



LAND GOVERNANCE AND LAND RIGHTS IN PALESTINE

ANALYSIS AND RECOMMENDATIONS

A WORLD IN WHICH EVERYONE ENJOYS SECURE LAND RIGHTS



LAND GOVERNANCE AND LAND RIGHTS IN PALESTINE: ANALYSIS AND RECOMMENDATIONS

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HS number: HS/081/16E

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ACKNOWLEDGEMENTS

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Strategic Partners: Federal Ministry for Economic Cooperation and Development (BMZ) of the Federal Republic of Germany

ABOUT THIS PUBLICATION

This publication is part of the research work carried out by the Arab Land Initiative under the Arab Region Programme on Good Land Governance in Support to Inclusive Development, Peace and Stability funded by the Federal Ministry of Economic Cooperation and Development of Germany (BMZ) under the management of UN-Habitat and the Global Land Tool Network (GLTN). The opinions presented in this paper are of the author and do not reflect the views of GLTN, UN-Habitat, its Governing Bodies or Member States.

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Figure 1: Map of Palestine (2023).
 Source: WFP (2023).

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LIST OF ABBREVIATIONS

A	
ADR	Alternative Dispute Resolution
B	
B'Tselem	The Israeli Information Center for Human Rights in the Occupied Territories
C	
CCCP	Code of Civil and Commercial Procedure
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
E	
ENRA	Energy and Natural Resources Authority
EQA	Environmental Quality Authority
EU	European Union
F	
FAO	Food and Agriculture Organization of the United Nations
G	
GCF	Green Climate Fund
GDP	Gross Domestic Product
GDPT	General Directorate of Property Tax
GEF	Global Environment Facility
GIS	Geographic Information System
GLTN	Global Land Tool Network
H	
HJC	High Judicial Council
HLP	Housing, Land and Property
HPC	Higher Planning Council
I	
IPCC	Intergovernmental Panel on Climate Change
ISOCARP	International Society of City and Regional Planners
ITD	Income Tax Directorate
J	
JICA	Japan International Cooperation Agency
JOD	Jordanian Dinar
L	
LAP	Land Administration Project
LGU	Local Government Unit
LIS	Land Information System
LPT	land and Property Tax
LRS	Land Registration System
LWSC	Land and Water Settlement Commission

M

MAS	Palestine Economic Policy Research Institute
MDLF	Municipal Development and Lending Fund
MLG	Ministry of Local Government
MoA	Ministry of Agriculture
MoARA	Ministry of Awqaf and Religious Affairs
MoF	Ministry of Finance
MoH	Ministry of Housing
Mol	Ministry of Interior
MoJ	Ministry of justice
MoJA	Ministry of Jerusalem Affairs
MoLG	Ministry of Local Government
MoP	Ministry of Planning
MoPWH	Ministry of Public Works and Housing
MoSA	Ministry of Social Affairs
MoTA	Ministry of Tourism and Antiquities
MoW	Ministry of <i>Waqf</i>

N

NAP	National Adaptation Plan
NAP-IFS	National Strategy – Action Programme, and Integrated Financing Strategy to Combat Desertification in the Occupied Palestinian Territory
NASS	National Agricultural Sector Strategy
NDCs	Nationally Determined Contributions
NDP	National Development Plan
NGO	Non-Governmental Organization
NRC	Norwegian Refugees Council

O

OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
OPT	Occupied Palestinian Territory

P

PA	Palestinian Authority
PBL	The Palestinian Basic Law
PC	Palestinian Cabinet
PCBS	Palestinian Central Bureau of Statistics
PCC	Palestinian Civil Code
PCMA	Palestine Capital Market Authority
PECDAR	Palestinian Economic Council for Development and Reconstruction
PEnA	Palestinian Environmental Authority

PHC	Palestinian Housing Council
PHFC	Palestine Housing Finance Corporation
PLA	Palestinian Land Authority
PLC	Palestinian Legislative Council
PLO	Palestine Liberation Organization
PMA	Palestine Monetary Authority
PMHC	Palestine Mortgage and Housing Corporation
PMIF	Palestine Mortgage Insurance Fund
PMO	Prime Minister's Office
PPP	Public-Private Partnership
PWA	Palestinian Water Authority
R	
RERP	West Bank and Gaza Real Estate Registration Project
RPPI	Residential Property Price Index
S	
SDGs	Sustainable Development Goals
SDSF	Spatial Development Strategic Framework
SJD	Supreme Judge Department
SLR	Systematic Land Registration
STDM	Social Tenure Domain Model
U	
UCLG	United Cities and Local Governments
UN	United Nations
UN-CIRPP	United Nations, Committee on the Inalienable Rights of the Palestinian People
UN-Habitat	The United Nations Human Settlements Programme
UNCITRAL	United Nations Commission on International Trade Law
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UJTPS	United Jerusalem Town Planning Scheme 2000
UNFCCC	United Nations Framework Convention on Climate Change
UNRWA	United Nations Relief and Works Agency
USD	United States Dollar
V	
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security
W	
WAFA	Palestinian News and Information Agency
WB	World Bank Group
WCLAC	Women's Center for Legal Aid and Counselling



*Figure 2: Al-Aqsa Mosque, Jerusalem.
Source: Flickr/Ted Swedenburg*





EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

Land management and administration in Palestine operates in a unique context due to the numerous challenges imposed by the continuing Israeli occupation since 1948. The ongoing confiscation of land, demolition of houses, imposition of closures, sieges of urban areas, control of the resources required for sustainable development and the division of the West Bank and the Gaza Strip into three areas (A, B and C) after the 1995 Oslo interim agreement are some of the most pressing challenges to sustainable land management in the Occupied Palestinian Territory. Moreover, the complex – composed of numerous Ottoman, British, Jordanian and Egyptian laws, as well as Israeli military orders (some solely applicable either to the Gaza Strip or the West Bank) – and outdated legal framework limits the ability of Palestinian land authorities to effectively execute their duties.

This report is part of a regional effort to provide an overview of the policies, laws and regulations relevant for various aspects of land governance and decision-making processes in the Arab region. It also analyses the institutional setup and the key stakeholders in the land sector in Palestine. It addresses four functions of land management and administration (land tenure, land value, land use and land development), in addition to the cross-cutting component of land disputes resolution. The report also presents an overview of the existing legal and administrative land and property frameworks, supplemented by an annex of the most important land and property legislation. The comprehensive review closes with recommendations how to improve land management and administration in Palestine.

Land tenure

Palestine's pluralistic land tenure system includes statutory, religious and communal land tenure (*musha*) systems, in addition to informal rights. *Mulk* or privately owned land and state land registered with the Land Registration (Tabu) Department of the Palestinian Land Authority

(PLA) make up the statutory part. The religious land tenure system (*waqf*) includes religious land endowments, or *mulk* land, dedicated to pious uses. Communal land tenure, or *musha*, is community-owned cropland without a written title, characterized by a periodic redistribution of agricultural plots among peasant cultivators. It is still used today in some places (e.g. collective ownership of the Sanour Plains in Jenin).

The informal tenure system includes the refugee camps in the West Bank and the Gaza Strip. The refugees do not "own" but have the right to "use" the land to build a shelter for a residence. The lease agreements last 99 years, after which the land reverts to the original owner. Same goes to some of the Bedouin communities across the West Bank territory.

Regarding ownership, the Ottoman Land Code of 1858 (which still applies in the West Bank and the Gaza Strip) defines five main types. The three principal ones – *mulk*, *miri* and *mewat* – are determined by a combination of spatial features (geographic location) and functional characteristics (type of land and its use). The two secondary types – *waqf* and *metrouke* – are classified solely on land use.

There are two types of private lands in Palestine: private land registered with the Land Registration Department and unregistered private land, also known as "finance land", which is unsurveyed land handled by the Ministry of Finance's (MoF) Property Tax Directorate. Public, or state lands, are restricted to lands that are subject to government control and used in the execution of its competencies (e.g. the erection of government buildings).

The land registration systems in Palestine include two types: mandatory registration, i.e. Systematic Land Registration (SLR), and optional registration, i.e. New Registration. Data from the Land and Water Settlement Commission (LWSC) indicate that only 62 per cent of West Bank

land is registered, with unregistered properties concentrated in urban centres. In the Gaza Strip, 98 per cent of the land is already registered.

Two pieces of Jordanian legislation govern land and property registration in Palestine: the Law of Settlement of Lands and Waters No. (4) for the year 1952 (mandatory registration of properties by the LWSC), and the Immovable Assets Registration Law for the Never Registered Assets No. 6 of 1964 and its amendments (optional registration). The surveying department at the PLA is responsible for the property's initial registration and also examines the maps and plans prepared for land adjudication process, partition, subdivision and other land transactions. Registration is different from settlement in that it deals with land already covered by settlement.

Palestine faces several pressing land registration challenges: complex registration procedures; a mostly manual process; weak PLA institutional capacity; shortage of settlement judges; limited provision of e-services for government agencies and institutions, businesses and citizens; and weak community awareness of the importance of land registration and its procedures.

Accelerating SLR can achieve several benefits, such as providing collateral for loans, improving the housing market and the construction sector, progressively increasing taxation revenues through property tax, and reducing land disputes, conflicts and legal uncertainties.

Ongoing land registration initiatives include the Land Sector Strategy for Palestine (2021–2023), based on the Road Map for Reforming the Palestinian Land Sector, which aims to achieve the following main objectives: consolidating and protecting property rights, raising the efficiency and production capacity for land transactions, conducting a comprehensive valuation of registered property, standardizing the geodetic reference, and protecting and developing state land. Moreover, supported by international partners, the PLA and LWSC are working to survey and register land in the West Bank and to modernize land registry services. Furthermore,

the LWSC and PLA are collaborating with the World Bank on the Real Estate Registration Project, which aims to enhance tenure security and improve real estate registration services, focusing on the urban areas in area A and B. With EU financial support, UN-Habitat and the LWSC are implementing the project Achieving Planning and Land Rights in Area C, West Bank – Palestine (2019–2023), which is focused on rural areas, primarily in Area C.

The Palestinian Civil Code (PCC) No. 4 of 2012 determines the following main ways to acquire the right to property and land registration: authorized occupation (Articles 989–998), inheritance (Articles 998–999), will and testament (Articles 1038–1042), inter vivos property transfer (Articles 1043–1053), contract (Article 1055), pre-emption or the right of pre-emption (Articles 1056–1071) and possession (Articles 1072–1106).

The two types of new land classifications that emerged during the conflict – i) Former Settlement Land and ii) Refugee Camp Land – remain unsettled and, therefore, pose additional challenges and complexities to land administration in the Gaza Strip.

Land value

Land value functions include assessing the value of land and properties, calculating and gathering revenues through taxation, and the management and adjudication of land valuation and taxation disputes. Property valuation is based on different laws in the West Bank than in the Gaza Strip. In the West Bank, the currently applicable laws are Jordanian Law No. 11 of 1954, "Tax on Buildings and Lands in the Region of Municipalities and Local Council", and its amendments, and Land Tax Law No. 30 of 1955, imposing taxes on lands outside municipal borders. Law No. 42 of 1940, "Properties Inside the Cities Tax", regulates property valuation in the Gaza Strip.

Rent value (for buildings) and market value (for land) are prescribed for property valuation in the legislation. The rent value for a unit in a building

can be obtained from a contract that is agreed by both lessor and lessee; thus, the actual rent value can be directly entered into the database. Market value is the estimated figure for which a property should transfer from a willing seller to a willing buyer on the date of valuation, with each party acting knowledgeably, prudently and without compulsion.

Property valuation is underdeveloped and further hampered by many challenges: lack of a unified system, clear and approved criteria and bases for valuation; absence of a single authorized institution to deal with this issue; reassessment is carried out every five years and not annually; international valuation standards are not used, and there is no quality control or compliance with international valuation standards; the valuation process is vulnerable to corruption and often results in the registration of lower-than-market values; and there is no law regulating the licensing of appraisers.

The PLA is developing a valuation system to increase market transparency, to reduce banking sector/mortgage risk, to improve the infrastructure for a recurrent property tax, and to meet the third sectoral strategic goal of the Land Sector Strategy (2020–2023), the comprehensive valuation of all registered immovable property. Moreover, the General Directorate of Property Tax (GDPT) of the MoF, in cooperation with the Japan International Cooperation Agency (JICA), developed property valuation standards, a technical manual and a handbook for valuers (yet to be officially adopted).

Concerning land and property taxation, the legal framework for land and property taxation in the areas under the Palestinian Authority is composed mainly of the following legislation: the Buildings and Lands in the Region of Municipalities and Local Government Tax Law No. 11 of 1954, the Land Tax Law No. 30 of 1955, and Jordanian amendments until 1967, as well as Israeli military orders (in effect in the West Bank). British laws related to property tax, including British Property Tax Law No. 42 of 1940, “Property within Cities Tax Law”, apply in the Gaza Strip.

The buildings and lands tax (*daribet al-musaqafat*) in Palestine equals 17 per cent of the stated rental value in the contract (buildings), after deducting 20 per cent as depreciation, or of the assessed value of rental income and a six-per-thousand share of the sale value (unbuilt land). These revenues are distributed between the public treasury and the local authorities by 10 per cent for the first and 90 for the second. Property tax revenues in Palestine are low, which can be explained, on the one hand, by the outdated legislative framework governing property tax and, on the other, by the lack of valuation standards to objectively assess real property. To improve property tax revenues in Palestine, the GDPT of the MoF signed a cooperation agreement with JICA in 2016. The resulting “Project for Improvement of Local Finance System in Palestine” provides technical assistance to the GDPT to improve its valuation and collection capacity, by using reliable property tax valuation standards and capacity-building of property tax staff.

There is no inheritance tax, stamp duty or transfer tax in Palestine. Capital gains of individuals from the sale of investments (e.g. tangible assets and real property) are tax-exempt when not held for trading. Corporate capital gains from the sale of investments in equity securities and bonds are tax-exempt. Capital gains are taxable at the customary 15 per cent corporate tax rate when they derive from the sale of tangible assets and real property.

Land use

The Palestinian Land Use Classification System, which includes seven categories branching down into subcategories, was developed based on the UNECE land use classification system. It is suitable for the Palestinian case because it depends on methods and sources for producing land-use data, such as administrative records and analysis of aerial and satellite images. The classes it uses are almost the same as those available in the Occupied Palestinian Territory (PCBS, 2000).

Land use in Palestine is challenged by rapid urbanization, high population growth rates, land scarcity and territorial fragmentation under the ongoing occupation (UN-Habitat, n.d.), in addition to agricultural land fragmentation due to competition between heirs (MAS, 2005). The West Bank was divided into Areas A, B and C as part of the Oslo Accords. As a result, Israel could maintain full control over Area C (61 per cent of the territory and only 4 per cent of the Palestinian population). Palestinians were granted control over Area A and partially over Area B, the main urban areas. These restrictions negatively impacted the Palestinian physical environment and led to unbalanced urban development (UN-Habitat, n.d.). Israel's control over water and systematic water deprivation is suffocating Palestinian farming by forcing farmers to abandon their lands and look for alternative livelihoods. Over 70 per cent of communities (mostly in Area C) lack connection to the water network and must rely on very expensive tanker water (Abdel Razek-Faoder and Dajani, 2013).

Agricultural land fragmentation is largely the result of multiplicity of heirs and the different values of land based on its geographical location (water, electricity, roads, sewage networks, proximity to residential communities and Israeli settlements), its fertility (and whether currently exploited), as well as its legal status (whether construction is allowed) (MAS, 2005; Al-Nobani, 2017).

To improve land use, the Palestinian Authority adopted the following national land-use strategies:

- **The Ministry of Agriculture's National Agricultural Sector Strategy (NASS) 2017–2022.** It has five strategic objectives: i) enhance resilience and steadfastness of female and male farmers on their lands; ii) sustainably adapt natural and agricultural resources to climate change; iii) increase agricultural production and productivity; iv) improve access to quality agricultural services for female and male farmers and

entrepreneurs, to increase value along agricultural value chains; and v) develop an effective and efficient institutional and legal frameworks (MoA, 2016).

- **The National Adaptation Plan (NAP) to Climate Change 2016.** Twelve sectors potentially vulnerable to climate change have been identified, and the NAP assessed their degree of vulnerability to aid identification and prioritization of adaptation options (EQA, 2016).
- **The National Strategy, Action Programme, and Integrated Financing Strategy to Combat Desertification in the Occupied Palestinian Territory (NAP-IFS).** Formulated by the Environment Quality Authority of the PA, its objective is to prevent, halt and where possible reverse the effect of desertification, land degradation and drought. These efforts would alleviate poverty, improve livelihoods and support sustainable development (EQA, 2012). See Annex 2 for a summary of the strategic objectives and NAP programmes and interventions.
- **Palestine Cross-Sectoral Environment Strategy (2020–2023).** It seeks to achieve five objectives (EQA, 2020): i) low and controlled environmental pollution levels; ii) natural environment and biodiversity conservation; iii) putting in place the necessary measures to adapt to climate change; iv) updating the environmental legislative system; and v) enhancing environmental awareness, knowledge and behaviour.

Land development

The Palestinian Authority (PA), represented by the Ministry of Local Government (MoLG) and the Ministry of Finance, took on the task of elaborating strategic development plans for all governorates, finalizing those for Jenin (2008), Nablus (2010), Salfit (2012) and Tulkarm (2014). The plans are combined with investment in social infrastructure based on community-driven action plans. These provide a protective mechanism

against displacement and demolitions, strengthening community resilience. The plans and social infrastructure are in line with the real needs of the local population and are formally endorsed by the local communities and the MoLG.

National Spatial Planning (2050). In 2015, the Palestinian Government created the National Spatial Plan “Envisioning Palestine 2025, 2050”, supported by UN-Habitat, UNDP and other partners. It defines a long-term vision for comprehensive development that, at the same time, can ensure environmental security and sustainable development, with optimal use of available resources and potentials. It captures a broad perspective framework for the main visions and subdivisions in seven sectors: i) economic development, ii) resources management, iii) urban and rural development, iv) infrastructure, v) demography and society, vi) international relations and politics, and vii) the service sector (see Annex 3) (PA, 2015).

The Spatial Development Strategic Framework for Jerusalem, Ramallah and Al-Bireh, and Hebron Governorates (2030). These documents were elaborated under the “Fostering Tenure Security and Resilience of Palestinian Communities through Spatial Economic Planning Interventions in Area C (2017–2020)” Project with the following main objectives:

- Diagnose the current status of the sector’s administration and good governance, infrastructure and environment, social and economic development.
- Identify the obstacles and opportunities for the development process in the governorate and formulate a comprehensive development vision up to 2030.
- Set integrated spatial development goals with special emphasis on the identified priority sectors.
- Identify priority development projects and programmes and locate them spatially.

- Develop an integrated implementation plan with a time frame and an estimated budget.
- Develop a methodology to monitor the plan’s implementation and progress.
- Link the SDSF to the policies and development plans of the National Spatial Plan and sectoral and cross-sectoral plans.
- Link and integrate the SDSF to previous plans at the city and governorate level (MoLG, 2020).

Concerning urban planning, the Palestinian planning system follows a top-down, hierarchical approach. The Jordanian Law of 1966 defines three levels of spatial planning: national planning, undertaken by the Higher Planning Council (HPC); regional planning, undertaken by the governorates, and local planning, undertaken by municipalities and village councils. Almost 58 per cent of local government units (LGUs) in Palestine have local outline plans. More than 93 local master plans are currently being prepared to cover the remaining 40 per cent of LGUs (MoLG, 2024).

The World Bank worked with five major urban centres – Hebron, Nablus, Bethlehem, Ramallah and Al-Bireh, and Gaza City – through the Integrated Cities and Urban Development Project. This effort focuses on improving the effectiveness of city management systems, including urban and spatial planning, land use and development procedures (WB, 2021). UN-Habitat and the MoLG have developed a National Urban Policy for Palestine, supported by EU funding under the project “Achieving Planning and Land Rights in Area C, West Bank, Palestine” (UN-Habitat and MoLG, 2021) that was endorsed by the Palestinian Cabinet in 2023.

The current Jerusalem Master Plan 2000, commissioned in 1999 and published on 13 September 2004 as the United Jerusalem Town Planning Scheme 2000 (UJTSPS), provides a mandatory map for land use and a blueprint for municipal planning up to 2020. It was the first

planning framework that included both East and West Jerusalem as a single urban unit under Israeli sovereignty. The UJTPS was meant to replace the one in effect since 1959 (Master Plan 62), which applies only to the west of the city (PASSIA, n.d.).

Urban planning in the Gaza Strip started in 1995 through a Norwegian-funded capacity-building pilot project by laying out a master plan for the city of Gaza. Today, planning is practised on three levels. At the national level, sectoral development plans are drawn. On the regional level, the regional plan laid out in 1998 was not legally sanctioned; however, another version, the Regional Plan for the Gaza Strip 2005–2015, was approved. Both plans focus on urban development, land use and the protection of natural resources. On the local level, all 25 local governments in the Gaza Strip have already elaborated physical master plans and detailed plans.

The main urban planning and construction legislation in Palestine are the following:

Town Planning Ordinance/Law No. 28 of 1936 and its amendments. Issued by the British High Commissioner on 4 May 1936 to repeal the Planning Ordinance of 1921 and its amendments, it is still applicable in the Gaza Strip. It was amended during the British mandate and several times by Israeli military orders. The Ordinance's 41 articles cover, among other important issues, the distribution of planning jurisdiction on local, regional and national levels.

Temporary Planning and Building Law No. 79 of 1966 and its amendments (Jordanian Planning Law). This law governs planning processes and is applicable in the West Bank, especially Area C. In addition, several planning by-laws have been developed and passed since 1996 (MoLG, 2016). The Planning Law defines three kinds of planning schemes (NRC, 2012):

- Regional plans (Articles 15–18) structure the landscape at the most general level: location of new towns and villages, expansion limits of existing communities, and designating open areas and zones for industry and commerce.

- Outline plans (Articles 19–22) must be prepared for cities and large towns, to define land zoning in greater detail than the regional plans.
- Detailed plans (Articles 23–24) are divided into two main types: cities and large towns, and small towns and villages. The District Planning Committee has the power to approve detailed plans.

The Regulation of Buildings and Planning No. 6 of 2011 was issued by the Palestinian Council of Ministers on 17 May 2011, based on Article 67 of Planning Law No. 79 of 1966 and Town Planning Ordinance No. 28 of 1936. It applies to lands, buildings and construction projects located inside the planning borders of Palestinian governorates (Article 2).

The Regulation Concerning Multi-Storey Buildings in the Gaza Region of 1994, issued by the head of the PA on 17 September 1994, deals with the construction of multi-storey buildings in the Gaza Strip, in accordance with the stipulated conditions and specifications.

The Regulation of Buildings and Planning No. 31 of 1996 governs construction and planning outside of planned areas, valid in both the West Bank and the Gaza Strip (MoLG, 2013).

The Environment Law No. 7 of 1999, and its amendments, aims to protect the environment from all types of pollution, to integrate environmental protection in economic and social development plans, and to promote sustainable development of vital resources. This law deals with climate change through its objective and general principles, special conditions of the aerobic environment and environmental impact assessment, and references to relevant international treaties (LSE, 2021).

Housing

The fact that 40 per cent of West Bank and 10 per cent of the Gaza Strip land are not subject to settlement work poses a major barrier to developing a healthy real estate and housing market (Dodeen, 2014). Other obstacles hamper

the smooth operation of the housing market: the lack of enforcement of orders issued by the courts regarding evictions and other claims by property owners; a limited supply of land for new construction; an inadequate system for issuing land titles and building permits; and the inability of municipalities to enforce planning regulations due to their extremely limited control over land (UN-Habitat, 2001).

Selling and purchasing houses in Palestine is relatively rare compared to apartments for several reasons. One main reason is the high prices due to the scarcity of construction land. Accordingly, real estate developers focus on building apartments, particularly in city centres. As a result, the price index for apartments fell from 105.4 in the third quarter of 2021 to 103.7 in the fourth quarter, while the price index for houses rose from 107.9 in the third quarter of 2021 to 108.0 in the fourth quarter of 2021 (PMA, 2022).

Looking at housing and informal settlements, there is no public or social housing in Palestine, even though Palestinian Basic Law guarantees the right to adequate housing for all (Article 23) (OHCHR, 2021). The main challenges to the housing sector and “adequate housing” in Palestine are the lack of adequate control over the limited land available to Palestinians; the lack of tenure security and continuous threats of shelter demolition imposed over 500 Palestinian communities in Area C and the edge of Area A and B by the Israeli Occupation; inadequate housing in refugee camps due to expansion restrictions and the authority gap in service provision between the PA (including municipal governments) and UNRWA; the lack of a housing sector plan, despite the recently completed housing policy; inappropriate legal framework governing housing and construction in the Gaza Strip and the West Bank; low housing production due to the financial deficit and inadequate financing mechanisms; and the weak performance of the judiciary in settlement of real estate and housing disputes (MoPWH, 2014).

The Ministry of Public Works and Housing (MoPWH) has been working on housing projects and programmes that benefit low-income families. The MoPWH provided governmental land at nominal prices for more than 5,800 households, in addition to accommodating over 4,000 households in 16 housing projects in the Gaza Strip. It completed four housing projects in the West Bank and rebuilt and rehabilitated thousands of houses totally or partially destroyed by Israeli forces (MoPWH, 2014). Since 1991, the Palestinian Housing Council (PHC) has dispersed USD 210 million in direct investments, providing housing across the land: 1,178 apartments in the Gaza Strip, 408 houses in West Bank cities, 1,325 houses in rural areas and 1,956 apartments in Jerusalem. Moreover, 1,200 shelters have been rehabilitated – including 343 houses in Jerusalem, of which 70 are in the Old City – in addition to 442 units in the Gaza Strip (MoPWH, 2014).

National development and reconstruction plans in Palestine are grounded in several documents:

The National Early Recovery and Reconstruction Plan for the Gaza Strip 2014 is based on these guiding principles:

- Linking recovery plans to Palestine’s National Development Plan;
- Government-led with broad-based participation;
- Using the plan for economic and private sector revitalization;
- Prioritizing accountability and efficiency in execution;
- Focusing on the most-vulnerable demographic segments (MoP, 2014).

The MoPWH Strategic Plan (2019–2023) has the following main objectives:

- Developing and upgrading the housing environment in Palestine and enabling Palestinian families to access adequate housing;

- Contributing to the provision and development of utilities, public buildings and regional roads with high efficiency and high return;
- Contributing to the organization and development of the construction sector in Palestine (PMO, 2021).

The National Development Plan (2021–2023) sets priorities that are reflected in the Palestinian government’s sector strategies for local government, housing and public works, transportation, environment, land, culture, youth and gender equality (UN-Habitat, 2021a). The NDP 2021–2023 follows a vision grounded in i) ending the occupation, ii) excellent public service provision, and iii) sustainable development (PMO, 2021).

Article 21 of Palestinian Basic Law stipulates that land expropriation for public use is permissible only in the public interest and against fair compensation, in compliance with the law or court order. The “Law of Lands Expropriation for Public Projects” No. 2 of 1952, as revised by Presidential Decree No. 3 of 2011, governs the use of eminent domain for the expropriation of private land in the public interest (both in the West Bank and the Gaza Strip). The Land Acquisition Law No. 24 of 1943 and its revisions are applicable in the Gaza Strip. In the event of a violation of any terms of the Expropriation Law, an appeal may be lodged with the Palestinian High Court of Justice (AMAN, 2019). However, the public interest is evaluated at the exclusive discretion of the Council of Ministers, without judicial oversight. The High Court of Justice justified the unrestrained discretion of the Council of Ministers because “the Administration (i.e. the Cabinet) is the most knowledgeable and capable of estimating the appropriateness of the location and the property to be acquired which is suitable for the implementation of projects of public interest, and to assess the appropriate area required to be expropriated for the implementation of the project” (ibid.). Law No. 2 of 1952 contains significant loopholes; for instance, it does not specify a legal period

obligating the expropriating party to submit the acquisition project to the Council of Ministers after the announcement is published in daily newspapers, and it does not compensate customary land rights owners.

Land Disputes Resolution

The dispute over land control is the root cause of the Israeli–Palestinian conflict. Land disputes are marked by several sources: different types of land exist and are governed by multi-layered land laws; the survey and registration of Palestinian land is incomplete; because it is difficult to prove a continuous ownership chain, formally recognized ownership is limited; and women’s inheritance and Housing, Land and Property (HLP) rights are not duly recognized and protected (NRC, 2015b, 2015).

Encroachment on state land is also a major cause of land disputes, involving 12,000 out of 112,000 donums of state land in the Gaza Strip (11 per cent of total state land) (NRC, 2015b).

Land disputes are usually resolved by formal means, through court litigations and administrative decisions or by formal alternative dispute resolution (ADR) mechanisms. Informal justice, the settlement of disputes between litigants outside the formal justice or the formal ADR system, is dominated by “tribal conciliation” (ELG, 2019).

Formal land disputes resolution mechanisms

Court system

The official court system of the PA is the primary tool for resolving land-related issues. The Palestinian government has been developing the necessary infrastructure to expand the capacity of the judicial system (e.g. improving efficiency and access by using information and communication technology).

The court system is supervised and regulated by the High Judicial Council (HJC), which nominates judges for approval by the President of the PA (ECFR, 2021). Chapter two of the

Judicial Authority Law No. 1 of 2002 determines the types and levels of courts:

- Religious courts;
- The Supreme Constitutional Court;
- Regular courts are composed of the following:
 - The Supreme Court, which includes a) the Cassation Court and b) the High Court of Justice;
 - Appellate courts;
 - First Instance courts;
 - Magistrate courts;
 - Special courts (e.g. military courts) (Article 101/2 of Palestinian Basic Law).

Alternative Disputes Resolution, used both formally and informally in Palestine, offers several advantages over other forms of dispute resolution: affordability, procedural flexibility, efficiency, confidentiality and finality. It also has a number of disadvantages: high risk of violating women's rights, lack of formality, lack of fairness, non-transparent procedures, and lack of sensitivity regarding age and gender. These shortcomings are most pronounced in tribal justice. ADR provides a wide range of tools: negotiation, conciliation, mediation and arbitration, early neutral evaluation, expert determination, mini-trials, and med-arb (ELG, 2019). Important to mention that the Palestinian Legislative Council has been in freeze since 2006.

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Arbitration

Palestinian Arbitration Law No. 3 of 2000 (current in both the West Bank and the Gaza Strip) is based to a great extent on the United Nations Commission on International Trade Law (UNCITRAL) Model Law. The draft replacement arbitration bill has been under review (ELG, 2019). Land disputes are arbitrable (Article 4 of the Arbitration Law) and disputants are free to agree to resolve them through arbitration.

Factors that favour resolving land disputes through arbitration include long delays in cases being brought before the court; ineffective court administration; long time periods until a satisfactory resolution is achieved; the 1967 freezing of land settlement by Israel and the resulting chaos in real estate sales (white or built lands); and the imposition of discriminatory laws, such as the Israeli Absentee Property Law and the resulting seizure of many Palestinian properties (ACT, 2020).

Mediation

On 13 October 2021, the Palestinian President issued Presidential Decree No. 32 of 2021 on "Mediation for Settlement of Civil Disputes". With the promulgation of this law, mediation officially became part of the judicial system.

Informal or tribal disputes resolution mechanism

Tribal conciliation describes both the conflict resolution process and outcomes of the work of tribal judges, who are the main actors in tribal informal justice, or of conciliation committees established by the PNA (ELG, 2019). According to a 2021 PCBS survey on the Rule of Law and Access to Justice Survey in the West Bank, 63 per cent of adults were satisfied with tribal justices, whereas just over half (51 per cent) were content with the formal system (PCBS, 2021a).

Tribal judges had a very important role and dominated customary dispute resolution in the Gaza Strip by administering tribal 'urf (custom), comparable to sulh conciliation or tribal law. However, their importance has diminished in the past decades (NRC, 2012a). Moreover, the current political climate favours strengthening formal justice and ADR mechanisms and abandoning tribal justice (Khalil, 2009). On 30 May 2019, President Abbas cancelled the 2012 decision that formed the High Commission for Tribal Affairs (ELG, 2019).

Land-related legal framework

Multiple legal systems shaped the land-related legal framework in Palestine, leading to a collection of fragmented, outdated and inconsistent land laws. Different laws apply to the West Bank and the Gaza Strip. This fragmentation is the root cause of many legislative inconsistencies and gaps. More than 26 pieces of legislation are applicable to land settlement and registration in Palestine (MAS, 2013). The legislation is composed of overlapping and conflicting Ottoman, British, Jordanian and Egyptian laws, in addition to Israeli military orders (NRC, 2015b).

Palestinian Basic Law provides for the right to private property, the sanctity of the house, the protection of ownership against unfair expropriation and confiscation, and the right to adequate housing. It also provides for the right to a clean environment (Article 33) to ensure equality of all Palestinians before the law and the judiciary, irrespective of race, sex, colour, religion, political views or disability (Article 9). Nevertheless, sharia generally provides women with half the amount given to a male sibling. Moreover, gaps in certain Palestinian legislation are inconsistent with the Basic Law's principle of no discrimination and the commitments of the Palestine under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by a presidential decree in 2009 (WCLAC and DCAF, 2012). Annex 1 provides a broad overview of the legislation related to land and property rights, land administration and management.

Institutional framework and stakeholders

Nine ministries execute various land-related competencies: the Ministry of Public Works and Housing (MoPWH), the Ministry of Local Government (MoLG), the Ministry of Agriculture (MoA), the Ministry of Finance (MoF), the Ministry of Tourism and Antiquities (MoTA), the Ministry of Awqaf and Religious Affairs (MoARA), the Ministry of Justice (MoJ), the Ministry of Jerusalem Affairs (MoJA), and the Ministry of Interior (MoI).

Other non-ministerial state institutions involved in land management include the Palestinian Land Authority (PLA), the Palestinian Land and Water Settlement Commission (LWSC), the Palestinian Water Authority (PWA), the Environment Quality Authority (EQA), the Palestinian Energy and Natural Resources Authority (ENRA), the Supreme Judge Department (SJD), the Palestinian Central Bureau of Statistics (PCBS), local government units (LGUs), the Municipal Development and Lending Fund (MDLF), the Palestine Capital Market Authority (PCMA), and the Palestinian Economic Council for Development and Reconstruction (PECDAR).

Important private sector actors include the following: the PHC; private banks such as the Palestine Mortgage and Housing Corporation (PMHC); alternative dispute resolution centres, such as the Association of Engineers, the Engineering Arbitration Centre; professional organizations such as the Land Developers Union – Palestine, the Surveyors Syndicate; civil society organizations, such as the Palestinian Agricultural Relief Society and the Applied Research Institute – Jerusalem Society; and academic institutions, such as Birzeit University and An-Najah National University. Christian churches and Islamic waqf are important land stakeholders in Palestine, but the coordination between them is weak. Public-private partnerships are not very active in land development and land registration (PMO, 2016) but could provide valuable help in the implementation of land-related national plans and strategies.

Conclusions

Despite the difficult conditions that hamper the ability of the PNA to achieve sustainable land management in the territories it controls – which continue to shrink under Israeli occupation – Palestine has achieved important advances in the land sector.

Security of tenure and land registration services were improved through the consolidation of land administration tasks in the newly created Palestinian Land Authority, established by

Presidential Decree No. 10, issued on 5 June 2002. The main achievements of the PLA include developing and establishing the internal electronic portal to facilitate the work of appraisers in the registration departments, raising the level of information security, organizing protection on databases, and creating a special record of entry movements.

In 2022, the PLA achieved several accomplishments, including: launching the electronic payment service for issuing certificates on the electronic payment platform, archiving (initiating electronic archiving) completed surveys from 1950 to 2011, totalling 700,000 transactions, increasing the total number of offices to 15, establishing a high-quality spatial real estate database and has automated all its services and procedures, surveying and mapping Palestinian cadastral plots on the database, surveying and digitization of state properties throughout the nation, and developing gender units and plans to enhance gender-sensitivity of their services, among others. The main achievements of the Land and Water Settlement Commission since its establishment in 2016, and until the end of 2023 has been to accelerate the land settlement process by completing the land settlement of approximately 1.54 million dunums (or 27.3 per cent of the total area of the West Bank). Of which, approximately 212,937 were settled in Area A (around 14 per cent), 382,060 in Area B (around 25 per cent), 767,127 dunums of which are in Area C (around 50 per cent), and 178,821 dunums settled in the Dead Sea (around 11 per cent). The total remaining are to be settled is estimated at around 2.37 million dunums (42 per cent of the total area in the West Bank), including 11 per cent in Area A, 15 per cent in Area B and 75 per cent in Area C.

State land management and protection were improved through the establishment of the PLA Government Property Department, which manages and protects state properties, and the promulgation of Law No. 22 of 2018, related to the "Conservation of State Lands and Properties".

Despite these improvements introduced by the Palestinian Land Authority to the land registration system (LRS), several challenges persist:

Overlapping responsibilities in the LRS duplicate data recording; staff skills are not sufficiently developed; the PLA lacks trained operators and use technicians; customer service is undeveloped, and the organization is not operationally ready to handle a substantial increase in the number of registered titles.

The land-related legal framework in Palestine – a mixture of Jordanian, Egyptian, Palestinian, Ottoman and British laws, as well as Israeli military orders – is fragmented and different laws apply to the West Bank and the Gaza Strip. Nonetheless, it protects private property because expropriation is only permitted for public benefit and against fair compensation. While the LRS provides protection of registered land, most Palestinian land is not and these owners face a constant threat to their security of tenure. Palestinian legislation recognizes women's unrestricted right to ownership and safeguards land or property registration and housing construction. However, legislative gaps, combined with patriarchal social pressure, result in inequalities in inheritance and matrimonial property.

Article 23 of Palestinian Basic Law guarantees the right to adequate housing for all citizens; however, the reality on the ground does not reflect this principle. In 2018, 41 per cent of Palestinians in the State of Palestine lived in slum-like conditions in refugee camps (26 per cent of the West Bank's and 64 per cent of the Gaza Strip's total populations) (PCBS, 2019). The national housing policy is still to be updated.

Despite the existence of a land use classification system in Palestine, it is outdated and needs to be modernized and enforced better (PCBS, 2000).

Urban planning in Palestine still relies on old Jordanian laws that are not fit for planning Palestinian villages and cities. LGUs are not effectively participating in urban planning as determined by the law. Instead, MoLG

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monopolizes the role of local planning committees of municipalities and villages, which suffer from weak financial resources and lack the technical capacity to perform their urban planning tasks, as assigned by the Urban Planning Law of 1966 and the Local Authorities Law of 1997. The public is not consulted or involved in preparing for planning; their role is limited to commenting on published plans during the objection phase (MoLG, 2013). The Israeli occupation severely constrains urban planning and expansion.

Many problematic practices in the land management system should be highlighted: not all state land is inventoried and registered; state land is allocated to influential PLO/PNA figures; fees are not paid to the treasury; lack of financial disclosure on state land transactions; land swap between the state and individuals and institutions; and illegal encroachment and utilization of state land for construction or agriculture. These shortcomings have been documented both in the West Bank and the Gaza Strip (Transparency International, 2012).

All persons are free to access land disputes resolution mechanisms; however, there are no courts or judges specialized in real estate disputes. The backlog of cases will probably increase with the activation of the systematic land registration programme, as also settlement courts lack judges. While ADR is used both formally and informally in Palestine, Arbitration Law No. 3 of 2000 is outdated. Tribal conciliation is widely practised and is still the main informal or customary dispute resolution mechanism. According to a PCBS 2018 survey, 33.55 per cent of respondents (18.62 per cent male and 14.93 per cent female) resorted to tribal justice for the resolution of a land case. However, the PNA seeks to strengthen formal justice and ADR mechanisms at the expense of tribal justice.

Recommendations

Land registration

- Build strong, inclusive frameworks for land registration management, and bolster land registration and governance institutions to

foster tenure security, particularly for those most vulnerable.

- Streamline the procedure of SLR and the new registration by removing bureaucratic restrictions and improving the legislative and institutional framework of land registration.
- Speed up the surveying and registration works for all types of land.
- Promulgate a new Palestinian land registration law to replace the outdated Jordanian Land and Water Settlement Law No. 40 of 1952 (mandatory registration) and the Immovable Assets Registration Law for the Never Registered Assets No. 6 of 1964 and its amendments (optional registration).
- Complete the work on the Social Tenure Domain Model (STDM), in cooperation with UN-Habitat and the Global Land Tool Network (GLTN), in Area C of the West Bank and extend it to the other Palestinian territories (Areas A and B as well as the Gaza Strip), to improve security of tenure and reduce planning and servicing costs.

Land use classification and management

- Update land use classification and redefine land use according to its suitability for different activities.
- Make use of the Geomolg system managed by MoLG and available GIS-based land-use databases.
- Ensure that all urban planning works, selection of priority sites for land reclamation and development, national development plans and strategies, and various licensed land usage are consistent with the updated land use classification.
- Prevent any infringement of the updated land use classification.
- Address the problem of land fragmentation due to inheritance laws.

State land management

- Finalize the registration of all state land in Palestine within the shortest time possible.
- Assign the sole responsibility to manage state land to the Palestinian Land Authority (Governmental Property Department).
- Fight corruption in the land sector and ensure that maximum revenues are secured from the management of state property.

Land valuation

- Adopt a unified and standardized real estate valuation methodology and rules, important for setting clear criteria and bases for land valuation.
- The responsibility for land valuation should be assigned to a single party and for all valuation needs.
- Adopt more efficient valuation techniques so that properties can be valued annually instead of every five years as currently under Law No. 11 of 1954.
- A single authority should be tasked with licensing and monitoring the work of land appraisers.
- Land appraisers should form their own association to defend their rights, improve their academic and technical capacity and monitor their performance.

Property tax

- Reform the tax system to increase revenue generation from land and property tax (LPT) and improve property tax contribution to GDP.
- Build the collection capacity and resources of the property tax staff.
- Adopt progressive tax rates or brackets for real estate tax to replace the current flat rate.

Urban planning

- Promulgate a new Urban Planning Code for the entire Occupied Palestinian Territory to replace the outdated Jordanian Planning Law and the British mandate Town Planning Ordinance.
- Review all legislation relevant and related to urban planning, such as the Law on the Ownership of Flats and the Regulation on Tall Buildings, as part of the comprehensive revision of the overall urban planning regulatory framework.
- Mainstream public participation policies in planning at local and national levels as well as local governance.
- Complete the National Spatial Plan for Palestine (2050).
- Introduce new urban planning tools and methodologies to help the authorities apply urban growth scenarios and modelling techniques and move away from traditional land use and physical planning.
- Adopt clear strategies and an urban agenda to build new cities and neighbourhoods in harmony with the National Urban Policy for Palestine.
- Integrate local planning with regional and national planning.
- Encourage PPPs to regenerate old cities and upgrade informal urbanization.
- Enable LGUs to participate in local planning by improving their resources and financial management power, building staff technical capacity, and clarifying their powers and duties regarding the borders of regions.
- Engage the public in preparing area urban plans and strengthen their participation beyond the current submission of objections to published urban plans.

- Urban planning projects and works should consider and integrate measures to protect the environment, natural resources, natural sites and cultural heritage.
- Advocate for planning rights and access to natural resources, and issue more building permits in Area C and East Jerusalem.
- Increase the engagement of the state in housing projects and promote PPPs in the housing sector.
- Provide public services and invest in infrastructure to reduce housing prices, thus bridging the gap between the needed and the available affordable housing units.

Women's land and property rights

- Amend or repeal existing legislation that discriminates against women's property rights. In addition, reduce patriarchal dominance in both inheritance and property and raise awareness about the importance of women's land and property rights for their empowerment and for the country's economic development, peace and stability.
- Assess the state of the existing housing stock, paying particular attention to health and safety standards as well as climate adaptation.
- Support the development, funding and regulation of the housing sector, to provide a foundation for affordable housing for all, especially those living in vulnerable conditions.

Adequate housing

- Update the Strategic Framework for the Housing Sector of 2009 and the National Housing Sector Strategy of 2010.
- Promulgate a modern Housing Code to regulate the housing sector and promote access to housing.
- Promulgate a Housing Financing Code to guide the housing finance sector and unify its rules.
- Update or replace the Landlords and Tenants Law No. 62 of 1953 to balance the interests of tenants and landlords.
- Provide a mechanism for the settlement of co-owned property, to allow its use for land development for housing needs.
- Improve housing finance terms to develop the housing sector and ensure that a larger share of the population can benefit from secure, quality housing.
- Improve housing conditions in refugee camps in cooperation with the UNRWA and consider regularising refugee camps.
- Reform and update the policy, legal framework and building codes, and incorporate human rights approaches, climate change consideration and the pandemic response.
- Improve the capacity of relevant government bodies regarding data collection and analysis of real estate appraisal.
- Encourage local authorities, especially municipalities, to incorporate national housing strategies into city development plans and strategies (e.g. strategic development investment plans).
- Scale-up multilateral efforts to avoid the periodic large-scale destruction of the housing stock during military operations and the related humanitarian crisis and mass displacement, particularly in the Gaza Strip.

Land disputes resolution mechanism

- Establish courts specialized in real estate disputes to improve caseload management and reduce case backlog.
- Promulgate a modern Arbitration Code or update the current law of 2000.

- Support tribal justice as an alternative mechanism to resolve land disputes, as it is trusted by many.

The land legislative framework

- Reform the outdated and fragmented land-related legislative framework, which hinders effective and sustainable land management and administration.
- Improve the role of government land institutions by reforming the land-related legislative framework so that it can clearly define the role and executive power of each land agency. It would ensure optimal

coordination between the authorities responsible for land management and administration and avoid overlapping responsibilities.

- Allow the Palestinian Legislative Council to resume its work and promulgate the needed land laws.
- Ensure that land-related laws and policies are enforced by the competent authorities, and empower municipalities and villages to enforce urban planning laws and policies within their jurisdiction – particularly important for combating land degradation.



01 INTRODUCTION

1. INTRODUCTION

This report is part of a regional effort aiming to provide an overview of relevant policies, laws and regulations related to different aspects of land governance and land-related decision-making processes in the region. It also analyses the institutional setup and the key stakeholders in the land sector.

The research approach relied on the collection of all land-related data about Palestine – including key land policies and legal, institutional and administrative frameworks – analysing and assessing them against internationally recognized best practices and land-related international frameworks. It is based on a desktop study and did not include a field assessment, but informal interviews with stakeholders and key informants enriched this report.

The data collection process was concluded in 2021 and the information contained in the report is dated accordingly.

Key challenges and limitations to this research included: limited access to data, people and official institutions and no validation visits to the country, which is going through a complex political and security situation. Some of the challenges and limitations were mitigated through close cooperation and networking with national and international consultants in reviewing and assessing the materials used in the report and weighing its outcomes.

1.1 Country overview

Palestine, or the Occupied Palestinian Territory (OPT), (the West Bank and the Gaza Strip, or Northern Palestinian Districts and Southern Palestinian Districts) is situated between the Mediterranean Sea and the Jordan River and the Dead Sea.³ Comprising a total area of 6,065 km² (6,065,000 donums⁴), spread across two enclaves – the West Bank (5,700 km²), including East Jerusalem, and the Gaza Strip (365 km²). The West Bank runs along the mountain range that makes up the spine of geographic Palestine and down to the Jordan Valley and the Dead Sea. The Gaza Strip runs along the Mediterranean Sea on the edge of the Sinai and Negev deserts (PIALES, 1996). The population of Palestine totalled 5,250,083 people in 2021 – 80 per cent are urban (4,083,476) – with a population density of 847 people per km² (Worldometer, 2021).

Under the Ottoman Empire (1517–1917), Palestine continued to be linked administratively to Damascus until 1830, when it was placed under Sidon, then under Acre, then once again under Damascus until 1887–88, when the administrative divisions of the Ottoman Empire were settled for the last time (EB, 2021). During this time, the Ottoman Land Code of 1858 applied to Palestine. World War I ended the Ottoman rule of Palestine, and in April 1920, the Allies divided its former territories during a peace conference held in San Remo, Italy.

3 Occupied by Israel since June 1967, the West Bank (including East Jerusalem) and the Gaza Strip have come to constitute the Occupied Palestinian Territory. Together with Israel, this territory forms the area of the former British mandate over Palestine, intended under the terms of United Nations General Assembly Resolution 181 of 1947 to be partitioned into two States, one Arab and one Jewish (UNCTAD, n.d.). The UN Security Council Resolution 1397 of 2002, affirmed the international community's vision of two states, Israel and Palestine, living side by side within secure and recognized borders (UN, 2002). Palestine became an observer member state of the United Nations in November 2012.

4 Donum, or dunam, is an Ottoman unit commonly used to measure land in Palestine. It roughly equals 1,000 m² (11,000 square feet), or a quarter of an acre.

The northern portion (Syria and Lebanon) was mandated to France, while the southern portion (Palestine) was mandated to Great Britain (EB, 2021).

The British mandate (1917–1948) resulted in the partitioning of the country into two areas. In the first, constituting about two-thirds of Palestine, the State of Israel was established in 1948. The second, which includes the West Bank and Gaza Strip, was controlled temporarily by Jordan and Egypt until 1967, when it was occupied by Israel (Tamim, 1995). During the British mandate, the Ottoman Land Code remained the basis for regulating land rights and interests, but the most prominent intervention was the enactment of land settlement laws, including the land (Settlement of Title) Ordinance of 1928, which aimed to map and register land in all areas of historical Palestine (NRC, 2015b).

On 29 November 1947, the UN General Assembly adopted Resolution No. 181, which determined the partition of the region into two separate entities, an Arab state and a Jewish state, which

were to retain an economic union. Jerusalem and its environs were to be international. On 14 May 1948, the last British High Commissioner left Palestine, and on the same day, the State of Israel was declared, igniting the conflict over the land (EB, 2021). Seventy-five years after the UN General Assembly Resolution 181 of 1947 partitioning Palestine, the Palestinian people are still living under Israeli occupation, forced displacement, and seizure and destruction of their housing, land and property (UN-CIRPP, 2021).

