



***Monitoring Government Decision 3790 for
Investments in East Jerusalem
2019 Implementation Report***

January 2020

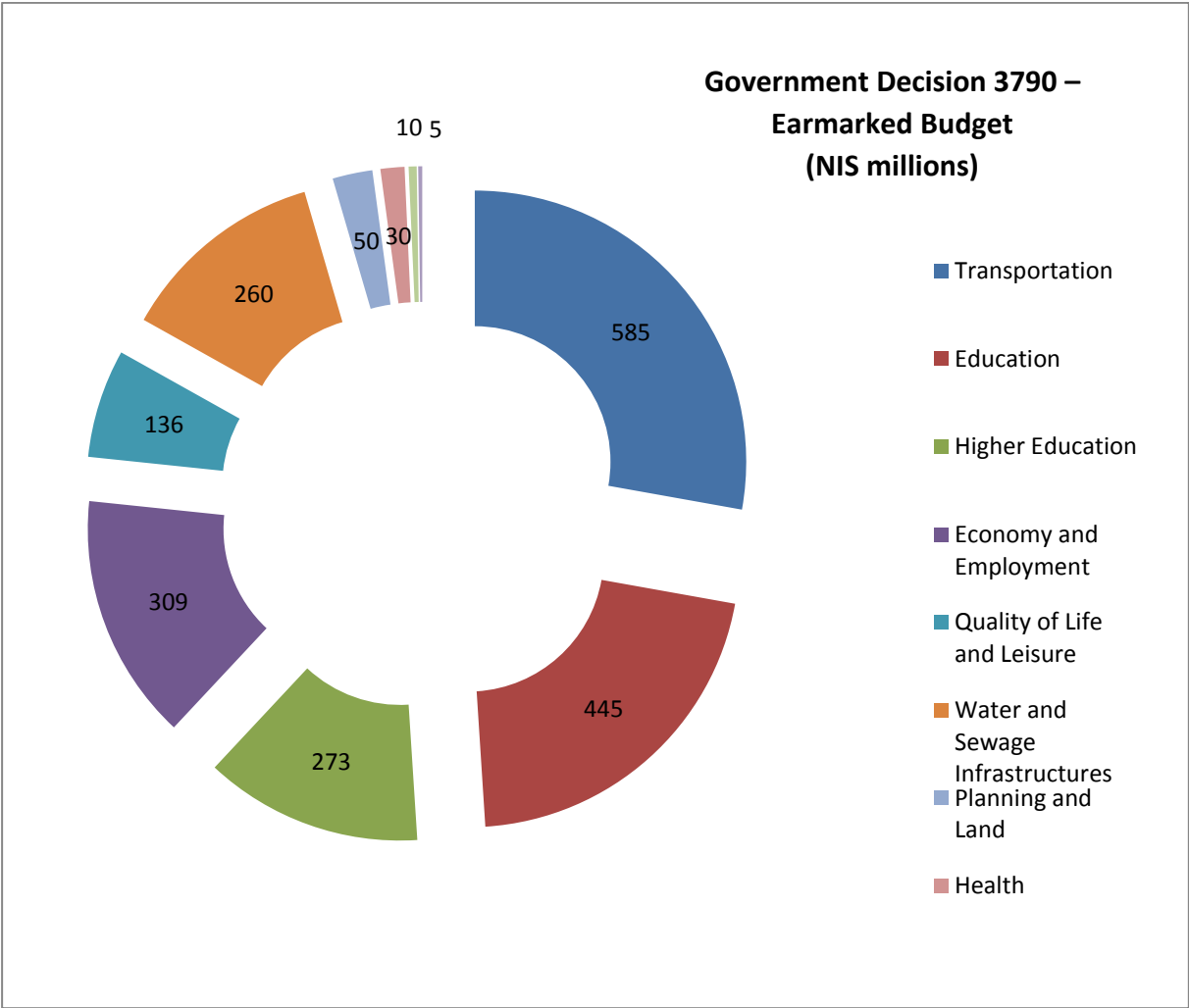
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I. Introduction

In May 2018, for the first time in the 51 years since Israel’s de facto annexation of East Jerusalem, the Israeli government adopted a decision calling for economic and social investments in East Jerusalem on a significant scale, potentially as much as NIS 2.1 billion over five years. The decision – [Government Decision 3790 of 13 May 2018 Narrowing Socioeconomic Gaps and Promoting Economic Development in East Jerusalem](#) – includes six key areas of activity: education and higher education; economy and employment; transportation; improving civic services and quality of life (leisure infrastructures and water and sewage infrastructures); health; and land registration. The budgetary allocation was divided as follows:



In the past, Ir Amim has issued many warnings regarding the socioeconomic neglect of East Jerusalem and has highlighted the need to formulate an emergency program capable of

securing systemic, remedial, and comprehensive improvement in living conditions in the area.¹ After examining the Government Decision in depth, Ir Amim formulated its position on the various components of the plan and began to track its implementation in practice through the monitoring project. As we noted from the outset, Decision 3790 – unlike previous government decisions regarding East Jerusalem – provides for what appears to be an appropriate initial budget. However, the Decision does not obviate the need to promote a diplomatic solution for the city. Moreover, we identified various preliminary flaws, such as the lack of any response to severe planning discrimination; conditioning 43% of the education budget on the adoption of the Israeli curriculum; the advancement of a land registration arrangement carried out through the Ministry of Justice, raising serious concerns; and the fact that this Decision was accompanied by others intended to enhance Israeli sovereignty in East Jerusalem and to weaken the Palestinian presence in the area.

This report provides an update on and preliminary analysis of the progress in the implementation of the Decision since its adoption and over the course of 2019, based on the monitoring undertaken by Ir Amim. Implementation of the practical actions and budgetary transfers detailed in the Decision began in the second half of 2018, but most of the transfers and actions effectively started during 2019. Over the past year – the first year of implementation of the Decision – Ir Amim monitored implementation both on horizontal issues – transparency and mechanisms – and thematically according to the various areas included in the Decision. The report is based on discussions and meetings with officials responsible for formulating and implementing the Decision at the governmental and municipal levels, civil society sources, information provided by government ministries under the Freedom of Information Law, and background research in the areas addressed by the Decision.

Section One examines the horizontal aspects of the transparency required in implementing the Decision. Section Two continues the horizontal examination, mapping the working mechanisms that are being used to implement and control the Decision. The efficient and concerted work of the various bodies involved in executing the Decision is crucial to its proper implementation. Section Three describes the status of progress in the various areas of the decision based on information provided during discussions with officials and the replies to freedom of information requests submitted to the Ministry of Finance and the Ministry of Jerusalem and Heritage. Lastly, Section Four presents our examination of areas we selected for detailed examination over the first year of implementation due to the political and communal questions they raise. The report ends with an outline of issues for future focus and in-depth study based on our insights from the first year of monitoring.

¹ Ir Amim, [Jerusalem: Present Home and Future Capital of Two Peoples](#), February 2016.

II. Transparency in Implementing the Decision

Monitoring transparency in the implementation of the Government Decision is vital during the initial phase, in order to ensure the proper advancement of the Decision and its compatibility with the needs and interests of the Palestinian residents. Transparency is required in keeping with the right of the general public to know what is being done with its resources, as well as the right of the Palestinian public in East Jerusalem to receive detailed updates about a Decision that seeks to exert a wide-ranging influence over its daily life in numerous areas, from education to transportation.

Information about state resources and government actions belongs in principle to the public and should be available and accessible to it. Transparent information about public actions is of great importance in promoting good governance, and transparent actions by the authorities also provide an important foundation for the development of trust toward these authorities among the public they are supposed to serve. This is particularly important in the case of East Jerusalem and its residents.

In this sense, transparency is important not only in its basic sense – the publication of information in a reasonably prompt and open manner – but also in the context of access. Relevant information must be accessible to the public – translated into Arabic, readily available, and summarized in a clear manner. An additional aspect of transparency is the mechanism for public engagement established and budgeted in the implementation section of the Decision.

A. Mechanisms for Promoting Transparency as Established in the Decision

Decision 3790 explicitly mandates the regular publication of information for the public, thereby establishing basic and essential standards of transparency.

- Section 7 of the Decision addresses the management of the plan and establishes the authorities of the Standing Committee, the body responsible for the overall implementation of the Decision and for coordination between the different executive arms. Among other provisions, section 7 states that the decisions of the Standing Committee and the work plans of the sub-committees in each area will be published on the website of the Ministry of Jerusalem and Heritage. According to the timetable established in the Decision, the work plans in all the areas were due to be formulated by this stage. In our discussions with various personnel responsible for execution of the Decision', we were informed that work plans have indeed been formulated and approved in some of the areas of the Decision.
- Section 8 of the Decision, which relates to the budget for the plan and its implementation, calls for the establishment of a public engagement team responsible for implementing the plan with the agreement of the residents of East Jerusalem, with attention to the needs raised by the residents. An earmarked budget of NIS 10 million

was allocated for this need. The basic measure required in order to encourage public engagement is the publication of information concerning implementation of the Decision.

- The Decision mandates regular internal reporting procedures, including the submission by the Ministry of Jerusalem and Heritage of a quarterly report to the Standing Committee concerning the pace of implementation of the plan and an annual report to the government by the Jerusalem and Heritage and the Finance Ministers on implementation. These reports should already have been forwarded.

The transparency requirements included in Government Decision 3790 are consistent with the conclusions of the State Comptroller following his examination of the implementation of a previous government decision concerning investment in Jerusalem – Decision 1775 ([Plan to Enhance Personal Security and Socioeconomic Development in East Jerusalem](#)), and may well be based on these conclusions. The Comptroller's report highlights the importance of coordinating information and ensuring ongoing reporting between government ministries and the various authorities, and shows that numerous failings in this respect led to the defective implementation of Decision 1775.

Ongoing publication of information for the public could also serve as an external incentive ensuring the maintenance of internal mechanisms preventing the repeat of earlier failings. These mechanisms will promote the clear division of responsibilities between the different bodies responsible for implementation; the coordination of work plans between the responsible ministries; the setting of quantitative targets; the development of a mechanism for monitoring the timetable; and adherence to the timetable.

B. Actual Transparency and Publication of Information

At the time of writing, the transparency requirements have been only partially met. As of the end of October 2019 – over a year after the publication of the Decision – no primary information had been published in an official and public manner regarding the implementation of the Decision, with the exception of a funding eligibility review published by the Ministry of Jerusalem and Heritage and localized tenders and contractual arrangements whose publication is mandated by law.

During our monitoring work, many officials from the municipality and from the Ministry of Jerusalem and Heritage agreed to our requests to meet with them, in many cases readily. However, this is not a substitute for the required public publication of information.

