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## KKL-JNF and Israeli Authorities Are Misusing Land Registration Procedures to Advance Land Takeover Processes of an Alarming Magnitude

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## KKL-JNF and Israeli Authorities Are Misusing Land Registration Procedures to Advance Land Takeover Processes of an Alarming Magnitude

*August 17, 2021*

The Board of Directors of the KKL (Keren Kayemet L'Israel / Jewish National Fund) are set to convene in the coming weeks (currently set for September 2nd) to discuss and approve a budget of 100 million NIS to begin registration of enormous areas of land it supposedly acquired on both sides of the Green Line, including in East Jerusalem and the West Bank. KKL-JNF documents reveal that these lands include at least 2,500 dunams (2.5 sq km / 1 sq mi) in East Jerusalem said to have been purchased before 1948, and have since been administered by the Israeli General Custodian. **This transfer of land rights is a harbinger of thousands of potential eviction lawsuits against Palestinians currently living on the areas in question.**

Anchoring KKL's ownership claims to these lands is a dramatic move that puts entire Palestinian communities in jeopardy. **This move is yet another troubling indication of how the recently enacted land settlement of title and registration process in East Jerusalem is being misused.** As uncovered by Ir Amim over the last several months, this registration process - that has been advanced by the Israeli government - is unprecedented in both scope and consequence and is being used as a mechanism to register lands under Israeli ownership, which in the future could lead to settlement construction and displacement of entire Palestinian communities in East Jerusalem. The dangers these measures pose to Palestinian life in Jerusalem cannot be overstated, nor the severity of the political interests that are behind it.

**Given that the Sheikh Jarrah eviction cases attracted international attention, it is important to understand that the Israeli exploitation of the land registration process will involve vast areas of East Jerusalem, and therefore will lay the groundwork for future eviction demands against Palestinians several magnitudes larger than seen today.**

In 1967, Israel suspended the possibility of land settlement of title and registration in East Jerusalem. This policy has strictly precluded the possibility for East Jerusalem residents to claim ownership status over their lands, and has also constituted a significant obstacle to urban planning and economic development of East Jerusalem. This approach changed abruptly in 2018, when former Minister of Justice Ayelet Shaked – who is known to be associated with the extreme right-wing and settler movements – announced a plan for conducting land settlement of title and registration procedures in East Jerusalem, to be fully completed by 2023. This decision was carried out as part of the 2018 Government Decision 3790 – “Narrowing Socioeconomic Gaps & Promoting Economic Development in East Jerusalem,” which includes a provision for the promotion of land registration in East Jerusalem.

*For more information, see Ir Amim’s [report on land registration in East Jerusalem](#).*

Decision 3790 depicted the reinstatement of land registration procedures as a move that would have significant economic benefits to Palestinian land owners. **Nevertheless, since the beginning of the process, both Palestinian residents and Israeli organizations – Ir Amim included – have expressed concern regarding the possible misuse of the mechanism** for enhancing Israeli state control over these lands and the potential for advancement of settlements, thereby putting entire Palestinian communities currently living on these lands at risk of being displaced uprooting.

**The new evidence published in this alert clearly shows that, as feared, the land registration process is being misused in order to register large areas under the name of alleged Jewish owners or settler organizations.**

*For recent alarming discoveries on the topic of land registration, please see [Ir Amim’s alert](#) regarding land registration in the contested area of Um Haroun, Sheikh Jarrah.*

### **JNF Intends to Register Ownership of 2,500 Dunams in East Jerusalem**

According to KKL-JNF documentation, the idea of laying claim to its properties said to have been purchased before 1948 was initiated by the Director of the Economic Department at the General Custodian, who also offered KKL-JNF financial incentives to claim the lands. A few years ago, this same official – who is known to be active in settler projects – colluded with settler organizations to advance evictions of Palestinian families in Um Haroun, Sheikh Jarrah.