In 1993, following the Declaration of Principles on Interim Self-Government Arrangements (the Oslo Accords) signed between the Palestine Liberation Organization (PLO) and the Government of Israel, the Palestinian Authority (PA) was created. In 1995, the PA administratively divided Palestine into 16 governorates: 11 in the West Bank (Nablus, Qalqilya, Tubas, Salfit, Tulkarm, Jenin, Jericho and the Jordan Valley, Ramallah and Al-Bireh, Bethlehem, Hebron and Jerusalem) and five in the Gaza Strip (North Gaza, Gaza, Deir al-Balah, Khan Yunis and Rafah) – one of the



Figure 3: Palestinian loss of land from 1946 to the present

Source: AUPHR/Miller (2013).

most densely populated stretches of land on Earth. Governors are appointed by the president and fall under the direct supervision of the Ministry of Interior. They are regulated by several presidential decrees, most notably Decree No. 22 of 2003. Since the Gaza–West Bank split in 2007, Hamas has refused to recognize the Gaza Strip governors appointed by President Mahmoud Abbas, citing that they lack a constitutional basis (ECFR, 2021).

In an effort to advance decentralization and improve the accountability of local government, the PA established governorate councils chaired by the governors. These councils lead and guide regional strategic development plans and are made up of representatives of the Ministry of Local Government, local government units, the PLC, the private sector and civil society (ibid.).



Figure 4: Oslo II map of Palestine outlining Area A, B and C.

Source: Kersel (2014).

The 1995 Oslo interim agreement split the West Bank and the Gaza Strip into three Areas (A, B and C), with different security and administrative arrangements and authorities (see Figure 4). The land controlled by the Palestinians (Area A with all major population centres and Area B with most rural centres) is fragmented into a multitude of enclaves, with a regime of movement restrictions between them. Area C surrounds the enclaves and is the only contiguous area. “Area C is under

full control of the Israeli military for both security and civilian affairs related to territory, including land administration and planning” (WB, 2008). It is sparsely populated and underutilized (except by Israeli settlements and reserves) and holds most of the land (approximately 59 per cent). East Jerusalem was not classified under Area A, B or C in the Oslo II Interim Agreement, with its status left up to the outcomes of future status negotiations. This allocation, which established

Palestinian administration over most of the populated areas and gave it limited control over natural resources and agricultural lands, was meant to be only transitory. The Palestinian Authority had hoped to incrementally take control over parts of Area C; however, little territory has been transferred since the signing of the Oslo II Interim Agreement. The process has been frozen since 2000 (ibid.).

In 1997, the Palestinian Legislative Council passed the Basic Law of the Palestinian Authority, ratified by President Yasser Arafat in 2002. The Basic Law, as amended, provides that the governing system in Palestine shall be a democratic parliamentary one based on political and party pluralism. “The President of the National Authority shall be directly elected by the people. The government shall be accountable to the President and to the Palestinian Legislative Council” (Article 5, Palestinian Basic Law).

Land registration in Palestine, according to the 1858 Tapu⁵ law, was a registration of deeds system. Processing a deed was not a guarantee of title; thus, registration was personal and not territorial (Tamim, 1995). Today, private land is registered in the name of the owners at the

competent formal entity, the Tabu department of the PLA, established by Presidential Decree No. 10 of 2002 and affiliated with the Council of Ministers. However, over 30 per cent of private land in the Gaza Strip and around 70 per cent in the West Bank is estimated to be unregistered. This is the consequence of the difficulty of providing a chain of ownership, complex land laws and registration procedures, and past efforts of owners to avoid paying land tax. The handling of unregistered land is undertaken by the Finance Ministry’s Property Tax Directorate, which conducts appraisal of land and imposes a tax on all land whether registered only with the directorate or with the PLA (Tabu department) (NRC, 2015). The incomplete land registry and the incompetent land administration system hinder efficient land use in Palestine (Anabtawi, 2018).

In March 2016, to streamline and speed up SLR across Palestine under the Road Map for Reforming the Palestinian Land Sector, the Prime Minister established a new agency – the Land and Water Settlement Commission – distinct from the Palestine Land Authority. Its mission is to work with local government units to complete settlement surveys (WB, 2019).

5 Tapu or Tabu, commonly understood as “title deed”, is the document that constitutes conclusive evidence of a land right. It is the land registration deed issued by the Palestinian Land Authority and is commonly used to prove ownership of a plot of land (NRC, 2015b).



Figure 5: Mosque, Manger Square, Bethlehem.
Source: Flickr/Ted Swedenburg



02

**LAND
MANAGEMENT AND
ADMINISTRATION**

2 LAND MANAGEMENT AND ADMINISTRATION

The United Nations Economic Commission for Europe defines land administration as “the process of determining, recording, and disseminating information about ownership, value and use of land and its associated resources. These processes include the determination (sometimes called adjudication) of land rights and other attributes, surveying and describing these, their detailed documentation, and the provision of relevant information for supporting land markets” (FAO, 2021).

The definition of land management is broader than land administration. It covers all activities associated with the management of land and natural resources that are required to fulfil political objectives and achieve sustainable

development. Land management is composed of four key functions (Williamson et al., 2009):

- Land tenure and land rights (securing and transferring rights over land and natural resources, including public land);
- Land value (valuation and taxation of land and properties);
- Land use (planning and control of the use of land and natural resources);
- Land development (implementing utilities, infrastructure and construction planning).
- Land disputes resolution is a cross-cutting theme and is presented as a separate category in this report.

Table 1: The four functions of land management

Land tenure	Land value	Land use	Land development
Securing access to land and the resources related to it and their allocation, recording and security;	Assessing the value of land and properties;	Control of land use by adopting planning policies and land-use regulations at the national, regional and local levels;	Building new physical infrastructure and utilities;
Cadastral mapping and legal surveys to determine parcel boundaries;	Calculating and gathering revenues through taxation;	Enforcing land-use regulations;	Planning constructions;
Transfer of property or use from one party to another through sale, lease or credit security;	Managing and adjudicating land valuation and taxation disputes.	Managing and adjudicating land-use regulations.	Acquiring land for the public;
Management and adjudication of doubts and disputes regarding land rights and parcel boundaries.			Expropriating land;
			Changing land use by granting planning permission and building and land-use permits;
			Distributing development costs.

Source: Adapted from Williamson et al. (2009).

2.1 Land tenure

2.1.1 Land tenure definition

Land tenure is the relationship regarding land, whether legally or customarily defined, among people as individuals or groups. “Land” is used here to include other natural resources such as water and trees. Land tenure is an institution, i.e. rules established by societies to regulate behaviour. “Rules of tenure define how property rights to land are to be allocated within societies. They define how access is granted to rights to use, control and transfer land, as well as the associated responsibilities and restraints. In simple terms, land tenure systems determine who can use, what resources, for how long, and under what conditions” (FAO, 2002).

2.1.2 Land tenure systems

The land tenure system in Palestine is pluralistic and includes statutory, religious and communal land tenure (*musha*) systems in addition to informal rights.

The statutory land tenure system includes *mulk*, or privately owned land, and state land, both registered with the Land Registration Department. Private land can be freely bought or sold or passed onto heirs, and the owner possesses a title deed from the Tabu department that proves their ownership. State land can be leased from the government or can be purchased from the government in accordance with an allocation decision issued by the Land Authority (NRC, 2015a).

The religious land tenure system (*waqf*) is made up of religious land endowments or *mulk* land reserved for pious uses. The Ministry of *Waqf*, Sacred and Religious Affairs is responsible for the administration of *waqf* property, which includes investing in and leasing it (*ibid.*).

The communal land tenure system (*musha*) is community-owned cropland without written title (LANDac, 2014). This tenure system is

characterized by a periodic redistribution of agricultural plots among peasant cultivators. Its practice in Palestine differed from village to village and also changed in the course of time. Generally, it is a holdover from a nomadic regime of communal pasturage (Atran, 1986). The concept is still used today in some villages in the West Bank. For example, in Sanour, a village located between Nablus and Jenin, residents have collective ownership of Marj Sanour (the Sanour Plains in Jenin). The residents divide the land among themselves every year based on the available workforce. The used measurement of share is *zalameh* (a man), which is based on the man only. People get a full, half or quarter *zalameh* as their share today. In the mountains or the hillside, people had individual or family ownership of orchards or land with trees (*ardh mushajjara*). Ownership was based on planting and maintaining trees or by inheritance. Boundaries marked by cactus trees or *sinisleh* (walls built by collecting stones and stacking them at the boundaries) were respected by everyone. Boundaries for grazing grounds for the semi-nomadic tribes were also respected by a reference to tradition and land names (Abufarha, n.d.).

The informal tenure system includes refugee camps in the West Bank and the Gaza Strip that are considered informal. In 2018, the Palestinian Central Bureau of Statistics estimated that 42.3 per cent of the urban Palestinian population lives in slums and informal settlements (UN-Habitat, 2021a). According to UNRWA, the plots of land on which camps were originally set up either belong to the state or, in most cases, are leased from local landowners by the host government. This means that the refugees do not “own” the land on which their shelters stand but have the right to “use” the land for a residence. The lease agreements last 99 years, with the land reverting to the original owner thereafter (BADIL, 2019). Same goes to some of the Bedouin communities across the West Bank territory.

2.1.3 Land tenure types

The Ottoman Empire ruled the Middle East for more than 700 years. During this time, it applied ordinances and land laws to the region, the most important of which is the Ottoman Land Code of 1858. Its principal provisions are still in force in the West Bank and the Gaza Strip.⁶ The Ottoman Land Code of 1858, which was partly affected by the French land regulations, classified land into five main types. The three principal types

– *mulk*, *miri* and *mewat*⁷ – are distinguished by a combination of spatial features (geographic location) and functional characteristics (the nature of the land and its use). The classification of the two secondary types – *waqf* and *metrouke* – is based solely on land use (B'Tselem, 2012). Under the British mandate, land tenure classes remained largely unaltered, except for unclaimed *mewat* land which was added to state lands (Tamim, 1995).

Table 2: Categories of land tenure in Palestine specified in the Ottoman Land Code of 1858

Type of land	Description
<i>Mulk</i>	<i>Mulk</i> lands include yards within the city, parcels in towns and villages and lots near a city or a village that are considered connected to houses, provided their size is not more than half a donum (Article 2). <i>Mulk</i> land, therefore, is the built-up area of the community. It is considered the owner's absolute private property or fee simple ownership (Article 1).
<i>Miri</i>	<i>Miri</i> lands include extensive areas of land that lie around <i>mulk</i> land. From the spatial perspective, the term <i>miri</i> refers to all land within 2.5 km (1.5 miles) from the houses at the edge of the community. From a functional perspective, <i>miri</i> land is intended for cultivation (Article 3). The holding right of <i>miri</i> land belonged to the state, while Tasarruf (utilization) rights were given to individuals under certain conditions, like paying a tithe to the state (a 10 per cent tax imposed on land production). The grantee (user) was obliged to cultivate the land, subject to the liability of being dispossessed if he failed to do so (Tamim, 1995).
<i>Mewat</i>	This is the land that is not owned or used by anybody and is situated beyond 2.5 km from the buildings, from which a man's voice could not be heard (Articles 6 and 103). "It is vested in the government, and allowance to cultivate it requires the issue of a tithe deed (Kushan). This land constituted a considerable portion of the land of Palestine" (Tamim, 1995). Under the Land Code, a private individual has no rights to <i>mewat</i> land but may acquire rights if they change its physical characteristics to such a degree that it becomes arable (Article 103), thus effectively reclassifying it from <i>mewat</i> to <i>miri</i> (B'Tselem, 2012). Nonetheless, unowned <i>mewat</i> land may be acquired with a licence from the state (Article 993 of the Palestinian Civil Code).

- 6 The law that continues to govern land holdings in the West Bank and the Gaza Strip is the Ottoman Land Code, as amended and developed by legislation passed during the Jordanian regime and the military orders issued by the Israeli military authority since the occupation. The theoretical basis of the Ottoman Land Code, however, continues to apply (Shehadeh, 1992). The Ottoman statutory codification mirrored Islamic law but also incorporated elements of European law, especially the law of France.
- 7 Abandoned land, or mahlul, is another form of *mewat* land. According to the Ottoman Land Code, *miri* land that has not been cultivated for three years or more (without extenuating circumstances) becomes mahlul, and the government is allowed, under certain circumstances, to put it up for public auction so that whoever acquires the rights resumes its cultivation (NRC, 2012).

Type of land	Description
<i>Mawkufa</i> or <i>Waqf</i> Land (Endowed land)	This land was dedicated by its owner for a specific purpose, such as a public purpose (charitable, religious, etc.), or to relatives (such as children or grandchildren). "The Code permits the dedication of <i>mulk</i> and <i>miri</i> land. In the case of <i>miri</i> land, the possessor may dedicate, upon government approval, the taxes collected from it but not the land itself" (Article 4) (B'Tselem, 2012). Currently, this land is administered by the Supreme Muslim Council for the Inspection of <i>Waqf</i> (Tamim, 1995).
<i>Metrouke</i> (Abandoned)	<i>Metrouke</i> is public land and has two distinct categories: i) land intended for the public in general, such as roads; and ii) land that was allocated since ancient times for the sole use of the residents of a specific village or villages, such as grazing land, woods or plots on which public buildings serving the local population were erected (Articles 5 and 91). Ownership of <i>metrouke</i> land always remains public, and private persons cannot acquire ownership rights – or even sole usage rights (Articles 92, 93, 95 and 96).

Source: Based on B'Tselem (2012) and Tamim (1995)

2.1.4 Private and public land

Private land – private land provides full ownership, enabling the owners to dispose of the property and perform all transactions in relation to the land as long as these are in accordance with the local laws. The land can be freely bought or sold or passed onto the heirs. Two types of private lands exist (NRC, 2015b):

- Private land is registered with the Land Registration Department. The owners possess title deeds that prove ownership. According to the PLA, 50 per cent of registered land is private land, while the remaining 50 per cent are state and *waqf* land. This type of land is governed by the provisions of the Ottoman Civil Code.
- Unregistered private land, also known as "finance land", is unsurveyed land. The Property Tax Directorate of the Ministry of Finance handles unregistered land. The person in possession of unregistered land is considered its owner, and those owners who register their rights in the Property Tax Directorate can obtain a copy of the tax payment records, which can serve as a land record. The owners of unregistered land can sell their land but cannot exercise the full authority of a registered landowner. The Palestinian Land and Water Settlement

Commission is supporting a nationwide registration process across the entire West Bank, including unregistered private land.

Applicable legislation: The Ottoman Land Code of 1858 and the Ottoman Civil Code (Mecelle) of 1876 are still applicable in the West Bank and the Gaza Strip. Other regulations include the Land Transfer Law of 1920, the Civil Code No. 4 of 2012, Law No. 49 of 1953, "Disposal of Immovable Property", Law No. 61 of 1953, "Moral Persons Disposal of Immovable Property", Landlords and Tenants Law No. 62 of 1953 (applicable in the West Bank), Real Estate Rental Law No. 3 of 2013 and Law No. 48 of 1953, "Common Property Division".

Public or state land – No public or state land category existed in the Ottoman Land Code. *Miri* is land that the Ottoman Amir did not allow to be dedicated as *waqf* or given out to be possessed as *mulk*. The *raqaba* (or ultimate ownership) continues to reside with the Amir, but he has granted public use under certain conditions.

The Government of the British Mandate introduced the category of public/state land through the 1922 Order-in-Council. Article 2 defined public lands as "all lands in Palestine which are subject to the control of the Government in Palestine by virtue of treaty, convention, agreement or succession and all lands which are or shall be

acquired for the public service or otherwise” (Shehadeh, 1992). This definition makes it clear that public lands are restricted to those subject to the control of the government and used in the execution of its purposes, for example, for the erection of government buildings.

They do not include land that is not the subject of a grant to the public and, therefore, do not include *miri*, *mawat* and *metrouke* lands, whose *raqaba* remains with the Sultan but upon which no actual control is exercised by the Sultan. The definition includes lands that are to be acquired for public service (e.g. by expropriation). The High Commissioner was vested with all rights to such public lands. “The position of the Sultan as the ultimate owner of the land (the holder of the *raqaba*) was necessarily transferred to the High Commissioner, who replaced him and who inherited the Sultan’s ultimate theoretical ownership of all the lands in Palestine.” (ibid.)

State land in the Gaza Strip registered at the Land and Real Estate Registration Department of the PLA comprises 112,000 donums (31 per cent of the total) (NRC, 2015b). The interview with the Manager of the PLA revealed that state land in the West Bank tops 500,000 donums (Ajial, 2021).⁸ The main constraints facing state land in Palestine include Israeli transgression through the establishment of settlements and the encroachments on state land by the growing Palestinian population (NRC, 2015b). In addition, not all state lands are registered in the Tabu department. In a 2008 assessment of the economic effects of restricted access to land in the West Bank and the Gaza Strip, the World Bank highlighted the need to improve state land management:

There is no comprehensive inventory of State lands in Areas A and B, and the PLA department responsible for State land was unable to provide an estimate of the amount of such land in Areas

A and B. Moreover, until the present, much State land has been disposed of in a non-transparent manner with little relation to the value or most beneficial usage of the land. This is a lost source of revenue for the PA and probably leads to suboptimal allocation of such land. Today the legal framework for allocating State land is inadequate, lacking among others objective decision criteria. Illegal encroachment is a serious problem and there are no real procedures for resolving it. Consequently, it is essential to upgrade the management and disposition of State land which, being mainly in Area C, could become more abundant in the future. (WB, 2008)

To resolve state land constraints, the fifth strategic goal of the Land Sector Strategy (2021–2023) indicates that the PLA intends to fully protect state lands through the following activities:

- Completing all state lands registration by the end of 2022;
- Rectification of status of registered state lands through adjustment of state lands lease contracts;
- The development and implementation of the State Lands Administration Strategy (2021–2026);
- Protection of registered state lands against encroachment via the Land Sector Strategy (2021–2023).

Applicable legislation: Jordanian Law No. 14 of 1961, “State Lands and Properties Conservation Law”, as amended; Law No. 1 of 1953, “Management and Delegation of State Lands”; Law No. 5 of 1961 on the Acquisition of Private Funds Owned by the Government or Public Legal Persons and Charitable Endowment Funds or Gaining a Right in Kind on them and Encroachment; Temporary Law No. 32 of 1965 “State Property Administration Law”; Law No.

⁸ NRC (2012) reported different figures for state land in the West Bank: “By the end of 2009, the amount of state land in the West Bank reached a figure of more than 1.4 million donums (140,000 hectares), while some additional 500,000 donums (50,000 hectares) are defined by the Israeli authorities as survey land, which is land over which the state is claiming ownership”. It could be that the PLA official was referring to 500,000 donums of survey land in the West Bank.

5 of 1961 on “Redressing Transgressions on State Land” and its amendment issued by the Egyptian governor which prohibited the transfer, through adverse possession, of ownership of assets belonging to the government or to *waqf*, including obtaining any right in kind⁹ (Shehadeh, 1992; NRC, 2015b). In 2018 the Palestinian Prime Minister issued Law No. 22 of 2018 related to the “Conservation of State Lands and Properties”, which cancelled Law No. 14 of 1961 and granted police powers to employees of the PLA to monitor and report any encroachment on state land.

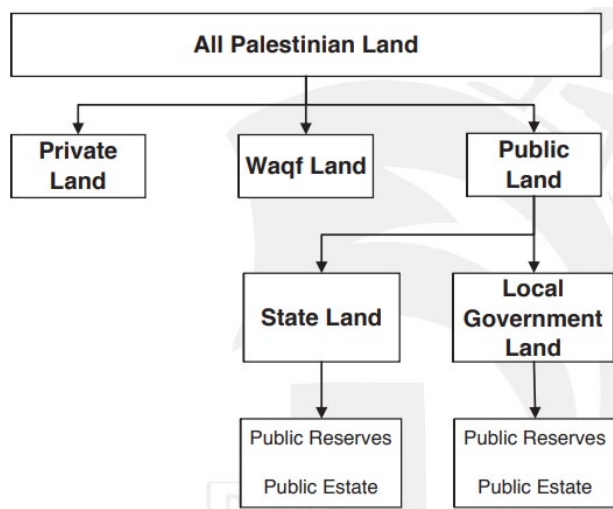


Figure 6: Land classification system in Palestine.
Source: Salameh (2008).

State land disposal is allowed by Article 3 of the Presidential Decree No. 10 of 2002 establishing the PLA. Article 3 of the law stipulates that state land may be disposed of by a decision of the Head of the National Authority upon recommendations from a committee comprised of the Head of the Land Authority, the Minister of Public Works and Housing and the Minister of Local Government. However, a great portion of

state land allocations did not follow clear criteria or the established practices, procedures and standards. For example, some individuals were allocated state land more than once, or the same plots were allocated to various entities only to be cancelled later (AMAN, 2007).

2.1.5 Land and property registration

There are two types of land registration systems in Palestine: the mandatory registration of property, also known as systematic land registration (SLR), and the optional registration of property, also known as new registration. Land registration was interrupted by the war of 1967, which halted both types, and the land registry was closed to the public. The Palestinian Authority recovered three sets of land records (Ottoman, British and Jordanian), with transactions registered according to the original system. After 1967, sporadic land registration took place in the West Bank and the Gaza Strip based on a complicated and time-consuming manual process, resulting in an insecure “titling system”. This situation continued until the establishment of the Palestinian Land Authority in 2002, headquartered in the Gaza Strip, with offices in Ramallah, Jericho, Nablus, Hebron, Bethlehem, Jenin, Qalqilia and Tulkarm. It is tasked with surveying, registration and administration of state land (LANDac, 2014).

Based on data provided by the Land and Water Settlement Commission, only 62 per cent of the land in the West Bank is currently registered, with a significant portion of unregistered properties remaining in the urban centres (WB, 2019) (approximately 3.5 million donums remain to be registered).¹⁰ In the Gaza Strip, 98 per cent of land is registered.¹¹ But in 2015, the Norwegian

9 Acquisition of state land through adverse possession was permitted by the Ottoman Land Code (Articles 20 and 78) when state land remained under the control of a person without any opposition for ten years. This was prohibited by Law No. 5 of 1961. The “No Statute of Limitations over State and Waqf Land” Decree of 1960 also creates security of tenure challenges for thousands who have resided on these land types for decades with no ownership rights. While protecting state and *waqf land* and putting those lands to good use is important, it is equally important to provide solutions for the people residing on state and *waqf land* (NRC, 2015b).

10 Total area of the West Bank is 5.7 donums.

11 Other research has found that 70 per cent of lands in the West Bank are unregistered, whereas in the Gaza Strip 90 per cent are registered (Obaidat, 2018).

Refugees Council reported that over 30 per cent of privately owned land in the Gaza Strip is estimated to be unregistered (NRC, 2015).

There are more than 26 legislations applicable to land settlement and registration in Palestine (both the West Bank and the Gaza Strip) (MAS, 2013). They include Ottoman, British, Jordanian and Egyptian laws, in addition to Israeli military orders. In the West Bank, it is mostly based on Jordanian land laws, and in the Gaza Strip on Egyptian legislation, which is also the basis for the land administration system (LANDac, 2014). But apart from the Palestinian Presidential decree No. 10 of 2002 on the establishment of the PLA, there was no comprehensive Palestinian legislation on land registration despite the formation of the Palestinian Authority in 1994 following the Oslo Accords (AMAN, 2007).

Two main Jordanian legislation continue to govern land and property registration (Musawa, 2014):

- Land and Water Settlement Law No. 40 of 1952 (mandatory registration of property); and
- Immovable Assets Registration Law for the Never Registered Assets No. 6 of 1964, and its amendments (optional registration).

The mandatory registration of property

The Land and Water Settlement Law No. 40 of 1952, and its amendments, regulates the mandatory registration of properties by authorities in the settlement area. The law provides the Palestinian LWSC with the power to settle all land or water property rights in all Palestine. The settlement includes the registration, recognition and dispute of rights of disposition, ownership or usufruct in land and water. The difference between settlement and registration is that the latter takes place on land already covered by settlement.

Land settlement resolves disputes related to land and clarifies rights holders and then provides documentation that allows proof of land rights.

This allows for easier access to the land and increases the opportunities for investment and making use of the land. The Certificate of Registration is the only viable document to prove the right to land following the completion of land settlement (UN-Habitat, 2021b).

Land settlement procedure

The procedure for land and water settlement is outlined in Law No. 40 of 1952. The LWSC manager declares a specific area as a settlement area and publishes the settlement order in the Official Gazette. All property rights owners in the settlement area must submit their property claims along with supportive documents to the LWSC manager or their delegate. Once all claims are submitted and verified, the LWSC manager or their delegate prepares a table of rights (jadwal al-houkook), which is presented to the inhabitant of the settlement area. Aggrieved persons have 30 days following to file complaints with the LWSC manager or their delegate, who should refer the received complaints to the Settlement Court (mahamket al-tasweiah), which may rectify the property rights list of the LWSC manager if needed. The decision of the Settlement Court is open for appeal before the competent appellate court. Once the decision of the Settlement Court has become final, the LWSC manager must deposit the final list of rights with the land registration manager, who should open a new registry for the village (area of settlement) and issue the certificates of registration (sandat tassjeel) to the owners after payment of due settlement fees. The settlement act is definitive and cannot be challenged before the court, and the court is not permitted to look into a dispute arising from the settlement acts – unlike acts dating to British and Ottoman rule, which can be challenged and disposed of (MAS, 2013). Moreover, all transactions (sale, exchange, sorting and division) concerning land that was settled should take place at the registration department; otherwise they are invalid (Article 16/3 of Law No. 40 of 1952).

Article 5 of the Jordanian law amending the provisions related to Immovable Property No.

51 of 1958 in force in the West Bank provides that “acquisitive prescription does not apply to immovable funds that have been settled.”¹²

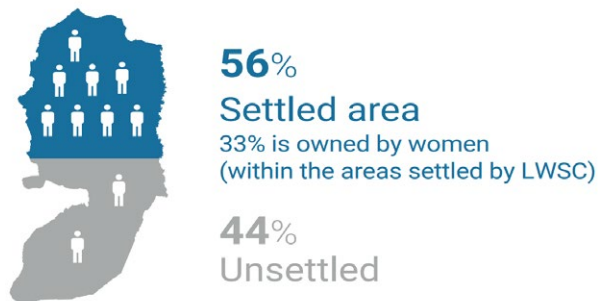


Figure 7: Areas settled by the LWSC and the remaining unsettled areas.

Source: LWSC (2021) in UN-Habitat (2021a).

Responsible agency

The Land and Water Settlement Commission was established in 2016, according to Resolution No. 7 of 2016. From its inception until the end of 2018, 374,322 donums have been demarcated and surveyed, and it completed the registration (settlement) of 112,827 donums (approximately 192,517 titles). It should be noted that this effort covered in two and half years what was achieved during the previous fourteen years¹³ (WB, 2019a). The LWSC aims to complete the surveying of approximately 3,740 km² (3,740,078 donums) by the end of 2023. The highest success rate is noted in Jenin Governorate, where 74 per cent of the area is completed, while the lowest is in

Jerusalem Governorate, with only 2.75 per cent (UN-Habitat, 2020).

The optional registration of property (new registration)

Law No. 6 of 1964 regulates the optional registration of immovable property that has not been registered before at the Tabu department, upon the request of the alleged owners and at their expense. No new property registration under this law may be conducted with respect to a property that was already registered or was covered by the settlement works (Article 3).

Optional registration procedure

Upon receipt of a request for registration of a property that has not been registered before, the registration manager or the registrar must announce it in one or two local newspapers to allow for objections against the registration of the property to the name of the applicant (Article 4). After the objection period of 15 days elapses and the receipt of inspection fees, the registrar carries out a field visit to check the location of the land and verify its ownership. The registrar also listens to all objections and prepares minutes to be signed by the owners of neighbouring lots and experts who indicate the specific details of the immovable assets and their current status of both the registration application and any objections to it (Article 5). A report is then issued with an appendix specifying its demarcation and area, including an accurate map of the immovable asset. All documents related to the application are then presented to a committee consisting of the governor or his assistant, the administrative officer or the chargé d'affaires, the accountant

12 Article 5 uses the term “settled” not “registered”, which brings to the fore the legal argument whether the protection against acquisitive prescription is meant only for settled lands and to property registered based on optional registration. Nonetheless, such arguments are not warranted and no distinction is intended, because the protection against acquisitive prescription was decided by Law No. 51 of 1958 after the promulgation of the Land and Water Settlement Law No. 40 in 1952 and six years before the promulgation of the Immovable Assets Registration Law for the Never Registered Assets No. 6 of 1964. Nonetheless, this topic stresses the need to issue a new and modern Palestinian land registration law with unified rules regulating all lands, regardless whether the registration is based on settlement works (compulsory) or on new registration (optional). Such a law should strike a balance between the need to respect the stability of real estate transactions and the principles of justice.

13 Since its inception, the Commission has established 109 offices in the West Bank, signed 218 settlement agreements with local authorities, issued 182 settlement orders, and published 143 settlement announcements for Palestinian cities and villages (UN-Habitat, 2020).

and the registrar in the area, to investigate the registration and issue the appropriate decision (Article 6/a).

If no objection is filed, the registrar may register the immovable assets in the applicant's name upon the committee's decision (Article 6/b). If there is a dispute over the application, the affected parties may appeal the committee's decision within 15 days of receipt to an Appeals Committee composed of the head of the Land Authority, one Appeal Court judge and the assistant Public Prosecutor (Article 7). After the affected persons receive the Committee's decision, the land is registered 15 days after the issuance date if no court order is issued to halt the registration (Article 8/a).¹⁴ When the registration takes place, the ensuing deed is considered an irrevocable document that the plaintiff cannot object to or refute before the courts (Article 8/c).¹⁵ Finally, the law also provides that if settlement work is carried out in the area where an optional registration request is received, both first registration committees established by Law No. 6 of 1964 may decide, in the interest of justice, to postpone their decision until the settlement procedures have been completed (Article 9).

It is worth mentioning that finance land may be subject to new registration under Law No. 6 of 1964. The financial statements (*kouyoud malieh*) issued by the Buildings and Land Tax Departments in accordance with the Buildings and Land Tax within the Municipalities Law No. 11 of 1954 are not in any way considered title deeds or real estate records but rather certificates issued according to the appraisal of land and buildings and are only useful in proving the disposal of the

taxable property (Farhan, 2021). Such financial statements may be challenged, which is contrary to the registration certificates, seen as conclusive evidence of ownership.

Responsible agency

The surveying department at the PLA, established by Presidential Decree No. 10 of 2002, is responsible for the first registration of property, examining maps and plans prepared in connection with land adjudication process, partition, subdivision and other land transactions (Landportal, n.d.). Before 2002, the survey departments at the Ministry of Housing and the land registration departments at the Ministry of Justice were responsible for land registrations (AMAN, 2007).

Land registration challenges

Land registration and administration services face the following main challenges in Palestine:

- Registration procedures are complex and opaque (BC, 2016).
- Registration is mostly manual and not sufficiently automated (WB, 2019).
- Fragmented and absentee ownerships delay registration (OQR, 2014).
- Although there is a requirement for registering subsequent transactions, this is not taking place. Most transactions remain informal (i.e. outside the registration office), complicating the application of inheritance shares, emigration and expropriations (LANDac, 2014).

14 Article 5 of Military Order No. 1034 of 1982 cancelled Article 8 of Law No. 6 of 1964. It is not possible anymore for the aggrieved person to appeal the decision of the first committee or get a decision to stay the registration from the Settlement Court. Any objection against land registration should be filed within 15 days before the appellate or the objection committee, under Article 7 of Law No. 6 of 1964. The land registrar registers the land in accordance with the decision of the first committee when it becomes final, either via confirmation by the appellate/objection committee or because no appeal was imitated against it (Farhan, 2021). The Military Order amendment takes the optional registration outside the ambit of the judiciary because the aggrieved person cannot appeal the decision of the appellate/objection committee before the Supreme Court.

15 The repeal of Article 8 by Military Order No. 1034 of 1982 weakened optional registration and strengthened compulsory registration because the certificate of registration issued based on settlement works is an irrevocable proof of ownership, as provided by Law No. 40 of 1952, and has no equivalent in Law No. 6 of 1964 after the abrogation of its Article 8.

- Unpredictability of rules and requirements for registration as well as a high level of discretion (ibid.).
 - Decision-making is in the hands of a select few (BC, 2016).
 - Insufficient legal capacity to handle the current volume of land cases (OQR, 2014), as the PLA is not operationally ready to handle a substantial increase in registered titles (WB, 2019).
 - Shortage of settlement judges (BC, 2016).
 - Lack of community awareness around the importance of land registration and its procedures is a significant challenge as it delays implementation (UN-Habitat, 2021).
 - Weak PLA institutional capacity (OQR, 2014).
 - The current land registration system suffers from overlapping responsibilities, leading to duplication of land data records and complex maintenance and record update (El-Hallaq and El-Sheikh Eid, 2020).
 - The PLA lacks trained operators and use technicians (ibid.).
 - The customer service ethos is undeveloped (BC, 2016).
 - Limited provision of e-services for government agencies and institutions, businesses and citizens (WB, 2019).
 - The outdated legal and regulatory framework governing real estate and property (ibid.).
 - Elevated fees (BC, 2016).
 - Limited availability of digital services and equipment (ibid.).
 - Limited investment in surveying and mapping (including digitization of existing maps, building a national GPS, and training surveyors and appraisers) (ibid.). The share of lands registered using GIS techniques in the Gaza Strip is negligible (under 2 per cent) (El-Hallaq and El-Sheikh Eid, 2020).
 - Limited trust in public service provision renders these organizations and the registration process weak and ineffective (LANDac, 2014).
 - Absence of a national information body that could provide an umbrella policy on information management and exchange within the Gaza Strip (including common national standards in data collection formats, procedures, storage media, etc.), which could allow easy information sharing and public access within the Gaza Strip (El-Hallaq and El-Sheikh Eid, 2020).
 - Lack of adequate skills in the area of managing computerized land management information systems, specifically in GIS, database management systems, systems administration and networking (ibid.).
 - Shortage of external development funds to support the establishment and maintenance of LIS/GIS at all levels (ibid.).
 - Lack of awareness of the benefits of LIS/GIS at higher decision-making levels (ibid.).
 - Disposal of property is tied up with obtaining financial and municipal clearance (PLA, 2021).
 - Lack of transparency and the resulting land disputes (WB, 2019). Only landowners and heirs have the right to check land registration records. A third party needs a court order to be allowed to check the land records (MAS, 2013).
- Accelerating systematic land registration in Palestine can achieve the following benefits:
- Provide collateral for loans. Land accounts for roughly 60 to 70 per cent of collateral holdings in the West Bank and the Gaza Strip; however, only formally registered land is eligible. Conservative estimates of the collateral value of unregistered land in Area A and B are between USD 7 billion and USD 35 billion. Releasing this potential would improve access to financing for many households and micro, small and medium enterprises that are unable to provide the required collateral (WB, 2019).

- Improve the housing market (BC, 2016) and the construction sector (WB, 2019). Lack of registration and legal property titles is a major constraint for the construction sector. The relatively slow progress in property registration is impacting the efforts to develop mortgage lending requiring official land titles as collateral¹⁶ (ibid.).
 - Increase taxation revenues by expanding the scope of registered properties. This effort would provide additional sources of financing for local and national governments through property tax; however, it should be done progressively and very cautiously in order not to put additional strain on disadvantaged groups (ibid.).
 - Facilitate access to land for real estate investments (BC, 2016).
 - Strengthen PPPs to address the significant investment needs at the municipal level (WB, 2019).
 - Lower the cost of doing business (BC, 2016).
 - Protect tenure rights of marginalized communities (UN-Habitat, 2020b).
 - Protect Palestinian lands against further encroachment by Israeli settlements (BC, 2016), in particular in Area C¹⁷ (UN-Habitat, 2020b).
 - Reduce land disputes, conflicts and legal uncertainties.
- Consolidate and protect property rights via electronic archiving of immovable property records, by scanning such records and entering landowners' data, to ensure access through a central electronic archiving system.
- Raise efficiency and production capacity for land transactions by opening new registration offices, providing some electronic services, improving the centralized operation of data systems, increasing the number of transactions completed in one working day, and reforming the legal framework regulating the land sector.
- Conduct a comprehensive valuation of registered property through the adoption of the standard for real estate valuation and the preparation of a guide for property valuation.
- Standardize geodetic references by developing survey work through the establishment of a new national coordinates system, to eliminate the differences in surveying works resulting from the use of multiple coordinate references and unify all references to reduce conflicts and preserve property rights.
- Protect and develop state land through restricting the already made state lands allocation for their purposes, and submitting recommendations about them to the Allocations Committee, inventorying, studying, and adjusting state lands lease contracts and cancelling contracts that do not meet the conditions, protecting registered state land from encroachments through Law No. 22 of 2018 related to state land conservation (PLA, 2021).

Ongoing land registration initiatives

Land Sector Strategy for Palestine (2021–2023): The strategy was developed based on the Road Map for Reforming the Palestinian Land Sector, endorsed by the Cabinet in 2017 and the LWSC and the PLA. It attempts to achieve five sectoral strategic objectives:

Other ongoing initiatives

Land settlement supports the right of women to land and ensures that women are not excluded from inheriting land. Land settlement

¹⁶ Reported in the World Bank 2015 Housing Sector Technical Assistance (TA) (P128982).

¹⁷ For the past two years, LWSC has been prioritizing the settling of land under threat of annexation in Area C. In total, 60 per cent of the 730,015 donoms of land settled in 2019 are located there, and 99 of the 109 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. Land settlement in the southern governorates – which is challenging due to their size and the presence of many illegal Israeli settlements, especially in Hebron – will follow, contingent on COVID-19 and other circumstances (UN-Habitat, 2020b).

has increased the share of land registered to women to 33 per cent of plots registered in the West Bank (2016–2020) (UN-Habitat, 2020b). However, due to dominant cultural elements, women are often given land with smaller areas and lower value.

As the example in Figure 6 illustrates, 96.4 per cent of land (40,396 donums) settled by the

LWSC in Qalqilya Governorate is privately owned. The share of women's ownership is 36 per cent, slightly higher than the national average. However, the total area of lands owned by women is only 21 per cent, noting that this does not include the lands registered to inheritors of a deceased person (8.4 per cent of the total), due to the unavailability of gender-disaggregated data.

Table 3: Number of plots registered to women and men, per governorate (2016–2020).

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%

Source: UN-Habitat (2020a).

The PLA is working with international partners to increase the level of surveyed and registered land in the West Bank and modernize the land registry services. In 2005, with financing from the World Bank and the Government of Finland, the First Land Administration Project (LAP I) was launched to modernize land administration services. LAP I developed procedures for the issuance of land titles and registration of property transactions, piloted systematic land registration and modernized land service offices. Launched in 2012 with the support of the same donors, LAP II sought to scale up the systematic registration process. The project encountered serious obstacles and failed to make

substantial progress, leading to its cancellation in 2016 (WB, 2019). Currently, the LWSC and PLA are working with the World Bank on the Real Estate Registration Project. Its objective is to enhance tenure security and improve real estate registration services, focusing on the urban areas in area A and B. The project includes three components aiming at i) completing systematic land registration across Palestine; ii) building the technical capacity of the PLA and aiding its transformation into a modern, service-oriented organization; and iii) supporting the development and implementation of project management functions in the PLA and LWSC, including monitoring and evaluation (ibid.).

Moreover, in 2018 the PLA (2021) issued the Land Authority Procedures Guide¹⁸ to promote transparency in the land registration sector. The guide includes manuals on land registration procedures, surveying procedures, state land procedures, and public services.

UN-Habitat is also supporting settlement and registration work in Palestine. It is implemented with the LWSC, with financial support from the European Union (EU), the project Achieving Planning and Land Rights in Area C, West Bank – Palestine (2019–2023), which is focused on rural areas, primarily in Area C. Within the ambit of this project, the partners plan to raise awareness – especially among vulnerable groups – about land administration, their rights to land and the political, economic and social benefits of landownership. The campaign also aims to increase the transparency of land settlement processes across the West Bank, including Area C (UN-Habitat, 2021). Under the Project, five agreements were signed by UN-Habitat with implementing partners to undertake participatory land settlement in 12 targeted communities.

Settlement orders were advertised; Land Settlement Offices were established, equipped and staffed; 62 per cent of surveying works were completed, and rights holders are submitting their claims (UN-Habitat, 2021b).

Moreover, on 8 January 2020, a letter of intent was signed between UN-Habitat and the LWSC to improve the socioeconomic conditions of Palestinian communities by supporting the land settlement process across areas A, B and C through several activities:

- Building the capacities of LWSC staff;
- Supplying the LWSC with equipment and devices;
- Building a spatial land system;
- Raising awareness and advocacy on land rights, including women’s land rights;
- Establishing a designated land sector working group to connect with international partners and donors (UN-Habitat, 2020a).

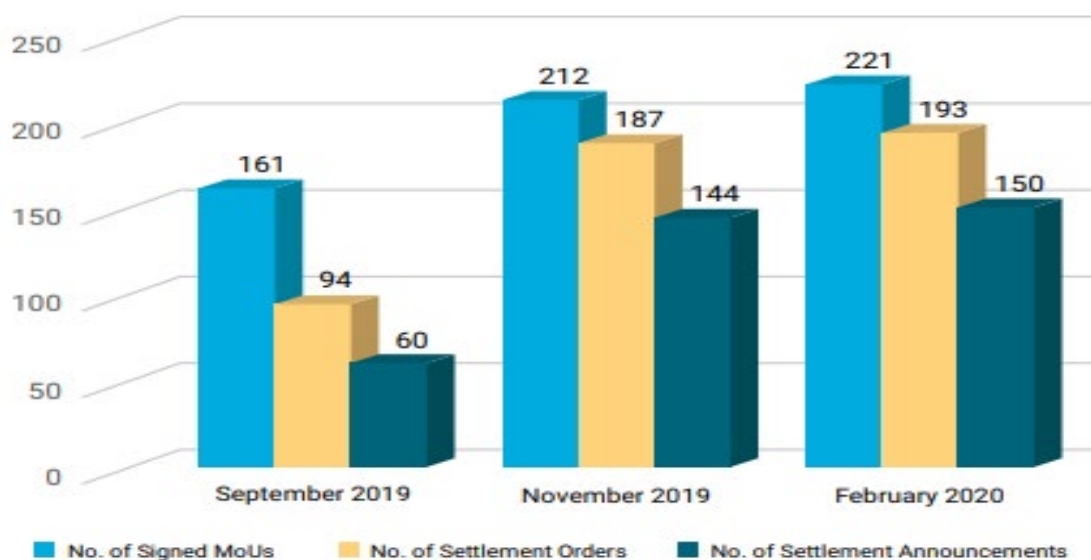


Figure 8: Factual information on LWSC work between September 2019 and February 2020.
Source: UN-Habitat (2020a).

18 Available in Arabic from the PLA website (http://pla.pna.ps/?page_id=3165).

Acquisition of the right to property registration

According to the Palestinian Civil Code No. 4 of 2012,¹⁹ the right to property and land registration can be acquired in the following ways:

- **Authorized occupation** (articles 989–998). *Mawat* land (dead land), cultivated or built with a licence from the state, may be acquired if continuously used for five years (articles 893–898).
- **Inheritance** (Articles 999 –998). Sharia applies to the determination of heirs and their shares in the estate (Article 999).
- **Will and testament** (Articles 1038–1042). Sharia applies to bequeathing. Conferring property to a foreigner is valid only if the principle of reciprocity applies (Article 1039).
- **Inter vivos property transfer** (Articles 1043–1053), the accession to property.
- **Contract** (Article 1055).
- **Pre-emption or the right of pre-emption (Hak Al-Shafa'a)** (Articles 1056–1071). This is the right of the owner of an immovable property to acquire another immovable property for the price for which it has been sold to another person. The right of pre-emption is established to the owner of the property if the usufruct right over the property is offered for sale to another person, to the co-owner, if part of the common property is to be sold to a third party, and also to the owner of a servitude in the property and the owner of an adjoining property (Article 1057).
- **Possession** (Articles 1072–1106). Legal possession or occupation of an unregistered property for 15 years in continuity may grant ownership to the possessor (Article 1091). If a

person, based on valid reasons, continuously uses the unregistered property (or possesses an unregistered right to remain therein), he or she may acquire the property after only five years (Article 1092). However, Article 1093 makes it clear that inheritance rights, state land or *waqf* cannot be acquired by private owners merely on account of long-term usage or adverse possession (i.e. acquisitive prescription).²⁰

HLP issues: additional land classification emerging from the conflict

The prolonged Israeli occupation and the armed conflicts have had numerous major impacts on land issues in the West Bank and the Gaza Strip: massive and multiple displacements as a result of Israeli-ordered demolitions of houses built without permit; the construction and expansion of settlements; chronic overcrowding, poor planning and insecure land tenure (NRC, 2012, 2015b). While it is beyond the scope of this report to study all HLP issues that emerged during the conflict, it is important to highlight two new types of new land classification: i) former settlement land and ii) refugee camp land. They are a source of additional challenges and complexities to land administration in the Gaza Strip because they remain unsettled (Arafat, Adamczyk and Clutterbuck, 2014).

- **Former settlement land** includes 17 Israeli settlements²¹ vacated during Israel's unilateral disengagement from the Gaza Strip in August 2005. The PA designated nearly all former settlement lands as state land; however, numerous claims asserted that some private land confiscated by Israel after the 1967 occupation was wrongly placed in this category.
- **Refugee camp land** includes the eight refugee camps established by the Egyptian Administration in the Gaza Strip in the

19 Ways of acquisition of the right to ownership and the right to land registration are listed in Book III, Section I, Chapter I, Branch 2 (articles 989–1107).

20 Law No. 5 of 1960 also prohibits acquiring state land or *waqf* through adverse possession.

21 Established in the late 1970s and early 1980s, they comprised 13 per cent of the Gaza Strip.

aftermath of the 1948 war to accommodate the influx of refugees.²² In August 1964, Egyptian authorities offered private owners of land in the eight refugee camps alternative parcels of land elsewhere in the Gaza Strip. Exclusive management and administration of the refugee camps was assigned to the United Nations Relief and Works Agency, which does not sell or provide ownership to properties within the camps but instead grants “right of usage”. Over time, UNRWA ceased tracking “right of usage” to camp lands. Residents now regularly buy and sell these usufruct rights as private property rights.

2.2 Land value

Land valuation is necessary to improve control over land and property in a way that builds equitable access to financial services and mobilizes resources for economic growth and poverty reduction. Moreover, proper valuations are critical to achieve the SDG 2030 and to address issues of food security, land degradation, women’s land rights, poverty, urban and rural development, housing and displacement, among other things, in an equitable, efficient and effective manner (UN-Habitat, 2018a). According to Article 18.1 of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT), states should ensure that the appropriate systems are used for the fair and timely valuation of tenure rights for specific purposes, such as operation of markets, security for loans, transactions in tenure rights for investment, expropriation and taxation. Such systems should promote broader social, economic, environmental, and sustainable development objectives. Land value functions include two key land administration processes: i)

assessing the value of land and properties, and ii) calculating and gathering revenues through taxation (Williamson et al., 2009).

2.2.1 Property valuation

The basis for property valuation is rooted in different laws for the West Bank and for the Gaza Strip. In the West Bank, the basis for property valuation is mainly found in Jordanian Law No. 11 of 1954, “Tax on Buildings and Lands in the Region of Municipalities and Local Council”, and its amendments, and in Land Tax Law No. 30 of 1955, which imposed the tax on lands outside the borders of municipalities. Both are still applicable.²³ In the Gaza Strip, property valuation is regulated by Law No. 42 of 1940, “Properties Inside the Cities Tax”, issued by the British High Commissioner to Palestine, despite its cancellation by Law No. 11 of 1954 (GDPT, 2021). The methodologies used for property valuation in the legislation are rent value for buildings and market value for land.

Rent value is defined as the typical rent or lease payment required to obtain the exclusive right to occupy and benefit from a property. The rent value for a unit in the building can be obtained from a rental contract, and thus the actual rent value can be recorded in a database. Market value can be defined as the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arm’s length transaction after proper marketing, wherein the parties had each acted knowledgeably, prudently and without compulsion. Traditionally, the sale value is assessed by three methods: comparison, cost and income. In all three, the valuer’s experience still plays a major role in estimating the sale value. In the local context of Palestine, the sale value can be obtained from several sources:

²² Decree No. 34 of 1960 and Decree No. 22 of 1961.

²³ Israeli military orders, based on the Resolution of the former Palestinian President Yasser Arafat published in the first issue of the Official Gazette, confirmed that laws, regulations, and decisions prior to 6 of June 1967 were to remain valid (GDPT, 2021). Decree No. 1 of 1994, known as the “Continuation of Laws and Regulations”, keeps in effect all laws in place before 5 June 1967 until such time as all Palestinian laws are harmonized. This marked the beginning of a unification process that introduced legislative changes with the objective of harmonizing existing legislation across both the West Bank and the Gaza Strip (Arafat, Adamczyk and Clutterbuck, 2014).

Palestine Capital Market Authority, Palestine Land Authority and real estate agencies (the private sector) (JICA, 2016b).

Tax Law No. 11 of 1954 imposes a tax on property (buildings and lands within municipal borders) equal to 17 per cent of the value of the rent contract of the building (minus 20 per cent of the contract value for depreciation) and imposes a tax of a six-per-thousand share of the market value of unbuilt land (GDPT, 2021). However, if the building is not rented, or if it appears to the valuation committee that the named rent is not equal to the actual annual rent value, the committee may assess the value of the annual rent of the property, with the following considerations:

- Building size;
- Construction materials and its location;
- Type of building use;
- The comparable rent or income of neighbouring or similar properties (machinery and equipment are not to be calculated when assessing buildings used for an industrial project) (Article 7 of Law No. 11 of 1954).

The Minister of Finance appoints one or more valuation committees in each municipality. The valuation committee has two members: one serves as chairperson, and one non-employee member is selected by the Minister of Finance from three persons recommended by the municipal council (provided that the non-employee member is a land taxpayer or a building and land taxpayer for properties located in the competent municipal area). In case the municipal council fails to recommend a candidate within 15 days from the date of request, the Minister of Finance may appoint a non-employee and determine their expenses. Moreover, the Minister may change the valuation committee if needed, provided that such change does not affect the valuation process. In addition, the Minister appoints one or more valuation inspectors, as needed (Article 5 of Law No. 11 of 1954).