In July 2019, given the lack of published information, Ir Amim submitted freedom of information requests to the Ministry of Jerusalem and Heritage and the Ministry of Finance regarding the status of progress in implementing the Decision. In our requests, we asked to receive details about work plans, the composition of the sub-committees, minutes of meetings, and details of the budgetary transfers to date. Both the Ministry of Jerusalem and

Heritage and the Ministry of Finance requested extensions in order to provide the information. The Ministry of Finance forwarded details of its budgetary transfers for 2018 and 2019 (as presented below in the relevant sections), while the Ministry of Jerusalem and Heritage submitted its response in November, 2019. In October, 2019, the Ministry of Jerusalem and Heritage published a comprehensive document, [Status of Government Decision 2019 - Standing Committee](#) – hereinafter “the Status Document”² as part of a conference held to mark the first year of implementation of the government Decision. In response to the freedom of information request, the Ministry of Jerusalem and Heritage provided Ir Amim with this Status Document.

The Status Document itemizes the various programs planned and/or operational in each of the areas covered by the Decision, together with the budget, objectives, and actual implementation. However, with respect to some of these areas, such as the quality of life section, the publication is only partial. For example, it is not possible to find the general work plan that should have been submitted some two months ago. The reason for this may be that the plan was not ultimately approved, but the Status Document provides no clarification on this matter.

Alongside the publication of the Status Document, a single summary of a meeting of the Standing Committee was uploaded to the website of the Ministry of Jerusalem and Heritage. The summary pertained to a meeting held in October 2018, despite the requirement of the Government Decision that the committee publishes its decisions on an ongoing basis. The publication of details of just one of the meetings of the Standing Committee a year after the fact is a case of too little, too late.

C. An Alternative Model: Transparency in Decision 922

[Government Decision 922, Dated 30 Dec. 2015, for Economic Development in Arab Society, 2016-2020](#), included budgets on a scale of around ten billion shekels intended mainly for the fields of employment, transportation, planning, and education. As in the case of Decision 3790, it was determined as part of Decision 922 that “the Ministry for Social Equality will act to disseminate information regarding the implementation of the plan on an ongoing basis among the minority population and the public in general.”

The publication of information regarding Decision 922 offers a different model for reporting and transparency:

- Within less than six months from the publication of Decision 922, materials regarding the implementation of that decision were uploaded to the [designated website established by the Ministry for Social Equality](#).

² Ministry of Jerusalem and Heritage, [Status of Government Decision 2019 - Standing Committee](#), October 2019 (hereinafter – Status of Government Decision 2019 – Standing Committee).

- The Decision 922 website served as an ongoing platform for updates on progress regarding the decision, as well as for consultations with the public and with relevant officials in the field in order to promote optimal implementation.

Materials published on the Decision 922 website included:

- The status and mechanism for the implementation of the program by each of the relevant government ministries;
 - Summaries of the meetings of the steering committee and presentations by the ministries from the committee meetings;
 - Summaries of meetings in the various areas of the decision;
 - A list of relevant contact people in the government ministries;
 - The budgetary transfers, arranged by year;
 - A call for proposals issued by the various ministries.
- In September 2017, the Ministry for Social Equality published a detailed and structured guide on implementation including a format for objectives, implementation status, and relevant contact people in each field and in the headquarter bodies.

The accessible publication model implemented in Decision 922 shows that it is possible to do things differently. The lack of transparency and the lack of information for the general public regarding Decision 3790 are not only inconsistent with the Decision, but impair the public's right to know. The obligation to ensure transparency and availability of information requires the proactive publication of relevant information by the authorities in an accessible and readily understandable manner. The failings in this field impinge upon public engagement and impair the effort to repair the relations of trust with the Palestinian public in East Jerusalem after many years of discrimination and neglect.

We were informed that the Ministry of Jerusalem and Heritage, in cooperation with JDC-Israel, is working to launch a website that will collate, in an accessible and user-friendly manner, all publications concerning the relevant decisions and work plans, in a similar manner to the designated website for Decision 922. Eighteen months after the publication of the Decision, it would indeed be desirable to have a website including all the decisions of the Standing Committee, accompanied by regular information about the work plans and progress in implementation. Alongside the work on the designated website, these materials should also be uploaded to the existing website of the Ministry of Jerusalem and Heritage. The ministry and JDC-Israel should also work to ensure that the materials – or at least the most important items – are available in Arabic - the language of the public that forms the focus of the decision.

III. Mapping the Implementation Mechanisms and the Main Aspects of the Decision

In order to effectively monitor the progress in implementing the Decision, it is important to understand its implementation mechanisms, the division of responsibility between the various ministries and bodies (between and within governmental and municipality offices as well as assisting executing bodies), and the scope of authority and oversight enjoyed by the different units responsible for implementation. Accordingly, an important part of our work over the first year of implementation of the Decision was to initiate the mapping of these channels – some of which already existed, while others were established during these implementation stages – and to examine their character and effectiveness. This section presents the infrastructure of the horizontal mechanisms and bodies responsible for implementing the Decision and for the associated processes of control and evaluation.

A. Horizontal Mechanisms and Functions in the Implementation of Decision 3790

1. The Standing Committee – Governmental Steering and Implementation Committee

The Standing Committee is responsible for the routine management and leadership of the plan. As part of this role, the committee is required to approve the work plans and changes thereto (including budget diversions), the setting of additional objectives, control, supervision, and monitoring.

The committee is headed by Mordechai Benita, the Director-General of the Ministry of Jerusalem and Heritage. The other members of the committee are the Budgets Director from the Ministry of Finance, the Director-General of the Prime Minister's Office (or another official from the ministry), and the Director-General of the Jerusalem Municipality (or a municipal official).

In accordance with the Government Decision, the Standing Committee is required to publish its decisions on the website of the Ministry of Jerusalem and Heritage.

We are aware that the committee has convened several times since the publication of the Decision, most recently on October 29, 2019, during the conference held to mark the first year of implementation. However, only the minutes of a single meeting of the committee, from October 2018, have been uploaded to the website of the Ministry of Jerusalem and Heritage.

2. Sub-committees

The Decision required the establishment of work teams in the following areas: education, economy and employment, transportation, improving civic service and quality of life, and land registration.

The function of the teams is to work to promote the specific advancement of the various areas of the Decision. Each team is responsible in its own area for formulating detailed work plans, setting objectives, and strengthening the interministerial and cross-sector cooperation in the implementation of the Decision.

The teams are required to meet at least once a quarter in order to discuss the progress of the projects in the relevant areas; representatives of the Ministry for Social Equality are to be invited to the discussions on a regular basis. After approval by the Standing Committee, the Decision requires that the work plans formulated by the sub-committees be published on the website of the Ministry of Jerusalem and Heritage. For details about the sub-committees, see details according to each area of the Decision, as set forth below.

3. Coordinating and Assisting Body – JDC-Israel, through an agreement with the Ministry of Jerusalem and Heritage

Function: To assist in the horizontal coordination of the implementation of the Decision; to promote focused actions and partnerships in the fields of employment, entrepreneurship, and philanthropy. Projects for which JDC-Israel is responsible include developing the website to make the Decision materials accessible to the public.

Composition: Area director in JDC-Israel – Anat Schwartz.

4. Responsible Municipal Body – Policy and Strategic Planning Division, Jerusalem Municipality

Composition: Division Head – Avner Sa’adon; liaison for government contacts and East Jerusalem in the division – Yaron Toran.

5. Evaluation and Measurement Body – Jerusalem Institute for Policy Research, through an agreement with the Ministry of Jerusalem and Heritage

The evaluation and control process is formalized in the Government Decision, which allocates the sum of NIS 5 million for this purpose.

The Institute was selected to provide formative evaluation for the Government Decision. Within this framework, selected projects will be examined over the course of the implementation of the Decision.³ The purpose of the evaluation and research is to provide an orderly infrastructure for documentation and to create a database of actions in each project, as well as to provide the decision makers with a flow of information and insights concerning the effectiveness of the implementation and the securing of the objectives defined for each project.

³ [Website of the Jerusalem Institute for Policy Research](#)

During the past year, the Institute undertook an evaluation of the public engagement project as part of the Government Decision, led by the Unit for Leading Processes of Public Engagement in the East Jerusalem Development Company (EJDC), which is assisting the implementation of the Government Decision. The evaluation will examine the methodology for engagement, the selection of the projects accompanied by public engagement, the process of soliciting public input and participation, and the level of success in learning about public desires and needs.

In addition, the Institute is also undertaking monitoring research consisting of indicator studies examining the criteria applied in the fields of education and higher education, economy and employment, and infrastructures. The indicators are being formulated in cooperation with the governmental and municipal functions responsible for implementation, and will be applied each year over the period of operation of the plan, in order to facilitate the monitoring of developments, trends, and changes in the relevant areas. The Institute is also undertaking relevant background studies for the Government Decision, including a social mobility index, mapping cultural institutions and activities in East Jerusalem, and promoting high-quality employment and expanding the circle of the employed.

6. Body Responsible for Public Engagement – the East Jerusalem Development Company (EJDC)

As part of the Decision (section 8), the Ministry of Jerusalem and Heritage was instructed to set up a public engagement team responsible for “implementing the action to execute the Decision with the agreement of the residents of East Jerusalem, as far as possible.” The purpose of this team is to assist the Standing Committee and the sub-committees as they advance their areas of responsibility. The Decision allocates the sum of NIS 10 million for public engagement processes over the five-year period.

The body selected to operate the public engagement component is the Unit for Leading Public engagement Processes in the East Jerusalem Development Company (EJDC), a government company that operates in the city. The EJDC is undertaking this function in accordance with an agreement with the Ministry of Jerusalem and Heritage, and is involved in various areas relating to the Government Decision, including employment, education, higher education, and land registration, as detailed below. Over the past year, the EJDC issued various tenders for public engagement processes relating to the Government Decision, including a tender for the provision of consultation services in the field of public engagement for the Government Decision, a tender for the provision of public engagement services in the field of higher education, and similar tenders in the fields of cleaning and the environment, the economy, and employment.

B. Responsible Bodies and Key Objectives according to the Areas of the Decision

Under the horizontal bodies and mechanisms responsible for all the areas of the Government Decision, the Decision is implemented in each area through internal

mechanisms and working arrangements created during the course of implementation, and through cooperation between the governmental, municipal, and civil society bodies.

The following is a review of the main features of the Decision in each area, together with the designated work mechanisms for these areas:

1. Education

Total investment: NIS 445 million

Key investments:

- **Informal education** – NIS 206 million
- **Support and special programs** for educational institutions teaching the Israeli curriculum – NIS 68.8 million
- **Renting facilities for educational institutions** teaching the Israeli curriculum – NIS 67 million
- **Physical development of educational institutions** teaching the Israeli curriculum – NIS 57.4 million.

Approximately NIS 193 million – 43.4% of the total government budget earmarked for education in East Jerusalem – is formally conditioned on the adoption of the Israeli matriculation curriculum.

