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Recovery Plan for the Land and Water Settlement Commission from the COVID-19 Pandemic

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Recovery Plan for the Land and Water Settlement Commission from the COVID-19 Pandemic

Plan timeline: 6-18 months

1. Introduction

The Land and Water Settlement Commission (LWSC) was formed pursuant to law number seven (7) of the year 2016 to complete the settlement of land and water in Palestine including all disputes related to any disposition, ownership, or usufruct rights to land and water that are subject to registration. Land and water settlement addresses the rights of persons, bodies and associations who have the right to dispose of, own, or have usufruct rights in land and water, whether this right is recognised or contested, according to the Land and Water Settlement Law number 40 of 1952.

The work of LWSC's is imperative to achieve the principal goals of Palestinians and realising the two-state solution. It is within the institutional framework of the Palestinian Authority, including the National Policy Agenda (2017-2022), through supporting housing, land and property rights in Palestine and completing the settlement and registration of land. LWSC especially contributes to national policies number seven aimed at supporting the decentralisation of services to Local Government Units (LGUs), and number eight aimed at improving services to citizens by establishing a comprehensive land management approach that improves land use, complements land registration, and supports efficient management of state land.

Similarly, the work of LWSC is necessary within the framework of the National Spatial Plan (NSP) 2050, including the Protection Plan of the year 2012 and the plans implemented in relation to regional roads, logistical centres, etc., as well as the following priorities of the NSP: ending the fragmentation of land ownership, improving water and wastewater management and agricultural performance, allocating land for strategic industries, public parks and tourist destinations, a strategic housing plan for low and middle income families, using alternative energy sources, creating new and smart cities, reducing slums, and distributing services in rural and marginalised areas to reduce internal migration.

The halting or slowing down of the land settlement process represents a major hindrance for Palestine and its government to fulfil its obligations towards ratified agreements and the global development agenda, particularly the Sustainable Development Goals (2030) and the New Urban Agenda (Habitat III), and especially its commitments in the areas of providing adequate and affordable housing, protecting and developing cultural heritage, increasing green space, providing safe and accessible public spaces for citizens, and reducing the environmental impact of the individual.

Many development partners believe in the importance of LWSC's role and the need to support it, through specific programmatic and policy interventions within the framework of the Road Map for Reforming Palestinian Land Sector (2017), such as the United Nations Human Settlement Programme (UN-Habitat) and the European Union (2019 - 2023), followed by the World Bank (2019 - 2023) and more recently the Dutch government (2020), in addition to other institutions working in the fields of land settlement and registration, and supporting relevant rights. Noting that the work of LWSC contributes to achieving crosscutting issues such as human rights, gender equality, environment and the effective management of natural resources. Other governmental agencies are also involved in the field of land settlement, including the Palestinian Land Authority, the Ministry of Finance, the Prime Minister's Office, Palestinian land courts, the Ministry of Local Government and LGUs.

2. Ramifications of the COVID-19 pandemic

The COVID-19 pandemic has caused a complete cessation of land and water surveying and settlement work carried out by LWSC for a period of more than forty days in the first phase of closure and for a period not yet known in the second phase of closure, as part of national efforts to limit the spread of the virus and in line with the state of public emergency in effect since 5 March 2020. The socio-economic consequences of the COVID-19 pandemic are also expected to affect the business continuity of LWSC. It is worth noting that the COVID-19 pandemic coincides with the Israeli plans to annex Palestinian lands, which is considered the greatest obstacle to establishing the Palestinian state and completing land settlement aimed at preserving the rights of the Palestinian people. The following preliminary risk analysis outlines the main immediate risks associated with hindering LWSC's work:

- Threats to tenure security related to housing, land and property, including tenants and land users;
- Weakened local economic development, reduced private and public investment opportunities, and delayed local and regional spatial development;
- Marginalised groups', including women, fear of claiming their inheritance rights or registering those rights to land, making them more likely to forfeit their right to the land in exchange for undervalued rates;
- Increase in forced migration to urban areas which threatens rural stability and increases land disputes;
- Increase in illegal transfer of land to Israelis, made worse with the Israeli annexation plans.

