

## Explanatory Note

# **Announcements of Israeli Plans and their Impact on East Jerusalem**

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### **Introduction**

Adopted on May 13, 2018, the Israeli government's decision No. 3790 aims, according to the text of the resolution, to "integrate East Jerusalem into the Israeli economy and society" and to consolidate Israeli sovereignty over Jerusalem "as the capital of Israel." The decision allocated an amount of 2.1 billion shekels over five years, and mainly aims to strengthen "Israeli sovereignty" over Jerusalem by intensifying the security presence to include all neighborhoods of the city, as well as to impose an Israeli education system. The decision allocated 445 million shekels for this goal in addition to 260 million shekels to encourage East Jerusalem students to enroll in Israeli universities and institutes.

The largest amount allocated in this five-year plan is for public transportation and its organization through the public transportation network so that it covers East Jerusalem (an amount of up to 585 million shekels). Hence, the network in East Jerusalem will be integrated with the major Israeli transportation network. Meantime, an amount of 242 million shekels was allocated to promote the integration of East Jerusalem Palestinians and their vocational training and preparation for work in the Israeli market (especially professions that do not require high qualification and are needed by the Israeli service market). No sufficient allocations were considered for improving infrastructure and services to meet the basic needs. For example, an amount of only 85 million shekels was allocated for sewage and rainwater drainage, although the real need amounts to hundreds of times this number.

Implementation of the government's decision and monitoring the achievements of the action plans are carried out by the Israeli Ministry of Jerusalem in coordination with the municipality and the relevant ministries, in addition to Israeli institutions with Arab names that appear to be neutral and not linked to Israel, but in reality are fully affiliated with the Israeli regime.

One of the provisions of this government decision is "Planning and Land Registration." For instance, an amount of 50 million shekels was allocated to the Israeli Ministry of Justice to establish a settlement commissioner's office to register the remaining private Palestinian lands after Israel confiscated most of the empty lands in the villages surrounding Jerusalem. These lands have already been annexed to the municipal boundaries in favor of building settlements. The settlements are aimed at changing the geographical and demographic reality of the occupied territories.

The committee that manages the settlement process also includes the Custodian of Absentee Property, the General Custodian, the Israel Land Authority, in addition to the Survey Department

and other relevant official bodies. The government decision resolved that the settlement process must be completed by the end of the year 2025, and that 50% of the land and real estate will be completed by the end of 2021.

### **The Israeli political transformation since 2018**

90% of the land remaining for the Palestinians – after the confiscation of more than 35,000 dunams of land in East Jerusalem since 1967 – is unregistered, as Israel canceled the Jordanian land settlement. Over the years, Israel refrained from initiating land registration work for political reasons related to a possible reaction from the international community against this measure, which is in violation of international law. The response of the Israeli government in the cases were decided before the Israeli High Court of Justice in this regard is that the reasons for not registering and confirming property rights are purely political.

The shift in Israeli policies came after years of freezing the issue of registration and transfer of ownership for political considerations linked to the international community's position that East Jerusalem is an integral part of the occupied Palestinian Territory. This transformation came against the backdrop of the US' recognition of Jerusalem as the capital of the State of Israel, and an attempt to consolidate Israel's sovereignty by tightening the grip of the executive and judicial institutions over the Palestinian population in all aspects of their lives and institutions. The Israeli grip also includes the basic rights of the Palestinian people such as housing, education, health, development, and the right to preserve individual property and prevent expulsion of the Palestinians. The Palestinians also have the right to manage their affairs and their functional and institutional independence, as it was at least in the first three decades of the Israeli occupation of Jerusalem.

### **The motives for settlement according to the evaluation of the pilot phase**

The Israeli government's decision to conduct the settlement process is nothing more than a continuation of the approach it has followed for more than five decades of expropriating more Palestinian lands, building and expanding settlements, limiting the Palestinian presence and preventing the expansion and construction of new neighborhoods, in violation of international law and covenants that prevent the occupying country from changing the geographical and demographic reality in the occupied territories. These Israeli measures are also a flagrant violation of the Fourth Geneva Convention. Israel has sought to cover up the decision to conduct the land settlement under the pretext of the development of East Jerusalem at times, and at other times under the pretext of collecting taxes that the government treasury loses as a result of not registering real estate transactions and property tax dues for previous years. However, the systematic practices carried out by the Israeli authorities responsible for the settlement process revealed at an early stage of the pilot phase that the claim of development planning and facilitating investment in the real estate field has been false.