Responsible bodies:

Municipal bodies: Jerusalem Municipality: Jerusalem Education Administration (JEA) – formal and informal education; Culture, and Leisure Administration – informal education; Director of the Government Decision implementation (Five-Year Plan) in the Jerusalem Education Administration – Zion Regev.

Governmental bodies: Ministry of Education. Designated head for the Government Decision (Five-Year Plan) in the Ministry of Education – David Koren.

Sub-committee in the Education Area – headed by the Director-General of the Education Ministry, and the participation of the Director-General of the Ministry of Jerusalem and Heritage, the Director of Budgets in the Ministry of Finance, and the Director-General of the Jerusalem Municipality or a staff member from his office. According to the Status Document for 2019 prepared by the Ministry of Jerusalem and Heritage, the team meets once a quarter as required.⁴

⁴ [Status of Government Decision 2019 - Standing Committee](#), p. 6.

As confirmed during a meeting with the JEA, and as noted in the Status Document of the Ministry of Jerusalem and Heritage, the education teams meet weekly under the leadership of the JEA and the Ministry of Education for updates and to discuss issues relating to the five-year plan and to the interface with other municipal and governmental bodies. These regular meetings are also attended by municipal officials from outside the departments of education who are intensively involved in managing the informal programs, such as representatives from the municipal Culture and Leisure Administration and the Israel Association of Community Centers.

In addition, the Status Document reports that a special team was established to focus specifically on inculcating the Israeli curriculum. The team includes officials from the JEA, the Ministry of Education, the Public Engagement Unit, and the Ministry of Jerusalem and Heritage, and is involved in preparing work plans on a neighborhood level in order to meet the goal of increasing the number of first grade classes in the program by around 15 a year.⁵

2. Higher Education

Total investment: NIS 275 million

Key investments:

Increasing the number of students – NIS 260 million.

Responsible bodies:

Governmental bodies: Ministry of Education; Council for Higher Education (CHE), including the Planning and Budget Committee (PBC).

Municipal bodies: Jerusalem Education Administration (JEA), Jerusalem Municipality; Director of the Government Decision implementation (Five-Year Plan) in the Jerusalem Education Administration – Zion Regev.

Sub-committee for Higher Education (defined as a sub-committee in the Status Document, though it does not appear with this status in the Government Decision) – led by the Public Engagement Unit and the CHE, with the participation of the PBC, the Jerusalem Municipality, and representatives of the Rawad program (guidance for academic studies) and the Ministry of Jerusalem and Heritage. According to reports by the Ministry of Jerusalem and Heritage, the team meets approximately once every six weeks.

Every six months the academic institutions submit a budgetary update to the PBC, which should be published on the website for the implementation of the Decision (no updates have appeared to date on the website of the Jerusalem Municipality, and the designated website has not yet been launched).

⁵ [Status of Government Decision 2019 - Standing Committee](#), p. 6.

3. Economy and Employment

Total investment: NIS 274 million

Key investments:

- **Expanding welfare and employment services**, with an emphasis on programs to encourage women's employment, prevent dropout and risk situations, and extricate people from poverty – NIS 75 million.
- **Construction of day care centers** – NIS 50 million.
- **Employment guidance center** – NIS 35 million.
- **Programs to encourage young women to enter employment** – NIS 26.5 million.
- **Incentives for employers to take on women workers** - NIS 20 million.

Responsible bodies:

Governmental bodies: Ministry of Labor, Social Affairs and Social Services, and in particular the Special Population Employment Administration; Israel Employment Service; Ministry of Economy and Industry; Ministry of Finance – Budgets Department.

Municipal bodies: Community Services Administration (Employment Department), Jerusalem Municipality.

Sub-committee for Economy and Employment – headed by the Director-General of the Ministry of Labor, Social Affairs and Social Services, with the participation of the Director of Budgets Department, the Director-General of the Ministry of Economy and Industry, the Director-General of the Ministry of Jerusalem and Heritage or a staff member from the ministry, and the Director-General of the Jerusalem Municipality or a staff member from the municipality. The team was required to submit a plan for the support of the commercial and physical development of commercial centers and zones in the neighborhoods of East Jerusalem by 13 Sept. 2018.

According to the Status Document, the team met once a quarter as required. In March, the whole team met to present the mapping of work plans and to examine possible connections between the different bodies involved. The team met in September to formulate precise objectives and criteria for the various items in the Government Decision.⁶

The public engagement team in the Government Decision is also an active participant in the employment team.

⁶ [Status of Government Decision 2019 - Standing Committee](#), p. 32.

In addition to the activities of the sub-committee, a smaller team also meets to discuss the approval of programs to encourage employment in Hebrew, a track for engineering technicians, and the expansion of the Asda'a program, a package of activities in schools that focus on empowering girls with a view to employment.

4. Transportation

Total investment: NIS 585 million

Key investments:

- **Improving transportation infrastructures** – NIS 500 million
- **Planning the northern section of the “American Road”** – NIS 65 million

Responsible bodies:

Governmental bodies: Ministry of Transport and Road Safety.

Municipal bodies: Transportation Planning and Roads Department, Jerusalem Municipality.

Sub-committee for transportation – headed by the Director-General of the Ministry of Transport and Road Safety, with the participation of the Director-General of the Ministry of Jerusalem and Heritage, the Director of Budgets Department in the Ministry of Finance or a staff member from the ministry, and the Director-General of the Jerusalem Municipality or a municipal staff member. The team was required to develop a detailed work plan and bring it to the Standing Committee for approval by 13 Sept. 2018 regarding the integration of the “Rav Kav” travel card system, the connection of East and West Jerusalem, and improvements in transportation infrastructures.

5. Improving civic services and quality of life

Total investment: NIS 176.5 million (including development of infrastructures)

Key investments:

- **Improvements to drainage and sewage infrastructures** - NIS 42.5 million.
- **Expanding cleaning services** – NIS 31 million.
- **Establishing public buildings for social, community, leisure, and welfare purposes** – NIS 32 million.
- **Developing sports facilities** - NIS 30 million.
- **Developing parks and playgrounds** – NIS 20 million.

Responsible bodies:

Governmental bodies: Ministry of Culture and Sports; Ministry for the Development of the Periphery, the Negev and the Galilee; Israel Authority for Prevention of Violence, Alcohol and Drug Abuse.

Municipal bodies: Jerusalem Municipality –Community Services Administration (Welfare and Public Health Department); Culture and Leisure Administration (Social and other divisions); Planning Division; “City without Violence” program.

According to the Status Document, most of the implementation in this area of the Government Decision has been undertaken by the Jerusalem Municipality in cooperation with other bodies, including the Public Engagement Unit. The transfer of the budget to the Jerusalem Municipality was undertaken as part of the funding eligibility review to local authorities as published by the Ministry of Jerusalem and Heritage.⁷

Subcommittee for improving civic services and quality of life – headed jointly by the Director-General of the Ministry of Jerusalem and Heritage and the Director-General of the Jerusalem Municipality, the Director-General of the Ministry of Culture and Sports, the Director-General of the Ministry for the Development of the Periphery, the Negev and the Galilee, and the Director of Budgets Department in the Ministry of Finance or a staff member from the ministry.

The requirement in this area was to submit a work plan by September 13, 2018, for approval by the Standing Committee.

According to the Status Document, the team meets once a quarter as determined in the Decision. In addition to the bodies mentioned in the Decision, representatives of the Ministry of Public Security and the Public Engagement Unit also attend the meetings.⁸

Smaller work teams in sub-areas meet once a month and work on an ongoing basis to implement the relevant actions. These include a work team formed to improve sewage and drainage infrastructures, including representatives of the Jerusalem Municipality, Hagihon water company, the Water Authority, the Ministry of Jerusalem and Heritage, and the Public Engagement Unit. Sewage is the responsibility of Hagihon, while drainage is the responsibility of the Jerusalem Municipality.

6. Land Registration

Total investment: NIS 50 million.

Key investments:

Land registration – NIS 50 million.

⁷ [Status of Government Decision 2019 - Standing Committee](#), p. 50.

⁸ [Status of Government Decision 2019 - Standing Committee](#), p. 50.

Objective: To regulate at least 50% of the land in East Jerusalem by not later than the fourth quarter of 2021.

Responsible bodies:

Governmental bodies: Ministry of Justice (Land Registry and Settlement of Rights Department), Ministry of Finance, Israel Land Administration.

Municipal bodies: Jerusalem Municipality.

Sub-committee in the area of land registration – headed by the Director-General of the Ministry of Justice, with the participation of the Budgets Department in the Ministry of Finance, a representative of the Government Secretary, the Director of Israel Land Administration, the Director-General of the Ministry of Jerusalem and Heritage, the Survey of Israel (Mapping Center - MAPI), the Director of Planning in the Ministry of Finance or a staff member from the office, and the Director-General of the Jerusalem Municipality or a municipal staff member. In addition to the usual functions of the sub-committees, this team is also required to annually examine the extent of progress in the field relative to the objectives and to recommend updates to the program or to the timetable to the Standing Committee as required.

According to the Status Document, the team meets once a quarter as required. In addition to the team members stipulated in the Government Decision, the document reports that meetings are attended by the Custodian of Absentee Properties, the General Custodian, and the Public Engagement Unit, which is responsible for collecting information about land ownerships from the various authorities.⁹

As part of the work in implementing the part of the Decision relating to land registration, changes are being introduced at the Land Registry and Settlement of Rights Department. These include the activation of joint work teams to coordinate the work by all the bodies involved in the land registration arrangement. A special work team was established to issue a tender to an operating company to be responsible for recruiting staff for the registration arrangement that will be put into place.¹⁰

IV. Implementation according to the Areas in the Decision

In this section we will review the implementation status of the different areas included in the Decision: education; economy and employment; transportation; improving civic services and quality of life; health; and land planning and registration. The status of progress is based

⁹ [Status of Government Decision 2019 - Standing Committee](#), p. 67.

¹⁰ [Status of Government Decision 2019 - Standing Committee](#), p. 67.

on recent publications of the Ministry of Jerusalem and Heritage and on the replies received in October 2019, to the freedom of information request submitted by Ir Amim to the Ministry of Jerusalem and Heritage and to the Budgets Department in the Ministry of Finance.

A. Education

According to the replies to our freedom of information requests, the budgets earmarked for the area of primary and secondary education for 2018-2019 were transferred. A great deal of the resources were invested in the challenges of inculcating the Israeli curriculum, and in particular, meeting the objective of increasing the number of first-grade classes opened each year that use the curriculum, as well as reinforcing Hebrew studies, where problems are being encountered in training professional teachers and in increasing the number of Hebrew study hours in schools.

