

THE GRAND LAND THEFT

THE STATE OF ISRAEL'S RECENT EFFORT TO REGISTER OWNERSHIP OF LAND IN EAST JERUSALEM IS THE MOST SERIOUS THREAT FACING PALESTINIAN RESIDENTS OF EAST JERUSALEM, WITH THE POTENTIAL FOR MASS DISPLACEMENT AND DISPOSSESSION.

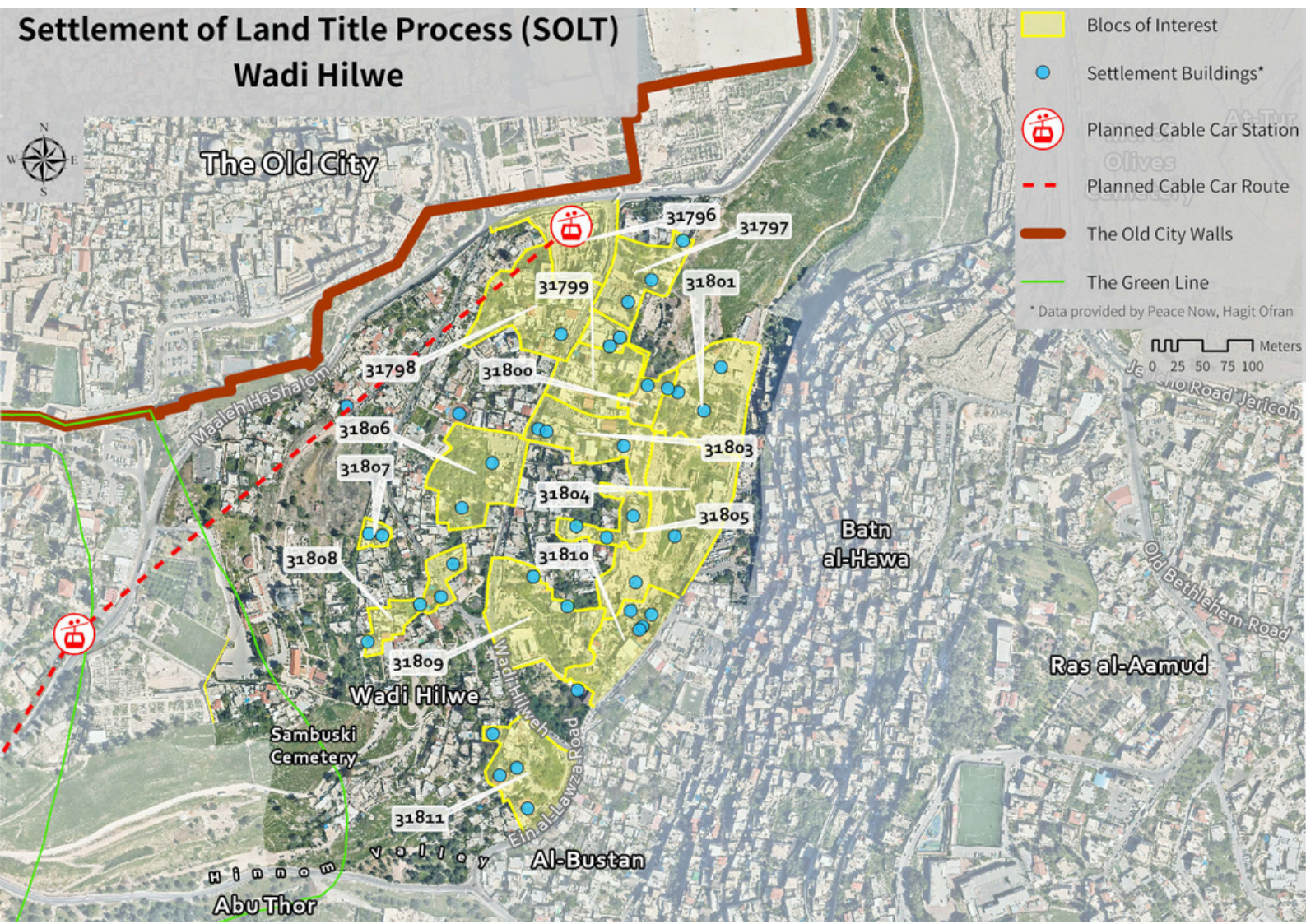
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New Phase of Settler Takeover in Silwan

To date, about 95% of the Israeli settler homes and tourist sites in the Palestinian neighborhood of Wadi Hilwe, Silwan have been included in a property registration procedure that will finalize ownership rights of the respective properties and officially record them in the State's land registry ("Tabu"). This process, which is virtually incontestable, is known as settlement of land title (SOLT).

