

PALESTINIAN REFUGEES IN GAZA: THE UNRWA AND BEYOND*

Gazze'deki Filistinli Mülteciler: UNRWA ve Ötesi

Ekin Deniz UZUN**

L&JR

Year: 15, Issue: 28
July 2024
pp.19-56

Article Information

Submitted : 13.02.2024
Last Version : 13.05.2024
Received
Accepted : 02.07.2024

Article Type

Research Article

Abstract

After 7 October 2023, already problematic Palestinian–Israeli ties turned into a catastrophe. Some legal issues have arisen because of the impossibility of departure from the Gaza Strip and the difficulties Palestinians in Gaza have experienced in receiving protection from the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) because of ongoing bombardment. To explain the dire circumstances in Gaza and the difficulties of receiving aid from UNRWA, this Article turns its attention to Advocate General Nicholas Emiliou for C-563/22 of the Court of Justice of the European Union. Advocate General Emiliou explains why Palestinian refugees can seek protection elsewhere besides the UNRWA. Suppose that, in a relevant asylum application, the Palestinian applicant could argue that UNRWA's protection has ended, given the continuing undignified living conditions in the Gaza Strip. In that case, we must consider if it is feasible for the person concerned to get protection elsewhere. First, this Article walks readers into history to identify the root causes of the Palestine–Israel conflict. Second, pondering the opinion of the Advocate General and the relevant international legal regulations, this article explains where and by whom protection can be anticipated for Palestinian refugees other than UNRWA. This Article settles that the reluctance of some states to protect refugees puts Palestinians' protection claims in jeopardy.

Keywords: Palestine, statelessness, refugee, asylum seekers, protection of refugees, UNRWA, Court of Justice of the European Union

* There is no requirement of Ethics Committee Approval for this study.

** Asst. Prof. Dr., Ankara Yıldırım Beyazıt Üniversitesi, Milletlerarası Hukuk Anabilim Dalı, e-mail: eduzun@aybu.edu.tr, ORCID ID: 0000-0002-9757-0223.

Özet

Hali hazırda sorunlu olan Filistin-İsrail ilişkileri, 7 Ekim 2023 tarihinden sonra bir felakete dönüşmüştür. Gazze Şeridi'nden ayrılmanın imkansızlığı ve devam eden bombardımanın etkisiyle, Gazze'deki Filistinlilerin Birleşmiş Milletler Filistinli Mültecilere Yardım ve Bayındırlık Ajansı'ndan (UNRWA) koruma almakta yaşadıkları zorluklara bağlı olarak bazı hukuki sorunlar ortaya çıkmıştır. Gazze'de ortaya çıkan vahim koşulları ve UNRWA'dan yardım almak hususunda vuku bulan zorlukları açıklamak amacıyla bu makale, Avrupa Birliği Adalet Divanı'nın C-563/22 sayılı davasına ilişkin Avrupa Birliği Adalet Divanı Başsavcısı Nicholas Emiliou'nun verdiği görüş paylaşımını incelemektedir. Başsavcı Emiliou, Filistinli mültecilerin neden UNRWA dışında başka bir yerde koruma arayabileceğini bahsi geçen görüş paylaşımında açıklamaktadır. İlgili bir sığınma başvurusunda, başvuru Filistinlinin, UNRWA korumasının Gazze Şeridi'nde süregelen insan onuruna yakışmayan yaşam koşulları dikkate alındığında sona erdiğini ileri sürebileceğini varsayalım. Bu durumda, ilgili kişinin başka bir yerde koruma aramasının mümkün olup olmadığını dikkate almalıyız. İlk olarak, makale okuyucuların Filistin-İsrail çatışmasının temel nedenlerini anlamalarını sağlamak amacıyla ilgili tarihi gelişmelere dikkati çeker. İkinci olarak, Başsavcı'nın görüşlerini ve mevcut uluslararası yasal düzenlemeleri dikkate alarak, UNRWA dışında Filistinli mültecilerin korunmasının sağlanması hususunun nereden ve kim tarafından gerçekleştirilmesinin beklenebileceğini açıklar. Bu makale, bazı devletlerin mültecileri koruma konusundaki isteksizliğinin aynı zamanda Filistinlilerin koruma taleplerini tehlikeye attığını ortaya koyar.

Anahtar Kelimeler: Filistin, vatansızlık, mülteci, sığınma arayan kişiler, mültecilerin korunması, UNRWA, Avrupa Birliği Adalet Divanı

Introduction

Palestinian-Israeli relations have reached an impasse with the attack of Hamas on Israel. On 9 October 2023, the World witnessed how Israel, in its retaliation, began employing such disproportionate bombardments. In the meantime, on the given date above, the Gaza Strip, bordering Israel and Egypt, fell into complete darkness – as Israel enforced a total siege on the enclave by closing its borders and electricity.¹

In addition to the already problematic situation in Gaza, another troubling setback occurred due to the closure of border gates connecting Gaza to the outside World. Seven border crossings exist to move people and goods into and out of

¹ Ruby Mellen and Szu Yu Chen, 'See how Israel's siege has plunged Gaza into darkness and isolation' (*The Washington Post*, 30 October 2023) <<https://www.washingtonpost.com/world/2023/10/26/gaza-israel-siege-blackout-isolation/>> accessed 1 December 2023.

the Strip. History proves that Israel has used such border crossings to control the Gaza Strip by closing its doors on and off. For example, in 2007, Hamas took over Gaza. The Israeli authorities brought movement restrictions, resulting in the isolation of the Gaza Strip from the occupied Palestinian territory (oPt). Gaza Strip back then was blocked through land, sea, and air, which limited “*the number and specified categories of people and goods allowed in and out through the Israeli-controlled crossings*”.² For example, in August 2022, Israel closed the only commercial crossing into Gaza -the Karem Abu Salem/Kerem Shalom crossing, resulting in a fuel embargo. This fuel embargo caused chain events: Gaza’s power plant was shut down, electricity availability dropped to four to six hours a day, and the water supply to homes decreased.³ The Rafah border crossing is lifesaving – considering it connects the Gaza Strip to Egypt. However, we see that, like in current times, for over 20 years, the Rafah border crossing has often been closed. For example, the movement of people and goods to and from Gaza was restricted, which undermined the living conditions of 1.9 million Palestinians in Gaza in the early 1990s. Such restrictions were intensified in June 2007 following the Hamas takeover of Gaza, and in 2023, because of the complete siege, people in Gaza have been stuck and have no choice but to remain in the Strip.⁴

Closing the border gates left Palestinians in legal limbo concerning their protection. First, the fact that Palestinians cannot escape the ongoing war *conflicts* with the principle of non-refoulement.⁵ Because, in principle, Palestinian people stuck at Rafah’s front gates could not be turned away for entrance in consideration of the non-refoulement principle. However, the reality and the principle tell two completely different stories. For example, as is detailed below,

² United Nations Office for the Coordination of Humanitarian Affairs (OCHA), ‘Gaza Strip the Humanitarian Impact of 15 Years of The Blockade’, 2022 <<https://www.un.org/unispal/document/gaza-strip-the-humanitarian-impact-of-15-years-of-the-blockade-june-2022-ocha-factsheet/>> accessed 27 November 2023.

³ United Nations Human Rights Office of the High Commissioner (OHCHR), ‘Israel/ OPT: Respecting Fundamental Rights in Gaza is Pre-Condition to Achieving Peace, says UN Human Rights Expert’ (2020) <<https://www.ohchr.org/en/press-releases/2020/09/israelopt-respecting-fundamental-rights-gaza-pre-condition-achieving-peace>> accessed 27 November 2023.

⁴ United Nations Office for the Coordination of Humanitarian Affairs (OCHA), ‘Gaza crossings: movement of people and goods’ <<https://www.ochaopt.org/data/crossings>> accessed 28 November 2023.

⁵ Hathaway explains that “*a person is a refugee in consequence of his or her de facto circumstances... border officials will inevitably be confronted by persons legally entitled to the provisional benefit of the robust duty of non-refoulement as soon as they come under that state’s jurisdiction*”. James C Hathaway and Thomas Gammeltoft-Hansen, “Non-Refoulement in a World of Cooperative Deterrence” (2015) 53 Colum. J. Transnat’l L. 2, 238.

not only did Egypt close its border gates, but it also did not offer any means for Palestinians' protection. Border closures have turned Gaza into an open-air prison for Palestinians.

We must understand to what extent UNRWA can protect Palestinians who cannot cross the border in the current situation. The UNRWA's role in the region is vital as it has been the only international organisation engaging with a specific refugee problem in a particular geographical area, including Gaza, the West Bank, Jordan, Syria, and Lebanon.⁶ UNRWA's mandate is considered temporary, yet considering it has been renewed every three years, the Agency has operated for more than half a century.⁷ However, one of the biggest challenges the UNRWA has faced since 7 October 2023 is the monetary finding that the Agency should receive from powerful Western states. As Bocco explains, financial matters are one of the weaknesses of the UNRWA since "*funding is guaranteed only by the voluntary contributions of donor countries*".⁸ As the UNRWA makes it public, nine countries, including the USA, have temporarily suspended their funding to UNRWA, which threatens lifesaving humanitarian work not only across the region but also especially in the Gaza Strip.⁹ Adding to this concern, the head of the UNRWA, Philippe Lazzarini, in his letter to the President of the UN General Assembly, Dennis Francis, wrote the following: "[o]ur staff take their children to work so they know they are safe or can die together".¹⁰ Lazzarini has concrete reasons to fear, as numbers of Palestinians were killed after Israel struck a UNRWA school,¹¹ which had been used as a shelter for civilians forced out of their homes because Israel was bombing Gaza. As of 14 December 2023, UNRWA confirms that "*133 UNRWA colleagues have been killed since October 7*".¹² Israel also struck the Jabalia refugee camp in northern Gaza after airstrikes

⁶ Riccardo Bocco, 'UNRWA and the Palestinian Refugees: A History within History' (2009) 28 *Refugee Survey Quarterly* 2-3, 231.

⁷ *ibid* 233.

⁸ *ibid* 233.

⁹ UNRWA, 'UNRWA's Lifesaving Aid May End Due to Funding Suspension' (27 January 2024) <<https://www.unrwa.org/newsroom/official-statements/unrwa's-lifesaving-aid-may-end-due-funding-suspension>> accessed 5 February 2024.

¹⁰ UNRWA, 'Letter From UNRWA Commissioner-General Philippe Lazzarini To The UN General Assembly President Mr. Dennis Francis' (7 December 2023) <https://www.unrwa.org/resources/un-unrwa/letter-unrwa-commissioner-general-philippe-lazzarini-un-general-assembly> accessed 20 December 2023.

¹¹ Middle East Monitor, 'Palestinians killed as Israel strikes UNRWA school housing refugees' (13 December 2023) <<https://www.middleeastmonitor.com/20231213-palestinians-killed-as-israel-strike-unrwa-school-housing-refugees/>> accessed 11 January 2024.

¹² UNRWA, 'UNRWA Situation Report #47 On the Situation in The Gaza Strip and The West Bank, Including East Jerusalem' (8 December 2023) <<https://www.unrwa.org>>

on the area.¹³ Across the Gaza Strip, over 60 per cent of the housing units have been damaged, leaving these buildings unliveable.¹⁴

Considering the current situation both in Gaza and the possibility of UNRWA's inability to support Gazans fully, although people in Gaza have nowhere to go at the time of this Article's writing, the concern has arisen in front of the Court of Justice of the European Union (CJEU) about Palestinian stateless refugees already outside of Occupied Territory of Palestine. Palestinians registered with UNRWA cannot obtain refugee status from other institutions/unions outside of Palestine to avoid *competence overlap*¹⁵ between institutions. However, in accepting the failure of the UNRWA's protection capacity, the concern is whether Palestinians registered with UNRWA can turn to other institutions/unions for international protection.¹⁶

Concerning the last posed enquiry above, if we accept that UNRWA's protection capacity has ceased to exist, that will lift the deadlock regarding the concern around competence overlap, for instance, between UNRWA and the United Nations High Commissioner for Refugees (UNHCR) or alternative avenues for them to receive international protection, such as from Arab nation-states or European states. Discussing available options on the state level also requires understanding whether international law offers a map of rules that will guide countries to protect refugees in the general sense and Palestinians in particular.