It has therefore become clear that the announced settlement is nothing but a continuation of the policy of displacement and substitution by claiming Jewish ownership of lands on which Palestinian families of Jerusalem resided for decades prior to the Israeli occupation of the city. In other cases, these lands belonged to families who lost their right to their property in West Jerusalem from which they were expelled in 1948. A conclusive evidence of this is the fact that the Israeli authorities registered the land on which more than 40 buildings are built and inhabited by 45 families on the west side of the Sheikh Jarrah neighborhood (Basin 30821 which is called the Umm Haroun neighborhood) in the names of Jews claiming their ownership of the land. This is similar to Israel's attempts to displace 72 Palestinian families in the adjacent area of Karam

Al-Jaouni in Sheikh Jarrah neighborhood. The registration of properties in the names of Jews in this basin was completed last April, and was done very quickly and with complete secrecy without announcing or conducting any field surveys, and without notifying the Palestinian families who live in the neighborhood and giving them a chance to submit an appeal and present their land registration papers to prove their right to ownership and possession in accordance with “legal” procedures followed in any settlement process.

Registration of lands by claiming that they belong to Jews is usually done with the involvement of the Israeli official authorities, especially the General Custodian of Property, together with extremist settler groups that submit expulsion requests against Palestinian families, particularly in the Sheikh Jarrah and Silwan neighborhoods. These requests are aimed at seizing Palestinian real estate by claiming Jewish ownership. The goal of registering properties in the names of Jews was not limited to the Sheikh Jarrah neighborhood during the pilot phase of the settlement process, but also included basins in other neighborhoods based on grounds related to the claim of Jewish ownership, especially in the neighborhoods of Al-Tur, Al-Masrara, Beit Safafa, Qalandia and Beit Hanina. It is no coincidence that the lands of these basins began to be registered in the early stage of the settlement and in a prompt manner, as Israel seeks to transfer ownership to the state and then to the settlement authorities and official institutions such as the Jewish National Fund and its real estate arm, the Himnuta Company. The company is seeking to register more than 2,000 properties in occupied East Jerusalem, including lands adjacent to the old city, such as the Al-Masrara neighborhood, where the company claims ownership of more than 47 dunums, including the area of the bus and car parking opposite to the Damascus Gate (Basin 30054, which is currently being registered as part of the pilot phase of the settlement project). The settlement movements are seeking to change the features of Bab Al-Amoud (Damascus Gate) and turn it into a public square linked to Israeli hotels and shops that are planned for this area (the lands of the western area of Al-Masrara, which was occupied in 1948, are also registered as part of the settlement works for East Jerusalem - Basin 30053).

The registration of real estate and lands by claiming that they belong to Jews also included large swathes of land on which new settlements are planned, especially in the Qalandia airport area, and in the Tabalia area east of Beit Safafa. All of these lands are being registered now as part of the pilot phase in the name of the state and its affiliated institutions, in addition to private property belonging to Jews and settlement associations.

### **The Jewish Cemetery on the Mount of Olives**

The process of registering the new basin No. 31484 of the Mount of Olives land has been completed for the same reasons related to the claim of Jewish ownership. There is ambiguity regarding the basins on which the Jewish cemetery is located in the Mount of Olives, the Shiyah and Ras al-Amud areas. Most of these basins were established on the lands of the Islamic Endowments (basins 29990-29993), and include the areas that were planned by Israel as cemeteries in the place of homes that have existed for decades, especially in the Ewais neighborhood and the Shiyah area. This exposes their residents to the risk of losing their right to ownership and subsequent deportation.

