E-Citizenship: A Proposed Solution for Land Ownership Problems in the Land Management Sector in Palestine

المواطنة الالكترونية: حل مقترح لمشاكل ملكيات الأراضي في قطاع إدارة الأراضي في فلسطين

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الملخص:

يهدف البحث الى إيجاد آلية لمنح المواطنين الفلسطينيين جميعا الرقم الوطني أسوة بباقي الشعوب وباقي الدول، والى فحص إمكانية تخطي القيود التي تفرضها إسرائيل من خلال احتكارها لإصدار ارقام الهوية الفلسطينية وحصرها في المواطنين الذين يقيمون في الضفة الغربية وقطاع غزة. الامر الذي يحرم باقي الفلسطينيين في الشتات ومعظمهم لاجئون من الحصول على الجنسية الفلسطينية والرقم الوطني. يستهدف البحث عموم الشعب الفلسطيني في الداخل والشتات وسيحاول الإفادة من تجارب دول أخرى في استخدام تقنيات جديدة وأساليب مستحدثة لحل وتجاوز هذه المشكلة تسمى المواطنة الالكترونية، على الرغم من أن أسباب استخدام تلك التقنيات في تلك الدول مختلفة عن هدف هذا البحث إلا أنها تقدم حلا لمشكلة البحث. كما أن لها آثارا إيجابية أخرى كخطوة أساسية نحو التوجه الى الحكومة الإلكترونية والخدمات الإلكترونية من خلال استخدام المواطنة الالكترونية. وفي هذا السياق اختير قطاع الأراضي لإظهار وتوضيح مشكلة البحث وكيف تحل المواطنة الالكترونية هذه المشكلة.

الكلمات المفتاحية: المواطنة الإلكترونية، الحكومة الإلكترونية، قطاع الأراضي، الهوية الإلكترونية، الشراكة بين القطاع العام والقطاع الخاص.

Abstract:

The research seeks to find a solution for the problem faced by a large portion of Palestinians who do not have Palestinian residency nor IDs. It examines the possibility of overcoming the Oslo agreement restrictions that granted Israel the authority to issue new IDs in the West Bank and Gaza, which deprives many Palestinians from their right to a national ID. This research targets all the Palestinians in Palestine and the diaspora. It projects the benefits of new technologies and approaches to tackle the problem by utilizing and tailoring the idea of electronic residency. The research shows that some government transactions include beneficiaries that have no national IDs. The land sector was chosen to elaborate the problem and to demonstrate the application of the solution using e-citizenship. It was shown through the provided examples that the concept of e-citizenship can solve the problem of land ownership and administration services in Palestine. Thus, it can provide a solution for the research problem. In addition, the notion of e-citizenship can be applied in other sectors and can improve the reach of e-government and electronic services in Palestine.

Keywords: e-Citizen, e-Government, Land Sector, Digital ID, Public Private Partnership-PPP.

Introduction:

Throughout history, Palestine was under several consecutive rules, starting from the Ottoman rule, the British mandate, the Jordanian rule (West Bank), the Egyptian Administration (Gaza Strip), the Israeli occupation, and finally the Palestine Authority rule (The Palestinian Land Authority, 2019). Land records exchanged hands through history but remained consistent due to the legal and administrative process that guaranteed accurate and permanent information. Land parcels are referred to by the administrative classifications, as: Governorate; city; block; and neighborhood. The parcel number is then added and followed by the names of all owners, mortgages, and reservations.

Landowners in most countries are usually residents whose processes are different from those of foreigners seeking land ownership. Foreigners usually require the approval from supreme government bodies in order to become owners on record. In Palestine, however, the situation is more complex, even for residents who fall under two different categories. According to the Oslo Agreement, the first category are Palestinians who hold an identity card, issued by the Israeli authorities or issued by the Palestinian National Authority (PNA). The second category are Palestinians who do not have such ID, because they are descendants of expelled Palestinians after the 1948 and 1967 wars but still have their names written in the official records of the Government as landowners.