Residents of Wadi Hilwe have suffered from aggressive encroachment of settlements for over four decades. The Elad settler organization, with the support of the State, has targeted this area for years through evictions of Palestinians and settler takeovers of their homes alongside the expansion of a constellation of settler-operated tourist and archeological sites on their doorsteps and under their homes. Nevertheless, this recent bureaucratic procedure is the most concerning yet.

Settlement of Land Title Process (SOLT) Wadi Hilwe



Palestinian properties that were taken by settlers will be registered in the "Tabu" in a nearly irrevocable manner. Fifteen blocs in Wadi Hilwe are currently undergoing SOLT; these blocs seem to have been deliberately drawn to include as many of the settler homes and tourist sites as possible. Some of these blocs also include Palestinian homes, now at extreme risk of dispossession. While the previous system of settler takeover in Wadi Hilwe, using discriminatory laws and dubious transactions, was piecemeal, SOLT could expedite and magnify these evictions in Wadi Hilwe and across East Jerusalem.

Settlement of Land Title: 1967-Present

Following the occupation and illegal annexation of East Jerusalem in 1967, the State of Israel froze most of the SOLT procedures initiated by Jordan and did not initiate its own SOLT process for over 50 years. In 2018, the Israeli government allocated 50 million NIS to formally initiate the settlement of land title process in East Jerusalem as part of Government Decision 3790 to "Reduce Socioeconomic Gaps and Advance Economic Development in East Jerusalem."

East Jerusalem Palestinians' lack of registered land rights has been one of their primary obstacles in advancing formal urban development. In the absence of an official registry of land title, Palestinians attempting to submit a zoning plan or building permit request are often unable to prove their possessory attachment to the land, a prerequisite in the planning processes. Certain workarounds emerged over the decades, but the process of obtaining permits has remained extremely difficult for Palestinians.

Although the lack of settlement of land title procedures has had detrimental consequences for Palestinian communities in East Jerusalem, its renewal carries far worse repercussions.

Monitoring SOLT Reveals Concerning Trends

After five years of monitoring the implementation of SOLT in East Jerusalem, its alarming nature has become clear. SOLT is being exploited as a new and potent tool of land theft, under the guise of a legitimate legal process to establish Palestinian property rights. It appears to have become the State of Israel's main method to appropriate more land in East Jerusalem and advance the displacement and dispossession of Palestinians from areas of strategic interest to the State. SOLT is almost exclusively being initiated to finalize ownership rights in existing or planned Israeli settlements, settler enclaves in the heart of Palestinian neighborhoods, areas with state-deemed "Absentee Property," or property allegedly owned by Jews pre-1948.

We have identified 201 blocs in East Jerusalem in which SOLT has been initiated.¹ More than a third of these blocs are in Beit Hanina where the nature of the process is unascertainable and have therefore been excluded from our analysis.²

Over 75% of the remaining blocs (approximately 5,000 dunams) directly advance state/settler interests.³ Thus far, we cannot point to a single bloc that is clearly being advanced for the benefit of Palestinian residents. Of the 22 blocs (617 dunams) in which the SOLT process has been completed, 90% advance state/settler interests.

¹ The ongoing monitoring is being conducted by Bimkom and Ir Amim and does not represent an official or complete source of information. No such source for all SOLT data has been made available by the government. To view the monitoring site click "201 blocs" above.

² The SOLT process in Beit Hanina is advancing differently than in the other areas. There has been contradictory information published about it, and almost none of the blocs included in it have advanced. Only three blocs in the area seem to be advancing, and, not surprisingly, there are alleged claims of Jewish ownership in those blocs.

³ Of the blocs not identified under state/settler interests, around half are being registered as church lands and the other half are still unknown.

SOLT procedures are advancing state/settler interests in a number of ways. Some blocs have been included to facilitate the establishment of new settlements such as Atarot, Givat Shaked, and Kidmat Tzion. Other blocs enable the expansion and regularization of existing settlement neighborhoods such as Ramot, Gilo, and French Hill. Additional blocs cover areas marked by settler enclaves within Palestinian neighborhoods, for example, Wadi Hilwe and Nof Tzion. Finally, some blocs include state infrastructure projects such as the Eastern Ring Road that, if completed, would connect the settlements north of Jerusalem to the ones in the south.

The entire process is characterized by a total lack of transparency. The State is advancing SOLT by and large without notifying Palestinian residents, in direct violation of Israeli law and the State's basic obligation towards its residents. In the official gazette in which the State is obligated to publish the blocs undergoing SOLT, only 137 blocs have been published, and in a few cases SOLT has been completed without any publication whatsoever.