The budget transferred by the government and the municipality in the area of primary and secondary education was NIS 29.7 million for 2018 (one-third of which was used for the 2018-2019 school year), and NIS 89 million for 2019 (two-thirds of which was used for the 2018-2019 school year, and one-third for the 2019-2020 school year). In keeping with the allocation rates established in the Decision, in the 2018-2019 and 2019-2020 school years the largest sums – almost 50% of the total – were allocated to programs encouraging the use of the Israeli curriculum, and in particular, the physical development of schools teaching this curriculum. The second-most significant investment is in the field of informal education, where the budget allocations for these years account for around 40% of the total investments.

Projects were also advanced in the target areas defined in the Decision for the 2018-2019 and 2019-2020 school years: Hebrew studies, technological studies, informal education, encouraging use of the Israeli curriculum, preventing dropout and providing individual care, as well as measurement and evaluation, with an emphasis on encouraging use of the Israeli curriculum and informal education. For this year, most of the quantitative objectives in the various projects in all areas have been achieved.¹¹

Budget Implementation – General

	2018 (for 1/3 of 5779)	2019 (for 2/3 of 5780)	2020	2021	2022	2023	Total five- year plan
Ministry of Finance	13,333,333	40,000,000					
Ministry of Education	13,666,666	41,000,000					
Jerusalem Ministry	2,667,000	8,000,000					
Municipality							
Other							
Total	29,666,999	89,000,000					

¹¹ [Status of Government Decision 2019 - Standing Committee](#), pp. 6-25.

Table 1: Implementation of the education budget in Government Decision 3790, 2018-2019¹²

B. Higher Education

The Ministry of Jerusalem and Heritage reports an increase of approximately 90% in the number of students participating in the pre-academic preparatory programs in East Jerusalem over the past two years. An increase of 75% was also reported for the same period in the number of students from East Jerusalem pursuing undergraduate studies at academic institutions budgeted by the PBC.¹³

To date, the working model adopted by the PBC has focused on increasing the number of students in East Jerusalem by exposing residents to the existing options within the higher education system in Israel, and by providing full subsidies for the pre-academic preparatory programs, which until 2014 did not receive any subsidies. The PBC is working together with the Public Engagement Unit to develop new models.¹⁴

The budgets earmarked in the Decision for higher education for 2018 and 2019, totaling NIS 68.9 million (NIS 17.2 million for 2018 and NIS 51.7 million for 2019), have been transferred in full, and additional funds have been transferred as well.¹⁵ The budgets were transferred to projects for guidance in academic studies (the Rawad program), the pre-academic preparatory programs, support during studies, and the Al-Bashair program for distinguished students. Most of the budget over this period was intended for support for students during their studies, while the second-largest area of support was the pre-academic preparatory programs.

The Al-Bashair program for distinguished students, which is currently in its second year, includes work with outstanding high school students and students in higher education, as well as with graduates placed in employment. The goal of the program is to encourage academic studies and subsequent placement in high-quality jobs. The first group began to operate in the program in the 2017-2018 school year, comprising 80 tenth grade students and 15 post-high school students. In the 2019-2020 academic year, 215 high school students and 40 post-high school students are participating in the program.¹⁶

Together with the Public Engagement Unit, additional projects are currently being examined and advanced in order to meet the challenges faced in this area of the Decision. Projects mentioned in the Status Document include: opening annexes of the Israeli higher education

¹² [Status of Government Decision 2019 - Standing Committee](#), pp. 24.

¹³ [Status of Government Decision 2019 - Standing Committee](#), p. 26.

¹⁴ [Status of Government Decision 2019 - Standing Committee](#), p. 26.

¹⁵ Reply from the Budgets Department in the Ministry of Finance to Ir Amim's freedom of information request, 22 October 2019.

¹⁶ [Status of Government Decision 2019 - Standing Committee](#), p. 31.

system in East Jerusalem; integrating graduates of Palestinian institutions for advanced degree studies in Israeli institutions; analyzing information and obstacles facing the integration of graduates of institutions of higher education in Israel, and so forth.¹⁷

Sub-Area	Total 5-year budget Sept.2017-Sept.2020 (thousands of NIS)		Five-Year Plan			
	Government Decision 3790	PBC+1775	Goals		Budget	
			Planning	Implementation	Planning	Implementation
Total	90,001	136,692				
Rawad Program	11,420	3,000	10 coordinators and area director			
Pre-Academic Preparatory	66,296	13,284	3000			
Support for Undergraduate Students	12,285	123,408	5600 students in course of degree + 2535 1 st year students			

Sub-Area	Total Annual Budget		5779			
	Government Decision 3790	PBC+1775	Goals		Estimated 6-month implementation 5779 (excl. Rawad)	
			Planning	Implementation	Planning	Implementation
Total	13,376	25,827				
Rawad Program	460	1,500	7 coordinators	7	1,960	
Pre-Academic Preparatory	8,216	2,144	500 students	569 students	10,360	
Support for Undergraduate Students	2,700	22,183	1,018 students	1,015 students	24,883	
Construction (renovation and adaptation)	2000					

Tables 2 and 3: Summary of budgetary allocations and objectives in the area of higher education: full five-year program (Table 2) and annual budget for 2019 (Table 3).¹⁸

¹⁷ [Status of Government Decision 2019 - Standing Committee](#), p. 26.

C. Economy and Employment

The budget for 2018-2019 allocated for the area of economy and employment in accordance with the Decision was NIS 67.8 million (NIS 16 million for 2018 and NIS 51.9 million for 2019). The largest allocations were made to programs working to alleviate people from poverty, encourage employment, and prevent dropout and risk situations.¹⁹

The area of welfare received a significant portion of these budgets over this period, supporting projects in five fields: youth and young adults; education and welfare; poverty; old age; and early childhood intervention. The programs can be divided into two types – programs providing care and assistance for populations in need, and prevention programs. These programs operate at the six welfare offices in East Jerusalem and are dispersed around the neighborhoods. In addition, the allocation of staffing positions for social workers in 2018 and 2019 was undertaken in accordance with the objectives defined in the Decision.²⁰

According to the Budget Department's response from October 2019 to Ir Amim's freedom of information request, no progress was made in the budget line for the construction of day care centers and the allocation for this purpose was withheld. According to the Budget Department's response, no suitable land was found for confiscation for the construction of the day care centers.²¹ According to the Status Document, it appears that land was located in 2019, and confiscation proceedings are anticipated in Beit Hanina and Sur Baher in the course of the current year. Objectives have been set for 2020-2021 to complete confiscations in various neighborhoods, including Issawiya, Shuafat, Silwan, and A-Tor.²²

Projects budgeted and advanced in the area of employment include programs to encourage employment, with an emphasis on young women; employment guidance and placement centers ("Riyan"); a program to expand the circle of employment to include special placement techniques, including coaching, workshops, and focused supervision for residents claiming supplementary income; and vocational training to develop human capital.

According to the Status Document, the sub-committee met in September 2019 to more precisely define the objectives and criteria in the various items. In addition, a smaller team is meeting to focus on the aspect of encouraging employment, with the goal of approving

¹⁸ [Status of Government Decision 2019 - Standing Committee](#), p. 27.

¹⁹ Reply from the Budgets Department in the Ministry of Finance to Ir Amim's freedom of information request, 22 October 2019.

²⁰ [Status of Government Decision 2019 - Standing Committee](#), pp. 38, 46.

²¹ Reply from the Budgets Department in the Ministry of Finance to Ir Amim's freedom of information request, 22 October 2019.

²² [Status of Government Decision 2019 - Standing Committee](#), p. 46.

programs to encourage employment in Hebrew, a track for women engineering technicians, and programs in schools. Another area on which the team is focusing its efforts, according to the Status Document, is the removal of the Hebrew language obstacle to employment and finding ways to improve Hebrew language instruction.²³

In the area of economy and commerce, the main items on the agenda are the creation of incentives for employers to employ women from East Jerusalem (a procedure was drafted and was due to be published in November 2019); the establishment of a business center, due to open in 2020; a track for high-tech entrepreneurship; and the development of commercial streets – physical, commercial, and social-communal. Two roads out of a list of ten have been chosen for the first development work (in the Sur Baher and Abu Tor neighborhoods). The budget figures and the Status Document suggest that the work in this area has so far focused mainly on planning and no substantial steps toward execution have been taken.²⁴

D. Improving Civil Services and Quality of Life

In this area, the government budget was transferred by means of funding eligibility review published by the Ministry of Jerusalem and Heritage and intended for local authorities. The Jerusalem Municipality submitted a bid for support and most of the items included in it were approved. This area is being implemented mainly by the Jerusalem Municipality, in cooperation with other bodies.²⁵

Various budgeting delays can be seen in the area of quality of life, due to the difficulties in achieving progress encountered by the professional teams responsible for the Decision.²⁶ As part of funding eligibility review, the Jerusalem Municipality submitted a plan including seven plots of land for various purposes under the heading of public buildings and leisure facilities. However, it was unable to prove an affiliation to these plots, and accordingly the plan was not advanced. The Ministry of Jerusalem and Heritage informed us that legal efforts are being undertaken in order to enable progress.²⁷ Due to the lack of success in finding available land designated for the purpose of constructing the facilities, the earmarked budget was not transferred.

According to figures from the Budgets Department of the Ministry of Finance for October 2019, the earmarked budget for drainage and sewage was not transferred due to the failure

²³ [Status of Government Decision 2019 - Standing Committee](#), p. 32.

²⁴ [Status of Government Decision 2019 - Standing Committee](#), p. 47.

²⁵ [Status of Government Decision 2019 - Standing Committee](#), p. 50.

²⁶ Reply from the Budgets Department in the Ministry of Finance to Ir Amim's freedom of information request, 22 October 2019.

²⁷ [Discussion with Sarit Goldstein](#), Senior Area Director for East Jerusalem Affairs, Ministry of Jerusalem and Heritage, 19 June 2019.

to submit the required work plan for improvements to infrastructures in this area.²⁸ In contrast, the Status Document states that a work plan has been formulated including 20 projects by a special work team recruited for this purpose over the past year. The selection was based on a comprehensive examination by the municipality and is intended to respond to the most serious infrastructure problems in East Jerusalem. Neighborhoods slated for infrastructure work include Sur Baher, Umm Lisan, Umm Tuba, Shuafat, and Beit Safafa.²⁹

The Status Document also presents numerous plans being led by the Israel Authority for Prevention of Violence, Alcohol and Drug Abuse, in cooperation with other bodies. According to the document, the goal of these programs is to reduce the level of violence and to encourage the adoption of normative lifestyles through agents of change from within the neighborhoods – including Issawiya, the Shuafat Refugee Camp and Silwan. The figures show that in practice only limited budgets were invested in these programs and the vast majority of them did not meet the objectives set for 2018-2019.³⁰

In the area of sanitation, the government budget of NIS 15 million was transferred in full to the municipality. The Public engagement Unit is involved in this area and is working to provide more refuse containers throughout the neighborhoods – 76 additional containers of various types have been installed. Outreach activities intended to raise awareness of the subject are also being undertaken in a large number of neighborhoods.