Importance of the Research

Since 1993, the Palestinian Authority has been issuing residency IDs to all newborns whose parents were already residents of Palestine. All other Palestinian newborns whose parents did not have residency IDs, were not issued a Palestinian ID. The Oslo agreements led Israel to be the dominant party. As a result, Israel decided to make neither the Palestinians residing in Israel

citizens nor the citizens of an independent state (Weinberger, 2006).

It is estimated that 35% of lands in the West Bank and Gaza strip was registered in a systematic registration process during the Jordanian rule (Second Land Administration Project, 2012). After the 1967 Israeli occupation, all registration processes were stopped by an Israeli military order (Order Concerning Land Settlement and Water Regulating (No. 291), 1968).

It was not until 2006 when a new registration process resumed through a project funded by the World Bank and the Finnish Government for Land Administration. Before that, land registration was stopped for forty years, causing poorly documented land ownership changes due to selling and inheritance transactions. These ownerships were transitioning through paper deeds. With the resumption of the land registration process, which is expected to be completed by 2024 (World Bank, 2019), Palestinians faced an unforeseen challenge; large numbers of the landowners were no longer residents in Palestine and were not allowed to come back. Most of them live in neighboring countries as refugees. According to the UNRWA records, approx. 5 million Palestinian refugees are eligible for UNRWA services (UNRWA, 2019). About 49% of them reside in Jordan. In addition, about 40% of the Palestinians living in West Bank and Gaza are refugees (26.3% of the refugees are in West Bank and about 6.1% are in Gaza) (Palestinian Central Bureau of Statistics, 2019).

With the resumption of the systematic registration, numerous problems arose due to the fact that a large number of landowners, who were outside Palestine, were refugees or non-residents. They became landowners mostly due to a process of transitioning ownership through inheritance. In many cases, some inheritors were residents in Palestine while the rest were non-residents, living outside Palestine. The non-residents usually had no ID number or other Palestinian legal documents, but their names were registered as landowners in the land records based on the inheritance processes and issued documents by the Sharia Courts or church courts. These landowners may not access e-services provided by the Government because they have no Palestinian ID numbers, as explained above.

Problem Statement

As a restriction by the Oslo Accord, the Palestinian Government can issue a Palestinian ID or a national number, only for people who live in the West Bank and Gaza, in addition to their descendants. Those are only part of the Palestinians who own real estate in Palestine, either through purchase or inheritance transactions.

Almost all services and transactions offered by the Government, public institutions, or the private sector require the beneficiary to present a valid ID. The Palestinian public institutions face a problem; a major part of the population is located outside Palestine with no national number or national ID. This problem is directly related to the immigration waves that took place after the 1948 and 1967 wars, which made almost half the Palestinian people refugees. We will focus in this paper on the land administration sector that needs to register the lands by their owners, who may or may not have a national ID.

Research questions:

1. Do all new owners in land registration records carry a Palestinian ID?

2. Can all Palestinians have a digital ID without contradicting the Oslo Agreement?

3. Can e-citizenship provide a creative solution to land registration without creating political obstacles?

4. Can e-citizenship provide other benefits to the Palestinian Government?

Proposed solution

The Palestinian State is moving towards e-government services with steady strides. This was emphasized many times in the consecutive national development plans (Palestinian "National Development Plan", 2014-2016). The law of electronic services was issued by President Mahmoud Abbas, on June 2017 (Palestine Gazette, 2017). The concept of an electronic citizen (e-citizen) (Garcia, Luiz , & Parreira e Correia, 2007) is proposed as a solution for the previously stated problem; the Palestinian Government should provide services to those with no Palestinian ID and are considered legal landowners. The concept of e-citizen-government relationship could be presented as a possible and feasible solution where landowners are given an electronic identity (e-identity) rather than a physical one. In fact, the concept can also be applied to those with a valid ID to have an (e-citizen) status. Such a solution's feasibility stems from the fact that it requires only administrative and technical work without the need

for any new political agreements or arrangements with the Israeli Occupation Authorities. In addition, it will help the Palestinian State register all the Palestinian people who receive public services in one database for the first time in recent history.

