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FACT SHEET

THE HIDDEN CRISIS

Institutional and Social Dimensions of Housing, Land and Property Rights in the Gaza Strip

BACKGROUND

The ongoing conflict and destruction in the Gaza Strip have severely affected Housing, Land and Property (HLP) rights, exacerbating pre-existing legal, institutional, and documentation challenges. Addressing these issues is critical to ensuring equitable reconstruction, tenure security, and protection of the most vulnerable populations.

KEY CHALLENGES

Leveled Cities and Mass Displacement

- **Massive destruction and displacement:** Recurrent wars, and particularly the most recent devastating two-year war, have destroyed or damaged more than half of Gaza's housing stock, leaving nearly the entire population displaced, often multiple times, and without secure shelter.
- **Destroyed urban fabric:** Entire neighborhoods, camps, and multi-story residential buildings have been leveled, leaving hundreds of thousands displaced.
- **Nowhere to seek shelter:** Widespread destruction has forced families to seek refuge in schools, public buildings, or makeshift shelters. Others have moved into vacant or partially damaged homes, resulting in secondary occupation and overlapping claims between current occupants and original owners. Many also live on unregistered or informally occupied land without documentation or tenure security, making future restitution and reconstruction even more difficult.
- **A compounded crisis:** This shelter crisis is compounded by families affected by previous wars who continue to live in temporary or inadequate housing, as their homes were never rebuilt or compensated for, adding new layers to long-standing displacement and loss.

Complex Ownership Structures

- **Fragmented ownership patterns:** Many properties in Gaza, especially multi-story residential buildings, have multiple co-owners and family ownership arrangements concentrated on very small plots of land. These dense, shared ownership structures make restitution, valuation, and compensation extremely complex, particularly when documentation is missing or heirs are dispersed.
- **Refugee camp tenure:** In refugee camps, residents hold usufruct (use) rights rather than formal ownership, making legal verification and reconstruction eligibility even more difficult.
- **Overlapping jurisdictions:** Over time, camps have expanded informally into surrounding urban areas, forming dense, unregulated neighborhoods where property boundaries are unclear and documentation is limited or non-existent. This overlap between camp and municipal jurisdictions further complicates governance, service delivery, and future tenure regularization.
- **Unrecorded rental and tenancy arrangements:** Many rental and tenancy agreements are informal or undocumented, leaving tenants without legal protection or eligibility for compensation when buildings are destroyed.

Social Realities and Lived Experiences

- **Legal, Gender, and Inheritance Challenges:** Inheritance and property disputes are widespread, particularly among women and extended families. Many families have been erased from registries, orphans have lost all heirs, and relatives of missing persons struggle to verify ownership. Women, widows, and displaced families face additional barriers due to lost documents, dependence on male relatives, and limited access to justice.
- **Informal Dispute Resolution Mechanisms:** Property disputes are often settled informally through mukhtars or family mediation. While trusted and accessible, these mechanisms lack legal recognition and records, posing risks for restitution. Women, children, and marginalized groups are frequently excluded due to social norms and the absence of gender-sensitive procedures.

Data Gaps and Fragmented Records

- **Loss of Ownership Records:** The burning of the Palestinian Land Authority (PLA) headquarters and recurrent displacement have led to the loss of official land records and documentation. Even where archives exist, many land transactions occurred outside the official registry, complicating ownership verification.
- **Informal and Customary Land Transactions:** A large proportion of residents rely on customary land contracts, a practice that originated during the British Mandate period when such contracts were legally recognized and continues to this day. These contracts lack comprehensive archiving and legal enforceability.
- **Fragmented Archival Systems:** Municipalities, the Bar Association, and civil society organizations (e.g., NRC/ICLA, UNDP/Sawasya) hold partial archives, but these remain scattered and incomplete.
- **Conflicting Registration Data**: There is no unified or verified estimate of how much of the Gaza Strip remains unregistered, with different sources reporting varying and sometimes contradictory figures, reflecting the absence of a centralized land information system.
- **Governance Limbo:** The uncertain control and accessibility of archives, coupled with institutional fragmentation, hinder coordinated reconstruction and legal recovery ef also remains unclear what governance structure will oversee HLP records moving forward, and whether existing archives from the previous administration will be transferred to any future government — and if so, with what level of completeness and accuracy.

Institutional and Legal Constraints

- **Weak institutional capacity:** Core HLP institutions, including the Palestinian Land Authority (PLA), Ministry of Public Works and Housing (MoPWH), and municipalities, face severe capacity and resource constraints, with damaged offices, staff shortages, and limited field access.
- **Overlapping legal systems:** The coexistence of civil, sharia, and customary laws creates inconsistencies in enforcement and restitution. The absence of an updated land law and unified administrative procedures further hinders coordinated response and recovery.
- **Lack of coordinated HLP governance:** Multiple actors operate without a clear leadership structure or harmonized mandate, complicating decision-making on restitution, reconstruction, and dispute resolution.

CALL FOR ACTION

Ensuring a just and sustainable reconstruction process in Gaza requires prioritizing HLP rights as a central pillar of recovery.

- **Re-establishing and verifying land records:** Launch coordinated efforts for the registration and/or re-identification of land and property boundaries, supported by aerial imagery, field verification, and community validation to ensure transparency and accuracy.
- **Consolidating and digitizing archives:** Integrate existing paper and electronic records from the PLA, municipalities, and other institutions into a unified land information system.
- **Restoring institutional capacity:** Support the operational recovery of the Palestinian Land Authority (PLA), municipalities, and other relevant institutions to resume cadastral, surveying, and registration functions.
- **Developing inclusive restitution mechanisms:** Establish gender-responsive and accessible processes for dispute resolution, restitution, and compensation, ensuring participation of women, orphans, and vulnerable households.
- **Strengthening coordination and legal accountability:** Enhance collaboration among national authorities, the UN system, donors, and civil society to ensure consistency, transparency, and adherence to legal and human rights standards across all reconstruction activities.

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