The valuation committee prepares a valuation table for all buildings and lands located in the city area or any part of it, indicating their net annual rental value. Each taxpayer is informed by mail of the valuation of their property. Moreover, the valuation table is deposited with the municipality's chairperson or their delegate to allow all those whose properties have been assessed or may be assessed to access it. Moreover, the Minister of Interior for Municipal and Rural Affairs publishes an announcement about the deposit of the valuation table, declaring that it is permissible to view it and take copies or extracts from it, within 30 days from the announcement (Article 8 of Law No. 11 of 1954).

The valuation inspector or aggrieved owners have the right to contest their property valuation within 14 days from issuance, by lodging an appeal with the appeal committee appointed by the Minister of Interior for Municipal and Rural Affairs. The committee's decision regarding valuation is final (Article 10 of Law No. 11 of 1954).

A reassessment of the property is conducted every five years or in a period specified by the Council of Ministers by a decision published in the Official Gazette, and the property tax is imposed as of the beginning of the next fiscal year following the general reassessment (Article 20 of Law No. 11 of 1954). Nonetheless, the valuation committee may review the assessment every year upon taxpayer requests because their property has been ruined or damaged or the value of their net annual rent has decreased by 20 per cent or more since the last assessment. This also applies in case the valuation inspector requests a review of the valuation table claiming that the net annual rent value of any property included in the table has increased by 20 per cent or more (Article 19 of Law No. 11 of 1954). For the purpose of valuation, the GDPT developed four categories of municipalities in Palestine (see Table 4) (JICA, 2016a).

Table 4: Categories of municipalities for valuation purposes

Biet Jala	Beth-lehem	Jericho	Al Bireh	Ramallah	Salfeet	Qalqilia	Nablus	Tulk-arem	Tubas	Jenin	Category A
										Hebron	
Yatta	Dura	Biet Sahour	Al Ram	Birzet	Silwad	Bie-tunia	Anabia	Ya'bad	Arraba	Qabatia	Category B
									Rawabi	Athah-ria	
Assira Ashim-aliya	Sabas-tia	Deir Alghus-un	Ateel	Illar	Aqqaba	Tamoun	Azzab-abdah	Selat Athahr	Seelat Alhari-thiya	Al Yamoun	Category C
Surda and Abu Qash	Dier Dibwan	Attara	Almazra'a Alsharqiya	Turmus'-aya	Bedia	Jayous	Habla	Azon	Hawwara	Beit Foreek	
				Alyasriay	Halhul	Beit Ummar	Beit Fajar	Aduha	Abudees	Al Aizariya	
Kufu labad	Bal'a	Ziata	Bkat Al Sharqia	Kufeen	Kufur Thulth	Marj lbin A'mir	Barqin	Jaba'	Almutah-adiha	Kufur Ra'i	Category D
Bruqin	Azzawya	Kitil Haris	Qarawat Bani Hssan	Kufur Thulth	Qabalan	Aqraba	Jamma'-een	Beita	Al Kufryat	Beit Leed	
Beit Laya	Na'leen	Attayba	Azzaytuna	Al itihad	Sinjil	Abowain	Bani Zaid Al Gharbiya	Deir Balut	Deir Ista	Kufur Addik	
Alkhader	Alobaid-iyia	Beit Soureek	Assa-wahra Alshar-qiya	Anata	Qatana	Biddo	Bir-nabaia	Beit Anan	Aluja	Bani Zaid Alshar-qia	
Tafuh	Ithna	Tarqou-mya	Ashyukh	Sa'eer	Beit ULA	Kharas	Sureef	Janata	Taqua'	Za'tara	
							AlKar-mel	Nouba	Assamu'	Bani N'aim	

Source: JICA (2016a).

Formula used by the Palestinian Tax Authority

The Palestinian Tax Authority uses the following formula for land valuation:

$$T_p = 10\% * 6\% * S * A$$

Where T_p is the taxation value for a parcel (p) in Jordanian dinars (JOD); 10% is the taxation per cent out of the rent value of the land; 6% is the per cent that is multiplied by the sale value of land (JOD/m²) to produce the net rent value (net rent value for a parcel = 6% * S); S is the sale (market

value of the land in JOD/m², and A is the land area (GDPT and JICA, 2016a).

The Palestinian Tax Authority uses the following formula for the valuation of buildings:

$$T_u = 17\% * 80\% * E * R$$

Where T_u is the taxation value for a unit (u) in a building in JOD; 17% is the taxation per cent out of the net rent value of a unit; 80% is a per cent multiplied by the rent value to obtain the net rent value (20 per cent is deducted for maintenance); E is a factor that takes care of the occupants of

unit (u). If the unit is occupied by the owner, then E equals 50 per cent; if it is rented out, then E equals 100 per cent; if the unit is vacant, then E equals 70 per cent. R is the rent value for the unit in JOD per year (ibid.).

Valuation challenges

Property valuation in Palestine is very underdeveloped (WB, 2019) and hampered by the lack of a unified system, clear and approved criteria, and bases for the valuation of land and real estate (PLA, 2021), as well as the absence of a unified institution that deals with land and property valuation. Several key institutions execute competencies in this area:

- **The Palestinian Land Authority** conducts the valuation of lands to verify the validity of transaction prices declared by the involved parties to calculate the fees (taxes) for the transaction, usually 3 per cent of the valuated or declared price, whichever is higher. The valuation method is based on market value. The PLA is also responsible for the valuation of state lands.
- **The Land and Water Settlement Commission** carries out valuations as part of the settlement process for objections fees.²⁴
- **The General Directorate of Property Tax of the Ministry of Finance** conducts valuation for the purpose of estimating property tax based on rent value (buildings) and market value (land).
- **Palestine Capital Market Authority**, via its 40 registered real estate valuers, conducts valuations mainly for the purpose of estimating the value of mortgages for financial institutions.
- **The Ministry of Justice** conducts valuation to estimate the inheritance value of real estate.
- **The Ministry of Waqf** undertakes valuations for the development of *waqf* land used to

generate commercial income for religious purposes (RERP, 2019).

Reassessment is carried out every five years and not annually. If values are not updated regularly, the relevance of the land and property tax over time inevitably diminishes, both because actual revenue will not keep pace with growth in the community and because the tax will increasingly be seen as unfair (UN-Habitat, 2011). Several primary challenges facing the valuation system need to be highlighted:

- **Lack of a mass valuation system.** This process is often supported by automated valuation models, making it more cost-effective than traditional single-property approaches (RERP, 2019).
- **Lack of a “single valuation” methodology.** Property valuations are partly conducted based on objective data and information, such as lease contracts, while others are subjective assessments by valuers based on their past experiences (ibid.).
- **Absence of a professional association of appraisers and lack of qualified full-time appraisers (both in the private and public sector).** International valuation standards are not used, and there is no quality control. The process is vulnerable to corruption and often results in recording lower-than-market values (WB, 2019).
- **Lack of reliable, objective data sources.** This information is necessary for estimating real market values of properties or for analysing market trends (ibid.).
- **There is no law regulating the formation and licensing of appraisers.**

Ongoing valuation initiatives

In 2012, the PCMA issued Instruction No. 3, which regulates the licensing of real estate appraisers, and in April 2019, a draft legislation

²⁴ According to Law No. 40 of 1952, all land settlement work should include land valuation of registered land plots.

was approved by the Cabinet of Ministers (still pending Presidential approval to be enacted). This legislation would give the PLA a broader mandate for property valuation, including to establish qualification requirements for property appraisers and to initiate the formation of a community of property appraisers (RERP, 2019).

Moreover, the PLA is working to develop the valuation system in Palestine to increase market transparency, reduce mortgage risk in the banking sector as well as improve the infrastructure for a recurrent property tax and to meet the objectives of the third goal of the Land Sector Strategy (2020–2023) (comprehensive valuation of all registered immovable property). The 2019 Real Estate Registration Project (RERP) allowed the Agency to benefit from USD 1 million support, under “Component 2: Institutional Modernization of the PLA for property valuation”, for the development of methodologies, piloting of mass property valuation and development of proposals for the adoption of valuation standards and the regulation of the valuation profession (WB, 2019a).

In cooperation with JICA, the GDPT implemented the “Improvement of a Local Finance System in Palestine (2015–2016)” Project, developing property valuation standards and a technical manual and handbook for valuers (although they are not yet officially legalized).

2.2.2 Land and property taxation

Land and property constitute an important base for mobilizing revenue to meet public service needs. One of the important attributes of land and property taxation is that, when designed appropriately, the resulting revenue tends to increase as the local economy grows. Because the base is large, the burden on any household or business should be both manageable and fair

(UN-Habitat, 2011). The current legal framework for land and property taxation consists of the following:

West Bank: Buildings and Lands in the Region of Municipalities and Local Government Tax Law No. 11 of 1954, the Land Tax Law No. 30 of 1955, Jordanian amendments (until 1967) and other amendments as per Israeli military orders.

Gaza Strip: British laws related to property tax, including the British Property Tax Law No. 42 of 1940, called “Property within Cities Tax Law” (Jaber, 2018).

Buildings and lands tax

According to the Jordanian Buildings and Lands in the Region of Municipalities and Local Government Tax Law No. 11 of 1954, property tax is levied on real estate belonging to Palestinians (excluding Jerusalem) (ibid.). This tax equals 17 per cent on the rental price of buildings (as stated in the contract), after deducting 20 per cent as depreciation (GDPT, 2021), or of the assessed value of rental income (Deloitte, 2023) and a six-per-thousand share of the selling value of unbuilt land.²⁵ According to the most recent GDPT reports, property tax revenues totalled JOD 1,821,262 million²⁶ for the first quarter of 2019 and JOD 21,480,077 million for the second quarter (MoF, 2021).

Tax revenues of Palestinian local governments primarily come from property taxes (around 13 per cent of total local revenues and 0.4 per cent of Palestinian GDP) (UCLG, 2019); however, taxes are not the main pillar of local finance. Municipalities are heavily dependent on fees from utility services such as electricity and water as their main source of revenue²⁷ (GDPT and JICA, 2016).

25 Article 13 of Income Tax Law No. 8 of 2011, as amended by Law No 5 .of ,2015 allows 40 per cent of the rental value to be deducted as an expense in computing taxable income ,with the remaining 60 per cent available as a credit to be set off against income tax liability Deloitte ;2017 ,ITD.(2012 ,

26 1 Jordanian dinar (JOD) = 1.4104372 US dollar (USD) (XE, 2021).

27 Palestinian local governments have three main sources of revenue: own resources from taxes and user fees, government fund transfers, and international aid (UCLG, 2019).

Table 5: Subnational government revenue by category

2016	Dollars PPP/INH.	Per cent GDP	Per cent General Government Revenue (Same Revenue Category)
Total Revenue	42	3.1%	8.9%
Tax revenue	5	0.4%	1.7%
Grants and subsidies	4	0.3%	
Tariffs and fees	0	0.0%	
Property income	0	0.0%	
Other revenues	32	2.4%	

Source: UCLG (2019).

Property tax could be a significant source for local government, but it is only collected in municipalities and not villages²⁸ (WB, 2017). As of May 2012, only 62 out of 109 municipalities were charging property taxes,²⁹ varying greatly among regions. Of those that levy property taxes, the ratio of income from property tax ranges between 30 and 49 per cent (GDPT and JICA, 2016).

According to Jordanian Law No. 11 of 1954, property tax is only collected by deconcentrated services within the municipal boundaries of Palestine. Property tax and fines for late payment are collected by the Ministry of Finance, which remits to municipalities their shares (Article 13). Around 90 per cent of the total collected in the West Bank is returned to local governments, while the remaining 10 per cent is kept by the Ministry of Finance as expenses and salaries of the Department of Property Tax employees and workers (UCLG, 2019). However, according to a World Bank (2017) assessment of the performance of Palestinian local governments, most of the tax revenues are fully or partially intercepted by the Ministry of Finance and Planning to compensate for their accumulated arrears (referred to as “net lending”), usually related to electricity and less frequently to

water charges (WB, 2017). A Cabinet Decision was made on 24 October 2021 to pilot a decentralization effort for the collection of local revenue sources (taxes and fees) by four main LGUs (Ramallah, Dura, Tubas and Zababdeh). These efforts, the beginning steps towards a full decentralization in the tax collection system in Palestine, can enhance municipal effectiveness and responsiveness in terms of service delivery.

Tax Law No. 11 of 1954, as amended, provides for several exemptions and tax reductions by order of the Minister of Finance: property owned by the government and municipalities; antiquities; buildings located within Jerusalem city walls; property owned by charities and educational or medical organizations (hospitals) recognized by the government; and buildings within the Capital Municipality area used as residential homes by their owners, with annual rent value not exceeding JOD 25, or not exceeding JOD 5 if the buildings are within the areas of other municipalities. Moreover, the Minister of Finance may fully or partially exempt any building from tax if it was unfit for use during any part of the year due to sustained damage. Also, it exempts land located within the municipality area from the property tax if construction on it is prohibited by virtue of any applicable law (Article 12).

28 Municipal and village councils have the same financial assignments, with the exception that village councils are not assigned property tax revenues but collect an education tax instead. Lack of stable financing from property tax hampers the ability of village councils to meet their development and capital investment needs (UCLG, 2019).

29 As of August 2016, the total number of municipalities was 111, of which 67 are subject to property taxation.

Concerning property tax on lands outside municipal borders, Jordanian Land Tax Law No. 30 of 1955 abolished all previous legislation applicable to such lands and imposed a tax on all lands outside municipal boundaries, in varying proportions according to the type of land, except for rain-fed lands. Irrigated lands have been exempted from tax through a special law on irrigation lands (GDPT, 2021).

Revenues from property tax in Palestine are considered low. On the one hand, this is due to the outdated legislative framework governing property tax and, on the other hand, because there are no valuation standards by which real property can be objectively assessed. Much time and effort are spent on assessing individual assets, resulting in the fact that tax is not levied on every taxable property or is levied arbitrarily (GDPT and JICA, 2016). In 2016, to improve revenues from property tax, the GDPT entered into a cooperation agreement with the JICA “Project for Improvement of Local Finance System in Palestine”. It provides technical assistance to improve the valuation and collection capacity of the GDPT, via reliable property tax valuation standards and capacity-building for property tax staff (ibid.).

Inheritance/estate tax

In line with Article 7 of Income Tax Law No. 8 of 2011, as amended in 2014 and 2015 – valid in both the West Bank and the Gaza Strip – there is no inheritance or estate tax in Palestine (Deloitte, 2023).

Capital gains

Individuals. Capital gains are taxed at regular rates (i.e. progressive rate ranging from 5 per cent to 15 per cent); however, capital gains derived from the sale of investments (e.g. tangible assets and real property) not held for trading are tax-exempt (ibid.).

Corporations. Capital gains derived from the sale of investments in equity securities and bonds are exempt from taxation. Capital gains derived from the sale of tangible assets and real property are taxable at the regular corporate tax rate (15 per cent) (ibid.).³⁰ There is no stamp duty or transfer tax (ibid.). It is worthwhile to mention that the Income Tax Law No. 8 of 2011, as amended, exempts the purchase or construction of a residential house; the benefit is either a one-time tax-exemption of 30,000 shekels or an annual deduction of up to 4,000 shekels annually and not exceeding ten years. It requires documented proof of interest payment to a bank or a lending institution for a housing loan³¹ (Article 12/e).

2.3 Land use

The term describes the use of land, represented in terms of economic and cultural activities (e.g. agricultural, residential, industrial, mining and recreational uses) practised at a given place (EPA, 2021). A unified land-use classification system used by all related institutions is considered a basic step in establishing a land-use database. It allows comparing data between institutions and internationally. Moreover, it provides decision makers with important instruments for planning and policymaking that will serve the national goals by providing efficient allocation of limited natural resources (PCBS, 2000).

2.3.1 Land use and land classification

In November 2000, the PCBS developed the land-use classification system for Palestine, with financial and technical support from the Norwegian Agency for Development Cooperation. It aids the monitoring of the main changes to Palestinian land use and other natural resources.

30 Article 7(1) of Tax Law No. 7 of 2004 exempted from tax all capital gains resulting from the sale of real estate or securities, provided that this is not periodical or regular and that it is not in the nature of the business. However, Tax Law No. 7 of 2004 was cancelled by Income Tax Law No. 8 of 2011 (Article 47), which did not include a similar provision (Article 7: Income exempt from tax). The website of the Palestinian Investment Promotion and Industrial Estates Agency indicates that capital gains derived from the sale of tangible assets and real property for both individuals and corporations are tax-exempt (PIPA, 2021).

31 1.00 Israeli shekel = 0.31182251 US dollars (XE, 2021).

The system was developed in accordance with the land use classification system adopted by UNECE. This classification system is suitable for Palestine since it depends on methods and sources used to produce land-use data, such as administrative records and analysis of aerial and satellite images. The classes used in this classification system are almost the same as the land-use classes available in Palestine (PCBS, 2000).

Table 6: Land-use classification system in Palestine

Main category	Subcategories
1. Agricultural land	1.1 Arable land. 1.2 Land under permanent crops. 1.3 Land under permanent meadows and pastures. 1.4 Other agricultural land not elsewhere stated. 1.5 Fallow agricultural land.
2. Forest and other wooded land	
3. Built-up and related land (excluding scattered farm buildings)	3.1 Residential land 3.2 Industrial land (excluding land classified under 3.3 below) 3.3 Land used for quarries, pits, mines and related facilities. 3.4 Commercial land 3.5 Land used for public services (excluding transport, communications and technical infrastructure) 3.6 Land of mixed use
3. Built-up and related land (excluding scattered farm buildings)	3.7 Land used for transport and communication. 3.8 Land used for technical infrastructure. 3.9 Recreational and other open land.
4. Wet open land	
5. Dry open land with special vegetation cover	
6. Open land without or with insignificant vegetation cover	
7. Waters	7.1 Inland waters 7.2 Tidal waters
8. Occupied land	8.1 Land incorporated by Israel 8.2 Land used for settlements 8.3 Agricultural land used by settlements 8.4 Land used by Israeli military posts

Source: PCBS (2000).

Table 7: Selected indicators of land use by type of use and governorate (Unit km²)

Governorate	Type of Use				
	Mining or Extractive 2015 ^{(1)*}	Pastures 2011 ⁽²⁾	Natural Reserves 2011 ⁽¹⁾	Forests and Wooded Land 2011 ⁽²⁾	Residential Land 2015 ⁽¹⁾
Palestine	18.1	..	514.7	101.4	..
West Bank	18.1	2,824.0	514.3	98.2	297.3
Jenin	1.2	133.0	62.9	36.2	30.7
Tubas	-	247.9	19.2	25.5	5.9
Tulkarem	0.1	73.5	0.5	1.3	19.4
Nablus	3.3	219.9	113.0	2.5	28.4
Qalqiliya	-	35.0	-	2.5	8.9
Salfit	0.2	59.7	9.8	11.8	8.8
Ramallah and Al-Bireh	1.1	399.2	34.9	2.1	46.5
Jericho and Al-Aghwar	-	442.5	37.0	3.5	9.6
Jerusalem	1.9	196.8	202.0	2.0	34.2
Bethlehem	1.5	519.9	22.0	1.4	21.4
Hebron	8.8	496.6	13.0	9.4	83.5
Gaza Strip	-	..	0.4	3.2	..

Mining or extractive: Land used in connection with mining and quarrying activities, including abandoned mines and quarries (not in use).

Sources:

1. Applied Research Institute - Jerusalem (ARIJ), 2016.

2. Ministry of Agriculture, 2012.

*: These activities in Palestine are limited to the extraction of building stones (quarries) and there is no existence of other mining activities.

(.): Data are not available

(-): Nil

Source: PCBS (2021c).

Table 8: Land use in the Occupied Palestinian Territory

Land use	West Bank area (km ²)	% of the total area	Gaza Strip area (km ²)	% of the total area	Total Area (km ²)
Arable lands	2361.3	42.5	197.9	54.5	2559.2
Rangelands	753.7	12.5	-	-	753.7
Forests and wooden areas	78.9	1.3	-	-	78.9
Private plant land covers	213.8	3.7	7.6	2.1	221.4
Open spaces with little or no vegetation	1693.6	29.3	71.4	19.7	1765
Palestinian Built-up Area	314.2	6.6	82.3	22.7	396.5
Israeli settlements and separation wall	244.3	4.1	-	-	244.3
Land that had been evacuated by Israeli occupation	-	0	2.7	0.7	2.7
Internal Water	1.3	0	0.9	0.3	2.2
Total	5661.1	100	362.8	100	6023.9

Source: EQA (2012) based on ARIJ 2006.

Land-use classification in the Gaza Strip follows three main categories: agricultural land (34 per cent), built-up (56 per cent) and bare area (10 per cent) (UN-Habitat, 2014).

2.3.2 Land-use challenges

Land use in Palestine is challenged by the rapid urbanization, high population growth rates, scarcity of land and territorial fragmentation resulting from the Israeli occupation of Palestine (UN-Habitat, n.d.), in addition to agricultural land fragmentation due to heirs' competition (MAS, 2005).

According to the 2017 population, housing and establishments census, carried out by the Palestinian Ministry of Local Government (MoLG), the gross population density in Palestine reached 794 persons per km² – 509 in the West Bank and

5,204 in the Gaza Strip, one of the most densely populated places on Earth (PCBS, 2019a). This high population growth rate is accompanied by rapid urbanization – 4,083,476 persons, 80 per cent (Worldometer, 2021) – creating growing pressure on land, infrastructure and resources and increasing demand for housing and jobs. The annual urbanization rate in Palestine is estimated to be 3.3 per cent compared to the 1.98 per cent world average. As a result, random and uncontrolled developments have expanded in the cities and around the fringes of towns, encroaching on surrounding agricultural land and poor infrastructure (UN-Habitat, n.d.).

The Israeli occupation, the illegal confiscation of Palestinian land, the illegal construction of settlements as well as the illegal annexation of East Jerusalem have fragmented Palestine transforming them into disconnected pockets,

and have greatly decreased the available land.³² In East Jerusalem, Palestinian residents are allowed to build on just 13 per cent of the eastern part of the city, with a limited, very expensive and almost impossible permit system. Moreover, Israel has unilaterally expropriated 140 million square metres of land of the northern Dead Sea, reclaiming it as state land and refuting Palestinian

demand for sovereignty and ownership as part of the West Bank (Abdel Razeq-Faoder and Dajani, 2013). The Israeli policy of land confiscation in the West Bank for “security” purposes or settlement construction, restrictions of land and fishing area in the Gaza Strip and control over water resources has dramatically restricted the available arable land (ibid.).

32 At time of writing, Israel had approved the construction of about 3,000 settler homes in the occupied West Bank, in defiance of the strongest criticism by US President Joe Biden’s administration to date of such projects and international law, which considers the settlements as illegal (Aljazeera, 2021).

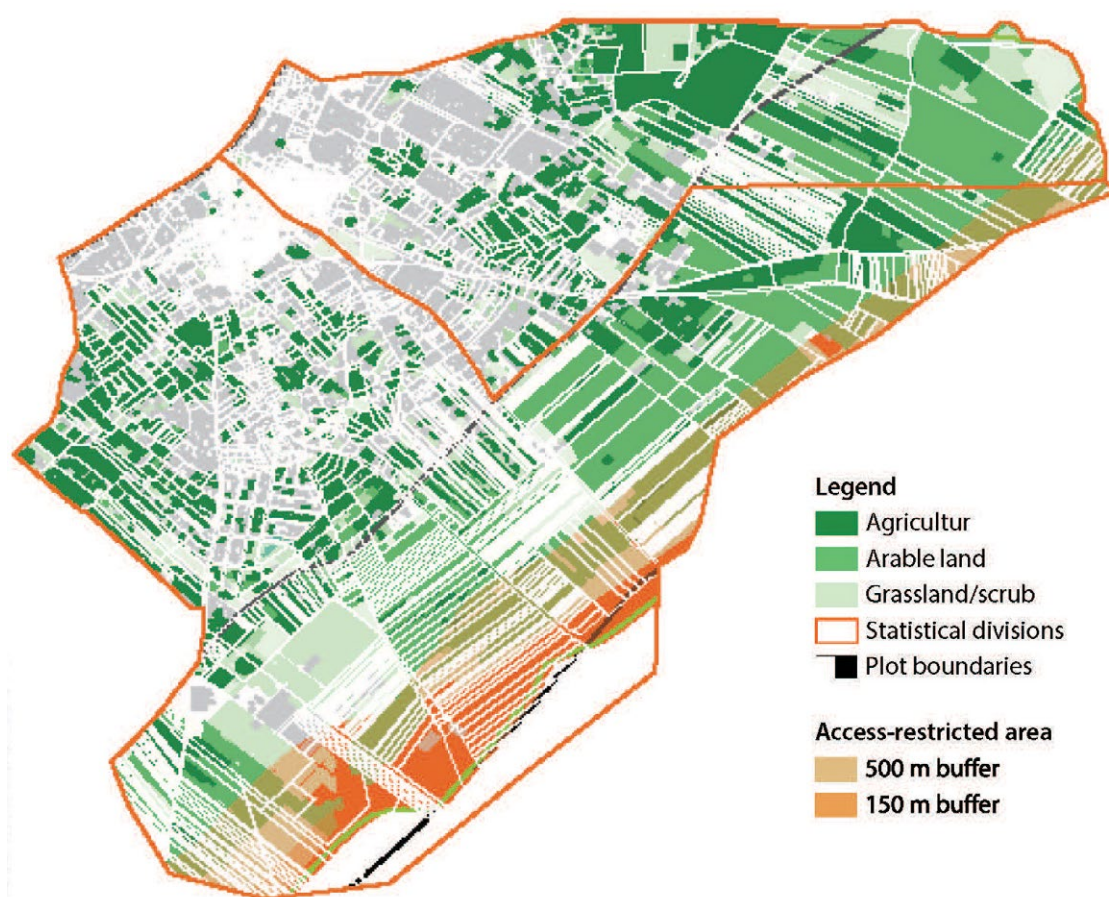


Figure 9: Land use classification in Gaza.
Source: UN-Habitat (2014).

Table 9: Distribution of the West Bank area according to the Israeli occupation in 2017 (per cent)

Governorate	Israeli Occupation Division				Total
	Area A	Area B	Area C	Other	
West Bank	17.7	18.4	59.6	4.2	100.0
Jenin	48.8	17.7	33.4	0.1	100.0
Tubas and Northern Valleys	16.5	5.1	78.3	0.1	100.0
Tulkarem	22.8	35.7	41.3	0.2	100.0
Nablus	18.0	38.6	43.4	-	100.0
Qalqiliya	2.4	24.8	72.6	0.2	100.0
Salfit	8.0	17.2	74.8	-	100.0
Ramallah and Al-Bireh	11.1	24.5	64.4	-	100.0
Jericho and Al-Aghwar	11.5	0.1	88.3	0.1	100.0
Jerusalem	0.3	8.4	70.0	21.3	100.0
Bethlehem	7.6	5.7	67.3	19.4	100.0
Hebron	25.0	23.8	46.6	4.6	100.0

Source: PCBS (2017).

The division of the West Bank into Area A, B, and C as part of the Oslo Accords allowed Israel to maintain full control over Area C – which comprises 61 per cent of the West Bank and accommodates only 4 per cent of the Palestinian population – and gave the Palestinians control over Area A and partially over Area B, which are mainly the urban areas. These restrictions have negatively impacted the Palestinian physical environment, resulting in unbalanced urban development (UN-Habitat, n.d.). Moreover, Israel's control of water resources and the systematic use of water deprivation as a tool to force farmers to abandon their lands and look for alternative livelihoods in nearby towns and villages is suffocating Palestinian farming. Over 70 per cent of communities located entirely or mostly in Area C are not connected to the water network and rely on very expensive tanker water at very high costs. The Jordan Valley (87 per cent

in Area C), the areas most severely targeted by land confiscation and water deprivation, has lost over three-quarters of its population, going from 320,000 residents in 1967 to a scant 52,000 in 2009:

- While only 37 per cent of the surface catchment area of the Jordan River Basin is located in Israel, it exploits around 50 per cent of this shared water resources, and not a single Palestinian water well has been approved since 1967 in the most abundant aquifer, the Western Aquifer. All these factors have turned the Jordan Valley, the food basket of Palestine, into a harsh land to live in and farm, transforming the abundance and fertility of the land into a heavy burden whose weight is only felt by the residents of the valley. The inability of Palestinians to access agricultural land in Area C has resulted in estimated loss

of \$480 million annually and around 110,000 jobs, and the Palestinian economy could gain \$1 billion a year if only Palestinian agriculture was allowed on an additional 3.5 per cent of the Jordan Valley. (Abdel Razek-Faoder and Dajani, 2013)

In the Gaza Strip, the restriction on access to farmland on the Gaza side of the 1949 Green Line and to fishing areas along the Gaza Strip coast imposed by the Israeli military following its unilateral withdrawal in 2005 has been dramatic for local farmers and fishermen. “The restricted land area is estimated to encompass 17 per cent of the total land mass of the Gaza Strip and 35 per cent of its arable land. At sea, fishermen are now prevented from accessing some 85 per cent of the maritime areas they are entitled to access according to the Oslo Agreements, therefore hindering one of the most valuable food resources in Gaza” (ibid.).

Agricultural land fragmentation stems mainly from the multiplicity of heirs and the difference in land value based on location (proximity to residential communities, availability of water, electricity, roads and sewage networks, in addition to their distance from settlements), its fertility and whether it is exploited or not, as well as its legal status (whether construction is allowed). Thus, heirs compete over the most valued land, leading to land fragmentation and its division into smaller parts, which reduces its value for agricultural investment purposes. For example, setting construction area borders through urban planning can trigger competition among heirs over the constructible plots (MAS, 2005; Al-Nobani, 2017).

2.3.3 National land-use strategies

MoA National Agricultural Sector Strategy 2017–2022

Aptly titled “Resilient agriculture and sustainable development”, the National Agricultural Sector

Strategy (NASS) 2017–2022 is based on the Palestinian National Development Plan (NDP) 2017–2022 and builds on the key achievements from implementing the Agricultural Sector Strategy 2014–2016. It was updated by the Council of Ministers to be used for the period 2021–2023 as a road map to guide all stakeholders involved in agricultural development

The agricultural sector is the most productive sector in Palestine and tops the national policy agenda. The present strategy aims to empower the agricultural sector and farmers to increase their resilience and adaptation to new conditions under the COVID-19 pandemic (PMO, 2020).

The NASS 2017–2022 seeks to achieve the following five strategic objectives (MoA, 2016):

1. Enhanced female and male farmer resilience and steadfastness on their lands;
2. Natural and agricultural resources are sustainably managed and better adapted to climate change;
3. Increased agricultural production, productivity and competitiveness in local and international markets, along with their contribution to GDP and food security;
4. Enhanced access by female and male farmers and entrepreneurs to quality agricultural services needed to increase value along agricultural value chains;
5. Effective and efficient institutional and legal frameworks.

National Adaptation Plan to Climate Change 201633

As part of the Eastern Mediterranean, Occupied Palestinian Territory is subject to many serious changes in annual rainfall, mean temperature, extreme weather events and sea level rise, as stated in the fourth assessment report by the Intergovernmental Panel on Climate Change (IPCC). The Environmental Quality Authority (EQA)

33 Palestine became a state party to the UNFCCC in March 2016. It signed and ratified the Paris Agreement in April and became a state party in November of the same year (GCF, 2020).

is the lead environmental agency of the PA.³⁴ With support from the United Nations Development Programme (UNDP) and participation by Palestinian stakeholders, it drafted the 2016 Palestinian NAP to climate change (EQA, 2016).

EQA experts adopted a vulnerability-based approach in developing the NAP. The process of assessing vulnerabilities and identifying adaptation options builds on the UNFCCC

guidelines for least-developed countries³⁵ and the Climate Change Adaptation Strategy and Programme of Action for the Palestinian Government (UNDP, 2010). Twelve potentially vulnerable sectors have been identified, and their degree of vulnerability was assessed by the NAP to aid the identification and prioritization of appropriate adaptation options (ibid.).

Table 10: Sectors or themes identified as potentially vulnerable to climate change

Sectors or themes identified as potentially vulnerable to climate change	
<ul style="list-style-type: none"> • Agriculture • Coastal and marine • Energy • Food • Gender • Health 	<ul style="list-style-type: none"> • Industry • Terrestrial ecosystems • Tourism • Urban and infrastructure • Waste and wastewater • Water

Source: EQA (2016).

Stakeholders were requested to identify at least one adaptation option to each “highly vulnerable” issue relevant to their sector. Moreover, the NAP vulnerabilities assessment revealed that the Israeli occupation substantially reduces Palestine’s adaptive capacities across all sectors, thereby compounding climate vulnerabilities³⁶ (EQA, 2016). Therefore, a substantial number of issues often rated as “potentially vulnerable” were also identified as “vulnerable” because of the Israeli occupation (see Table 11).

Three future-climate scenarios for Palestine have been developed, along with adaptation measures and cost projections, based on the vulnerability of each sector. The NAP is a living document to be reviewed on an ongoing basis in accordance with the systematic processes used to identify and prioritize vulnerabilities and adaptation options (EQA, 2016).

34 In November 2016, the Environment Quality Authority (EQA) was nominated and accepted as the Country’s National Designated Authority to the Green Climate Fund. The objective of the Fund is to support projects, programmes, policies and other activities in developing countries. GCF is recognized as the core of international efforts to increase access to climate finance (GCF, 2020).

35 The guidelines for the preparation of national communications from Parties not included in Annex I to the Convention set the requirements in relation to “Programs containing measures to facilitate adequate adaptation to climate change”.

36 For example, the Israeli occupation restricts the following: availability of land and resources and degrades them; freedom of movement of goods and people; import and export of raw materials and products; development of domestic and industrial infrastructure; and abilities to respond to inter-related crises. These limitations on Palestine’s adaptive capacities are most prevalent in Area C (61 per cent of the West Bank) and in the Gaza Strip, but Israeli occupation also increases vulnerabilities elsewhere. Hence, many issues rated as “vulnerable” are rated as “highly vulnerable” when taking the Israeli occupation into account (EQA, 2016).

Table 11: Issues ranked as highly vulnerable to climate change in the NAP

Theme/sector	Highly vulnerable - West Bank	Highly vulnerable - Gaza Strip
Agriculture	Olive production; Grape production; Stone fruits; Rain-fed vegetables; Field crops; Irrigated vegetables; Grazing area and soil erosion; Irrigation water; Livestock production	Livestock production; Cost of agricultural production; Employment; Vegetable production; Olive production; Citrus; Irrigation water
Coastal and marine	N/A	Fishing/fisheries; Coastal agriculture; Condition of beaches
Energy	Domestic/local energy production; Energy imports; Condition of infrastructure	Domestic energy production; Energy imports; Condition of infrastructure
Food	Domestic food prices; Imported food prices	Domestic food prices; Imported food prices
Gender	Major diseases related to water and sanitation	Employment and gender; Major diseases related to water and sanitation; Food security and gender
Health	Major diseases related to water, sanitation, and food	Major diseases related to water, sanitation, and food
Industry	Value of raw materials imported; infrastructure; Energy supply; Energy demand	Value of industrial products exported; Value of raw materials exported; Employment; Energy supply; Energy demand
Terrestrial ecosystems	Habitat connectivity	Wadi Gaza - Habitat connectivity
Tourism	Condition of cultural heritage	N/A
Urban and infrastructure	Urbanization	Building conditions; Urban drainage
Waste and wastewater	Waste management	Waste management
Water	Ground water supply; Flood management; Condition of infrastructure	Groundwater supply; Groundwater quality; Flood management

Source: EQA (2016).

Finally, Palestine has pursued climate governance proactively. In addition to adopting the strategy, in October 2021, it submitted the “State of Palestine’s First Nationally Determined Contributions (NDCs) – Updated Submission” to the UNFCCC. It replaces the first NDCs submitted on 21 August 2017 and includes amendments and additional actions for 2040, conditional on receiving international support (EQA, 2021).



Figure 10: The disruptive and destructive impacts of a flash flood in Gaza 27–29 October 2008.
Source: UNDP/PAPP in UNDP (2009).

The National Strategy, Action Programme, and Integrated Financing Strategy to Combat Desertification in the Occupied Palestinian Territory (NAP-IFS)

Due to its geographical location, the Occupied Palestinian Territory is exposed to frequent drought waves, land degradation and to desertification almost in all areas, in particular the eastern slopes of the West Bank. The absence of “political control over the land by the Palestinians, due to the severe measures of the Israeli occupation confiscation of land and water, the rapid growth of the population and the improper distribution of the population in arid, semi-arid and desert lands, together with the occurrence of drought and lack of funding, have exacerbated land degradation and desertification” (FAO, 2012). According to a study by the Arab

Organization for Agricultural Development, the desert area in historical Palestine totals 8,500 km², while the endangered area is estimated at 4,480 km² (EQA, 2012).

The overall objective of the NAP-IFS is to prevent, halt and where possible reverse the effect and impacts of desertification, land degradation and drought, in order to contribute to poverty alleviation, improve people’s livelihoods and achieve sustainable development. It was formulated by the EQA of the PA through a participatory process in collaboration with relevant stakeholders (governmental entities, NGOs, universities, private sector and public participation) and support by UNDP (ibid.). The strategic objectives of the strategy and NAP programmes and interventions are summarized in Annex 2.



*Figure 11: Severe soil erosion and overgrazing on the eastern slopes.
Source: AFP - Getty Images/ Ahmad Gharabli*



*Figure 12: Land degradation around Israeli occupation bypass roads.
Source: Wikimedia/Juandev (2011).*



Figure 12: Israeli separation and annexation wall in the Occupied Palestinian Territory.
Source: Japan Times/BLOOMBERG

The NAP-IFS identifies the following main factors responsible for land desertification:

- **Unsustainable management of resources and inputs;**
- **Socioeconomic factors,** including land tenure, fragmentation and common title, weak private sector participation, poverty and food insecurity;
- **Institutional and legal factors,** including lack of and weak existing legislation, poor enforcement, weak institutional capacities and limited participation of stakeholders in decision-making;
- **Natural factors,** including climate change and weather factors, population growth and pressure;
- **Israeli occupation-related factors,** particularly control over natural resources, confiscation of land and water, Israeli settlements, military camps and bypass roads, the separation barrier, the division into Area A, B, and C, the

restrictions on the movement of individuals, etc.

Furthermore, the NAP-IFS also identified the **main effects and consequences of desertification**, land degradation and drought, which not only negatively affect the environment and its biodiversity but also increase food insecurity, poverty and migration.

Palestine Cross-Sectoral Environmental Strategy (2020–2023)

Environmental protection became a cross-sectoral issue with the Palestinian Cabinet ratification of the National Development Plan (2017–2022). The present Cross-Sectoral Environmental Strategy 2020–2030 is an update of the previous Cross-Sectoral Environmental Strategy 2017–2022, prepared by the EQA, with participation from private and public stakeholders. The Strategy is aligned with the SDGs for Palestine and analyses the gaps that affect the environment in all identified sectors (EQA, 2020).

The main biodiversity³⁷ challenges can be summarized as follows:

- Actions of the Israeli occupation, such as confiscating land and uprooting trees and natural forests to construct settlements, bypass roads, annexation and expansion walls;
- Human activities, such as hunting, overgrazing, urban expansion and the establishment of factories (stone saws, crushers and quarries);
- Agricultural activities (excessive use of pesticides and chemical fertilizers), which result in soil pollution and threaten biodiversity;
- The agricultural and industrial sectors' threat to water depletion, pollution and biodiversity loss in the Gaza Strip (their overexploitation is particularly impactful due to the limited area and the Israeli restrictions on fishing);
- Variable distribution of annual precipitation and its biodiversity impacts;
- Insufficient control of negative practices and abuses that affect the environment;
- Limited human and technical capabilities to combat fires that may affect forests and natural reserves.
- The main environmental challenges in Palestine may be summarized as follows:
 - Israeli occupation of Palestine;
 - Weak enforcement of relevant environmental protection legislation;
 - Lack of environmental awareness among the citizens as well as the behaviour that values and respects the environment;

- Weak interaction between the civil society and relevant governmental parties, and weak support and financial resources of the EQA;
- Inconsistency in roles and overlapping responsibilities and powers between the relevant authorities (governmental and non-governmental) often lead to conflict between institutions, creating a state of competition rather than integration and coordination.³⁸

With the vision of achieving a “sustainable, clean, protected environment”, the Cross-Sectoral Environment Strategy seeks to achieve these five objectives:

- Low and controlled environmental pollution levels;
- Conservation of the natural environment and biodiversity;
- The necessary measures to adapt to the effects of climate change are taken and adopted;
- The environmental legislative system is updated, and international cooperation is enhanced;
- Levels of environmental awareness, knowledge and behaviour are enhanced and generalized.

2.4 Land Development

Land development includes the following land administration processes: building new physical infrastructure and utilities; planning construction; acquiring land for public use; expropriating land; changing land use by granting planning permissions and building and land-use permits; and distributing development costs (Williamson et al., 2009).

37 The Palestinian government aims to join the International Convention on Biological Diversity (PMO, 2018). Although now outdated, in 1999 the PA adopted a “National Biodiversity Strategy and Action Plan for Palestine”, funded by GEF through UNDP/PAPP and executed by the Palestinian Environmental Authority (PEA, 1999).

38 The overlap of powers and responsibilities is mainly due to the lack of regulatory clarity, on the one hand, and the overlap and conflict between legislation and the incompleteness of the legislative system for the environmental sector (due to its recent elaboration), on the other.

The Palestinian Authority, represented by the Ministry of Local Government (MoLG) and the Ministry of Finance and Planning, has adopted a policy to prepare strategic development plans for all governorates. Since then, plans have been developed for Jenin (2008), Nablus (2010), Salfit (2012) and Tulkarem (2014). In 2016, in partnership with UN-Habitat, additional plans were developed for Qalqilya, Tubas and Al-Aghwar Al-Shamaliyah (northern Jordan Valley) and Bethlehem (MoLG, 2020). These plans are coupled with investment in social infrastructure based on community-driven action plans, as a protective mechanism against displacement and demolitions, and ultimately to build the resilience of these communities. The plans prepared and social infrastructure delivered are in line with the real needs of the Palestinian communities, formally endorsed by local communities and MoLG.

2.4.1 National spatial planning (2050)

In 2015, the Palestinian government, supported by UN-Habitat, UNDP and other development partners, created the National Spatial Plan “Envisioning Palestine 2025, 2050”, which defines a long-term vision for comprehensive development, with optimal use of available and potential resources while ensuring environmental security and sustainable development. It links both spatial and developmental planning and covers all sectors in the northern and southern governorates. It includes regional links with neighbouring countries. It constitutes a reference guide for decision makers, development plans and strategic plans developers, as well as for spatial planning at all three levels (local, regional and national) (PA, 2015). It captures a broad framework for a vision across the seven main sectors in Palestine: i) economic development; ii) resources management; iii) urban and rural development; iv) infrastructure; v) demography

and society; vi) international relations and politics; and vii) service sector (as well as subdivisions for each of those sectors, as summarized in Annex 3) (ibid.).

2.4.2 The Spatial Development Strategic Framework for Jerusalem, Ramallah and Al-Bireh, and Hebron Governorate (2030)

The Jerusalem Governorate is located in the central West Bank, bordered by Ramallah and Al-Bireh Governorate in the north, Bethlehem Governorate in the south, Jericho Governorate and the Dead Sea to the east, and the Green Line to the west. The total area of Jerusalem Governorate is 344 km². Jerusalem is politically important and it is Palestine’s main metropolitan area.³⁹ However, about 70 per cent of the governorate area is classified as Area C and under the direct control of the Israeli Jerusalem Municipality. All urban or economic activity commensurate with the basic needs of the Palestinian population is prohibited. In addition, Israeli authorities restrict Palestinian construction and urban development – not a single new Palestinian neighbourhood has been built since 1967 – and over a third of existing buildings are at risk of demolition (UN-Habitat, IPCC and Arabtech Jardaneh, 2020).

The Spatial Development Strategic Framework for Jerusalem, Ramallah and Al-Bireh, and Hebron Governorate was developed as part of the project “Fostering Tenure Security and Resilience of Palestinian Communities through Spatial Economic Planning Interventions in Area C (2017–2020)”, supported by the European Union, managed by UN-Habitat, and under the supervision of the MoLG, Ministry of Jerusalem Affairs, and the Jerusalem Governorate (ibid.).

39 The future of East Jerusalem as the capital of the independent Palestine, along the 1967 borders, is at the centre of the two-state solution, which is under heavy strain, especially after the President of the United States recognized Jerusalem as the unified capital of Israel on 6 December 2017 and the exclusion of Jerusalem from any future negotiations or settlements (UN-Habitat, IPCC and Arabtech Jardaneh, 2020).

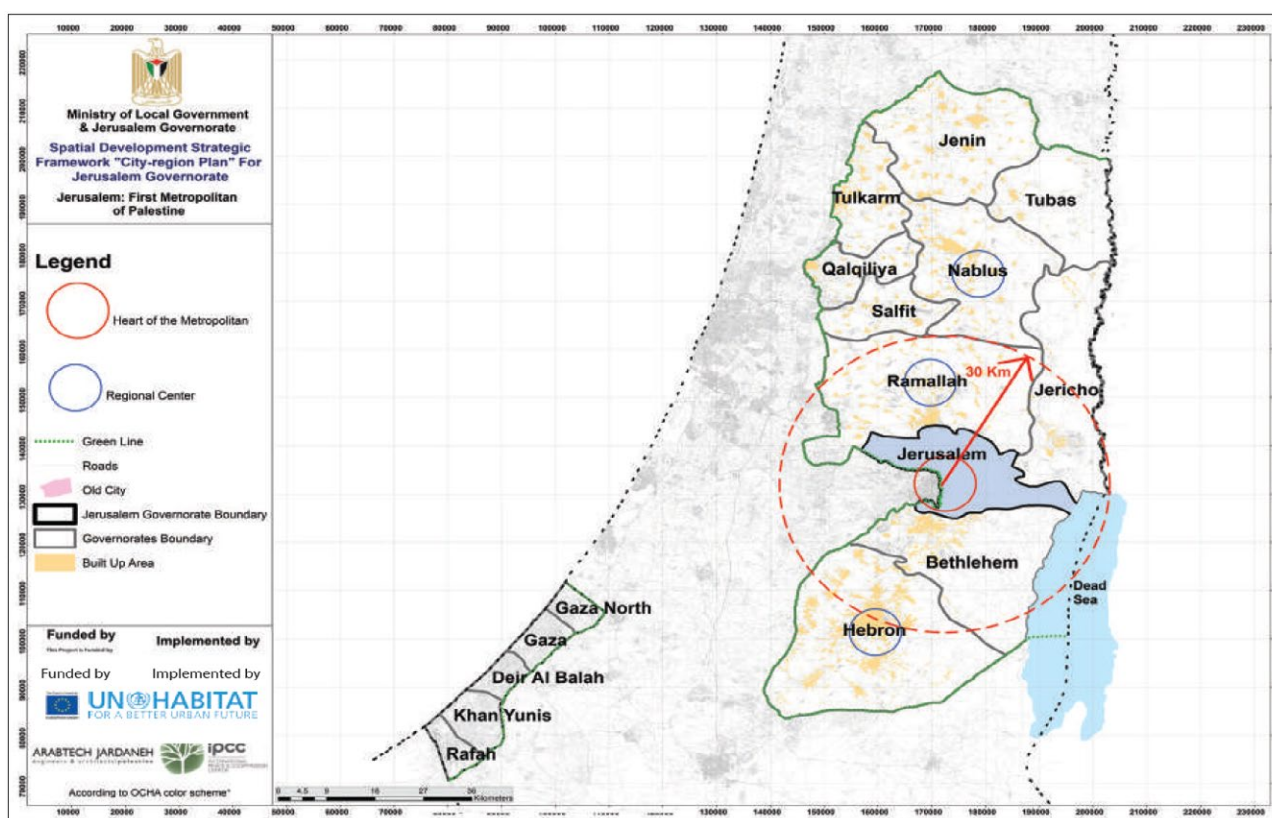


Figure 14: Location of Jerusalem Governorate in relation to other governorates.
Source: UN-Habitat, IPCC and Arabtech Jardaneh (2020).

- The main objectives of the SDSF are aligned with the SDGs and include the following:⁴⁰
- Diagnose the current status of the following development sectors: administration and good governance, infrastructure and environment, and social and economic development.
 - Identify the obstacles and opportunities for development in the governorate and formulate a comprehensive vision up to the year 2030.
 - Set integrated spatial development goals, with special emphasis on set priority sectors.
 - Identify priority development projects and programmes and locate them spatially.
 - Develop an integrated implementation plan with a time frame and estimated budget.
 - Develop a methodology to monitor the plan's implementation and progress.
 - Link it to the National Spatial Plan and other sectoral and cross-sectoral plans.
 - Link and integrate SDSF to previous plans at the city and governorate level, particularly the Strategic Sectoral Development Plan for Jerusalem (2018–2022) and the Jerusalem Development Plan (Capital Cluster) (2020–2022), and spatially locate them into the various programmes (ibid.).
- Working through specialized committees and bodies supervising the preparation of this framework, the SDSF focused on four key

40 Due to the importance of Jerusalem, it was agreed to classify Jerusalem on a higher planning classification than the other five regional planning centres in the West Bank and the Gaza Strip (Nablus, Ramallah and Al-Bireh, Hebron, the Gaza Strip, and Khan Yunis) (UN-Habitat, IPCC and Arabtech Jardaneh, 2020).

sectors: administration and good governance, environment and infrastructure, social development and economic development.

Work was carried out to identify the priority issues as well as the goals that help meet the needs of each sector. A set of programmes and projects identified implementation indicators, budgets and the relevant actors. Below is a summary of components and programmes of sectors relevant to this report.

Administration and good governance

This sector encompasses three subsectors: local government, planning and security. The priority issues for this sector were identified as follows:

- Weak administrative and institutional structures of local authorities, including weak fiscal capabilities and revenues.
- Weak planning system and ability to accommodate developmental needs as well as to enhance spatial and functional integration.
- Weak law and order enforcement and security presence in the suburbs, in particular, and communities within the governorate, in general.