While a purely technical solution may not be sufficient for e-Government, a holistic approach is necessary, including legal and administrative requirements. The e-identity is a 1:1 relationship that represents all features of an electronic signature (Jakisch, 2000). The e-citizen will make it easier for the Government to provide e-services for other sectors. However, this paper focuses on the land administration sector.

Literature review:

The differences between a nation, a state, and a geographical country were discussed by Ben Hammersley as follows: In general, a country is a geographical area defined with a map and a flag, and a nation is a group of people who share the same heritage, hopes, and future; while a state is the set of political organizations that those people agree to adhere to (Hammersley, Why you should be an e-resident of Estonia, 2015). The term e-government, means the employment of the internet and the World-Wide-Web for delivering government information and services to their citizens. E-government can also include digital interactions between a government and citizens (G2C), government and businesses/commerce (G2B), also between government and governments/agencies (G2G). Usually, governments adopt e-government to lower administrative costs and further improve the public's service. In general, there are five elements embedded in a successful transformation into e-government: Process reform, leadership, strategic investment, collaboration, and civic engagement (The E-Government Handbook For Developing Countries, 2002). As stated in the e-government survey 2014, electronic participation may augment the government's ability by reaching out to and engaging with its people (E-GOVERNMENT SURVEY , 2014).

E-residency refers to a state giving foreigners the ability to apply for a secured digital residency, even though they don't actually reside in that state. Thus, they are able to have services. Electronic services are also referred to as e-services, indicating their digital delivery. However, it is essential to aim for enhanced efficiency by reducing duplications of processes and procedures in process management and service delivery. It is better to integrate services to save time and resources. Governments can also trust that citizens can become valuable partners to create public value, including service delivery. Promoting collaboration and coordination with the private sector and civil society can also increase public value and enhance service delivery (E-GOVERNMENT SURVEY , 2014).

Despite the fact that in some areas of the world, e-government is considered a new concept, it became a very common concept. The recent trend is to expand the beneficiaries of e-government services to people who are not citizens under that government or state. For example, in Estonia, an e-resident would be able to verify the authenticity of signed documents, encrypt and transmit documents securely, digitally sign documents, establish and run a company online, conduct banking services online, access international payment service providers, and declare taxes online (Alender, 2016).

Estonia launched e-residency on the 1st of December 2014. Since May 2015, it is possible to apply for e-residency online. When someone applies for an e-residency in Estonia, he/she will get a USB reader, a sealed envelope with a PIN code, and an invitation to visit a particular URL. He/she can then go online from any location around the world, log in to the government portal with the card and PIN. The services offered will allow a resident to start his/her Estonian company, then register with an Estonian bank and start trading in a few minutes (Hammersley, Why you should be an e-resident of Estonia, 2015). This does not involve actually becoming Estonian or even physically be present in Estonia. Estonian people can "purchase a car or vote from the living room" (Hammersley, Why you should be an e-resident of Estonia, 2015).

There are many other models like Kenya that allow only Kenyan citizens to be e-citizens to benefit from e-services. However, this paper is tended to promote expanding the model to include both residents and non-residents.

Research methodology

This research will use a quantitative method approach, focusing on transaction records and sales applications in Palestinian Land Authority reports, which reflect all types and details of transactions for the past years. The researchers will check for records of transactions that include persons with no IDs, as discussed in the problem statement, then suggest technologies to overcome the research problem.

Data collection:

The researchers have selected the land sector in Palestine to elaborate on the problem and then apply the proposed solution to verify if the solution would work and solve that sector's problem.

Population: Land transactions applications in Palestine.

Sample: Sales applications in Ramallah city.

The primary sources of data are the Palestinian Land Authority records, mainly obtained using the Computerized Land Registration System Database (CLRS). Secondary sources of data used in this research included publications of the Palestinian Central Bureau of Statistics (PCBS) and the UNRWA website as well as the World Bank Documents portal.

Analysis

This research will use a quantitative method, focusing on sales application in the Palestinian Land Authority-Ramallah city department of registration. This can be achieved by searching the sales applications and searching for new owners who did not have a Palestinian ID, then determining the percentage of these new owners. The percentage will be calculated as the number of applications containing at least one owner with no ID compared to all recorded applications.

