

The “Land Settlement Project” in East Jerusalem Challenges and Threats



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Executive summary

In 2018, the Israeli government announced its decision to begin the process of land registration in East Jerusalem (EJ) through the “Land Settlement Project”. This process aims to exploit the delicate situation in EJ, where the vast majority of land owned by Palestinians lacks formal ownership documentation. Israel has been aiming at removing and replacing the Palestinians of EJ since it occupied the city in 1967. This new process which has been launched, helps to achieve Israel’s goal. In 2022, Israel halted a widely used method by Palestinians to prove their land ownership (the Makhateer Doctrine). Eventually, it resumed the land registration process, with Palestinians lacking the means to prove their ownership claims. The final outcome is the legalization of Israeli land grab which will lead to further disposition and forcible removal of Palestinians in EJ. This is all in clear violation of international law and a dangerous move threatening Palestinian existence in EJ.

Historical Background of Land Registration/Settlement Ottoman Era (1917 – 1517)

Legal Framework: The Ottoman Land Code of 1858 established categories of land ownership (Mulk, Miri, Waqf, Mawat, Matruke) and introduced formal land registration (Tabu).

Motives: While officially intended to improve taxation and administration, in practice many Palestinians avoided registration to escape taxation or conscription, leading to under-registration and registration in the name of absentee landlords or community leaders.

Legacy: Many plots in East Jerusalem remained either unregistered or registered under Ottoman-era records with unclear or outdated ownership – a legal ambiguity that persists.

British Mandate Period (1948 – 1917)

Introduction of modern cadastral surveys: The British began systematic land settlement (surveying, mapping and registration of ownership) under the Land Settlement Ordinance of 1928.

Impact in Jerusalem: While much of rural Palestine was surveyed, land settlement in Jerusalem's urban and peri-urban areas remained incomplete, especially in Arab neighborhoods and surrounding villages.

Result: A mix of surveyed/registered land and large areas still without definitive title deeds at the end of the Mandate.

Jordanian Administration (1967 – 1948)

Extension of cadastral efforts: The Jordanian government continued land settlement in the West Bank, but progress was uneven, and East Jerusalem's inhabited and surrounding lands were only partially addressed.

Waqf and family ownership: Many lands remained under collective or religious endowment titles, without subdivision or modern registration.

Israeli Annexation and Freeze (Post 1967)

Annexation and administrative change: After June 1967, Israel unilaterally annexed East Jerusalem and applied Israeli law and administration.

Freeze on land settlement: Israel largely froze systematic registration in Palestinian neighborhoods and villages, leaving much land without official, final registration.

Purpose: Analysts argue this "planning vacuum" limited Palestinian ability to obtain building permits, facilitated house expropriations, and allowed state declarations of land as "absentee" or "state land" in strategic areas¹.

¹<https://www.jerusalemstory.com/en/article/land-settlement-and-registration-east-jerusalem?utm>
&
<https://www.alquds.com/ar/posts/133543>

Revival of Land Settlement (2018 – Present)

Policy shift: In 2018, Israel initiated a new “Land Settlement Project” in East Jerusalem framed officially as a technical step to “regularize” land ownership, but widely viewed as a political tool to consolidate Israeli control.

Process:

Survey and mapping: Precise delineation of parcels in targeted blocks.

Claims submission: Owners must present documentation to prove ownership or any type of connection to the claimed land.

State claims: In absence of proof, the state can claim land as public or “absentee property”.

Final registration: Once adjudicated, the parcel’s title is recorded in the Israeli Land Registry (Tabu).

Target areas: Several blocks have been advanced in neighborhoods and villages such as Sheikh Jarrah, Beit Hanina, Sur Baher, and areas adjacent to or within settlement plans.

Latest Update on the “Land Settlement Project”

The “Land Settlement Project” was initiated by the Israeli government’s decision number 3790, from 2018. Under section 6 of the decision titled “Planning and land registration”, it instructs the Ministry of Justice to finish the registration of all lands in EJ by the year 2025².

Due to many challenges, the process was not initiated throughout all of EJ but began in separate locations throughout EJ. The latest area targeted for this process in EJ is Beit Hanina. There, residents faced struggles in attempting to register their ownership of their lands. Important to note, Beit Hanina is actually one of the rare areas in EJ where many have documentation from the Jordanian period proving their ownership of their land. In June 2025, the court agreed to extend the period allowing for the registration but with a few conditions. The extension is until the 30th of July 2025.³

²https://www.gov.il/he/pages/dec3790_2018

³<https://www.facebook.com/St.YvesArabic/posts/>

Confronting the Project's Adverse Implications

As far as what to do, for many, the process is similar to fighting a demolition order. It begins with obtaining all the documents one may find that prove ownership of the land. Then, one must check the land registry (Tabu) and make sure his/her registration appears there. It is also crucial to consult a lawyer or utilize the services of organizations working on the ground in EJ (Society of St. Yves, Jerusalem Legal Aid and Human Rights Center, etc.)

Ramifications

The **"Land Settlement Project"** – Israel's renewed push to complete cadastral registration in EJ – has implications that extend beyond technical land administration. Its potential impacts span the legal, spatial, socio-economic, and political domains, with direct consequences for the Palestinian population and the city's urban future.