Based on these issues, the following programmes were developed:

Local government

Strengthening institutional capacities of local authorities through the implementation of intensive courses and trainings at the workplace.

Enhancing revenues and developing the financial capacities of local authorities by implementing workshops on revenue collection, local economic development and attracting investments.

Updating and elaborating development plans for 14 municipalities and 15 village councils.

Enhancing partnerships between local authorities, the private sector and representatives of local communities by forming joint committees to further work on local economic development and strengthen the roles of local authorities in the local development process.

Strengthening the role of civil society in the participatory planning process, and enhancing cooperation with the public and private sectors.

Urban planning

The project “Developing a planning system that enhances the linkage and spatial and functional

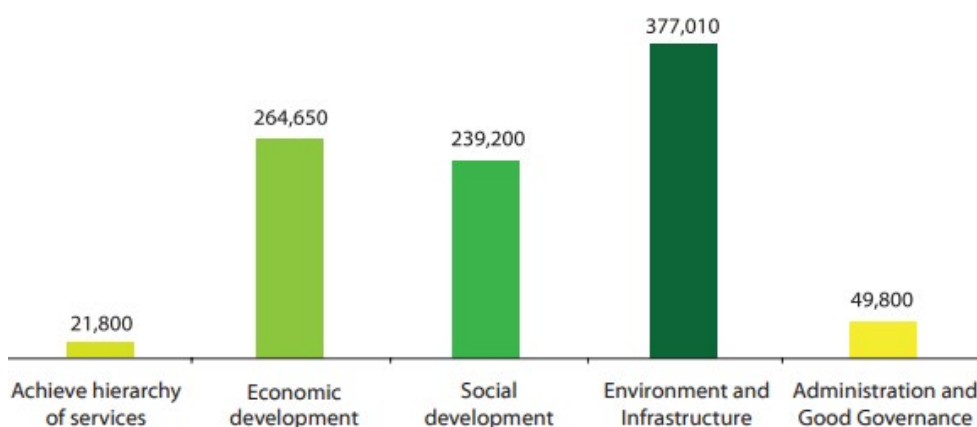


Figure 15: Estimated cost of each SDSF development sector in USD.⁴¹
Source: UN-Habitat, IPCC and Arabtech Jardaneh (2020).

41 The total cost of the SDSF for Jerusalem Governorate is USD 952,460, distributed over 11 years.

connectivity within the city of Jerusalem and communities within the governorate” focuses on the city of Jerusalem and communities within the governorate. It consists of the following components:

Merging Area C in the community plans of the governorate by expanding the boundaries of the structural plans for 22 communities with an estimated area of 7,600 donums.

Completing the preparation of five detailed outline plans at the neighbourhood level through advocacy community planning, to expand the neighbourhoods and protect buildings from demolition under the pretext of lack of building licences. The plans include subneighbourhoods in Beit Hanina, Sur Baher, At-Tur, Silwan, and Jabal Al-Mukabber.

Preparing three general master plans to establish new neighbourhoods in the north of Beit Hanina neighbourhood, southeast of Bir Nabala, and south of the Tantur area in Beit Safafa.

Preparing detailed urban spot plans for sectoral development projects specifically for collective affordable housing.

Infrastructure

The infrastructure sector covers four subsectors: energy and telecommunications; roads and transport; water and sanitation; health, environment and solid waste management.

Roads and transport

The priority issues for this subsector have been identified as i) weak road network infrastructure and increased traffic congestion; and ii) lack of airports, important symbols of national sovereignty. In response, the “Maintenance, rehabilitation and development of the main

road network in the governorate” Project was developed in order to

- Improve and develop the main and connecting road network;
- Advance public transportation systems and meet mobility needs;
- Regulate traffic and raise the safety levels in major communities and beyond;

This will be achieved through the implementation of the following components:

- Maintaining, rehabilitating, and developing the main and connecting road network project;
- Developing the public transportation sector and facilities in the governorate project;
- Increasing traffic safety programmes in the governorate project;
- Feasibility study for the rehabilitation and operation of Jerusalem International Airport (Qalandia).

Solid waste and the environment⁴²

The priority issue for this subsector was identified as the limited efficiency of the environmental system. In response, the Developing the Solid Waste Management and Environmental Systems Project was adopted to reduce environmental pollution, to raise the efficiency and level of solid waste management, to increase recycling and to protect the environment and public health (UN-Habitat, IPCC and Arabtech Jardaneh, 2020).

Economic development

The economic development sector covers four subsectors – industry, housing, business and services, and tourism – focusing on the following priority issues (ibid.):

42 In environmental conservation, Palestine has created a national framework for responsible consumption through the adoption of the Responsible Production and Consumption Strategy. In its effort to reduce the environmental footprint of its citizens, Palestine has expanded solid waste treatment, recycling infrastructure and sewage treatment. Sustainable water and solar energy collection was expanded along with a campaign to raise awareness on water and energy conservation to reduce leakages and resource misuse. The Greening Palestine Programme continues to provide trees to citizens and local councils to increase green areas (PMO, 2018).

1. The absence of planned and adequate industrial zones.
2. Poor housing infrastructure in the governorate.
3. Lack of attention and support to the business, services and tourism sectors.

In response to these challenges, the following projects have been developed:

1. Establishment of an industrial zone to the east of Abu Dis and Al-Eizariya.
2. Development of an industrial zone for handicrafts in northern Jerusalem.
3. Housing developments for youth and low-income families.
4. Improving the business and services sector.
5. Enhancing the tourism sector.

2.4.3 Urban planning

Historical development and challenges

Palestine is highly urbanized and, with a 3.2 per cent urban growth rate in 2015, is classified among the top 25 per cent urbanizing countries (UN-Habitat, 2019). Almost 74 per cent of the population is urban, living in 40 per cent of the territory that is effectively under direct Palestinian jurisdiction. The rest live under full Israeli control in semi-urban and rural communities in the West Bank, including Area C and Hebron H2 (at the heart of the city).⁴³ East Jerusalem has been occupied by Israel since 1967, and the Gaza Strip is totally besieged by Israeli measures (UN-Habitat, 2018). The high urban growth rate is accompanied by random spatial development, as cities and communities expand without adequate planning, encroach on surrounding agricultural land, and have poor infrastructure. Furthermore, the demand for job opportunities, services and housing is growing (UN-Habitat, 2020).

During the last two centuries, five different governing authorities influenced city planning and regulation: the Ottoman Empire, the British mandate, Jordan, Israeli occupation and the Palestinian Authority. Each left their footprints on the land and contributed to the recent shape and physical spatial structure of the Palestinian cities, as well as the growth patterns and the quality of life (Moghayer, Tesmamma and Xingping, 2017). When the British mandate ended in 1948, Palestine was divided, and Israel was created in one part of it. The other part, the West Bank, was annexed to Jordan, while the Gaza Strip was placed under Egyptian administration. "Until the mid-1980s, the Palestinian cities and towns developed according to the Master and Outline plan prepared during the Mandate period such as al-Khalel, or the Jordanians period such as Ramallah and Al-Bireh" (Khamaissi, 2006).



*Figure 16: Impact of Israeli settlements on urban expansion in Palestine.
Source: Abdelhamid (2006).*

The limits on resources and restrictions imposed by the Israeli occupation decreased the pace of development in Palestine. On the other side of Palestine, violence and the first Intifada (uprising) (1987–1993) reduced and limited the development of Palestinian cities and villages, while providing the pretext for strengthened Israeli occupation and control (stymied economic

43 According to the 2017 census, 4.7 million Palestinians live in Palestine (1.88 million in the Gaza Strip and 2.83 million in the West Bank). According to the United Nations, more than 1.5 million Palestinians live in refugee camps in neighbouring countries, and a further 4 million refugees live outside of camps. An estimated 5.3 million Palestinians live in Israel, the Gaza Strip and the West Bank, including East Jerusalem (GCF, 2020).

development, confined institutionalization, and limited accessibility and mobility). Such Israeli actions coincided with the growth of Israeli settlements, which continue to surround Palestinian cities and limit their expansion and development (ibid.). Moreover, the division of Palestine into three areas (A, B and C), according to the Oslo Interim agreements between 1993 and 1995, “resulted in the fragmentation and the limitation of urban expansion of most Palestinian cities adjacent to areas of category C,” where the Palestinian do not have any planning authority and are forbidden to build by military orders (Abdelhamid, 2006).

- **Area A:** Palestinians have political and security control and are responsible for planning and development.
- **Area B:** Palestinians are responsible for planning and development but not for political and security issues; these are controlled by the Israeli state.
- **Area C:** Palestinians neither have political and security control nor the responsibility to plan and develop these areas.

This artificial division, meant to last only five years, does not reflect the geographic reality or Palestinian space (B'Tselem, 2019).

Palestinian communities in Area C live under tougher restrictions imposed by the discriminatory planning regime. Although over 101 master plans for local development have been prepared since 2011, only three have been approved by the Israeli Civil Administration.⁴⁴ This has created a supply-driven housing crisis, as the shortage of construction approvals leads to a surge in prices and reduces access to adequate housing. Unable to meet their housing and construction needs, many Palestinians choose to build without a permit and face the threat of demolition by Israeli authorities. There are over 12,500 such outstanding demolition orders in Area C (PMO, 2018).

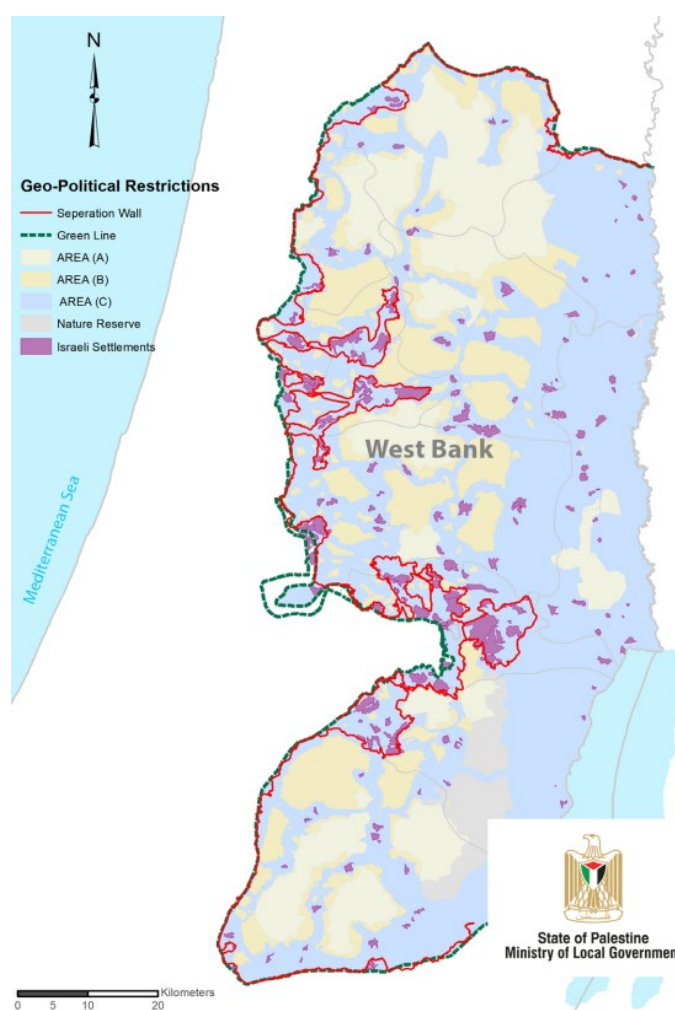


Figure 17: Land classification and boundaries in the West Bank (Oslo Agreement).

Source: MoLG (2016).

Israel's policy in Area C primarily serve Israel's needs. Many see it as preparatory measures to annex large parts of it. “To that end, Israel works to strengthen its hold on Area C, to further exploit the area's resources and achieve a permanent situation in which Israeli settlements thrive and Palestinian presence is negligible. In doing so, Israel has de facto annexed Area C and created circumstances that will leverage its influence over the final status of the area” (B'Tselem, 2019).

44 The Civil Administration is the branch of the Israeli military designated to handle civilian matters in Area C. As of September 2018, only 5 of the 102 plans submitted to the Civil Administration's planning bodies were approved, covering about 0.03% of Area C. The odds of a Palestinian receiving a building permit in Area C – even on privately owned land – are slim to none (B'Tselem, 2019).

In addition, the ongoing political impasse between the PA-led government in the West Bank and the de facto authority in the Gaza Strip, embodied by Hamas, further complicate all matters related to sovereignty and urban development, which inevitably hampers Palestinians' ability to see the positive results that well-planned urbanization can bring (MoLG, 2016).

In the 2019 Palestine Country Brief, UN-Habitat (2020) identified the major spatial planning challenges: i) the territorial and administrative fragmentation and financial constraints due to the rather weak rate of revenue collection; ii) the ongoing political impasse between the West Bank and Gaza Strip, a rather centralized governance system; and iii) a stunted economy dependent on the Israeli economy as it cannot access critical inputs of natural resources and freely transport people and goods. UN-Habitat's engagement in Palestine is to support the planning and building rights for Palestinian communities in Area C and East Jerusalem, in accordance with SDG 11, "Make cities inclusive, safe, resilient and sustainable" (UN-Habitat, 2019).

The Palestinian planning system

The current planning system in Palestine follows a top-down, hierarchical approach. According to the Jordanian Law of 1966, there are three levels of spatial planning, namely the national, regional and local level (MoLG, 2016).

At central level: the PA and its various national institutions, represented by the Higher Planning Council, are responsible for key tasks: policymaking, legislation, financial planning and management, programme development and implementation (to a limited extent), monitoring and oversight, quality control and technical assistance.

At regional level: 16 governorates (11 in the West Bank and 5 in the Gaza Strip) represent the national government and its institutions, with a governor as its chief administrator – not a distinct intermediary level of government between central and local.⁴⁵

At local level: numerous local authorities exist, organized into two main categories: municipalities (146) and village councils (284). In addition, there are about 93 joint service councils (11 in the Gaza Strip and 82 in the West Bank), in which two or more authorities work together to exercise their functions (e.g. planning and development) or to provide services (e.g. solid waste collection).⁴⁶

Almost 58 per cent of local government units (LGUs) in Palestine have local outline plans. More than 93 local master plans are currently being prepared to cover the remaining 40 per cent of LGUs (MoLG, 2024).

45 According to Jordanian Planning Law of 1966, every administrative district must have a district planning committee, which serves as a liaison between the local level (the local planning committees) and the national level (Higher Planning Council). The powers of the district planning committee include approving detailed plans, hearing objections submitted to regional plans and outlining plans and giving recommendations with respect to these objections to the HPC. In addition, the district committee hears appeals against decisions by the local committees and has all of the powers of the local committee. The district committee has six members: the District Governor, the Attorney General in Amman, a representative of the Office of Public Works in the district, a representative of the Central Planning Bureau, the Director of the District Health Bureau, and a representative of one of the local planning committees in the district (NRC, 2012).

46 The local planning committee's powers include granting building permits on the basis of plans approved by other planning institutions, approving subdivision schemes, preparing detailed plans and outline plans (but not the power to approve them) and inspection and enforcement against illegal construction. It also discusses objections to the detailed plans and submits recommendations to the district committee. The jurisdiction of the local committee relates only to the planning area of which it is in charge. The Jordanian Planning law of 1966 details several options for establishing local planning committees. In an urban planning area, the city council may serve as a local planning committee. Alternatively, the Minister of Interior may order the establishment of a local planning committee that includes government representatives alongside members of the municipality. In a rural planning area, the village council may be appointed as a local planning committee. Alternatively, the Minister may appoint a local planning committee that includes representatives of the central government and the relevant village council (NRC, 2012).

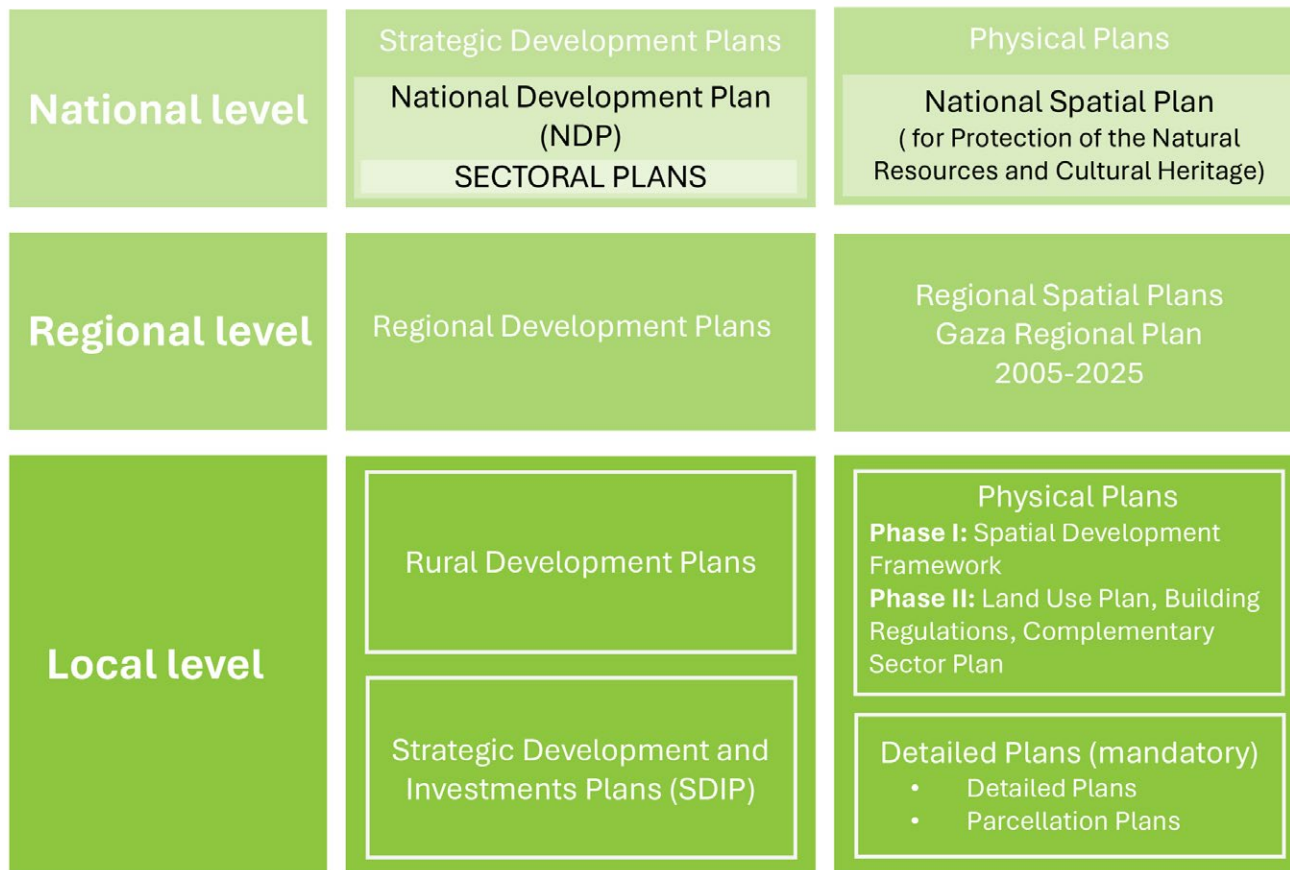


Figure 18: Planning levels in Palestine.
 Source: MoLG (2016).

Roles and Responsibilities of the Local Government Units in Palestine

The functions of the LGUs are specified in Article 15 of the Local Authorities Law (1007). There are 27 items on the list, including town and street planning, building and construction permits, provision and management of water, power, wastewater treatment, solid waste disposal solutions, as well as organizing and monitoring public markets, industrial zones, public facilities and public spaces, emergency preparedness and response plans, road and traffic management, and the management of local public health, among others.

Source: MoLG (2016).

Although the Government of Palestine has control over spatial planning matters in the Occupied Palestinian Territory (Areas A and B, predominantly urban areas), the Jordanian planning system is still applied. Outdated and not fit-for-purpose, it is poorly suited for the relatively high urbanization rates of Palestinian cities and towns. The Palestinian Authority alone cannot address the complications of the unprecedented urbanization rates. Also, the government cannot effectively exploit the potentials of cities and communities characterized by territorial fragmentation and high poverty rates (UN-Habitat, 2018).

In Area C of the West Bank, the district and local planning committees are not functional since they were cancelled by an Israeli military order in 1971. They were activated only in Areas A and B of the West Bank after the establishment of the

Palestinian Authority.⁴⁷ As a result, Palestinians are denied the right to participate in the plan-making processes in the majority of the West Bank (MoLG, 2016).⁴⁸ It is worthwhile to mention that the regional outline plans approved under the British mandate still apply to most of the land included in Area C (NRC, 2012). Concerning policy and strategy, the urban development sector is operating within the context of the National Policy Agenda (2017–2022) and MoLG Sectoral Strategies Plan 2017–2022 (UN-Habitat, 2018).

Ongoing initiatives: The World Bank is helping five major urban economic areas (Hebron, Nablus, Bethlehem, Ramallah and Al-Bireh, and Gaza City) through the Integrated Cities and Urban Development project to enhance the effectiveness of city management systems, including urban and spatial planning, land use and development procedures, so that cities can

47 Israeli Military Order No. 418, Section 2, eliminated the district planning committees altogether and transferred their powers to the HPC. No explanation was given for this drastic change (NRC, 2012). Nonetheless, Order No. 418 authorized the HPC to appoint subcommittees “for certain matters and establish their powers and roles” as well as delegate powers to those subcommittees. Moreover, it transferred the powers of the local planning committees in villages to a new planning institution – the village planning committees – whose members are appointed by the Israeli military commander. The HPC is also appointed by the military commander (ibid).

48 Area C constitutes 61 per cent of the West Bank. In 2009, the HPC appointed new subcommittees (to replace the district committees cancelled by Order No. 418) which do not include any external representatives. Thus, all members of the subcommittees are employees of the Civil Administration and the Israeli military. The powers of most of the subcommittees are parallel to the powers that the Jordanian Planning Law grants the district committees. Indeed, according to the Civil Administration itself, these subcommittees are meant to replace the district committees cancelled by Order No. 418. However, the subcommittees are not independent and are, therefore, not adequate substitutes for the district committees which, under the law, were supposed to be independent planning institutions, and not an organ of the HPC. The current subcommittees are an executive arm for carrying out certain capacities (NRC, 2012).

effectively provide and extend basic services, improve the regulatory environment and facilitate economic growth and job creation together with the private sector (WB, 2021).

In partnership with MoLG and funding from the EU, UN-Habitat has developed a National Urban Policy for Palestine, within the ambit of the project entitled: “Achieving Planning and Land Rights in Area C, West Bank, Palestine”. Endorsed by the Palestinian Cabinet in 2023, it provided an essential tool for the government to facilitate positive urbanization patterns and would create favourable conditions through a three-pronged approach – legal framework, municipal financing and planning and design – which articulate horizontal and vertical coordination (UN-Habitat and MoLG, 2021).

Jerusalem Master Plan

The current Jerusalem Master Plan 2000 was commissioned in 1999 and announced to the public on 13 September 2004 as the United Jerusalem Town Planning Scheme 2000 (UJTSP), which would serve as a mandatory map for land use and a blueprint for other municipal planning purposes up to 2020. It was the first planning framework that included the municipal land of both East and West Jerusalem and treated the city as one urban unit under Israeli sovereignty. The UJTSP was meant to replace Master Plan 62, in effect since 1959, which applies only to the western part (PASSIA, n.d.).

Changes to the map of Jerusalem since Israel’s occupation have intentionally sought to secure demographic supremacy through the expropriation of Palestinian private lands, which accounted for more than 95 per cent of the total land mass included in the Ottoman-defined Jerusalem District boundary in 1947 (Isaac and Abdul-Latif, 2007). In 1973, Israeli authorities adopted a recommendation of the interministerial Gafni Committee to maintain the city’s demographic “balance” at its 1972 ratio, that is, not allowing it to drop below 74 per cent Jewish (and maximum 26 per cent Arab). Israeli policies in East Jerusalem have been guided by this recommendation ever

since (UN-Habitat, 2015). In fact, one of the stated objectives of the UJTSP was “preserving the Jewish majority in the city of Jerusalem while providing a response to the needs of the Arab minority residing in the city” (PASSIA, n.d.).

While the expansion of the total area of municipal Jerusalem (at present 126,000 donums) is foreseen only westwards according to the UJTSP, accompanying measures will involve further confiscation of Palestinian land, hamper Palestinian development, further fragment and isolate Palestinian suburbs from each other as well as from the West Bank. The plan’s initial target date was 2020, but in a May 2009 update, 2030 was set as the new goal. It does not take demographic projections into consideration and vastly underestimates the construction needs of Jerusalem’s Arab population. Its 13,500 new residential units earmarked for Palestinians fall far below the estimated current housing demand (70,000–90,000), expected to reach between 400,000 and 500,000 by 2030. In addition, the vast majority of housing and development plans for East Jerusalem are foreseen in the outlying northern (Beit Hanina) and southern neighbourhoods (Jabal Mukabber/Arab As-Sawahreh) while restricting development within the area of central/historic Jerusalem (the Holy Basin), where Israeli development is accelerating. Moreover, the UJTSP fails to propose any new industrial, commercial, service or development areas in East Jerusalem and plans to eradicate the Wadi Al-Joz industrial area and designate a large tract of land between Jabal Al-Mukaber and Ath-Thori as a “nature reserve”, thus precluding future development there (ibid.).

In the post-Oslo period (since 1993), nearby Palestinian communities have been almost completely severed from the city as a result of Israeli separation and fragmentation policies on the ground. Establishing authority by mapping Jerusalem is nothing new. Each ruling regime sought to translate certain goals into reality on the ground by delineating de facto boundaries in new maps. Generally speaking, spatial planning has been used by various Israeli authorities to assert

control over the city through the construction of Israeli settlements, outposts, bypass roads and the separation barrier – underpinned by a set of discriminatory policies against Palestinians (UN-Habitat, 2015).

Today, East and West Jerusalem fall under the planning jurisdiction of the Israeli Jerusalem Municipality. The two parts are treated differently and exist separately. Palestinian communities in East Jerusalem find it difficult to obtain construction permits from the Israeli Jerusalem Municipality to build residential and/or trade establishments. As a result, East Jerusalemites are forced to live in overcrowded urban areas. Despite the high urban density of Palestinian communities in East Jerusalem,

adequate infrastructure and social services are badly lacking. The same is not true for Israeli settlements in East Jerusalem or for Israeli communities located in West Jerusalem. According to prevailing land-use designations outlined in the Jerusalem 2000 Master Plan, only 9,000 donums of East Jerusalem (about 12 per cent) is zoned for construction. The Jerusalem 2000 master plan zoned 3,500 donums for future spatial development in East Jerusalem, compared to 5,000 donums in West Jerusalem. The UN-Habitat urban planning support programme to Palestinian communities in East Jerusalem, funded by the EU, works to support Palestinian planning initiatives in East Jerusalem as well as their geopolitical goal in respect to the right of self-determination (ibid.).

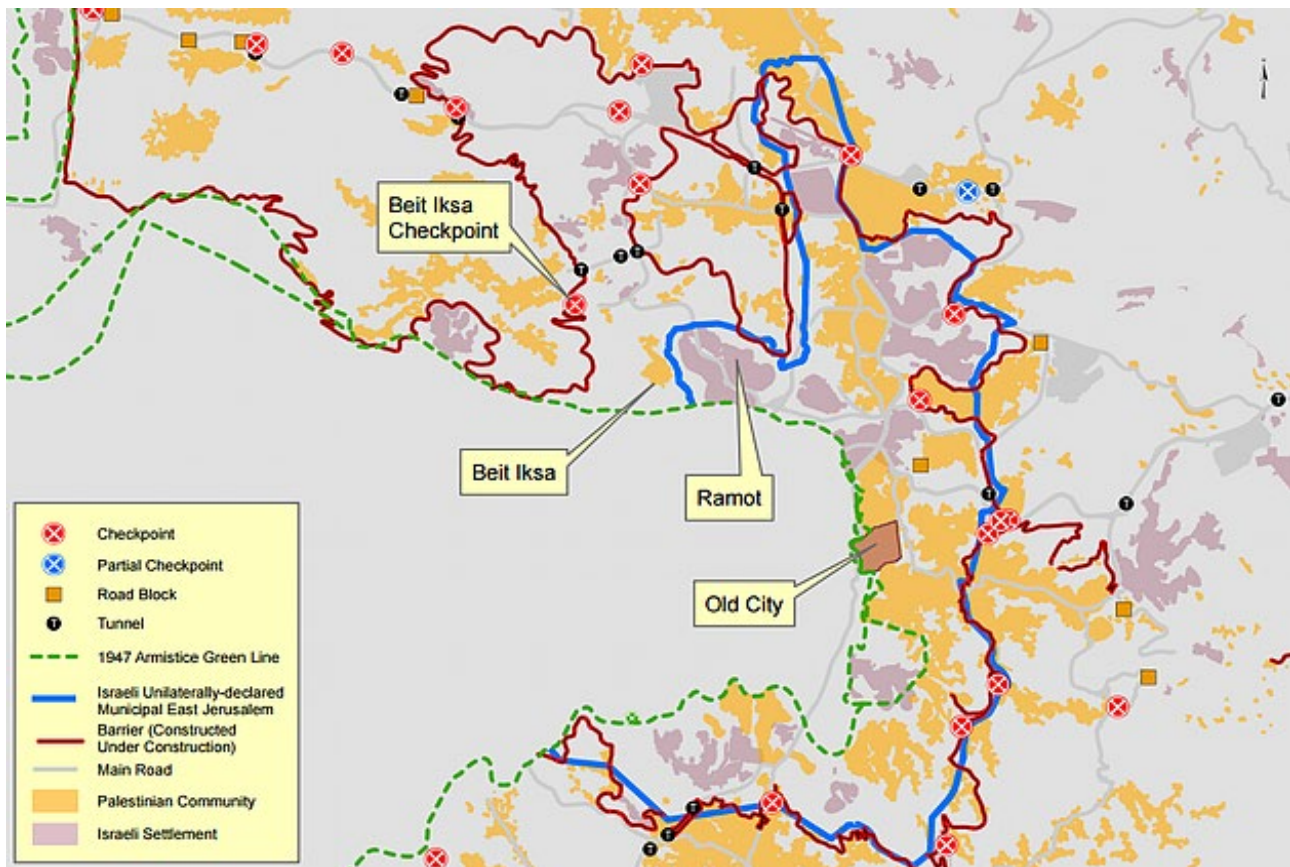


Figure 19: Barrier and other access restrictions in the Jerusalem area, West Bank
Source: OCHA (2014)

Gaza Strip urban planning

Planning in the Gaza Strip started in 1995 by laying out a master plan for Gaza City, as a pilot project funded by Norway. Today, planning is practised on three levels. Sectoral development plans are drawn on the national level. On the regional level, a plan was laid out in 1998 but was not legally approved; however, another one, the Regional Plan for the Gaza Strip 2005–2015, was approved.⁴⁹ Both plans concentrated on the orientation of urban development, land use and the protection of natural resources. On the local level, physical master plans and detailed plans for cities and towns have been prepared by all 25 local governments of the Gaza Strip. The plans concentrate on physical development, land use and building regulations, with limited and very general reference to the protection of architectural heritage, historic areas or handicrafts. No steps have been taken on the urban level. Currently, three separate initiatives are working on a regional plan for the Gaza Strip, not carried out by government institutions but rather by international bodies in consultation with local experts (ISOCARP, 2016):

ISOCARP Initiative

Adopted by UNDP and carried out by the International Society of City and Regional Planners (ISOCARP), it seeks to draw a regional plan for the Gaza Strip, concentrating on future land uses and stressing the importance of agriculture, coastal area, industries, higher education and urban residential areas. The plan proposes accessibility enhancements within the Gaza Strip, building on density and open recreational activities, as well as a new name – the Gaza Coast.

Palestinian private sector initiative

Adopted by Portland Trust and being developed by the AEMAC Planning firm, this project

examines the future of the Gaza Strip as free, open and connected to the West Bank as part of an independent Palestinian state. The vision will be based on a holistic assessment of key opportunities and constraints for the Gaza Strip's urban development – including environmental capacity, current built environment and infrastructure, demographic growth and economic potential – to inform a broader, long-term plan for Palestine.

Palestinian cities report initiative

Adopted by UN-Habitat and Municipal Development and Lending Fund (MDLF), this project is aimed at drawing a comprehensive planning system for Palestinian towns and cities following a participatory planning process. It concentrated mainly on urban growth in the Gaza Strip, land uses, roads and transportation, appropriate locations for the harbour and the airport, the structure of the administrative planning system and other regional concerns.

Main urban planning and construction legislation

Urban planning in Palestine is largely influenced by the policies and administrative laws of previous rulers of the area. This includes legislation issued during the British mandate in Palestine (1918–1948), the era of Jordanian rule in the West Bank (1948–1967), the era of Egyptian administration in the Gaza Strip (1948–1967), the Israeli occupation since 1967, and orders and laws issued by PA (Halabi, 1997). Nevertheless, there is still no Planning and Building Act in Palestine, although a draft exists (*ibid.*). Various attempts at drafting a unified updated planning law (the Planning and Building Act) have been unsuccessful, as they were never endorsed due to the absence of the Legislative Council.⁵⁰ An overview of the most relevant legislation for the planning system in Palestine follows below (MoLG, 2016).

49 The MoLG completed a master plan for the Gaza Strip in 2006 after Israel's withdrawal (MoPWH, 2014).

50 Palestine is currently administered by an interim self-government, the Palestinian Authority, as outlined by the 1993 Oslo Accords. The PA administers 39 per cent of the West Bank (comprising areas A and B) and the entire Gaza Strip. The remaining 61 per cent of the West Bank (Area C) are under full Israeli control. Following the Oslo Accords, the Palestinian Legislative Council was created as a legislative branch. Due to the political tension, it has not functioned since 2007, forcing the PA to rely on issuing presidential decrees on its behalf (MoLG, 2016).

Town Planning Ordinance/Law No. 28 of 1936 and its amendments

The Ordinance was issued during the rule of the British High Commissioner on 4 May 1936 and is still applicable in the Gaza Strip. It repealed the Planning Ordinance of 1921 and its amendments. It was amended during the British mandate and several times by Israeli military orders,⁵¹ for example, "Order for the Amendment of the Town Planning Ordinance Gaza Strip District." Currently, the ordinance is composed of 41 articles. Among the most important issues, it regulates the distribution of planning jurisdiction on local, regional and national levels. Under the terms of this Ordinance, regional outline schemes were prepared, covering the area of Palestine divided into the following six districts: Jerusalem, Nablus, Galilee, Haifa, Lydda and Gaza (Halabi, 1997). Article 12 of the Ordinance deals with town outlines, which are prepared by local commissions at the request of the district commission, while Article 14 deals with detailed planning schemes. Applications regarding construction licences are processed in accordance with the Town Planning (Licence) Regulation of 1941, issued pursuant to Article 4(1) but subject to several amendments introduced by the Israeli occupation authority (ibid.).

The Ordinance determines three planning schemes:

- **Outline schemes (Article 12):** To be prepared by the local commissions upon request by the district commission and within a period specified by the latter.
- **Detailed planning schemes (Article 14):** To be prepared by the local commission either on its own accord or at the request of the district commission. Implementation requires prior approval by the district commission (Article 16).
- **Parcellation schemes (Article 20):** A property owner in an area where an outline

or detailed scheme has been approved for implementation may submit a parcellation scheme to the local commission (or must do so if the local commission requests it). If approved by the district commission after the announcement by the local commission, the parcellation plan may be implemented.

- **Summarized schemes (Article 7):** In all areas where a local commission has been appointed (i.e. an area without a municipality), it may request a report from whoever submits a summarized scheme covering all or some of the following: landownership, land type, building and housing density, land and building use, public areas, public institutions, trade, traffic, cultural and industrial areas, land gradient, buildings and areas of historical, religious, scientific or architectural value (ibid.).

The Ordinance also regulates the granting of construction permits by the local commissions (Article 21), in addition to appeals by any person whose application is refused or who is negatively affected by a refusal. The decision of the district commission is final in this respect (Article 22).

Temporary Planning and Building Law No. 79 of 1966 and its amendments (Jordanian Planning Law)

This law governs planning processes and continues to be applicable in the West Bank, especially Area C, in addition to a number of planning by-laws developed and passed since 1996 (MoLG, 2016). Composed of 71 articles, the law came into effect approximately nine months before Israel occupied the West Bank and has been, thereafter, amended by Israeli military orders. Recently, it was also amended by PA Presidential Decree No. 13/2020 and No. 20/2021, valid in both the West Bank and the Gaza Strip. It defines three kinds of planning schemes (NRC, 2012):

51 The main feature of the military legislation in the West Bank, whether primary or secondary, is that it is conceived and implemented by a non-democratic government system that does not represent the local Palestinian population and is not elected by it. This is distinct from situation within the Green Line, where the citizens who are governed by the laws of the Israeli parliament (the Knesset) elected this representative body in democratic elections (NRC, 2012).

- **Regional plans (Articles 15–18):** The regional plans are intended to shape the landscape at the most general level. They determine the location of new towns and villages, establish the limits for the expansion of existing communities, and designate open areas and zones for industry and commerce. However, regional plans must also refer to detailed aspects such as the maximum height of buildings and the number of housing units in each building. The HPC is authorized to approve regional plans.
- **Outline plans (Articles 19–22):** Outline plans must be prepared for cities and large towns. The role of the outline plans is to define land zoning in more detail than the regional plans; therefore, they need to address issues such as paving roads, designating land for public uses (public buildings, public parks), industry and commerce, residential buildings and others – all at the level of the individual city or town in its entirety. The authority to approve outline plans is vested in the HPC.
- **Detailed plans (Articles 23–24):** The Jordanian Planning Law views the detailed plan as a means to translate the general directives in the outline plan into practical instructions that allow the outline plan to be realized. A detailed plan is required to issue a building permit. According to the law, a detailed plan must address subjects like the exact location of public and commercial buildings, the exact location of residential buildings, and the setbacks or building lines (i.e. the space between the building and the boundaries of the plot, where construction is prohibited). There are two main types of detailed plans, one for cities and large towns and one for small towns and villages. The district planning committee has the power to approve detailed plans.

Moreover, the law establishes procedures for the approval of subdivision plans, which are not planning schemes, since they do not define permissible land uses and do not include provisions on construction.

Regarding subdivision schemes (Articles 28–30), the Planning Law treats subdivision very seriously. Dividing up land without planning oversight can lead to development that is inconsistent with the approved planning schemes. Whether the purpose of the subdivision is registration or development, the request to subdivide land is considered according to planning standards: subdivision can be undertaken only in accordance with a detailed plan that establishes the minimum area of building lots after dividing them up. The only exception to that rule is subdivision into lots larger than ten donums. Such subdivision is not subject to planning oversight and can be carried out without a detailed plan or an approved scheme. The local planning committee has the power to approve subdivision schemes (*ibid.*).

The law also regulates construction licences (Articles 34–35), the right to appeal against a decision of issuing construction permits or land planning (Article 36), the monitoring of construction and violation of the designs (Article 38). It imposes betterment levies for the execution of designs (Article 52 and 54), land expropriation by the HPC for zoning or the implementation of the master plan (Article 56), land replacements (Article 57), disposal of expropriated lands (Article 59). The main criticism against this law is that it is outdated and not fit-for-purpose vis-à-vis the high urbanization rates of Palestinian cities and towns (UN-Habitat, 2018).

Regulation of Buildings and Planning No. 6 of 2011 and its amendments

Issued by the Palestinian Council of Ministers on 17 May 2011, it is based on Article 67 of the Planning Law No. 79 of 1966 and Town Planning Ordinance No. 28 of 1936. Consisting of 96 articles, it applies to lands, buildings and construction projects located inside the planning borders of Palestinian governorates (Article 2). Regulation No. 6 of 2011 regulates terms and conditions for granting construction permits by the competent planning committee. It also mandates that before the planning committee

issues a construction permit to big strategic national projects (as defined in Article 6), it should obtain initial approval from the HPC. Moreover, the Regulation determines building specifications (Article 11), the number of authorized floors (Article 15), specifications of the roof and its use (Article 17), determines types of land use within borders of zoning areas and in accordance with designs approved by the local committee (Article 23), parking places (Articles 24–37), licensing change of land use (Articles 43–48), fuel stations licensing (Article 61), gas stations licensing (Article 63), licensing of high-rise buildings (not exceeding 20 floors) (Articles 65–70), and fees and securities charged (Articles 75–77).

The regulation was amended by Resolution of the Council of Ministers No. 15 of 2020.

Regulation Concerning Multi-Storey Buildings in Gaza Region of 1994

This regulation was issued by the head of the PA on 17 September 1994 and deals with the construction of multi-storey buildings in the Gaza region in accordance with the stipulated conditions and specifications. It consists of 37 articles. Article 2 defines a multi-storey building as “a building whose height exceeds fifteen metres calculated from street level to the floor of its highest story, provided that the number of floors exceeds four in addition to the ground floor. Floors erected below street level, on which the building is erected, are not to be included”. Article 36 stipulates that the provisions of the Town Planning Ordinance No. 28 of 1936, its amendments and the regulations issued concerning buildings shall remain in force unless provided for in a special clause of the regulation (Halabi, 1997).

Regulation of Buildings and Planning No. 31 of 1996

The Regulation governs the construction and planning outside of planning areas. It is applied

in both the West Bank and the Gaza Strip (MoLG, 2013).

Environment Law No. 7 of 1999 and Amendments

The Law seeks to protect the environment from pollution in all its forms, to integrate the foundations of environmental protection in economic and social development plans, and to promote sustainable development of vital resources. This law deals with climate change through its objective and general principles, the special conditions of the aerobic environment and environmental impact assessment, and in reference to the relevant international treaties (LSE, 2021).

The Law is composed of 82 articles. It provides for the right of every individual to live in a sound and clean environment and enjoy the best possible health care and welfare (Article 5). It also provides that the specialized agencies, in coordination with the Ministry of Environment, shall devise the public policy for land uses considering the best use thereof and the protection of natural resources and areas with special natural characteristics as well as the conservation of the environment (Article 6). Moreover, the law includes provisions for the management of solid waste (Articles 7–10); hazardous substance and waste (Articles 11–13); pesticides and fertilizers (Articles 14–15); quarrying and mining (Article 16); desertification and land drifting (Articles 17–18); protection of the environment from various types of pollution (Articles 19–39); the protection of natural, historical and archaeological areas (Articles 40–44); environmental impact assessment, licensing of projects, inspection and administrative procedures (Articles 45–57) and penalties for violations of the law (Articles 58–74). Based on this Law, the Palestinian Council of Ministers issued the Regulation for the Management of Hazardous Waste No. 6 of 2021.

2.4.4 Land and the housing market

One of the main obstacles to the development of the Palestinian real estate market, in general, and the housing market, in particular, is that 70 per cent of the lands in the West Bank and 10 per cent in the Gaza Strip are not subject to settlement work (Dodeen, 2014). This means that the owners and disposers of these lands do not obtain official registration documents, which restricts their freedom of disposal from a legal point of view and has a negative economic impact on investing in such property due to a lack of access to credit facilities and the mortgage market. Another obstacle to the development of the land market is the increase in co-owned properties (80 per cent). Despite the fact that the sale of unsettled property through a registered or unregistered sale contract is legally valid, the ownership of the sold property is not transferred unless a set time period passes without any contestation (10 years for *miri* land and 15 years for private) (Dodeen, 2014).

On the other hand, the Landlords and Tenants Law No. 62 of 1953⁵² favours tenant protection at the landlord's expense and fails to strike a reasonable balance between the interests of both, as it mandates the automatic extension of the lease contract upon its expiry. Thus, it restricts the landlord's right to increase the rent by not providing any tools to increase lease contracts concluded after 1976, such as the cost of living or the rent index. Because the Landlords and

Tenants Law is unfair, the tenant becomes as if they were the property owner, which discourages investment in rental housing and pushes real estate investors into developing property for sale (Dodeen, 2014). In addition, the inadequate financial facilities for mortgage financing, which benefit only a few people, hinder the development of the housing market in Palestine⁵³ (Abdel Razeq, Hinn and Mousa, 2015).

Other obstacles that hamper the smooth operation of the housing market include:

- Lack of enforcement of court orders regarding evictions and other claims by property owners;
- Limited supply of land for new construction;
- Inadequate system of issuing land titles and building permits;
- Inability of municipalities to enforce planning regulations as a result of their extremely limited control over land (UN-Habitat, 2001).

Research of the housing market, prepared for the Palestine Economic Policy Research Institute, anticipates growth over the years 2013–2025 at an annual average of 33,000 units in the West Bank and 20,000 in the Gaza Strip. Potential housing demand represents the need for housing depending on social and demographic developments, in addition to the need to improve housing conditions (reducing density), replace unfit units and cater to the needed vacancy levels⁵⁴ (Abdel Razeq, Hinn and Mousa, 2015). Currently, the Gaza Strip is facing a chronic shortage of

52 Applies in the West Bank to real estates located inside the planning area, provided the area is under the jurisdiction of LGUs or municipal councils. Ottoman Civil Law applies to the lease of housing located outside the borders of LGUs and to the first rental year for houses located inside (Abdel Razeq, Hinn and Mousa, 2015). Lease contracts governed by Ottoman Civil Law are governed by the principle *pacta sunt servanda* (agreements must be kept). There is no automatic extension of the lease and it is terminated on the day its contractual term expires.

53 Special mortgage programmes should be devised to provide affordable solutions for middle- and low-income groups (Abdel Razeq, Hinn and Mousa, 2015).

54 Using the 2007 census, several factors are considered in the estimate of housing demand in Palestine. Demographic changes are summarized by population growth and changes in family size. It is assumed that the density problem will be resolved over a period of 10 years. The share of unfit housing units is estimated at 1.02 per cent for the West Bank and 0.43 per cent for the Gaza Strip. Vacancy rates are at about 16 per cent for the West Bank and 10 per cent for the Gaza Strip. Because these are considered overestimates, due to the changes in the migration habits of Palestinians, another benchmark fixes the vacancy rate at 4 per cent for both regions (Abdel Razeq, Hinn and Mousa, 2015).

19,020 housing units, excluding the replenishment of housing damaged in the conflict. In the West Bank, the estimated need is 27,168 units. The housing sector in East Jerusalem is currently in need of 15,600 units (3,500 annual growth) (IPCC, 2020). Such scarcity, especially in affordable housing, is pushing thousands of Palestinians to leave the city for the suburbs outside the separation barrier (UN-Habitat, 2021a).

Moreover, the Israeli occupation authorities are increasing housing demand and compounding the housing shortage crisis in Palestine by refusing to repair ravaged infrastructure in Area C and not allowing the PA to do so. Palestinian citizens are being forced to leave their land, migrate from their villages to cities and abandon agriculture. The resulting migration to cities, especially to Ramallah and Al-Bireh – the administrative, political and economic hub of the PA – strains the delivery of public services and

infrastructure as well as raises land prices and housing demand (MoPWH, 2014).

The COVID-19 pandemic further exacerbated the housing crisis. Due to continued lockdowns and restrictions on movement and economic operations, many Palestinian households could not pay their monthly rents and monthly bank payments (e.g. housing loans). According to a 2021 Multi-Sectoral Needs Assessment by the REACH Resource Centre, 36 per cent of households reported losing their job permanently or temporarily due to the COVID-19 crisis. The highest percentages were reported in East Jerusalem (50 per cent), Areas A and B (43 per cent) and Area C (34 per cent), which can be attributed to the restrictions in the West Bank. In addition, 62 per cent of households reported decreased monthly income as a result of the COVID-19 crisis (53 per cent in the Gaza Strip and 68 per cent in the West Bank) (UN-Habitat, 2021a).

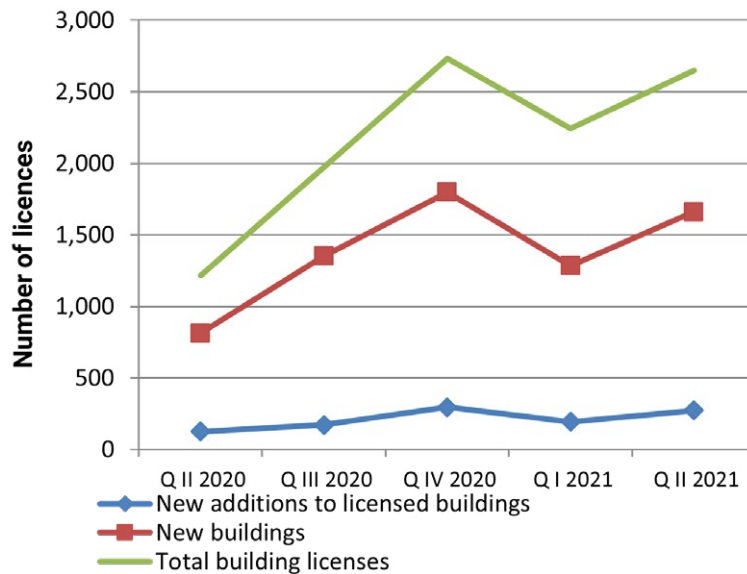


Figure 20: Number of building licences issued (second quarter of 2020 to second quarter of 2021).
Source: PCBS (2021d).

The increase in the number of new building licences in Palestine⁵⁵ in the second quarter of 2021, compared with the previous quarter, confirms the growing housing demand. According to PCBS, 2,649 building licences were issued in the second quarter of 2021, of which 1,661

are new buildings. The total number of building licences issued in the second quarter of 2021 increased by 18 per cent compared with the first quarter of 2021 and by 118 per cent compared with the second quarter of 2020 (PCBS, 2021d).

55 The data exclude those parts of Jerusalem annexed in the 1967 Israeli occupation (PCBS, 2021d).

Moreover, the area of licensed buildings (residential and non-residential) totalled 1,178,000 m² (951,000 m² new buildings and 227,000 m² existing ones). The total number of licensed dwellings was 5,158, corresponding to 836,000 m², of which 3,917 were new dwellings (total area of 640,000 m²) and 1,241 existing ones (196,000 m²). The number of new dwellings in the second quarter of 2021 increased by 33 per cent compared with the first quarter of 2021 and increased by 127 per cent compared with the second quarter of 2020 (ibid.).

