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Land Management in Time of Crisis: Conflicts, Climate Change and Epidemics

Title of the Paper: Recovery Plan for the Land and Water Settlement Commission from the COVID-19 Crisis

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Author(s): Ahmad El-Atrash
Mona AlQutob

¹ Senior Urban Programme Officer/UN-Habitat, ahmad.el-atrash@un.org

² Project Coordinator/UN-Habitat, mona.alqutob@un.org

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Executive Summary

The work of the Land and Water Settlement Commission (LWSC) is imperative to fostering tenure security and safeguarding land rights of Palestinians, especially the most vulnerable groups, and necessary for the achievement of the principal goals of Palestinians and realising the two-state solution. It is within the government-led initiative dubbed as the “Road Map for Reforming Palestinian Land Sector” of 2017, in harmony with the institutional framework of the Palestinian Authority, including the National Policy Agenda (2017-2022), and is necessary to fulfilling obligations towards ratified agreements and the global development agenda, particularly the Sustainable Development Goals (2030) and the New Urban Agenda (Habitat III).

Land settlement also makes available necessary resources such as public and state land essential for the development and resilience of any community, especially in supporting Local Government Units (LGUs) and their increasingly important work. This supports the preparedness of LGUs in the face of difficulties such as the existing pandemic. The COVID-19 pandemic affected the economic situation of the communities and the Gross Domestic Product (GDP) (World Bank, 2020). An assessment of the LGUs and the economic ramifications¹ 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 might be delayed.

Additionally, the COVID-19 pandemic ushered the state of public emergency with prolonged closures that affected land surveying work and reallocation of government and donor funding, which results in delays to achieving LWSC’s goal of completing surveying works within the set timeframe ending in the year 2023. A preliminary risk assessment for the case of deprioritising land settlement amid the COVID-19 crisis identified several threats to tenure security related to housing, land and property, including tenants and land users; weakened resilience, local economic development, reduced private and public investment opportunities, and delayed local and regional spatial development; less support for women 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; and increase in illegal transfer of land to Israelis, made worse with the Israeli annexation plan coinciding with the COVID-19 crisis.

Realising the importance and need for LWSC to complete its mandated work, a Recovery Plan was developed by LWSC with support from UN-Habitat at the bequest of the European Union (EU). The Recovery Plan is acknowledged in the COVID-19 Development System Response Plan for the United Nations Country Team in the occupied Palestinian territory (oPt) to support the Government’s efforts to address socio-economic recovery in the short- to medium-term. The Recovery Plan has a period of 18 months and it includes five

¹ 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

interventions that not only support LWSC recovery but also upgrade its work and service provision to the communities, namely: (1) Providing LWSC and settlement offices with the necessary technical staff; (2) Harnessing new financial tools and sources; (3) Mobilisation and advocacy for the right to land and natural resources; (4) Accelerating the settlement process and its procedures within the COVID-19 pandemic guidelines; and (5) Reviewing and contributing to change in the regulatory framework in light of the state of emergency vis-à-vis the business continuity and governance of the land sector.

The Recovery Plan was prepared in close consultations between the different departments of LWSC and benefited from external reviews, more specifically, the Recovery Plan was subject to an external evaluation using the Gender Evaluation Criteria (GEC), a tool developed by the Global Land Tool Network (GLTN) to measure the gender responsiveness of land related tools, and found to be highly gender responsive in requiring equal participation and gender disaggregated data, and addressing legal, economic and social considerations related to women's access to land. The Recovery Plan has been in place for six months, and therefore this paper discusses the achievement of the short-term objectives of the plan.

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Abbreviations

EU	European Union
GEC	Gender Evaluation Criteria
GLTN	Global Land Tool Network
LGU	Local Government Unit
LWSC	Land and Water Settlement Commission
SDGs	Sustainable Development Goals
UN-Habitat	United Nations Human Settlements Programme

Background

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 – a total of 3.7 million dunums, 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 COVID-19 pandemic has caused a complete cessation of land and water surveying and settlement work carried out by LWSC for long periods of time, 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 also 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.

