

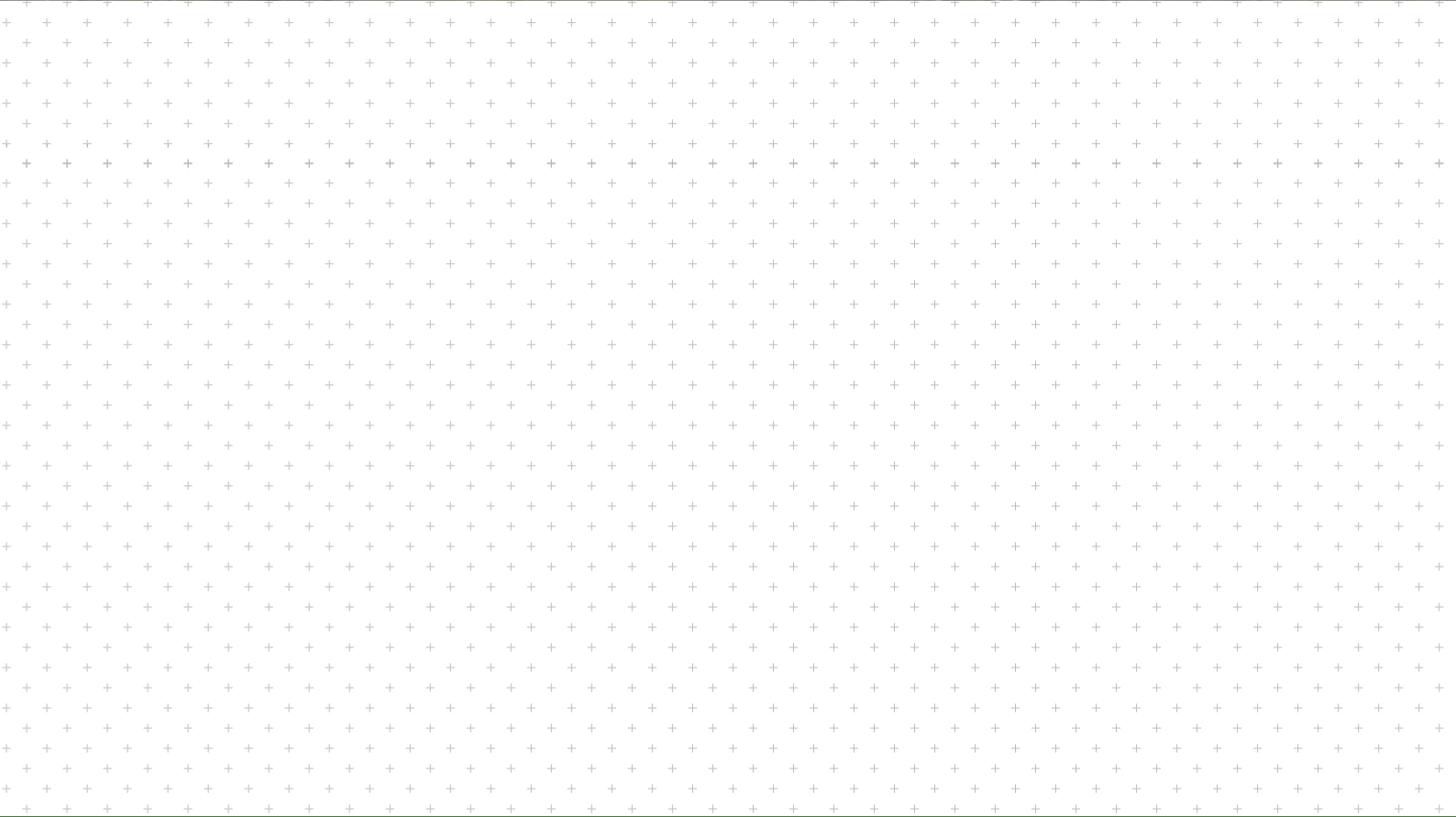


Advocacy Brief

Rights at Risk **How the 'Buffer Zone' in Gaza** **Undermines Housing, Land** **and Property Rights and** **Palestinians' Right of Return**