This Article discusses the queries stated in the paragraphs above by connecting

[org/resources/reports/unrwa-situation-report-47-situation-gaza-strip-and-west-bank-including-east-jerusalem#](https://www.unhcr.org/resources/reports/unrwa-situation-report-47-situation-gaza-strip-and-west-bank-including-east-jerusalem#) accessed 11 January 2023.

¹³ Thomson Reuters, 'Israel confirms it struck Jabalia refugee camp; Gaza health official says dozens killed' (*CBC*, 31 October 2023) <<https://www.cbc.ca/news/world/israel-hamas-war-gaza-1.7013540>> accessed 4 December 2023).

¹⁴ OCHA Reliefweb, 'Hostilities in the Gaza Strip and Israel | Flash Update #52 [EN/AR/HE]' (27 November 2023) <<https://reliefweb.int/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-52-enarhe>> accessed 5 December 2023.

¹⁵ UNHCR explains the competence overlap as in the following:

While paragraph 1 of Article 1D is in effect an exclusion clause, this does not mean that certain groups of Palestinian refugees can never benefit from the protection of the 1951 Convention. Paragraph 2 of Article 1D contains an inclusion clause ensuring the ipso facto entitlement to the protection of the 1951 Convention of those refugees who, without having their position definitively settled in accordance with the relevant UN General Assembly resolutions, have ceased to receive protection or assistance from UNRWA for any reason.

UNHCR, 'Revised Note on the Applicability of Article 1D' <https://unispal.un.org/pdfs/UNHCR_PalRefugees-1951Conv.pdf> accessed 9 May 2024.

¹⁶ Advocate General's Opinion in Case C-563/22 | Zamestnik-predsedatel na Darzhavna agentsia za bezhantsite (Refugee status – Stateless person of Palestinian origin) 11 January 2024 <<https://curia.europa.eu/jcms/upload/docs/application/pdf/2024-01/cp240006en.pdf>> accessed 15 January 2024.

them with the opinion of Advocate General Nicholas Emiliou for C-563/22 of the CJEU.¹⁷ Note that Advocates General do not make binding decisions. They present their approaches to the cases. Advocate Generals practically advise the CJEU on deciding a case, and their views are considered influential.¹⁸ The dispute, subject to C-563/22 before the CJEU, arose before 7 October 2023 in the main proceedings. However, the journey of Palestinian stateless refugees (SN and LN) in pursuing an application for international protection in another state (Bulgaria) can also shed light on Palestinians who will pertain to international protection in the future. For this reason, the application of SN and LN and their asylum-seeking journey that extends to the present day will be detailed in the relevant part of this Article by examining the legal process in the local court with the help of the information extracted from the Advocate General's opinion for the CJEU.

As will be seen, in his opinion, Advocate General Emiliou concludes that *"Palestinian applicants for refugee status can claim that UNRWA's protection has 'ceased' in the light of the general living conditions prevailing in the Gaza Strip"*.¹⁹ This statement means that, unlike any other asylum procedure which demands applicants' proof of evidence to demonstrate that the applicant has been targeted or affected by the alleged conditions on a personal level, taking into account the circumstances in Gaza, this requirement is not applicable here. The Advocate General draws attention to the challenges the UNRWA has been facing to protect Palestinian stateless refugees by reflecting on undignified living conditions in Gaza. Advocate General, in his opinion, further states that *"competent national authorities must consider not only the reasons that led the applicants to leave UNRWA's area of operation, but also whether it is currently possible for them to return there."*²⁰ This approach opens the door for further enquiry, as this Article takes on where then protection is available for Palestinians in a scenario that allows them to leave the Gaza Strip or if they have already been outside of this territory.

¹⁷ Considering the past and present situation in Gaza and Palestinian stateless persons' refugee status, in addition to the enquiry of having a dignified living in Gaza upon a possible return, Advocate General Emiliou aimed to resolve the following:

[C]an UNRWA's protection or assistance be regarded as having 'ceased', in the light of the living conditions generally prevailing in that area, without it being necessary for the persons concerned to show that they are specifically targeted or affected by those conditions by reason of factors particular to their personal circumstances? Advocate General's Opinion in Case C-563/22 (n 16).

¹⁸ European Parliament Briefing Court of Justice at Work, 'Role of Advocates General at the CJEU' <<https://www.statewatch.org/media/documents/news/2019/oct/ep-briefing-a-g-cjeu.pdf>> accessed 23 January 2023.

¹⁹ Advocate General's Opinion in Case C-563/22 (n 16).

²⁰ *ibid.*

Aleinikoff and Owen, in their analysis, point out that those countries of the Global South, proximate to refugee-producing states, *in principle*, have no choice but to admit refugees morally and legally. This result happens due to porous borders and the non-refoulement principle.²¹ Suppose we apply this approach to the Palestinians' situation. Can then Palestinian stateless refugees be protected here or there? The competent national authority in this scenario can be a neighbouring state or a nation geographically far away, such as a European state. The mentioned countries regarding the enquiry of Palestinian stateless individuals' protection here primarily constitute Lebanon, Jordan and Egypt. These states have problematic aspects in terms of accepting and protecting refugees in a general sense. Regarding the possibilities for Palestinians seeking refuge at the European state level, since the Advocate General gives his opinion for the CJEU, our attention to Europe is also essential to understand the challenges Palestinians may face at the European level.

Although the issues mentioned earlier - the role of UNRWA, the protection of Palestinians, and the general acceptance of Palestinians and refugees by Palestine's neighbouring states and other countries - have been examined in the literature, the novelty of this article lies in the following. Since October 2023, despite the existence of allegations, findings, and data that Israel's actions amount to genocide, and despite the CJEU prosecutor's opinion on UNRWA's lack of capacity to protect, still many world powers maintain their silence in the face of what is happening to Palestinians, and despite the Palestinians' ongoing agony, standing as receiving little to no support, in the 21st century. Therefore, this article highlights the current developments regarding Palestine- Israel's tumultuous relationship by referring to the CJEU prosecutor's opinion to establish that when it comes to Palestinians' protection why we *still* need to reconsider UNRWA and beyond. As in the following, all the mentioned issues are clarified through a critical lens.

1. Palestinians' Agony and the 1951 Refugee Convention's Exclusion Clause²²

In his book *A Short History of Decay*, Cioran states that if we had a correct understanding of our position in the World, if the comparison were inseparable

²¹ T Alexander Aleinikoff and David Owen, 'Refugee protection: 'Here' or 'there'?' (2022) 10 Migration Studies 3, 465.

²² Susan M Akram explains that far from being "*an exclusionary clause, it was intended as a contingent inclusion clause*". As the 1951 Refugee Convention's relevant provision (Article 1D) that is being referred as exclusion clause "*was intended to ensure continued protection and assistance to Palestinian refugees at all times*". Susan M Akram, 'Palestinian Refugees and Their Legal Status: Rights, Politics, and Implications for a Just Solution' (2002) 31 Journal of Palestine Studies 3, 39. See Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (1951 Refugee Convention).

from living, the revelation of the smallness of our existence would crush us. But to live is to become blind to one's dimensions.²³ It is difficult or almost impossible to fight against any understanding that develops a reflex of blindness to reality. However, the truth of the Palestine–Israel conflict is blurred due to a one-sided historical viewpoint. The Western liberal democracies are stuck in the Holocaust so profoundly that it prevents them from opening their eyes to the Palestinians' agony, which has historical root causes, too. The following paragraphs, therefore, will discuss the Palestinians' agony from philosophical, historical, and legal viewpoints by referring to several scholars' opinions, not the stance of Western politicians. The Article in this part employs a philosophical approach because any discussion of people's suffering requires an understanding that can provide a philosophical meaning. Today's conflict cannot be well understood without considering the historical evolution of Palestine-Israeli relations. Lastly, we must comprehend the Palestinians' status under international law to grasp the UNRWA's role and the exclusion clause that sets the boundaries for Palestinians regarding from whom they can receive protection. All of these approaches will be provided briefly, as each aspect has been discussed and analysed in detail by scholars who have specialised in these particular matters.²⁴

We can explain the Palestinians' agony by focusing on Nina Gren's profound question. Nina Gren asks, “[h]ow do people make sense of and handle continuing violence and years of hardship and want?”²⁵ Gren answers this question by formulating the term *illusio*. As she indicates, developing such endurance in the face of continuing violence may seem impossible for an outsider. However, an insider living in incessant hardship may get into an *illusio*, which triggers resilience in human beings. Palestinian people whose lives are at stake due to ongoing persecution are, in fact, not devoid of ambitions for a different tomorrow. On the contrary, adds Gren, “overwhelming resignation may create hope that, for an outsider, may seem improbable or even a fantasy”.²⁶ This last sentence

²³ Emil Michel Cioran, *Çürümenin Kitabı* (ASYAM Yayıncılık, İlk Baskı 2000, Metis, On İkinci Basım, 2023), 13.

²⁴ See Atif Ebu Seyf, *Filistin Kampında Bir Ömür* (İnkılab Yayınları, 2021); Ingela Bendt and James Downing, *Geri Döneceğiz - Mülteci Kamplarında Filistinli Kadınlar* (Kıyı Yayınları, 1987); Antony tenstein, *The Palestine Laboratory: How Israel Exports the Technology of Occupation Around the World* (Verso, 2023); Alaa Tartir, Timothy Seidel and Tariq Dana, *Resisting Domination in Palestine: Mechanisms and Techniques of Control, Coloniality and Settler Colonialism* (Bloomsbury Publishing, 2024); Michael Barnett, Nathan J. Brown, Marc Lynch and Shibley Telhami (eds), *The One State Reality: What Is Israel/Palestine?* (Cornell University Press, 2023).

²⁵ Nina Gren, *Occupied Lives Maintaining Integrity in a Palestinian Refugee Camp in the West Bank* (AUC Press, November 2015), 2.

²⁶ Nina Gren, ‘Palestinian conflict: how despair can drive people to violence, even if it puts their lives in danger’, (The Conversation, 13 November 2023), published:

explains the meaning behind the *illuio*, first defined by Bourdieu in *Pascalian Meditations*.²⁷

Applying the notion of *illuio* to Palestinians' ongoing persecution, for some scholars, what Palestinians have been experiencing for years has similarities to what black people went through during times of apartheid in South Africa between 1948 and 1994. Gren gives the example of the Dheisheh camp for Palestinian refugees, where inhabitants living in the camp faced the following: curfews, nightly arrests, house demolitions, shootings, threats, and occasional beatings by Israeli soldiers. Palestinian people were stopped and held at checkpoints. Further, Israel constructed a barrier to unattached the occupied territories from Israel, which aimed at separating Palestinians and Israelis from each other and Palestinians from Palestinians.²⁸ Israeli authorities enforced a blockade on the Gaza Strip, which resulted in the separation of Gaza from the West Bank. As the Euro-Mediterranean Human Rights Network (EMHRN) explains, this separation policy restricted the movements of Palestinians, such as students in Gaza were prevented from receiving education in West Bank universities, patients could not obtain healthcare, and families were unconnected.²⁹ People in Palestine living under occupation and bombardment have developed *illuio*, which is the gist of maintaining a life under constant life-threatening circumstances.