Local Government Units (LGUs), considered the main representatives of the residents and the initiators of the request for settlement work are under increased pressure and have more responsibilities during the COVID-19 pandemic, which highlights the existing gaps and changes the priorities of communities and LGUs. This was made clear by an assessment conducted for LGUs regarding the economic, social and environmental ramifications² 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. In summary the preliminary identified risks are as follows:

The COVID-19 specific impact on land settlement and LWSC's work in Palestine includes:

- Interrupting land surveying work;
- Reprioritisation and reprogramming of government and donor funding;
- Increasing pressure and responsibility on services provided by LGUs, thus straining financial resources available and changing LGU and community priorities;
- Intensification of Israeli annexation plans, demolitions and displacements;

Additional globally identified potential risks of COVID-19 to land administration includes:

² Information and data were collected for eight local councils of the targeted communities within the project "Achieving Planning and Land Rights in Area C, West Bank, Palestine (2019 – 2023)" of the UN-Habitat and EU: six of which are in Hebron, namely Om Adaraj, Al Najada, Al Tuwani, Khallet Al Maiyya, Al Karmil, and Imneizil, and two in Bethlehem, namely Al Walaja 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.

- 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 and increased financial needs, making them more likely to forfeit their right to the land in exchange for undervalued rates; and
- Increase in forced migration to urban areas which threatens rural stability and increases land disputes

Methodology

The goal of the Recovery Plan is the exploration of the ways throughout which the LWSC and partners, including LGUs will address the pressing challenges associated with COVID-19 and conflict that undermine the tenure security and social cohesion of the Palestinian communities in the occupied Palestinian territory (oPt), specifically in the Israeli controlled Area C of the West Bank that represents more than 60 per cent of the West Bank territory.

Emphasis is placed on finding solutions in close consultations between the different LWSC departments 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, and therefore a matrix of proposed interventions within the desired timeframe and specified indicators, both living documents that are reviewed and updated periodically, were developed by LWSC with support from the United Nations Human Settlements Programme (UN-Habitat) within the framework of the project "Achieving Planning and Land Rights in Area C, West Bank, Palestine 2019 – 2023" funded by the European Union (EU).

Taking into account the preliminary risks identified and the impacts of COVID-19 on the work of LWSC and LGUs, reflecting changes in their priorities and financial abilities; taking into consideration the socio-economic aspects related to land settlement, including embedding gender equality, user rights, empowerment of marginalised communities, and reducing impacts of Israeli annexation plans; understanding the need to study and utilise the available technical and financial resources, partnerships, development partners, private sector, awareness raising, community mobilising and advocacy, and new models (such as social responsive land settlement, standardised rates, and Developer Exaction), new ways of working, and piloting; and in review of human and financial resources available and required, efficient and effective policies, laws, procedures and measures, and technical capacities needed for LWSC to complete its work; a set of interventions were identified as part of a Response Plan for LWSC to the COVID-19 pandemic over a period of 18 months.

Table (1) below presents the main response areas proposed; assessments to be done; partnerships to be fostered; capacity and awareness raising efforts to be prioritised; new plans and models to be advanced; and the gender equality aspects at the programmatic level to be considered.

Table 1 Matrix of interventions proposed in the Recovery Plan						
Response Areas	Assessments	Partnerships	Capacity / awareness raising	New Plans	New Models	Gender Equality
1. Technical Staff	Needed staff Available graduates	Educational institutes Unions	Existing staff New graduates	Emergency Response Capacity Building		50% female participation
2. Financial Sources	Financial gaps Donors Dev. Partners Land-based finance	Donors Dev. Partners Private Sector LGUs		Investment New programmes	Developer Exaction Piloting	50% women owned or led companies
3. Advocacy		LGUs Dev. partners	Palestinian community	Mobilisation & advocacy	Electronic applications	Addressing women's rights
4. Settlement Process	Settlement Offices Settlement Court	Settlement Court		Marginalised areas incentives	Reduction of physical interaction & bureaucracy	Most marginalised women
5. Policies, laws & procedures	Existing policies, laws, procedures & measures Settlement cost			Implementation	Social Tenure Domain Model Environment Standard surveyor rates	Gender responsive Disaggregated data

After six months of launching the Recovery Plan, this paper provides a closer look at the short term achievements of Objectives 1 and 4.