July 2026

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Background

The Gaza Strip is facing the most severe Housing, Land, and Property (HLP) crisis in its history. The 2025–2023 war devastated entire neighborhoods, displaced hundreds of thousands of people, and destroyed vast amounts of the documentation and institutional systems that protect property rights. Simultaneously, proposals to establish a “buffer zone” in eastern Gaza, referred to in some policy discussions as a “security perimeter”, raise serious legal concerns. While UN Security Council Resolution¹ 2803 refers to a limited “security perimeter” presence in the context of a phased Israeli withdrawal and specific security arrangements, the scope, implementation, and implications of any such measures require careful legal interpretation. In particular, any expansion or institutionalization of these measures risks resulting in de facto territorial fragmentation and restrictions on Palestinian access to and use of land, which would be inconsistent with international law.

Public statements by senior Israeli officials², including calls to extend sovereignty over Gaza and references to ‘encouraging migration’ from the territory, further heighten these concerns. As reflected in international reporting, such positions suggest potential steps toward expanded administrative control and demographic change. Under international law, Gaza remains occupied Palestinian territory, and any unilateral measures that alter its legal status, territorial integrity, or property regime are prohibited under the Geneva Conventions, the Hague Regulations, International Court of Justice (ICJ) advisory opinions, and relevant UN resolutions.

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Inside Gaza, HLP governance faces profound structural challenges: destruction of official archives, reliance on customary contracts, gender-based ownership vulnerabilities, widespread secondary occupancy, missing persons whose fate remains unknown, destruction of field boundaries, and major discrepancies between official maps and the on-the-ground reality.

A rights-based reconstruction will require recognition of alternative forms of tenure, strengthening judicial mechanisms, deploying temporary social-tenure documentation systems, and ensuring international non-recognition of unlawful territorial measures.

[1] Resolution (2025) 2803.

[2] The Times of Israel, “Smotrich to PM: ‘If you miss chance to apply sovereignty to Judea, Samaria and Gaza, history won’t forgive you’” and “Ben Gvir says he’s seeing ‘some openness’ from Netanyahu on ‘encouraging migration’ from Gaza” (2024).

[3] See Geneva Convention IV (1949), Arts. 2 ,47 ,49 ,53; Hague Regulations (1907), Arts. 43 ,46 ,55; ICJ Advisory Opinion, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (2004); ICJ Advisory Opinion, Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territories, including East Jerusalem; UN Security Council Resolution (1967) 242; UN Security Council Resolution (2016) 2334; UN General Assembly Resolution ES-(2004) 10/15; UN General Assembly Resolution ES-(2024) 10/22.

International Legal Context

Gaza remains occupied territory.

Under international humanitarian law, occupation is defined by effective control, not troop presence. Israel maintains decisive control over Gaza's borders, airspace, maritime domain, population registry, and the ability to conduct military operations. The ICJ (2024) and the UN General Assembly affirm that Gaza remains occupied Palestinian territory.

The legal status of Gaza must therefore be assessed in light of these criteria. Any characterization of Gaza that departs from this framework, or that seeks to justify unilateral measures affecting its territory, land, or population, is inconsistent with international law.

In this context, proposals to designate areas of Gaza, particularly in the east, as a "buffer zone" or "security perimeter"⁴, raise serious legal concerns because:

- Public statements by senior Israeli officials referencing the "encouragement" of migration from Gaza raise concerns regarding potential forcible transfer and demographic change, which are prohibited under international humanitarian law;
- Forcible displacement, land confiscation, and destruction of property violate the Fourth Geneva Convention;
- International law prohibits acquiring territory by force, a principle consistently reaffirmed by the United Nations Security Council, including in resolutions (1980) 476, (1967) 242, and (2016) 2334;
- ICJ jurisprudence explicitly rejects unilateral measures intended to alter the demographic or legal character of occupied territory.

Therefore, any attempt to seize land, alter boundaries, or impose a new territorial regime in Gaza is illegal and void under international law.

