

THE DEVELOPMENT OF LAND REGISTRATION SYSTEM IN AREAS A, B, AND C IN WEST-BANK, PALESTINE

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ABSTRACT

This research presents several strategies that will improve the land registration system in the West Bank through SWOT analysis and analysis hierarchical process of the land registration system in the West Bank. Land in Palestine is the basis of the conflict between Palestinians and Israelis. The process of registering land in the West Bank is slow, which has led the Israelis to expropriate a large number of lands and turn them into state land. The unit of area used in Palestine is called the dunam, which is an Ottoman unit, and one dunam, which is equivalent to 1000 m², or 1/10 hectare. The information for this research was collected from several references and information taken from the Palestinian Lands and Water Settlements Commission and based on this information, this research was conducted. The results of this research are to improve the land registration system in Palestine through 1) developing the job cadre and increasing the number of employees in all registration departments, 2) Making technical and logistical improvements, and 3) Awareness and education of cadres to use the GIS program, and 4) Electronic archiving of all land restrictions in the West Bank, and 5) facilitate the registration of lands by creating electronic programs, and 6) Work to reduce taxes imposed on registration and land, and 7) educating employees and officials in the registration departments on how to detect and deal with false proofs of land, and 8) increase the staff in the field.

Keywords: Area A, B, and C, West Bank, Oslo Agreement, Land and Water Settlement Commission, Palestinian Land Authority.

INTRODUCTION

The history of Palestine is considered the most ancient history in the world, because most of the world's powers passed through the land of Palestine, as the land of Palestine witnessed the rule of each: Babylonians, Greeks, Persians, Romans, Judaism, Christianity, and Islam, Palestine witnessed the Rachidial caliphate, the Umayyad caliphate, and the Abbasids, The Tulunid state, the Ikhchid, the Fatima caliphate, the Ayyubid, Mamluk, and Ottoman periods, and in the current era Palestine is under the Israeli occupation (Bernard, 2009; Warnock, 1990).

Palestine is distinguished by its strategic location as it is located on the eastern coast of the Mediterranean Sea, Palestine is bordered on the north by Lebanon, on the south by the Gulf of Araba, on the east by Jordan and the Dead Sea, on the west by the Mediterranean, on the northeast by Syria, and the southwest by Egypt, with an area of approximately 27 thousand km, lake Tiberias, hula and half of the dead sea are included, Palestine is also distinguished by its varied topography, represented by mountains, hills, coastal plains, the interior, and the southern desert (Adolfsson, 2016).

The problem of the multiplicity of legislations that were applied in Palestine, after the fall of the Ottoman state in 1922, of which Palestine was a part, the British mandate over Palestine was until the establishment of the state of the Zionist occupation in 1948, and the division of what remained of Palestine where the West Bank was subjected to Jordanian rule and the Gaza Strip under Egyptian administration, then the West Bank and Gaza Strip were subjected to occupation The Israeli government in 1967 until the establishment of the Palestinian Authority, following the Palestinian-Israeli agreement in Madrid in 1994 (Nursalam, 2016; Fallis, 2013; Niksic et al., 2014).

This conflict is fundamentally related to the emergence of Zionism, Jewish immigration to Palestine, settlement in Palestine, and the role of superpowers in the region's events, The Palestinian issue also revolves around the issue of Palestinian refugees and the legitimacy of the State of Israel and its occupation of Palestinian lands in several stages, and the resulting massacres against the Palestinians and resistance operations against the Hebrew state, and the issuance of many United Nations resolutions, some of them historic such as Resolution No 194 and Resolution No 242 (Thiel, 2017; Kelman, 2001).

This conflict is considered by many analysts and politicians to be the central issue in the Arab-Israeli conflict, and the cause of the crisis in this region, and although this conflict takes place within a small geographical area, it receives political and media attention due to the involvement of many international parties in it. The major countries of the world often get involved in it due to several reasons, including their location and their association with problematic issues that constitute the culmination of contemporary crises such as the conflict between East and West, the relationship of Judaism, Christianity, and Islam between them, Arab relations with the West, the importance of Arab oil to Western countries, and the importance and sensitivity of the Jewish issue in Western civilization, especially after World War II and the Jewish Holocaust, issues of anti-Semitism and the pressure forces of Jewish lobbies in the Western world, On the Arab level, many Arab thinkers, theorists, and even politicians consider the issue of the Palestinian-Israeli conflict to be the central issue and crisis in the region (Thiel, 2017; Kelman, 2001).