The LGUs are considered the main representatives of the residents and the initiators of the request for settlement work, however, the COVID-19 pandemic has increased and put pressure on the responsibilities of the LGUs, highlighting the existing gaps and changing the priorities of the residents and LGUs. This was made clear by an assessment conducted for LGUs regarding the economic, social and environmental ramifications¹ of COVID-19 which found that the LGUs' focus shifted to primary service provision such as collecting solid waste, sterilising public spaces, ensuring compliance with closing public places and institutions, and with spatial distancing procedures. Surveying or registering of land completely stopped during this period, as well as issuing any building permits, which is one of the most significant sources of income for the LGUs.

Land settlement and registration play an important role in supporting LGUs and their increasingly important work, providing needed resources such as the identification and formalisation of state land that can be assigned for public use, for serving the residents or investment purposes. This supports the preparedness of LGUs in the face of difficulties such as the existing pandemic, for example by making land available to isolate the infected and for building health institutions and other facilities. The COVID-19 pandemic also affected the economic situation of the communities and the Gross Domestic Product (GDP)², another assessment of the LGUs and the economic

¹ Information and data were collected for eight local councils of the targeted communities within the land settlement project of UN-Habitat and EU (2019-2023): six of which are in Hebron, namely Um Al Daraj "Al-Zawadin", Al Najada, Al Tawani, Kallet Al Mayia, Al Karmil, and Emnizel, and two in Bethlehem, namely Al Walajah and Wadi Fukin. Based on the analysis of the answers to seventy questions obtained via phone interviews at the end of April 2020. The seventy questions focused on the responsibilities of the LGUs as contained by Law number one (1) of 1997 and how it is reflected on the current conditions of the pandemic.

² World Bank, April 2020.

ramifications³ found that there is a significant shortage of financial resources available to the LGUs, which means that the ability to request and finance land settlement works may be delayed because the Palestinian communities represented by LGUs have to directly finance settlement work costs. It is important to note that the economic recovery process is expected to take a long time, which might delay the deadline set by LWSC for completing the surveying work in 2023, followed by completing the legal work, and finalising the settlement process.

3. Ways of recovery

Emphasis must be placed on finding solutions to support the LWSC with the technical and financial resources needed to achieve their strategic goal of completing their rudimentary work of supporting communities and LGUs, by financing and finishing surveying works within the desired timeframe (2023) and incorporating socio-economic aspects related to land settlement and registration including gender responsiveness, user rights and focus on the most marginalised. A set of objectives, policy and programme interventions can achieve this strategic goal, Annex 1 summarises a matrix of proposed interventions within the desired timeframe and specified indicators.

The matrix and recovery plan are living documents that are to be reviewed and updated periodically.

³ Based on the assessment of the LGUs during the COVID-19 pandemic by the Ministry of Local Government and the United Nations Development Program, which included more than 300 local authorities in the West Bank and Gaza Strip

Annex 1: Proposed action plan for recovering from the COVID-19 pandemic for the Land and Water Settlement Commission

Strategic Goal: Complete the surveying work within the desired time frame (2023)					
Objectives					
(1) Providing LWSC and settlement offices with the necessary technical staff					
Activity	Department or person responsible	Short term 6 months	Medium term 12 months	Long term 18 months	Indicators
1.1 Preparing a needs assessment for LWSC based on its strategic plan and capacities, taking into consideration gender responsiveness, issues related to the COVID-19 pandemic and an emergency response plan in instances of case identification	Heads of departments in coordination with the Administrative Department				<ul style="list-style-type: none"> Capacity Building Plan Equal participation for males and females 500-600 employees as estimated to implement the LWSC strategy Emergency Response Plan
1.1.1 Developing a comprehensive capacity building plan for the LWSC and settlement courts that is gender sensitive and responsive to the issues of the COVID-19 pandemic and Emergency Response Plan, whereby each department identifies the needs of its team and submits them to the Administrative Department					
1.2 Building on the partnerships with educational institutions, universities and professional unions such as the Union of Engineers (including licensed surveyors) and the Palestinian Bar Association among others, building the capacities and meeting the need for specialised technical professionals, and conducting a study that surveys available graduates and unemployed youth, both males and females, according to specialisations and distribution in different areas	The Administrative Department coordinates and creates partnerships				<ul style="list-style-type: none"> A study identifying the availability and capacities of human resources, both males and females
1.2.1 On-the-job-training sessions, interspersed with general, specialised and rehabilitation workshops to adapt to the situation resulting from the COVID-19 pandemic, such as the use of personal protective					<ul style="list-style-type: none"> Equal participation for males and females