### **Surroundings of the Old City**

One of the serious issues related to the settlement process is the lands surrounding the Old City. In 1974, the vicinity of the Old City comprising 1,100 dunums was declared a national park, most of which is located in occupied East Jerusalem. In addition to the immediate surroundings of the historic wall, the entire neighborhood of Wadi Hilweh in Silwan includes more than 750

housing units with a population of more than five thousand people. Although the “national parks” are under the authority of the Israel Nature and Parks Authority, the responsibility of their management was entirely transferred to the Elad settler association.

Israel has also allocated an annual budget for the management of these parks. The Elad association manages the "City of David National Park" and promotes it as a "center of the Jewish urban heritage." The narrative promoted by this settler association enjoys great approval among Israelis, and schools and the army often organize trips to Silwan as part of their tourism programs. This settler group has worked hard to Judaize the neighborhood of Silwan by indirectly leaking real estate through brokers and through fake international companies, and by making deals with some heirs or people who claim ownership of the entire property even though their shares do not give them the “right” to conclude any deal and dispose of the property. There are several well-known cases that show the devious methods used by the settler association to seize Palestinian real estate, including forgery and false allegations about the owners and their heirs as being absent despite their permanent residence and presence in the city.

### **Urban Planning and Expansion**

Israel claims that that the settlement process will facilitate the planning and development process and end the phenomenon of unlicensed construction, which constitutes a third of the existing buildings in East Jerusalem neighborhoods. By examining the pilot phase of the settlement, it was found that Israel deliberately chose for registration empty lands that were recently excluded from future development areas. These areas include Al-Adasa basin 30606 and Al-Khrayeb basin 30605 in Beit Hanina. This trend proves that the claim that the settlement will facilitate the planning and organization is false. On the contrary, these two basins were removed from the organizational boundaries of Beit Hanina through a new plan at the level of the neighborhood (a general master plan), and in disregard of the designation of this area as a new development zone, as was the case in the structural plan for the city in 2020. The plan was not approved, and was used in West Jerusalem as a general guiding framework plan for the development of the city and for strengthening the spatial and functional relationship of the Israeli neighborhoods and settlements.

Al-Adasa and Al-Kharayeb basins have an area of more than 750 dunums, and constitute the largest available space for the development of a new Palestinian neighborhood. This area has an absorptive capacity of more than 5,000 new units, in addition to economic zones and public institutions that serve the entire city of Jerusalem. Of note, the number of housing units in the Palestinian neighborhoods in East Jerusalem does not exceed 50,000 housing units, and more than 18,000 housing units are needed to bridge the existing gap, with a further 1,100 new housing units annually.

Excluding this area and not linking the settlement work to planning, and to allocating areas for expansion and building of new neighborhoods for the Palestinians, is nothing but a manifestation of the traditional Israeli policies of restricting Palestinian expansion and preventing the development of new neighborhoods for demographic and geopolitical considerations. This is the biggest evidence of the falseness of the Israeli claim that the settlement will serve development and bridge the gaps.

Since 2010, some Israeli think-tanks have released several reports justifying the need for Israel to carry out the settlement process based on a set of allegations, including claims that Palestinians have taken control of Jewish and state lands, that Palestinians have encroached on the lands of others by force, and that social and family disputes have reached the point of murder and

violence across the neighborhoods of the city. Another allegation is the claim that Palestinians have evaded reporting real estate and land deals that take place under powers of attorney. Another issue raised was the right of the state to register a lot of real estate and lands that are considered absentee property. In recent years, Israel has placed many obstacles to proving ownership at the level of planning projects and building licenses, and recently required the submission of a clearance certificate from the Absentee Property Custodian for plots of land intended for planning or licensing. This condition led to the suspension of many construction and development projects in various neighborhoods in East Jerusalem.

### **Confiscation of property by the municipality**

The settlement process seeks to confirm and record confiscations carried out by the Jerusalem Municipality by deducting private lands for the Palestinian residents. In fact, approval of structural plans requires deducting an area of up to 40% of the plot area as a condition for obtaining building rights. In addition to the deductions, the municipality seeks to register the lands confiscated under the pretext of public interest. Most of the confiscations hinder their registration in the settlement records in favor of the municipality, because those areas were not originally included in the settlement in its final form and are still not registered.