The Palestinian Authority was established in 1994 under the Oslo Accords between the Palestine Liberation Organization and the Government of Israel, as a temporary authority for five years, after which further negotiations were supposed to take place among the two parties regarding its end. Legal status According to the Oslo Accords, the Palestinian Authority was assigned exclusive control over both security and civil issues in the areas referred to as Area A, and civilian control only over the rural areas referred to as Area B, and the rest of the land including Israeli settlements and the Jordan Valley area, and bypass roads between Palestinian communities, was under Israeli control, and East Jerusalem was excluded from the agreements (Strip, 1996; Weiner, 1999; Oxfam Italy, 2020).

The Palestinian Land and Water Settlement Commission is a general governmental authority established in 2016 by a presidential decree issued by Palestinian President Mahmoud Abbas, to deal with matters of settlement and registration of land and water in the State of Palestine, the responsible for administration and surveying lands it's called Palestinian Land and Water Settlement Commission, These commission work with surveyor offices in every region, so that these offices carry out fieldwork, they work on conducting surveying and settlement work for Palestinian lands and waters and registration and confirmation of rights for individuals, to prove the right of ownership, disposition or benefit and helping local authorities in preparing outline plans and demarcating roads (World Bank, 2018; Land and Water Settlement commission, 2019).

The Settlement Commission is currently working in 122 settlement offices spread across the country, and there are dozens of other villages and towns waiting for their turn in the settlement process, Several offices will be opened during the coming period if the staff and logistical capabilities are available to enable the authority to fulfill its role to the fullest, The settlement work began in 2016 and will continue until 2022, A political and national decision was taken to complete the settlement work at the end of 2022 (World Bank, 2018; Land and Water Settlement commission, 2019).

The division of lands was meant to be temporary, establishing the Palestinian administration over most of the populated areas and giving it limited control over natural resources and agricultural land, with the expectation that the Palestinian administration would take control of an increasingly larger share of Area C, very little was transferred to Palestinian control since the signing of the Oslo Accords, and this process has completely stopped since 2000, with the growth of the Palestinian population and the increase of their needs for resources and development, in the long term, The situation has become a major limitation of living (World Bank, 2008).

Area C can only be used for agricultural purposes and infrastructure and housing development are restricted by the Israeli government and it is only applied to Palestinians living in this area (Niksic et al., 2014).

METHODS

This paper aims to improve the land registry system in the West Bank through SWOT analysis and analysis hierarchical process to facilitate land management of the West Bank area, to achieve this aim, the following objectives are to be considered:

1. Finding and evaluating the traditional method of land registry in the West Bank and performing a SWOT analysis for it.
2. Suggest some stages that would improve the land registration system that can be applied in the West Bank.
3. Improve land registration system in Westbank will enhance the opportunities for saving rights in a better way and it will be easy for the people to know the new land registration system

RESULTS AND DISCUSSION

Results

1. 1 SWOT Analysis

A SWOT analysis is used here to make a preliminary assessment of the current land approach to West Bank land registration systems the strengths and weaknesses represent internal features of the systems while opportunities and threats represent external factors affecting the systems, a list of strengths and weaknesses, based on a comprehensive examination of the system, gives Valuable hints for improvements, and the same for threats and opportunities, which indicate how the system could evolve in the future. In Table (1), it shows the SWOT Analysis of The Registration System. As shown below:

1.2 Analytic Hierarchy Process

Table 2. Pairwise comparison scale(Britain & Avenue, 1987; Toker, 2012).

Strengths	Opportunities
1) The system is acceptable and legitimate within society 2) The types of land tenure are clear 3) Local expertise in land measurement	1) Improved land registration system 2) Improved perception of land security 3) Involvement of public organization 4) Improved people's knowledge about land tenure security 5) Good security of land tenure information
Weaknesses	Threats
1) Difficulties in re-establishing surveyed boundaries 2) Bureaucracy 3) Time-consuming procedures in dealing with land transactions 4) Limited access to the information for public users 5) The lack of modern techniques in the survey 6) Inability to use drones to survey 7) Limited integration between Tabu information and GIS 8) System improvement is not a priority 9) Those with experience, knowledge, and awareness are not supported	1) The confiscation of land 2) Falsification of documents 3) Not having a Land Prove

Importance	Explanation
1	Equal importance (Two criteria contribute equally to the objective)
3	Moderate importance (Experience and judgment slightly favor one over another)
5	Strong importance (Experience and judgment strongly favor one over another)
7	Very strong importance (Criterion is strongly favored and its dominance is demonstrated in practice)
9	Extreme importance (Importance of one over another affirmed in the highest possible order)
2,4,6,8	Intermediate value (Used to represent a compromise between the priorities listed above)

In this thesis, we use the analytical hierarchy process to prioritize SWOT items. In each criteria level, the pairs are compared according to their levels of influence and based on the criteria defined at the top level. In the analytical hierarchy process, multiple pairwise comparisons are based on a standardized nine-level comparison scale(Toker, 2012).