Why, then, has there been a constant struggle for Palestinians? From a historical point of view, Albadawi explains that the Palestinian–Israeli conflict has ties with the conception of modern Zionism. Zionism is a political movement, and in the beginning, it aimed at establishing a Jewish state in Palestine. The state of Israel was declared in 1948. As a result, thousands of Palestinians were forcibly removed from their homeland – which is referred to as *Al Nakba* and considered the root cause of the Palestinian refugee problem that still exists today.³⁰ Regarding *Al Nakba*, Masalha describes the persecution of Palestinian people as ethnic cleansing and politicide.³¹

October 13, 2023 7.17pm CEST. <<https://theconversation.com/palestinian-conflict-how-despair-can-drive-people-to-violence-even-if-it-puts-their-lives-in-danger-215497>> accessed 22 January 2023.

²⁷ Pierre Bourdieu, *Pascalian Meditations* (Stanford University Press, 2000), 207.

²⁸ See Gren (n 1).

²⁹ Euro-Med Human Rights Monitor. 'Suffocation and Isolation 17 Years of Israeli Blockade on Gaza', published: October 25, 2023<<https://euromedmonitor.org/en/gaza>> accessed 25 December 2023.

³⁰ Sobhi Albadawi, "Is the right of return still desirable and sacred among Palestinian refugees?" (2021) 23 *The British Journal of Politics and International Relations* 1, 43.

³¹ Nur Masalha, *The Palestine Nakba Decolonising History, Narrating the Subaltern Reclaiming Memory* (Zed Books Ltd, 2012), 7.

Considering the continuing violence and displacement, Asem Khalil ‘categorises’ Palestinian refugees in three folds: First, displaced Palestinians from their place of origin. The second category is displaced Palestinians from their places of birth because of the 1967 war. Third, Palestinians who are outside the area of the former Palestine and are unable to return or are unwilling to do so owing to a well-founded fear of persecution. The third category of Palestinian refugees is mainly unable to return because of “*revocation of residency, denial of family reunification, and deportation*”.³² For that reason, the issues surrounding Palestinian people should also be considered as matters of the rights of the displaced indigenous population and concern regarding self-determination. UN General Assembly Resolution 194 para 11 confirms the stated aspects here:

[T]he refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible.³³

The above-given paragraphs show the persecution that Palestinians have faced throughout history. Concerning the present day, the evidence indicates that perpetual persecution continues to exist. Indeed, right after the conflict erupted between Israel and Palestine in October 2023, the situation was analysed from different angles to grasp ‘what is going on in Gaza’ from a legal point of view. Jérôme de Hemptinne, for example, found the classification of the Gaza conflict under international humanitarian law complicated.³⁴ Raphael Van Steenberghe discussed if the attacks coming from Israel fell under the evaluation of self-defence and whether Gaza should still be considered an occupied territory. Marc Schack discussed whether Israeli attacks had breached the principle of proportionality under international humanitarian law.³⁵ Further, it was also debated whether the

³² Asem Khalil, ‘Palestinian Refugees in Arab States: A Rights-Based Approach’ (CARIM Research Reports, 2009), 1-2.

³³ UNGA194 (III) Palestine - Progress Report of the United Nations 11 December 1948, “Publication date 2009/12/14 Journal Robert Schuman Centre for Advanced Studies CARIM Research Report” <<https://www.refworld.org/docid/4fe2e5672.html>> accessed 15 November 2023.

³⁴ Jérôme de Hemptinne, ‘Classifying the Gaza Conflict Under International Humanitarian Law, a Complicated Matter’ (*EJIL: Talk! Blog of the European Journal of International Law*, 13 November 2023) <<https://www.ejiltalk.org/classifying-the-gaza-conflict-under-international-humanitarian-law-a-complicated-matter/>> accessed 11 January 2023.

³⁵ Marc Schack, ‘In Defence of Preliminary Assessments: Proportionality and the 31

attacks coming from Israel fell under the self-defence argument and, in such a scenario then, if Gaza should still be considered an occupied territory.³⁶ In any case, Marco Sassòli articulated the answer to the above-given questions eloquently in the following:

In my view, in particular, if the Gaza Strip is, as Israel argues, no longer occupied, the “order” by Israel to one million inhabitants of the Northern Gaza Strip to move away from their homes cannot possibly constitute a warning required (unless circumstances do not permit) by IHL, because such warning must concern an attack directed at a determined military objective and the entire northern Gaza Strip cannot possibly constitute a military objective. None of those violations by one side can justify those committed by the other.³⁷

Amidst scholarly debates, at the end of December 2023, South Africa accused Israel of violating the Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention). It applied to the International Court of Justice (ICJ/the Court). South Africa asked the ICJ to order provisional measures to suspend its military operations in and against Gaza. The ICJ, on 26 January 2024, decided that Israel must, in pursuance of its obligations under the Genocide Convention, take all measures within its power to prevent killing members of the group, causing serious bodily or mental harm to members of the group; physical destruction of the group in whole or in part; and any measures intending to prevent births within the group.³⁸ The situation in Gaza after the

October Attack on the Jabalia Refugee Camp’ (*EJIL: Talk! Blog of the European Journal of International Law*, 8 November 2023) <https://www.ejiltalk.org/in-defence-of-preliminary-assessments-proportionality-and-the-31-october-attack-on-the-jabalia-refugee-camp/?utm_source=mailpoet&utm_medium=email&utm_campaign=ejil-talk-newsletter-post-title_2> accessed 5 December 2024.

³⁶ Raphael Van Steenberghe, ‘A plea for a right of Israel to self-defence in order to restrict its military operations in Gaza: when jus ad bellum comes to the aid of jus in bello’ (*EJIL: Talk! Blog of the European Journal of International Law*, 16 November 2023) <https://www.ejiltalk.org/a-plea-for-a-right-of-israel-to-self-defence-in-order-to-restrict-its-military-operations-in-gaza-when-jus-ad-bellum-comes-to-the-aid-of-jus-in-bello/?utm_source=mailpoet&utm_medium=email&utm_campaign=ejil-talk-newsletter-post-title_2> accessed 28 November 2023.

³⁷ IHL in the paragraph stands as International Humanitarian Law. Marco Sassòli, ‘Israel – Hamas 2023 Symposium – Assessing The Conduct of Hostilities in Gaza – Difficulties and Possible Solutions’ (*Lieber Institute West Point*, 30 October 2023) <<https://lieber.westpoint.edu/assessing-conduct-hostilities-gaza-difficulties-possible-solutions/>> accessed 28 November 2023.

³⁸ International Court of Justice, ‘Application of the Convention on the Prevention

provisional measure decision of the ICJ deteriorated, and South Africa issued another provision measure, which was ordered on 28 March by the ICJ. The Court, in its provisional measure decision, not only stressed the vital importance of essential services and humanitarian assistance for Palestinians but also ordered: “*with immediate effect that [Israel’s] military does not commit acts which constitute a violation of any of the rights of the Palestinians in Gaza as a protected group under the [Genocide Convention].*”³⁹ It is essential to add that not only the ICJ but also the International Criminal Court (ICC) has been investigating the war crimes that Israel has committed. On March 3, 2021, the Prosecutor of the ICC announced the opening of the investigation into the situation in the State of Palestine.⁴⁰ War crimes here should be considered not only against civilians but also UNRWA staff, doctors, and journalists. Since the start of the latest bombardment of Israel on October 2023, many journalists have been killed, including independent videographer journalist working for Agence France Presse (AFP) Moustafa Thuraya and Al Jazeera journalist Hamza Waël Dahdouh. Reporters Without Borders (RSF) filed complaints with the ICC, and the office of prosecutor Karim Khan assured the organisation that crimes against journalists are included in its investigation into Palestine.⁴¹

As is seen, the legal battlefield in the international arena continues to end Israeli crimes amounting to genocide. In between dialogues and the international courts’ interference, there is only one Agency that has continued to support Palestinians not only since October 2023 but also before that date -throughout Palestine’s ongoing agony-. On 8 December 1949, in response to Palestinians’ continuing battle over Palestinian territories and their statelessness, the United Nations (UN) created the United Nations Relief and Works Agency for Palestine Refugees (UNRWA). The UNRWA was established after World War II, like another agency, the United Nations High Commissioner for Refugees (UNHCR). To be precise, UNRWA was born after the Arab – Israeli war of 1948. Its mandate was designated by the General Assembly of the United Nations (UNGA) Resolution 302(IV) of 8 December 1949. According to this resolution, UNRWA has a mission

and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)’ 26 January 2024 <<https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-sum-01-00-en.pdf>> accessed 7 May 2024.

³⁹ International Court of Justice, ‘Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)’ 28 March 2024 <<https://www.icj-cij.org/node/203847>> accessed 8 May 2024.

⁴⁰ International Criminal Court, ‘State of Palestine Situation in the State of Palestine ICC-01/18’ <<https://www.icc-cpi.int/palestine>> accessed 8 May 2024.

⁴¹ Reliefweb, ‘RSF secures inclusion of crimes against journalists in ICC investigation into Palestine’ 10 January 2024 <<https://reliefweb.int/report/occupied-palestinian-territory/rsf-secures-inclusion-crimes-against-journalists-icc-investigation-palestine>> accessed 8 May 2024.

to carry out direct relief and works programmes and “consult with interested Near Eastern governments concerning measures to be taken in preparation for the cessation of international assistance for relief and works projects”.⁴² It was decided that if Palestinian refugees received aid from UNRWA, they would be excluded from the protection of the Convention Relating to the Status of Refugees (1951 Refugee Convention).⁴³ We understand this exclusion from the language of Article 1D of the 1951 Refugee Convention.⁴⁴

To clarify, Article 1 of the 1951 Refugee Convention first defines the refugee as a term of art, and under the same provision -1D-, it sets forth the “exclusion clause”. The 1951 Refugee Convention explains the status of a refugee under Article 1A as follows:

...owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

The 1951 Refugee Convention further stresses the conditions in the provision of 1D, which would exempt persons from the Convention’s protection realm if they “are at present receiving [protection] from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance”.⁴⁵ As was mentioned in the introduction of this article, UNRWA’s areas of operation are limited to Jordan, Lebanon, Syria, the West Bank (including Jerusalem East), and Gaza. Therefore, the very existence of UNRWA serves the purpose of maintaining the following aspects:

[C]ontinuity of protection and assistance for Palestinian refugees whose refugee character has already been established and recognized

⁴² Bocco (n 6) 231.

⁴³ 1951 Refugee Convention (n 22) art 1D.

⁴⁴ Article 1D of the 1951 states the following:

This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention.

⁴⁵ ibid article 1D.



by various United Nations General Assembly resolutions in circumstances where that protection or assistance has ceased in accordance with the “inclusion clause” contained in the second paragraph of Article 1D.⁴⁶

Statute of the Office of the UNHCR article 7(c), in a similar fashion, sets forth the following: “*Provided that the competence of the High Commissioner as defined in paragraph 6 above shall not extend to a person [w]ho continues to receive from other organs or agencies of the United Nations protection or assistance*”.⁴⁷ The regulations were designed to avoid a competence overlap between UNRWA and UNHCR.⁴⁸

As mentioned earlier, the purpose of the provisions is to secure the ones whom UNRWA protects. Palestinians who benefit from this protection and meet the conditions to be refugees cannot access protection stemming from refugee status under the 1951 Refugee Convention article 1A. This concern has been a subject of debate in the doctrine because it has been contested that UNRWA’s existence possibly creates a loophole for Palestinians’ protection.⁴⁹ We can explain this point of view by focusing on Siraj Sait’s argument.

Siraj Sait explains that Palestinians have been skilfully kept out of the 1951 Refugee Convention’s domain.⁵⁰ In time, with the effect of the 9/11 attacks, the whole perspective regarding the Palestinian cause has shifted. To be more

⁴⁶ UN High Commissioner for Refugees (UNHCR), ‘Note on UNHCR’s Interpretation of Article 1D of the 1951 Convention relating to the Status of Refugees and Article 12(1) (a) of the EU Qualification Directive in the context of Palestinian refugees seeking international protection’, May 2013 <<https://www.refworld.org/policy/legalguidance/unhcr/2013/en/41179>> accessed 7 May 2024. Further see Bríd Ní Ghráinne, ‘Article 1D of the 1951 Refugee Convention and Internally Displaced Persons’, *Internally Displaced Persons and International Refugee Law* (Oxford, 2022; online edn, Oxford Academic, 17 Nov. 2022) <<https://doi.org/10.1093/oso/9780198868446.003.0006>> accessed 7 May 2024.