Table 4: List of projects in the area of public buildings and leisure facilities as submitted by the Jerusalem Municipality³¹

Shmuel Ben Adaya A-Tor Road Neighborhood: A-Sawaneh Nature of Project: Development of area and installation of fitness and play equipment Land zoning: Open public space Status: Planning Pending	Estimated total budget: NIS 1,000,000	
	Government budget	Municipal budget
	NIS 690,867	NIS 309,133
Green Entrance to Issawiya Neighborhood: Issawiya Nature of Project: Landscaping Land zoning: Special public space	Estimated total budget: NIS 2,000,000	

²⁸ Reply from the Budgets Department in the Ministry of Finance to Ir Amim’s freedom of information request, 22 October 2019.
²⁹ [Status of Government Decision 2019 - Standing Committee](#), p. 62.
³⁰ [Status of Government Decision 2019 - Standing Committee](#), pp. 54-61.
³¹ [Status of Government Decision 2019 - Standing Committee](#), pp. 52-53.

Teachers Neighborhood Park – Al-Baryuni Neighborhood: Beit Hanina Nature of Project: Quarter park Land zoning: Open public space Status: Before planning	Estimated total budget: NIS 1,500,000

Bani Umayya – Quarter Park Neighborhood: Wadi Joz Nature of Project: Quarter park Land zoning: Open public space Status: Before planning	Estimated total budget: NIS 1,500,000

Jericho Road Neighborhood: Ras al-Amud Nature of Project: Development of area and installation of fitness and play equipment Land zoning: Pedestrian passage Status: Before planning	Estimated total budget: NIS 3,561,500	
	Government budget	Municipal budget
	NIS 2,460,530	NIS 1,100,970

By Batan al-Hawa Neighborhood: Ras al-Amud Nature of Project: Playground Land zoning: Open public space Status: Before planning	Estimated total budget: NIS 2,380,000	
	Government budget	Municipal budget
	NIS 1,644,265	NIS 735,735

Sultan Suleiman – Median Strip Neighborhood: Eastern CBD Nature of Project: Development of median strip along road Land zoning: Roadway Status: Nearing completion of planning	Estimated total budget: NIS 2,000,000	
	Government budget	Municipal budget
	NIS 1,381,735	NIS 618,265

E. Transportation

The area of transportation shows over-budgeting relative to the earmarked budgets for 2018-2019 in the Government Decision, combined with slow progress and numerous obstacles that remain unresolved. Most of the budget in this area was earmarked and allocated for the improvement of transportation infrastructures, while a smaller but significant sum was allotted for the planning of the “American Road” and another interconnecting road (Asher Weiner Road).³²

According to the Status Document, the infrastructure improvement team formulated a final list of 29 roads for development in East Jerusalem, listed in order of internal economic priority. Of this list, 13 public transportation roads were approved, as well as 16 smaller roads leading to educational institutions. The team is currently in the process of appointing project directors and planning teams for 15 of the selected roads. Only one of these roads is situated beyond the separation barrier, in Shuafat refugee camp.³³

According to the Budgets Department in the Ministry of Finance, two aspects are still being examined and have not been advanced, despite the allocation of government budgets in 2019. These two aspects are the integration of the “Rav Kav” charge card system, whose value and usefulness for the residents are still being examined, and public transportation line connecting the east and west parts of the city.³⁴ In addition, no decision has been taken regarding the budget for a survey of infrastructures over this period. The Status Document notes that validation machines for the “Rav Kav” cards have been installed in buses, but are not yet operational due to technical problems. This has heightened the level of suspicion about the process among the transportation companies, and the initiative is currently frozen.³⁵

F. Land Registration

No government budgets were transferred in the area of land registration in 2018-2019, despite the earmarked budget of NIS 13.3 million for this period. At present, a tender process is being undertaken to select the company that will implement the future arrangements regarding land registration. Only after the advancement and approval of this

³² Reply from the Budgets Department in the Ministry of Finance to Ir Amim’s freedom of information request, 22 October 2019.

³³ [Status of Government Decision 2019 - Standing Committee](#), p. 69.

³⁴ Reply from the Budgets Department in the Ministry of Finance to Ir Amim’s freedom of information request, 22 October 2019.

³⁵ [Status of Government Decision 2019 - Standing Committee](#), p. 69.

process, and the submission of a request for budgeting, will the required funds for this area be transferred.³⁶

In addition to the tender, preparations are being made for a process of registration of changes at the office of the Land Registry and Settlement of Rights Department, including providing and collecting information ahead of a future arrangement. The Public Engagement Unit is also working to collect information from the various authorities regarding land ownership. Parcels of land have been selected for attention in Sur Baher, Beit Safafa, Atarot, Sheikh Jarrah, and Beit Hanina. The process began in some of these areas in March 2018 and announcements were forwarded to the public, though expected dates for completion are not noted for any of the neighborhoods. The team is waiting for maps from the Mapping Center of Israel before beginning actual work in the areas selected.

The land registration initiative has encountered significant difficulties, particularly the residents' concern that the mechanism will be abused in order to usurp their rights, which has been validated by the reactions of various Palestinian entities which strongly oppose the initiative. The regulation of tax issues is another concern. It is reasonable to assume that these significant obstacles are responsible for the uncertainty about the progress of the initiative and the deadline for its completion. We will discuss this project and the political concerns it raises in greater detail in the next chapter.

Table 5: Blocks earmarked for the land arrangement in accordance with the Government Decision³⁷

Land		Regulation of Registration
Block/Plot	Area	Date
31466	Sur Baher	From March 18
31467	Sur Baher	From March 18
31468	Sur Baher	From March 18
31469	Sur Baher	From March 18
30605	Beit Hanina	From March 18
30606	Beit Hanina	From March 18
31443	Beit Safafa	
30275	Beit Safafa	
30507	Beit Safafa	
30821	Shimon Hatzadik	From August 19
North Airfield	Atarot	
30995	Tabaliya	

³⁶ Reply from the Budgets Department in the Ministry of Finance to Ir Amim's freedom of information request, 22 October 2019.

³⁷ [Status of Government Decision 2019 - Standing Committee](#), pp. 67-68.

30996	Tabaliya	
Beit Faji	Latin	
King's Valley	Franciscan	
Gethsemane	Franciscan	
30652	French Hill	From March 18
30653	French Hill	From March 18

Block No.	Land 2019		
	Initial collection of information	Public notice	Completion
31466	March 19		
31467	March 19		
31468	March 19		
31469	March 19		
30605	October 19		
30606	October 19		
31443	January 19		
30275	January 19		
30507	January 19		
30821	March 20		
North Airfield	July 19		
30995			
30996			
Beit Faji	September 19		
King's Valley	July 19		
Gethsemane	July 19		
30652	May 19		
30653	May 19		

G. Summary of Implementation in the Various Areas

The first full year of implementation of the Government Decision was 2019 – when many projects that had only been in the planning stages in 2018 got off the ground. Accordingly, this year also included the identification of the central challenges with respect to the continued implementation of the governmental plan in each of the areas, as well as on the horizontal level of cooperation between the different bodies.

The Status Document published by the Ministry of Jerusalem and Heritage , and the reply of the Budgets Department in the Ministry of Finance to the freedom of information request submitted by Ir Amim, reveal a high level of variance between the level of progress in the different areas. In the area of education and higher education, for example, the Decision has been implemented almost in full, both in terms of the budget and in terms of meeting the objectives. In particular, efforts are being made to encourage the use of the Israeli curriculum in the primary and secondary educational system. We note that encouraging the

use of the Israeli curriculum in the educational system is a government interest that is not necessarily motivated by the residents' needs. By contrast, in the area of transportation, many of the budgets were transferred, but significant issues remain unresolved. It is interesting to see that in many areas, the implementation of the Decision is encountering difficulties and failing to make the expected progress with respect to planning issues – a sphere the government has refrained from addressing on a comprehensive basis. Examples of this include the identification of public land for the construction and development of public buildings; and land registration. We will discuss these issues – public buildings and land registration – and their relationship to the sphere of planning in the next section.

V. Focus and Advancement Areas in the Framework of the Monitoring

During the course of our work on the Government Decision over the past year, we identified several areas or projects that we feel deserve particular attention due to the political and community issues they raise. This focus is based on a civic and political analysis of the Decision that has guided our directions of action in this context whether they be advocacy work with the authorities on specific aspects of the Decision, or promotion of certain aspects of the Decision, recognizing its potential inherent value for Palestinian communities in East Jerusalem, while providing criticism where warranted.

In this section we will present one of the areas upon which we have focused and which we have sought to advance in the past year – the area of public and community buildings. We will review the study undertaken in this field and present its outcomes, before presenting one of our future focus areas – land registration. While the work in the area of public buildings is intended to promote policy and formulation of recommendations for the optimum implementation of this aspect of the Decision, our planned work in the area of land registration would seem at this stage to relate primarily to advocacy activities.

A. Research and Implementation Focus Area – Public Buildings

The area of public buildings forms part of the quality of life section of the Government Decision and serves as the nexus for various questions relating to community resilience and the response to community needs, on the one hand; and planning issues concerning individuals and the public as a whole, on the other. This area also exposes the serious discrimination in the field of planning in Jerusalem. These considerations were among the reasons we chose public buildings as one of our focus areas over the past year. This area permits a direct and pragmatic examinations of these important issues, which are under-represented in the Government Decision but are present in the infrastructure of the projects proposed in the Decision, and are directly and intimately bound up with them.

The progress in the area of public buildings since implementation of the Government Decision began demonstrates that the profound planning issues, and particularly

discrimination in planning, indeed constitute a significant obstacle to the implementation of this area of the Decision. Clear evidence of this is found in the fact that the budgets earmarked for this area have not yet been allocated, due to the failure of implementation bodies to identify land designated for public buildings, thus enabling the realization of the plans.

Public buildings intended for the Palestinians who live in East Jerusalem account for just 2.6% of the total land in the area. The State Comptroller has also noted the severe lack of public buildings in the area.³⁸ Our discussions show that in practice, land earmarked for public buildings in the approved plans is designated primarily for educational buildings, while the demand for buildings to serve other public needs is addressed only partially or not at all. By way of example, there is a lack of youth clubs, welfare offices, day care centers, mother and child health centers, day centers for the elderly, sports fields, municipal swimming pools, public parks, playgrounds and play equipment for children, permanent premises for some of the community administrations and buildings of any kind for other administrations, libraries, post offices, cultural buildings, a theater, and so forth.^{39,40}

In addition, the physical infrastructures in the Palestinian neighborhoods of East Jerusalem that constitute an essential basis for public buildings are inadequate and dilapidated. The situation is even worse in the Jerusalem neighborhoods on the other side of the separation barrier,⁴¹ which are home to around one-third of the residents of East Jerusalem. There is severe neglect in the physical infrastructures and an almost total absence of municipal and governmental services.⁴²

This reality is exacerbated by the difficult socioeconomic situation of most of the residents of East Jerusalem. According to a special report of the State Comptroller on the development and reinforcement of the status of Jerusalem published in May 2019 (hereinafter – the State Comptroller’s Report), 76% of the residents of East Jerusalem live below the poverty line, the vast majority of them children. Over one-third of the households in East Jerusalem are under the care of the welfare offices, and the average income is just 40% of that in the west

³⁸ State Comptroller’s Report, [Governmental Actions for Socioeconomic Development in Jerusalem](#), 2018, p. 47.