Let $C = \{C_j \mid j = 1, 2, \dots, n\}$ be the set of criteria. (see Eq. (1)).

$$A = (a_{ij})_{n \times n} = \begin{bmatrix} a_{11} & a_{12} & \dots & a_{1n} \\ a_{21} & a_{22} & \dots & a_{2n} \\ \cdot & \cdot & & \cdot \\ \cdot & \cdot & & \cdot \\ a_{n1} & a_{n2} & & a_{nn} \end{bmatrix} \tag{IV.1}$$

The geometric mean can be determined using the following formula (see Eq. (2)):

$$\text{Row} = \sqrt[n]{\text{The multiples of each row}} \quad (\text{IV.2})$$

The priority can be determined using the following formula (see Eq. (3)):

$$\text{Priority} = \text{Geometric mean for each row} / \text{Total} \quad (\text{IV.3})$$

λ_{max} can be determined using the following formula (see Eq. (4)):

$$\lambda_{\text{max}} = \text{Priority (Row 1)} \times \text{Total (Column 1)} \dots \text{Priority (Row n)} \times \text{Total (Column n)} \quad (\text{IV.4})$$

The Consistency Index (CI) can be calculated, using the following formula (see Eq. (5)):

$$\text{CI} = \lambda_{\text{max}} - n / n - 1 \quad (\text{IV.5})$$

The CR is calculated as the ratio of the CI and the random index (RI), as indicated in (see Eq. (6)):

$$\text{CR} = \text{CI} / \text{RI} \quad (\text{IV.6})$$

Table 3. Random index(Toker, 2012).

n	1	2	3	4	5	6	7	8	9	10
RCI	0	0	0,58	0,90	1,12	1,24	1,32	1,41	1,45	1,49

Table 4. Overall Priority Scores of SWOT Factor.

.Swot Group	Group Priority	SWOT Factors	Factor Priority within the Group	Overall Priority of Factor
Strengths	0,37	The system is acceptable and legitimate within society	0,45	0,17
		The types of land tenure are clear	0,27	0,10
		Local expertise in land measurement	0,27	0,10
Weaknesses	0,13	Difficulties in re-establishing surveyed boundaries	0,07	0,01
		Bureaucracy	0,05	0,007
		Time-consuming procedures in dealing with land transactions	0,04	0,006
		Limited access to the information for public users	0,01	0,002
		The lack of modern techniques in the survey	0,34	0,04
		Inability to use drones to survey	0,18	0,02
		Limited integration between Tabu information and GIS	0,05	0,008
		System improvement is not a priority	0,12	0,01
Opportunities	0,36	Those with experience, knowledge, and awareness are not supported	0,09	0,01
		Improved land registration system	0,43	0,15
		Improved perception of land security	0,06	0,02
		Involvement of public organization	0,10	0,03
		Improved people's knowledge about land tenure security	0,21	0,07
Threats	0,11	Good security of land tenure information	0,18	0,06
		The confiscation of land	0,38	0,04
		Falsification of documents	0,24	0,02
		Not having a Land Prove	0,36	0,04

1.3 TOWS Strategies

Table 5. TOWS Strategies Matrix.

TOWS	Internal Strengths	Internal Weaknesses
External Opportunities	S-O “The system is acceptable and legitimate within society and can be used to improve or build upon a land registration system”	W-O “To develop or improve the land registration system it needs to overcome organizational weaknesses of the lack of modern techniques in the survey”
External Threats	S-T “Because the system is acceptable and legitimate within society it can be used to minimize the confiscation of land”	W-T “The strategies pursued must overcome weaknesses represented by the lack of modern techniques in the survey, as far as possible, cope with the confiscation of land”