⁴⁷ Statute of the Office of the United Nations High Commissioner for Refugees (UNHCR Statute), UNGA res 428 (V), 14 December 1950, annex, art 7(c).

⁴⁸ Brenda Goddard, ‘UNHCR and the International Protection of Palestinian Refugees’ (2009) 28 *Refugee Survey Quarterly* 2-3, 475-510.

⁴⁹ Sibel Safi, ‘Mülteci Hukukunda Uluslararası Koruma Dışında Bırakma ve Çocuk Askerlerin Durumu’ (2020) 28 *Selçuk Law Review* 1, 5. Regarding the relevant discussions on the exclusion clause of the 1951 Refugee Convention and the components of refugee status, see Sibel Safi, *Mülteci Hukuku* (Legal Yayıncılık, 2. Baskı, 2023). Further see Tevfik Odman, *Tarihsel Gelişim Sürecinde Güncelleştirilmiş Mülteci Hukuku (Dünya’da ve Türkiye’de İlticanın Gelişim Süreci)* (Yetkin Yayınları, 2020), 53-55.

⁵⁰ Siraj Sait, ‘International Refugee Law: Excluding the Palestinians’ in John Strawson (ed) *Law after Ground Zero* (Routledge, 2017), 90.

precise, today, secular communities in Western liberal democracies find the Holocaust still fresh for them; Palestinian militancy, therefore, sits at the other end of the spectrum of the victim/perpetrator paradox—Palestinian militancy in the eyes of the Western powers resembles Islamist terrorism in association with 9/11.⁵¹ Apart from the terrorism-related hesitations, the emergence of the 1951 Refugee Convention and the removal of Palestinians from the Convention's protection scope, international law created a 'protection gap'⁵² and marginalised Palestinians through a "*combination of myths, conditionalities and strategies*".⁵³ As Sait expands his evaluation, UNRWA's definition stands as an "operational definition" enabling Palestinians to access its services. Besides, the 1951 Refugee Convention does not contain any provision regarding refugees' right to return. The reason for Sait's approach lies in the UNRWA's definition of Palestinian refugee: "*persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict.*" This definition leaves us with the question what happens to those who did not register with UNRWA or the ones who lost their registration as a result of changed status?⁵⁴ That being said, the Refugee Convention singled out Palestinians from its protection realm. This way, Palestinians are isolated in a system where their only haven has always been and will stay as UNRWA.

On the other hand, the 1951 Refugee Convention Article 1D brings about another exception to its established exemption by stating that when such protection or assistance being received from another agency "*has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention.*"⁵⁵ As clarified in the following paragraphs, this article analyses this exceptional situation when and if UNRWA's protection has ceased to exist for asylum applicants, for instance, from the Gaza Strip, in this particular scenario.

⁵¹ Omar Shahabudin McDoom, 'How Unique is the Israel-Palestine Conflict?' (*LSE Middle East Centre Blog*, 11 August 2023) <https://eprints.lse.ac.uk/120973/1/mec_2023_11_8_how_unique_is_the_israel_palestine_conflict.pdf> accessed January 11, 2024.

⁵² See Michael Kagan, 'Is There Really a Protection Gap? UNRWA's Role Vis-À-Vis Palestinian' (2009) 28 *Refugee Survey Quarterly* 2-3, 511-530; Damian Lilly, 'UNRWA's Protection Mandate: Closing the 'Protection Gap' (2018) 30 *International Journal of Refugee Law* 3, 444-473; Susan M Akram, 'Closing Protection Gaps: Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Convention' (2015) <<https://scholarship.law.bu.edu/books/19>> accessed 10 May 2024.

⁵³ Sait (n 50) 91.

⁵⁴ Sait (n 50) 97.

⁵⁵ 1951 Refugee Convention (n 22) art 1D.



2. The Opinion of Advocate General Emiliou for C-563/22 of the European Court of Justice

In this case, persons subject to the events, SN and LN, were stateless persons of Palestinian origin. They used to live in the Gaza Strip and were registered with UNRWA. After leaving the Gaza Strip in 2018, they stayed in Egypt and Türkiye for seven months. Later, they were transited through Greece undocumented and entered Bulgarian territory with KN, SN's husband and LN's father. At first, they sought asylum in Bulgaria, and for the second time, their applications for international protection were rejected by the Bulgarian authorities. By decision of 5 July 2019, the State Agency for Refugees, Bulgaria (the DAB) rejected SN and LN's applications for international protection by stating that SN and LN had not faced a real risk of persecution, including torture, inhuman or degrading treatment, death penalty, execution, or other serious threats. They also were not at risk of facing life-threatening hazards if they were to return to the Gaza Strip. Finally, the Chairperson of the DAB stated that SN and LN could have stayed in Egypt or Türkiye and that they had come to Bulgaria only to benefit from better economic conditions.⁵⁶

On 21 August 2020, SN and LN again applied for international protection at the DAB Interviewing Body. SN and LN submitted evidence proving that they were registered with UNRWA. They argued that they must be granted refugee status in application of the *lex specialis* according to article 12(1)(a) of Directive 2011/95/EU.⁵⁷ Under that provision, they were *ipso facto* entitled to refugee status because UNRWA's protection or assistance concerning them had to be regarded as having 'ceased'.⁵⁸ Article 40(1) of Directive [2013/32]] regulates "*the safety of the applicant in his or her country of origin*", and Article 12(1) (a) of Directive 2011/95 clarifies exclusion from refugee status. In practice, the mentioned exclusion clause applies only to stateless persons of Palestinian origin who have availed themselves of the protection or assistance of UNRWA.⁵⁹ Thus, to be considered deserving of the protection, one must not receive protection from the UNRWA, as mentioned earlier.

SN claimed that the situation in the Gaza Strip had been highly challenging regarding job opportunities, for instance. The unemployment ratio was high, the curfew had been on the scene, and schools were closed. SN also explained that her family home was destroyed by missiles on account, which left them with no choice but to relocate for two years.⁶⁰ As a side note, the report of the Special Rapporteur on the situation of human rights in the Palestinian territories

⁵⁶ Advocate General's Opinion in Case C-563/22 (n 16) para 20.

⁵⁷ Advocate General's Opinion in Case C-563/22 (n 16) para 2.

⁵⁸ Advocate General's Opinion in Case C-563/22 (n 16) para 22.

⁵⁹ Advocate General's Opinion in Case C-563/22 (n 16) para 37.

⁶⁰ Advocate General's Opinion in Case C-563/22 (n 16) para 24, 25.

occupied since 1967 also mentions the same issues described by SN. The Special Rapporteur's report carries importance in confirming on the UN level that Palestinian people have suffered from several problems, including collective punishment of Palestinian people, the continued expansion of Israeli settlements, the increase in settlers' violence, the detention of Palestinians, the use of settlement products; Israel's planned annexation of parts of the Palestinian West Bank; the situation of Human Rights Defenders and the impact of the COVID-19 pandemic.⁶¹ The same report in paragraph 19 emphasises that Israeli occupation has for decades continued to impose conditions on the ground that entail serious human rights violations against Palestinians. The planned annexation by Israel will continue to affect millions of Palestinians living in the occupied West Bank and the Jordan Valley. Hundreds of thousands of Palestinians will face forcible displacement, leading to the statelessness of many. The special rapporteur describes the outcome of such an annexation as entrenching a two-tier system that puts people in a disadvantaged situation. Cogitating in the Jordan Valley, for example, Palestinian people already had suffered discrimination and neglect.⁶²

By decision of 14 May 2021, the Deputy Chairperson of the DAB rejected SN and LN's subsequent applications, considering the existence of new elements and evaluating the relevance of those elements to their situation.⁶³ Adding to this, the Deputy Chairperson of the DAB did not see that the applicants directly experienced a personal threat that would amount to persecution, which stands as a must to apply for international protection. The Deputy Chairperson of the DAB further stated that SN and LN had benefited from UNRWA's protection, but they decided to leave it behind voluntarily. In the meantime, the Deputy Chairperson of the DAB did not foresee that, in a scenario, once SN and LN return to the Gaza Strip, they would not benefit from UNRWA's protection or assistance.⁶⁴ SN and LN challenged that decision before the Administrative Court, Sofia, by bringing out the non-refoulement principle.⁶⁵

The Administrative Court, Sofia, pointed to the European Parliament resolution of 19 April 2018 on the situation in the Gaza Strip and the UNHCR Position on Returns to Gaza of March 2022. Both documents state "*serious allegations of infringements of international human rights law and of ongoing instability*".⁶⁶

⁶¹ Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 'Situation of human rights in the Occupied Palestinian Territory, including East Jerusalem, with a focus on collective punishment' (A/HRC/44/60, 15 June – 3 July 2020).

⁶² *ibid* para 19.

⁶³ Advocate General's Opinion in Case C-563/22 (n 16) para 26.

⁶⁴ Advocate General's Opinion in Case C-563/22 (n 16) para 27.

⁶⁵ Advocate General's Opinion in Case C-563/22 (n 16) para 28.

⁶⁶ Advocate General's Opinion in Case C-563/22 (n 16) para

The Administrative Court, Sofia, further merged its enquiry by taking into account the undignified living conditions in Gaza and the non-refoulement principle and referred the case to the CJEU for it to resolve whether SN and LN would find themselves in extreme material poverty if they were forced to return to the Gaza Strip.⁶⁷ The Administrative Court, Sofia, also added another layer to its enquiry by asking “*whether UNRWA’s protection or assistance must be regarded as having ‘ceased’, within the meaning of Article 12(1)(a) of Directive 2011/95*”.⁶⁸

Indeed, the situation in Gaza has changed since the first application of SN and LN for international protection. The conflict in the Gaza Strip has reached a point where no one should be asked to submit evidence about their circumstances in the face of ongoing conflict, where inhumane living conditions are reaching the limits of persecution.⁶⁹ Besides dire circumstances in the Gaza Strip, first, we need to understand that irrespective of the situation and the level of persecution, states are under the obligation of non-refoulement once they encounter an asylum claim. International legal regulations and relevant court decisions also tell us that “*people at a border crossing seeking protection must be allowed to enter to have their needs assessed*”.⁷⁰ The non-refoulement principle sets forth the best possible option for people needing protection: not overturning their demand to be accepted as refugees into the state’s territories being on the receiving end.⁷¹ Depriving them of the opportunity to seek asylum is contrary to the existence of the international refugee law regime. The UNHCR Executive Committee conclusions⁷² and the *N.D. and N.T. v. Spain*⁷³ judgement

⁶⁷ Advocate General’s Opinion in Case C-563/22 (n 16) para 32

⁶⁸ Advocate General’s Opinion in Case C-563/22 (n 16) para 30.

⁶⁹ The Advocate General, in his opinion, also states that for people living in the Gaza Strip, where the level of insecurity and the living conditions have been changing rapidly, especially since the events that have taken place there since 7 October 2023, precise and up-to-date information as to the general situation currently prevailing in that area must be taken into account, in addition to the reasons that led such persons to leave it in the first place. Advocate General’s Opinion in Case C-563/22 (n 32) para 64.

⁷⁰ Jane McAdam and Guy S Goodwin-Gill, ‘Israel – Hamas 2023 Symposium – Refugee Law’ (*Lieber Institute Articles of War*, 17 November 2023) <https://lieber.westpoint.edu/refugee-law/?mc_cid=78a574bca5&mc_eid=0cd57908d5> accessed December 25, 2023.