1 Legal and Ownership Consequences

Formalization of state and settler claims:

Parcels lacking complete documentary proof of ownership risk being registered in the name of the Israeli state or quasi-governmental bodies (e.g., the Jewish National Fund) particularly where historical records are missing or where the absentees' Property Law is invoked.

Dispossession risk for Palestinians:

Many families rely on Ottoman, Mandate or Jordanian-era documentation that may be incomplete or not recognized under Israeli evidentiary rules, making them vulnerable to losing their property rights during adjudication.

Legal finality of registration:

Under Israeli law, once registration is finalized in the Tabu, ownership is deemed conclusive, significantly limiting future legal challenges.

2 Urban Planning and Spatial Ramifications

Enabling settlement expansion:

Land settlement is often initiated in areas earmarked for or adjacent to Israeli settlement plans (e.g., Sheikh Jarrah, Atarot, Givat Hamatos), facilitating statutory planning and construction by clarifying title in advance.

Constraining Palestinian urban growth:

Once land is registered to the state or settlement entities, it is typically excluded from Palestinian development plans, deepening the shortage of land available for housing and public infrastructure in Palestinian neighborhoods and villages.

Fragmentation of Palestinian urban fabric:

Coupled with settlement projects, the process contributes to the creation of discontinuous Palestinian enclaves separated by Israeli-controlled areas.

3 Socio-Economic Impacts

Housing insecurity:

The fear of losing land discourages long-term investment in Palestinian properties, while demolitions linked to unpermitted construction, further erode housing stability.

Economic marginalization:

Loss of high-value urban land diminishes family wealth and intergenerational asset transfer undermining the Palestinian economic base in Jerusalem.

Costs of compliance:

Legal and surveying fees associated with defending land claims create a financial burden on residents, particularly low-income households.

4 Political and Demographic Implications

Demographic re-engineering:

The project aligns with long-standing Israeli policies aiming to secure a Jewish demographic majority in Jerusalem by expanding areas under Jewish ownership and reducing the Palestinian share of the city's land base.

Erosion of Palestinian collective presence:

As land control shifts, the ability of Palestinians to maintain geographical, social and political cohesion in EJ is weakened.

International legal tension:

Given EJ's status as occupied territory under international law, the project is widely viewed by the UN and legal experts as a violation of the prohibition against altering property regimes in occupied territory for the benefit of the occupying power.

5 Administrative and Governance Effects

Centralization of control:

The process consolidates Israeli state power over land administration, reducing the role of Palestinian community institutions and traditional dispute resolution mechanism.

Data consolidation for strategic planning:

A complete cadastral record provides the state with a powerful tool for urban and regional planning aligned with Israeli policy objectives, including future infrastructure corridors and municipal service provision in settlement area.

6 Long-Term Outlook

If fully implemented, the "Land Settlement Project" will likely:

- Cement a new property regime in EJ that strongly favors state and settler ownership.
 - Reduce the scope for Palestinian urban expansion and formal development.
 - Serve as a legal and administrative foundation for accelerated settlement construction.
 - Deepen socio-economic and spatial inequalities between Palestinian neighborhoods and Israeli areas of the city.
- Increase international scrutiny and political friction, but with limited immediate enforcement consequences.

Palestinian Residents Perspective

Widespread anxiety and mistrust:

Many view the project as a strategic tool for land confiscation and settlement expansion, not an imperial cadastral exercise.

Fear of dispossession:

Families worry they cannot meet Israeli evidentiary requirements due to lost Ottoman/Mandate/Jordanian-era documents or unresolved inheritance issues.

Sense of urgency:

Some are rushing to document land ownership, digitize old records, and engage lawyers before registration reaches their area.

Frustration with costs and complexity:

Legal fees, surveying costs, and bureaucratic hurdles feel like a heavy burden, especially for low-income households.

Community mobilization:

Civil society groups are holding awareness sessions and providing legal aid, though trust in legal remedies is limited.

Perspective of International Law

The Israeli government's policy is in direct violation of international law, international treaties and decisions by the UN General Assembly, the UN Security Council and the International Court of Justice (ICJ), as follows:

1 Violation of the 4th Geneva Convention (1949), Article 49, which states, "ART. 49 -Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motives."⁴

2 Violation of Security Council Resolution (2016) 2334 – reaffirming Israel's responsibilities as an occupying power, including in EJ.⁵

3 The latest ruling from the ICJ in July 2024, whereby the advisory opinion by the court found that Israel is an occupying power, its presence in the occupied Palestinian territory (oPt) is illegal and must stop. This includes EJ. In addition, the court found Israel violates its responsibilities as an occupying power, especially in regards to its settlement policy.⁶

The "Land Settlement Project" is part of a long process of displacement, "Judaization" and the removal of Palestinians from their lands and homes in EJ. This represents not only a violation of international law, but a move to force a situation on the ground, where any peace resolution would be impossible.

⁴https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.33_GC-IV-EN.pdf

⁵<https://www.un.org/webcast/pdfs/SRES2334-2016.pdf>

⁶<https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-sum-01-00-en.pdf>

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