

LAND ISSUES IN THE WEST BANK



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"Achieving Planning and Land Rights in Area C, West Bank, Palestine (2019-2023)"

The 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).

Background on the LWSC

The LWSC in Palestine was established as an independent body in 2016 to accelerate the land settlement processes and support the Road Map for Reforming the Palestinian Land Sector that was endorsed by the Cabinet in 2017. Land settlement is the process of settling ownership and titling issues related to land and water, following the Law of Settlement of Lands and Waters No. (4) for the year 1952. The LWSC has the legal, financial and administrative independence and capacity to achieve its objectives, which were formulated by virtue of Law No. (7) of 2016, with a view of registering, documenting and resolving all issues and claims related to any right or benefit to land and water in Palestine.



©UN-Habitat (2022): Land Rights Awareness Campaign Slogan, GIS Department/LWSC, Ramallah

Interview with Ms. Muna Beirat, Director of the Geographic Information Systems (GIS) Department at LWSC

What is the role of GIS in land settlement?

The LWSC started its work in February 2016, and immediately the GIS Department was established due to the crucial role it plays in the land settlement process. The GIS Department ensures quality with greater accuracy, and more reliable auditing of the surveyed basins. In late 2016, the GIS Department started off as a small team with the ambition to scale up its support, noting that they have managed so far to support in the land settlement of 1.37 million dunums in the West Bank, increasing the land settled to more than 60 per cent.



©UN-Habitat (2022): Ms. Muna Beirat, Director of the GIS Department, LWSC, Ramallah

What are the main achievements of the GIS Department since its establishment?

From the start, the GIS Department focused on establishing a digital database for the West Bank, enhance the accuracy of the basins that are entered into the database, and correcting any mistakes and errors before the basins are announced for public objection in their respective communities. The result is that the announcement of the basins is accelerated and are more accurate than ever. The GIS department also established an electronic central archive system for the entire West Bank that contains all of the technical and legal documents needed during the land settlement process. This archive is crucial as it allows access to any file and land settlement case at any time, in case there are issues that need to be solved or cases to be reviewed. Furthermore, in 2018, "Tasweyati", an electronic archive portal open to the public for free was also launched; it is used to announce new settlement orders and visually map ongoing settlement orders. It is a valuable tool for Palestinians, especially those outside the country, since they can use it to track when and if land settlement is started in the areas where they have a right to land and/or water resources. Building on this, UN-Habitat supported the LWSC through the development of a new online dashboard, accessible to the public, which provides access to data related to land settlement works (completed, ongoing, and planned), disaggregated by governorate, community, year of settlement completion, and land ownership disaggregated by gender. This platform is also useful to settlement officers and LWSC staff.

What are the plans for further developing the GIS Department?

The GIS Department is in the process of developing a software with the purpose of digitizing all land settlement technical and legal procedures, the Land Settlement Process Management System (LSPMS) is supported by the World Bank. The software links all technical and legal procedures where the land settlement claims will now be geographically linked to their respective location, therefore, the basin and the Table of Rights are spatially linked, and it will be updated regularly. The software will be linked to Tasweyati, which is being modified to reflect and visualize the new information. The software will also be linked with the Palestinian Land Authority (PLA), where all the audited and approved information will automatically be uploaded to the PLA's servers. The aim is to link the software with other governmental agencies' servers, such as courts, the Ministry of Finance, and others.

What support from the project "Achieving Planning and Land Rights in Area C, West Bank, Palestine (2019-2023)" was provided to the GIS Department?

The EU-funded project implemented by UN-Habitat in partnership with LWSC has greatly supported the development of the GIS Department. First, with regards to enhancing the level and type of data that is being collected, through its utilization of the Social Tenure Domain Model (STDM), which collects important data recognizing the continuum of land rights (from formal to informal ownership, including user rights), which will be integrated into the LSPMS to generate data that supports in policy and decision making. The STDM allows the collection of information not only related to informal and formal land ownership, but also land use, land resources



©UN-Habitat (2022): GIS workstations, GIS Department/LWSC, Ramallah

as well as agricultural investments available. Using the STDM and linking it to the ongoing system being developed, we will have a valuable database of information and knowledge for the communities targeted by the project, allowing the gathering of evidence based on accurate information and data which can enable the development of these communities. LWSC aspires in the near future to ensure that the STDM is mainstreamed across all Palestinian communities given the importance of the information it provides.