⁷¹ Nell Gabiam, ‘Palestinians and Europe’s ‘Refugee Crisis’ Seeking Asylum in France in the Wake of the Syrian War’ (2022) 34 *Journal of Refugee Studies* 2, 1329.

⁷² UNHCR Executive Committee Meetings, ‘Protection of Asylum-Seekers in Situations of Large-Scale Influx No. 22 (XXXII) – 1981, Executive Committee of the High Commissioner’s Programme’ <<https://www.unhcr.org/au/publications/protection-asylum-seekers-situations-large-scale-influx>> accessed 13 December 2023.

⁷³ *ND and NT v Spain*, App Nos 8675/15 and 8697/15 (13 February 2020, ECtHR).

of the European Court of Human Rights (ECtHR) are the straightforward legal extensions of this deduction.

UNRWA's protection and whether it has ceased to exist for an individual in case of an application for refugee status ultimately must be linked with the concern about the dignified living conditions in the Gaza Strip without considering the applicant's circumstances. Palestinian people must rely on international humanitarian aid for survival because of the complete siege in Palestine. Considering extreme economic sanctions and embargoes, i.e., on Iraq, Iran, and Cuba, we should understand that sieges and economic warfare contribute to *"the destruction of infrastructure and the impoverishment of the affected population"*.⁷⁴ In Palestinian territories, especially in Gaza, the population has been trapped in an area that hinders their ability to live a complete life.

Refugees are human beings. Thus, the logic is simple. Humans flourish under conditions where they can experience themselves as effective social agents. As agents, they should be allowed to make choices; they need to plan their futures. In that way, they seek ways to shape their social environment sporadically and organically.⁷⁵ Full support to an individual and a group at large happens through the following means: access to housing, health, welfare systems, education, training, employment, and political membership. Thus, considering the Palestinian stateless refugees in the Gaza Strip, they have no means to maintain a dignified living, which can be clarified further concerning the difficulties UNRWA has been facing in terms of protection of both civilians and its staff and receiving financial aid from donor states.

As the Advocate General refers in para 39 about Advocate General Sharpston's Opinion in the Bolbol case, after the Israeli–Arab conflict of 1948, intending to, among other things, prevent a mass exodus from the geographical area which used to be Palestine *"continued to receive effective protection or assistance until their position had been definitively settled following the relevant resolutions of the General Assembly of the United Nations"*.⁷⁶ Thus, UNRWA's effective existence is essential. Advocate General in para 62 elaborates that the cessation of UNRWA's protection or assistance happens first if the Agency ceases to exist. Second, the person concerned finds themselves in a position to leave unconnected with their will in that direction. For example, the UNRWA should be able to guarantee that people will have dignified living conditions under its mandate, which will also prevent forcible movement. As Advocate General states in para 75, the exclusion clause designed to include Palestinian refugees *"can no*

⁷⁴ Theresa Farhat and et al, 'Responding to the Humanitarian Crisis in Gaza: Damned if You do... Damned if You don't!' (2023) 89 Ann Glob Health 1.

⁷⁵ Aleinikoff and Owen (n 21) 468.

⁷⁶ Advocate General's Opinion in Case C-563/22 (n 16) para 39.

longer be justified if UNRWA's failure to ensure the satisfaction of those basic needs results in them being exposed to treatment incompatible with Article 4 of the Charter".⁷⁷

In the Gaza Strip, where UNRWA operates, as the Advocate General expresses in his opinion in para 81, people experience systemic deficiencies “because of an armed conflict or a military blockade or, to use the terms of the referring court, an ‘unprecedented humanitarian crisis’”.⁷⁸ Thus, anyone in the Gaza Strip faces extreme material poverty that does not allow them to meet their most basic needs -food, personal hygiene, and a roof that will be a shelter for them.⁷⁹ Therefore, as the Advocate General concludes, there is no need to prove that living conditions in Gaza are undignified. However, in para 38, the Advocate General highlights that if UNRWA’s protection or assistance can be considered to have ‘ceased’, refugee status is not automatically granted. The national authorities must still verify that the persons concerned do not fall within the scope of any of the grounds for exclusion. The Advocate General states that the 1951 Refugee Convention and 1967 Protocol require a person to be considered a refugee to have already been displaced from their country. In each scenario, displacement must occur because of a well-founded fear of persecution due to race, religion, nationality, membership in a particular social group, or political opinion.

Suppose in the scenario we accept that a country considers UNRWA’s protection mission to have ceased once it takes up an asylum claim submitted by a Palestinian stateless refugee whose status has been first identified by UNRWA. This result brings us to this Article’s final question. Then, in real-life circumstances, can Palestinians seek protection elsewhere? We should consider two possibilities to answer the problem in the previous sentence.

First, upon the acceptance of the UNRWA’s protection deficiency for the applicant by the receiving state, in an ideal world, the applicant should be able to receive refugee status from the state in question and enjoy the benefits of being a refugee. However, initially, to reach a destination state, Palestinians should be able to leave the Gaza Strip. Suppose Palestinians can escape from Gaza through one of the seven passages. In that case, they may encounter further hectic issues, including the likelihood of evacuation of Palestinians from Palestinian territory, where they may never go back.⁸⁰

⁷⁷ Advocate General’s Opinion in Case C-563/22 (n 16) para 75.

⁷⁸ Advocate General’s Opinion in Case C-563/22 (n 16) para 81.

⁷⁹ Advocate General’s Opinion in Case C-563/22 (n 16) para 81.

⁸⁰ Kelsey P Norman and Nicholas R Micinski, ‘Why Won’t Egypt Accept Palestinians?’ (*Inkstick*, 20 October 2023) <<https://inkstickmedia.com/why-wont-egypt-accept-palestinians/>> accessed 6 December 2023.

Second, the issue arises for states where stateless Palestinians are already under their jurisdiction. Considering the European Union countries' asylum policies, Palestinians would face particular difficulties in obtaining refugee status, even if these states opt the UNRWA out of the equation. The mentioned difficulties stem from already existing racial borders, Islamophobia and terrorism-related fears that have been on the rise after the 9/11 attacks. Thomas Gammeltoft-Hansen establishes that in the face of politicised asylum practices, many countries have adopted procedural and physical deterrence mechanisms to prevent refugees from accessing protection.⁸¹ On the other hand, geographically speaking, if Palestinians seek protection - from Arab nations, they may face harsh border measures and experience difficulties in integration into the Arab states.

The two aspects of Palestinians' protection matter by a state and their departure from oPt and states' legal responsibilities for collaboration and protection of refugees under international law are analysed in the following two parts of this Article.

3. Possibilities of Seeking Protection Elsewhere for Palestinians

One may ask to what extent a non-refugee person may easily assume the needs of a refugee. After all, "*what is needed for refugees is probably best construed as rapid resettlement and political membership of a new state.*"⁸² UNGA, in its resolution, established the fundamentals of refugee protection as in the following:

[I]nternational protection of refugees is a dynamic and action-oriented function that is at the core of the mandate of the Office of the High Commissioner and that it includes, in cooperation with States and other partners, the promotion and facilitation of, among other things, the admission, reception and treatment of refugees in accordance with internationally agreed standards and the ensuring of durable, protection-oriented solutions, bearing in mind the particular needs of vulnerable groups and paying special attention to those with specific needs, and notes in this context that the delivery of international protection is a staff-intensive service that requires adequate staff with the appropriate expertise, especially at the field level.⁸³

⁸¹ Thomas Gammeltoft-Hansen, 'International Refugee Law and Refugee Policy: The Case of Deterrence Policies' (2014) 27 *Journal of Refugee Studies* 4, 574-595.

⁸² Aleinikoff and Owen (n 21) 470.

⁸³ Office of the United Nations High Commissioner for Refugees. Resolution adopted by the General Assembly on 24 January 2008 [on the report of the Third Committee (A/62/431)], para 14.

In implementing the UNGA's approach, as Galagher outlines, there are three main ways to protect refugees. The first stands with links to the first country of asylum where refugees can be locally integrated. The second option is repatriation to the country of origin. The third is resettlement; a safe third-country alternative must be considered.⁸⁴ Drawing from such an assessment of Galagher, Palestinians' protection requires both long-term and short-term solutions that will direct us to immediate relief and assistance for people in dire, life-threatening circumstances. Safe zones, for instance, might provide immediate relief for Palestinians' protection at times of armed conflict. Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) states that the safe zones are established "*if the need arises, in occupied areas, ... to protect from the effects of war...*".⁸⁵ Safe zones serve two purposes in opposite directions: "*to prevent the refugees crossing the border by providing a safe space within their countries of origin, and to facilitate the return of refugees who have already crossed the border*".⁸⁶ Thus, the safe area is "*a confined geographical space within a conflict zone in which at least one external actor or all belligerent parties effectively guarantee protection for civilians from a threat of conflict-related physical violence*".⁸⁷ Having this legal aspect can make us realise that, in practice, it is almost impossible to maintain a safe zone area for Palestinians. It was reported that Israel designated Gaza's main north-south route – Salah al-Din Street – as a safe corridor. Yet since then, in Gaza's main road artery, "*Palestinians have been randomly bombed, executed, forcibly disappeared, tortured and humiliated*".⁸⁸

Maintaining safe zones would be more viable for Palestinian refugees. On the other hand, retrieving safe routes is another solution for accessing immediate relief that can open the door to long-term solutions. After all, Aleinikoff and Owen assume that "*what is needed for asylum refugees is probably best construed as*

⁸⁴ Dennis Galagher, 'Durable Solutions in a New Political Era' (1994) 47 *Journal of International Affairs* 2, 429-450.

⁸⁵ Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287.

⁸⁶ Birce Demiryontar and Ahmet İcduygu, 'The politics around safe zones: a comparative perspective on return to Northern Syria' (2023) 44 *Third World Quarterly* 8, 1754-1769.

⁸⁷ Robin Hering, 'Safe areas for the protection of civilians. An overview of existing research and scholarship' (2020) 9 *Z Friedens und Konflforsch*, 283- 303.

⁸⁸ Nicola Perugini, 'Safe zones: Israel's technologies of genocide' (*Al Jazeera*, 6 January 2024) <<https://www.aljazeera.com/opinions/2024/1/6/safe-zones-israels-technologies-of-genocide>> accessed 23 January 2023.

rapid resettlement and political membership of a new state.”⁸⁹ However, safe routes can only happen if bordering countries lift entry restrictions for individuals fleeing the conflict and ensure access to protection. Allowing safe passage between nations opens doors for humane asylum. Humane asylum primarily includes medical evacuation, family reunions, and refugee protection visas.⁹⁰

In consideration of the neighbouring states,⁹¹ as Oroub El-Abed comments in an article published in 2009, Palestinians in Egypt were unprotected under international law and Arab League protocols. As he explains, issues related to Palestinians should be resolved per UN General Assembly Resolution 194(III), which formulates possible solutions based on repatriation or compensation rather than settling Palestinians in Arab nations. Arab Nations supported this idea because of their firm belief that the issues Palestinians and neighbouring states were facing occurred as a result of Western States’ support of Israel. Thus, it should be the Western States that need to pursue options for Palestinians’ protection.⁹²

Indeed, it seems that Arab nations’ approaches have not changed. For example, Sameh Shoukry commented in 2023 about the conflict in the Gaza Strip by stating, *“I see no reason why Egypt, which is hosting 9 million refugees — hosting them and providing their integration into our society at considerable burden on our economy — should have to bear solely [the] additional influx of Gazans.”*⁹³ Egypt has not been willing to open its borders to Palestinian refugees and has

⁸⁹ Aleinikoff and Owen (n 21) 470.