Objective 1 Providing LWSC and settlement offices with the necessary technical staff

Under the first objective of providing LWSC and settlement offices with the necessary technical staff, prioritised for the short, medium and long terms, three activities and six target indicators were identified as stated in Table (2).

Activities:

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

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

1.2.1 On-the-job-training sessions to adapt to the situation 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

1.2.2 Developing joint, specialised and short-term professional programmes for new graduates, with local and international partnerships

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

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)

Table (2) Indicators for Objective 1 - Providing LWSC and settlement offices with the necessary technical staff		
Indicator	Timeline	Achievement – 6 month mark
Capacity Building Plan	0 - 18 months	Analysis of LWSC staff by age, gender, education, and location. To be followed by identification of capacity needs
500-600 employees as estimated to implement the LWSC Strategy	0 – 18 months	A total of 50 have been approved by the central government for employment at LWSC offices in addition to four interns seconded by UN-Habitat
Emergency Response Plan	0 – 18 months	In process
A study identifying the availability and capacities of human resources, both males and females	6 – 12 months	Programmed
Providing job opportunities for more than 75 young men and 75 young women in LWSC's offices in various governorates	12 – 18 months	Programmed
Number of training sessions for LWSC staff with equal participation of males and females	0 – 12 months	Programmed

A Gender Unit was established at LWSC in the year 2020, headed by a Gender Focal Point. The unit conducted a comprehensive analysis of LWSC employee's age and gender, including education and geographical locations, showing that 90 per cent of LWSC staff are below the age of 40 years, 47 per cent of whom are women. Out of the 745 employees at LWSC, 337 (45 per cent) are women as seen in Figure (1). Women are found leading in positions related to legal advising and research, GIS, urban planning, data entry, coding, archiving, administration, and finances. With less women found in positions related to surveying, IT, clerical work, maintenance, driving and storage.

The analysis included a review of management positions and found that women hold 36 per cent of management positions with concentration in upper management as seen in Figure (2), which is above the average proportion of women in managerial positions at the national level that stands at merely 20.2 per cent (38.9 per cent in the West Bank and 16.6 per cent

in the Gaza Strip)(PCBS, 2020) and is in a downward trend and down by 12.6 per cent over the past 20 years (UN, 2020). The analysis of educational backgrounds showed that women employees hold more higher education degrees (54 per cent), while the geographic analysis showed that the percentage of women is high in Qalqiliya (68 per cent), low in Salfit (31 per cent) and Jerusalem (22 per cent) and extremely low in Jenin (4 per cent) and Jericho (0 per cent). In conclusion, LWSC is found to contribute meaningfully in achieving gender quality and empower all women and girls (Sustainable Development Goal 5) in relation to employment.