Furthermore, the project provided tremendous support to the GIS Department by deploying a GIS Consultant with overall technical support from the Global Land Tool Network who supported with repackaging the data from the STDM into a format that is compatible with the LSPMS, as well as with ensuring that existing data available from the Tables of Rights is gender disaggregated. The project complemented this technical support by providing the department with the necessary equipment needed to ensure that the department runs efficiently, including the upgrading and furnishing of the GIS Department, as well as the provision of high-performance workstations and laptops which are necessary for GIS work. With the generous funding provided by the EU through this project, the GIS unit now has 15 staff members and has a higher capacity and efficiency to perform.

Sarah Suleiman Musallam, 54 years, Khallet Al Mayyia, Hebron, West Bank

Whereas many Palestinian women are deprived of their land and inheritance rights, 54-year-old Sarah Suleiman Musallam, of Khallet Al Mayyia, South of Hebron, succeeded in getting her inherited land through the support of UN-Habitat's project.

Sarah and her five sisters obtained full legal rights to their inheritance approximately one year ago after they, along with their six male brothers, divided their father's inheritance among them per Islamic Shari'a law.

Sarah says, "I encourage women to obtain their legitimate right to land, and not give up their right in return for money. The money will go, but the land will stay." She adds: "The land helps women become economically self-reliant." She speaks of her experience after she invested in an income-generating project on her land, which enables her to pay for her daughter's university fees. Today Sarah puts her time to good use – cultivating the land and attending to it.



©UN-Habitat (2022): Sara Musallam, Khallet El Mayyia/Hebron

Mahmoud Mohammed El Omour, 60-year-old, Khallet Al Mayyia, Hebron, West

60-year-old Mahmoud Mohammed El Omour, who lives in Khallet Al Mayyia, South of Hebron, is a role model in defending women's right to inheritance and land, and to their right to dispose freely of their property. Mahmoud divided his father's inherited land among his two brothers and three sisters, as per the rights inscribed in Islamic Shari'a law. The siblings also sold a part of the inherited land and split the financial returns amongst the male and female siblings.



©UN-Habitat (2022): Mahmoud El Omour, Khallet Al Mayyia/Hebron

Although Mahmoud's brothers initially opposed sharing with their sisters their inheritance rights, he managed to convince them to distribute the inheritance according to Shari'a law. The estate was divided in 2010, and the land registration process took place in 2021 as part of the EU-funded project through LWSC. Mahmoud says, "praise be to God; all my sisters are satisfied with the division and took what is rightfully theirs."

Mahmoud has eight sons and eight daughters, and he encourages them divide his inheritance equally after his death, teaching his children that inheritance is a right for females as it is for males.

Mahmoud even gave his daughter a piece of land as part of her share of the inheritance so she can build a house. My advice to all men, Mahmood says, is, "do not compromise a woman's right to land, or coerce her to give up her right. Every man must not stand against women receiving their right to land."

Mohammed Mousa Attiya Manasrah, 72-years-old, Wadi Fukin, Bethlehem

Mohammed used to work as a journalist before he retired and started working as a farmer on his land in Wadi Fukin. He has four daughters and one son; and he worked to divide his lands equally between his children, and he says, "I believe in equal rights between a man and a woman. No one is better than the other."

With regards to the reaction of the local community around him, Mohammad noted that many males in the community want to possess the land for themselves, and they protested against his actions under the pretense that it encouraged females to claim their rights to the land.

Muhammad added, "Women have the right to property and freedom of decision; they should not be deprived of this right under the pretense that the land will go to strangers; this is an injustice and unfairness to women, and it is part of the patriarchal culture which we should work to challenge."



©UN-Habitat (2022): Mohammed Manasara, Wadi Fukin/Bethlehem

What are settlement courts?

Settlement courts are specialized in resolving conflicts related to settlement work per the applicable Jordanian Settlement Law No. 40 of 1952. Where it stipulates that in each area where land settlement is announced, a settlement court shall be established, with a role of resolving claimants and right holders objections to the advertised Tables of Rights resulting from the settlement work.

There are 14 land settlement courts spread across the West Bank, where land settlement work is taking place in approximately 95 communities. However, due to the lack of financial resources, there are currently only 18 settlement judges, who are not enough to meet the growing needs related to land settlement process. This issue is compounded by the fact that in certain areas, judges work only on a part-time basis; yet, depending on the number of objections submitted in each area, there are areas where there is more than one judge operating in order to meet demand.

What are the reasons for the delay in land settlement cases?