UN General Assembly Resolution 302, in paragraph 5, states the following: Recognises that, without prejudice to the provisions of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948, continued assistance for the relief of the Palestine refugees is necessary to prevent conditions of starvation and distress among them and to further conditions of peace and stability, and that constructive measures should be undertaken at an early date with a view to the termination of international assistance for relief. UN General Assembly, ‘General Assembly Resolution 302 Assistance to Palestine Refugees A/RES/302 (IV)’ 8 December 1949, para 5 <<https://www.unrwa.org/content/general-assembly-resolution-302>> accessed 23 January 2023.

⁹⁰ OCHA Reliefweb, ‘OCHA Reliefweb, Safe passage for people impacted by the violence in Israel and Palestine’ (23 November 2023) <<https://reliefweb.int/report/occupied-palestinian-territory/safe-passage-people-impacted-violence-israel-and-palestine>> accessed November 25, 2023.

⁹¹ For a detailed analysis also see Jinan Bastaki, (2017) 8 ‘The Legacy of the 1951 Refugee Convention and Palestinian Refugees: Multiple Displacements, Multiple Exclusions’, Berkeley J. of Middle Eastern & Islamic Law 1, 1-21.

⁹² Oroub El-Abed, ‘The Palestinians in Egypt: Identity, Basic Rights and Host State Policies’ (2009) 28 Refugee Survey Quarterly 2/3, 535.

⁹³ Lee Ying Shan, ‘Egypt does not see why country should ‘bear solely’ the responsibility for Gaza’s refugee influx’ (CNBC, 18 October 2023) <<https://www.cnbc.com/2023/10/18/egypt-does-not-see-why-it-should-be-responsible-for-gazas-refugee-influx.html>> accessed 13 December 2023.

not allowed the establishment of Palestinian refugee camps on its land. Egypt is a country neighbouring the Gaza Strip that is facing geopolitical and moral dilemmas,⁹⁴ but its stance does not seem promising.

On the other hand, according to the UNRWA, there are more than 2 million registered Palestine refugees in Jordan, and many of them have full citizenship. There are ten official and three unofficial camps. Other refugees live near the camps.⁹⁵ One study explains that, in Shiblak's view, in 1996, Jordan was the only country among many that had integrated Palestinians into Jordanian society. It happened because refugees were treated within the national legal framework regarding freedom of movement and the right to work.⁹⁶ Amidst the ongoing conflict, however, recently, Jordan's Prime Minister Bisher al Khasawaneh explained that peace with Israel remained a strategic choice. Any push to drive Palestinians to the Kingdom, he added, "would pose an 'existentialist' threat", as Khasawaneh supports the idea of a two-state solution.⁹⁷

Turning our attention to Lebanon, until 1958, Palestinian refugees' stay in the country was seen as temporary; thus, their presence was mainly welcomed by the Lebanese population. Following the Lebanese Turmoil of 1958, the Army's Intelligence Bureau and the police began to control the camps, causing restrictions for Palestinians in a variety of different aspects of their day-to-day lives.⁹⁸ As UNRWA reported, according to a 2017 headcount, nearly half of the Palestinian people lived in the country's 12 official Palestine refugee camps.⁹⁹ Further, according to the same UNRWA report, Palestine refugees in Lebanon

⁹⁴ Lorenzo Navone, 'Egypt's Rafah crossing is a lifeline to Palestinians living in Gaza – but opening it is still unresolved' (*The Conversation*, 16 October 2023) <<https://theconversation.com/egypts-rafah-crossing-is-a-lifeline-to-palestinians-living-in-gaza-but-opening-it-is-still-unresolved-215718>> accessed 28 November 2023.

⁹⁵ United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), 'Where We Work' <<https://www.unrwa.org/where-we-work/jordan>> accessed December 13, 2023.

⁹⁶ Changrok Soh, Yoonjeong You and Youngsoo Yu, 'Once Resolved, Stay Resolved? The Refuse Policy of Jordan toward Palestinian Refugees' (2016) 23 *Journal of International and Area Studies* 1, 1-16.

⁹⁷ 'Jordan's PM says peace with Israel remains strategic choice despite Gaza war' (*Reuters*, 16 January 2024) <<https://www.reuters.com/world/middle-east/jordans-pm-says-peace-with-israel-remains-strategic-choice-despite-gaza-war-2024-01-16/>> accessed January 23, 2023.

⁹⁸ Perla Issa, 'Palestinian Refugees in Lebanon A Vulnerable Yet Vibrant Community' *The Interactive Encyclopedia of the Palestine Question* <<https://www.palquest.org/en/highlight/6590/palestinian-refugees-lebanon>> accessed 7 February 2024.

⁹⁹ UNRWA, 'Protection brief Palestine refugees living in Lebanon' (September 2020) <https://www.unrwa.org/sites/default/files/20-09-28_lfo_context_protection_brief_2020_final83.pdf> accessed 7 February 2024.

could not access means to enjoy their fundamental human rights. Palestinians in Lebanon have been socially marginalised to the point that their ability to reach civil, social, political and economic rights, including the right to work and the right to own property, have been restricted.¹⁰⁰

Along with Arab states, if we add European states to the equation, we also need to look at the approach of European states towards the Palestinian–Israeli conflict. Over the years, the international community has witnessed a divided Europe. On one hand, the EU supported the peace agreements. However, in the face of the second Intifada from 2000 to 2006, the 2006 war between Israel and Hezbollah, and Israel’s occupation of Palestinian territories– the EU Member States have not made it obvious if they acknowledge the Palestinians’ struggle under Israel’s dominance.¹⁰¹ If we make a reality check beyond European leaders’ approach towards Palestinians, we first must reflect on European states’ stance in migration-related matters in general. Since the beginning of the Syrian armed conflict, rising refugee movements over the Mediterranean Sea and continuing unsettled troubles arising not only in the Middle East but also in African states leading to persecution have paved the way for externalisation in asylum policies of the EU states. For example, the United Kingdom’s refugee deal with Rwanda, Italy’s conservative prime minister Giorgia Melony’s strict asylum plans and Greece’s persistent pushback practices have shown that Europe’s key figures and states are willing to adopt any strategy that will have a deterrence effect over current and prospected refugees. For example, ideally, societies are expected to find ways to understand that the financial or life challenges experienced in a country are not related to refugees. However, in some European countries, politicians tend to point at refugees in the face of rising economic or social challenges. Political negativity here is filled chiefly through artificial narratives stemming from racial borders and xenophobia towards refugees. As a result, “*refugees often encounter racialised migration controls and systems which privilege some refugees over others*”.¹⁰² Some European governments plan to send asylum seekers outside Europe to have their claims processed.¹⁰³

¹⁰⁰ *ibid.*

¹⁰¹ Maxime Lefebvre, ‘The EU and the Israeli-Palestinian conflict: many voices, no shared vision’ (*The Conversation*, 19 October 2023) <<https://theconversation.com/the-eu-and-the-israeli-palestinian-conflict-many-voices-no-shared-vision-215940>> accessed 23 January 2024.

¹⁰² Cathryn Costello and Michelle Foster, ‘(Some) refugees welcome: When is differentiating between refugees unlawful discrimination?’ (2022) 22 *International Journal of Discrimination and the Law* 3, 244-280.

¹⁰³ BBC, ‘Which other countries send asylum seekers overseas?’ (14 April 2022) <<https://www.bbc.com/news/uk-61106231>> accessed 7 February 2024.

In this scene, in which externalisation and deterrence are two key features dominating asylum policies of Europe, Palestinians may likely not find a haven in European states either.

But from a legal point of view, can states act on such discretion and turn their backs on one of the most vulnerable groups in the World?

4. States' legal responsibilities in protecting refugees and the clash between law and practice

The first step in protecting refugees requires states' collaboration and further safeguarding of refugees' rights in alignment with internationally agreed-upon standards. The question then becomes, what are the internationally agreed-upon standards that can guide states towards collaborating with other countries and implementing humane asylum procedures?

The New York Declaration on Refugees and Migrants (New York Declaration) was adopted by the UN General Assembly in 2016. The purpose of adopting such a declaration was to improve "*the way the international community responds to large movements of refugees and migrants.*"¹⁰⁴ As emphasised in the Declaration, the said response can be achieved by providing humanitarian aid, making the necessary legal regulations, and developing and strengthening legal regimes to protect immigrants and refugees. The New York Declaration led to the emergence and adoption of the Global Compact on Refugees (GCR).¹⁰⁵ The Global Compact on Refugees is a text that emerged with the idea of determining the need to protect refugees and producing solutions due to the gaps and deficiencies in legal regulations and implementation (perennial gap). These difficulties can be overcome not by establishing more legal rules but by a more robust, comprehensive and well-intentioned application of current laws

¹⁰⁴ UNHCR New York Declaration for Refugees and Migrants Answers to Frequently Asked <<https://globalcompactrefugees.org/sites/default/files/2019-12/New%20York%20Declaration-%20Frequently%20Asked%20Questions%20%282017%29.pdf>> accessed 10 June 2021."plainCitation": "UNHCR, 'The New York Declaration for Refugees and Migrants Answers to Frequently Asked Questions' <<https://globalcompactrefugees.org/sites/default/files/2019-12/New%20York%20Declaration-%20Frequently%20Asked%20Questions%20%282017%29.pdf>> accessed 10 June 2021.", "noteIndex": 517, "citationItems": [{"id": 338, "uris": [{"http://zotero.org/users/7868120/items/CXJWFNSG"}], "itemData": {"id": 338, "type": "document", "publisher": "UNHCR", "title": "The New York Declaration for Refugees and Migrants Answers to Frequently Asked Questions", "URL": "https://globalcompactrefugees.org/sites/default/files/2019-12/New%20York%20Declaration-%20Frequently%20Asked%20Questions%20%282017%29.pdf", "author": [{"literal": "UNHCR"}], "accessed": [{"date-parts": [{"2021", 6, 10}]}]}, {"schema": "https://github.com/citation-style-language/schema/raw/master/csl-citation.json"}]

¹⁰⁵ Office of the United Nations High Commissioner for Refugees, The Global Compact on Refugees (17 December 2018, A/RES/73/151).

and principles.¹⁰⁶ GCR addresses a long-standing gap in ensuring burden and responsibility sharing between states.¹⁰⁷ The mentioned gap refers to the equal distribution of responsibility in supporting refugees and providing the necessary means for running their asylum procedures.

Similarly, the 1951 Geneva Convention mentions the need to distribute equal responsibility among states. Recognising the right to asylum may impose a cumbersome burden on some countries, and the problem of equal distribution of responsibility can only be resolved satisfactorily with international cooperation.¹⁰⁸ In its 2005 final report, ExCom also underlined the importance of burden and responsibility sharing at all mentioned stages, including providing access to protection in addressing and facilitating durable solutions and responding to the needs of refugees.¹⁰⁹ It is vital to ensure a distribution of responsibilities to meet refugees' needs and respond to their asylum requests. However, the equal distribution in question causes a handicap. When discussing shared responsibilities, the language -distribution of the burdens that refugees bring- may create a negative perception towards them. A concept as a burden may lead to the misconception that refugees are commodities that can be distributed/divided and, therefore, should not be perceived as people whose opinions and wishes should be considered.¹¹⁰

How can equally sharing the responsibility to protect refugees be realised?

We shall look at the legal framework mentioned above to answer this question. At first, GCR as an agreement has necessary regulations to guide states and can be effective if implemented. However, the problematic point regarding states is that they must integrate the relevant principles into their legal rules and enforce them fairly. However, the GCR is not binding, and like other UN documents of its kind, the language of the Compact is structured to be voluntary, prioritising state will. On the other hand, GCR has several practical components. First, GCR established the Global Refugee Forum (GRF), a high-level forum of UN member states and other stakeholders that will meet every four years, starting in 2019. Second, the GRF has envisioned a new mechanism through which host countries can request to activate support platforms to address their specific challenges.

¹⁰⁶ Mehrdad Payandeh, 'The Concept of International Law in the Jurisprudence of H.L.A. Hart' (2010) 21 *European Journal of International Law* 4, 967-995.