In 2018, the Palestinian Monetary Authority (PMA) started building an index for residential property prices in Palestine (RPPI)⁵⁶ in accordance with international standards and good practices. The RPPI represents the overall trend of the average prices of apartments and houses in Palestine

and has to rely on the offer price, given the lack of official data on the final sale price.⁵⁷ It helps the Authority monitor the real estate market and its price fluctuations to avoid possible price bubbles. Moreover, it provides input for economic policies, especially macro-prudential policies, considering the important influence on individual decisions for consumption, savings and investment (PMA, 2022).

The PMA has released the results of its RPPI for the fourth quarter of 2021, which revealed the relative stability of the overall index at around 108 points. This came due to the varying trends (albeit marginal) among the main two subindices. "While the houses price index increased by around 1.2 per cent compared to the previous quarter, the prices of apartments have dropped in most Palestinian areas by around 1.6 per cent" (ibid.).

Table 12: Residential Property Price Index in Palestine

Period		Apartments		Houses		Overall	
		Index	Percent change (% , q o q)	Index	Percent change (% , q o q)	Index	Percent change (% , q o q)
2020	Q1	94.9	1.6-	108.9	0.9	103.3	0.1-
	Q2	97.2	2.4	113.1	3.9	106.7	3.4
	Q3	96.8	0.4-	93.3	17.6-	94.7	11.3-
	Q4	97.2	0.4	103.6	11.1	101.0	6.7
2021	Q1	103.4	6.4	105.6	1.9	104.7	3.7
	Q2	104.5	1.1	114.4	8.4	110.4	5.5
	Q3	105.4	0.8	109.7	4.1-	107.9	2.3-
	Q4	103.7	1.6-	111.0	1.2	108.0	0.1

Source: PMA (January 2022), Residential property price index in Palestine. Fourth quarter 2021.

2018 Q1 = 100.

Source: PMA (2022).

56 For more information about the methodology, please see the working paper "Residential Property Price Index for Palestine" (PMA, 2022).

57 Property price is affected by many factors and specifications: the price of the land plot, geographical location and neighbourhood, type (apartment or house), condition of the property (new or used), property area and land area (for houses), age of the property, number of bedrooms and bathrooms, and services (such as central heating, parking, an elevator and others) (PMA, 2022).

In general, residential property prices in Palestine have stabilized during the last quarter of 2021. This comes after two years of fluctuations under the uncertainty of the COVID-19 crisis. Due to the pandemic, the prices of housing units are expected to increase because of the increase in the costs of construction materials, shipping and transportation (UN-Habitat, 2021a). Compared to apartments, the sale and purchase of houses is relatively rare. Prices are extremely high due to the scarcity of construction land. Accordingly, real estate developers tend to focus more on building apartments, particularly in city centres. In this context, the price index for apartments in Palestine decreased from 105.4 in the third quarter of 2021 to 103.7 in the fourth quarter, while the price index for houses increased from 107.9 to 108.0 during the same period (PMA, 2022).

2.4.5 Housing and informal settlements

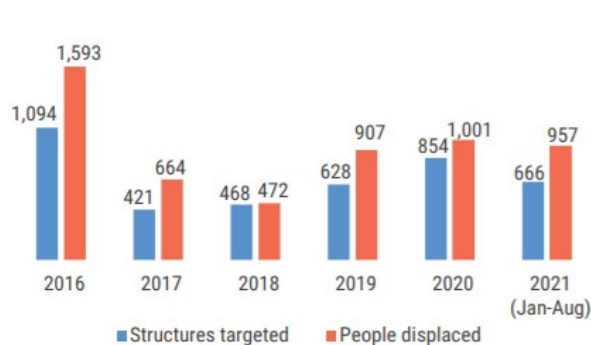
Although Palestinian Basic Law refers to the right to adequate housing for every citizen (Article 23), there is no public or social housing in Palestine (OHCHR, 2021). A key characteristic of housing development in the West Bank and the Gaza Strip since the occupation in 1967 is the insignificant share of development by public agencies and the

overwhelming share of residential housing built by the private sector (UNCTAD, 1994).

Temporary or transitional housing is made available through the international community to displaced families who are the victims of the demolition or confiscation by Israeli authorities (OHCHR, 2021). Between 1967 and 2009, Israel demolished almost 23,100 Palestinian residential units, allegedly to resist the occupation or because they had been built without the required construction licences. Moreover, the Israeli authorities refuse to grant Palestinians construction licences in Area C and East Jerusalem, justified as preserving green zones and preventing proximity to settler bypass roads, settlements and the Green Line (MoPWH, 2014).

In August 2021, Israeli authorities demolished, forced people to demolish or seized 118 Palestinian-owned structures across the West Bank, including East Jerusalem. This action displaced 191 people, including 116 children, and affected the livelihoods or access to services of approximately 1,400 others. At the end of August 2021, demolitions and confiscations had increased by 38 per cent compared to the same period in 2020. "All the structures were targeted due to the lack of building permits, which are nearly impossible for Palestinians to obtain in Area C and East Jerusalem" (OCHA, 2021).

TOTAL STRUCTURES TARGETED AND PEOPLE DISPLACED



MONTHLY AVERAGES OF STRUCTURES TARGETED AND PEOPLE DISPLACED

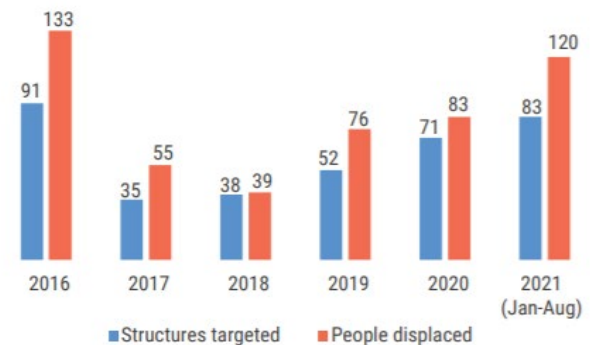


Figure 21: Number of Palestinian structures targeted by Israel (2016–2021).

Source: OCHA (2021).

The main challenges to the housing sector and securing adequate housing in Palestine are the following (MoPWH, 2014):

- The main challenge is the lack of adequate control over the limited land available to Palestinians. Specific adverse actions include the expansion of Israeli settlements and building of bypass roads; closing off land for military and other purposes; confiscation of Palestinian land; severely limited granting of building permits; house demolition; and deteriorating access to basic services, especially water and environmental degradation (UN-Habitat, 2001). Moreover, due to limited construction activity in Area A and B and prohibited urban expansion in Area C, construction land is scarce and expensive.
- Lack of tenure security and continuous threats to shelter demolition are imposed on over 500 Palestinian communities living in Area C and the fringes of Area A and B. It is estimated that almost 300,000 Palestinians living in these communities face continuous threats of eviction, home demolition, replacement, various forms of development restrictions and shelter inadequacy. This also applies in East Jerusalem, where the Israeli Jerusalem Municipality planning regime is still hindering Palestinians from easy access to formal shelter construction and development land. As a result, many Palestinian neighbourhoods have transformed into informal areas, with substandard services and overcrowded and unsanitary conditions, under constant threat of demolition.
- Inadequate housing in refugee camps is a challenge due to the restrictions on their horizontal expansion and the gap in authority over service provision between the Palestinian authorities (including municipal governments) and UNRWA, which is responsible for the refugees' overall welfare.
- The PA still lacks a clear housing sector plan, despite the recently completed housing policy. All existing housing projects need inclusive urban planning schemes pertaining to each area. Some cities suffer from urban sprawl at the expense of agricultural land and green areas. Other cities are marked by multi-storey, vertical constructions that lack a legal status as well as the necessary services. Construction projects are not subject to effective development control.
- The inappropriate legal framework governing housing and construction in the Gaza Strip and the West Bank results in degraded regulation and control of urban expansion. A set of legislation, including the Law on the Ownership of Flats and Condominiums and the Regulation on High Buildings, has been promulgated but not yet enforced. Additionally, operative construction regulations and laws are inconsistent with the status quo.
- Low housing production due to the financial deficit. The PA budget does not include line items for investment in the housing sector, resulting in low numbers of housing projects and units. Moreover, semi-public housing bodies are not in place, restricting housing production to profit and non-profit, donor-funded private sector corporations.
- Housing finance mechanisms are still not adequately developed. Financial arrangements lack clear guidance frameworks that would facilitate private sector participation in the housing sector.
- Weak performance of the judicial authority in settlement of real estate and housing disputes.
- The housing sector's growth is not linked to a comprehensive regional planning process, which perpetuates irregular building activity. In addition, the lack of an inclusive land-use scheme, as well as clear plans of land use on the local level, has steered residential expansion in an unregulated manner and distorted Palestinian architectural heritage and cultural identity. Without detailed schemes of cities and residential quarters,

construction violations are rife because of the weak technical and financial capacities of most LGUs.

- **Affordability.** Rent represents more than a third of the average monthly wage; many cannot afford it and are forced to live in plastic houses or inadequate old houses. Furthermore, the poverty rate of Palestinian households is 38 per cent, 28 per cent of which are living in extreme poverty. As a result, most poor households live in overcrowded informal settlements and poor housing conditions (MoPWH, 2020). Their plight is exacerbated by the high price of building materials. In East Jerusalem, the Israeli municipal government's

strategy to restrict Palestinian demographic growth by withholding housing permits is forcing housing costs to skyrocket, making housing in East Jerusalem unaffordable for a growing share of the population (MoPWH, 2014). Data from 2014 showed that East Jerusalem's average house price was over 14 times the average annual salary. House prices have risen in East Jerusalem in the context of rapid price growth throughout Israel between 2008–2018 (IPCC, 2020). At the same time, financial support for the purchase of land and property is extremely limited and only covers half the average apartment price (IPCC, 2013).

Table 13: Housing and housing conditions in Palestine (2019)

Item	2019
Number and Area of Housing Units from issued licenses	
Number of New Licensed Housing Units*	14,668
Number of Existed Licensed Housing Units*	3,843
Area of New Licensed Housing Units (100 m ²)*	2,356,532
Area of Existed Licensed Housing Unites (100m ²)*	595,012
Average Area per New Licensed Housing Units (m ²)*	160.7
Average Area per Existed Licensed Housing Units (m ²)*	154.8
Housing Conditions	
Percentage of Households Living in a House	38.8
Percentage of Households Living in an Apartment	59.2
Percentage of Households Living in Owned Housing Units	87.7
Percentage of Households Living in Rented Housing Units	7.9
Average Number of Rooms in the Housing Unit	3.6
Average Housing Density	1.4

* Does not include camps and those parts of Jerusalem which were annexed by Israeli Occupation in 1967.

Source: PCBS (2020).

Camps in the West Bank and the Gaza Strip

Israeli occupation of Palestine has directly shaped informal housing and high-density communities. With the establishment of the State of Israel in 1948, hundreds of thousands of Palestinians were expelled from their homes and settled in refugee camps⁵⁸ close to urban centres in the West Bank and the Gaza Strip. These refugee camps are considered informal, irregular and inadequate housing because they are overcrowded, poorly serviced and with unclear and insecure tenure rights (UN-Habitat, 2021a). Palestinians live in slum-like conditions in these refugee camps and in the areas isolated behind the separation barrier in and around Jerusalem (UN-Habitat, 2019).

Although 90 per cent of households in the camps own their houses, they do not have a title to the land, as camp lands are typically granted by the Palestinian Authority to UNRWA. The type of housing initially set up for refugee households (erected after the 1948 Arab–Israeli war) to replace the tents were “shelters” or small, detached dwellings. Most refugees who later moved into the camps have either purchased or built their own dwellings. UNRWA does not own the original camp houses, but refugees are free to use them as long as UNRWA has possession of the land upon which such housing is built. The stock of refugee housing in the camps has changed considerably over time. Where they had the means and authority, refugees replaced or modified their houses and built additional dwellings (UN-Habitat, 2001).

According to the Palestinian Central Bureau of Statistics, about 41 per cent of the total Palestinian population of Palestine were registered refugees as of the end of 2018 (26 per cent of the

population in the West Bank and 64 per cent of the Gaza Strip) (BADIL, 2019). The Gaza Strip has 8 camps (official and unofficial), while the West Bank has 27 (19 official and 4 unofficial). UNRWA records indicate that the largest camp-based Palestinian refugee population resides in the Gaza Strip (593,990 persons as of 2018), while the West Bank has 256,758 refugees living in camps (ibid.).

Ash Shati and Jabalia camps in the Gaza Strip are considered the largest and densest – over 50,000 people per km². Gaza camps are characterized by high levels of poverty, poor infrastructure and lack of services (UN-Habitat, 2014). Due to overcrowding inside the camps, residents sell their right to use and benefit from the land (which they do not own) to other refugees and move outside the camps. Some non-refugees purchased homes in the camps and moved in, effectively having purchased usage rights rather than a legal title to the housing unit. However, new non-refugee residents do not benefit from the services offered by UNRWA (NRC, 2015b).

Overcrowding and poor infrastructure are common throughout Balata camp,⁵⁹ the largest refugee camp in the West Bank. Over the years, the construction of new residences encroached on public spaces, and many streets became narrow alleys with barely sufficient space for people to pass. The lack of space has also meant that many refugees now live without a sense of privacy and living space. UNRWA facilities remain one of the few safe spaces for children to play outdoors. The Israeli military search and arrest operations often occur at night, damaging residents’ homes and bringing a sense of fear and anxiety, especially among young children (UNRWA, 2015).

58 According to the UNRWA working definition, a camp is a plot of land placed at the disposal of the Agency by a host government to accommodate Palestinian refugees and to set up facilities to cater to their needs (BADIL, 2019).

59 Balata camp is located in Nablus, in the northern part of the West Bank. Established in 1950 on 0.25 km², it was originally intended to serve approximately 5,000 refugees. Today, it is the largest camp in the West Bank, with a population density of 108,000 persons per km² (UNRWA, 2015).

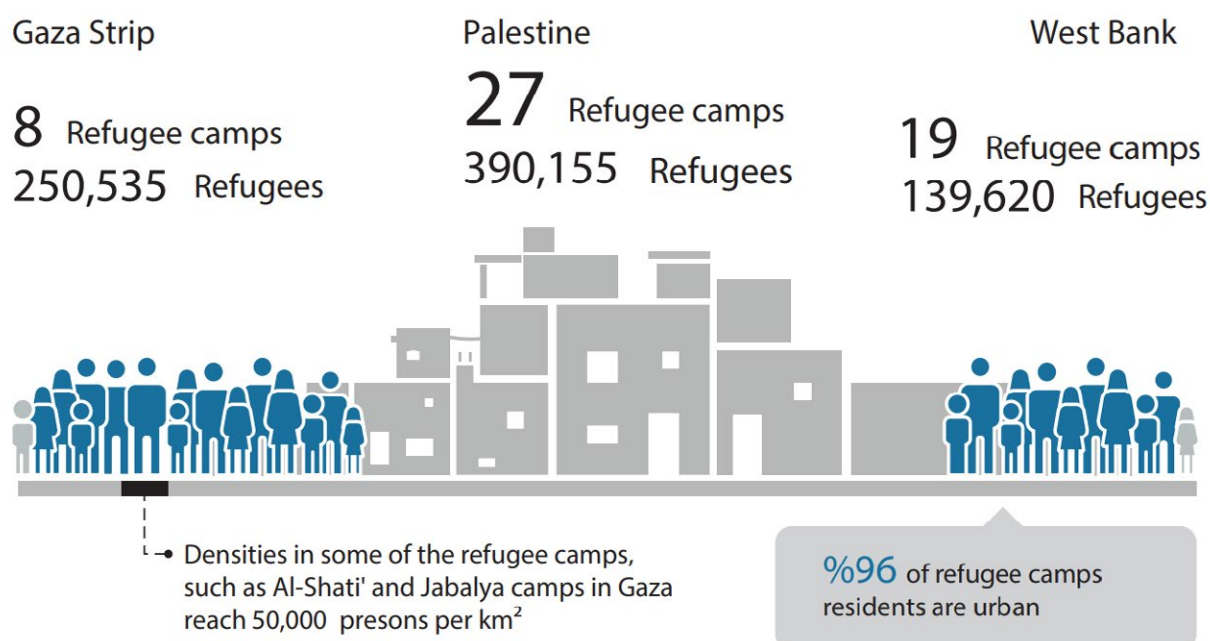


Figure 22: Density of refugee camps in Palestine.
Source: UN-Habitat (2021a).

In the 2000s, UNRWA launched a new programme for camp improvement, emphasizing refugee participation and the decoupling of demands for improved living conditions. In addition, the Norwegian Refugee Council (NRC) in Palestine is providing access to adequate shelter for the most vulnerable in the Gaza Strip, including providing

shelter for households living in war-damaged and substandard homes, providing support and technical assistance to people whose homes have been damaged and supporting families affected by the economic crisis with rental assistance to prevent eviction (NRC, 2019).

Table 14: Registered refugees in camps (official and unofficial) at the end of 2018

Host Country	Camp (local name)	Population	Year established
Gaza Strip			
Official camps	Jabalia	113,424	1948
	Beach (Shati)	85,832	1948
	Nuseirat	80,459	1948
	Bureij	43,537	1948
	Deir el-Balah	25,676	1948
	Maghazi	31,371	1948
	Khan Younis	87,939	1948
	Rafah	125,752	1948
Sub-total		593,990	

Host Country	Camp (local name)	Population	Year established
West Bank			
Official camps	Aqabat Jaber	9,394	1948
	Ein el-Sultan	2,947	1948
	Shu'fat	15,209	1965
	Am'ari	14,123	1949
	Kalandia	14,761	1949
	Deir Ammar	3,203	1949
	Jalazone	15,097	1949
	Fawwar	14,255	1949
	al-Arroub	14,255	1950
	Dheisheh	17,503	1949
	Aida	6,454	1950
	Beit Jibrin (al-Azzeh)	2,801	1950
	al-Far'a	9,934	1949
	Camp No. 1 (al-Ain)	8,583	1950
	Askar	21,397	1950
	Balata	30,103	1950
	Tulkarm	25,223	1950
	Nur Shams	12,385	1952
	Jenin	21,906	1953
	M'ascar	Closed	1948-1955/1956
Sub-total		256,758	
Unofficial Camps	Silwad	462	1971/1972
	Abu Shukheidim	NA	1948
	Qaddoura	936	1948
	Birzeit (As-Saqaeif	NA	1948
Sub-total		1,398	
(West Bank and Gaza Strip): Total		852,146	

Source: BADIL (2019).

Table 15: Percentage of refugees in overall population by governorate (1997, 2007 and 2017)

Governorate	Percentage of Refugees		
	1997	2007	2017
Gaza	52.2	52.8	51.8
Deir al-Balah	85.5	86.1	86.2
North Gaza	70.9	72.1	71.7
Rafah	83.9	84.3	85.0
Khan Younis	56.9	58.0	58.9
Gaza Strip	65.4	66.2	66.1
Tubas	15.8	15.7	15.1
Jericho	49.7	51.3	49.3
Jerusalem	40.8	31.4	36.6
Ramallah	28.9	29.3	28.0
Jenin	28.8	32.8	32.1
Tulkarem	31.5	33.6	33.5
Nablus	25.4	26.3	24.2
Bethlehem	28.0	28.4	26.5
Qalqilya	39.9	47.0	45.0
Hebron	17.4	17.9	14.5
Salfit	7.7	8.3	7.4
West Bank	26.7	28.1	26.3
oPt	41.6	42.6	42.2

Source: BADIL (2019).



*Figure 23: Balata camp.
Source: UNRWA (2015).*



*Figure 24: The new UNRWA Gaza elementary coeducational A and B schools.
Source: UNRWA (2021).*

Addressing housing problems and informal settlements rehabilitation

The Ministry of Public Works and Housing (MoPWH) is working towards providing housing to target groups through housing projects and programmes for low-income families. The MoPWH allocated governmental land at nominal prices for more than 5,800 households and implemented 16 housing projects in the Gaza Strip, reaching over 4,000 households. The Ministry has also implemented four other housing projects in the West Bank and rebuilt and rehabilitated thousands of Palestinian houses totally or partially destroyed by Israeli forces (MoPWH, 2014). In cooperation with the PLA, it studied six residential slums (e.g. Al-Abu Amra, Ezbet Al-Hamamiya, Al-Rabeen and Al-Furqan) and developed solutions to rehabilitate them or settle the conditions of their residents through planned housing projects. The development and rehabilitation of informal settlements is one of the main objectives of the MoPWH 2019–2023 strategy (MoPWH, 2020).

The Palestinian Housing Council, a non-profit foundation established in Jerusalem in 1991, has succeeded in contributing approximately USD 210 million in direct investments through various programmes in the housing sector:

1,178 apartments in the Gaza Strip, 408 house units in West Bank cities, 1,325 houses in rural areas and 1,956 apartments in Jerusalem. Moreover, 1,200 shelters have been rehabilitated – 343 houses in Jerusalem, including 70 houses and compounds in the Old City – in addition to 442 reconstructed units in Gaza (MoPWH, 2014).

Since 2011, UN-Habitat and its partner the PHC have been implementing a project which supports self-help reconstruction of 100 new housing units for affected non-refugee families in the Gaza Strip whose houses were completely destroyed during the conflict from December 2008 to January 2009. These housing units are reconstructed on the same private lands where the destroyed buildings were located. Beneficiaries are trained to directly organize the reconstruction works by themselves (procure building materials and rely on their own labour) or subcontract them to a local contractor. They can consult a self-help reconstruction booklet that contains methods how to reconstruct and rebuild their houses based on the available resources and their needs. This approach empowers families to reconstruct their houses according to their own ideas, possibilities and needs. Cash is transferred to the beneficiaries in instalments that are bound to

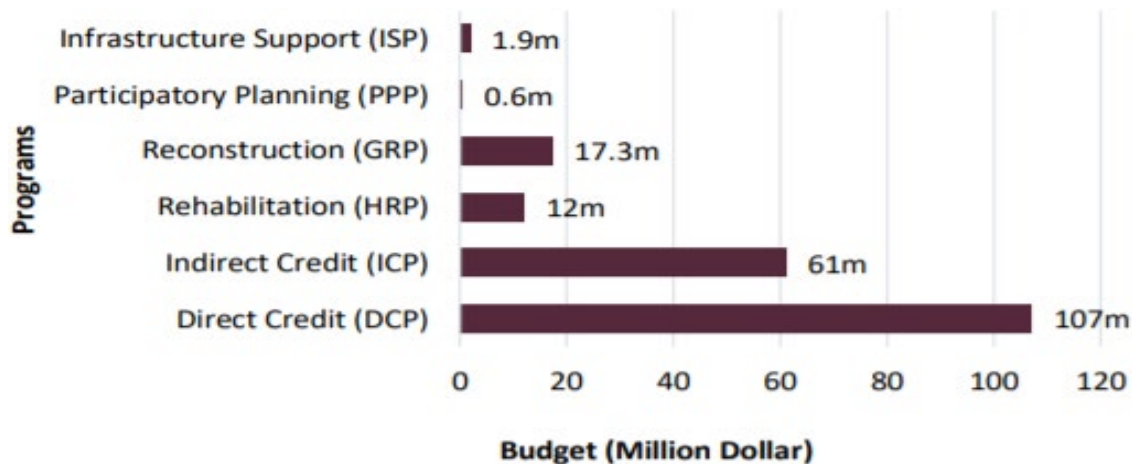


Figure 25: The PHC programmes' accumulative achievements over the past 25 years.
Source: PHC (2017).

the actual construction progress⁶⁰ (UN-Habitat, n.d.a).

Moreover, UN-Habitat, in close collaboration with the PA and PHC and financial support from the French government, recently completed the implementation of the project “Urgent Housing Rehabilitation for the Poor and Marginalized Palestinian Families in East Jerusalem”. The overall aim was to improve the living conditions of low-income families and disabled people living in deteriorated housing in need of immediate maintenance through house rehabilitation and livelihood improvement (ibid.). It is worthwhile to note that under the United Nations Development Assistance Framework for Palestine 2018–2022, UN-Habitat and OCHA are supporting the building and development rights of Palestinian communities in East Jerusalem by providing them with technical support to develop local outline and detailed plans, with which they can apply for building permits. Also, communities can access technical support for housing rehabilitation in the Old City of Jerusalem and in the surrounding neighbourhoods (UNDP, 2018).

In 2007, under the framework of the King Abdullah bin Abdul-Aziz City for Charity Housing in Hebron, UN-Habitat, in partnership with the Municipality of Hebron and the Ministry of Social Affairs (MoSA), initiated a social housing and economic empowerment project for urban poor women-headed households in Hebron. It contributes to the alleviation of urban poverty among women by improving their livelihoods and social conditions. The construction works were completed in May 2014 – and already in September of the same year – 100 marginalized women-headed households (about 700 individuals) moved into their new apartments. Training, income-generating and cooperative activities have continued since then (UN-Habitat, n.d.a).

UN-Habitat is working with MoPWH to update the “Strategic Framework for the Housing Sector of 2009” and the “National Housing Sector Strategy of 2010”. Under the Special Human Settlements Programme for the Palestinian People’s Strategic Framework and Action Plan (2018–2022), the housing policy in Palestine was revisited and discussed with the main Palestinian stakeholders (UN-Habitat, 2018). The goal of the project was to ensure that the MoPWH had a clear housing strategy and a policy Palestine, developed through a broad-based inclusive process that prioritizes key issues, including a policy framework for public-private partnerships, large-scale housing initiatives and pro-poor housing solutions (UN-Habitat, n.d.a). Housing policy needs to be updated to provide a framework for the following issues:

- Addressing house overcrowding;
- Regulating and rationalizing land use;
- Securing landownership rights, tenancy rights and mortgage lending;
- Developing guidelines and principles for national and international resource mobilization and the growth of housing finance;
- Improving access to basic services such as clean water, sanitation and solid waste disposal.

2.4.6 National development and reconstructions plans

National Early Recovery and Reconstruction Plan for Gaza 2014

This plan was developed by the National Consensus Government,⁶¹ in coordination with UN agencies, civil society and the private sector, to provide a roadmap for long-term development following the devastating Israeli assault against

60 Furthermore, amid the political escalations of 2011, 2014 and 2021, many housing units were heavily impacted by Israeli raids – 167,211 were totally destroyed or partially damaged between 2014 and 2019. In 2021, 4,100 housing units were totally or partially destroyed. In response, UN-Habitat mobilized financial support from Kuwait to fund the self-help rehabilitation of 50 severely damaged housing units.

61 The first government to administer in both the West Bank and the Gaza Strip since 2007.

the Gaza Strip and its residents in July 2014. “The plan is based on the Gaza Early Recovery Rapid Needs Assessment, which began on August 14 and was conducted by line ministries in coordination with the Ministry of Planning and Administrative Development (MoP, 2014). Its intention is to transition from relief efforts to meeting longer-term development needs across four sectors (social, infrastructure, economic and governance) along the following guiding principles:

- Linking recovery plans to Palestine’s National Development Plan;
- Government-led with broad-based participation;
- Using the plan for economic and private sector revitalization;
- Prioritizing accountability and efficiency in implementation;
- Focusing on the most-vulnerable demographic segments.

These goals are foreseen for the infrastructure sector:

- Clearance of rubble and explosive remnants of the war;
- Restoration of energy and network repairs;
- Access to clean water and wastewater treatment;
- Shelter and housing reconstruction and repair;
- Reconstruction of government buildings and other public infrastructure;
- Reconstruction of border crossings;
- Rehabilitation of roads in Gaza.

In addition to compensation for losses, the government will implement a series of interventions under the umbrella of an Agricultural Support Programme. These interventions will aid small farmers and households affected by the assault on Gaza and provide an important source of economic security to disadvantaged women and youth (ibid.).

MoPWH Strategic Plan (2019–2023)

In 2002, the Ministry of Public Works was merged with the Ministry of Housing. This strategy was prepared by the MoPWH based on the General Adopted Framework for the Palestinian Government (2017–2022), the National Policy Agenda (2017–2022) and SDGs 2030. The strategy is supported by an implementation plan to achieve its main objectives (PMO, 2021):

- Developing and upgrading the housing environment in Palestine and enabling Palestinian families to have access to adequate housing in accordance with the appropriate urban, environmental and economic standards.
- Contributing to the provision and development of utilities, public buildings and regional roads with high efficiency and high returns.
- Contributing to the organization and development of the construction sector in Palestine.

National Development Plan (2021–2023)

Titled “Resilience, Disengagement and Cluster Development towards Independence”, the NDP 2021–2023 was prepared by the Prime Minister’s Office. The draft version is built on internal PMO policy documents and the previous national planning process. NDP 2021–2023 comes with a new development vision – cluster development built on progressive disengagement from, rather than welfare under, the occupation. It places the economy and human capital at the core of its strategy. It responds to the COVID-19 pandemic by stressing the importance of institutional resilience going forward (PMO, 2021).

According to NDP 2021–2023, “cluster development involves the bundling of Palestinian geographies, including relevant economic, institutional, educational and other activities, into interlinked clusters to achieve the overall national goal.” All development stakeholders contribute to realizing this goal: the government,

local government units, the private sector and civil society, universities and the donor community. Rather than being vertically limited to a single area, cluster development focuses on horizontal expansion to cover various Palestinian geographies (ibid.).

The plan's priorities are reflected in the "sector strategies for local government, housing and public works, transportation, environment, land culture, youth, and gender equality" (UN-Habitat, 2021a). It revolves around a vision grounded in key goals: i) ending the occupation, ii) provision of excellent public service, and iii) sustainable development.

Regarding the public service provision pillar, National Policy No. 9 relates to Reforming and Developing Land Administration through the following policy interventions:

- Complete land registration, settle immovable properties and protect titles.
- Improve the efficiency and effectiveness of land transactions and regulate the real estate market.
- Efficiently manage state and *waqf* land (PMO, 2021).

The sustainable development pillar will be implemented through five national priorities and 21 national policies. Of relevance to this report is Priority No. 10 (resilient communities), which will be achieved through the following national policies:

- National Policy No. 30: Meeting the Basic Needs of Palestinian Communities by connecting communities to clean water and wastewater grids, expanding community access to reliable energy, and supporting affordable and safe housing.
- National Policy No. 31: Ensuring a Sustainable Environment by adapting to climate change and mitigating greenhouse gas emissions; by managing, protecting and promoting sustainable use and conservation of natural

resources (land, water and energy); and by conserving biodiversity.

- National Policy No. 32: Revitalizing Agriculture and Strengthening Rural Communities by increasing agricultural (plant and livestock) production and developing value chains, and protecting and supporting farmers (particularly smallholders in threatened and marginalized areas).
- National Policy No. 33: Preserving Palestinian National Identity and Cultural Heritage based on the Palestinian Narrative by implementing initiatives to preserve and develop Palestine's cultural heritage, and by rehabilitating and promoting cultural and religious heritage sites as tourist destinations (PMO, 2021).

2.4.7 Land expropriation for public use

Palestinian Basic Law of 2003, as amended, guards and protects private property against arbitrary expropriation (Article 21): "Private property, both real estate and movable assets, shall be protected and may not be expropriated except in the public interest and for fair compensation in accordance with the law or pursuant to a judicial ruling. Confiscation shall be in accordance with a judicial ruling."

Moreover, Palestinian Civil Law No. 4 of 2012 affirms the protection of ownership against illegal confiscation (Article 931): "It is forbidden to deprive any person of their property or make use of their property, and no property shall be expropriated unless it is for public benefit, and these cases must be decided by the law and in the manner decided by the law in exchange for fair compensation" (NRC, 2015b).

Furthermore, Investment Promotion Law No. 1 of 1998, as amended in 2014, prohibits the expropriation and nationalization of approved foreign investment projects, except for public need and in exceptional cases, with a court decision and against fair compensation based on

market prices and the losses suffered because of such expropriation.

In Palestine, the exercise of eminent domain for expropriating private property in the public interest is regulated by the “Law of Lands Expropriation for Public Projects” No. 2 of 1952, as amended by Presidential Decree No. 3 of 2011, valid in both the West Bank and the Gaza Strip. In the Gaza Strip, Land Acquisition Law No. 24 of 1943 and its amendments apply. In case of breach of its provisions, appeals may be filed with the Palestinian High Court of Justice (AMAN, 2019). Nonetheless, the “public interest” is assessed by the sole discretion of the Council of Ministers without any supervision by the judiciary. The unlimited discretion of the Council of Ministers was justified by the High Court of Justice: “the Administration (i.e. the Cabinet) is the most knowledgeable and most capable of estimating the appropriateness of the location and the property to be acquired, which is suitable for the implementation of projects of public interest, and to assess the appropriate area required to be expropriated for the implementation of the project.”⁶²

Article 7 of the “Law of Lands Expropriation for Public Projects” No. 2 of 1952 considered “the publication of the expropriation decision in the Official Gazette conclusive evidence that the land to be acquired is for a public benefit project.”

The compensation paid to the landowner for expropriating their property should be fair. Moreover, the land is not registered in the name of the expropriating party until the compensation ordered by the court is paid to the landowner or is deposited for them with the treasury (Article 18). However, Law No. 2 of 1952, as amended, does not mention the word “fair” to define the compensation, which is stipulated in the Basic Law and other legislation mentioned above. Nonetheless, the base for estimating compensation amounts, adopted by Law No. 2 of 1952, is in line with the equitable compensation

stipulated in Palestinian Basic Law (AMAN, 2019).

Judicial oversight over acquisition decisions is divided between administrative and ordinary courts. The High Court of Justice, which has jurisdiction over administrative decisions of the executive authority, is competent to receive appeals against land acquisition decisions of the Council of Ministers and to cancel them. On the other hand, regular civil courts⁶³ have jurisdiction to hear grievances on the compensation amount, its assessment and damages for harms sustained due to the land expropriation decision (ibid.).

Despite the fact that Law No. 2 of 1952, as amended, provides for the landowners’ right to compensation, it contains major loopholes that threaten tenure security and should be amended by the Palestinian Legislative Council (after almost 70 years of its promulgation and application) (ibid.):

- The law does not specify the legal period for the expropriating party to submit the acquisition project to the Council of Ministers after publishing the announcement in daily newspapers. The law does not determine a specific legal period for the Council of Ministers to issue the acquisition decision and for it to be approved by the Chief of the Executive Authority.
- The law does not define penalties (fines or imprisonment) in the event that the expropriating party is not serious or withdraws the expropriation request (at any stage during the acquisition procedure) or in case of fraud or deception (e.g. it was not for a public benefit project).
- Inconsistency with other legislation regarding the expropriation of a part of the land without compensation for opening a road or expanding it. Law No. 2 of 1952, as amended, allows the expropriation of 25 per cent of the

62 High Court of Justice, Docket No. 314 of 2019 (AMAN, 2019).

63 The civil court of first instance for the expropriated property’s location.

total land area without compensation, while Planning Law No. 79 of 1966 allows for 30 per cent. In contrast, Palestinian Basic Law, as amended, requires fair payment, i.e. full compensation.

- The law does not compensate customary land rights holders – only statutory ones – since Article 10 requires, as a precondition for compensation, that their rights should be substantiated by a written contract concluded before the date of the expropriation.

2.5 Land disputes resolution

2.5.1 Land dispute types and causes

Land disputes have been a major source of disturbance and wars in many parts of the world, including Palestine. Land-related disputes in Palestine are exacerbated by the different laws that introduce various classifications of land and regulate the use and ownership of land. Historically, a number of authorities have ruled over Palestine and their overlapping legislation creates challenges, leading to a complex situation of competing claims. The main sources of land disputes in Palestine are the coexistence of different types of land governed by multi-layered land laws; incomplete survey and registration of Palestinian land; lack of formal recognition of ownership, due to the difficulty of proving continuous chain of property ownership; and limited recognition of women's inheritance and HLP rights (NRC, 2015b, 2015).

Land claims are not only overwhelming Palestinian courts but Israeli courts as well. Palestinians often appeal against Israeli legislation or regulatory agencies operating in the West Bank (Pileggi, 2018), which are implementing illegal Israeli land settlement and shelter demolition policies. In 2017, over 800 Palestinians in East Jerusalem were at risk of eviction due to legal cases initiated under the Israeli court system, mainly by settler organizations claiming ownership over the properties (OCHA, 2017).

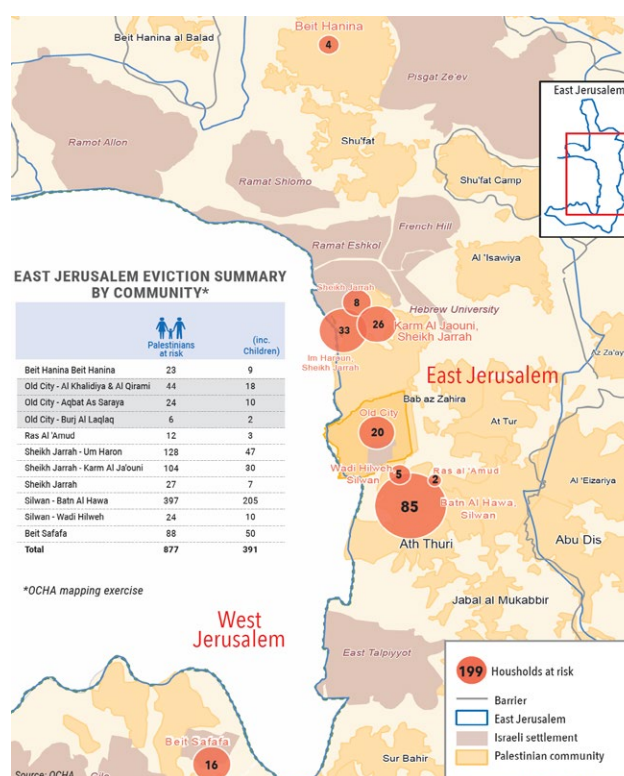


Figure 26: Palestinians at risk of eviction in East Jerusalem.
Source: OCHA (2019).

In the West Bank, where the Jordanian government's land settlement programme surveyed the land and established title to usufruct rights in parts of the northern and central West Bank between 1952–1967, securing land tenure is a major source of land disputes (Fischbach, 1997). It is estimated that approximately 25 per cent of civil court cases involve disputes over land title (MoPWH, 2014), and around 70 per cent of private land in the West Bank is not registered (NRC, 2012).

“During the Israeli occupation, residents were forced to endure long waits to register land transfers in the Tapu department, and sales were generally conducted through a process known as *wikala dawriyya* (irrevocable power of attorney), by which the seller grants an intermediary the right to sell the land within a fixed, lengthy time period” (Fischbach, 1997). This situation led to an increase in the number of land disputes handled

by the Palestinian civil court system, aided by other divers: the transfer of responsibility for land matters from the Israeli occupation administration to the Palestinian Authority in Area A and B;⁶⁴ the establishment of the PLA in 2002, which allowed Palestinians to register their land rights with their national authority; and the rising land prices:

Thousands of residents are pursuing redress for occupation-era cases involving everything from boundary disputes to allegations of fraudulent sales. The overall insecurity of tenure during the occupation and the practice of *wikala dawriyya*, whereby some unscrupulous agents resold the same land more than once, worsened this situation. A number of Palestinians from Bethlehem currently living in Latin America discovered that their land in Palestine had been sold without their consent through such methods. Jordanians who possess land rights in the West Bank have had a similar experience (*ibid.*).

Private registered land is recorded in the name of the formal owners at the Tabu department, which offers the highest degree of security of tenure and protection to the registered landowner. In 2015, the total area of registered land in the Gaza Strip was estimated to be around 182,173 donums (NRC, 2015b). Only land transferred through a consensual agreement or through inheritance can be registered at the PLA; however, these may give rise to land claims. To minimize disputes between the heirs and prevent the use of the property outside the limitation of the registered share of the heir, the PLA introduced a new method. It allows heirs who wish to officially transfer their ownership share in their name to do so after payment of the due fees for this share only, independently of the other heirs. In the past, it was necessary to deal with all shares of the inheritance at the same time (NRC, 2015b). Other potential land disputes regarding private

registered property include the expropriation of such property without compensation, although it is prohibited by Article 21/3 and 21/4 of the Palestinian Basic Law of 2003, as amended.

Private unregistered lands, estimated at around 30 per cent of private land in the Gaza Strip, are called “finance lands”⁶⁵ and are handled by the Finance Ministry’s Directorate of Finance. Lack of registration is the consequence of several factors: the difficulty of providing a chain of ownership, complex land laws and registration procedures, and past owners’ efforts to avoid paying land taxes by not registering their lands. Land claims regarding unregistered land can arise because many landowners sold or purchased unregistered land using successive customary contracts, due to the absence of an official title deed, or because of the failure of the unregistered landowner, who holds landownership dating back to the Ottoman period or the British mandate, to comply with the Egyptian Administrative Governor of Gaza Order No. 575 of 1957. The order requires landowners to register their lands in the records established by the Egyptian Administration Authority to be able to prove their land rights (Article 14). Any person who claims to own land or loss of registered rights must reapply to the Land Registration Department with official documents proving their rights within one month of issuing the order (Article 15) (NRC, 2015b). Another complicating factor and a source of dispute between individuals is the PLA interpretation of Decree 575 of 1957 and the broad classification of state land. Apparently, many persons claiming a legal title lost their land to the state because they did not come forward within the one-month window of opportunity created by the Egyptian Administration to the Gaza Strip (*ibid.*).

Encroachment on state land by the growing population is also a major cause of land disputes. According to PLA statistics, this issue affects

64 Privately owned land in Area C, which is largely agricultural and undeveloped and may provide the best location for planned development and expansion, is still not registered or administered by the PA (MoPWH, 2014).

65 Landowners of “finance land” who register their rights in the Property Tax Directorate can obtain a copy of the tax statement issued by this authority, which grants the right to use and sell the land but does not confer the full property rights of an owner of registered land in possession of the title deed (NRC, 2015b).

12,000 donums out of 112,000 donums of state land in the Gaza Strip (11 per cent of all state land). The PLA provided several procedures to ensure that the removal of encroachers on state land is done in the least harmful way, in line with the constitutional adequate housing right (ibid.).

Although Palestinian refugees living in UNRWA camps do not have ownership rights over the property they use – which is state land or private land made available to UNRWA to provide services, shelter and assistance for the benefit of Palestinian refugees – over time, Palestinian refugees started selling their land-use rights, treating the land as their private property. As a result, different claims have emerged regarding ownership rights, and disputes have arisen between alleged land landlords, unlawful occupants, and the government. A typical dispute over usage rights in the camps may include a demand to end land encroachment or to a share in the profits following the sale of the house⁶⁶ (NRC, 2015b).

The following are the main types of land-related lawsuits brought before civil courts in Palestine in 2017 (NRC, 2015b):

- Proof of ownership and damage removal
- Cancellation and annulment of contract
- Cancellation and annulment of registration documents
- Invalidation of land registration
- First or priority right
- Proof of ownership and tenants' rights
- Proof of tenancy and tenants' rights

- Claim for rent and due charges for services
- Prevention of opposing to benefit from a rented place
- Cancellation of a lease contract and eviction of leased premises
- Boundaries and rectification
- Preventing opposition and proving ownership
- Cancellation of land seizure order
- Claim for inheritance rights/shares
- Division of common property
- Division of movable and immovable community property
- Action of detinue
- Possession of land
- Halting the sale of land
- Implementation of an irrevocable power of attorney
- Cancellation of an irrevocable power of attorney
- Right of pre-emption⁶⁷
- Proof of the rite of passage
- Proof of landownership in a municipal area
- Cancelling a land impounding order
- Imposing a provisional seizure

2.5.2 Main land disputes resolution mechanisms

In Palestine land disputes are resolved mainly by formal means, such as court litigations and administrative decisions, or formal ADR mechanisms.⁶⁸ In addition, informal justice in Palestine refers to the settlement of disputes between litigants outside the formal justice or ADR system. "Tribal conciliation" is the main form

66 In a dispute that involves the heirs of the beneficiaries or persons who purchased the usage rights the Palestinian judiciary has the authority to decide in accordance with the Law on Standards of Civil and Commercial Trials No. 2 of 2001. The must concern the right to use and benefit from the land and not ownership rights. If a resident of a refugee camp claims ownership rights, the court may find the case inadmissible on the ground that the claimant has no standing or may ask the claimant to adjust the claim to be more compatible with the right of usage (NRC, 2015b).

67 The difference between "right of priority" and "right of pre-emption" is that the former applies only to state land (*miri*) and devolves to the heirs. It is also applicable to a partner, joint owner, third party (e.g. owner of trees and buildings) or resident of the village. It does not belong to a neighbour who already has the right of pre-emption. Unlike pre-emption, which is established by a sales contract or a price, the right of priority is established by a sale, gift or price (Abu Mallouh, 2011).

68 Article 30 of Palestinian Basic Law of 2003, as amended, provides that "submitting a case to court is a protected and guaranteed right for all people. Each Palestinian shall have the right to seek redress in the judicial system. Litigation procedures shall be organized by law to guarantee prompt settlement of cases" (PBL, 2008).

of this informal or customary dispute resolution mechanism in Palestine (ELG, 2019).

2.5.3 Formal mechanisms: the court system

The formal court system is the main mechanism for the resolution of land-related disputes in Palestine. The government has been developing the infrastructure needed to increase the capacity of the judicial system, including through the use of information technology to make accessing the judicial system more efficient. As a result, the overwhelming majority of households believe Palestinian justice institutions are legitimate – 71 per cent consider Palestinian courts as the only legitimate mechanism for resolving legal disputes (PMO, 2018).⁶⁹ Nonetheless, the increased confidence in the justice system is not matched by actions. While most households are willing to bring disputes to the formal justice system, the share has fallen slightly – from 59.4 per cent in 2012 (62.4 per cent men and 56.3 per cent women) to 57.0 per cent in 2015 (60.1 per cent men and 53.8 per cent women)⁷⁰ – with substantial regional variability (UNDP-Sawasya, 2015). Willingness to resort to Palestinian courts is by far the highest in East Jerusalem (68.5 per cent) because East Jerusalemites fall under Israeli jurisdiction and, therefore, have little to no contact with Palestinian justice and security institutions. At the same time, the residents of the Gaza Strip have by far the lowest level of confidence in engaging the formal justice

system (50.2 per cent), lagging far behind the residents of the West Bank (60.6 per cent) (ibid.). The UNDP-Sawasya (2015) joint survey results confirm the findings of a prior UNDP survey, whereby 37.1 per cent of households in the Gaza Strip “would not resolve disputes in formal courts because informal justice is faster”, compared with just 15.2 per cent in the West Bank. The legacy of occupation and conflict in the Gaza Strip, combined with the absence of a stable central authority and the power of clans and families, has meant that the recourse to the formal judiciary is the exception rather than the norm there (NRC, 2012a).

On the other hand, the UNDP-Sawasya (2015) survey marked a change in the most frequent types of cases for which Palestinians needed to interact with formal institutions, with land dispute cases representing only 3.8 per cent of cases for men and 1.1 per cent for women (see Table 16). The Palestinian court system is supervised and regulated by the High Judicial Council (HJC),⁷¹ which nominates judges for approval by the President of the PA (ECFR, 2021). According to Title Six of Palestinian Basic Law of 2003, as amended, the judicial authority shall be independent and shall be exercised by the courts at different types and levels. The law shall determine how they are constituted and their jurisdiction (Article 97). Chapter two of Judicial Authority Law No. 1 of 2002 determines the types and levels of courts:

69 The 2018 PCBS “Survey on Rule of Law and Access to Justice” revealed that the majority (84.9 per cent men and 84.6 per cent women) would resort to using formal justice and courts because they are the only legal and legitimate entity for settling disputes. In addition, 34.5 per cent of men and 38.6 per cent of women considered tribal or informal justice inefficient (ELG, 2019).

70 In 2012, under the framework of the “Rule of Law and Access to Justice Programme in the Occupied Palestinian Territory”, UNDP carried out a survey of public perception of Palestinian justice and security institutions. In 2015, under the framework of the UNDP/UN Women Joint Programme “Strengthening the Rule of Law in the Occupied Palestinian Territory: Justice and Security for the Palestinian People”, PCBS designed and conducted another survey, using a methodology developed jointly with Sawasya.

71 HJC in Palestine develops policies; supervises judges and judicial staff; and regulates functions of courts of various levels. Courts adjudicate disputes and crimes, with the exception of those provided by a special law. The Council also i) exercises judicial powers over all persons; and ii) builds and develops an effective and efficient judicial apparatus, which is capable of fulfilling relevant responsibilities, keeping pace with modern developments, and providing expedited and easy access to justice (MoJ, 2021).

- Religious courts;⁷²
- The Supreme Constitutional Court;
- Regular courts:
 - The Supreme Court (including the Cassation Court and the High Court of Justice);
 - Appellate courts;
 - First instance courts;
 - Magistrate courts (courts of conciliation);
 - Special courts (e.g. military courts).

Table 16: Reasons for engaging with courts by type of case

Case type	Men	Women
Traffic accident	9.4%	1.1%
Property, car theft	4.6%	2.3%
Cases of violence (fight, assault)	12.9%	5.1%
Political, intellectual reasons	3.7%	0%
Land disputes	3.8%	1.1%
Labour disputes, injuries	2.7%	0.3%
Insurance cases	3.0%	0.7%
Financial cases	12.2%	1.3%
Prisons (visits)	7.7%	3.3%
Inheritance cases	4.4%	2.7%
Domestic violence	0.9%	1.4%
Custody	1.3%	2.3%
Divorce, marriage	14.7%	21.7%
Alimony	2.5%	4.8%

Source: UNDP-Sawasya (2015).

Law No. 5 of 2001 regulates the jurisdiction of regular courts in both the West Bank and the Gaza Strip. Moreover, the Code of Civil and Commercial Procedure (CCCP), promulgated by Law No. 2 of 2001 and applied in the West Bank and the Gaza Strip, determines the jurisdiction of civil courts in land-related matters.