Table 1 shows a breakdown of all transactions that resulted in changes in records and the reflection of those changes on land certificates. It is clear that the majority of the transaction results are from sales at 60-63% and inheritance at 14% (Palestine Land Authority, 2020).

Table 1

Breakdown of Application Types in Ramallah 2018-2020

Application type	2018	2019	2020
	Percentage	Percentage	Percentage
Sales	60.40%	63.14%	62.43%
Inheritance	12.18%	11.29%	9.21%
Division type 1	1.81%	1.76%	1.12%
Division type 2	1.59%	1.58%	1.58%
Mortgage	12.92%	11.55%	12.97%
Removal of mortgage	6.13%	6.17%	6.78%
Unification	.80%	.68%	.56%
Other types	4.17%	3.83%	5.34%

(Palestine Land Authority, 2020)

The researchers selected Ramallah city because all transactions are computerized. Therefore, it was feasible to collect and analyze data from the system database.

The researchers discovered that some new owners did not have Palestinian ID because the Land Authority provides a service called a "Buy Permission." This grants people who do not have Palestinian ID permission to buy real estate. Depending on the number of transactions that included a buy permission, we could identify the transaction applications that included owners with no IDs. It is also possible to get the number of buy permissions from the Palestinian land Authority website and the mobile application called "Hokomati", which allow persons or organizations to follow up with their request depending on the application number they have received.

In 2018, the buy permission requests were about 1072. In 2019, there were about 691 requests. Those numbers clearly suggest that the problem is ongoing and will continue to grow, hindering the conversion to a completely electronic system for all application types and owners. The researchers selected the sales applications as an example because they are about 60% of the total volume of applications, as shown in Table 1. By reviewing the sales applications from January 2020 until July 2020, in Ramallah city, it was found that there were 53 transactions that introduced new owners to the records. Out of those applications, 11 transactions introduced new owners who did not have a national ID. Based on that, it is evident that about 22% of newly introduced owners did not

have a Palestinian ID (Palestine Land Authority, 2020). This fact means that in the future about 22% of the newly recoded landowners may not receive electronic services for their real estate transactions, because electronic services depend on the national ID number.

Proposed Model

The Palestinian case for citizens and non-citizens is unique; it requires a creative solution which can be deduced from the different models around the world, in addition to some special arrangements that will allow merging all the Palestinian citizens (those who have IDs and those who lack a current Palestinian ID), in one database with a new unique ID. This will enable them to access the e-services available by the Palestinian e-government, specifically the services related to the land sector, which is the scope of this paper. The electronic transactions will be conducted in the same manner but will not replace the classical procedures adopted for land registration and transactions.

The process of establishing the proper procedures to register and acquire a new digital ID will be in two parallel tracks: The information technology track, which deals with the technical requirements, and the administrative track, which covers the human resources requirements.

The IT Track:

The Palestinian Government made great efforts to train the public staff on e-government implementation skills during the past five years. Similar but more focused efforts will be required technically to support and launch the e-residency approach, including a suitable infrastructure, communication channels, disaster recovery plans, security measures, in addition to establishing public key infrastructure, adopting digital signature, and creating a national ID for citizens and e-citizens. Adopting such technologies in other places of the world have transformed how nations are governed, how businesses operate, and how people interact with the government departments (Impact of ICT on Human Resource Development, 2010).

The Administrative Track:

The development projects on the technical track require parallel efforts on the human resources track. These efforts include institutional capacity-building in terms of number of qualified employees, the required skills, the appropriate training, and the development of clear procedures, instructions, and guidelines. The training program must include policy makers, managers, and employees, accompanied by public awareness campaigns. The newly introduced processes must be without gaps and without efforts duplication. Clear intergovernmental protocols should be in place to guarantee an effective integration between governmental units (Behara, 2009).