³⁹ Y. Reiter, [The Arab Neighborhoods of East Jerusalem, Infrastructure Study and Evaluation, Beit Hanina](#), Jerusalem Institute for Policy Studies, 2014; A. Asmar, [The Arab Neighborhoods of East Jerusalem, Infrastructure Study and Evaluation, Kafr Aqab](#), Jerusalem Institute for Policy Studies, 2014; Y. Isser, [The Arab Neighborhoods of East Jerusalem, Infrastructure Study and Evaluation, Issawiya](#), Jerusalem Institute for Policy Studies, 2016; Y. Isser, [The Arab Neighborhoods of East Jerge, Infrastructure Study and Evaluation](#), Jerusalem Institute of Policy Studies, 2016.

⁴⁰ [Discussion with Ali Ayoub](#), Director of the Community Administration, Beit Safafa, 6 March 2019.

⁴¹ The following neighborhoods of East Jerusalem have been left outside the Separation Barrier: Kafr Aqab and Samiramis to the north, and Dahiyat a-Salaam, Ras Shehadeh, Ras Khamis, and Shuafat Refugee Camp to the east.

⁴² E. Tagari and Y. Oppenheimer, *Displaced in Their Own City: The Impact of Israeli Policy in East Jerusalem on the Palestinian Neighborhoods of the City beyond the Separation Barrier*, Ir Amim, 2015.

of the city.⁴³ These factors increase the dependence of the residents on community institutions and spaces.

1. Public Buildings – Survey of Obstacles

A study undertaken for Ir Amim over the past year identified the main obstacles preventing the efficient building and development of public buildings for, and in accordance with the needs of the community in East Jerusalem.⁴⁴ Based on an understanding of these needs, the study's findings led to policy recommendations that could permit the more efficient and positive implementation of the items in the Government Decision relating to public buildings and sports and leisure facilities.

The study was undertaken on the basis of the “obstacles to opportunities” model, which is used to analyze an undesirable phenomenon by identifying its causes. In our case, the undesirable phenomenon is the lack of public and community buildings in East Jerusalem. This is followed by an analysis of the problems that constitute the direct causes of this lack, and the obstacles that create these problems.⁴⁵

The study identified **four key problems that lead to the shortage of public and community buildings:**

A. Unsuitability of the Planning Infrastructure for the Needs of the Residents of East Jerusalem

As the study showed, this problem is due to such obstacles as: a large number of areas zoned as “open landscape areas” without justification; a shortage of areas zoned for public uses, and particularly a shortage of large plots; various factors that delay development, such as the need to wait for the approval of master plans or the approval of unification and re-parceling plans; the unsuitability of the Israeli planning infrastructure for the planning of privately-owned land (most of the land in East Jerusalem is privately owned); development inconsistent with the existing road systems in East Jerusalem and with local needs, such as a preference for centers and parks beyond the neighborhood level that are inaccessible to many residents.

⁴³ State Comptroller's Report, [Governmental Actions for Socioeconomic Development in Jerusalem](#), 2018, pp. 7-8.

⁴⁴ The research was conducted by Shirley Rakah, an expert in public policy and the implementation of Equal Social Policy, which operates within the Inclusion Initiative. The policy paper based on it will be published soon.

⁴⁵ [From Obstacles to Opportunities: Mapping Obstacles and Policy Recommendations toward Equality between Arabs and Jews in Israel](#), Sikkuy – The Association for the Advancement of Civil Equality, 2010, p. 13.

B. Lack of Resources for Narrowing the Long-Term Gap in the Development and Maintenance of Public Buildings and Public Areas

This problem is also the result of a series of obstacles. The key obstacles identified include the allocation of inadequate budgets over many years, including in the current Government Decision. The government budget for investment in public buildings in the framework of Decision 3790 is NIS 122 million. Our calculations show that this will be sufficient for just two or three public buildings. Other factors include the conditioning of the transfer of budgets in the Government Decision on the provision of municipal budgets; and the lack of budgetary attention to changes in the funding of public construction, including the increasing transfer of projects to private developers – a model that is irrelevant in East Jerusalem, with its high proportion of privately-owned land.

C. Lack of Suitable Infrastructure for the Development of Public Areas and Public Buildings

This problem is connected to obstacles at different levels of the planning field: transportation, roads, parking, drainage, and sewage. A public area or public building cannot be built in a vacuum, but must be situated in a relatively accessible area for the population it is intended to serve. In addition, the public area/building requires a basic infrastructure for its construction. The key obstacles identified as responsible for this problem include the lack of a high-quality and wide road system; inadequate public transportation; the shortage of parking; and the shortage of sewage infrastructures.

D. Lack of Designated Personnel and Multiple Responsible Bodies

This problem has its origins in various gaps relating to the absence of development and construction in East Jerusalem and the under-representation of the Palestinian voice in the processes of decision-making and implementation by the relevant authorities. The development of public areas requires the involvement of municipal and governmental bodies, as well as an intimate familiarity with the development area and its residents. In the current reality, numerous entities are involved in areas that are new and unfamiliar to most of the personnel involved. As such, the informal working mechanisms that are created when various entities work together over time are lacking and the personnel lack the familiarity and experience that could be gained by the inclusion of Palestinian residents who live in East Jerusalem as part of the staffs.

2. Public Buildings – Policy Recommendations

On the basis of the problems outlined above, and the underlying obstacles or mechanisms identified as responsible for these problems, we developed our policy recommendations. The recommendations are relevant for all the bodies responsible for implementing the Decision, both in the Jerusalem Municipality and in the various government ministries. The recommendations relate to the five main areas: the adjustment of the planning infrastructure to the planning reality in East Jerusalem; increasing resources in the areas of the development of public buildings and planning; building infrastructures for the development of public buildings; participatory and trust-building steps; and increasing the

efficiency of the working mechanisms, with an emphasis on ensuring the representation of the voices and needs of the East Jerusalem public.

A. Adapting the Planning Infrastructure to the Planning Reality in East Jerusalem

The adaptation of the planning infrastructure to the planning reality in East Jerusalem is critical to the success of the advancement and development of public areas and public buildings. The municipal planning institutions must work to ensure such adjustment. The two most critical problems in this context are the lack land earmarked in the plans as zoned for public buildings – and the difficulty in obtaining building permits.

1) Development and Adoption of Alternative Models for the Construction of Public Buildings

Most of the vacant areas zoned for public purpose in East Jerusalem at present are small ones (up to two dunams). Due to the difficulty in locating further public areas, and particularly larger areas, there is a need to adopt alternative models for the construction of public buildings in restricted areas. By way of example, high-rise construction could be promoted, or mixed uses permitted in public buildings, so that a single building could serve several functions at different times of day.

3) Increasing the Supply and Accessibility of Public Land

At present there is an enormous lack of land zoned for public building in East Jerusalem. One of the most important steps in the development of public areas is to increase the availability of public land, with a preference for large and accessible areas (suitable for a library, community administration and center, swimming pool, cultural center, and so forth) that have access to infrastructures. This goal can be advanced by the means detailed below.

Expansion of the Planning and Building Boundaries and Addition of Areas (Extensions) in Congested Neighborhoods, with a Preference for State Land, including Open Landscape Areas

The East Jerusalem neighborhoods are extremely congested and most of the land is privately owned.

Areas that are currently outside the boundaries of the neighborhoods could be used for public areas, since there is still no planning for them nor has there been construction there. Since some of these areas were confiscated by the state, it will be easier to transfer them for public needs. In order to do so, there is a need to expand the boundaries of the neighborhoods

In addition, areas currently designated as “open landscape” areas could be used for public areas in cases where the topography does not justify the open landscape designation. These areas should be rezoned as open public areas. Open areas close to the neighborhoods can

be maintained near the neighborhoods by giving preference to the development of playgrounds and leisure and sports facilities in these areas.

Providing a Mechanism for the Transfer of Private Land for State Development without the Need to Transfer Ownership

It is important to provide a mechanism that will enable the transfer of private land for development by the municipality and the state without transferring the ownership of the land to the state. Waqf land and state land constitute an important reserve for the construction of public buildings.⁴⁶ It is reasonable to assume that the Waqf will not agree to transfer land under its ownership to the municipality, and accordingly, long-term leases should be used. There is a need for flexibility and creativity on the part of the municipality and the state in order to find alternative forms of land management, such as: the establishment of an association for land management; leaving the ownership of land with the Waqf while leasing areas on a long-term basis, and so forth. There is already limited use of these alternative forms of land management, and it should be expanded.. To the best of our understanding, the Ministry of Jerusalem and Heritage has already instructed the public engagement team to attempt to find ways to enable residents to reach agreements with the municipality allowing for the transfer of areas for public needs.⁴⁷

Providing Incentives for Private Landowners to Allocate Areas for Public Use

It is extremely important to encourage private landowners to allocate areas for the benefit of the public. This can be achieved in various ways, such as a land exchange, whereby a landowner provides private land in the center of the neighborhood in return for land with similar or better features on the outskirts of the neighborhood.⁴⁸ Another possibility, given the existing reality, is the retroactive approval of construction undertaken without a permit in return for the public use of the ground story of buildings. Promotion of private medium-size plans for the rezoning of land currently not designated for development to land on which development is permitted, granting expanded building rights for residential purposes on some of the land while allocating other land for a public building would constitute another form of incentive for making land available.⁴⁹

⁴⁶ E. Cohen-Bar and A. Ronel, [Resident Initiated Dynamic Planning: Implementable Plans in East Jerusalem, A Suggested Solution for the Housing Crisis](#), Bimkom, 2013, p. 13.

⁴⁷ [Discussion with Sarit Goldstein](#), Senior Area Director for East Jerusalem Affairs, Ministry of Jerusalem and Heritage, 19 June 2019.

⁴⁸ National Committee of Heads of Arab Local Authorities in Israel, [Position Paper: Marketing State Land, the Development of New Neighborhoods, and Protecting Open Spaces in Arab Locales](#), 2017.

⁴⁹ The mixture of public and residential uses is a sensitive subject, and it is important to avoid disruption to residents of the building by involving them and securing the consent concerning the public use. See: E. Cohen-Bar and A. Ronel, [Resident Initiated Dynamic Planning: Implementable Plans in East Jerusalem, A Suggested Solution for the Housing Crisis](#), Bimkom, 2013, pp. 32-33.