Courts of conciliation

There are thirteen conciliation courts in the West Bank and six in the Gaza Strip (HJC, 2015), exercising exclusive jurisdiction in the following land-related claims, irrespective of their value (Article 39/2 of the CCCP):

72 Religious courts (the sharia court system) have jurisdiction over all personal status matters, including all disputes related to marriage, divorce, custody, maintenance payments and inheritance.

- Partition of common movable and immovable property;
- Eviction of leased premises;
- Servitudes or easement rights;
- Adverse possession disputes;
- Usufruct disputes;
- Boundary delineation and rectification;
- Actions of replevin;
- Usufruct and maintenance of shared parts in multi-storey buildings;
- Actions and claims that other laws place under the jurisdiction of the conciliation courts.

Moreover, conciliation courts of the land situs have general jurisdiction over all property rights claims in which the claimed value does not exceed JOD 20,000 (reduced to JOD 10,000 by Law No. 6 of 2005), and their judgments are final (Article 39/1 of the CCCP). In other cases, conciliation court decisions may be appealed before the competent first instance court.

Courts of first instance

There are eight courts of first instance in the West Bank and three in the Gaza Strip (HJC, 2015), with general jurisdiction to hear all land-related claims and applications that do not fall under the exclusive jurisdiction of the courts of conciliation (Article 41 of the CCCP). Moreover, according to Expropriation Law No. 2 of 1953, as amended, the court of first instance of the expropriated property situs (the compensation court) has jurisdiction to decide disputes related to the amount of compensation in the event that the expropriating party and the landowner do not accept the compensation amount or the land value assessment. Proceedings before these courts are governed by the CCCP.

Decisions of courts of first instance may be appealed before the competent appellate court (in Jerusalem, Ramallah or Gaza) as determined by

law (ibid.). Appellate courts also have jurisdiction over judgments and decisions in urgent matters regardless of the issuing court. Final decisions by the appellate courts, including those issued by courts of first instance in their appellate capacity, may be appealed before the Court of Cassation, with a permanent seat in Jerusalem (it may convene in the West Bank and the Gaza Strip, without any restriction to territorial jurisdiction) (Article 30 of Law No. 5 of 2001).

Municipal magistrate courts

They were established for the first time under Municipal Courts Law No. 18 of 1992. The municipal judge is a “peace judge” appointed by the President of the High Judicial Council. The courts have jurisdiction to try violations of municipal regulations and other relevant legislation when they take place within municipal borders (as stipulated by Planning Law No. 79 of 1966, as amended, and Public Health Law No. 20 of 2004). Decisions of the court may be appealed before the competent appellate courts. One example is Hebron Municipal Court; established in 1986, it sits in Hebron’s city hall and discharges its duties under the supervision of the Ministry of Justice (Hebron City, 2021).

Other specialized conciliation courts that are also regular courts, include the local units courts, established by Presidential Decree No. 32 of 2018. They sit in the district, are chaired by a peace judge (Article 3) and have jurisdiction to decide cases of breach of legislation governing LGUs, particularly the Law of Local Units No. 1 of 1997, as amended, which determines the powers and duties of local councils (including many land-related functions) (Article 15). The Code of Penal Procedures applies to all violations tried before these courts (Article 5).

Settlement courts

Established based on the Lands and Waters Settlement Law No. 40 of 1952, as amended, it is chaired by a single judge appointed by the HJC, in accordance with the Law on the Formation of

Regular Courts No. 5 of 2001. It holds its sessions in the town or village in which the settlement work takes place on the date determined by the settlement court judge. In cases where it is not possible to hold sessions in the town or the village, the court may hold its sessions in any other place appointed by the settlement court judge, upon approval of the LWSC Chairperson.

The settlement court has the power to suspend the registration of any transaction related to land or water in the course of a settlement. Each land or water case filed in a regular court at the start of the settlement and each of the aforementioned cases raised during the settlement is referred to LWSC headquarters. The chairperson shall refer it to the settlement court, which considers the cases when one of the parties files an objection to the list of rights within the legal period, and requests that it be included in the objection file. Judgments issued by the settlement court are final when the recorded value of the claim does not exceed JOD 50. In cases where the claim value is not recorded in the list of rights, the court estimates its value. Judgments may be appealed before the Court of Appeal if the value is more than JOD 50, within 15 days from the issuing date or within 30 days from notification of the defendant if it was in absentia.

The judgment of the Court of Appeal can be challenged before the Cassation Court within 30 days if the ordered value is more than JOD 200. In all cases, the objector may not drop the claim temporarily, and if this happens the claim will be permanently rejected. After the publication of the settlement order and until the settlement has been completed, the settlement court shall

have the power to issue a decision to temporarily seize or take any land or water included in the settlement order. The court also has jurisdiction to decide priority and pre-emption rights claims, provided the legal terms are observed (LWSC, 2021b).

High Court of Justice

Article 104 of Palestinian Basic Law of 2003 provides that “the High Court shall temporarily assume all duties assigned to administrative courts and to the High Constitutional Court, unless they fall within the jurisdiction of other judicial entities, in accordance with applicable laws.” It is composed of the President of the Supreme Court and at least two judges (Article 32 of Law No. 5 of 2001). It has one chamber in Ramallah and another in Gaza City. The Court is not subject to the rules of territorial jurisdiction.

According to Article 31 of Law No. 5 of 2001, related to the formation of regular courts, the High Court of Justice has jurisdiction to decide applications submitted by the concerned parties to annul any by-laws, regulations or final administrative decisions that can affect persons or their property subject to Common Law (including syndicates) and to look into all administrative disputes.

It has the jurisdiction to receive appeals against land expropriation decisions and cancel administrative expropriation decisions if found flawed. Its decisions are final, not open to any appeal and are valid and enforceable against all parties (public and private) in Palestine (AMAN, 2019).

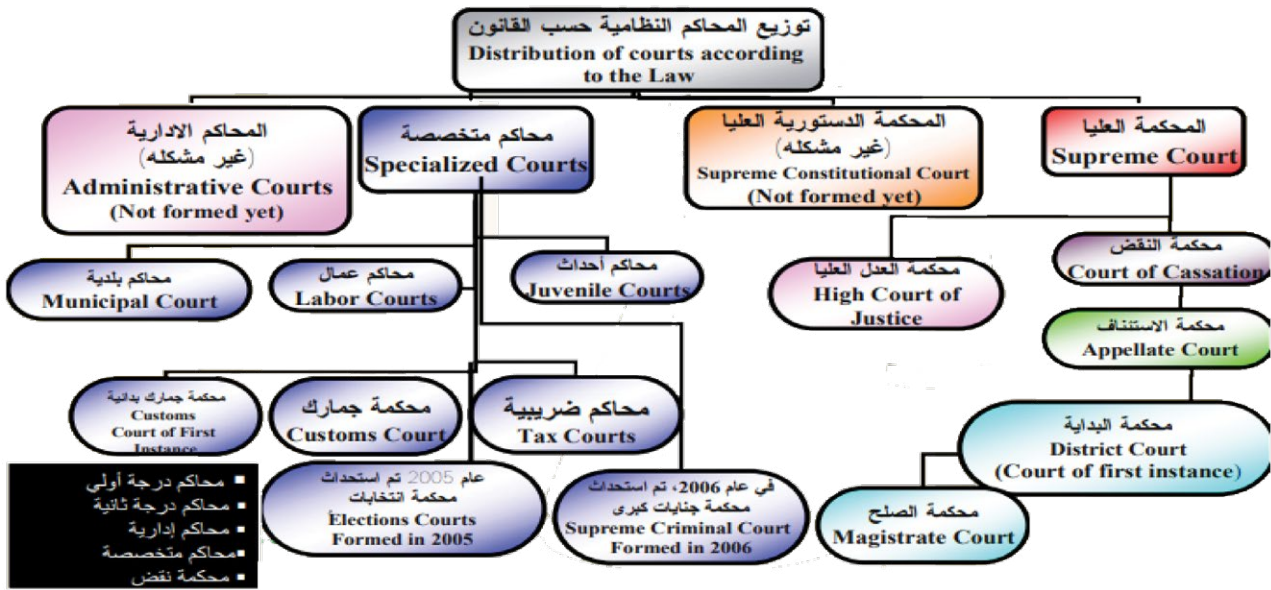


Figure 27: Hierarchy of regular courts in Palestine.
Source: Law Institute, Birzeit University (n.d.)

2.5.4 Formal mechanisms: alternative disputes resolution

In 2014, the World Bank Group stressed the need for the PA to implement an integrated, systematic mechanism to deal with land disputes, paying special attention to absentee rights, including formalizing arbitration and mediation mechanisms and improving the capacity of the judiciary to address the backlog of land disputes in the court system (WB, 2014).

In Palestine, alternative approaches to resolving land disputes are applied in the formal system and via informal mechanisms. "It has several advantages over other forms of dispute resolution, including affordability, procedural flexibility, efficiency, confidentiality, and finality. But it also has clear disadvantages, especially when talking about tribal justice, such as a high possibility of compromise over women's rights, lack of formality, lack of fairness/justice, lack of transparent procedures, and lack of sensitivity towards age and gender-related dynamics" (ELG, 2019). Moreover, resolution is not guaranteed, which means that despite all the effort, time and money, the parties may still end up having

to proceed with litigation and trial before a judge. ADR mechanisms include a wide range of approaches: negotiation, conciliation, mediation and arbitration, early neutral evaluation, expert determination, mini-trials, med-arb and others (ELG, 2019).

Arbitration

Palestinian Arbitration Law No. 3 of 2000, valid in both the West Bank and the Gaza Strip, is largely based on the UNCITRAL Model Law. It is composed of 58 articles which establish the legal framework of arbitration in Palestine. Moreover, the law governs both international and domestic arbitration in Palestine. According to Article 3(1), domestic arbitration is the process that takes place in Palestine and is unrelated to international business. Chapter two of the law regulates the arbitration agreement, which should be in writing. It states that disputants (physical or legal persons) may mutually consent to resolve a dispute through arbitration or place a provision in a contract referring any dispute pertaining to that contract to arbitration (Article 5). Matters excluded from the scope of the application of this law and which are not arbitrable include i) matters related to Palestinian public policy; ii)

matters on which compromise or conciliation is not allowed by the law; and iii) personal status disputes (Article 4).

A draft of the new arbitration bill proposed by the arbitration committee at the International Chamber of Commerce – Palestine is currently under review to replace Law No. 3 of 2000. “One of its most important amendments relates to the role of the courts in relation to arbitration. The draft law adopts the general concept that courts lack the jurisdiction to hear a case if there is already a valid arbitration agreement. However, it also specifies that if one party resorts to the court, the opposing party must invoke the arbitration agreement before litigating the substance of the dispute in court” (ELG, 2019).

Land disputes are arbitrable, and disputants may agree to resolve them through arbitration, because they are not classified as non-arbitrable by Article 4.⁷³ Moreover, Article 2 of the Council of Ministers Decision No. 39 of 2004, regarding the implementation of Arbitration Law No. 3 of 2000, does not expressly exclude land disputes from the ambit of application of the Arbitration Law: “Arbitration is not permissible in issues related to the public policy and issues in which conciliation is not legally permissible, such as penalties and disputes related to nationality, and all personal status matters such as divorce, lineage, inheritance and alimony; nonetheless arbitration is permissible regarding the estimation of due alimony or the dowry or any other financial claim arising from personal status matters.”

Factors favouring the resolution of land disputes through arbitration instead of the court system include long delays in cases brought before the court, ineffective court administration, long duration of court proceedings,⁷⁴ the freezing of land settlement works by Israel since 1967 and the resulting chaos in real estate sales

(whether in white or built lands), in addition to the imposition of racist laws such as the Israeli Absentee Property Law, which led to the seizure of many Palestinian properties (ACT, 2020). Due to the high value of lands and their importance for the development of all aspects of life, many arbitration institutions have specialized in resolving land disputes through arbitration and conciliation:

- **Palestinian International Arbitration Center** offers ADR, including mediation and arbitration through its arbitral court, for financial, commercial and real estate disputes.
- **Al-Faisal Arbitration Centre** in Jerusalem renders services for resolution of disputes related to commercial contracts, financial and engineering works, investment, banking and real estate.
- **Chambers of Commerce, Industry and Agriculture** offer conciliation and arbitration as an alternative means of dispute resolution. Cases brought before chambers are usually of a commercial nature, including investment and real estate disputes, among others (ELG, 2019).

Mediation

With the promulgation of Presidential Decree No. 32 of 2021, “mediation” officially became part of the judicial system in Palestine. The law is composed of 12 articles that establish the legal framework for mediation in the country, with the following main provisions:

Article 1 provides that a judicial department, called the “Mediation Department”, shall be established at a court of first instance, consisting of a number of first instance and magistrate judges, “the mediation judges”, selected by the President of the Court of First Instance for a set

73 However, arbitration is not possible when the claims involve real estate under exclusive jurisdiction of the courts.

74 In April 2007, the PA estimated that there were 20,360 cases pending before the formal (*nizami*) courts in Gaza. This backlog has only been “exacerbated by a shortage of judges, lack of accountability and professionalism, inadequate buildings and facilities, and shortages of support staff.” Between 25 and 40 per cent of this backlog are land dispute cases, which take three years to resolve, on average (NRC, 2012a).

period. The High Judicial Council designates the court in which the “Mediation Department” is established, and, upon recommendation by the Minister of Justice, its president may designate “private mediators”, to be selected among retired judges, lawyers, professionals and other individuals with proven experience, impartiality and integrity.

Article 2 provides for the referral of disputes to mediation by the mediation judge or by a private mediator, upon request by the parties or by the judge, with their agreement. Moreover, the parties, with the approval of the case management judge or the magistrate judge, may agree to resolve the dispute through mediation by any person they deem fit. In this case, mediators designate their fees in agreement with the parties. In case the dispute is amicably settled, the claimant may recover the paid judicial fees.

Article 6 provides that the mediator should complete the work within a period not exceeding three months from the referral date. If the mediator reaches a partial or complete settlement, they shall submit a report to the case management judge and attach the settlement agreement signed by the parties, which after its ratification by the judge becomes the final judgment in the dispute. If the mediation has failed because of the failure of one of the parties or his legal representative to attend the sessions, the case management judge or the magistrate judge may impose a fine on that party.

Article 7 provides that the mediation procedures are confidential, and waivers made during it by the parties may not be used before the court or any other party. The confidentiality obligation also extends in case of using a private mediator appointed by the parties from outside the list of private mediators named in accordance with the provisions of this law.

Article 9 of the law provides that mediation judges may not decide a case that was previously referred to them for mediation under pain of nullity.

It should be noted that prior to the passing of the new Mediation Law, the CCCP No. 2 of 2001 provided that the High Judicial Council may appoint a judge, with the consent of the parties, to facilitate an amicable settlement of civil and commercial disputes referred to the courts of first instance and the magistrate. The settlement process shall be accomplished in 60 days from the day of referral to the settlement judge unless the parties agree otherwise. In the courthouse, this judge administers a voluntary – not mandatory – settlement process, which means that the court has no right to penalize any of the parties for withdrawal, disregard or refusal of the amicable settlement option. If one of the parties refuses to participate or withdraws, or the amicable settlement efforts fail to resolve the dispute, the case goes back to litigation without jeopardizing any of the parties’ rights. Notably, provisions 68–78 use the terms “settlement”, “conciliation” and “*sulh*” interchangeably; however, in reality, this role has never been practised due to the courts’ insufficient resources (judges, administrative staff, etc.). When a judge receives a case, they might ask the disputants if they want to go for amicable settlement or arbitration. If they accept the former, either party may make offers and counteroffers to settle the dispute before the judge, or they may try to settle out of court. Similar to the approach taken by the courts, “amicable settlement” is mentioned in Article 36 of Arbitration Law No. 3 of 2000, as the tribunal may, upon request of any of the parties or by its own decision, suggest a settlement (Besaiso, Fenn and Emsley, 2016).

Based in Bethlehem, Wi’am⁷⁵ Palestinian Conflict Transformation Centre is a non-governmental mediation centre that seeks to help Palestinians resolve disputes through discussion, reconciliation and mediation (*sulh*). In 2017, it assisted in 420 conflicts, with a total success rate of 85 per cent. Land-related cases handled by Wi’am included access to land and landownership (3 per cent), land and tenant

75 The Arabic word *wi’am* means “harmony”.

problems (3 per cent) and inheritance issues (5 per cent) (ELG, 2019).

Informal or tribal dispute resolution mechanism

In addition to the formal mechanisms of conflict resolution (the court system and formal ADR), an informal conciliation process (referred to as customary or tribal) goes hand-in-hand with, and sometimes fully independently from, the formal system. This conciliation process applies binding rules (under a system of tribal or customary law) that do not originate in the state nor are enforced by it (Khalil, 2009).

“Tribal conciliation has been used to describe both the process and the outcome of the conflict resolution processes carried out by tribal judges, who are the main actors in tribal informal justice, or by the conciliation committees established by the PA” (ELG, 2019).⁷⁶ The types of cases are not very different from those handled by the courts. It varies between civil and criminal cases, as people tend to resort to tribal informal justice in criminal more than civil cases. This is due to several factors; some have to do with the need for an immediate resolution as the court path takes more time (ibid.).

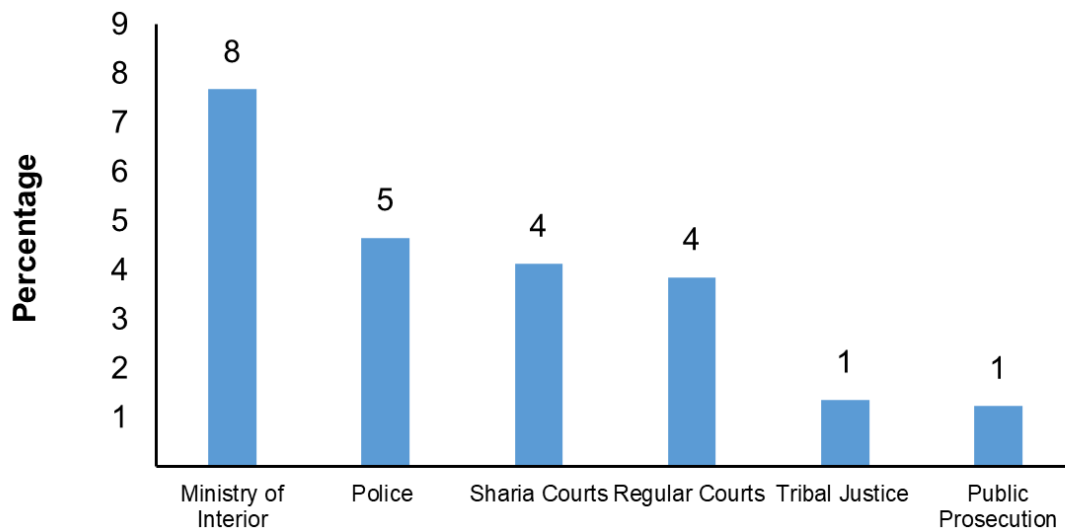
According to a 2021 survey, the share of adults who had positive experiences with tribal justice reached 63 per cent, whereas 51 per cent were

satisfied with the regular courts (PCBS, 2021a). Several factors explain the inclination towards tribal informal justice: social patterns in Palestine and a cultural preference for tribal solutions (exercising social pressure on the disputing parties), the quick results, and the low costs (ELG, 2019). Tribal judges had an important and prominent role in the customary dispute resolution sector in the Gaza Strip, following tribal *urf*, a process largely comparable to *sulh* conciliation or tribal law; however, they are no longer the dominant actors (NRC, 2012a).

Sulh, or conciliation, is “a method of dispute resolution through conciliation, based on the accommodation of custom, religion and tribal traditions. The term *sulh* refers both to the entire conciliation process as well as the final written agreement between the parties” (ibid.). The actual process is similar in urban and rural areas in the Gaza Strip, and tribal *sulh*, as practised among the Bedouin population and distinct from tribal law, is likewise comparable.

Currently, there is political will in Palestine to strengthen formal justice and formal ADR mechanisms and to abandon tribal justice, which was once encouraged by PA officials in order to strengthen their power and social control (Khalil, 2009). Recently, on 30 May 2019, President Abbas cancelled the 2012 decision that established the High Commission for Tribal Affairs (ELG, 2019).

76 On 9 November 1994, the late president Yasser Arafat issued presidential Decree No. 161 of 1994, establishing a Department of Tribal Affairs as part of the President’s Office. It proceeded to draw up internal directives regulating its activities and to prepare internal directives determining the administrative status of its employees and specifying a number of conditions and requirements for *islah* men and tribal judges. In 2004, the Department of Tribal Affairs succeeded in establishing central *sulh* committees in several Palestinian governorates (Khalil, 2009).



Palestinian security and justice institutions

Figure 28: Share of adults interacting with security and justice institutions in the West Bank (2021).
Source: PCBS (2021).

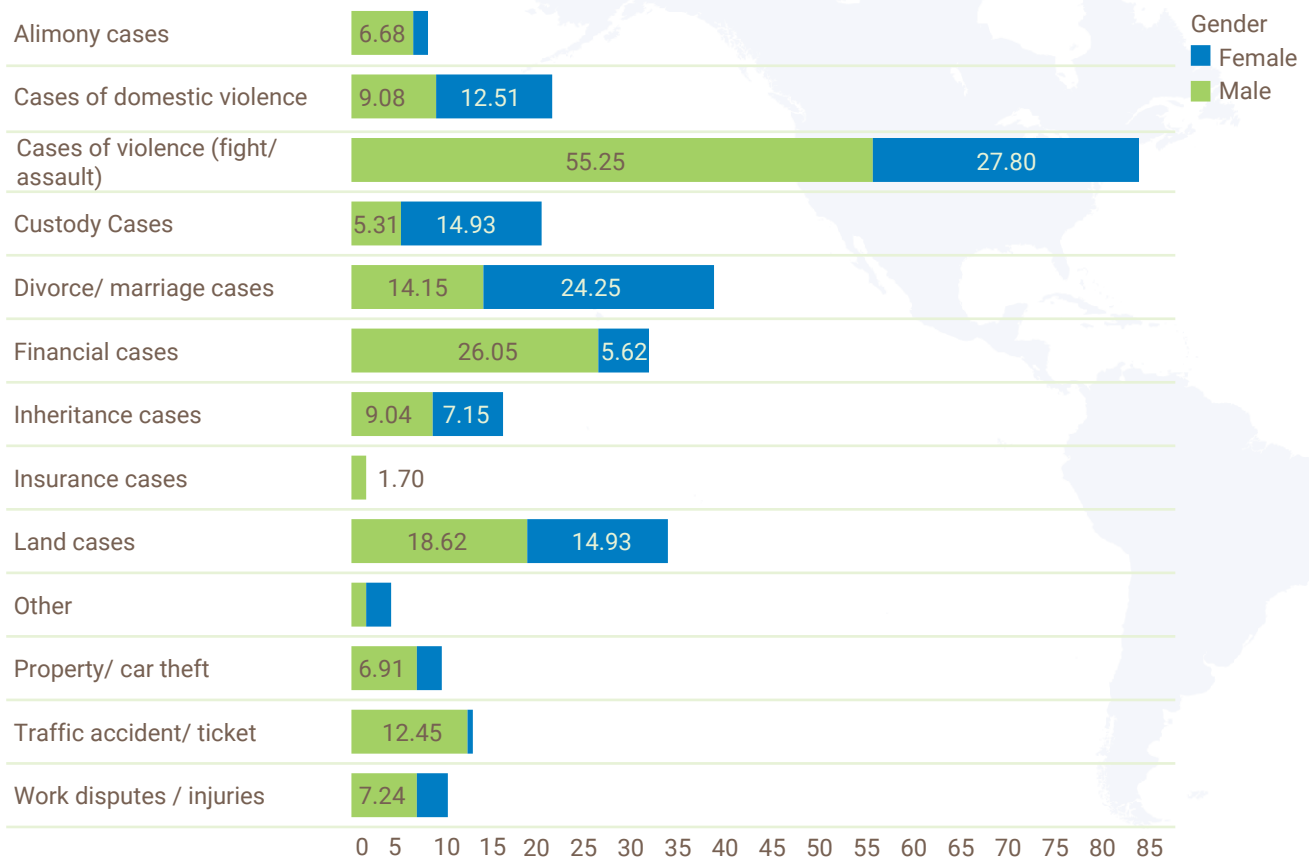


Figure 29: Reason for resorting to tribal justice, according to gender (2018).
Source: ELG (2019).



Figure 30: Old City, Jerusalem
Source: Flickr/Ted Swedenburg



03

**LAND-RELATED
LEGAL
FRAMEWORK**

3 LAND-RELATED LEGAL FRAMEWORK

The legal system in Palestine is complicated and unique because of the different authorities that ruled over Palestine throughout history. As a result, multiple legal systems have shaped its political and legal structures. The partition of Palestine resulted in complex and varying legal systems in the West Bank, the Gaza Strip and Jerusalem, as well as within part of Palestine in 1948 (Birzeit University, n.d.).

The current land-related legal framework is fragmented, outdated and infused by several inconsistent and overlapping land laws. The Ottoman Land Code of 1858 still applies to land tenure in Palestine, and the Mecelle⁷⁷ of 1876 (Ottoman Civil Code) is still in force in the West Bank and the Gaza Strip, regulating important land-related matters such as the contract of sale, lease, mortgage, donation, priority rights and many others. A new Civil Code No. 4 of 2012 was issued to cover new legal matters not covered by the Mecelle, such as family property, lease of agricultural lands and terms of the obligations.⁷⁸ Article 1301 of the new Civil Code provides that “the provisions of the Mecelle shall remain valid in matters not governed by the Civil Code”. Moreover, a few British High Commissioner land-related laws are still in force, such as the Land Transfer Law of 1920 and the Land Settlement of Title Ordinance of 1928, and courts in the West Bank and the Gaza Strip issue judgments based on them. The Land Settlement of Title Ordinance of 1928 is the basis of the Planning and Building Law No. 79 of 1966 (issued under Jordanian rule), which entered into effect approximately nine months before Israel occupied the West Bank (NRC, 2012).

Today, more than 26 pieces of legislation apply to land settlement and registration in Palestine (MAS, 2013). They include overlapping and sometimes conflicting Ottoman, British, Jordanian and Egyptian laws, in addition to Israeli military orders. In the West Bank, land settlement and registration are mostly based on Jordanian land laws: the Law of Settlement of Lands and Waters No. (4) for the year 1952 and the Immovable Assets Registration Law for Never Registered Assets No. 6 of 1964. In the Gaza Strip, Egyptian legislation is still applied to land registration, such as the 1954 Egyptian governor declaration ordering the registration of unregistered land with the Property Tax Directorate⁷⁹ and Order No. 575 of 1957, issued to commence the operations of the Land Registration Department, whose records are the sole means to prove land rights (Article 14)⁸⁰ (NRC, 2015b).

Moreover, a number of different laws and directives, including the Land Acquisition for Public Purposes Law of 1943, Absentee Property Law of 1950, and Planning and Building Law of 1965, apply to Palestinians in East Jerusalem. Israeli authorities have used these laws to dispossess Palestinians of their privately owned land and properties in East and West Jerusalem, in violation of international law (UN-Habitat, 2015).

In 1993, with the signing of the Oslo Accords between Israel and the PLO and the establishment of the PA in 1994, new land-related laws, decisions and instructions were issued, further complicating the legal framework. The President of the PA, Yasser Arafat, issued Decision No. 1 on 20 May 1994, which stipulated that the laws

77 The full name is *Mjallet alahkam aladlieh* which translates into English as the Magazine of Judicial Judgments.

78 Even with the promulgation of the new Palestinian Civil Code, the issue of multiplicity of legal regimes has not been resolved. Jordanian Civil Code No. 43 of 1976, as amended, has replaced the Mecelle in the West Bank, whereas the Mecelle and the new Palestinian Civil Code No. 4 of 2012 apply in the Gaza Strip.

79 By this decision, land was registered in the name of the individual in physical possession of the land in exchange for a land tax of one-tenth of the value (NRC, 2015b).

80 Article 15 stipulates that any person who owns land or has rights registered in lost records must apply to the land registration department and show official certificates of proof within one month from the date of the issuing of the administrative order (NRC, 2015b).

and regulations dating prior to 5 June 1967 will remain in effect until the unification of the laws of the West Bank and the Gaza Strip. In December 1996, the first legislative elections were organized in the occupied Palestinian territory. The elected Legislative Council enacted several laws to unify said laws, but this goal has not been achieved to date (NRC, 2015).

Since the 2007 split (the de facto Hamas-led government in Gaza and PNA in the West Bank), the PLC has been unable to propose, adopt or approve any legislation, which led to the Palestinian President replacing the PLC and acting as the legislative body (PMO, 2018). For example, the draft of the Unified Urban Planning Code has not been passed due to the absence of the Legislative Council. A reconciliation agreement was signed in 2017, which will speed up the process of reunifying legislative bodies and the return of the PLC as the legislative body in the State of Palestine (PMO, 2018).

At present, the ongoing Israeli occupation of most Palestinian land, the division of the West Bank into three areas of control (A, B and C) and the resulting difference in land legal systems, in addition to the Palestinian political division, are certainly among the main challenges impeding reform of the land-related legal framework.

3.1 Palestinian Basic Law (Constitution)

Palestinian Basic Law is the temporary constitution for the PA until the establishment of an independent state and a permanent constitution for Palestine can be achieved. The Basic Law was passed by the PLC in 1997 and ratified by President Yasser Arafat in 2002. It has subsequently been amended twice: in 2003 to introduce the post of Prime Minister and in 2005 to conform to the new election law. The parallel effort to draft a permanent Palestinian constitution for an independent state was shelved in favour of amending the existing Basic Law (2008).

The titles of the Basic Law include a group of modern constitutional rules and principles that address public and personal rights and liberties, to achieve justice and equality for all without discrimination. Moreover, it provides that Palestine is part of the larger Arab world, and that the Palestinian people are part of the Arab nation (Article 1). Islam is the official religion in Palestine, and the principles of Islamic sharia are a principal source of legislation (Article 4).

The governing system in Palestine is a democratic parliamentary system based on political and party pluralism. The President of the National Authority is directly elected by the people. The government shall be accountable to the President and to the Palestinian Legislative Council (Article 5). Articles 118 and 119 confirm the supremacy of Palestinian Basic Law. All laws, regulations and decisions in force before the implementation of this law shall remain in force to the extent that they do not contradict the provisions of this Basic Law. Any legal provisions that contradict the Constitution are to be repealed.

Property rights

The Palestinian Basic Law of 2003, as amended, provides for several key rights:

- **Right to respect of residence.** “Homes shall be inviolable; they may not be subject to surveillance, broken into or searched, except in accordance with a valid judicial order and in accordance with the provisions of the law. Any consequences resulting from violations of this article shall be considered invalid. Individuals who suffer from such violation shall be entitled to a fair remedy, guaranteed by the Palestinian Authority” (Article 17).
- **Right to private property and protection against expropriation and confiscation.** “Private property, both real estate and movable assets, shall be protected and may not be expropriated except in the public interest and for fair compensation in accordance with the law or pursuant to a judicial ruling” (Article 21/3). Moreover, Article 21/4 provides that “Confiscation shall be in accordance with a judicial ruling.”

- **Right to adequate housing.** “Every citizen shall have the right to proper housing. The Palestinian Authority shall secure housing for those who are without shelter” (Article 23).
- **Right to a clean environment.** “The enjoyment of a balanced and clean environment is a human right. The preservation and protection of the Palestinian environment from pollution for the sake of present and future generations is a national duty” (Article 33).

However, Palestinian Basic Law does not provide for

- Right to water; and
- Right to protection from displacement.

Inheritance

Article 9 provides that “Palestinians shall be equal before the law and the judiciary, without distinction based upon race, sex, colour, religion, political views or disability”. Moreover, Article 4(1) provides that “Islam is the official religion in Palestine. Respect for the sanctity of all other divine religions shall be maintained”. Islamic sharia rules of inheritance apply to Muslims. According to sharia, inheritance is limited to property, and the marriage bond and lineage are causes of inheritance (WCLAC, 2014). The Jordanian Personal Status Law of 1976 is applied in the West Bank, and the Family Law of 1954 is applied in the Gaza Strip (both based on sharia law). Sharia rules regarding inheritance generally provide that a female receives half the amount given to a male sibling (UNDP, 2018).

The Islamic system of inheritance also applies to non-Muslims. Ecclesiastical courts lack an inheritance system of their own. However, Christian denominations are not legally bound to use the Islamic law of inheritance. Christian ecclesiastical courts in Palestine handle all legal matters relating to personal status, including inheritance for Christians (WCLAC, 2014). Each Christian denomination has its own set of personal status laws (WCLAC and DCAF, 2012). For example, the Personal Status Law for the

Syriac Orthodox of 2000, valid in the West Bank and the Gaza Strip and applied by the Orthodox churches, provides that the distribution of inheritance shares to legal heirs shall be done in accordance with the Civil Probate Law (Article 106) (Al-Muqtafi, n.d.).

Gender

The following articles of the Basic Law have an impact on women and gender justice:

- “Islam is the official religion of Palestine; respect for the sanctity of all other divine religions shall be maintained, and the principles of sharia shall be a principal source of legislation” (Article 4).
- “Palestinians shall be equal before the law and the judiciary, without distinction based on race, sex, colour, religion, political views or disability” (Article 9).
- “Basic human rights and liberties shall be protected and respected” (Article 10).

Palestinian legislation recognizes women’s unrestricted right to ownership and does not discriminate in land or property registration or housing construction. However, access to housing, land and property in Palestine is mostly through inheritance, which is realized under a prevalent patriarchal culture (WCLAC, 2014). In practice, women often do not even receive their legal entitlement of inheritance and may be pressured by male relatives to waive their rights entirely (UNDP, 2018), in consideration of some financial reimbursement or price to be agreed between them. Known as *takharuj*, this is a compromise among the heirs, expressed in a monetary amount. Most women who consented to *takharuj* regretted it because they ended up compromising their share of the inheritance. They would much rather prefer their legally prescribed shares instead (WCLAC, 2014). A Circular on *Takharuj* was issued, restricting its implementation and ensuring that parties fully understand their rights. As a result, such transactions fell dramatically during 2012 and 2013 (*ibid.*). Sadly, in some cases women have been murdered for demanding their inheritance.

The families have pretended that the murders were due to the woman's misconduct and, thus, were "required" to preserve honour. Some non-Muslim communities resort to sharia rules on inheritance when their own religious law is ambiguous (UNDP, 2018).

With respect to women's financial rights regarding the property jointly acquired by spouses during their marriage, personal status laws do not clearly define how common property is to be used after divorce. This legal gap threatens women's economic security. Gaps in some Palestinian legislation are inconsistent with the Basic Law no discrimination principle and the commitments of the State of Palestine under the Convention on the Elimination of All Forms of Discrimination against Women, ratified in 2009 (WCLAC and DCAF, 2012).

Decentralization

Studies of decentralization of land reform administration in the late 1960s and early 1970s concluded that, if properly carried out, decentralization increases officials' knowledge of local conditions, motivates community leaders to take an active role, creates better communications between local residents and leaders as well as between local and national officials, and increases community solidarity and interest in land reform projects (Rondinelli, Nellis and Shabbir Cheema, 1983).

Palestinian Basic Law promotes decentralization and local administration through Article 85:

1) The law shall organize the country into local administrative units, which shall enjoy the status of a legal person. Each unit shall have a council elected directly, as prescribed by law. 2) The law shall specify the areas of responsibility of the local administrative units, their financial resources, their relations with the central authority and their role in the preparation and implementation of development plans. The law shall specify the aspects of oversight over these units and their various activities. 3) Demographic, geographic, economic and political parameters shall be

taken into consideration at the time of defining the administrative divisions so as to preserve the territorial unity of the homeland and the interests of the communities therein.

Since the establishment of the Ministry of Local Government in 1994 and Local Authorities Law in 1997, there are two subnational levels of administration: governorates as deconcentrated entities at the regional level and self-governing municipalities and village councils at the local level. The governorates are under the direct supervision of the Ministry of Interior, while the municipalities and village councils are overseen by the MoLG through its offices in the governorate's capital city (UCLG, 2019).

At the regional level, there are sixteen governorates, nine in the West Bank and five in the Gaza Strip. Two additional governorates in the West Bank have the status of separate "autonomous district", Tubas and Salfit. These units are relevant, moreover, as electoral constituencies. All governorates are headed by governors, appointed by the President of the Palestinian Authority. Governors manage the security forces and monitor basic service provision, such as education and health, at the regional level (ibid.).

At the municipal level, there are 456 local government units, 121 classified as municipalities and 335 as village councils. The distinction is mainly based on size; most municipalities have more than 5,000 inhabitants. The Local Authorities Law specifies 27 domains of activities under the direct jurisdiction of Palestinian municipalities, including town planning, delivering building permits and regulating commerce and industry. In addition, municipalities are authorized to regulate services in fields such as building construction; water supply, electricity supply, sewage and other infrastructural services; public health monitoring, including collection and disposal of solid waste; cultural and sports activities and public parks; natural disasters prevention and risk-management; budget approval and management; in addition to constructing and maintaining

schools. Although the 1997 Law contains several provisions on municipal autonomy and responsibility, ministries de facto execute most of these tasks. The financial resources of Palestinian municipalities are sporadic and unpredictable. The municipalities and village councils have the same financing sources, with the exception that village councils are not assigned property tax revenues but collect an education tax instead. The lack of a stable financial inflow from property tax affects the ability of village councils to meet their development and capital investment needs. Other sources of revenues for municipalities derive from fees levied for the provision of public goods and services (ibid.).

3.2 Land-related laws, presidential decrees and decisions

According to Palestinian Basic Law of 2003, as amended, the Palestinian Legislative Council is the elected legislative authority and has the power to legislate (Article 47/1). Under the Oslo Accords, the PLC was created as the legislative branch of the Palestinian Authority, and it is composed of 132 members representing the Gaza Strip, the West Bank and East Jerusalem.

Moreover, the PA President has “the right, in cases of necessity that cannot be delayed and when the PLC is not in session, to issue decrees that have the power of law. These decrees should

be presented to the Legislative Council in the first session convened after their issuance to approve them; otherwise, they will cease to have the power of law” (Article 47 of the Basic Law). The most important land-related legislation issued by Presidential Decree are the “Establishment of the Land Authority” Law No. 19 of 2002 and the “Conservation of State Lands and Properties” Law No. 22 of 2018.

Because the PLC has not met in a regular session since 2007, due to the ongoing split between the Palestinian Authority and the de facto administration in the Gaza Strip, the President has increasingly ruled through presidential decrees (ECFR, 2021). The Prime Minister in Palestine has the power to issue necessary decisions in accordance with the law (Article 68/1 of the Basic Law). In addition, the Council of Ministers has the right to transmit draft laws to the Legislative Council (prepared by each ministry and related to its work) to issue regulations and to take necessary actions to implement laws (Article 70 and 71 of Basic Law).

Despite the clear constitutional partition of the power to legislate in Palestine, different laws apply to the West Bank and the Gaza Strip. The lack of a unified legal framework is the root of many inconsistencies and gaps in current land-related legislation. A broad overview of the various legislation related to land and property rights, land administration and management is provided in Annex 1.



04

**INSTITUTIONAL
FRAMEWORK AND
STAKEHOLDERS**

4 INSTITUTIONAL FRAMEWORK AND STAKEHOLDERS

4.1 Government stakeholders: ministries

According to Article 64 of Palestinian Basic Law, the Council of Ministers is comprised of the Prime Minister and several ministers, not to exceed 24 in number. The current 18th Government of the PA, established by a Presidential Decree issued on 13 April 2019, is organized into 22 ministries under the Prime Minister.

Of these, nine are engaged in various land-related functions: Ministry of Public Works and Housing (MoPWH),⁸¹ Ministry of Local Government (MoLG),⁸² Ministry of Agriculture (MoA),⁸³ Ministry of Finance (MoF),⁸⁴ Ministry of Tourism and Antiquities (MoTA),⁸⁵ Ministry of Awqaf and Religious Affairs (MoARA),⁸⁶ Ministry of Justice (MoJ),⁸⁷ Ministry of Jerusalem Affairs (MoJA)⁸⁸ and Ministry of Interior (MoI).⁸⁹ The tables below summarize the main land-related functions of each ministry and its subentities.

Table 17: Land-related functions at the Ministry of Public Works and Housing

Ministry of Public Works and Housing	
Institution	Role and Function
General Administration of Urban Policies and Planning ⁹⁰	<p>Responsibilities:</p> <ul style="list-style-type: none"> • Developing appropriate policies for the development of the housing and construction sector and preparing the necessary legislation and regulations for the urbanization's management, organization and guidance. • Choosing the appropriate sites and locations for the establishment of housing projects, new cities and villages, preparing their detailed and structural plans, and preparing urban plans for the development and improvement of existing residential areas. • Preparing the general housing plan in Palestine, in coordination with the LGU councils and other competent bodies. • Preparing economic and social feasibility studies for various urban projects. • Preparing architectural and construction design standards and measures in accordance with the plans and policies of land use in various projects.

81 For more information on MoPWH, please visit its website (<http://www.mpwh.ps/>).

82 The official website of MoLG (<https://molg.pna.ps/AR>) indicates that its organizational structure is currently being updated. The listing in the table is based on the 2008 organization structure and might have changed.

83 For more information on MoA, please visit its website (<https://www.moa.pna.ps/>). No organizational structure is shared on its website.

84 For more information on MoF, please visit its website (<http://www.pnof.ps/pnof/index.php>).

85 For more information on MoTA, please visit its website (<https://tourism.ps/>).

86 The official website of MoARA (<https://www.pal-wakf.ps/ar>) is under construction.

87 For more information on MoJ, please visit its website (<http://www.moj.pna.ps/>).

88 For more information on MoJA, please visit its website (<https://moja.pna.ps/>).

89 For more information on MoI, please visit its website (<https://www.moi.pna.ps/home/>).

90 For more information on the General Administration of Urban Policies and Planning, please visit <http://www.mpwh.ps/article/read/190>.

Ministry of Public Works and Housing	
Institution	Role and Function
	<ul style="list-style-type: none"> • Developing mechanisms and regulations for different social groups to benefit from housing projects and organizing all related procedures. • Following up on cooperative housing plans and projects, and supporting the housing associations. <p>Departments:</p> <ul style="list-style-type: none"> • Urban development • Rural development • Informal housing • Field survey and maps preparation • Local government affairs • Policies and legislation
General Administration of Cooperative Housing and Real Estate ⁹¹	<p>Responsibilities:</p> <ul style="list-style-type: none"> • Contributing and participating in housing strategies, formulating goals and objectives, and determining future needs of housing units and targeted groups. • Participating with other MoPWH administrations in achieving qualitative and quantitative increases in the national housing stock, providing the health and social conditions needed by Palestinian families, in particular those with low and limited incomes. • Monitoring, recording and updating all statistics and data related to the housing sector. • Participating in identifying targeted groups of the housing programmes. • Participating in setting and improving specifications and standards for housing projects, housing units, infrastructure and public utilities at the lowest costs; and ensuring that the minimum technical specifications are available. • Working to increase investments in the field of cooperative housing, its infrastructure and public utilities. • Coordinating with donors and lending institutions interested in developing the housing sector and its infrastructure, to provide the necessary funding. • Monitoring and inventorying the list of real estate units owned by MoPWH, the number of sold, leased and vacant units, and establishing the mechanisms for their utilization, updating it whenever necessary, and reviewing and deciding on submitted applications. • Reviewing requests by cooperative housing societies, deciding on them accordingly, and following up on the implementation stages. • Reviewing requests for aid, grants and loans, and deciding on them according to specific criteria.

91 For more information, please visit <http://www.mpwh.ps/article/read/355>.

Ministry of Public Works and Housing	
Institution	Role and Function
	<ul style="list-style-type: none"> • Creating a database of all beneficiaries of housing projects and all real estate units affiliated with MoPWH. • Carrying out all work related to guarding housing projects in the governorates and preventing infringements. <p>Departments:</p> <ul style="list-style-type: none"> • Residential units and real estate • Cooperative housing • Housing fund • Research and follow-up
General Administration of Buildings and Facilities ⁹²	<p>Responsibilities:</p> <ul style="list-style-type: none"> • Preparing all designs and bidding documents for all buildings, facilities and infrastructure projects implemented by MoPWH, either through the administration's staff or with the help of consulting offices and companies. • Reviewing and evaluating projects prepared by the ministry or externally. • Following up with the supervision department regarding the necessary clarifications and modifications during the implementation process. <p>Departments:</p> <ul style="list-style-type: none"> • Architectural designs • Constructional designs • Electrical and networks designs • Mechanical designs • Health designs
General Administration of Technical Supervision and Follow-up ⁹³	<p>Responsibilities:</p> <ul style="list-style-type: none"> • Supervising all MoPWH projects, including buildings, government facilities, roads and infrastructure; following up on their implementation, maintenance and restoration works; ensuring projects are implemented according to the plans, specifications and conditions signed and approved by the Ministry; and working to prevent any transgression, error, manipulation or delay in completing the work stages. • Reviewing the structural and architectural designs, and following up on all necessary tests, whether for soil or materials used in the projects. <p>Departments:</p> <ul style="list-style-type: none"> • Buildings and facilities supervision • Road supervision and maintenance • Electromechanical and infrastructure supervision

92 For more information, please visit <http://www.mpwh.ps/article/read/194>.

93 For more information, please visit <http://www.mpwh.ps/article/read/195>.

Ministry of Public Works and Housing	
Institution	Role and Function
	<ul style="list-style-type: none"> • General restoration and maintenance • Coordination and follow-up • Verification and quantities
General Administration of Roads ⁹⁴	<p>Responsibilities:</p> <ul style="list-style-type: none"> • Preparing engineering, construction and water studies needed for the design of main, regional and transverse roads in the governorates, as well as preparing the needed development studies and designing these roads. • Preparing engineering, construction and water studies needed for the design of bridges and tunnels in the governorates, designing these bridges and tunnels, or supervising the engineering offices assigned with the work. • Participating in the development of legislation on roads, bridges and tunnels. • Participating in setting technical specifications for roads, bridges, tunnels and asphalt mixtures. • Developing plans, programmes, projects and budgets for maintenance and restoration of the existing network of roads, bridges and tunnels. <p>Departments:</p> <ul style="list-style-type: none"> • Roads studies • Roads designs • Tunnels, bridges and major projects • Traffic, safety and roads maintenance

Table 18: Land-related functions at the Ministry of Local Government

Ministry of Local Government	
Institution	Role and Function
Higher Planning Council	<p>The HPC is responsible for approving regional plans, according to Article 18 of Law No. 79 of 1966 (Jordanian Planning Law, in force in the West Bank). Its main powers are outlined in Article 6. The Minister of Local Government presides over the HPC, which is composed of nine members (Article 5).</p> <p>Responsibilities:</p> <ul style="list-style-type: none"> • Making recommendations on the declaration of planning areas, expanding them or changing their boundaries; approving regional and outline plans; and hearing appeals against the decisions of the district committees. • Preparing regulations on planning and building, and presenting them to the government for approval. • Approving land-use plans, building provisions and land classification.

94 For more information, please visit <http://www.mpwh.ps/article/read/197>.

Ministry of Local Government	
Institution	Role and Function
	<p>Members:</p> <ul style="list-style-type: none"> • Minister of Interior • Mayor of the Capital City • Director General of the Ministry of Public Works and Housing • Secretary-General of the Jordanian Building Council • Director of the Housing Authority • Director of the Planning Bureau • Attorney General • Chairperson of the Engineering Association • Director General of the Ministry of Health
General Administration for Organization and Urban Planning	<p>Responsibilities:</p> <ul style="list-style-type: none"> • Defining the proposed joint planning areas in the context of preparing the framework plan that guides spatial development. • Publication of joint planning areas on the website of the MoLG. • Supervising the preparation and conclusion of general agreements between local bodies involved in planning. • Agreeing with local authorities on the joint planning process. • Facilitating the provision of basic planning information (in particular, basic maps and aerial photographs), in addition to funding sources for local planning. • Providing general guidance and technical assistance in piloting and publishing the proposed planning approach. • Develop proposals to amend technical regulations and provisions according to their need in publishing the proposed planning approach. • Developing policy guidelines and planning standards. • Adjusting and evaluating the experience of applying the new approach to planning. • Ensuring and activating community participation in the planning process. • Reviewing the framework scheme that guides spatial development and studying the extent to which it is related to development plans and spatial plans at all levels. • Providing a favourable opinion, which is necessary for the approval of urban plans (framework plan guiding spatial development, organizational expansion and land-use schemes).
General Administration for Projects	<p>The General Administration for Projects is responsible for implementing MoLG projects. The Ministry's 2020 Yearly Performance Report indicates that the implemented projects are a basic pillar of its strategy. In total, 381 LGUs have benefited from empowering and strengthening their capabilities and enhancing the services they provide to citizens: public services, sanitation, roads, solid waste and infrastructure. The road sector was the largest recipient, accounting for 62 per cent.</p>

Ministry of Local Government	
Institution	Role and Function
Local Government Directorates	<p>MoLG has 16 local government directorates (also known as organization and planning departments) in Jerusalem and different cities of the West Bank and the Gaza Strip.</p> <p>Responsibilities:</p> <ul style="list-style-type: none"> • Providing technical support and assisting local government bodies in concluding agreements on joint planning initiatives. • Assisting local authorities in preparing guiding frameworks for spatial development and land-use plans. • Following up procedures related to the framework scheme guiding spatial development with the regional committee and local bodies. • Following up procedures related to the adoption and approval of the organizational expansion plans and land-use plans with the Regional Committee and HPC.

Table 19: Land-related functions at the Ministry of Agriculture

Ministry of Agriculture	
Role and Function	
<p>MoA tasks are determined by Article 2 of Agriculture Law No. 2 of 2003, as amended in 2005.</p> <p>Responsibilities:</p> <ul style="list-style-type: none"> • Defining the legal framework for agricultural strategies and policies; and setting a plan and programmes for sustainable agricultural development. • Rationalizing and optimizing the utilization of agricultural natural resources to ensure their sustainability. • Preserving animal and plant health; and combating animal, plant, epidemiological, infectious, and common diseases. • Developing guiding services; and raising the level of agricultural awareness and its role in development. • Organizing, developing and protecting agricultural research and applications; facilitating the introduction of modern technologies; and establishing a database of agricultural statistical data and information. • Preparing the infrastructure for agriculture; encouraging investment in it; and encouraging the necessary and cooperative agricultural frameworks and agricultural unions. • Developing the prevailing agricultural systems and patterns; developing, protecting and rehabilitating pastures and forests; managing and protecting natural resources, wildlife and marine life; conserving agricultural biodiversity; and combating desertification in cooperation with the concerned parties. • Developing and modernizing the Palestinian countryside by achieving integrated rural development. • Enhancing Palestinian food security. • Participation in the maintenance of public health. 	

