform, good land governance, inclusive land administration, sustainable land management, and functional land sector coordination.

Governorate	Plots registered to men	Plots registered to women	Per cent registered to women
Ramallah and Al Bireh	138,962	81,178	37%
Salfit	38,826	19,159	33%
Jerusalem	11,757	5,057	30%
Nablus	39,040	19,848	34%
Jenin	18,912	10,424	36%
Hebron	58,352	16,685	22%
Bethlehem	38,075	11,400	23%
Tulkarem	29,225	17,315	37%
Qalqilya	12,913	7,164	36%
Tubas	1,533	1,314	46%
Jericho	2	-	0%
Total	387,597	189,544	33%

Table 1: Number of plots of land registered to women and men, per governorate, 2016-2020

Land settlement progress

Due to the recent global challenges and the outbreak of the COVID-19 pandemic, land settlement was halted during the closure period. However, UN-Habitat staff continued working remotely and launched the procurement process for the implementation of land settlement in three of the lots targeted under the project, covering 8 communities. The process is managed by the United Nations Office in Nairobi (UNON) and it is expected that settlement work will begin before the end of the year in all the targeted communities.

Why you should participate in land settlement

1. Land settlement provides you with the opportunity to strengthen your tenure right to housing, land and property
2. Land settlement is a mandatory process in Palestine which is planned to finish within a limited time frame. By the end of this process, registration documents resulting from land settlement will be the only documents accepted in official transactions
3. Land settlement costs are usually the responsibility of the community. However, this project will cover all the costs associated with land settlement for the targeted communities of Um Al Daraj "Az Zawadin", An Najada, At Tawani, Khallet Al Mayia, Al Karmil, and Emnizel, and two in the Bethlehem governorate, Al Walajah and Wadi Fukin; additional communities in Bethlehem and Hebron will hopefully be added
4. Land settlement in the above target areas will also document tenure rights, including the right to use state land for shepherding
5. Land settlement includes the resolving of disputes related to land including boundary disputes
6. Land settlement will unlock the economic potentials and enable the environment for public and private investments to take place

* Gender Evaluation Criteria (GEC) is a flexible framework adaptable to different activities and contexts. It can be summarized in a set of 22 questions according to 6 main criteria, to measure gender responsiveness to policies and practices.

For more information on the project, you can contact UN-Habitat on: unhabitat-palestine@un.org or LWSC on: info@lwsc.ps

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