UN-HABITAT

FACT SHEET

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THE ROAD TO RECOVERY

Pre-War Structural Challenges, War-Time Escalation, and Pathways to Recovery

BACKGROUND

The housing, land and property (HLP) situation in Gaza is characterized by long-standing legal and planning gaps, fragmented land records, and widespread informal development. Decades of constrained governance outdated legal frameworks, and repeated conflict have resulted in unclear tenure arrangements and limited capacity to formally document and regulate land and housing.

- Land tenure in Gaza is governed by a fragmented mix of Ottoman, Mandate-era, and subsequent legal frameworks, resulting in overlapping authorities, outdated classifications, and widespread reliance on informal or administrative recognition of rights.
- Gaza's limited geographic area and extreme population density have intensified pressure on land and housing, contributing to informal development, encroachment on public land, and the evolution of de facto tenure arrangements in the absence of sufficient planned urban expansion.
- Repeated conflict, institutional interruptions, and damage to physical archives have undermined the continuity, accuracy, and accessibility of land and property records, limiting systematic registration and enforcement.

SYSTEMIC PRE-WAR CHALLENGES AND POST-WAR INTENSIFICATIONS

The war has resulted in large-scale demolition of homes which has intensified pre-existing legal and tenure ambiguities, raising unresolved questions around the right to rebuild, restoration of prior conditions, and recognition of use rights.

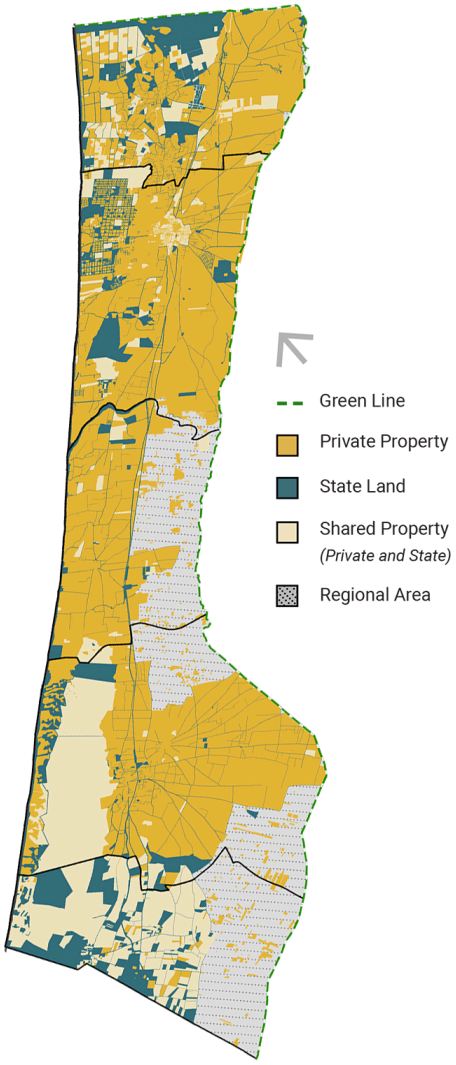
- **Weak planning and regulatory frameworks:** The absence of enforceable planning regulations has led to widespread informal construction, particularly in camps and unplanned areas, often without compliance with building or zoning standards.
- **Inaccurate and incomplete land records:** Errors in parcel numbers, subdivision records, and boundary demarcation create disputes over ownership and actual land extents.
- **Outdated and contested ownership documentation:** Many lands remain governed by Ottoman-era classifications or pre-1960 legislation, resulting in unclear legal status and conflicting claims.
- **Encroachment on public lands:** Long-term informal occupation of state lands, especially since 2005, has evolved into de facto residential areas, complicating eviction, regularization, and protection of occupants' housing rights.[1]

- **Joint ownership disputes:** Shared ownership arrangements frequently generate conflicts over construction, land use, and subdivision, particularly where land cannot be legally divided or one co-owner objects.
- **Unclear status of "distress" lands:** Lands classified as "distress lands" face legal ambiguity, including challenges related to government seizure, compensation, and enforcement, alongside limited recognition of customary or informal tenure arrangements.

KEY FACTS: PUBLIC LAND AND ENCROACHMENT

- Public land in Gaza covers approximately 112,000 dunums.
- Encroachments on public land affect around 12,000 dunums, of which 65% are agricultural and 35% are residential or built-up areas.
- Land formally allocated by authorities increased from approximately 5,000 dunums before 2007 to around 7,000 dunums today.

Landownership Status across the Gaza Strip



POST-WAR EMERGING SOLUTIONS

While these approaches provide flexible and timely pathways to address urgent post-war HLP challenges, they require clear legal safeguards, standardized procedures, and oversight mechanisms to ensure consistency, equity, and protection of rights, particularly for women, displaced persons, and other vulnerable groups.

- **Use of Alternative Dispute Resolution (ADR):** Mediation and arbitration mechanisms are increasingly used to resolve HLP disputes more quickly and reduce pressure on courts.
- **Transitional dispute resolution arrangements:** Temporary mechanisms are being applied to address war-related ownership, use-rights, and compensation claims during the recovery phase.
- **Community-based mediation:** Local mediation initiatives help manage disputes in contexts of displacement and damaged formal records.
- **Reliance on flexible forms of evidence:** Aerial imagery, administrative records, and community verification are used to support claims where formal documentation is missing.

POLICY DILEMMAS AND RESTORATIVE PATHWAYS

1.Rebuilding on Public Lands and Refugee Camps:

- The destruction of housing built on public land raises urgent questions about whether to allow reconstruction, pursue regularization, or restrict rebuilding while compensating affected households.