Adding a Staff Position in the Municipality for Locating Available Land for Public Development

Unlike the situation in West Jerusalem, where most of the land is owned by the state, it is much harder to locate land for public development in the east of the city. Locating land requires close acquaintance with the area and the residents. Accordingly, the municipality should establish a position specifically for this purpose. From our discussions with various individuals during the course of our research, it seems that a pilot project for this purpose is under consideration. We recommend that a position be formally allocated and defined and provided with the resources needed to ensure that this can become a meaningful and mechanism for the long-term. One of the functions of the person filling this position could be to identify initiatives by residents to promote medium-size plans and to assist them in accelerating the process. This will lead to locating land for public needs and provide landowners with the benefits of building rights.

4) Increasing Resources for the Development of Public Buildings and Investing in Planning

Narrowing and closing the gaps created by decades of neglect and discrimination requires considerable resources. The State Comptroller's report suggests that this is accepted by the Ministry of Jerusalem and Heritage, the Authority for the Economic Development of the Arab Sector, the Ministry of Social Equality, and the Jerusalem Municipality.⁵⁰ It emerged from our discussion with the Ministry of Jerusalem and Heritage that the ministry is not concerned about this budget item and believes that if it is able to overcome the land obstacle and the bureaucratic and structural difficulties, it will not be difficult to secure additional funds.⁵¹

The increased budget established in the Government Decision should include an appropriate response and corresponding funding for the unique planning needs identified in the study. The budgetary framework should be determined with the goal of overcoming the shortages within two decades, at the most. The residents of East Jerusalem cannot wait for a new five-year plan – the government must act within the framework of the current plan to increase the earmarked budgets for the construction of public areas.

Earmarking Additional Budgets for the Maintenance of Public Areas and Buildings

In the course of the study, resident dissatisfaction with the level of maintenance of public areas and buildings by the municipality was raised frequently. The serious gap between good condition of few parks and buildings and the neglect of older facilities is easily discernible. The test for financial support published by the Ministry of Jerusalem and Heritage requires the local authority (the Jerusalem Municipality) to sign a commitment to

⁵⁰ State Comptroller's Report, [Governmental Actions for Socioeconomic Development in Jerusalem](#), 2018, pp. 49-50.

⁵¹ [Discussion with Liron Yiflah](#), Senior Area Director for East Jerusalem, Ministry of Jerusalem and Heritage, 19 June 2019.

ensure the cleaning and maintenance of buildings and leisure infrastructures.⁵² This commitment is an important statement of intent, but additional budgets should be earmarked for this purpose.

Changing the Rates of Municipal and Governmental Budgetary Allocations

Municipal Budgets

The Jerusalem Municipality should allocate a level of funding for the Palestinian population in East Jerusalem that is higher than its proportion of the population would warrant, until the gap in services, infrastructure and facilities is closed. As a first step, out of the total budgetary allocations from the base budget, or over the course of the year, designated for the purpose of the development and maintenance of public areas in the city, the municipality should allocate a rate equal to the size of the Palestinian population in the city (approximately 40%) for the Palestinian neighborhoods of East Jerusalem.

Governmental Budgets

An examination of the plans addressed by the State Comptroller (for the period 2005-2017) reveals that only 6.6% of all long-term plans concerning the development of Jerusalem focus on the Palestinian neighborhoods of East Jerusalem.⁵³ In view of the serious gaps we have pointed out, of funds from the base budget or over the course of the year designated for long-term projects for the development of Jerusalem, the government should allocate a level of funding for the Palestinian neighborhoods in the east of the city that is higher than the proportion of Palestinian residents (approximately 40%) out of the city's overall population. As a first step, the share of government allocations for development of Palestinian neighborhoods should be equal to the proportion of the Palestinian population out of the city's total population. There is no expectation that this initial allocation can close the gap, but it will constitute a first step toward narrowing the gap, and will facilitate development of trust on the part of Palestinian residents ahead of future steps involving allocations higher than the proportion of the Palestinian population in the city.

Increasing Budgets Earmarked for the Development of Infrastructures

The government ministries, particularly the Ministry of Jerusalem and Heritage, and the Jerusalem Municipality should find the necessary budgets for the development of infrastructures, with an emphasis on roads. This has become an accepted practice concerning Arab communities in Israel, where the full funding for the development of transportation infrastructures comes from the Ministry of Transport.

⁵² Ministry of Jerusalem and Heritage, [Invitation to Submit Requests for Support in the Field of Economic Development and Quality of Life under Government Decision 3790 - Narrowing Gaps in East Jerusalem](#), 15 October 2019.

⁵³ State Comptroller's Report, [Governmental Actions for Socioeconomic Development in Jerusalem](#), 2018.

Earmarking Budgets for Mapping and Surveying Infrastructures

The mapping of public areas and buildings in Jerusalem is a necessary first step in developing plans to close the gaps in the availability of public areas and public buildings and plans for the infrastructures required for the development of these areas within a reasonable time frame. This will allow a comparison between different parts of the city. Such mapping, together with the completion of an infrastructure survey, can provide a basis for a work plan for public areas and public buildings, the promotion of further government investment and the setting of priorities. In order to ensure the promotion of the plans, an earmarked budget must be allocated for this purpose.

Abolishing the Conditioning of Governmental Budgets on Budgeting from the Jerusalem Municipality

The conditioning of budgets from government ministries on the provision of budgets by the Jerusalem Municipality should be abolished. As in many other government decisions in which the costs are divided between the government and the local authority, parallel monitoring should be undertaken regarding financial transfers, without conditioning one transfer on another. It would also be desirable to create a positive incentive for the Jerusalem Municipality to meet the objectives established in the Government Decision and, if necessary, to impose sanctions if it fails to meet the objectives within the determined timeframes.

B. Creating Suitable Infrastructure for the Development of Public Areas and Public Buildings

The establishment of public buildings depends on an infrastructure system including transportation, electricity, water, sewage, and access roads to the construction area. Accordingly, in order to promote the development of public building and parks, significant investments must be made in the development of neighborhood infrastructures. In addition to the grave shortage of land zoned for public development, there is also a shortage of all the other types of infrastructures, including transportation, water, and sewage.⁵⁴ In recent years, there has been a positive trend to develop such infrastructures. For example, the infrastructures section in Government Decision 1775 made up a significant proportion of the overall budget for the plan, limited and inadequate as it was. It is important to continue to close gaps in all the infrastructures.

⁵⁴ NIS 67 million was approved for the development of infrastructures, accounting for 33% of the plan budget in Decision 1775. State Comptroller's Report, [Governmental Actions for Socioeconomic Development in Jerusalem](#), 2018, p. 48.

1) Improving Sewage, Water, and Drainage Infrastructures

The development of sewage, water, and drainage infrastructures is essential for the development of public buildings. Government Decision 3790 mentions the need to reduce the shortfall in these infrastructures in East Jerusalem (sections E and F of the Government Decision), but does not aim to resolve it completely. The Status Document reports that a work team has been established to advance the improvement of sewage and drainage infrastructures and it has prepared an overall plan including 20 projects.

2) Improving Road Infrastructures and Imposing the Costs on the Authorities

The presence of an approved (statutory) road is a condition for the establishment of public buildings. The development of a statutory road includes the installation of infrastructures such as electricity, sewage, water, communications, etc. According to the usual practice in Jerusalem, and in most of Israel, the construction of new roads in areas where they are required is undertaken by the municipality. The municipality imposes these costs on residents as part of the development cost of the buildings (which are usually multi-family residences). In the East Jerusalem neighborhoods, the land is privately owned, and generally buildings serve as multi-generational dwellings for one family. Thus, one extended family bears the high costs of planning, approving, and executing roads, which in other areas are shared by a number of families. The municipality and the government should assume the costs of building roads, as has been done in Arab local authorities. In order to avoid the informal construction of roads marked in the plans, the roads should be constructed close to the time of their approval and validation.⁵⁵

3) Preference for Planning based on the Routes of Existing Roads

Every possibility should be exploited to adapt the existing road network for the purpose of construction and to prefer this to the construction of new roads. Adopting routes for roads chosen by the residents (even if this requires localized changes) will reduce the level of objections and facilitate implementation.⁵⁶

4) Improving the Public Transportation System

In order to ensure that residents can easily reach the developed areas in the neighborhoods of East Jerusalem, it is important to develop high-quality public transportation. Section 3 of Government Decision 3790 discusses the promotion of public transportation in the Palestinian neighborhoods, but the budget earmarked for this item is insufficient and further

⁵⁵ E. Cohen-Bar and A. Ronel, [Resident Initiated Dynamic Planning: Implementable Plans in East Jerusalem, A Suggested Solution for the Housing Crisis](#), Bimkom, 2013, p. 23.

⁵⁶ E. Cohen-Bar and A. Ronel, [Resident Initiated Dynamic Planning: Implementable Plans in East Jerusalem, A Suggested Solution for the Housing Crisis](#), Bimkom, 2013, pp. 22-23.

steps must be taken to reduce the shortfall, including: 1) Increasing the budgets earmarked for public transportation by at least a rate equal to the proportion of Palestinian residents within the Jerusalem population (approx. 40%). 2) Appointing a staff member in the Jerusalem Municipality for the specific purpose of promoting public transportation in the east of the city. It is very important that this staff member be a resident of East Jerusalem familiar with the challenges facing the residents. 3) Developing alternative models for public transportation (such as new technologies, the use of minibuses, etc.). 4) Increasing the use of Arabic throughout the public transportation system in order to improve accessibility to the Arabic-speaking public.

5) Finding Solutions to the Parking Problem

Due to the grave shortage of parking places, the municipality should advance parking solutions that are relevant to the character of the neighborhoods. The development of public buildings should take into account the high cost of building underground parking places, which increases the cost of construction, on the one hand, but on the other provides good solutions both for the building itself and for the neighborhood as a whole. This can be achieved by making localized decisions about the necessary public building, including its costs and the residents' needs. On the horizontal level, adjustments can be made to the standard dictating the number of parking places required per unit of area in the neighborhoods of East Jerusalem.

C. Steps to Enhance Trust, Public engagement, and Transparency

1) Steps to Promote Development and Prevent Eviction and Demolition as a Preliminary Stage to Building Trust

The Jerusalem Municipality should work to build trust with the residents. Building trust is possible today only if the municipality assumes responsibility for leading a meaningful effort to develop the Palestinian neighborhoods, and it will not be successful as long as protracted planning processes are pursued that do not come to implementation – nor as long as the residents face the threat of house demolitions.

Planning in East Jerusalem after many years of neglect demands a comprehensive perspective and broad processes of consensus. The planning cannot be confined to localized solutions. A joint civil planning mechanism should be established, including professionals, decision makers, and agreed-upon and diverse representation of the Palestinian residents – who will voice the entire range of diverse positions among the residents, in such a manner so that such representation assumes the largest role possible in the mechanism. A work plan with a fixed timetable should be prepared and the mechanism should receive effective powers.