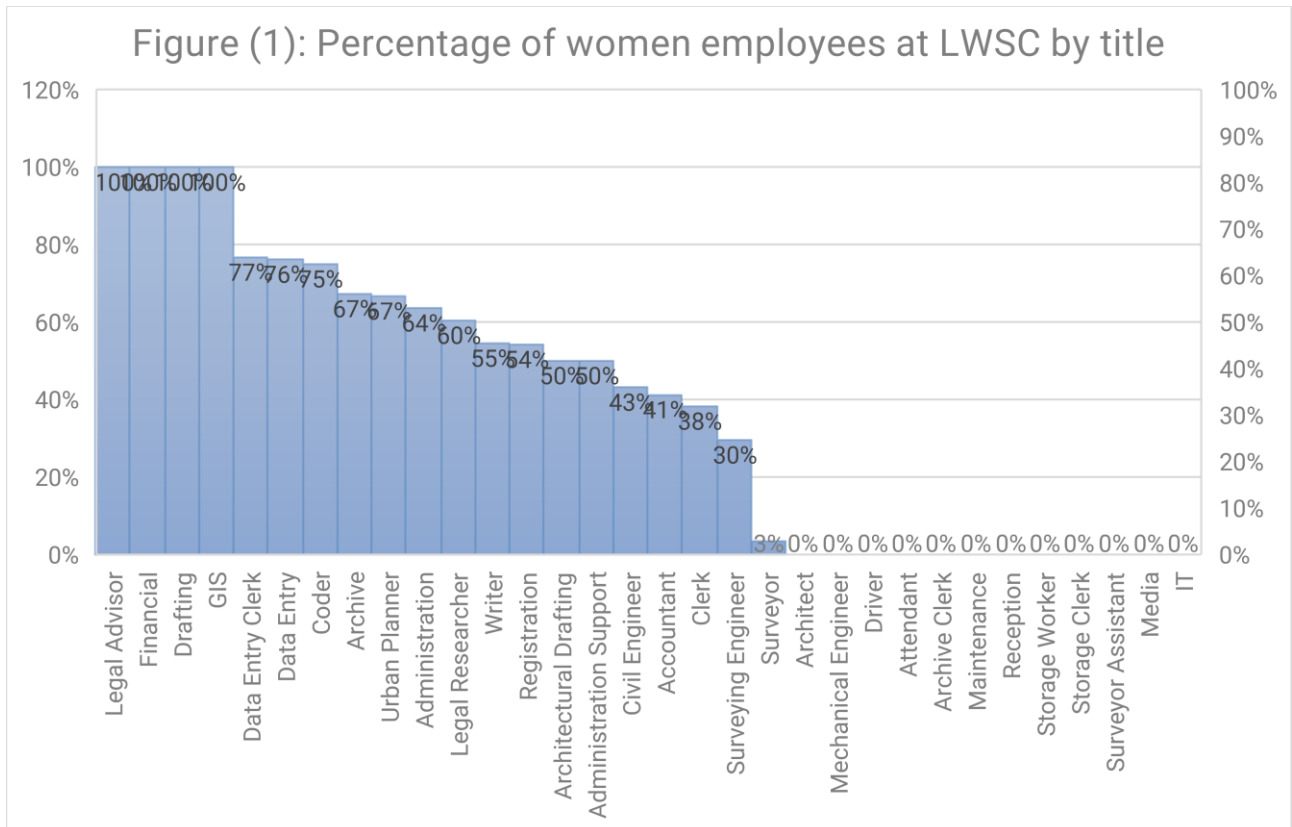


Figure (1): Percentage of women employees at LWSC by title

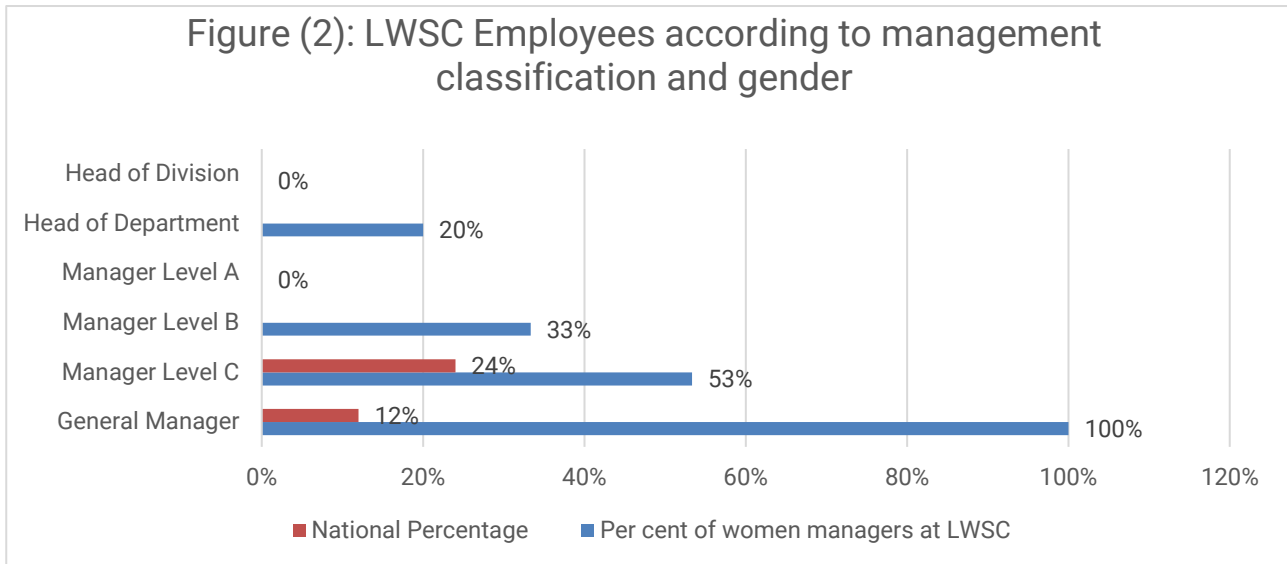


Figure (2): LWSC Employees according to management classification and gender

The request of LWSC to the central government for the employment of additional LWSC staff was approved for 50 new employees in the short term building on the needs assessment (Activity 1.1), the hiring is in process to fulfil the most required positions. Additionally, through the project “Achieving Planning and Land Rights in Area C, West Bank – Palestine (2019-2023) implemented by UN-Habitat in partnership with LWSC and at the bequest of the EU, four interns were seconded to LWSC, building on the partnerships with universities (Activity 1.2) to complete the task of extracting gender disaggregated data from the Tables of Rights for the already settled land of ca. 1 million dunums in support of LWSC.

Objective 4 Accelerating the settlement process and its procedures within the COVID-19 pandemic guidelines

Under the fourth objective of accelerating the settlement process and its procedures within the COVID-19 pandemic guidelines, prioritised for the short and medium terms, three activities and two indicators were identified as stated in Table (3).

Activities:

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

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

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

Table (3): Indicators for Objective 4 - Accelerating the settlement process and its procedures within the COVID-19 pandemic guidelines		
Indicator	Timeline	Achievement – 6 month mark