Mass displacement engineered during the conflict cannot be used to justify alterations to property status or ownership rights in Gaza. In situations where domestic legal measures may be invoked to regulate or redefine land, housing, or property rights in occupied Palestinian territory, such actions would raise serious concerns under international law and could constitute:

- A violation of Geneva Convention IV, which prohibits the occupying power from applying its domestic law to change the legal status of occupied territory
- A breach of Articles 46 and 55 of the Hague Regulations, which protect private property from confiscation.
- A contravention of ICJ jurisprudence, which affirms that no administrative or legal measures by Israel can change the status of occupied land or transfer ownership.
- A violation of the principle that territory cannot be acquired through force.

[4] For the purposes of this document, the term "buffer zone" is used to refer to the areas inside the Gaza Strip adjacent to the perimeter fence where civilian access is restricted or heavily constrained. While the term "security perimeter" is sometimes used in public discourse, it more accurately refers to the physical fence, barrier system, and associated security infrastructure itself rather than the affected land area within Gaza. The term "buffer zone" is the terminology most commonly used by the United Nations and humanitarian actors to describe areas subject to access restrictions and their associated humanitarian, socioeconomic, and land-use impacts.



Call to Action

The proposed “buffer zone” in eastern Gaza raises grave concerns regarding potential impacts on territory, property rights, and demographic composition of the Gaza Strip.

Why this matters now: If the buffer zone proceeds without immediate international intervention, it risks creating irreversible territorial changes, permanently dispossessing displaced Palestinians and undermining any prospects for a lawful, rights-based reconstruction of Gaza.

If unchallenged, it risks entrenching permanent displacement, facilitating large-scale land appropriation, and undermining the foundations of any rights-based recovery.

The international community has both a moral and legal obligation to act decisively.

Reaffirm the Illegality of Territorial Seizure by Force

States must make clear, publicly and consistently, that any Israeli attempt to create or formalize a “buffer zone” has no legal validity, cannot extinguish Palestinian rights, and do not bind the international community in any way.

Enforce the Principle of Non-Recognition

All governments, UN bodies, and international organizations must refrain from recognizing, legitimizing, or supporting in territorial, administrative, or legal arrangements arising from the creation of a “buffer zone,” including through programming, reconstruction, or development initiatives that could indirectly validate new boundaries or altered land status.

Demand Immediate Cessation of All Unlawful Measures in Eastern Gaza

This includes destruction of property, forced displacement, seizure of agricultural and residential lands, and attempts to apply domestic Israeli laws to occupied territory.

Protect Housing, Land, and Property Evidence Now

The creation of a “buffer zone” risks erasing or damaging the remaining evidence of Palestinian ownership. International actors must:

- Support the emergency retrieval and consolidation of pre-war records to document pre-war ownership, land use, and current

occupation patterns;

- Invest in the digitization of all remaining records and ensure secure off-site backups to prevent further loss or manipulation; and
- Deploy HLP specialists to assist local institutions in preserving, verifying, and safeguarding ownership claims.

■ Integrate HLP Protections into All Humanitarian and Recovery Mechanisms

Reconstruction funding, shelter interventions, area-based approaches, and site planning must explicitly include HLP safeguards to prevent permanent dispossession of displaced residents whose land falls within or near the proposed “buffer zone.”

■ Support Legal Accountability Mechanisms

International courts and human rights bodies must continue examining Israel’s actions under international humanitarian law and human rights law, including the illegality of territorial annexation, forcible transfer, and application of domestic laws in occupied territory.

■ Center Gaza’s Reconstruction on Rights, Not New Realities Created by War

The international community must commit that reconstruction will not consolidate or normalize territorial changes produced by the war. Rights-based reconstruction requires returning displaced people to their land where possible, restoring access to property, and guaranteeing fair mechanisms for restitution and compensation.

Preventing the establishment of an unlawful “buffer zone” is not only a legal imperative, but also fundamental to protecting Gaza’s population from permanent displacement, safeguarding future restitution processes, and ensuring that reconstruction proceeds on the basis of justice, not dispossession.

The time to act is NOW.



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