It should be noted here that the Jerusalem municipality did not in many cases allocate the areas deducted for public services for the residents of East Jerusalem. There are precedents for cases in which the Jerusalem municipality used these properties in favor of well-known settler institutions, most notably the settlement of Beit Arort on Mount Scopus, on the western outskirts of the Mount of Olives. In 2004, then Mayor of Jerusalem Ehud Olmert exerted a lot of pressure on the residents and other official bodies to confiscate land adjacent to the outpost to expand it, although the land was intended to build a secondary school for the girls of the Mount of Olives. There are other similar cases elsewhere in East Jerusalem.

### **Endowment (Waqf) property**

The settlement will most likely adopt the city center plan, which seeks to consolidate Israeli sovereignty by imposing full sovereignty over public institutions. The scheme classifies some Waqf properties as public institutions, which exposes them to the danger of confiscation in favor of the municipality according to the expropriation clause mentioned in the scheme's instructions. The Waqf properties that are classified as public institutions are:

- Rashidiya School.
- Commercial offices in Al-Rasheed Street (from Jaber Building to the borders of the Holy Land Hotel)
- The Islamic Cultural Center.
- Orphan Islamic School (Dar Al-Aytam, next to the Bishop's School).
- Children's House School.
- School for Young Muslim Women.
- The American House (formerly the US Consulate)

In addition to the public institutions that the municipality will seek to register in its name, other Waqf properties are facing a great danger as a result of Israeli institutions ignoring the Islamic Waqf Department and its legal and religious status. This will pose a great danger to the situation of Waqf properties in the Old City, whether charitable or family endowments alike.

## Summary

There is no doubt that Israel's announcement of the settlement process is an attempt to institutionalize policies that have already been in place for more than five decades. Through the work of the settlement officer and the bodies represented in this process over the past two years, especially the Custodian of Absentee Property and the municipality, current indicators unequivocally prove that the intentions and objectives of this process can be concluded as follows:

1. Imposing full control over private properties by claiming their ownership to Jews and transferring them to settler associations.
2. Laying the foundations for the establishment of new settlements, whose land registration is being completed in preparation for the commencement of construction, especially in Qalandia (Atarot) and Beit Safafa (Tabalia or Givat Hamatos).
3. Registering the ownership of lands that the municipality confiscated for the purposes of public uses (public institutions and infrastructure)
4. Registration of state lands and the lands of the Jewish National Fund, especially in the vicinity of the Old City, and in particular the so-called "National Parks".
5. Registering lands and real estate that have been classified as public institutions, especially within the boundaries of the city center scheme, Wadi Al-Joz scheme and others.
6. Implementation of the Absentee Property Law as a condition for completing any registration process. This is already a prerequisite for submitting applications for organizing private plots or obtaining a building permit.
7. The seizure of Waqf properties and the abolition of their legal, representative and religious status, especially since the Israeli law does not give any legal status to the charitable Waqf properties.
8. The danger of imposing exorbitant amounts of land tax and taxes on real estate transactions since 1967 until today. In fact, debts have accumulated which may constitute a pretext for the confiscation of land and real estate due to debts and the interests resulting from these debts over many years.

Based on the foregoing and on the legal frameworks that Israel follows in the settlement process, as well as the Israeli practices during the pilot phase, the claim that this process preserves private property rights (in addition to institutional property) and the right to development has proved to be fake, given the data and methodologies followed by the official Israeli institution and the parties involved in this process. The most prominent of these parties are settler organizations, including settlers with leadership positions in the municipality and in the settlement associations.

Accordingly, the impact of the settlement process on East Jerusalem will be fateful and existential, threatening individuals and institutions, which requires internal Palestinian action and immediate regional and international intervention to ensure the Palestinian presence in Jerusalem. This internal and external action is needed to safeguard the individual and collective rights of the Palestinian people and prevent displacement and dispossession of Palestinian property and real estate.