Table 20: Land-related functions at the Ministry of Finance

Ministry of Finance	
Institution	Role and Function
General Administration for State Property Accounts ⁹⁵	<p>It was established in 2006 to inventory governmental properties of the ministries and institutions of the PA, in order to provide a comprehensive and clear database of government properties that assists the competent authorities in making decisions.</p> <p>Responsibilities:</p> <ul style="list-style-type: none"> • Inventory, registration and documentation of a comprehensive inventory of all state property and government buildings, vehicles, heavy equipment and in-kind aid; and recording them as PA assets. • Working on defining the powers and tasks of these departments to ensure that there is no duplication in work and overlapping of responsibilities with other ministries and agencies. • Maintaining the properties of the PA. • Working to own instead of rent the buildings of the ministries and institutions. <p>Services:</p> <ul style="list-style-type: none"> • Government vehicles of all types • Government buildings and property • Heavy equipment of all types • Housing projects • Absentee property • Land commissioning committee for expropriation purposes
General Administration for Property Tax ⁹⁶	<p>Responsibilities:</p> <ul style="list-style-type: none"> • Handling unregistered lands (finance land). It supervises the land that was not mapped or surveyed during the British mandate (30 per cent of the Gaza Strip and 70 per cent of the West Bank). It organizes, registers, and issues title deeds to prove ownership, which is an essential step to obtaining a building permit and construction (NRC, 2018). Furthermore, it is the only entity that maintains property records for all the governorates of the country. This gave the Administration an exceptional role in addition to its role in assessing, delineating and levying the tax and making it function as a parallel land authority in Palestine. In fact, maintaining citizens' property records and renewing them is its main objective (MoF, 2018). • Imposing and collecting property tax on all lands, whether registered with the General Administration for Property Tax or with the PLA (Tabu department) (NRC, 2015). • Conducting appraisals of all lands, whether registered with the General Administration for Property Tax or with the PLA (Tabu department) (NRC, 2015). One of its objectives is to conduct a comprehensive reassessment of all old and new municipalities, in addition to changing the current estimation mechanisms and replacing them with modern ones in line with international standards (MoF, 2018).

95 For more information, please visit <http://www.pmf.ps/pmf/internal.php?var=13&id=28>.

96 Also known as the Property Tax Directorate, previously known as the Directorate of Income and Property Tax (NRC, 2015b). For more information, please visit <http://www.pmf.ps/pmf/internal.php?var=13&id=29>.

Ministry of Finance	
Institution	Role and Function
	<p>Services:</p> <ul style="list-style-type: none"> • Financial statements • Tax payment certificates • Certificates of lack of property • Matching names of sharia courts • Municipal clearance certificate • Social affairs transactions • Tax withholding transactions • Transactions to change disposition (ownership) • Property tax levy • Attestation of rental contracts • Occupational licences • Reviews and assessments • A certificate of clearance for the title deed • Proof of ownership certificates • Implementation of court decisions • Imposition of liens according to court decisions • Absentee property file management <p>Departments:</p> <ul style="list-style-type: none"> • Tax inspection and investigations • Appraisal • Accounts • Office affairs follow-up <p>Local offices:</p> <ul style="list-style-type: none"> • Property tax south of Hebron/Dora • Hebron property tax • Bethlehem property tax • Abu Dis property tax • Jericho property tax • Ramallah property tax • Salfit property tax • Nablus property tax • Tulkarm property tax

Ministry of Finance	
Institution	Role and Function
	<ul style="list-style-type: none"> • Qalqilya property tax • Jenin property tax • Yatta property tax • Tubas property tax • Ram property tax

Table 21: Land-related functions at the Ministry of Tourism and Antiquities

Ministry of Tourism and Antiquities	
Institution	Role and Function
Heritage Advisory Council	<p>It was established by Article 10 of the “Tangible Cultural Heritage Law”, approved by Presidential Decree No. 11 of 2018. The Heritage Advisory Council is chaired by the Minister of Tourism and Antiquities. Members are selected from the following 13 stakeholders: MoTA Undersecretary, serves as Vice President; Assistant Undersecretary for Heritage; Assistant Undersecretary for Tourism; one representative from MoLG, MoARA, PLA and EQA (rank of general manager or higher); representatives of competent academic institutions, representatives of NGOs working in the field of heritage, in addition to experts with experience in heritage.</p> <p>Responsibilities:</p> <ul style="list-style-type: none"> • Suggesting guiding policies related to heritage preservation, protection, management and development. • Discussing the strategic plan for heritage. • Searching for a mechanism to provide the necessary financial support for heritage preservation projects. • Proposing sites for the heritage register, or its preliminary list, and for the World Heritage List. • Providing advice for the management and preservation of sites on the World Heritage List. • Forming specialized technical committees to carry out the tasks specified in accordance with the provisions of this Law. • Any other issues presented to it by the Chairperson.
General Administration for the Protection of Antiquities	<p>Responsibilities:</p> <ul style="list-style-type: none"> • Granting building permits, in cooperation with other competent authorities. • Protecting antiquities, movable and immovable material cultural heritage and historical sites.
General Administration of Museums and Excavations	<p>Responsibilities:</p> <ul style="list-style-type: none"> • Excavating in search of antiquities and carrying out archaeological rescue excavations, in cooperation with other competent authorities.

Ministry of Tourism and Antiquities	
Institution	Role and Function
General Administration of Restoration and Sites	Responsibilities: <ul style="list-style-type: none"> Restoration and preservation of archaeological sites.
General Administration for the National Register and Preservation	Responsibilities: <ul style="list-style-type: none"> Preparing an inventory of all antiquities, historical sites and material cultural heritage in Palestine and preserving it from being lost.

Table 22: Land-related functions at the Ministry of Awqaf and Religious Affairs

Ministry of Awqaf and Religious Affairs
Role and Function
<p>MoARA was established in 1994 as the body responsible for the management and supervision of <i>waqf</i> land and assets in Palestine. Before, the Islamic High Sharia Council, established in Jerusalem during the British mandate, executed <i>waqf</i> administration in the whole of Palestine. By 1957, the Egyptian Administration established the Islamic <i>Waqf</i> Administration, by Order No. 564 of 1957, which assumed this responsibility in the Gaza Strip. After the establishment of the PA, the Ministry of <i>Waqf</i>, Sacred, and Religious Affairs became the body responsible for the administration of <i>waqf</i> land in the Gaza Strip, through ministerial departments. The most important department is the <i>Waqf</i> Property Directorate. This is the body authorized to issue decisions on the administration of <i>waqf</i> properties, from its establishment to the subsequent investment and/or lease. The returns from <i>waqf</i> property are a major contribution to the budget of the Ministry (NRC, 2015).</p> <p>One of the main strategic objectives of MoARA is preserving and maintaining <i>waqf</i> property, protecting it against infringement and working on its development and optimal investment (socialprotection.org, 2021).</p> <p>Departments:</p> <ul style="list-style-type: none"> General Administration of Property is responsible for management and supervision of <i>waqf</i> property; and for establishing, preserving, cataloguing and archiving historical endowments (manually and electronically). Directorates of Endowments are responsible for discharging the duties of MoARA in the governorates, five in total in the Gaza Strip: Directorate of the northern endowment, Directorate of Gaza Awqaf, Central Awqaf Directorate, Directorate of Awqaf Khan Younis and Directorate of Rafah Oqaf (ibid.).

Table 23: Land-related functions at the Ministry of Justice

Ministry of Justice	
Institution	Role and Function
General Administration of Professional Affairs and Alternative Dispute Resolution ⁹⁷	<p>It oversees the special regulations needed for ADR. Its jurisdiction is based mainly on the Palestinian Arbitration Law No. 3 of 2000, its Executive Regulation No. 39, and Law No. 1 of 2002 related to the follow-up of the work of charitable associations and other specialized civil bodies.</p> <p>Responsibilities:</p> <ul style="list-style-type: none"> • Preparing regulations for accreditation of arbitrators, where the Minister issues decisions, instructions and regulations for lists of accredited arbitrators. • Creating a register of accredited arbitrators approved by the Ministry, in accordance with the related decisions, instructions and regulations. • Providing the courts with lists of names of accredited arbitrators for the court to appoint an arbitrator. • Developing legislation related to arbitration and seeking to raise the legal awareness of arbitration and other alternative means for resolving disputes. • Accreditation of experts and providing a list of their names to regular courts to choose from it, in accordance with the Regulation for the Accreditation of Experts issued by the MoJ No. 24/2 of 2020 and the amended Evidence Law No. 2 of 2019 (Experts Law of 2018). • Following up on the work of legal associations and agencies. <p>Departments:</p> <ul style="list-style-type: none"> • Associations affairs • Arbitration and dispute resolution
General Administration for Administrative Supervision of Courts ⁹⁸	<p>It is in charge of the administrative supervision of courts, in cooperation with the judicial authority. It hosts the Department of Public Notaries, who are public servants in Palestine, according to the Public Notaries Law No. 1 of 1952 (valid in the West Bank).</p> <p>Responsibilities:</p> <ul style="list-style-type: none"> • Landing irrevocable powers of attorney and keeping them • Providing unsettled land sales contracts (finance lands) • Certifying lease contracts <p>Public Notaries work under the supervision of the Head of the Court in their place of practice. MoJ oversees granting the official seal (Article 4 of the Public Notary Law No. 11 of 1952) and certifying land sales via power of attorney prepared by the Jerusalem Public Notary.</p>

97 For more information, please visit http://www.moj.pna.ps/ar_page.aspx?id=mm4GyZa2204259948amm4GyZ.

98 For more information, please visit http://www.moj.pna.ps/ar_page.aspx?id=mm4GyZa2208066960amm4GyZ.

Table 24: Land-related functions at the Ministry of Jerusalem Affairs

Ministry of Jerusalem Affairs
Role and Function
<p>Established in 2005 to support the steadfastness of Jerusalemites, it is headquartered in Al-Ram Village north of Jerusalem. It is the regulator and official representative – geographic, demographic and political – of all individuals and institutions, official and civil society, and civil bodies and organizations. The Ministry has been attacked several times by Israeli occupation forces (MoJA, 2021).</p> <p>Responsibilities:</p> <ul style="list-style-type: none"> • Preserving the real estates in Jerusalem and keeping them Palestinian. • Defending religious and historical institutions (Islamic and Christian). <p>Services:</p> <ul style="list-style-type: none"> • Assistance to obtain building permits. This service aims to enable building permit holders to start construction work in order to confirm the permit within one year of the permit issuance. • Financial assistance to pay the fines for building violations (30 per cent of the value of the violation). • Financial assistance to Jerusalemite Palestinians whose houses were partially or completely demolished by the Israeli occupation. <p>MoJA hosts the Engineering Clinic and the Legal Clinic, which offer the following land-related services:</p> <ul style="list-style-type: none"> • Engineering Clinic: Aids collective or individual housing projects as well as cooperative housing projects. • Legal Clinic: Provides financial support, represented in assigning lawyers to follow up on cases of demolition, violations and settlement cases, and financial support for legal aid (specifically related to the impact of legal cases filed in occupation courts and related to court fees, appeals, the other party's fees, and experts' fees). Services are provided in accordance with the Resolution of the Council of Ministers No. 9 of 2018, related to the financial regulation for the support of Jerusalemites' steadfastness (MoJA, 2021). Conditions for receiving this assistance are that the opposing party is non-Palestinian and that the case should be related to the occupation (PC, 2021).

Table 25: Land-related functions at the Ministry of Interior

Ministry of Interior	
Institution	Role and Function
General Administration of Clans Affairs and Reform ⁹⁹	<p>Attached to the Mol in 2005, it is active in resolving land-related disputes.</p> <p>Services:</p> <ul style="list-style-type: none"> • Receiving complaints from citizens about clan problems and differences to be resolved; and directing citizens to the competent authorities that can contribute to resolving any clan or legal dispute. • Monitoring and following up with reform committees and tribe members to work within the framework of tribal law and customs. • Issuing cards for clan members and mediators to facilitate their work before all official and unofficial bodies. • Intervening in the work of any committee or clan member in the event of any breach or abuse of the right and the law. • Developing tribal law in line with sharia and formal law. • Appointing mukhtars (heads of villages or towns) and accrediting them, and working on issuing IDs for tribal justice practitioners to facilitate their work.

Government stakeholders: non-ministerial state institutions

4.2 Government stakeholders: non-ministerial state institutions

4.2.1. Palestinian Land Authority

The PLA was established by Presidential Decree No. 10, issued on 5 June 2002, as the body responsible for the management of private land, by merging several departments affiliated with the Ministry of Justice and the Ministry of Housing (PLA, 2021a). According to Article 1, it is attached to the Council of Ministers and has an independent legal personality to conduct all necessary work and activities.

According to the law, the PLA is the national authority responsible for the following tasks:

- Registration of property and related transactions, as well as management of state property.
- Following up the implementation of decisions of leasing, delegation and allotment of government lands.
- Documentation and preservation of real estate data.
- Organizing the surveying profession and real estate offices.
- Developing and updating the real estate database for adoption as a basis for the national geographic system.

The PLA has three main administrative sections (NRC, 2015):

- **Government Property department.** It performs several tasks related to land administration, such as allocating and

99 For more information, please visit <https://www.moi.pna.ps/Departments/tribal-affairs>.

preparing an inventory of state land, and all steps necessary to safeguard this land. It prevents encroachment on state lands, proposes appropriate public projects for state land, and supervises the rent of state land and the acquisition of private land in the public interest.

- **Public Land Survey Department.** It is responsible for demarcating borders and preparing maps of land parcels and numbers. It also marks roads, establishes geographic coordinates and archives all maps on computer files. This department reviews and audits the work of licensed surveyors.
- **Land and Real Estate Registration Department (Tabu).** It maintains the records of real estate (land and buildings) and of newly registered properties. It performs all types of land registration transactions in accordance with the law and standard regulations, including transactions of sale, endowment as a grant, commissioning of land, exchange, rent, planting, insurance, seizure, transfer, inheritance revocation agreements, inheritance provisions, court rulings, debt execution and renewal of registration.

4.2.2 Palestinian Land and Water Settlement Commission

The LWSC¹⁰⁰ was established by Presidential Decree No. 7 of 2016. This public institution is registered as a separate legal entity with financial and administrative independence and legal capacity to undertake all actions necessary to achieve its objectives. It was established to complete the settlement work carried out by the Hashemite Kingdom of Jordan during its rule of the West Bank (1952–1967) when 32 per cent of the lands were registered (LWSC, 2021a).

The purpose of the settlement is to establish property rights and any other rights stipulated by law, to resolve disputes and register lands in the Land Department (LWSC, 2021). The Commission aims primarily to register, record and resolve all disputes, conflicts and issues related to the rights of ownership and property in land and water, thereby preserving them from confiscation and vandalism, especially under the complicated political, economic and social conditions. It also aims to ensure the promotion of economic and human development, raise the nominal land value and promote investment opportunities, and ensure the achievement of civil and social peace, comprehensive planning and economic empowerment of farmers and women (LWSC, 2021a).

Its main services include the following (LWSC, 2021):

- Issuing land purchase permissions for Palestinian physical and legal persons;
- Receiving objections against the list of rights;
- Registering lands and water in settlement areas;
- Land surveying;
- Registration of state lands;¹⁰¹
- Services to the public at the settlement courts.

The LWSC is comprised of the following departments (ibid.):

- The Office of the President;
- Councillors;
- Settlement courts;¹⁰²
- Gender department;
- Supervision and complaint unit;

100 For more information, please visit <https://lwsc.ps/index.php>.

101 The state property departments are entrusted with managing and preserving state lands, through authorization, assignment, rent, controlling infringements on state property (removing perpetrators and submitting cases before the competent courts), approving building permits, visitation of property related to new registration transactions, and participating in appraisal committees.

102 The general manager of the general administration of the settlements courts is in charge of receiving the files and objections filed with the settlements, receiving legal fees and issuing summons related to the settlement courts.

- Department of media, public and international relations;
- Department of planning and training;
- The general administration of settlements;¹⁰³
- The general administration for financial and administrative affairs;

The general administration for legal affairs.

4.2.3 Palestinian Water Authority

The PWA¹⁰⁴ was established under Presidential Decree No. 90 of 1995. It is a legal person with an independent budget but follows the policy of the PA President, who appoints its chairperson. Water Act No. 3 of 2002 assigned the PWA the task to manage and regulate the water sector and defined its relationship with the official, private enterprises and local government authorities, each according to its speciality and legal reference. Moreover, Law No. 14 of 2014 on water further clarified its powers. The Authority aims to manage and develop water resources in Palestine and to increase capacity and improve quality, conservation and protection from pollution drain, as well as improve and upgrade water services by applying principles of integrated and sustainable management of water resources. It also ensures the protection of the environment and the achievement of the development goals of Palestinian society (PWA, 2021).

4.2.4 Environmental Quality Authority

Initially, the EQA¹⁰⁵ was established as the Palestinian Environmental Authority in 1996 by presidential decree, as an administratively and financially independent authority concerned with environmental affairs and leading the process of organizing environmental protection and

maintenance actions. In 1998, the Palestinian Environmental Authority was merged into the newly established Ministry of Environmental Affairs, receiving its current name in 2002 (EQA, 2016).

Its primary roles include the following (EQA, 2012):

- Preparing and recommending draft laws, regulations and by-laws to the cabinet;
- Formulating and recommending to the cabinet strategies, plans, programmes and agreements, in consultation and cooperation with other institutions and stakeholders;
- Controlling and monitoring the state of the environment and protecting it from misuse.

4.2.5 Energy and Natural Resources Authority

The ENRA¹⁰⁶ was established by Law No. 12 of 1995. It is an independent legal entity with its own budget but follows the policy of the PA President, who appoints its chairperson (Article 2 of Law No. 12 of 1995).

The Authority's main objectives are the following:

- Institutional building for the energy sector, as stipulated in the energy sector policy document;
- Securing a permanent and cheap source of electric power through the expansion of the Gaza power plant, if natural gas is available, and regional connectivity with neighbouring countries;
- Building an integrated electrical system linking the governorates of Gaza with the governorates of the West Bank;

103 Its main function is providing comprehensive and accurate real estate information for unsurveyed lands (new settlement works) as well as providing and maintaining an accurate and homogeneous triangular network covering all Palestinian lands. Its levelling and survey teams work in the field. The general administration discharges its functions through the following subentities (departments): attribution and follow-up, surveying, water settlement, and geographic information department.

104 For more information, please visit the PWA website (<http://www.pwa.ps/english.aspx>).

105 For more information, please visit the EQA website (<https://environment.pna.ps/ar/index.php>).

106 For more information, please visit the ENRA website (<http://www.penra.pna.ps/ar/index.php?p=home>).

- Acquiring the responsibility for the natural resources file currently distributed to many national institutions in order to manage it properly;
- Evaluation of renewable energy sources, preparation of a climate data atlas, and development of the Palestinian Energy Research Laboratory.

4.2.6 Supreme Judge Department

The SJD¹⁰⁷ was established as a governmental institution directly related to the President of Palestine, in accordance with the applicable laws, still in effect based on Presidential Decree No. 1 of 1994. It is administratively and financially independent like Palestinian ministries, and the Supreme Judge manages the SJD and the religious courts system (sharia courts) (SJD, 2021). It is responsible for determining the inheritance shares and certifying the takharuj by heirs or the voluntary “opting out” of their inheritance rights (hijet takharuj) (for Christians, it is done at the ecclesiastical courts). In 2011, the Supreme Judge issued a circular i) forbidding women from renouncing their inheritance until four months after the death of the estate holder and ii) making provisions for all heirs to receive a detailed statement of the estate left by the deceased, signed by all heirs (Musawah, 2018).

4.2.7 Palestinian Central Bureau of Statistics

The PCBS¹⁰⁸ was established by the General Statistics Law No. 4 of 2000, ratified on 8 June 2000 by President Yasser Arafat. The law was issued to enable the Bureau to execute its data collection functions from different sources and produce statistics essential for reconstruction and development, in addition to ensuring data confidentiality for individuals and institutions (PCBS, 2021b). It provides official statistical data

for all sectors and aspects of Palestinian life, whether demographic, economic or geographical. The key land-related indicators include housing conditions, land use, water, environment and agriculture.

4.2.8 Local government units

LGUs are the administrative and representative bodies of the local communities in Palestine, active in issues pertaining to civil, administrative and planning-related functions as well as in service provision. LGUs are either municipalities or village councils, and their representatives are elected every four years, according to Local Council Elections Law No. 10 of 2005 (MoLG, 2016).

Municipalities fall under the authority of the Ministry of Local Government and are primarily regulated by the 1997 Local Authorities Law, Decree No. 9 of 2008 and Decree No. 8 of 2016. While granted a degree of autonomy, they are highly dependent on the PA central government for the bulk of their budget. The municipalities – rather than the PA – are responsible for providing electricity locally. Currently, there are 142 municipalities and 275 village councils in the West Bank and the Gaza Strip (MoLG, 2016). In July 2021, the Palestinian government formally dissolved the municipal councils and appointed “steering committees”, pending the outcomes of the 2021/2022 elections¹⁰⁹ (ECFR, 2021).

As specified in Article 15 of the Local Authorities Law of 1997, LGUs are tasked with 27 functions, including town and street planning;¹¹⁰ building and construction permits; provision and management of water and power; wastewater treatment; solid waste disposal; organizing and monitoring public markets, industrial zones, public facilities and public spaces; emergency preparedness and response plans; road and traffic management; and the management of local public health. Due

107 For more information, please visit the SJD website (<http://www.kudah.pna.ps/index.aspx>).

108 For more information, please visit the PCBS website (<https://www.pcbs.gov.ps/default.aspx>).

109 Local elections were held in the West Bank but not in the Gaza Strip, due to boycott by Hamas (ECFR, 2021).

110 An important land-related function is managing and coordinating urban planning processes locally (MoLG, 2013).

to weak financing and soaring budget deficits,¹¹¹ most LGUs deliver less than half of the mandated services. Currently, various initiatives aim to reform the fiscal management of LGU resources, including measures that would enable LGUs to expand their own revenue sources (MoLG, 2016).

4.2.9 Municipal Development and Lending Fund

The MDLF¹¹² is a semi-governmental juridical entity created by Council of Ministers Decree No. 32/36/09, dated 20 October 2005, to accelerate Palestine's drive toward self-sustained, decentralized, prosperous and creditworthy local government. It is an independent legal entity with its own budget but follows the Council of Ministers, according to Article 2 of the MDLF law, issued by Presidential Decree No. 25 of 2016 (MDLF, 2016). The Fund carried forward the functions of the Project Coordination Unit and the Project Technical Secretariat, previously operating under the auspices of MoLG, to support LGUs as they take increasing responsibility for raising, investing and managing financial resources (MDLF, 2021). It is the executive body of the MoLG, with the mandate to design and implement local government support programmes in close partnership with international donor agencies (MoLG, 2016). It consists of a board of directors, executive departments and other advisory committees.

4.2.10 Palestine Capital Market Authority

The PCMA¹¹³ is a non-profit corporate body established on the basis of the Capital Market Authority Law No. 13 of 2004. It enjoys financial and administrative autonomy as well as the legal capacity to undertake all necessary actions to fulfil its objectives. It is managed by a board of directors, with a chairperson appointed by the

Council of Ministers, as recommended by the Minister of Finance (Article 5 of Law No. 12 of 2004). Its mission is to regulate, supervise and oversee the securities, insurance, financial leasing and mortgage finance sectors in Palestine, as well as to ensure that the sector complies with the principles of transparency, fairness and integrity, in line with international best practices.

The PCMA had two strategic goals for the 2016–2020 period:

- Creating the enabling environment for the work and growth of the mortgage finance sector; and
- Developing services provided by the financial leasing sector and raising its contribution to the economy.

The General Administration of Mortgage Finance and Financial Leasing is responsible for regulating the work of real estate appraisers and licensing them (Article 3 of Instruction No. 3 of 2012). The PCMA completed the review of the instructions for licensing real estate appraisers in 2012 to ensure their compatibility with market changes (in conjunction with the rapid follow-up by the PCMA, along with the Council of Ministers, to approve the draft mortgage law). In 2019, together with the Association of Banks, PCMA adopted a unified appraisal report form compatible with the requirements of the Authority's instructions and the needs of banks, to ensure the unification of the foundations and practices in the real estate market. It enhances the efficiency of licensed real estate appraisers and confidence among the users of their reports (PCMA, 2021).

In cooperation with the Palestine Monetary Authority, the PCMA worked with a select group of licensed real estate appraisers to prepare for the housing price index, which provides a guide for appraisers when estimating the value of a property in a particular area. As a result, this tool

111 The gap between expenditures and revenues is as high as 2,000 per cent in some cases. Only 20 per cent of municipalities and none of the local village councils manage to effectively collect local property taxes (MoLG, 2016).

112 For more information, please visit the MDLF website (<https://www.mdif.org.ps/en/Home/Index>).

113 For more information, please visit the PCMA website (<https://www.pcma.ps/portal/english/Pages/Home.aspx>).

will reduce the risks associated with the financing process and stabilize the mortgage financing market. It continues to hold real estate appraisal training courses and exams for candidates to obtain a licence and follows up on licensed real estate appraisers through inspection tours to ensure their compliance with the instructions (ibid.).

4.2.11 Palestinian Economic Council for Development and Reconstruction

PECDAR¹¹⁴ was established in 1993 by the Palestinian Liberation Organization as an independent institution, in full cooperation and coordination with the donor community, to support the peace process. Its mandate covers a wide range of responsibilities, including aid coordination, economic policy, project management, coordination with NGOs and UN agencies, technical assistance and training. It is accountable to a Board of Trustees, headed by President Mahmoud Abbas, and all its finances are audited by external auditors as well as donor audit missions (PECDAR, 2021).

PECDAR is responsible for the following tasks:

- Formulating economic and social plans, according to the policies of national and local institutions;
- Coordinating the flow of international assistance for the benefit of the Palestinian people;
- Identifying investment projects and other activities to be financed by the donor countries;
- Administering and monitoring the implementation of such programmes and projects.

According to its 2007 Activity Report,¹¹⁵ it has completed a number of programmes with various funding partners: Qalandia Road, schools, clinics, retaining walls, roads, rehabilitation of courthouses and the reconstruction of the headquarters of the governorates utilizing job creation programmes. Moreover, it is the only official Palestinian institution that has continued working in the Gaza Strip through its Integrated Community Development Programme, funded by the World Bank (ibid.).

4.3 Private sector and civil society stakeholders

4.3.1 Palestinian Housing Council

The PHC¹¹⁶ was established in Jerusalem in 1991 as a non-profit foundation to provide soft housing loans to low- and middle-income households. The Council helps develop the housing sector and contributes to solving the housing crisis exacerbated by the dire economic and political situation in Palestine. The Council has generated more than USD 250 million, reaching 11,000 families – more than 3,000 in Jerusalem – through various programmes and projects. It also contributes to the preparation of plans, strategies and studies on housing (PHC, 2021).

The PHC housing assistance programmes include (ibid.):

- Rural lending in the West Bank;
- Individual lending in Jerusalem;
- Housing rehabilitation projects in the West Bank and Jerusalem, consisting of small financial grants to alleviate the impacts of poverty on poor and marginal groups;

114 For more information, please visit the PECDAR website (<http://www.pecdar.ps/>).

115 The most recent report is available on the PECDAR official website (<http://www.pecdar.ps/>).

116 For more information, please visit the PHC website (<https://www.phc-pal.org/en/article/8/About-PHC>).

- Participatory spatial planning support programme in Gaza Governorate;¹¹⁷
- Strategic programmes like Al-Sumoud Housing Project

4.3.2 Private banks

Palestine Mortgage and Housing Corporation

As one of the first specialized companies, PMHC¹¹⁸ was established in 1997 by an initiative from the Palestinian Authority and a number of big Palestinian and international economic institutions working in housing finance. It aims to address the housing shortage problem in Palestine by providing long-term funding that enables citizens to borrow for periods of up to 25 years. It provides loan refinancing and default insurance services via its two main subsidiaries: Palestine Housing Finance Corporation (PHFC) and Palestine Mortgage Insurance Fund (PMIF).

PMHC refinances mortgage loans that are financed by partner banks through its primary subsidiary PHFC, which, in addition to refinancing mortgage loans, also provides long-term financing to complete residential units. Insurance services against mortgage credit

risk are provided to banks through the other subsidiary, PMIF, helping reduce credit risks for lending institutions and encouraging them to finance housing. PMIF provides insurance coverage of up to 70 per cent of the realized net loss after the final settlement of the property by public auction. It strengthened the Palestinian economy by opening new opportunities for many Palestinians to own homes (Massar, 2021). Other notable banks include the Palestine Investment Bank,¹¹⁹ Housing Bank for Trade and Finance¹²⁰ and Quds Bank.¹²¹

4.3.3 ADR centres

The Association of Engineers,¹²² Engineering Arbitration Centre,¹²³ Palestinian Contractors Union¹²⁴ and Palestinian International Arbitration Chamber¹²⁵ offer dispute resolution services in construction and engineering disputes (Besaiso, Fenn and Emsley, 2016). Other private ADR centres that focus on land disputes include the Palestine National Committee – International Chamber of Commerce,¹²⁶ Chambers of Commerce, Industry and Agriculture,¹²⁷ Ta'awon Centre for Conflict Resolution,¹²⁸ Wi'am Palestinian Conflict Transformation Centre¹²⁹ and Al-Faisal Arbitration Centre.¹³⁰

117 The programme aims at enhancing community participation in the preparation of structural and detailed plans and developing the urban areas of marginalized municipalities affected by the Israeli aggressions. It builds the capacities of the local communities and authorities in six municipalities in the Gaza Strip (PHC, 2021).

118 For more information, please visit <https://www.massar.com/ajax/getInvestData.php?id9=>.

119 For more information, please visit the website of the Palestine Investment Bank (<https://www.pibbank.com/en/>).

120 For more information, please visit its website (<https://www.hbtf.com/en/PL>).

121 For more information, please visit the website of Quds Bank (<https://www.qudsbank.ps/>).

122 For more information, please visit the website of the Association of Engineers (<https://www.paleng.org/>).

123 For more information, please visit its Facebook page (<https://www.facebook.com/engeac/>).

124 For more information, please visit the website of the Palestinian Contractors Union (<http://www.pcu.ps/>).

125 For more information, please visit its website (<https://www.piac.ps/>).

126 For more information, please visit the website of the International Chamber of Commerce (<https://iccwbo.org/media-wall/news-speeches/icc-palestine-to-start-operation-in-ramallah/>).

127 For more information, please visit the website (<http://www.pal-chambers.org/en-us/About-Us>).

128 "Ta'awon" is an Arabic word meaning "cooperation". For more information, please visit its Facebook page (<https://x.facebook.com/taawon4youth/>).

129 For more information, please visit its website (<https://www.alaslah.org/>).

130 For more information, please visit its website (<https://actconflictresolution.org/>).

4.3.4 Professional and civil society organizations

Professional and trade organizations

- Land Developers Union – Palestine¹³¹
- Palestinian Engineers Association¹³²
- Palestine Contactors Union¹³³
- Palestinian Surveyors Syndicate
- Palestinian Bar Association¹³⁴
- Palestinian Agricultural Engineers Association¹³⁵
- Palestinian Farmers Union¹³⁶
- Palestinian Agricultural Cooperative Union¹³⁷
- Palestinian Arbitrators Association¹³⁸
- Union of Cooperatives Housing in Palestine¹³⁹

Civil society organizations

The civil society sector in Palestine is strong and vibrant, has well-established ties with public officials (UN-Habitat, 2001) and, along with the media, plays an important watchdog role. Numerous land-related NGOs are active

in Palestine, making a valuable contribution to advancing and protecting HLP rights (NGO Development Center, n.d.):

- Palestinian Agricultural Relief Society¹⁴⁰
- Reef Finance¹⁴¹
- AMAN Transparency Palestine¹⁴²
- Sanad Association¹⁴³
- Tanmia Association¹⁴⁴
- Palestinian Environmental Friends Association¹⁴⁵
- Palestinian Association for Education and Environmental Protection¹⁴⁶
- Nature Palestine Society¹⁴⁷
- Olive Tree Protection Association¹⁴⁸
- Palestinian Association for Development and Reconstruction¹⁴⁹
- Palestinian Association for the Development of Palestinian Camps
- Palestinian Center for Rural and Environmental Development
- Water users associations

131 For more information, please visit its Facebook page (<https://ar-ar.facebook.com/Palestinebar/>).

132 For more information, please visit the Palestinian Engineers Association's website (<https://www.paleng.org/>).

133 For more information, please visit the Palestine Contactors Union's website (<http://www.pcu.ps/>).

134 For more information, please visit its Facebook page (<https://ar-ar.facebook.com/Palestinebar/>).

135 For more information, please visit its website (<http://www.agrieng.ps/>).

136 For more information, please visit the Palestinian Farmers Union website (<https://www.pafu.ps/>).

137 For more information, please visit its website (<https://www.pacu.org.ps/>).

138 For more information, please visit the Palestinian Arbitrators Association website (<https://palarbit.ps/>).

139 For more information, please visit the website of Co-operative Housing International (<https://www.housinginternational.coop/members/union-of-housing-co-operatives-in-palestine-puhc/>).

140 For more information, please visit its website (<http://www.pal-arc.org/>).

141 For more information, please visit the website of Reef Finance (<https://www.reef.ps/ar/>).

142 For more information, please visit its website (<https://www.aman-palestine.org/>).

143 For more information, please visit its Facebook page (<https://www.facebook.com/sanad.association.project/>).

144 *Tanmia* is an Arabic word meaning "development". For more information please visit its Facebook page (<https://www.facebook.com/Tanmia%D8%A7%D8%AA%D8%AD%D8%A7%D8%AF-%D8%A7%D9%84%D9%85%D8%A4%D8%B3%D8%B3%D8%A7%D8%AA-%D8%A7%D9%84%D8%A7%D9%87%D9%84%D9%8A%D8%A9-%D9%84%D9%84%D8%AA%D9%86%D9%85%D9%8A%D8%A9-420349661748787/>).

145 For more information, please visit its website (<http://pefracah.org.ps/?lang=en>).

146 For more information, please visit its website (https://paeep.ps/?page_id=1514&lang=en).

147 For more information, please visit its Facebook page (<https://www.facebook.com/Naturepalestinesociety.org/>).

148 For more information, please visit its Facebook page (<https://www.facebook.com/oliveassociation/>).

149 For more information, please visit its website (<http://www.padr.org/ar/>).

4.3.5 Academic institutions

Academic institutions and research centres have a key role in strengthening land and property rights and improving land management and administration. They contribute to raising public awareness about the importance of good land governance for the economy and people and supply the market with graduates of various specializations. The main academic institution dealing with land-related issues are the following:

- Birzeit University¹⁵⁰
- Applied Research Institute – Jerusalem Society¹⁵¹
- Palestinian Economic Policy Research Institute¹⁵²
- Palestinian Academic Society for the Study of International Affairs¹⁵³
- Resource Center for Palestinian Residency and Refugee Rights Survey of Palestinian¹⁵⁴

4.3.6 Religious communities

Christian churches that operated in Palestine in the nineteenth and twentieth centuries played, and continue to play, an important role in the sphere of capital investment in real estate (Frantzman and Kark, 2014) and are large landowners. The Greek Orthodox Church alone owns some 30 per cent of Jerusalem's walled city, its historic core, and controls the largest stake of any Christian denomination in the Church of the Holy Sepulchre, home to the tomb of Jesus. It also owns lands throughout Jerusalem, Israel and the West Bank (NPR, 2017).

The Catholic holdings are similar in size or even larger than the lands of all the other churches in the Holy Land combined. There are ample records of these properties serving as sites for the planning and building of new religious and missionary institutions, businesses and

settlements (churches, monasteries, schools, hospitals, orphanages, markets, agricultural estates, etc.), highlighting the impact of Church real estate activities. In 2011, the Catholic Church in Israel, the West Bank and the Gaza Strip operated 70 schools, 99 parishes, 15 chaplaincies and 112 monastic institutions, occupying 323 different monasteries with 1,731 members and 14 specialized schools, 12 hospitals, 11 charitable organizations, 39 shrines, 44 pilgrims' centres and 13 additional institutions (Frantzman and Kark, 2014). Several minor Catholic groups, indigenous to the Middle East or Asia, own small properties in Jerusalem. The Maronites (who have strong representation in Lebanon) have institutions in Galilee, Haifa and Jaffa, while the Syrian Catholics have property in Bethlehem (ibid.).

Waqf in Palestine also contributes to housing by making some of its lands available for special purposes based on its own priorities. In many instances, it leases out land for extended periods (30 years) for a nominal rent (UN-Habitat, 2001).

4.4 Key stakeholder cooperation

Interaction and coordination between various land stakeholders in Palestine is weak due to several factors: lack of homogenous and coherent land and property management policies, vision and mandate. The absence of good governance, complex regulatory framework, fragmentation of Palestinian lands due to the Israeli occupation, weak financial and institutional capacity of relevant institutions and the political division between the PA and Hamas, the de facto authority in the Gaza Strip.

The complex land regulatory framework causes confusion and overlap regarding the responsibilities of various land authorities.

150 For more information, please visit the Birzeit University website (<https://www.birzeit.edu/en>).

151 For more information, please visit the institute's website (<https://www.arij.org/>).

152 For more information, please visit the institute's website (<https://mas.ps/en/index.php>).

153 For more information, please visit the PASSIA website (<http://www.passia.org/>).

154 For more information, please visit the BADIL website (<https://www.badil.org/>).

For example, the PLA was established in 2002 as the body responsible for the management of private land. In addition, its Government Property Department was assigned the mission of allocating and preparing an inventory of state lands, protecting them against encroachment and supervising the rent of state land. However, in 2006 the General Administration of Governmental Properties was set up under the MoF and assigned almost the same role of inventorying, registering and protecting state property (MoF, 2018).

This dual responsibility for state land management and administration, the weak interaction and communication between the PLA (which is under the PMO) and the General Administration of Governmental Properties (which is under the MoF), the weak coordination and communication regarding the implementation of state property transactions with the relevant departments, the lack of cooperation of local authorities in identifying state property (PLA, 2021), in addition to the dispersion of data regarding state land in different governmental entities (PLA, LWSC and MoF) are key issues preventing optimal and effective management of state land. These issues highlight the need to clarify roles and responsibilities between PLA and other institutions as well as within the organization (OQR, 2014).

Despite the numerous responsibilities assigned under the 1997 Law on Local Authorities, LGUs are unable to discharge their responsibilities and provide services to the citizens due to their weak financing. The existing legal framework does not permit LGUs to expand and manage their own revenue sources. Moreover, despite the existence of the Association of Palestinian Local Authorities – established in 1997 and officially recognized (per presidential decree) in December 2002 as an independent organization that represents the LGUs – it has not been active for the past few years for various political reasons, which weakens the interaction between LGUs and MoLG (MoLG, 2016). Priority must be placed on defining and institutionalizing the roles of MoLG and LGUs and refining the relationship between them to maximize LGU effectiveness and begin the process of decentralization (MoPWH, 2014).

The main organizational and institutional challenges and obstacles regarding urban planning include the absence or lack of adoption of planning policies at the national, regional and local levels; the lack of clarity of responsibilities and the overlapping of powers between the authorities concerned with planning; and the weak or absent coordination and cooperation between institutions (WAFA, 2021).

The powers and duties of local authorities regarding the boundaries of areas they can plan are not clear (MoLG, 2013), and their technical capacity in urban planning is quite weak. Neither municipalities (in large cities) nor the private sector (engineering offices and consultant firms) have staff with the needed qualifications – only a scant few are adequately staffed (2-3 offices or firms) (Abdelhamid, 2006).

While local planning is under the responsibility of local planning committees (municipal and villages council), according to the Jordanian Law of 1966, MoLG took over the responsibility of planning at the local level (municipalities and villages) within areas under Palestinian Authority control (Area A and B), on top of its responsibility for regional planning. However, the experience of MoLG preparing structural plans for local communities was not so successful, mostly due to the lack of qualified and skilled staff, particularly for urban planning issues (ibid.). The public is also not consulted or involved in preparing plans; their role is limited only to the stage of publishing the plans for objections (MoLG, 2013).

Interaction with the private sector is weak, with limited PPPs in the area of land development and land registration, despite the relatively large size of unsettled lands. To improve the offered services in the land sector, cooperation and partnerships with NGOs and the private sector need to be promoted, especially in Area C and East Jerusalem (PMO, 2016). Finally, the weak communication between land stakeholders is also affecting the implementation of land-related national plans and strategies, limiting the capacity to meet the objectives which, as result, have to be rolled over to the next plan or strategy.



*Figure 31: View of the Dome of the Rock.
Source: Flickr/Ted Swedenburg*



05 CONCLUSIONS

5 CONCLUSIONS

The ability of Palestine to achieve sustainable development, peace and stability and efficient land management depends on its ability to control its natural resources and extend its sovereignty over its lands, which constitute a rich archaeological and religious heritage for humanity. Since the Israeli occupation of Palestine in 1948 and the subsequent wars, the land available for Palestinians has continued to shrink. Even in the small areas A and B recognized by Israel as under PA control, following the Oslo II Agreement, Israeli measures limit the ability of the PA to control and manage its natural resources, implement land-related national plans and strategies to achieve the SDGs.¹⁵⁵

As an example, since 1967, Israel has had exclusive control over all water resources that lie between the Jordan River and the Mediterranean Sea, except for a small section of the coastal aquifer that runs under the Gaza Strip. In 2019, the total water consumption in Israel was 2,237 million cubic metres, according to the Israel Water Authority – a volume of more than five times of the West Bank and the Gaza Strip combined by a population roughly double in size (B'Tselem, 2017). At the same time, Israel has held the Gaza Strip under blockade for more than a decade since June 2007, exacerbating the negative repercussions of the lack of geographic continuity on the strategic planning and the integrated and sustainable spatial development of Palestine.¹⁵⁶

Nevertheless, since the establishment of the PA in 1994, Palestine has managed to make important steps towards a more sustainable and efficient land management and administration in the occupied Palestinian territory. The section below outlines the major accomplishments in this sector.

5.1 Main achievements

Improved security of tenure and land registration services. By consolidating land administration tasks in the newly created Palestinian Land Authority, established by the Presidential Decree No. 10 of 2002, there is a single entity in charge of surveying, registering and administering state land. Also, the Lands and Water Settlement Commission, established by Presidential Decree No. 7 of 2016, has sped up systematic land registration.

Below are some of the main PLA achievements during 2017–2019, beyond its planned objectives:

- Developing and establishing the internal electronic portal of the Authority to facilitate the work of appraisers in the registration departments, to review maps and link them with the land registration system and the document management system.
- Raising the level of information security, organizing protection of databases and creating a special record of entry movements.
- Transforming the land registration system into a centralized system.
- Linking the automated land registration system to the document management system, to save expired information documents and registration documents.
- In 2019, it completed 20,691 land transactions/processes, on top of the annual target of 26,000. It finalized 5,932 survey processes, on top of the planned target of 1,500. Furthermore, 70 per cent of transactions, immovable money records and maps are stored electronically.

155 Signed in 1995, the Oslo Accords divided the occupied West Bank into three non-contiguous regions: A, B and C. Area A (17.7 per cent of the West Bank) is under Palestinian civil and security control. Area B (18.3 per cent) consists of the Palestinian built-up areas surrounding Area A and is under Palestinian civil and Israeli security control. Area C is the largest part of the West Bank (61 per cent) and consists of rural and agricultural lands, which are under Israeli civil and security control (UN-Habitat, 2021a).

156 In December 2021, Israel completed construction of the iron wall along the the Gaza Strip border (DW, 2021).

- Providing an electronic service for purchase authorization through its website or mobile app.
- Developing a modern and unified Geodetic Reference Frame for Palestine.
- The Agency has issued three important guides to streamline the land registration process, inform the public and promote transparency: i) the land registration procedures guide, ii) the land survey procedures guide, and iii) the state land procedures guide (PLA, 2021).

The main LWSC achievements during 2017–2019, beyond planned objectives, are the following:

- Setting up 107 settlement offices in the West Bank.
- Launching the Geographical Portal: the interactive map portal of the LWSC.
- Simplification of the settlement procedures of the Land Settlement Law (ibid.).
- UN-Habitat, in partnership with GLTN, is working with the Prime Minister's Office and the LWSC to advance the mapping of land rights and security of tenure of Palestinian communities in Area C of the West Bank, using the Social Tenure Domain Model, to guarantee more-equitable land governance standards in Area C (UN-Habitat, 2019).

Improved land valuation. Together with its local and international partners, the PLA is striving to achieve the following:

- Preparing a new regulation for licensing and qualifying property appraisers.
- Conducting a comprehensive real estate valuation for all permanently registered immovable property.
- Adopting a unified real estate valuation methodology. A technical manual and handbook for appraisers are already completed but are yet to be officially legalized (JICA, 2016a; PLA, 2021).

Improved state land management and protection. The PLA Government Property Department was established to manage and protect state properties. The promulgation of Law No. 22 of 2018 on “Conservation of State Lands and Properties” increased the penalty for state land encroachment. The Government Property Department is currently working on the following topics:

- Increasing the area of permanently registered state land.
- Reviewing and adjusting existing state land lease contracts to ensure that they are profitable.
- Preparing a strategy for the investment and development of state land (2021–2026) and submitting it to the government for ratification.
- Prosecuting cases of state land infringements (PLA, 2021).

In addition, with support of the Local Governance Reform Programme in Palestine II of GIZ (Deutsche Gesellschaft für Internationale Zusammenarbeit), the MoLG recently built and is managing a Geomolg Portal, which provides publicly available geospatial data via web apps. It hosts all fundamental geospatial layers in Palestine: urban master plans, cadastre, agriculture, water, environmental, census, geological, topographic, historical, transportation, political and imageries. As a free public service, the portal offers powerful tools and functions for user-friendly interaction with maps, particularly the ability to download the data. Moreover, since MoLG is not the sole geospatial data producer in Palestine, it is currently working on the Spatial Data Infrastructure project, which is intended to draw up robust technical and legal frameworks to regulate and organize the production and consumption of geospatial data. It will facilitate and simplify electronic geospatial data sharing (robust flux, data exchange and dissemination) as well as open up interoperability between producers and consumers on a national level (MoLG, 2020).

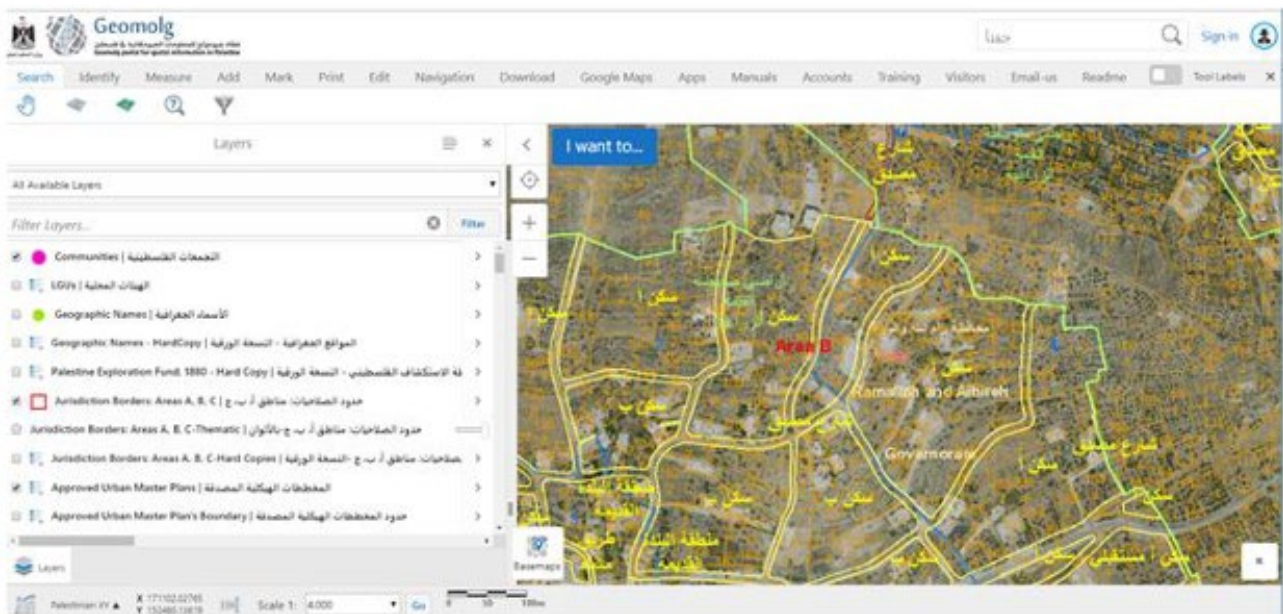


Figure 32: Geomolg portal interface.
Source: MoLG (2020).

5.2 Main remaining challenges

Land registration system. The 2020 World Bank Doing Business report gave “registering property” a score of 91 out of 190 (WB, 2020). The current land registration system suffers from several challenges:

- Overlapping responsibilities, leading to the duplication of data recording for land administration.
- PLA staff is not sufficiently trained or developed, and the customer service ethos is undeveloped.
- The PLA is not operationally ready to manage a substantial increase in the number of registered titles.
- Very limited e-services are provided to government institutions, businesses and citizens.
- The land and registration law need simplification and modernization; the fees are

excessive, and the system is not sufficiently digitized.

- Disposal of property is tied up with obtaining financial and municipal clearance. Payment of property tax due on all properties owned by the seller (not just the property to be sold) is a condition for disposal.
- Lack of transparency, as only landowners and heirs have the right to check the land registration records, while a third party needs a court order.