¹⁰⁷ Volker Türk, 'The Promise and Potential of the Global Compact on Refugees' (2018) 30 *International Journal of Refugee Law* 4, 575-583.

¹⁰⁸ 1951 Refugee Convention (n 22) para 4.

¹⁰⁹ Executive Committee of the High Commissioner's Programme, 'General Conclusion on International Protection No. 102 (LVI)' (2005) <<https://www.refworld.org/docid/43575ce3e.html>> accessed 15 March 2023.

¹¹⁰ See Marnie Jane Thomson, 'The Invisible Burdens of Burden-Sharing' (2022) 4 *Front Hum Dyn*.



As is seen, GCR cannot provide an ideal solution for unequal distribution among states in accepting refugees. Another reason for this, as mentioned above, is that not only is becoming a party to GCR and complying with the stated principles optional, but the scope of its principles needs to be sufficiently specified. Therefore, implementing the accepted principles depends on the goodwill of the stakeholders.¹¹¹ GCR offers only second-best solutions that hold some promise for encouraging various stakeholders to contribute monetarily or otherwise to the collective global effort to address the refugee problem.

GCR is a document that produces solutions. However, an approach based on the voluntary action of states and in which accepting refugees is tied to their economic potential is doomed to fail. GCR encourages governments to provide labour mobility opportunities for refugees, including identifying refugees in third countries with the skills needed. As a result, most refugees worldwide are forced to seek asylum in developing countries. The few wealthy states that accept large numbers of refugees, such as Canada, Sweden and Germany, are doing so on an increasingly selective basis, forcing refugees to seek dangerous and often fatal routes to safety.¹¹² When a state uses physical force against refugees who have reached its border, it also controls its fate. When evaluating the application of a foreigner in need of asylum, the state in question determines the survival chance of that refugee with a pen rather than a gun. As a result, the two are similar in terms of the impact they create.¹¹³

Besides GCR, the responsibility of states to protect people was also adopted unanimously by the head of states at the 2005 UN World Summit (General Assembly resolution 60/1 (2005)). The 2005 UN World Summit's goal was to create a baseline for the states for the prevention of genocide and mass atrocities and protection of potential victims. The mentioned goals are based on fundamental principles, such as the principle of responsibility to protect. Accordingly, the principle of responsibility to protect has three elements: First, states must protect their populations from the crimes of genocide, war crimes, ethnic cleansing, crimes against humanity and incitement of these crimes; second, the international community has a responsibility to help a state fulfil its

¹¹¹ Katerina Linos and Elena Chachko, 'Refugee Responsibility Sharing or Responsibility Dumping?' 110 (2022) *California Law Review*, 907-909.

¹¹² Lama Mourad and Kelsey P Norman, 'The World Is Turning Its Back on Refugees' (*The Atlantic*, 24 December 2019) <<https://www.theatlantic.com/ideas/archive/2019/12/world-turning-its-back-refugees/604042/>> accessed 24 March 2023.

¹¹³ Matthew J Gibney, 'Beyond the bounds of responsibility: western states and measures to prevent the arrival of refugees' (2005) 22 *Global Migration Perspectives*, 157 <https://www.iom.int/sites/g/files/tmzbd1486/files/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/gcim/gmp/gmp22.pdf> accessed 7 February 2024.

responsibility to protect; third, where the state concerned has manifestly failed to protect its population against one or more international crimes, the international community has the responsibility to take timely and decisive action per the UN Charter.¹¹⁴ The principle of responsibility to protect generally relates to protecting civilians, drawing on international humanitarian, human rights and refugee laws. The doctrine of the responsibility to protect is built on the logic of protecting populations from widespread and systematic mass atrocities. The focus of the responsibility to protect is on preventing mass atrocities before they happen. For this purpose, providing international assistance and aptitude building to states to strengthen their internal protection capacities is among the main objectives of the responsibility to protect doctrine. In other words, according to the responsibility to protect, sovereign states primarily protect their populations from mass atrocities. However, if they fail to do so through incompetence or bad faith, it becomes the international community's responsibility to take appropriate action. It may also be necessary to use force against the state concerned, but only in extreme and exceptional cases and with the approval of the Security Council.¹¹⁵

In refugee protection, the Rabat Declaration should also be considered. During the high-level part of the Third Global Consultation on the Health of Refugees and Migrants, held between 13 and 15 June 2023, Ministers and government representatives adopted the Rabat Declaration to strengthen the global commitment to improving the health of refugees and migrants. Government representatives from 48 United Nations Member States attended the event, jointly organised by the Kingdom of Morocco, the World Health Organization (WHO), the International Organisation for Migration (IOM), the UN Migration Agency, the UN Refugee Agency and the UNHCR.¹¹⁶

As is established in this part, states are obligated to protect refugees. Palestinians, as stateless refugees, should be able to demand a dignified living; they should be able to leave for another state if the support and protection they are required to maintain a dignified life has ceased to exist. International law rules and regulations on state responsibility to protect exist because anyone breathing

¹¹⁴ Alex J Bellamy, 'The Responsibility to Protect—Five Years On' (2010) 24 Cambridge University Press Ethics & International Affairs 2, 143 <<https://www.cambridge.org/core/services/aop-cambridge-core/content/view/BBD6415977D60D6030182D04EF84D821/S0892679400006845a.pdf/the-responsibility-to-protectfive-years-on.pdf>> accessed 30 March 2023.

¹¹⁵ Naomi Kikoler, 'Responsibility to Protect' (Oxford University Refugee Studies Center, 2009), 3 <<https://www.rsc.ox.ac.uk/publications/responsibility-to-protect>> accessed 23 January 2023.

¹¹⁶ World Health Organization, 'Rabat Declaration Adopted to Improve Refugee and Migrant Health' (2023) <https://www.who.int/news/item/16-06-2023-rabat-declaration-adopted-to-improve-refugee-and-migrant-health?mc_cid=3547bdd524&mc_eid=0cd57908d5> accessed 19 June 2023.

in this World deserves protection. This means if one receives no protection from an already existing Agency, one must be able to get and receive that protection from somewhere else. Many states' asylum policies seem to disregard this basic understanding today.

Conclusion

The analysis of this article was designed to take a closer look at the October 2023 conflict and the consequences of the Israeli military operation on Gaza, resulting in questioning the protection capacity of the UNRWA. As the study reveals, such an enquiry requires a multi-faceted approach to understand the persecution that the Palestinians on the occupied territories and, in particular, the people of Gaza have been enduring. The analysis set forth that the October 2023 conflict stands as the continuation of an ongoing battle that Palestinians have been struggling with for decades. In their fight to raise their voices and claim their independence, Palestinians have been supported by the UNRWA as stateless refugees. The isolation of Palestinians by tying their protection with the UNRWA gave birth to another legal issue which plays around a scenario when and if the UNRWA loses its capacity to protect Palestinians. The 1951 Refugee Convention took the lead and stated that in such a scenario, Palestinians should seek protection elsewhere that would make them convention refugees eventually. Indeed, such concerns regarding Palestinians' status under international law, UNRWA's protection capacity, and the scope of the 1D of the 1951 Refugee Convention are not new. The goal of this article was to contribute to the scholarly analysis first by conveying that the UNRWA, as a result of Israeli persecution started on October 2023, has in many ways lost its capacity to protect Palestinians under its mandate. To prove the argument on whether UNRWA's protection capacity has ceased to exist, the article examined Advocate General Nicholas Emiliou's opinion. Second, in confirmation of the many scholars' view that still to this day, Palestinians are left alone and confined in Gaza and at the Rafah Border in the face of UNRWA's diminished protection mechanisms and amidst closed doors of states. Further, UNRWA's existence as a result of its weakened protection capacity causes deprivation for Palestinian refugees not only because they are left without support but also in terms of not being able to attain refugee status.

Under the light of current international legal regulations, it is clear that the international community, not only wealthy nations but also remaining countries at large, have a joint responsibility towards not only refugees but also Palestinians in particular. Mentioned responsibility takes its roots from the notion of protecting fellow humans against war crimes and unprecedented, indiscriminate bombings rained over civilians. According to the perspective put forward by Advocate General Nicholas Emiliou, when the possibility of a Palestinian stateless refugee seeking asylum from another state occurs, the state in question must provide

the appropriate protection following the above-mentioned international law regulations, acknowledging the fact that the applicant is no longer under the protection of UNRWA. However, primarily when the current immigration policies of Arab states and European countries are evaluated, in the mentioned scenario, there is still a strong possibility that a Palestinian seeking asylum will encounter obstacles even if the current situation in Gaza is known across nations. If states, in the face of the current legal framework, still decide to leave Palestinians to their fate, then the question remains unanswered: protection where?

REFERENCES

Albadawi S, “Is the right of return still desirable and sacred among Palestinian refugees?” (2021) 23 *The British Journal of Politics and International Relations* 1, 43.

Advocate General’s Opinion in Case C-563/22 | Zamestnik-predsedaťel na Darzhavna agentsia za bezhantsite (Refugee status – Stateless person of Palestinian origin), 11 January 2024 <<https://curia.europa.eu/jcms/upload/docs/application/pdf/2024-01/cp240006en.pdf>> accessed 15 January 2024.

Aleinikoff A and Owen D, ‘Refugee protection: ‘Here’ or ‘there’?’ (2022) 10 *Migration Studies* 3.

Barnett M, Brown N J, Lynch M and Telhami S (eds), *The One State Reality: What Is Israel/Palestine?* (Cornell University Press, 2023).

Bendt I and James Downing, *Geri Döneceğiz- Mülteci Kamplarında Filistinli Kadınlar* (Kıyı Yayınları, 1987).

Bellamy J A, ‘The Responsibility to Protect—Five Years On’ (2010) 24 *Cambridge University Press Ethics & International Affairs* 2, 143 <<https://www.cambridge.org/core/services/aop-cambridge-core/content/view/BBD6415977D60D6030182D-04EF84D821/S0892679400006845a.pdf/the-responsibility-to-protect-five-years-on.pdf>> accessed 30 March 2023.

Ní Ghráinne B, ‘Article 1D of the 1951 Refugee Convention and Internally Displaced Persons’, *Internally Displaced Persons and International Refugee Law* (Oxford, 2022; online edn, Oxford Academic, 17 Nov. 2022) <<https://doi.org/10.1093/oso/9780198868446.003.0006>> accessed 7 May 2024.

BBC, ‘Which other countries send asylum seekers overseas?’ (14 April 2022) <<https://www.bbc.com/news/uk-61106231>> accessed 7 February 2024.

Bourdieu P, *Pascalian Meditations* (Stanford University Press, 2000).

Bocco R, ‘UNRWA and the Palestinian Refugees: A History within History’ (2009) 28 *Refugee Survey Quarterly* 2-3.



Costello C and Foster M, '(Some) refugees welcome: When is differentiating between refugees unlawful discrimination?' (2022) 22 *International Journal of Discrimination and the Law* 3.

Cioran E M, *Çürümenin Kitabı* (Metis, 2023).

Court of Justice of the European Union Press Release, 'Advocate General's Opinion in Case C-563/22 | Zamestnik-predsedatel na Darzhavna agentsia za bezhantsite (Refugee status – Stateless person of Palestinian origin)' 11 January 2024 <https://curia.europa.eu/jcms/upload/docs/application/pdf/2024-01/cp240006en.pdf> accessed 5 February 2024.

Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (1951 Refugee Convention).

Demiryontar B and İçduygu A, 'The politics around safe zones: a comparative perspective on return to Northern Syria' (2023) 44 *Third World Quarterly* 8.

El-Abed O, 'The Palestinians in Egypt: Identity, Basic Rights and Host State Policies' (2009) 28 *Refugee Survey Quarterly* 2/3.

Euro-Med Human Rights Monitor. 'Suffocation and Isolation 17 Years of Israeli Blockade on Gaza', <<https://euromedmonitor.org/en/gaza>> accessed 25 December 2023.