The number of recommendations to accelerate procedures of the settlement courts within COVID-19 guidelines	0 - 6 months	Thus far Eight recommendations: (1) the addition of gender information to the LWSC forms and tables; (2) the revision of Tables of Rights to produce gender disaggregated data; (3) renewing the commitment to the piloting and incorporation of the Social Tenure Domain Model into the Land Information System; (4) increasing community awareness on land settlement; (5) strengthening partnerships with LGUs; (6) improving dispute resolution to reduce the need for courts; (7) improving the capacities of settlement courts and their support systems; and (8) supporting the complaints systems to increase land settlement effectiveness and transparency
The percentages of completion and increase in rate of completion	0 – 12 months	Social Impact Assessment in process

The legal forms used to collect information and the Tables of Rights that are produced by LWSC did not contain gender disaggregated data and therefore the information on land rights for the 1 million dunums of already settled lands is lacking in imperative information on women’s land rights. Producing gender disaggregated data is priority for LWSC in line with nationally set priorities and therefore, in addition to modifying the legal forms and tables with gender disaggregated data, the implementation of the recommendation to review of the Tables of Rights for the already completed 1 million dunums is ongoing, utilising young university student interns commissioned by UN-Habitat. The data will be analysed and presented in the coming Expert Group Meeting planned under the EU-funded project: Achieving Planning and Land Rights in Area C, West Bank in the year 2021. The data

produced will inform the decision making, policies, laws and procedures at LWSC, local and national government level (connected to Activity 5.2³).