The dispute over property and land is a complex issue and requires intricate and in-depth study, as it relates to the rights and property of people. Furthermore, there is a huge number of cases in the settlement courts and a significant shortage in the number of judges compared to the number of cases submitted. This is compounded by the fact that the number of employees is limited, which leads to the postponement of taking action and decisions on many cases. As of June 2022, the number of objections that are being processed in the 14 settlement courts was 32,000; approximately one-third of which is in the courts of Ramallah and Jerusalem. Noting that in accordance with the law, even small changes related to mistakes in the spelling of names or identification numbers require the intervention of settlement courts, adding to their load.

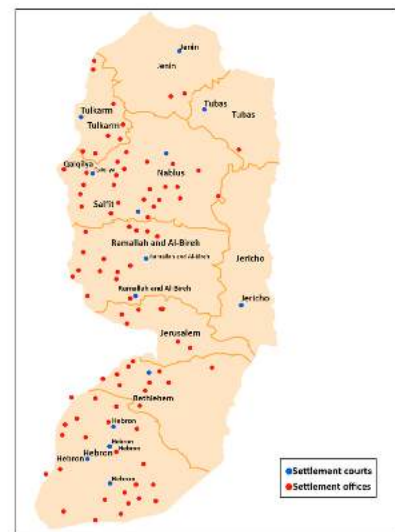
What are the common misconceptions and/or mistakes that may complicate the land settlement process or may even cause citizens to lose their rights to the land?

Most of the citizens approach land issues according to the area's customs and operating norms. The citizen believes that her/his land is already owned and used by them, and that this is common knowledge within their community, and therefore believe that s/he do not need official documentation to prove ownership. Therefore, many citizens often do not submit claims to their lands and are not keen in registering their lands in the settlement office.

Additionally, many people do not follow up on the Table of Rights when they are published, so if there is any problem associated with the boundaries or other details regarding ownership, this often goes ignored or unaddressed beyond the legal period for objection, which varies in accordance with the law depending on the location and age of the right holder, with a period of 30 days for right holders located in the West Bank with an age of 18 years or more. This may result in many problems, including loss of land rights, improper documentation of existing land rights, or others.



©UN-Habitat (2022): Mohammed Amr, Director General of the Settlements Courts, LWSC, Ramallah



Map 1: Settlement offices and courts currently in operation in the West Bank

Each person, as the owner of the right to dispose of, own or benefit from land or water, or any rights related thereto, has the right to object within the specified period if:

- S/He omitted to mention her/his name in the Table of Rights.
- Their right to dispose of, own or benefit from it has been incorrectly included in the Table of Rights.
- The right of disposal, ownership, or benefit in whole or in part is attributed to another person.
- The value of the land or water was incorrectly estimated.
- Her/His right to dispose, own or benefit in any other way has been violated.

Source: Jordanian Settlement Law of 1952, Article 12.



UN-HABITAT FOR A BETTER URBAN FUTURE
The People's Republic of China
مبادرة الحزام الاقتصادي لآسيا والمحيط الهادئ
مشاركت هذه المبادرة بدعم من الاتحاد الأوروبي، لا يمكن بأي حال من الأحوال أن تأسس
محتويات هذه المنشور يمكن أن لا تعكس بالضرورة آراء الاتحاد الأوروبي أو برنامج تمويل الاتحاد الأوروبي

Source: Jordanian Settlement Law of 1952, Article 16.

Women Denied their Land Rights

64-year-old Um Muhammad, of Adh Dhahiriya, South of Hebron, is a farmer and a mother, she was never taught how to read or write. Um Muhammad and her four sisters used to be shepherdesses, and they would cultivate their father's land to sustain their and their families' livelihoods.

Their father died in 1997, and left over 300 dunums in various areas of the town such as Sumarah, Al-Mazrab, Al-Mityar, Umm Al-Kharfan, Al-Mudawara, and Al-Shweika, some of which are classified as Area C. Um Muhammad explains that some of these lands had been registered, and some have not yet been registered and are currently undergoing land settlement. Yet, since their father's passing, their five brothers have taken over the land for themselves, despite the women's legal right to their father's inheritance.

Thirteen years ago, Um Muhammad and her four sisters filed a lawsuit against their brothers and asked for their right to their father's inheritance, but until this day, they did not obtain their rights. Um Muhammad says: "My husband has dementia, and I need this land to grow and cultivate olives; I am illiterate, and this land is my only means to support my family."