equipment, spatial distancing and the Emergency Response Plan; including technical and social trainings, such as taking into consideration conflicts of interests and preventing influence and pressure applied on women; including online training courses					
1.2.2 Developing joint, specialised and short-term professional programmes for new graduates, with local and international partnerships					<ul style="list-style-type: none"> • Providing job opportunities for more than 75 young men and 75 young women in LWSC's offices in various regions (there are currently 109 LWSC offices)
1.3 Developing the competencies of the LWSC's staff in accordance to the work required and to adapt to the conditions resulting from the COVID-19 pandemic ensuring business continuity	Administrative Department				<ul style="list-style-type: none"> • Number of training sessions for LWSC staff • Equal participation of males and females
1.3.1 On-the-job-training sessions, interspersed with general, specialised and rehabilitation workshops to adapt to the conditions resulting from the COVID-19 pandemic, such as the use of personal protective equipment, spatial distancing and the emergency response plan; including technical and social trainings, such as taking into consideration conflicts of interests and preventing influence and pressure applied on women; including online training courses (targeted departments: Geographical Information Systems (GIS), Survey, Legal, and Human Resources departments, also includes settlement courts)					
(2) Harnessing new financial tools and sources					
Activity	Department or person responsible	Short term 6 months	Medium term 12 months	Long term 18 months	Indicators
2.1 Increasing support by development partners and donors through joint programmatic interventions	The Head of LWSC and his deputies in				<ul style="list-style-type: none"> • Percentage of the funding gap

	<p>coordination with the heads of departments</p> <p>LACS Land Management and Administration Sector Working Group</p>				<p>covered by development partners and donors needed to complete the settlement work within COVID-19 guidelines</p>
<p>2.1.1 Identifying the current financial and technical gaps to complete the surveying work within the desired time-frame (2023) including extraction and analysis of available information, such as producing ownership information disaggregated by gender from the Tables of Rights available at LWSC with the participation of surveyors' offices, the needed interventions within the current conditions of the COVID-19 pandemic and the Israeli annexation plans for Palestinian lands, and the new programmes through which partnerships can be developed</p>					<ul style="list-style-type: none"> • Number of interventions identified • Number of proposed new programmes • Number of interventions • Number of new programmes
<p>2.1.2 Conducting an analysis and surveying of donors and relevant development partners through the Sector Working Group specialised in land administration, to develop programmes according to the needs of LWSC and the requirements of the donors</p>					
<p>2.2 Partnering with the private sector and encouraging investment in public or state lands to develop, protect and utilise in agreement with the government. Encouragement of Corporate Social Responsibility investment in settling and registering lands and providing the staff necessary for land and water settlement in exchange for incentives such as tax reductions or provision of public services</p>	<p>The Head of LWSC and his deputies in coordination with the heads of departments</p>				<ul style="list-style-type: none"> • Percentage of the funding gap covered by the private sector to complete the settlement work
<p>2.2.1 Developing and implementing an Investment Plan in a participatory manner and with equal participation of companies owned or led by women, in line with the local and national vision to encourage private sector investment in the processes of settlement and registration of lands, and providing the necessary staff for settlement work</p>					<ul style="list-style-type: none"> • Investment Plan • Number of participating companies owned or led by women

					<ul style="list-style-type: none"> • Number of agreements signed • Proportion of agreements signed with companies owned or led by women
2.3 Financial tools for LGUs based on the land, such as land-based financing, whereby investment is made in land settlement and infrastructure in exchange for the right to use public or state land (Developer Exaction)					<ul style="list-style-type: none"> • Percentage of funding gap covered using land-based financing to complete land settlement work within COVID-19 guidelines
2.3.1 Conducting consultative meetings with relevant stakeholders and producing a policy paper with socio-economic dimensions through an economic development expert, addressing the possibilities of land-based development and giving priority to companies owned or led by women and youth	LGUs, MoLG, MDLF, and the General Administration of the LWSC				<ul style="list-style-type: none"> • Policy Paper • Number of agreements signed • Proportion of agreements signed with companies owned or led by women • Percentage of agreements signed with companies owned or led by youth
2.3.2 Developing a pilot field programme based on the agreed upon policy interventions					<ul style="list-style-type: none"> • Records of best practices and lessons learned • Percentage of expanded pilot interventions