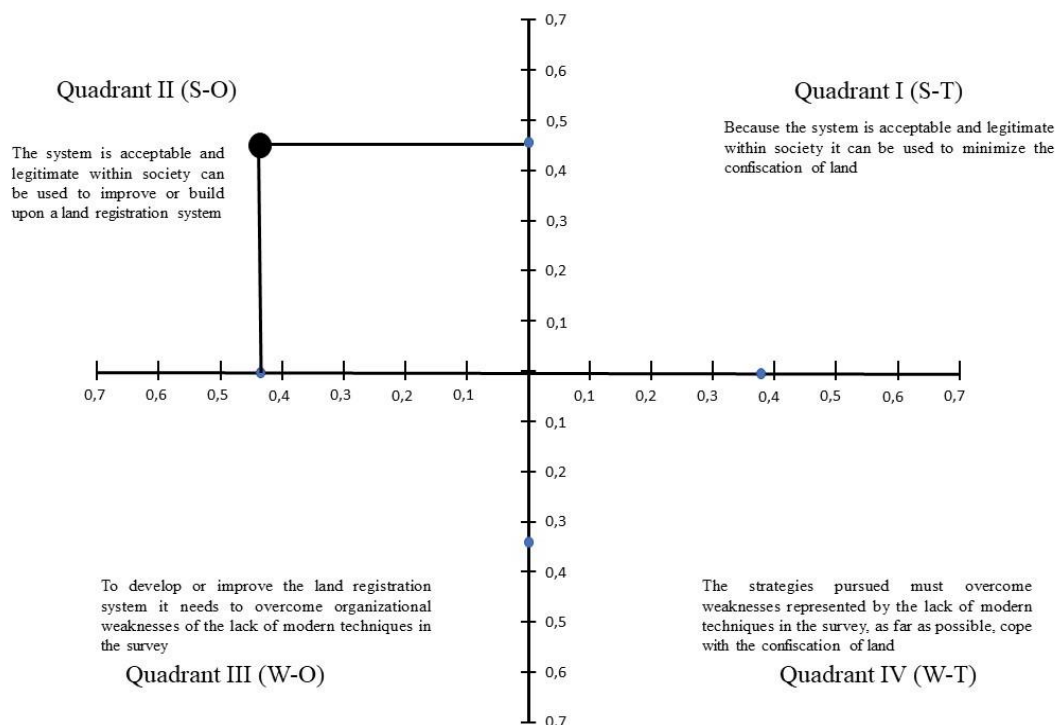


Figure 1. TOWS Quadrant Calculation.

1.4 Improvement Stages

- 1) Work on developing the job cadre and increasing the number of employees in all registration departments, and work to develop their competence by holding courses in surveys and other programs, and the formation of the Department of Administrative Planning Development.
- 2) Making technical and logistical improvements, such as providing GPS devices, rehabilitating the Land Commission offices, and establishing a support unit for land registration.
- 3) Awareness and education of cadres to use the GIS program.
- 4) Electronic archiving of all land restrictions in the West Bank.
- 5) Work to facilitate the registration of lands by creating electronic programs and educating the people about the method of use.
- 6) Work to reduce taxes imposed on registration and land.
- 7) Work on educating employees and officials in the registration departments on how to detect and deal with false proofs of land.
- 8) Work to increase the staff in the field so that the project can be completed in a shorter time.

DISCUSSION

- 1) From the result in Table 4, we got overall priority scores of the SWOT Factor we can conclude the analytic hierarchy process as follows the Strength of the system is acceptable and legitimate within society got the highest factor priority within the group with 0,45 and 0,17 with the overall priority of factor, in Weaknesses, the lack of modern techniques in the survey got the highest factor priority within the group with 0,34 and 0,04 with the overall priority of factor, in Opportunities the Improved land registration system got the highest factor priority within the group with 0,43 and 0,15 with the overall priority of factor, in Threats the confiscation of land got the highest factor priority within the group with 0,38 and 0,04 with the overall priority of factor.
- 2) From the analysis that we made with the analytic hierarchy process and SWOT analysis, we chose the highest priority factors that we got, the first the system is acceptable and legitimate within society got the highest factor priority within the group with 0,45, and the Improved land registration system got the highest factor priority within the group with 0,43 and with TOWS calculation we got figure 1.
- 3) From the analysis that we made with the analytic hierarchy process SWOT analysis and TOWS calculation, we will Improve the land registration system in the west bank represented by the steps that we have in point 1.4, which can put it up for discussion and application in Palestine.

CONCLUSIONS

The land registration system in Palestine faces many challenges due to the presence of the Israeli occupation so it is not possible to develop the land registration system excellently, because the Israeli occupation prevents the use of modern techniques in land surveying and the use of programs and applications that will facilitate the registration process for citizens.

This research aims to improve the land registry system in the West Bank through SWOT analysis and analysis hierarchical process to facilitate land management of the West Bank area.

The formulation of the strategy in this study was carried out by knowing the description of the current state of the land registration system in the West Bank, Key components that will be investigated include historical references to the West Bank land registration system and the institution of the Palestinian Land Authority, which was established by Presidential Decree No 10 of 2002, and the institution of Palestinian Land and Water Settlement Commission that established in 2016 by Resolution No (7), The field of research falls within the scope of the West Bank to development and improvement of the land registration system.

Recommendations

- 1) Work must be taken to educate and make the Palestinian people aware of the importance of registering the land.
- 2) Work to increase the cadres and employees in the land registration departments.
- 3) Work to quickly solve the problems that cause land not to be registered.
- 4) There must be an interest on the part of the Land Department in this type of registration as much as it is concerned with settlement issues.
- 5) Transparency and speed of decision-making regarding new registration transactions and creating an incentive for citizens to register their land, such as reducing or canceling fees.
- 6) Canceling the decree banning the "public organization organized outside Palestine", as it severely restricted the transfer of ownership.
- 7) The employees must not reside in the village or city in which they work.

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