Given the existing planning conditions, many residents of East Jerusalem live under the daily threat that their homes will be demolished. They pay enormous fines and are forced to pursue endless legal proceedings that bring no solution. Pending the preparation of detailed

outline plans providing a proper response for the building needs of the Palestinian community in Jerusalem, house demolitions should be frozen.

2) Public Engagement

Due to the lack of representation of the Palestinian residents of East Jerusalem in the institutions of power – including both the government and the municipality – the municipality should actively promote participatory discourse with the residents. The municipality should create joint programs with the residents of the neighborhoods of East Jerusalem, with an emphasis on the participatory aspect. This means programs in which the municipality and residents take part in decision making and divide the work between them. Participatory planning not only enables the bridging of conflicts, but also motivates the active groups within the communities and addresses the needs of groups that have been marginalized. An example of successful public engagement is Rockefeller Park, which had been neglected by the municipality for many years. Consultation with the residents led to the lowering of the wall surrounding the park, and today it is one of the most active parks in East Jerusalem.

Neighborhood or quarter committees could be established including representatives of residents involved in various bodies (parents committees, religious centers, business associations, etc.). These community committees can provide residents with a voice in dealings with the municipal and planning bodies on various issues, including the development and construction of public buildings and parks.

In addition to standard methods, such as meetings and gatherings to facilitate public engagement in reflective processes by the municipality, online methods could also be used, including websites, applications, email, Facebook, and so forth. However, it is also important to continue to keep communicating also in the conventional methods, as many residents, particularly elderly ones, do not have access to these alternative means.

3) Promoting Transparency

It is important that a website be established – as stated in the Government Decision – and that all the materials relating to the Decision and to plans in the Palestinian neighborhoods of East Jerusalem be available on the internet in a user-friendly and accessible way, and within a reasonable period of time after their publication. Regarding the issue examined here, it is important to approve and publish a written work plan relating to the quality of life. Non-publication of such a plan represents a failure to meet the timetable established in the Decision.

Transparency is not confined to the availability of information about the Decision, but also entails the accessibility of this information to the public, and particularly to those whose lives are influenced by it in various ways. A high-quality Arabic translation of the planning proceedings will make the processes accessible to additional circles in the neighborhoods

and constitute a further declaration by the municipality of its desire to promote an in-depth process.

4) Representation of Palestinian Society in Discussions about East Jerusalem

The Jerusalem Municipality should initiate the integration of Palestinian residents in all discussions in which it addresses issues concerning East Jerusalem. The type of representation should be adapted to the specific situation, and could take the form of municipal staff members who are residents of East Jerusalem, as well as inviting residents to participate in consultations about topical issues.

D. Enhancing Coordination and Improving Knowledge in the Responsible Bodies

The challenges involved in developing and constructing public spaces and buildings demand cooperation between numerous bodies. Accordingly, it is very important to promote cooperation within the Jerusalem Municipality and with its subsidiary companies. In addition, municipal divisions that have previously barely been active in East Jerusalem are now beginning to work in the area. It is important to ensure fruitful cooperation between these bodies in order to ensure that they work in coordination.

A clear division of labor between the Jerusalem Municipality and other governmental ministries, particularly the Ministry of Jerusalem and Heritage is vital. There needs to be coordination with some thirty governmental entities belonging to various ministries that are involved in the Government Decision, as well as with residents. The Ministry of Jerusalem and Heritage has identified several horizontal axes with which cooperation is possible, but to date there is no such axis dealing with planning and building issues. The Ministry of Jerusalem and Heritage has established eight forums for the implementation of the Government Decision.⁵⁷ Each forum includes representatives of the Ministry of Jerusalem and Heritage, the Jerusalem Municipality, the Jerusalem Institute, the EJDC, and Elka.⁵⁸ We recommend adding an axis for planning and construction and a forum responsible for public spaces in order to address these issues.

All the bodies should convene around a designated work plan for the development of public areas, with an emphasis on public buildings, parks, playgrounds, and sports facilities. Whether on the governmental or the municipal level, the plan must be clear and transparent to the entire public, and it must have a budget.

Municipal and governmental officials involved in the subject of East Jerusalem should enhance their knowledge and understanding of various aspects of the area. We recommend

⁵⁷ Section 4 of the government decision is the responsibility of the Physical Forum, headed by Uriel Tzviki of MAPI . The forum is currently being consolidated.

⁵⁸ Discussion with Liron Yiflah, Senior Area Director for East Jerusalem, Ministry of Jerusalem and Heritage, 19 June 2019.

that training sessions be provided presenting the unique planning and development problems in the neighborhoods, including such things as tours and study of spoken Arabic.

The municipality should increase the number of personnel devoted to issues relating to the neighborhoods of East Jerusalem. Residents of the Palestinian neighborhoods should be accorded preferential hiring status by the Jerusalem Municipality (including the community administrations) and in the Ministry of Jerusalem and Heritage.

Action should also be taken to create a study group for municipal and governmental officials active in East Jerusalem, together with representatives of the third sector and of the local population.

B. Future Research – Land Registration

As with the issue of public buildings, the section of land registration in the Government Decision also touches on deep political and communal issues in East Jerusalem. This area is also closely related to the subject of planning, which did not receive meaningful attention in the Decision. Again, as with public buildings, entrenched factors relating to these political and planning issues mean that the bodies responsible for implementation have found it difficult to make progress and the earmarked budgets have not yet been transferred. Unlike with respect to public buildings, where there are clear opportunities alongside minor risks for the Palestinian public in East Jerusalem, land registration led by the Ministry of Justice raises serious concerns of possible negative ramifications for the rights of residents of the area.

Some 90% of the land in East Jerusalem has not been registered and consequently the rights to such land have not been settled, resulting in an absence of clear ownership rights to the land and serving as a key factor in limiting use of the land by its owners. This reality leads to fierce conflicts over land, difficulties in legal construction, and a lack of eligibility for mortgages.⁵⁹ However, the plan for land registration that is being developed by the Ministry of Justice, as stated in Decision 3790, has given rise to serious concerns that this registration may also be used for the purpose of confiscation, the registration of areas of land in the name of the Custodian of Absentee Properties, and so forth. A coalition of Palestinian organizations in East Jerusalem has already noted its opposition to the registration of land by the Israeli government.⁶⁰

The Ministry of Jerusalem and Heritage Status Document reports that the Public Engagement Unit has been activated for the purpose of collecting information about

⁵⁹ Maayan Neshet, [Illegal Construction, Violent Conflict, and Two Billion Shekels a Year: The Price of the Lack of Land Rights in East Jerusalem](#), Jerusalem Institute for Policy Studies, Jerusalem 2018.

⁶⁰ Civic Coalition for Palestinian Rights in Jerusalem (CCPRJ), [Stop Israeli Plans to Carry out Settlement of Title and Registration of Land in Occupied and Illegally Annexed East Jerusalem](#), May 2018

residents' ownership of land, and that the Custodian of Absentee Properties and the General Custodian are involved in the ongoing processes undertaken by the various work teams. To a certain degree, these measures reinforce the residents' concerns. Therefore, at the very least, there needs to be an in-depth study of this issue and of the changes that have occurred since the decision to promote the process of land registration, which constitutes a change of longstanding policy in East Jerusalem.

As we continue our monitoring project, we will therefore seek to study this area from various angles, including its legal, economic, and planning dimensions, as well as monitoring developments on the ground. We will use the outcomes of the research in our advocacy work and in responding to the proposed land registration, in order to ensure the individual and collective protection of residents against the dangers involved.

VI. Conclusion

As the first full year of implementation of Government Decision 3790 comes to an end, and after a year of monitoring, we have painted a preliminary picture concerning the progress in the Decision, identifying key trends in implementation and the main mechanisms involved in the process. As we have seen, there are horizontal mechanisms responsible for execution, such as the Standing Committee and the evaluation and public engagement bodies. These must work in cooperation and reexamine the situation on a regular basis in order to adapt their actions to the actual developments in the various areas of implementation. Daily activities are the responsibility of the focused mechanisms in each area – the subcommittees defined in the Government Decision for the various areas, as well as executive functions in the municipality, the government ministries, and the third sector.

In order to promote the proper management of the Decision and its optimum implementation for the residents of East Jerusalem, there is a need for transparency regarding the progress in the work and the decisions taken. The Government Decision itself mentions the needs for standing arrangements for the publication of relevant materials. We would add that it is important to ensure that the materials are also available in a user-friendly form for Arabic speakers – the main subjects of the Decision. Until now, the implementation entities have complied only partially with the transparency requirements. Much of the information provided to us was obtained by means of freedom of information requests, rather than from prompt public publication.

On the basis of the information published or forwarded to us in discussions with the various implementation entities, publications, and the reply to the freedom of information request we submitted in July 2019, we were able to assess the trends in the implementation of the Decision. A high degree of variance can be seen between the levels of progress in the different areas. In the area of education, for example, the Decision has been implemented

almost in full, both in budgetary terms and in terms of the plan objectives. Particular efforts have been made to encourage the adoption of the Israeli curriculum, though as we have already noted, it is important to acknowledge that these efforts do not necessarily correlate with optimum implementation for the residents of East Jerusalem; the opposite may even be the case. Conversely, in the case of transportation, a large part of the budget has been transferred, but significant issues remain unresolved.

It is interesting that in many areas the plan has encountered difficulties and has failed to make expected progress whenever it encountered planning issues – an area that was not addressed comprehensively in the Government Decision. Examples of this include the location of public land for the construction and development of public buildings, or land registration. We examined two of these areas – public buildings and land registration – and their connection to the issue of planning as part of our policy research this year regarding the issue of public buildings. We identified various aspects concerning in-depth planning issues, as well as communal and political questions that have not been properly addressed by the Government Decision.

Based on the identification of the main obstacles that lead to the shortage of public buildings in East Jerusalem – from the lack of an appropriate planning infrastructure meeting the needs of the Palestinian community in the area to the shortage of resources for investment and the lack of suitable infrastructures permitting construction – we formulated policy recommendations that could help remove the obstacles. Numerous recommendations were presented, relating to solutions to increase the availability of land for construction, find alternatives for advancing construction given the unique planning reality in East Jerusalem, develop alternative financing channels, increase transparency and public engagement, and so forth.

Land registration, the subject selected for our next research follow-up, based on the insights gained over the first year, also lies on the nexus between planning and community, and has far-reaching political and economic ramifications for the Palestinian public in East Jerusalem. This part of the Decision is currently at a preliminary stage of implementation and the earmarked budgets have not yet been transferred, although various processes have begun to advance the objective. Our work in this area will include monitoring, with a goal to formulating policy recommendations in cooperation with other professional bodies, in order to take into account relevant aspects from the fields of planning, law, economics, and communal and political dimensions.

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