Um Muhammad has a copy of her father's registration deed and has issued all the inheritance papers that she needs to claim her and her sisters' rights. Yet, she says that her brothers are trying to circumvent the law and deprive her and her sisters of their land rights. She even mentioned that her nephew told her that she would never be given any piece of land – signifying how oppressive patriarchal norms are intergenerational.

Umm Muhammad adds that her brothers, taking advantage of the fact that the land records are old, followed all methods of fraud to the extent that they registered part of the land in the names of other people so that she could not file an objection when the initial table of rights are published, thus leading her and her sisters to lose their right to the land,

Despite the pressure by Um Muhammad's brothers and their sons, she did not surrender and is still fighting to obtain her right and that of her sisters, for whom she is advocating on their behalf because of their poor health conditions. Um Muhammad filed a claim at the land settlement office at Adh Dhahiriya in 2019/2020. Three of her brothers have died, and she is now in constant conflict with her nephews to obtain her legitimate right to her father's inheritance. However, by submitting her claim to the LWSC, Um Muhammad is on the path of obtaining her land right, and the LWSC is currently supporting her claim through a legal study of the land ownership documents.

Um Muhammad has six sons and five daughters, and she just wants her legal right to her father's inheritance to support her family, saying: "I only want to farm the land to make a living."

Community perception of women's right to land

Maha Issa Hamamda, 41-years-old, Al Karmil, South of Hebron

"There is a widespread societal view that we do not want to give our land to the son-in-law because he is a stranger, lest her husband tricks her and sells the land." Maha adds: "I advise every woman to claim her right to the land. Her right is just as legitimate as her brother's. Women should not be afraid to claim their rights, and they should not fear losing their brothers and other family members. If your brother loves you and does not want to lose you as a sister, he will not object to you taking what is rightfully yours."

Sabreen Abu Aram, 29-years-old, Al Karmil, South of Hebron

"Women fear quarreling with their brothers if they demand their land rights. A woman does not want to lose her relationship with her brother, so she waits for him to give her land rights on his own. And if he does not give her the legal land share, she refrains from demanding her rights for fear of losing him."

Issa Musa Al-Birawi, 41-years-old, Al Karmil, South of Hebron

"Unfortunately, women are being denied their right to inheritance in our society. Women are given very little, or a brother gives his sister land in a remote area and acquires for himself the lands of higher value, such as those located on the main street. We often hear unjust phrases, which turn into unjust actions, such as "my sister is married; shall I give her land for her stranger children?" (in reference to the brother-in-law's family)."

Majdi Al-Adra, Mayor of Khallet Al Mayyia, South of Hebron

Women in Area C specifically face additional obstacles in addition to societal obstacles that prevent them from obtaining their land rights. This project contributed to enhancing women's access to their land rights, through awareness sessions to educate both men and women on their legal rights and the resources available to them

Issa Abu Al-Debs, Supervisor of the settlement offices targeted under the EU funded project in Hebron Governorate

The importance of the EU funded project lies in its focus on the less marginalised groups in society, such as women and children, with the need to support them in obtaining their land rights. It helped a large number of women obtain their rights to land and inheritance. Usually, women may be deprived of their land rights and they are forced to remain silent because they are unable to bear the financial burdens related; but this project has covered the surveying costs for citizens removing a major obstacle.

Amir Ramadan Al-Kaabneh, 35 years old, Al Najada, Southeast of Hebron

"With the advent of the land settlement project, most people were opposed to land settlement; but gradually the project succeeded in changing the view of many on the importance of land registration. Unfortunately, women are subjected to injustice when they are deprived of their right to inheritance and land. My message to women is to demand their legitimate rights without feeling any shame. This is their right as guaranteed by the Shari'a. My message to men is to give women their land and not deprive their sisters or daughters of their inheritance."

Ammar Muhammad Shraitah, 45 years old, An Najada, Southeast of Hebron

"The land settlement project contributed to every person taking his/her legitimate right of land, and to solving disputes between people, in addition to achieving economic and social development by registering lands in the names of their owners and supporting investing in them."

Amna Yasser Al-Adra, 46 years old, At Tuwani, South of Hebron

"Despite the importance of the settlement project in educating and raising awareness of men and women about their rights to land and the land settlement procedures, the prevailing societal culture remains an obstacle. Women remain denied their land rights, and women remain ashamed or afraid to claim it from their brothers."

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

Video documentary on women's land rights in Palestine:



Explanatory video on the land settlement procedures in Palestine:



Legal factsheet on women's inheritance rights and the procedures of land settlement in Palestine:



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