Land-related legal framework. In Palestine, the legal basis regulating land is provided by a mixture of Jordanian, Egyptian, Palestinian, Ottoman and British laws, as well as Israeli military orders. It is fragmented, and different laws apply to the West Bank than to the Gaza Strip. Nonetheless, the land-related framework in Palestine provides for the protection of private property. Expropriation is only permitted for public benefit and against payment of fair compensation. The land registration system provides for the protection of registered land; however, most Palestinian land is unregistered, which threatens the security

of tenure of unregistered property owners. Moreover, although informal land is registered with the Ministry of Finance and the possessor of the property is able to dispose of it (sell it or lease it), owners of unregistered land cannot exercise the full authority of a registered landowner (NRC, 2015). In addition, they do not enjoy the same legal protection afforded to the owner of registered land and have less security of tenure. Palestinian legislation recognizes women's unrestricted right to ownership and does not discriminate in land or property registration or housing construction. Nevertheless, important gaps persist and women face heavy social pressure to renounce their rights – reproducing inequalities in inheritance and matrimonial property.

Housing. Article 23 of Palestinian Basic Law guarantees the right to adequate housing for all citizens; however, in reality, it is far from being achieved. In 2018, 41 per cent of the total population lived in slum-like conditions in refugee camps – 26 per cent of the West Bank's and 64 per cent of the Gaza Strip's population (PCBS, 2019). Even Palestinians with habitable housing in refugee camps do not legally own the premises where they live. Safeguarding Bedouin rights is another challenge; they use the land but do not own it and, as a result, face several land-related threats (Bennett et al., 2020). Moreover, housing is not adequate if its occupants do not have a degree of tenure security that guarantees legal protection against harassment, forced eviction and other threats (MoLG, 2016). Moreover, housing construction is largely a function of the private sector; the role of the state in social housing is minimal, and PPPs are not activated in housing or land development projects. In addition, housing finance in Palestine is still inadequate. Housing is almost exclusively financed from the owner's individual and family resources, either in instalments or direct payments. Only 8 per cent of households report relying on bank loans, the vast majority of whom are in the middle and northern West Bank, with only a small portion in the Gaza Strip. Formal loans were not used at all in the southern West Bank (MoPWH, 2014). Financial

support for the purchase of land and property is limited and only reaches approximately half the average apartment price (IPCC, 2013).

Land-use classification system. The current system is badly outdated and in need of modernization and enforcement. Updating land-use classification is crucial for improved and sustainable land management because it provides decision makers with important instruments for planning and policymaking that can advance national goals with the efficient allocation of limited natural resources (PCBS, 2000).

Urban planning. Still based on the old Jordanian law, urban planning does not have a fit-for-purpose, modern framework for planning Palestinian villages and cities. Moreover, LGUs do not effectively participate in urban planning, as determined by law. Instead, MoLG is monopolizing the role of local planning committees of municipalities and villages, which have weak financial resources and lack the technical capacity to perform the urban planning tasks assigned to them by the Urban Planning Law of 1966 and the Local Authorities Law of 1997. Also, the public is not consulted or involved throughout the planning process; their role is limited only to the stage of publishing plans for objections (MoLG, 2013). Lastly, urban expansion and planning is severely constrained by the Israeli occupation.

State land. Not all state land is inventoried and registered, and state land management and administration is underdeveloped. Information on state land is not kept within one unit in the government, and access to information on state land management and allocation is weak – which favours corruption. Practices of discretionary allocation of state land to influential PLO/PA figures; non-payment of fees to the treasury; lack of financial disclosure on state land transactions; land swap between the state, individuals and institutions; and illegal encroachment and utilization of state land for construction or agriculture are some of the problematic practices

reported both in the West Bank and the Gaza Strip (Transparency International, 2012).

Land disputes resolution. While access to land disputes resolution mechanisms in Palestine is open for all, there are no courts or judges specialized in real estate disputes. The backlog of cases is likely to increase with the activation of the systematic land registration programme, and settlement courts do not have enough judges. Moreover, ADR is used both formally and informally in Palestine, but Arbitration Law No. 3

of 2000 is outdated. The promulgation of the new Mediation for Settlements of Civil Disputes Law No. 32 of 2021 is a step forward to promote formal ADR and means that “mediation” has officially become part of the judicial system in Palestine. While “tribal conciliation” remains the main form of informal or customary dispute resolution (especially in Gaza), the PA is committed to further improving access to and strengthening formal justice and ADR mechanisms while reducing the role of the tribal system.





06

RECOMMENDATIONS

6 RECOMMENDATIONS

Land registration

- Build strong, inclusive frameworks for land registration management and institutions accountable for land registration and governance to foster tenure security, especially for the most vulnerable.
 - Streamline the procedure of both systematic land registration and new registration by removing bureaucratic restrictions, improving the legislative and institutional framework, and speeding up SLR. In addition, improve the technical capacity of the staff of the Land Registration Department to handle more land registration transactions, set reasonable registration fees, and promote transparency by opening department records for public access without undue restrictions.¹⁵⁷
 - Speed up surveying and registration of all land types, to protect them against illegal seizure by the Israeli occupying authorities. Store all land data in a single state agency, to ensure ease of access to land data, provide security of tenure to all types of landowners – registered and finance – and allow the use of all land as collateral for loans.
 - Promulgate a new Palestinian land registration law to replace the outdated Jordanian Land and Water Settlement Law No. 40 of 1952 (mandatory registration of property) and the Immovable Assets Registration Law for the Never Registered Assets No. 6 of 1964 and its amendments (optional registration). The new law should include appropriate provisions for both optional and mandatory types and allow for the digitization of land registration services, including registering the land online without the need to go to the Land Registry Department. Moreover, the new land registration law should grant full authority and evidentiary value to digital land records.
- Complete STDM work in Area C of the West Bank, in cooperation with UN-Habitat and GLTN, and extend it to the other Palestinian territories (Area A and B, and the Gaza Strip), to improve security of tenure and lower planning and servicing costs.

Land-use classification and management

- Update land-use classification in Palestine and redefine land use according to its capabilities and appropriateness for different activities, to ensure optimum and sustainable utilization.
- Use the Geomolg system and available GIS-based land-use databases to develop land-use plans.
- Ensure that all urban planning works, selection of priority sites for land reclamation and development, national development plans and strategies and various licensed land usage are consistent with the updated land-use classification.
- Fight any infringement on the updated land-use classification, which should be issued in a law, and stop the deterioration, transgression and misuse of areas allocated for agricultural land.
- Address the problem of land fragmentation due to inheritance laws and ensure that the new method introduced by the PLA to limit land disputes (allowing an heir to transfer ownership of their share into their name independently of the others) does not lead to further land fragmentation upon the sale of the separately transferred inheritance share.

157 In 2019, the PA simplified the land registration process by removing the requirement to obtain a security check when issuing a purchase permit and by publishing official statistics on property transactions at the land registry (US Department of State, 2021).

State land management

- Finalize the registration of all state land in Palestine as soon as possible.
- Assign full responsibility for state land management to the PLA Governmental Property Department, to facilitate access to information regarding state land and streamline the protection of state land against infringement.
- Fight corruption in the land sector and ensure optimal investment and revenue from state land.

Land valuation

- Adopt a unified and standard real estate valuation methodology and rules that clearly determine the criteria and bases. The rules should be consistent with international valuation standards, such as the Uniform Standards of Professional Appraisal and Practice used in the United States or the European Valuation Standards developed by the European Group of Valuers' Associations.
- Responsibility for all land valuation aspects should be assigned to one entity, because this will facilitate storing of information and access to land valuation data.
- Adopt more efficient valuation techniques that enable the competent authorities to assess properties each year instead of the five as currently under Law No. 11 of 1954. If values are not updated regularly, the relevance of the land and property tax (LPT) over time will inevitably diminish, both because actual revenue will not keep pace with economic growth and because the tax will increasingly be seen as unfair.
- Licensing and monitoring the work of land appraisers should be assigned to one entity, currently shared between the PCMA and PLA.
- Land appraisers in Palestine should have their own association that can champion

their rights, improve their academic and technical capacity, monitor their performance and coordinate work on their behalf with the relevant state agencies (PLA, LWSC, MoF, MoLG, PCMA and others).

- Property tax
- Reform the tax system in Palestine to increase revenues from LPT and improve property tax contribution to GDP. The current tax system will benefit from a revision of the current tax legislation and the adoption of modern tax legislation to replace Jordanian and British laws, and Israeli military orders.
- Build the capacity and resources of the property tax staff to improve tax collection to serve the needs of the growing number of municipalities, and allow municipalities to fully benefit from LPT revenues in discharging their land-related duties.
- Adopt progressive tax rates or brackets for real estate tax instead of the current flat rate, to improve LPT revenues (similar to Income Tax Law No. 8 of 2011, as amended).

Urban planning

- Promulgate a new Urban Planning Code for the entire Palestine, to replace the outdated Jordanian Planning Law and the British mandate Town Planning Ordinance, which are not fit-for-purpose for the highly urbanized Palestinian cities and towns.
- Review all legislation relevant and related to urban planning, such as the Law on the Ownership of Flats and the Regulation on Tall Buildings, as part of a comprehensive revision of the overall regulatory framework, to ensure consistency and compatibility with the new Urban Planning Code.
- Mainstream public participation policies, incorporating them into planning at local and national levels and into local governance, to increase citizen inputs into decision-making

processes and improve conditions for accountability and good governance.

- Complete the National Spatial Plan for Palestine (2050), articulating a vision of a state that draws upon nationally shared assets in alignment with the National Policy Agenda 2017–2022.
- Introduce new tools and methodologies into the craft of urban planning in Palestine, moving it away from traditional land-use and physical planning towards the application of urban growth scenarios and modelling techniques, in order to achieve sustainability in terms of socioeconomic and environmental interventions.
- Adopt clear strategies and an urban agenda to build new cities and neighbourhoods in harmony with the National Urban Policy.

Integrate local planning with regional and national planning.

- Encourage PPPs to revitalize old cities and upgrade the informal urbanization taking place in refugee camps and peripheral areas, such as neighbourhoods behind the separation barrier.
- Allow the effective participation of LGUs in local planning by improving their resources and powers to manage their resources, by building the technical capacity of staff, and by clarifying powers and duties in respect of the borders of regions. Decentralization of power and local involvement in decision-making through a bottom-up approach would aid sustainable natural resources management.
- Engage the public in the preparation of urban plans and strengthen their role, which should not be restricted to only submitting objections after the urban plan's publication.
- Environmental protection, natural resources, natural sites and cultural heritage should be taken into consideration and adequately

reflected in any urban planning project or works.

- Advocate for planning rights and access to natural resources and increase the issuance rate of building permits in Area C and East Jerusalem to make sure that Palestinians are not excluded from participating in planning processes and bodies.

Women's property rights

- Amend or repeal existing legislation that discriminates against women's property rights, to protect their HLP rights and promote their economic participation in the country. In addition, work to reduce the patriarchal pattern of power that dominates both inheritance and property in the country and raise awareness about the importance of women's HLP rights for their empowerment and for the country's economic development, peace and stability.

Adequate housing

- Update the Strategic Framework for the Housing Sector of 2009 and the National Housing Sector Strategy of 2010 to address overcrowding and high densities, regulate and rationalize land use, and address landownership rights, tenancy rights and mortgage lending.
- Promulgate a modern Housing Code to regulate the housing sector and promote it.
- Promulgate a Housing Financing Code to guide the housing finance sector, unify the rules of housing financing in all of Palestine, and replace the relevant PCMA instructions, including outdated laws related to housing finance in the West Bank (Law No. 46 of 1953) and the Gaza Strip (Ottoman law). Improve finance terms to benefit a great number of Palestinians and to develop the housing sector.
- Update or replace the Landlords and Tenants Law No. 62 of 1953 to provide a balance

between the interests of the tenants and landlords.

- Provide a mechanism for the settlement of co-owned property to allow its utilization for housing.
- Improve housing conditions of Palestinians living in refugee camps, in cooperation with UNRWA and consider regularising refugee camps.
- Increase the engagement of the state in housing projects in Palestine and promote PPPs.
- Provide public services and invest in infrastructure to reduce housing prices and bridge the gap between housing needs and affordable housing supply. Furthermore, provide the required planning, regulatory and legal environment to define affordable and adequate housing conditions.
- Assess the existing housing stock, with particular attention to health and safety standards, climate adaptation, sustainable and circular reuse of abandoned or underused spaces and buildings, access to water and sanitation, disaster resilience, fire and earthquake safety and connectivity.
- Support the development, funding and regulation of the housing sector, to enable all citizens to access affordable housing – especially those living in vulnerable circumstances.
- Reform and update policy, the legal framework and building codes, and incorporate human rights-based approaches, climate change and the pandemic response.
- Improve the real estate appraisal capacity of relevant government bodies in data collection and analysis.
- Encourage local authorities, especially municipalities, to incorporate national

housing strategies into city development plans and strategies (e.g. strategic development investment plans) and to seek partnerships for the implementation of these strategies, especially with the MDLF.

- Scale-up multilateral efforts to avoid the periodic large-scale destruction of the housing stock during military operations and the related humanitarian crisis and mass displacement, particularly in the Gaza Strip.

Land disputes resolution mechanism

- Establish specialized courts in real estate disputes and improve caseload management (to reduce the backlog of cases), and provide capacity-building in real estate disputes for new judges, to strengthen citizen trust in the formal court system and the rule of law in the country.
- Promulgate a modern Arbitration Code or update the current law of 2000.
- Support tribal justice as a trusted alternative mechanism for resolving land disputes by many.

Land-related legislative framework

- Reform the land-related legislative framework, which is outdated, fragmented and hinders effective and sustainable land management and administration. More than 26 pieces of legislation are still applied to land settlement and registration in Palestine (West Bank and Gaza Strip). Courts still issue judgments based on outdated land laws, such as the Ottoman Land Code of 1858 and the Ottoman Civil Code of 1876. Moreover, different laws apply in the West Bank and the Gaza Strip. Ensure that land-related laws and policies are enforced by the competent authorities.
- Improve the role of the government land institutions through the reform of the land-related legislative framework, to clearly define the role and the degree of executive power given to each. Clarification is needed

to ensure optimal coordination between the competent authorities and to avoid overlapping responsibilities.

- Allow the Palestinian Legislative Council to resume its work to promulgate the needed land laws. It is the legitimate authority empowered by Palestinian Basic Law to promulgate legislation for both the West Bank
- Empower municipalities and villages to enforce urban planning laws and policies within their jurisdiction to protect land against degradation.

and the Gaza Strip. The power of the President to legislate should remain exceptional and apply only in times of necessity.





ANNEXES

Annex 1. Legal framework for land and property administration and management¹⁵⁸

No.	Legislation	Summary
1	The Ottoman Land Code of 1858	<p>The Code consists of 133 articles, and Palestinian courts still decide cases based on its provisions both in the West Bank and the Gaza Strip. Called Arazi Kanunnamesi in Turkish, it was an extension of the Tanzimat reforms to the areas of agricultural property and taxation. It aimed to increase tax revenues while replacing local rule by notables with centralized administration. The Code reaffirmed prior laws pertaining to land, updated some old terminology, and introduced two major innovations that, by permitting individuals to possess large areas of land, completely transformed the relationship of people to land in many parts of the Ottoman Empire during the last half of the nineteenth century (Waldner, n.d.).</p> <p>The Code divides all lands into five categories: <i>miri</i>, <i>waqf</i>, <i>metrouke</i> (abandoned), <i>mewat</i> (dead) and <i>mulk</i> (private). It also determines the legal regime applicable to each category (Article 1). <i>Mulk</i> lands are governed by the provisions of the Mecelle (the Ottoman Civil Code), <i>waqf</i> lands by the general sharia law, and <i>miri</i> lands by the Land Code. In each class the ultimate ownership (raqaba) lies in different hands. In the case of <i>mulk</i> it rests with the owner, with the result that this is the <i>mewat</i> complete form of ownership known under Muslim Law. For <i>waqf</i>, ownership is attributed to God, and thus, these lands normally cannot be transferred or diverted from the use to which they were originally dedicated. For <i>miri</i>, the fact that the state holds raqaba makes it possible for the state to assume the management of these lands under the provisions of the Land Code. State lands consist of <i>miri</i>, <i>metrouke</i> and <i>mewat</i>.</p> <p>Article 2 of the Code defines the four types of <i>mulk</i> or private land. The owner has legal ownership. It devolves by inheritance, like movable property, and all the provisions of the Majaleh (e.g. dedication pledge, mortgage, gift, pre-emption, etc.) are applicable.</p> <p>The Code is divided into three books:</p> <ul style="list-style-type: none"> • Book I. State land (Arazi <i>Miri</i>); • Book II. Land left for the public (Arazi <i>Metrouke</i> and Arazi <i>Mewat</i>); • Book III. Miscellaneous land not classified in the preceding categories (Article 7) (Tute, 1927).

158 The pieces of legislation used in this study were downloaded from the website of the Palestinian Legal and Judicial System Al-Muqtafi, Birzeit University, Institute of Law (<http://muqtafi.birzeit.edu/>).

No.	Legislation	Summary
2	The Ottoman <i>Majaleh Al-Ahkam Al-Adlieh</i> of 1876	<p>The provisions of the Ottoman Civil Law (Mecelle) are still applied in both the West Bank and the Gaza Strip. Its 1,851 articles set important legal provisions based on Islamic Fiqh (Jurisprudence). Important examples are outlined below:</p> <ul style="list-style-type: none"> • “effect is given to intention and meaning and not to words and phrases. Consequently, a contract for sale subject to a right of redemption has the force of a pledge” (Article 2); • “certainty is not dispelled by doubt” (Article 4); • “freedom from liability is a fundamental principle”; therefore, if one person destroys the property of another, and a dispute arises as to the amount thereof, the statement of the person causing such destruction shall be heard, and the onus of proof as to any amount in excess thereof is upon the owner of such property (Article 8); • “where the text is clear, there is no room for interpretation” (Article 14); • “a matter which has been proved contrary to legal analogy cannot be cited by way of analogy in respect to any other matter” (Article 15); • “Necessity renders prohibited things permissible”, and “if any person seeks to disavow any act performed by himself, such attempt is entirely disregarded” (Article 100). <p>It is also subdivided into several books:</p> <ul style="list-style-type: none"> • Book I regulates the sale and includes the contract of sale, the subject matter, issues related to price, power to deal with price and the item after the sale, and giving and taking delivery and options, various categories of items and the effect thereof; • Book II regulates hire, which includes the hire of real property, the delivery and the return of the item hired; • Book III regulates the guarantee and includes the contract of guarantee, conditions attached to a contract of guarantee and the release from the contract of guarantee; • Book IV regulates the transfer of debt and includes the contract of transfer of debt and its effects; • Book V regulates pledges and matters related to them, the pledgor and the pledgee, and the sale of the pledge; • Book VI regulates trusts and trusteeship; • Book VII regulates gifts and the fundamental rules related to gifts; • Book VIII regulates wrongful appropriation and destruction (of the property); • Book IX regulates interdictions, constraint and pre-emption; • Book X regulates joint ownership; • Book XI regulates the agency;

No.	Legislation	Summary
		<ul style="list-style-type: none"> • Book XII regulates settlement and release; • Book XIII regulates admissions; • Book XIV regulates actions; • Book XV regulates evidence and administration of oath; • Book XVI regulates the administration of justice by the court (Capes, n.d.).
3	Law No. 6 of 1942, "Public Lands Law"	This law, consisting of four articles, was issued by the High Commissioner during the British mandate of Palestine. The law grants the power to the land settlement manager to sign lease contracts and occupancy permits of public lands, based on instructions issued by the High Commissioner (Article 2). Moreover, the land registrations manager is empowered to sign a sale contract for the purchase of the land by the Government of Palestine or the King of the United Kingdom under the British mandate (Article 3).
4	Law No. 62 of 1953, "Landlords and Tenants law"	The law consists of eight articles and is valid only in the West Bank. It applies to the leasing of properties located within municipal or local council areas (Article 2). Article 4 determines the exclusive cases for eviction of tenants by the court. Article 6 sanctions any harassment or coercion by the landlord against the tenant.
5	Law No. 2 of 1953, as amended, "Expropriation Law"	<p>This law is applied only in the West Bank, while Expropriation Law No. 24 of 1943, as amended, is applied in the Gaza Strip (AMAN, 2019). Law No. 2 of 1953 consists of 24 articles. It provides that expropriation of private property may only be conducted by a resolution of the Council of Ministers, after it is satisfied that the expropriation is in line with the public interest and that the expropriating party is able to pay fair compensation and implement the project for which the land is expropriated (Article 4). The expropriation resolution of the Cabinet must be ratified by the President of the State and published in the Official Gazette (Article 5). The parties that may expropriate property are the government, LGUs and legal persons (i.e. companies), which may expropriate land for public utility projects such as building hospitals, schools and universities (Article 2).</p> <p>If the parties cannot agree on the level of compensation, the expropriation party or the owner may submit a request to the competent first instance civil court, requesting a fair price estimate (conducted in accordance with the manner laid out in Article 2).</p>
6	Law No. 1 of 1997, as amended, "Local Authorities Law"	<p>Valid in both the West Bank and the Gaza Strip, it consists of 40 articles and aims to organize the system of local government and unify its legal framework. The Law lists 27 fields of activity under municipal responsibility, giving local councils the authority to issue rulings in these fields. Tasks granted to the Ministry of Local Self-Government include establishing the general policy for local councils; supervising the work of these councils and the organization of public works projects; monitoring administrative, financial and undertaking all technical and administrative works related to regional planning and zoning in Palestine (Article 2).</p> <p>Article 15 specifies the 27 functions of the LGUs: town and street planning, building and construction permits, provision and management of water, power, wastewater treatment, solid waste disposal, as well as organizing and monitoring public markets, industrial zones, public facilities and public spaces, emergency preparedness and response plans, road and traffic management, management of local public health and others.</p>

No.	Legislation	Summary
7	Law No. 1 of 1999, " National Resources "	<p>Law No. 1 of 1999, composed of 46 articles, sets up the General Administration of Natural Resources at the Ministry of Industry, run by a director general appointed according to a decision by the President of the National Authority (Article 1), with the following duties:</p> <ul style="list-style-type: none"> • Preparing scientific studies and research pertaining to natural resources, and issuing directions for geological search and excavation for surface and ground resources; • Preparing geological maps and publishing the findings of academic studies; • Geological exploration and search for natural resources; • Listing quantity and quality of natural resources; • Supervising natural resources investment, according to systems and laws in force (Article 3). <p>Article 4 of the law decides that natural resources discovered within Palestine, territorial waters and free zones shall be deemed public property except for construction materials, such as lime, sandstones and sand at quarries owned by others. For mining purposes, ownership of private land is possible for the public benefit. The law regulates the exploration and inspection of natural resources, excavation, discovery and mining (Article 7), quarries and stone crushers (Chapter VII) in addition to granting of licences by the General Administration of Natural Resources (Chapter V).</p>
8	Presidential Decree No. 10 of 2002, " Establishment of the Land Authority "	<p>This Presidential Decree, consisting of seven articles, establishes the Palestinian Land Authority as a legal entity with its own budget, subordinate to the Council of Ministers, tasking it with the responsibility for both the Survey and Registration Departments. Its headquarters is located in Jerusalem, and it may open branches in all Palestinian governorates (Article 1). Land registration departments that were under the Ministry of Justice and the land surveying departments under the Ministry of Housing before the enactment of this Presidential Decree are incorporated into the PLA (Article 2).</p> <p>Government land may be disposed of by a decision of the Chairperson of the PA, based on recommendations by the President of the PLA, the Minister of Public Works and Housing and the Minister of Local Self-Government (Article 3).</p>
9	Law No. 2 of 2003, as amended, " Agriculture Law "	<p>The law has 85 articles and was amended by Presidential Decree No. 14 of 2018. It defines the duties of the Ministry of Agriculture and its role in implementing the Law (Article 2). For the achievement of the goals of this Law and with the aim to develop and ensure sustainable use of agricultural resources, the law provides for establishing the following: the Fund for the Compensation of Farmers for Natural Disasters; Palestinian Genetic Bank for Seeds, Cuttings and Reproduction Material; Agricultural Loans Bank; Palestinian National Centre for Agricultural Research; stations for agricultural experiments and research; central agricultural laboratories; water harvesting projects via dams and small barriers and water catchment; plant and animal quarantines; an advisory agricultural council, and others (Article 3).</p>

No.	Legislation	Summary
		<p>Concerning agricultural holding, Article 4 provides that in coordination with the Palestinian Central Bureau of Statistics, the MoA shall develop a register with the names of holders and the data on the agricultural holding. The relevant party at the Ministry shall be responsible for the documentation of such data thereon. The aforementioned party shall also develop the card on agricultural holding and record data related to each holder thereon. Chapter II of the law provides for the protection of nature and agricultural land and soil conservation. Article 11 of the law provides that any public or private buildings, or industrial, commercial or handicraft installations, may not be constructed on agricultural or fallow land. The amendment of Article 11 of the law by Article 4 of Presidential Decree No. 14 of 2018 divides agricultural lands in terms of their uses into high value, medium value and low value, and their uses are limited to what is stated in the National Spatial Plan. Moreover, Article 4(2) decides that it is prohibited to construct any public or private buildings or industrial, commercial or craft facilities on high-value agricultural lands. The amendment to the agricultural law increased the penalties for encroachment of agricultural lands.</p> <p>Chapter III of the Law is related to forestry and imposes a licence from the Ministry of Agriculture for individuals to perform certain acts in forests. The law includes provisions related to irrigation, livestock and poultry, control of animal diseases, veterinary quarantine, slaughterhouses, fisheries and penalties to ensure compliance.</p>
10	Law No. 4 of 2012, "Civil Law"	<p>The Civil Law was promulgated by the Palestinian Legislative Council in Gaza on 26 July 2012. Its objective is to fill the gaps and regulate matters not covered by the outdated Mecelle (Ottoman Civil Code) and the Jordanian Civil Law. Due to the circumstances of its promulgation, the Civil Law is currently only valid in Gaza Strip, and the Mecelle is still applicable in both the West Bank and the Gaza Strip. The Civil Law is mostly based on the sharia and is divided into two books and 1,302 articles. Book I regulates obligations in terms of sources of the obligations and their provision, and Book II regulates contracts like sale, rent, contracting, work, agency, gift and others, in addition to rights in kind (original and accessory rights).</p>
11	Law No. 5 of 2013, "Real Estate Leasing Law"	<p>Promulgated by the PLC in Gaza, it consists of 13 articles. The law applies to the leasing of all real estate for residential, commercial and industrial or professional purposes (for at least 30 days or longer). But the law does not apply to the lease of state private and public property, agricultural land, unbuilt land and <i>waqf</i> lands, properties leased by the employer for the housing of employees, premises leased for investment purposes such as furnished apartments, and hotels rooms and theatres, and lease of any part of the real estate leased for a person or persons to service the real estate of the beneficiaries (Article 2).</p> <p>The law requires the registration of the lease contract with the local unit where the leased premises is located, which is a condition for enforcement of the contract by the local unit in case of claims in terms of the contract, claim of the due rent and the claim of handing over the possession of the property to the landlord upon expiry of the lease (Article 5). Article 6 decides that the tenant should vacate the premises upon the expiry of the lease term, and Article 7 determines the case for the eviction of the tenant by the court based on the request of the landlord – even before the expiry of the lease.</p>

No.	Legislation	Summary
12	Presidential Decree No. 11 of 2018, " Palestinian Cultural Heritage Law "	<p>Consisting of 80 articles, it was prepared by the Palestinian Ministry of Tourism and Antiquities, with technical and financial support from UNESCO. The law provides a comprehensive set of provisions on the protection, management and promotion of Palestinian tangible cultural heritage, with the following specific objectives:</p> <ul style="list-style-type: none"> • Protecting the heritage of the country and preserving it for future generations; • Introducing Palestinian heritage and managing it optimally; and • Preserving the cultural and civilizational identity of the state (Article 3). <p>While similar to the law that it replaced (Jordanian Temporary Antiquities Law No. 51 of 1966), the penalties and fines for criminal offences have been dramatically increased (Chapter 10). The law mandates MoTA to prepare and keep a National Heritage Register where all movable and immovable assets are inventoried and registered (Article 38). The register shall be updated every five years (Article 48). MoTA shall also notify the PLA of all registered immovable heritage (Article 45). It empowers MoTA to take all necessary measures to stop any violation or aggression against the heritage and to prosecute violators (Article 71).</p>
13	Presidential Decree No. 22 of 2018, " Conservation of State Lands and Properties "	<p>This Presidential Decree, consisting of 12 articles, repeals Law No. 14 of 1961 and provides for a special court to rule on any encroachment or aggression against state lands (Article 2). Encroachment of state land is punished with imprisonment between one and three years and a fine between JOD 5,000 and JOD 10,000 (Article 3). It grants police powers to PLA employees to monitor and report any encroachment on state land to the Land and Survey Manager for criminal prosecution (Article 7). The law extends state land protection to Islamic and Christian <i>waqf</i> land (endowment) (Article 8).</p>

Annex 2. Strategic Objectives of NAP-IFS¹⁵⁹

Strategic objectives	Programmes	Interventions
1. To upgrade institutional, legal, and human capacities and frameworks and to create the enabling policy environment	1.1 Institutional support programme	1.1.1 Assessment and identification of institutions' needs
		1.1.2 Improving institutional capacities and performance
	1.2 Harmonization and reform of the regulatory framework programme	1.2.1 Review and assessment of current laws and regulations
		1.2.2 Development and amendment of the legal and regulatory framework governing mitigation and combating of desertification, land degradation and drought

159 Source: EQA (2012).

	1.3 Human resource development programme	1.3.1 Conduct a resource gap analysis and human resource development plans for the institutions dealing directly with mitigation and combating of desertification, land degradation and drought
		1.3.2 Implementation of the human resource development plan for different institutions and in different fields
		1.3.3 Select and assign national, regional and international institutions to deliver training and conclude cooperation agreements with them
2. To improve stakeholder awareness and to secure maximum participation and partnerships of the affected people and the private sector	2.1 Awareness raising programme	2.1.1 Raising awareness of politicians, decision makers, governors and judges
		2.1.2 Raising awareness of local communities
		2.1.3 Raising awareness of the general public
	2.2 Enhancement of stakeholder participation, mainly of the affected communities and private sector programme.	2.2.1 Involvement of local communities and affected groups in all aspects of design, implementation, monitoring and evaluation and adjustments of projects, plans, policies and strategies
		2.2.2 Improvement of private sector participation
3. Conservation and sustainable use of natural resources	3.1 Preparation of studies, data and maps related to mitigating and combating desertification, land degradation and drought programme	3.1.1 Preparation of data, maps and surveys
		3.1.2 Preparation of desertification, soil survey, land-use and suitability maps and studies for hot spots and endangered areas
		3.1.3 Preparation of local area development plans for hotspots and endangered areas (income generation, job creation, social services and infrastructure)
	3.2 Restoration and rehabilitation of hotspots and endangered areas programme	3.2.1 Development of optimal water harvesting, water collection and soil conservation measures
		3.2.2 Development of rangeland restoration and rehabilitation
		3.2.3 Small ruminant development
3.2.4 Land reclamation		
4. To improve mobilization, efficiency and effectiveness of financial and technical resources	4.1 Resource mobilization to mitigate and combat desertification, land degradation and drought programme	4.1.1 Establishment of pressure and lobbying groups
		4.1.2 Promotion of new and innovative funding mechanisms
	4.2 Efficient management and use of financial resources programme	4.2.1 Establishment of sub-working groups
		4.2.2 Launch a fundraising campaign

Annex 3. Palestine National Spatial Plan ¹⁶⁰

Sector 1: Economic development		
Vision	Vision statement	Main actions
1.1. Multi-sectoral economy	Economic diversity that reinforces productive agricultural and tourist entrepreneurship, in the context of a strategic developmental manufacturing process linking vital sectors and that secures the best use of natural resources	<ul style="list-style-type: none"> ▪ Link agricultural production to the manufacturing process and ensure appropriate spatial planning ▪ Allocate areas for facilities and plans for the requisite infrastructure to support the linkage between agricultural, industrial and traditional industrial sectors
1.2 Sustainable agricultural sector	Preserve the limited agricultural land and manage it using advanced technology, to counter limited water supplies and make use of treated water for agricultural purposes, and to consolidate food security and production capabilities	<ul style="list-style-type: none"> ▪ Promote land reclamation and encourage work in the agricultural sector ▪ Allocate agricultural land within structural zoning plans ▪ Find mechanisms to end the fragmentation of land-ownership ▪ Develop aquifer and surface water resources and adopt modern technologies to extract and distribute water ▪ Establish wastewater treatment plants to use treated water for irrigation
1.3 Industry as a driver of the economy	An industrial sector that employs the available resources and integrates with other sectors to act as a springboard for scientific research innovation and creativity and that provides the broadest possible base of commodities and strategic goods	<ul style="list-style-type: none"> ▪ Allocate appropriate land for the establishment of strategic industries ▪ Provide services (energy and water) at a reasonable price ▪ Ensure the optimal organization of the exploitation of natural and metal resources
1.4 Facilitation of trade transactions	A trade sector that serves local production with a vision to achieve the highest standard of trade promotion	<ul style="list-style-type: none"> ▪ Rehabilitate border crossings and prepare them for multimodal transport ▪ A seaport in the Gaza Strip and airports in the West Bank and Gaza ▪ Establish an advanced transport network linking all the occupied Palestinian Territory (internal and external)
1.5 Palestine: a unique tourist destination	Take advantage of the religious and historical sites and diverse climate to make Palestine a unique tourist destination; develop support services and facilities	<ul style="list-style-type: none"> ▪ Allocate land for public parks and tourist resorts ▪ Establish and develop museums

¹⁶⁰ Only sectors relevant for this report are covered; Sector 6 (International Relations and Politics) and Sector 7 (Service Sector) are excluded. See PA (2015) for the full text.

1.6 Services that enhance production	An organized services sector that supports the productive sectors and meets the needs of individuals and society	<ul style="list-style-type: none"> Allocate adequate areas for freeways outside cities and residential areas Upgrade the public transportation sector, rehabilitate and develop the existing road network
1.7 Qualified labour force	A highly productive and qualified labour force that responds to practical and developmental needs and is endowed with entrepreneurship and resilience	<ul style="list-style-type: none"> Establish a social security system Promote vocational education within a holistic developmental vision Increase wages and minimum salaries to match living conditions and worker qualifications
1.8 Empowered economic policies	Macroeconomic and financial policies that promote growth and social justice	<ul style="list-style-type: none"> Adopt macroeconomic policies that support price stability and sustainable economic growth
Sector 2. Resource management		
Vision	Vision statement	Main actions
2.1 Water resources	Full control and sovereignty over water resources, and regain previous shares of water from all sources	<ul style="list-style-type: none"> Adopt macroeconomic policies that support price stability and sustainable economic growth Link agricultural production to manufacturing and ensure appropriate spatial planning Allocate areas for facilities and plans for the infrastructure required to support the linkage between agricultural, industrial and traditional sectors
2.2. Agricultural land	Exercise sovereignty over all Palestinian land, and exercise sustainable management of land within a comprehensive land-use plan	<ul style="list-style-type: none"> Encourage, support and empower Palestinian farmers Best use of climate diversity to produce a wide range of produce Encourage the use of treated water
2.3 Fishing	Develop the fishing sector and fish farms	<ul style="list-style-type: none"> Ensure control and sovereignty over regional waters according to international treaties Improve the competitiveness of fishermen and connect them to markets in the West Bank
2.4 Human resources	Human resources management to serve socioeconomic development and improve scientific research and vocational education	<ul style="list-style-type: none"> Develop vocational education and centres Modernize existing strategic plans that meet the needs of local and regional markets Provide a climate that attracts competent people
2.5 Electricity	Set the price of energy in line with developmental economic needs, and encourage alternative energy resources and regional exchanges of these resources	<ul style="list-style-type: none"> Establish electricity power stations Encourage investment in the generation and distribution of solar, thermal and wind energy
2.6 Alternative energy	Exploiting alternative sources of energy within economic feasibility and environmental considerations	<ul style="list-style-type: none"> Optimize use of alternative energy resources in line with available capabilities Allocate land for alternative energy

Sector 2. Resource management		
Vision	Vision statement	Main actions
2.7 Stone extraction	Develop the stone and granite industry to contribute to economic development, while preserving the environment and ensuring the rehabilitation of sites	<ul style="list-style-type: none"> Provide infrastructure for quarries Enforce economic and environmental monitoring of quarries and sector institutions Conduct geological studies on land to estimate reserves of different types of stone
2.8 Historical and archaeological natural resources	Protect natural, historic and archaeological resources from urban development, conduct regular renovation of this heritage and raise awareness in this respect	<ul style="list-style-type: none"> Preserve Palestine's natural, historical and archaeological heritage Conduct an accurate classification of archaeological sites and their contents Establish priorities regarding the preservation of architectural and archaeological heritage Preserve the identity of historic cities and link them with the modern parts of cities
2.9 Sustainable environment	Protect the environment and achieve a balance between development and modernization	<ul style="list-style-type: none"> Establish nature reserves and preserve nature and biodiversity Allocate land for waste disposal, establish recycling factories, and reduce emissions through environmentally friendly industry Stop the depletion of natural resources Raise awareness among individuals and institutions on the issue of sustainability
2.10 Oil and gas	Full sovereignty over oil and gas reserves to meet the needs of future generations	<ul style="list-style-type: none"> Conduct a geological and geophysical survey of all land under Palestinian sovereignty Put in place the infrastructure and legislation needed to extract oil Make plans for sound use of oil extractions and guarantee sustainability
2.11 Dead Sea	A unique local and international competitive advantage which is also viewed as a tourist economic and therapeutic location	<ul style="list-style-type: none"> Develop infrastructure in the Dead Sea region, make use of and privatize natural springs Allocating regions to make use of natural resources Preserve – and if possible increase – the water level of the Dead Sea via the Jordan River or the Dead Sea Canal

2.12 Jordan River	Support its tourist and religious role, and reaffirm the baptism site on the Palestinian bank	<ul style="list-style-type: none"> Affirm the sovereignty of Palestine over its share of the Jordan River A detailed developmental plan for the Jordan River Basin Allocate land for the Jordan River Canal
2.13 Forestry	Increase the ratio of forests from 1 per cent to 5 per cent, for their environmental and tourist importance, and establish sound management for this sector	<ul style="list-style-type: none"> Special legislation on protecting forests Raise public awareness of the importance of forestry Find alternatives for urban expansion to prevent infringement in forest areas
Sector 3. Urban and rural development		
Vision	Vision statement	Main actions
3.1 Decentralization	Gradual move from centralization to decentralization in the management of urban areas	<ul style="list-style-type: none"> Gradually transfer authorities over services and functions based on specific spatial aspects, highlighted in studies to guarantee balanced and sustainable development Determine the hierarchy of residential areas based on functions and services Raise awareness of decentralization and reinforce principles of good governance Prepare the administrative institutions of spatial areas to move towards decentralization
3.2 Population density	Address major gaps in densely populated areas through the use of regions with areas of low population and strategic value	<ul style="list-style-type: none"> Prepare detailed studies determining priorities in dealing with densely populated areas and control of residential areas borders Develop laws on development and construction Link developmental plans for the economic and services sectors with a policy of demographic distribution Create centres that attract residents to more sparsely populated regions
3.3. Residential centres	Functional distribution of the main urban centres: Nablus, Jerusaleem, Jericho, Hebron and Gaza	<ul style="list-style-type: none"> Create decentralized centres for residential areas Monitor the geographic distribution of resources, natural resources and their relationship to the distribution of functional centres Develop appropriate infrastructures for the different functional centres and connect them with each other
3.4 Territorial linkage between northern and southern governorates	Link northern and southern governorates via ground, rail and air, as well as services (gas, water and electricity)	<ul style="list-style-type: none"> Establish a physical link through a corridor between northern and southern governorates (road, rail, air) Establish services linkage to transport gas, water, electricity and oil products between governorates

Sector 3. Urban and rural development		
Vision	Vision statement	Main actions
3.5 City of Jerusalem	East Jerusalem as the political and administrative capital of Palestine	<ul style="list-style-type: none"> ▪ Treat Jerusalem as a metropolitan city and create balanced polar distribution to bypass the city state ▪ Maintain the identity of Jerusalem and divide the roles of the city with neighbouring cities ▪ Limit and organize urban expansion towards neighbouring cities and avoid random construction ▪ Prepare a detailed study of Jerusalem as an integral part of the spatial planning of Palestine ▪ Prepare a future scheme for Jerusalem and link it with the other population centres ▪ Consider the special features of the city, its suburbs and surroundings (Ramallah and Bethlehem)
3.6 New cities	Build new cities that absorb the high rate of population growth, the anticipated internal migration and the return of the displaced without any discrimination	<ul style="list-style-type: none"> ▪ Prepare a detailed study on where new cities can be built and their relationship to existing cities ▪ Consider these locations when preparing the structure of residential communities and service centres ▪ Observe sustainability in the selection of locations and aim to build environmentally friendly cities ▪ Establish them under the “smart city” model to add value to the urban fabric
3.7 Refugee camps	Improve living conditions in refugee camps until a political solution is found, and maintain the legal status and national dimension	<ul style="list-style-type: none"> ▪ Integrate the camps within the infrastructure networks of neighbouring cities ▪ Create plans to empower young men and women ▪ Create physical links that join the camp with the city (markets or public institutions)
3.8 Palestinian rural areas	Develop and improve rural services and integrate them with the main and secondary urban centres using an appropriate and gradual strategy	<ul style="list-style-type: none"> ▪ Apply an integration policy as a tool for planning and administration and not only for management ▪ Place rural communities as part of the central structure of communities ▪ Create attractions in rural regions to ease pressure on urban centres ▪ Transform some rural communities into secondary centres to support and complement main urban areas ▪ Preserve the rural identity of Palestinian rural areas and limit urban expansion into these regions

3.9 Bedouin communities	The Bedouin are an important part of Palestinian society and part of the identity and culture of Palestine	<ul style="list-style-type: none"> ▪ Improve living conditions in Bedouin communities ▪ Enhance the Bedouin identity and lifestyle of the citizens in these regions ▪ Link these regions with the comprehensive plan to develop tourism in Palestine
Sector 3. Urban and rural development		
Vision	Vision statement	Main actions
3.10 Slums	Reduce the spread of slums and their social and security impact on Palestinian society	<ul style="list-style-type: none"> ▪ Find solutions for replanning slums and find alternatives ▪ Elaborate security plans to address negative issues and events ▪ Social integration of slum residents
3.11 Construction regulations and laws	Regulation and legislation to meet modern needs, especially in zoning construction and management of resources	<ul style="list-style-type: none"> ▪ Replace Jordanian laws with Palestinian laws that consider the conditions facing the Palestinian State ▪ Improve control by the executive authority over construction and zoning violations ▪ Find creative mechanisms that solve the issue of ownership fragmentation ▪ Provide legal tools to organize relations between private property and developmental plans
3.12 Evacuated Israeli settlements	Reuse, remove or integrate settlements in a manner that serves the best interests of Palestinian society.	<ul style="list-style-type: none"> ▪ Prepare a comprehensive classification and assessment of all Israeli settlements on Palestinian land ▪ Provide a mechanism to organize landownership where settlements were built ▪ Find means to integrate the infrastructure of settlements with local infrastructure networks ▪ Alter the appearance of existing settlements and those that will remain to fit the Palestinian landscape ▪ Use settlements that will remain in developmental plans, especially urban and rural development ▪ Create plans for settlements that will be demolished in a manner compatible with the future vision of the various developmental sectors
3.13 Old city centres	The historic centres of cities have historical, cultural and political value and identity that must be maintained	<ul style="list-style-type: none"> ▪ Preserve the identity of each city centre according to its location ▪ Include the centres of historic cities within national tourism developmental plans ▪ Regenerate abandoned historic centres ▪ Identify rigorous mechanisms, regulations and laws to preserve these centres
Sector 4. Infrastructure		
Vision	Vision statement	Main actions

4.1 National roads	Develop and expand the existing national road network to meet developmental needs, and integrate them with the regional road network	<ul style="list-style-type: none"> ▪ Create a comprehensive plan (master plan) to develop existing roads and open new roads ▪ Plan and design the necessary administrative and institutional structures to efficiently manage and operate a national network
4.2 Regional roads	Integrate the Palestinian road network with the regional and international road network	<ul style="list-style-type: none"> ▪ Link both parts of the state (northern and southern) ▪ Reconcile Palestinian and international standards on operation and construction ▪ Coordinate construction development plans for Palestinian cities and villages
4.3 Seaport	Maritime gateways under Palestinian sovereignty	<ul style="list-style-type: none"> ▪ Demarcate Palestinian naval borders based on international maritime law ▪ Make use of the strategic and international location of Gaza seaport and its links with commercial maritime and ground transportation
4.4 Airport	Aviation gateways under Palestinian sovereignty	<ul style="list-style-type: none"> ▪ Define Palestinian airspace and sovereignty and aviation routes ▪ Establish an international Palestinian airport and open it to aviation
4.5 Trains and railways	A national railway and an international railway, integrated with other transport networks	<ul style="list-style-type: none"> ▪ Conduct a study of existing railways, and plan for an internal network with international links ▪ Study how to link urban regions via a rail network ▪ Integration with master plans of Palestinian cities and villages
4.6 Logistics zones	Logistics and customs zones that facilitate external trade	<ul style="list-style-type: none"> ▪ Prepare studies on the location of logistics zones ▪ Consider plans for economic, industrial and building development when establishing logistics zones
4.7 Housing	Provide affordable homes and residential services to low- and middle-income persons.	<ul style="list-style-type: none"> ▪ Prepare a study on the status and conditions of housing and determine gaps, including structural plans ▪ Prepare a strategic housing plan ▪ Build partnerships with the private sector and the non-governmental sector ▪ Legislate to improve housing ▪ Allocate locations for housing projects ▪ Develop financial organizations that support housing ▪ Integrate plans with the plans of existing and foreseen cities, villages and neighbourhood ▪ Use modern planning methods for sustainability in housing projects and urban expansion

4.8 Water distribution systems	An adequate water supply for all uses	<ul style="list-style-type: none"> Study the status and condition of water distribution Develop additional water resources Develop infrastructure
4.9 Electricity networks	A nationwide and highly efficient electricity network	<ul style="list-style-type: none"> Study electricity demand Improve, develop and consolidate the existing electricity sector Replace the existing electricity network with an underground network
4.10 Border crossings	Guarantee the independence of existing crossings for passengers and goods, and rehabilitate them to become the land gateways to Palestine	<ul style="list-style-type: none"> Plan, operate and maintain sovereign crossings bordering neighbouring countries Coordinate construction and operation procedures Establish specialized crossings on the borders of Palestine
Sector 4. Infrastructure		
Vision	Vision statement	Main actions
4.11 Sewage system	Establish sewage networks and link all installations with the sewage network and wastewater treatment plant	<ul style="list-style-type: none"> Establish wastewater treatment plants to local specifications to serve all residential areas Establish a special strategy for sewage
4.12 Solid waste	Collect solid waste and recycle it as part of environmental sustainability	<ul style="list-style-type: none"> Establish a strategy for solid waste disposal sites and consider the environmental effects Create a plan to sort, collect and transport solid waste
4.13 Telecommunications and web networks	Efficient, modern telecommunications networks	<ul style="list-style-type: none"> Prepare a strategic plan to keep up with advances in the field of telecommunications Develop laws and systems for sustainable development of the telecommunications sector
Sector 5. Demography and society		
Vision	Vision statement	Main actions
5.1 Social justice	Create a sound societal atmosphere on the basis of human rights, justice and equality for all	<ul style="list-style-type: none"> Review relevant laws dealing with social justice and develop them further Provide balanced opportunities in all regions for health, education, labour, housing and freedom of movement Prioritize and protect the rights of women and children
5.2 Standard of living	Raise the standard of living, both physically and psychologically	<ul style="list-style-type: none"> Develop remote areas and link them sustainably with nearby communities Develop the agricultural sector to contribute towards reducing poverty and unemployment

5.3 Population growth	Expand basic services in education and health and create jobs that match population growth	<ul style="list-style-type: none"> ▪ Empower local and village councils to support the population in remote areas ▪ Consider population growth when preparing regional and national structural plans
5.4 Additional population growth (migration and return of displaced persons)	Manage the return of displaced and both internal and regional migration (West Bank and the Gaza Strip) by creating a balance in demand for natural and economic resources	<ul style="list-style-type: none"> ▪ Adopt a policy of demographic redistribution to guide internal migration and its implications ▪ Establish local plans and policies to absorb migrants and returnees ▪ Achieve economic balance between the needs induced by population growth and the available resources to ensure sustainability
5.5 Social welfare	Provide the basis for a decent life for the elderly and people with special needs	<ul style="list-style-type: none"> ▪ Implement and amend the law on social welfare ▪ Improve public health and medical services ▪ Establish medical insurance and social welfare funds
5.6 Health	Develop a comprehensive and efficient system of quality health care, in line with international standards, and make it available for all	<ul style="list-style-type: none"> ▪ Improve the quality and supply of public and private health service ▪ Encourage local councils, municipalities and their employees to provide a healthy environment ▪ Address the treatment and management of hazardous solid waste
5.7 Security	Consolidate the concept of participation between the security services and all sectors of society	<ul style="list-style-type: none"> ▪ Encourage the role of local community organizations ▪ Raise awareness of the importance of public space and the sense of belonging to this public space
5.8 Education	Provide quality education and increase the financial resources spent on scientific research	<ul style="list-style-type: none"> ▪ Identify links between the provided knowledge and education and the student's surroundings and lifestyle rather than focusing on theoretical teaching or rote learning



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ABOUT THIS PUBLICATION

This publication is part of the research work carried out by the Arab Land Initiative under the Arab Region Programme on Good Land Governance in Support to Inclusive Development, Peace and Stability funded by the Federal Ministry of Economic Cooperation and Development of Germany (BMZ) under the management of UN-Habitat and the Global Land Tool Network (GLTN). The opinions presented in this paper are of the author and do not reflect the views of GLTN, UN-Habitat, its Governing Bodies or Member States.

HS Number: HS/081/16E

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