(3) Mobilising the community and advocacy for the right to land and natural resources					
Activity	Department or person responsible	Short term 6 months	Medium term 12 months	Long term 18 months	Indicators
3.1 Implementing specialised awareness raising and media campaigns that manifest the importance of LWSC's work and encourage cooperation with LWSC, such as promoting responsible citizenship, women's rights, grazing and land use rights, and the continuity of work in accordance with the COVID-19 pandemic guidelines, including electronic applications that are easy to access and use	Working with the Palestinian Broadcasting Corporation and LWSC's General Administration, LWSC's offices and LGUs				<ul style="list-style-type: none"> • Number of awareness raising campaigns • Reaching of all areas • Number of users of electronic applications, males and females
3.2 Developing and implementing a Mobilisation and Advocacy Plan to protect the right to land, natural resources and development, that is gender sensitive with focus on areas under Israeli control in East Jerusalem and Area C, and responsive to the COVID-19 pandemic and the Israeli annexation plans for Palestinian lands	Working with civil society organisations, local and international human rights institutions, and the United Nations				<ul style="list-style-type: none"> • Mobilisation and Advocacy Plan • Number of interventions implemented
(4) Accelerating the settlement process and its procedures within the COVID-19 pandemic guidelines					
Activity	Department or person responsible	Short term 6 months	Medium term 12 months	Long term 18 months	Indicators
4.1 A detailed study of the work of settlement offices (spatial distancing procedures, the extent of the system's bureaucracy and coordination, and excessive procedures, degree of repetitions and time consumed, etc.) and identification of appropriate solutions and mechanisms to reduce spatial interaction within the COVID-19 guidelines, especially for organising, archiving and accelerating transfer of court cases	The Head of LWSC and his deputies in coordination with the heads of departments				<ul style="list-style-type: none"> • The number of recommendations to accelerate procedures of the settlement offices within COVID-19 guidelines

4.2 A detailed study of the settlement courts work cycle to identify the causes of delays (spatial distancing procedures, the extent of the system's bureaucracy and coordination, and excessive procedures, degree of repetitions and time consumed, etc.) and identification of appropriate solutions and mechanisms to reduce physical interaction within the COVID-19 guidelines, especially for organising, archiving and accelerating transfer of court cases	Settlement courts under the supervision of the Head of LWSC				<ul style="list-style-type: none"> The number of recommendations to accelerate procedures of the settlement courts within COVID-19 guidelines
4.3 Giving incentives and priority to the most marginalised areas affected by the geopolitical situation to accelerate implementation and completion of settlement work, taking into consideration the Israeli annexation plans for Palestinian lands	Head of LWSC				<ul style="list-style-type: none"> The percentages of completion and increase in rate of completion
(5) Reviewing and contributing to change of policies, laws, governmental procedures and measures, including ones related to the state of emergency, and their ramifications on business continuity and governance of the land sector					
Activity	Department or person responsible	Short term 6 months	Medium term 12 months	Long term 18 months	Indicators
5.1 Studying, evaluating, reviewing and suggesting government policies, laws, procedures and measures needed to facilitate, complete and accelerate implementation of the work of LWSC, especially considering COVID-19 pandemic guidelines and the Israeli annexation plans for Palestinian lands, addressing the rights of marginalised groups, reflecting the extent of community satisfaction with policies and LWSC work in meeting their needs, and incorporating a gendered perspective (such as laws and obstacles to registering lands owned by women)	The Legal Department in coordination with the Head of LWSC				<ul style="list-style-type: none"> Number of laws, policies and procedures flagged for change according to priority
5.2 Reviewing and integrating data disaggregated by gender, grazing rights and land use according to the objectives of the LWSC, adopting new methodologies such as the Social Tenure Domain Model and environmental assessments, and implementing the agreed mechanisms and recommendations within the					<ul style="list-style-type: none"> Implementation plan Number of interventions implemented as a result of the

reviews of procedures, policies, laws, interventions, joint programmes and plans developed in an Implementation Plan					Implementation Plan
5.3 An economic evaluation study of settlement costs in light of the low income and economic situation of the targeted communities and GDP resulting from the COVID-19 pandemic					<ul style="list-style-type: none"> Percentage of change in settlement costs
5.3.1 Proposing standard prices for land surveying carried out in partnership with LWSC for different types of land, taking into consideration the type of community (urban, rural, Bedouin, refugee camp), and the nature of the land, its topography, accessibility, etc.	The Financial Department in coordination with LWSC General Administration				<ul style="list-style-type: none"> A guide of proposed prices (not exceeding 20 per cent increase in the average price of similar survey work conducted unless with the approval of the Minister of Local Government)