- Housing in refugee camps in Gaza has historically been governed by use and occupancy rights linked to refugee status and administrative allocation, rather than private ownership. The widespread destruction of camp housing during the war does not, in itself, extinguish these rights, even where homes have been completely erased.

Restorative pathway: Post-war reconstruction must therefore recognize pre-war occupancy and use rights as the primary basis for eligibility, apply tailored evidentiary standards, and avoid imposing private ownership criteria that would exclude large numbers of affected refugees.

2.Multi-Story Buildings:

- Multi-story residential buildings in Gaza are governed by a condominium-type legal framework that distinguishes between individually owned housing units and undivided shared ownership of the land, structure, and common areas (including foundations, staircases, roofs, utilities, and load-bearing elements).
- In practice, however, registration of multi-story buildings has been incomplete or inconsistent, leaving many units without clear legal documentation or formal subdivision.
- War-time destruction has further complicated this situation, as the collapse or severe damage of a building raises unresolved questions around proof of unit ownership, rights over shared land, and the legal ability to rebuild when consent among co-owners is fragmented or absent.
- Reconstruction of multi-story buildings cannot proceed through individual unit-based decisions alone. Rebuilding often requires collective action that may be blocked by disputes, missing owners, inheritance conflicts, or lack of financial capacity. Rigid application of co-ownership consent rules risks stalling reconstruction entirely and prolonging displacement.

Restorative pathways:

- Treat verified pre-war occupancy and unit use as sufficient proof of ownership where formal registration is incomplete or records are damaged.
- Allow reconstruction of multi-story buildings to proceed based on qualified majority approval among unit owners rather than requiring unanimous consent.
- Safeguard the rights of non-consenting or absent owners through compensation mechanisms, escrow arrangements, or preservation of future claims.
- Enable reconstruction based on recognized HLP rights without requiring prior land subdivision or partition, while deferring formal land regularization to later stages of recovery.
- Use reconstruction to formalize tenure by leveraging the rebuilding processes to gradually complete registration of multi-story buildings and strengthen shared property governance over time.

LEGAL, INSTITUTIONAL & TECHNICAL RECOMMENDATIONS

Legal and Policy Framework Strengthening

- **To formalize rights and claims:** Establish a nationally coordinated land and property registration framework, including transparent claims registration, verification, and objection procedures.
- **To enable the use of flexible forms of evidence:** Establish legal provisions allowing the use of aerial imagery, administrative records, and community verification to support claims where formal documentation is missing, reflecting the historic reliance on possession and administrative recognition of rights.
- **To resolve tenure ambiguity:** Clarify and formalize tenure arrangements on state land, usufruct land, and special land categories through legal interpretation, field verification, and binding administrative or judicial determinations.
- **To manage shared ownership conflicts:** Regulate joint and shared ownership arrangements through legal mechanisms that permit construction or reconstruction while safeguarding the rights and compensation of non-consenting co-owners.[2]
- **To prevent prolonged legal uncertainty:** Establish accelerated HLP dispute resolution mechanisms to address war-related claims and reduce case backlogs during recovery.
- **To enable recovery through flexible legal and planning frameworks:** Introduce temporary and transitional legal provisions that allow licensing, reconstruction, and tenure recognition for pre-October 2023 housing, while applying building and planning regulations pragmatically to prioritize safety, habitability, and public interest over rigid retroactive compliance.

Technical, Spatial, and Data Systems

- **To restore data integrity:** Undertake systematic land and property verification and updating, including correction of parcel boundaries, subdivision records, and ownership data, supported by legal and technical validation.
- **To enable integrated case management:** Develop an HLP information management system linking land records, claims, valuations, objections, and compensation decisions.

Institutional and Administrative Recovery Measures

- **To ensure equitable redress:** Strengthen HLP compensation frameworks for housing and property damage or loss, with clear eligibility criteria, valuation methodologies, and payment modalities aligned with recovery standards.
- **To improve governance coherence:** Reinforce institutional coordination among land administration, housing, planning, and judicial bodies to ensure consistent and accountable implementation of HLP recovery measures.
- **To enhance administrative effectiveness:** Build decision-making capacity within relevant authorities to issue permits, tenure determinations, and compensation decisions.

CALL FOR ACTION

The Gaza's Strip escalating HLP crisis demands urgent, coordinated action that moves beyond ad hoc solutions and addresses both long-standing structural failures and war-induced impacts. National authorities, donors, and partners must prioritize the implementation of rights-based legal reforms, scalable dispute-resolution mechanisms, and integrated land and data systems to enable safe return, equitable reconstruction, and a durable foundation for recovery and stability.

1. Use and occupation of public land have historically occurred in the absence of clear, unified legal frameworks, with individuals often holding administrative or use rights rather than ownership—creating long-standing legal ambiguity around tenure, enforcement, and regularization.

2. This measure aims to address situations where land or buildings are held under joint or shared ownership and one or more co-owners object to construction or reconstruction, often resulting in stalled recovery and prolonged displacement. The proposed approach introduces legal mechanisms that allow construction or rebuilding to proceed under clearly defined conditions (such as minimum ownership thresholds, court or administrative authorization, or escrow arrangements) while fully protecting the rights of non-consenting co-owners. Safeguards may include prior notification, formal objection procedures, independent valuation of shares, and compensation or deposit mechanisms that preserve co-owners' financial and legal interests. By balancing individual consent requirements with recovery needs, this approach prevents a single objection from indefinitely blocking reconstruction, while ensuring that ownership rights, future claims, and equitable compensation remain legally protected.

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