Legal Mechanisms That Enable Seizure of Palestinian Properties

SOLT is also being used to dispossess Palestinians through a variety of mechanisms, including, primarily, the application of two discriminatory laws: the Absentee Property Law and the Legal and Administrative Matters Law.

Passed in 1950, the Absentee Property Law transfers to the Custodian of Absentee Property (CAP) any property whose owner is considered an "absentee."

This classification applies to Palestinians who were in Lebanon, Egypt, Syria, Saudi Arabia, Jordan, Iraq, or Yemen at any point from November 1947 until today (excluding Egypt or Jordan after the peace agreements). The law has been used for decades in close coordination with settler organizations to dispossess Palestinians, and it has found an amplifier in the SOLT process. For example, an entire bloc of Palestinian land in Givat Hamatos was registered to the Israel Development Authority via the CAP as part of the SOLT procedure in this area. Givat Hamatos is a planned settlement neighborhood on Beit Safafa land where more than 2600 housing units are intended to be built, and the planning authorities are working to increase this number. In addition, SOLT has been initiated in a number of blocs in Wadi Rababe (Hinnom Valley) where the CAP has been involved in the past and handed the land over to the Elad settler group for tourism development in the area. The CAP took an active part in these procedures, confirming concerns that it would proactively participate in SOLT. This involvement in SOLT has greatly increased the CAP's capacity and reach and hence the associated risk to Palestinians.

Application of the 1970 Legal and Administrative Matters Law is likewise taking place within the framework of SOLT. Implementation of SOLT has the potential to expedite and ease the law's application, finalizing Jewish land ownership rights in East Jerusalem. This discriminatory law exclusively affords Jews the right to reclaim property allegedly owned by Jews in East Jerusalem before 1948 via the Israeli General Custodian (despite evidence suggesting that many Jews who lost property were already compensated by the State at the time).

As with the CAP, the General Custodian—the Israeli body responsible for managing pre-1948 alleged Jewish assets in East Jerusalem until “reclaimed,”—has taken an active role in SOLT. For example, the General Custodian is deeply involved in the SOLT procedures in Givat Shaked and Kidmat Zion, based precisely on Jewish claims of land ownership and application of the 1970 law. In Kidmat Zion, due to the General Custodian’s involvement, the process was swiftly completed.

The proactive and problematic involvement of both custodians is shaping SOLT’s progress and determining the harmful outcome of this process.

Other Mechanisms That Enable Seizure of Palestinian Properties

Additional concerns surrounding SOLT include retroactive taxation and procurement of property documents. Palestinians who are able to prove property ownership could be required to pay taxes retroactively from 1967 prior to final registration. Moreover, in order to prove ownership, Palestinians must procure extensive documents, some of which remain in Turkey or Jordan, which is a complicated, expensive, and arduous process.

Due to the aforementioned concerns and difficulties, many are unable or unwilling to participate in SOLT. According to Israeli law, if no claims are made to a plot of land it is registered directly in the name of the State. In this way, Palestinians are faced with a Catch-22 in which participating or not participating in the process both come with a high risk of dispossession. Palestinians are confronted with this difficult dilemma even before the SOLT process officially reaches their neighborhoods.

In recent months, the workarounds that had once enabled Palestinians to promote plans and request building permits without full proof of possessory attachment to the land have been virtually canceled and replaced with stringent requirements in line with SOLT. Subjugating planning processes to SOLT has made planning and building almost impossible, while also making SOLT inescapable.

In addition to the humanitarian consequences, the SOLT process is a flagrant violation of international law and has severe geopolitical ramifications. Once this process has been completed, little to no avenues will remain to dispute state or settler ownership of land or to advance Palestinian claims to properties within Jerusalem. SOLT has the grave potential to determine the end game of the conflict by cementing Israeli control of East Jerusalem and foreclosing the possibility of an agreed political resolution on the city.

Conclusion: Calling for an End to SOLT

Sustained monitoring has confirmed that SOLT is the most acute threat facing Palestinian residents of Jerusalem today. As illustrated above, the State is using SOLT almost exclusively as an opportunity and framework to seize more territory in East Jerusalem, while curtailing any possible establishment of Palestinian rights to their lands. A severe threat of dispossession hangs over the entire process. The State’s clear use of SOLT as a tool to finalize and further advance the settlement enterprise across East Jerusalem delegitimizes the entire process. We therefore call for an immediate end to the settlement of land title process in East Jerusalem.