Israeli legislation discriminates against Palestinians who lost property in the war of 1948. Whereas Israeli legislation prevents Palestinian refugees from reclaiming property they lost on the Israeli side of the Green Line, it regards property in East Jerusalem which until 1948 belonged to Jewish owners differently: That property is administered by the Israeli General Custodian until Jewish owners from before 1948 – or their heirs – choose to claim it. Thus, if KKL-JNF owned lands prior to 1948 in what became East Jerusalem, it may claim it from

the General Custodian as it now intends to do. Once the lands are claimed from the General Custodian, the JNF intends to use the land settlement and registration process in order to register them to its ownership. In past years, the KKL-JNF was involved in eviction demands against Palestinian families living in homes it claims to own – sometimes carried out in coordination with settler organizations such as ELAD. **One such eviction case is against the Sumarin family in Silwan and is currently before the courts.**

**To be clear, transferring 2,500 dunams of land in East Jerusalem from the General Custodian to KKL-JNF will lay the groundwork for potentially thousands more eviction demands like those against the Sumarin family or the families in Sheikh Jarrah.**

### **Growing Evidence for Misuse of Israeli Land Registration in East Jerusalem**

With time, initial concerns regarding the land settlement of title and registration procedures have been proven correct. Indeed, in recent months Ir Amim's monitoring has revealed a series of alarming Israeli decisions that aim to misuse land settlement of title and registration processes in East Jerusalem. This is done by registering sizable areas of land to Israeli authorities or settler organizations, as well as systematically denying Palestinians their land rights and building rights.

**When completed, the registration process finalizes ownership rights and is perceived as conclusive and nearly irrefutable evidence for ownership;** therefore, once the registration has reached its final stage, there is almost no room to appeal the registration. The decisive nature of this process makes the implications of its misuse extremely dangerous, exacerbated by the fact that these moves are being conducted without proper disclosure or publicity and therefore preventing Palestinians from challenging and protecting their property rights.

**In summary, the land registration process has the potential to lead to huge land takeovers by Israel and consequently put an unprecedented number of East Jerusalemites at risk of being uprooted from their homes and communities.**

### **Summary of Findings**

The numbers we bring below may seem modest, however it must be noted that land registration is still in its pilot stages. This means that the process is only being undertaken in a few parcels of land that were specifically chosen by the Israeli authorities. **What we have discovered is that the Israeli authorities have chosen to begin registration of land parcels where they could advance Israeli ownership or settler interests, which is a significant warning sign of what could take place once large-scale registration commences.**

- In at least 23% (9 out of 39) of the parcels chosen by the Israeli authorities, registration of ownership is being used in order to register Israeli citizens or authorities as owners of either the entire parcel of land or parts of it. The number may actually be larger, as we do not know whose ownership is being registered in the other 30 parcels. Some of these parcels are located in politically sensitive areas with a history of active attempts at displacement by settler organizations (ie: Um Haroun

in Sheikh Jarrah, as mentioned above).

- In at least 3 out of the 39 parcels in question, there are ongoing eviction demands being levelled against Palestinian residents by either settler organizations or the Israeli authorities.
- **Registration of Israeli ownership to these parcels is being conducted with complete lack of transparency or notification of the public** - a violation of land registration process regulations. Given the finality of registration procedures, the lack of transparency means that Palestinians with ownership claims to the same parcels of land are being prevented from the opportunity to assert and secure their land rights.
- Ownership claims by Israelis is often advanced based on claiming that the parcel in question was owned by Jews prior to 1948 or on declaring Palestinian owners as “absentee” property owners. **The extensive use of the Absentee Property Law so far raises the fear that when Palestinians will attempt to provide the Israeli Land Registrar with documents proving their land ownership, the Custodian of Absentee Property will turn around and use those documents in order to allege that an ancestor or relative of theirs is considered “absentee” and therefore their land can be seized in part or in full.** If, on the other hand, Palestinians refrain from submitting documents for fear of the implementation of the Absentee Property Law, Israeli authorities will then be able to assert that no ownership claims were submitted and that the land is state-owned.
- Instead of recognizing Palestinian land ownership, **the registration process is prompting the planning authorities to either delay or outright reject outline plans** where registration procedures has yet to begin under the allegation that land ownership has not yet been proven. This adds a new obstacle for the already dysfunctional system of urban planning in East Jerusalem, rather than advancing it.

The decision regarding the registration of KKL-JNF land will be made on September 2.

Ir Amim is working together partners, representatives, and authorities to prevent this dangerous move. Although it is a non-governmental body, the various Israeli parties have representatives on the KKL-JNF's board and therefore government officials maintain some ability to influence its decisions. We will continue to provide updates and to provide more information to those who want it. The KKL-JNF's move is, as mentioned, only one example of the misuse of the land settlement of title process in East Jerusalem - which endangers thousands of Palestinians, and entire communities, with displacement of their land and homes. **Ir Amim believes that without the creation of mechanisms that will protect the rights of Palestinians in the settlement of title process, the damage it promotes will be far greater than its benefits.**

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