In the case of the land administration sector, there are two major sources of inputs that end up as owners in the permanent records. The court records as a result of an inheritance case, and the ministry of interior records as a result of direct transactions. As for our proposed solution, the sources of input may be expanded to include UNRWA records, and Ministry of Foreign Affairs, through embassies. In addition to legal documents that a newly registered e-residents may possess.

Although some of the articles have mentioned Palestine as a potential e-government implementer that can start to configure its own systems, building a whole state on servers, and running it all from the mobile browser (Hammersley, 2015), the authors believe that the proposed solution needs more than only servers. It requires skillful staff with all the aspects of e-government. Moreover, e-residency is more complicated, albeit essential, especially in the Palestine case.

Strengths:

President Abbas announced state of emergency on the 5th of March 2020, due to COVID-19 pandemic. All schools and universities, and many other agencies and institutions moved to electronic solutions. The public sector institutions started to develop electronic services portals, and many students are now online taking classes, doing homework, and conducting exams through the internet. This indicates that the Palestinian society is familiar with such services and that the technical infrastructure is suitable for further moves towards electronic services in all sectors and in public institutions.

The past few years proved that people are becoming more confident in the IT infrastructure, data privacy, and security. An increasing number of Palestinians are now using the internet for e-banking, e-commerce, and other government agencies' services. At the basic level, the digital divide stems from a lack of physical access to technology between groups and individuals

(E-GOVERNMENT SURVEY , 2014). Most Palestinian citizens and non-citizens have access to an internet connection, availability of broadband, computers, smartphones, and mobile devices.

A great advantage of the proposed model would enable the Palestinian Government to transcend borders and political restrictions by reaching out to all Palestinians, regardless of their place of residence around the world. This would enable creating and collecting a comprehensive database of Palestinians in one data store for the first time.

Weaknesses:

It was shown that in similar solutions, there were a number of political, organizational, and technical challenges, especially in a collaborative approach between the Government and outside actors. These problems are: Lack of a coherent vision and commitment, weak collaborative leadership, organizational fragmentation, inadequate accountability mechanisms, and mistrust among ministries (E-GOVERNMENT SURVEY , 2014).

It can be argued that the main obstacles to further development and implementation are limited budgets and resistance to change (Clos, 2013). Other obstacles that may face the adoption of the e-residency model is the lack of trained human resources in similar systems and commitment by the Palestinian Authority for such project despite the financial difficulties. It is debatable which would be better, hiring new employees or training existing ones? It is expected that the huge task at hand will need investment in human resources and the information technology infrastructure. This investment will be very costly. The proposed solution could be funded either by the Government or by donor funds, or through a public-private partnership PPP approach. If the idea is approved and adopted by the Palestinian Government, it should be included within the coming intermediate plan to convince the donors' community to participate and get engaged in this vision. There are real security concerns regarding intrusion and infiltration of the systems. Security concerns should be seriously taken into consideration. It is very important to make the system completely secure from natural or human devastation and make sure to have the ability to recover if such a thing occurred. Similar to the related argument above, this also requires investment in both, information technology sector and human resources, that will take responsibility of securing the systems. All these the assumed obstacles should be integrated in plans to resolve and smooth the progress of the e-residence approach.

Conclusions:

E-citizenship can be used to solve the problem of Palestinians who do not have Palestinian ID and need to benefit from the services offered by the government. It was clearly shown that some government services in Palestine included citizens that do not have a national ID. The case is very unique for any other country government that offers electronic services. It was shown by example that e-citizenship could solve the problem of land ownership and land administration services in Palestine. The e-citizen implementation can be used as a solution for other services not currently available due to missing beneficiary IDs. No matter how great an idea is, it cannot be adopted without investment in the human resources and the related sector (for the purpose of this paper, the IT sector). Obstacles and challenges could face any new idea. However, a great factor for success is to be ready to face the resistance to change proactively with training, awareness, stakeholder participation, and accepting restructuring and reengineering where needed.

Future work:

♦ Create a model to measure the effectiveness and reach of the e-citizen services.

♦ Trigger similar services in other government branches, based on the existence of an ID, as a key for all service beneficiaries.

♦ Offer the resulting database as a national record of Palestinians, regardless of their place of residence around the globe.

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