

# Reviving the dead past: real estate settlement procedures and urban development of *musha* lands - the case of Sha'arei Rahamim neighborhood in Nachlaot Jerusalem (Block 30108)

Nir Chen, Tovi Fenster and Alexandre Kedar

## ABSTRACT

This article examines the challenges of planning and development in shared *musha* lands: joint land ownership without division into parcels. This obstructs urban planning and development and effects residents' property rights. Block 30108 in the Shaarei Rahamim-Nachlaot neighborhood in Jerusalem is our case study. This densely populated block has never been settled in the registries, so many owners do not know what part belongs to whom. Because of this problem, our main question is: how can urban planning and development be promoted in unsettled *musha* lands? We use a unique research method called "chain of title", which is part of the registry settlement process in Israel since the British Mandate with archive documents as evidence of owners' land rights. Our pilot land readjustment plan to parcellate the *musha* and register lands settlement of the block is proposed by the Jerusalem Planning and Construction Committee. Compared to previous plans in *musha* lands, this plan is unique. Its subdivision is based on its "Chain of Rights" research findings and will be implemented before the formal settlement procedure, which can take years or be stopped. The new parcels will first be registered as unsettled parcels, followed by a formal and fast registration of the settled parcels in the Register of Rights. This procedure should benefit both land owners, who will be able to manage their property, and the municipality, which can plan and develop the settled areas. If the program succeeds, it will be implemented in other regions of the country as well.

**keywords:** Land settlement, *Musha*, Land readjustment, Title chain, Property rights

*Nir Chen* has a bachelor's and master's degree in the Department of Geography and the Human Environment at Tel Aviv University. From 2018 to 2020, he worked in the Land Registry and Rights Settlement office in Jerusalem, and participated in the process of subdividing the *musha* and settling the lands rights in the Shaarei Harachamim neighborhood, the subject of this article. Since 2021, Chen has worked at the Israel Lands Authority (ILA) in the Department for Land Marketing and Redemption in the Jerusalem Area.

[nir.chen34@gmail.com](mailto:nir.chen34@gmail.com)

*Tovi Fenster* is Professor Emeritus at the Department of Geography and Human Environment, Tel Aviv University. She is the founder and head of PECLAB, former Head of the Institute of Diplomacy and Regional Cooperation, former NCJW Women and Gender Studies Program Head, former Chair of IGU Gender and Geography Commission, former head of the department and teaches social and cultural geography, urban planning, gender and geography. In 1999, she initiated the establishment and was the first Chair of Bimkom - Planners for Planning Rights in Israel (NGO). She has published articles, books and book chapters on ethnicity, citizenship and gender in planning and development, including Home, History and Possession in Israel – Palestine (2025).

[tobiws@tauex.tau.ac.il](mailto:tobiws@tauex.tau.ac.il)

## ENGLISH ABSTRACTS

Of Interest Scientific (refereed) articles: Theory and research

*Alexandre Kedar is Professor in the Faculty of Law at the University of Haifa. He holds a Doctor of Juridical Science degree. (S.J.D) from the Harvard Law School (USA), served as a visiting professor at the University of Michigan Law School, and as the president of the Israeli Association for Law and Society. His publications deal, among other things, with the legal aspects of the Israeli-Palestinian conflict and Land Law regimes. He is a co-founder of the Israeli Association for Distributive Justice and serves as its volunteer president. Among his recent publications: Emptied Lands: A Legal Geography of Bedouin Rights in the Negev (2018) (with Ahmad Amara and Oren Yiftachel) and "Squaring the Circle: Settler Colonialism, the International Law of Occupation, and the Separation Barrier" Political Geography (2023) (with Elya Milner). [akedar@univ.haifa.ac.il](mailto:akedar@univ.haifa.ac.il)*