Under the same project, participatory land settlement in addition to the mapping of land rights utilising the Social Tenure Domain Model (STDM) is in process of implementation (connected to Activity 5.2³) in 11 communities for a total of around 100,000 dunums, with priority given to the most marginalised and under threat communities in Area C (Activity 4.3). The mapping of land rights includes the collection of data on land use, natural resources, and high/medium value agricultural lands, important for decision making related to food production and climate change and contributing to achieving the target indicators of the Sustainable Development Goals (2030) and the New Urban Agenda (Habitat III), as well as the mapping of rights of the most marginalised including women ownership and access, and Bedouin grazing rights. STDM is a land tool software developed by GLTN that supports the continuum of land rights and its integration into land systems, and will be integrated into the Land Information System currently being developed by LWSC in partnership with the World Bank.

A Social Impact Assessment is being implemented by the World Bank to evaluate the processes and procedures of the settlement offices and courts (Activity 4.1 and 4.2), with focus on impact or exclusion of the direct beneficiaries of the land settlement process. Main findings show varying approaches to settlement offices formation, abilities and resources available, use of community reference groups, monitoring of land surveying companies, involvement of LGUs and their input on road planning, and their involvement in dispute resolution, and insufficient settlement courts with only 12 courts and 18 judges, without any room for court expansion. The preliminary recommendations include:

1. Increasing community awareness on land settlement
2. Strengthening partnerships with LGUs
3. Improving dispute resolution to reduce the need for courts
4. Improving the capacities of settlement courts and their support systems
5. Supporting the complaints systems to increase land settlement effectiveness and transparency

³Activity 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 reviews of procedures, policies, laws, interventions, joint programmes and plans developed in an Implementation Plan

Conclusions

The COVID-19 pandemic greatly threatened the work of LWSC resulting in major delays to achieving LWSC's goal of completing surveying works within the set timeframe ending in the year 2023 necessary for Palestine and its government to fulfil its obligations towards ratified agreements and the global development agenda, particularly the 2030 Agenda for Sustainable Development 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 spaces, providing safe and accessible public spaces for citizens (Sustainable Development Goal 11).

Realising the importance and need for LWSC to complete its mandated work, especially with the recently increasing Israeli procedures against the Palestinian communities in Area C, a Recovery Plan was developed for a period of 18 months to include a set of interventions that not only support LWSC recovery but also upgrade its work and service provision to the communities. The Recovery Plan has been in place for six months, and in addition to scoring as highly gender responsive in an external evaluation using the GEC, target indicators are already reflecting achievements to the plan.

Despite the COVID-19 pandemic, there are 109 active settlement offices in addition to 59 offices that have been closed after completing their work, with a total of 1,120,721 dunums of land settled since 2016, of which 79,310 dunums were completed since the approval of the Recovery Plan. A total of 155,832.48 dunums only were completed in 2020 compared to 729,969.16 dunums in 2019, around 20 per cent of the expected dunums for the year 2020, due to the impacts of the COVID-19 pandemic. However, the slowing down in the rate of accumulative increase in land settlement due to COVID-19 provided the opportunity for reviewing current procedures and identifying ways of adapting to new situations and improving work.

Most importantly this Recovery Plan takes into consideration the socio-economic aspects related to land issues, including embedding gender equality, user rights, empowerment of marginalised communities and reducing the impact of Israeli threats, as well as the assessment and building on available technical and financial resources, technical capacities and human resources available and required, efficient and effective policies, laws, procedures and measures, partnerships, development partners, private sector, awareness raising, community mobilising and advocacy; and integration of new models (such as social responsive land settlement, standardised rates, and Developer Exaction), new ways of working, and piloting; reflecting that these issues are worth integrating into all strategies and plans even during crises when other priorities and time constraint are factors in rapid response, in order to ensure the continual prioritisation of essential work. The good practice here entails the taking advantage of the undesirable situation to produce desirable effects for the community.

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