Executive Committee of the High Commissioner's Programme, 'General Conclusion on International Protection No. 102 (LVI)' (2005) <<https://www.refworld.org/docid/43575ce3e.html>> accessed 15 March 2023.

European Parliament Briefing Court of Justice at Work, 'Role of Advocates General at the CJEU' <<https://www.statewatch.org/media/documents/news/2019/oct/ep-briefing-a-g-cjeu.pdf>> accessed 23 January 2023.

Farhat T and et al., 'Responding to the Humanitarian Crisis in Gaza: Damned if You do... Damned if You don't!' (2023) 89 *Ann Glob Health* 1.

Gammeltoft-Hansen T, 'International Refugee Law and Refugee Policy: The Case of Deterrence Policies' (2014) 27 *Journal of Refugee Studies* 4.

Galagher D, 'Durable Solutions in a New Political Era' (1994) 47 *Journal of International Affairs* 2.

Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287.

Gren N, *Occupied Lives Maintaining Integrity in a Palestinian Refugee Camp in the West Bank* (AUC Press, November 2015).

Gren N, 'Palestinian conflict: how despair can drive people to violence, even if it puts their lives in danger', (*The Conversation*, 13 November 2023) <<https://theconversation.com/palestinian-conflict-how-despair-can-drive-people-to-violence-even-if-it-puts-their-lives-in-danger-215497>> accessed 22 January 2023.

Gabiam N, 'Palestinians and Europe's 'Refugee Crisis' Seeking Asylum in France in the Wake of the Syrian War' (2022) 34 *Journal of Refugee Studies* 2.

Goddard B, 'UNHCR and the International Protection of Palestinian Refugees' (2009) 28 *Refugee Survey Quarterly* 2-3.

Gibney J M, 'Beyond the bounds of responsibility: western states and measures to prevent the arrival of refugees' (2005) 22 *Global Migration Perspectives*, 157 <https://www.iom.int/sites/g/files/tmzbd1486/files/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/gcim/gmp/gmp22.pdf> accessed 7 February 2024.

Hathaway J C and Gammeltoft-Hansen T, "Non-Refoulement in a World of Cooperative Deterrence" (2015) 53 *Colum. J. Transnat'l L.* 2, 238.

Hering R, 'Safe areas for the protection of civilians. An overview of existing research and scholarship' (2020) 9 *Z Friedens und Konfforsch.*

Hemptinne J, 'Classifying the Gaza Conflict Under International Humanitarian Law, a Complicated Matter' 13 November 2023, *EJILTalk* <<https://www.ejiltalk.org/classifying-the-gaza-conflict-under-international-humanitarian-law-a-complicated-matter/>> accessed 11 January 2023.

Issa P, 'Palestinian Refugees in Lebanon A Vulnerable Yet Vibrant Community' *The Interactive Encyclopedia of the Palestine Question* <<https://www.palquest.org/en/highlight/6590/palestinian-refugees-lebanon>> accessed 7 February 2024.

'Jordan's PM says peace with Israel remains strategic choice despite Gaza war' (*Reuters*, 16 January 2024) <<https://www.reuters.com/world/middle-east/jordans-pm-says-peace-with-israel-remains-strategic-choice-despite-gaza-war-2024-01-16/>> accessed January 23, 2023.

Khalil A, 'Palestinian Refugees in Arab States: A Rights-Based Approach' (CARIM Research Reports, 2009).

Kikoler N, 'Responsibility to Protect' (Oxford University Refugee Studies Center, 2009), 3 <<https://www.rsc.ox.ac.uk/publications/responsibility-to-protect>> accessed 23 January 2023.

Loewenstein A, *The Palestine Laboratory: How Israel Exports the Technology of Occupation Around the World* (Verso, 2023).

Lefebvre M, 'The EU and the Israeli-Palestinian conflict: many voices, no shared vision' (*The Conversation*, 19 October 2023) <<https://theconversation.com/the-eu-and-the-israeli-palestinian-conflict-many-voices-no-shared-vision-215940>> accessed 23 January 2024.

Linos K and Chachko E, 'Refugee Responsibility Sharing or Responsibility Dumping?' 110 (2022) *California Law Review*.

Mellen R and Chen S Y, 'See how Israel's siege has plunged Gaza into darkness and isolation' (*The Washington Post*, 30 October 2023) <<https://www.washingtonpost.com/world/2023/10/26/gaza-israel-siege-blackout-isolation/>> accessed 1 December 2023.

Middle East Monitor, 'Palestinians killed as Israel strikes UNRWA school housing refugees' (13 December 2023) <<https://www.middleeastmonitor.com/20231213-palestinians-killed-as-israel-strike-unrwa-school-housing-refugees/>> accessed 11 January 2024.

Mourad L and Norman P K, 'The World Is Turning Its Back on Refugees' (*The Atlantic*, 24 December 2019) <<https://www.theatlantic.com/ideas/archive/2019/12/world-turning-its-back-refugees/604042/>> accessed 24 March 2023.

McAdam J and Goodwin-Gill S G, 'Israel – Hamas 2023 Symposium – Refugee Law' (*Lieber Institute Articles of War*, 17 November 2023) <https://lieber.westpoint.edu/refugee-law/?mc_cid=78a574bca5&mc_eid=0cd57908d5> accessed December 25, 2023.

Masalha N, *The Palestine Nakba Decolonising History, Narrating the Subaltern Reclaiming Memory* (Zed Books Ltd, 2012), 7.

ND and NT v Spain, App Nos 8675/15 and 8697/15 (13 February 2020, ECtHR).

Nicola P, 'Safe zones: Israel's technologies of genocide' (*Al Jazeera*, 6 January 2024) <<https://www.aljazeera.com/opinions/2024/1/6/safe-zones-israels-technologies-of-genocide>> accessed 23 January 2023.

Norman P K and Micinski R N, 'Why Won't Egypt Accept Palestinians?' (*Inkstick*, 20 October 2023) <<https://inkstickmedia.com/why-wont-egypt-accept-palestinians/>> accessed 6 December 2023.

Navone L, 'Egypt's Rafah crossing is a lifeline to Palestinians living in Gaza – but opening it is still unresolved' (*The Conversation*, 16 October 2023) <<https://theconversation.com/egypts-rafah-crossing-is-a-lifeline-to-palestinians-living-in-gaza-but-opening-it-is-still-unresolved-215718>> accessed 28 November 2023.

Office of the United Nations High Commissioner for Refugees. Resolution adopted by the General Assembly on 24 January 2008 [on the report of the Third Committee (A/62/431)].

OCHA Reliefweb, ‘Hostilities in the Gaza Strip and Israel | Flash Update #52 [EN/AR/HE]’ (27 November 2023) <<https://reliefweb.int/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-52-enarhe>> accessed 5 December 2023.

OCHA Reliefweb, ‘OCHA Reliefweb, Safe passage for people impacted by the violence in Israel and Palestine’ (23 November 2023) <<https://reliefweb.int/report/occupied-palestinian-territory/safe-passage-people-impacted-violence-israel-and-palestine>> accessed November 25, 2023.

Office of the United Nations High Commissioner for Refugees, The Global Compact on Refugees (17 December 2018, A/RES/73/151).

Odman T, *Tarihsel Gelişim Sürecinde Güncelleştirilmiş Mülteci Hukuku* (Dünya’da ve Türkiye’de İlticanın Gelişim Süreci) (Yetkin Yayınları, 2020).

Payandeh M, ‘The Concept of International Law in the Jurisprudence of H.L.A. Hart’ (2010) 21 *European Journal of International Law* 4.

Reuters T, ‘Israel confirms it struck Jabalia refugee camp; Gaza health official says dozens killed’ (*CBC*, 31 October 2023) <<https://www.cbc.ca/news/world/israel-hamas-war-gaza-1.7013540>> accessed 4 December 2023).

Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, ‘Situation of human rights in the Occupied Palestinian Territory, including East Jerusalem, with a focus on collective punishment’ (A/HRC/44/60, 15 June – 3 July 2020).

Safi S, ‘Mülteci Hukukunda Uluslararası Koruma Dışında Bırakma ve Çocuk Askerlerin Durumu’ (2020) 28 *Selçuk Law Review* 1.

Safi S, *Mülteci Hukuku* (Legal Yayıncılık, 2. Baskı, 2023).

——, ‘International Refugee Law: Excluding the Palestinians’ in John Strawson (ed) *Law after Ground Zero* (Routledge, 2017).

Sassòli M, ‘Israel – Hamas 2023 Symposium – Assessing The Conduct of Hostilities in Gaza – Difficulties and Possible Solutions’ (Lieber Institute West Point, 30 October 2023) <<https://lieber.westpoint.edu/assessing-conduct-hostilities-gaza-difficulties-possible-solutions/>> accessed 28 November 2023.

Seyf A E, *Filistin Kampında Bir Ömür* (İnkılab Yayınları, 2021).

Statute of the Office of the United Nations High Commissioner for Refugees (UNHCR Statute), UNGA res 428 (V), 14 December 1950, annexe.

Schack M, 'In Defence of Preliminary Assessments: Proportionality and the 31 October Attack on the Jabalia Refugee Camp' (*EJIL: Talk! Blog of the European Journal of International Law*, 8 November 2023) <https://www.ejiltalk.org/in-defence-of-preliminary-assessments-proportionality-and-the-31-october-attack-on-the-jabalia-refugee-camp/?utm_source=mailpoet&utm_medium=email&utm_campaign=ejil-talk-newsletter-post-title_2> accessed 5 December 2024.

Steenberghe R, 'A plea for a right of Israel to self-defence in order to restrict its military operations in Gaza: when jus ad bellum comes to the aid of jus in bello' (*EJIL: Talk! Blog of the European Journal of International Law*, 16 November 2023) <https://www.ejiltalk.org/a-plea-for-a-right-of-israel-to-self-defence-in-order-to-restrict-its-military-operations-in-gaza-when-jus-ad-bellum-comes-to-the-aid-of-jus-in-bello/?utm_source=mailpoet&utm_medium=email&utm_campaign=ejil-talk-newsletter-post-title_2> accessed 28 November 2023.

Shan L Y, 'Egypt does not see why country should 'bear solely' the responsibility for Gaza's refugee influx' (CNBC, 18 October 2023) <<https://www.cnbc.com/2023/10/18/egypt-does-not-see-why-it-should-be-responsible-for-gazas-refugee-influx.html>> accessed 13 December 2023.

Soh C, You Y and Yu Y, 'Once Resolved, Stay Resolved? The Refuse Policy of Jordan toward Palestinian Refugees' (2016) 23 *Journal of International and Area Studies* 1.

Sassòli M, 'Israel – Hamas 2023 Symposium – Assessing The Conduct of Hostilities in Gaza – Difficulties and Possible Solutions' (*Lieber Institute West Point*, 30 October 2023) <<https://lieber.westpoint.edu/assessing-conduct-hostilities-gaza-difficulties-possible-solutions/>> accessed 28 November 2023.

Tartir A, Seidel T and Dana T, *Resisting Domination in Palestine: Mechanisms and Techniques of Control, Coloniality and Settler Colonialism* (Bloomsbury Publishing, 2024).

Türk V, 'The Promise and Potential of the Global Compact on Refugees' (2018) 30 *International Journal of Refugee Law* 4.

Thomson J M, 'The Invisible Burdens of Burden-Sharing' (2022) 4 *Front Hum Dyn*.

UNHCR Executive Committee Meetings, 'Protection of Asylum-Seekers in Situations of Large-Scale Influx No. 22 (XXXII) – 1981, Executive Committee of the High Commissioner's Programme' <<https://www.unhcr.org/au/publications/protection-asylum-seekers-situations-large-scale-influx>> accessed 13 December 2023.

UNGA194 (III) Palestine - Progress Report of the United Nations 11 December 1948 <<https://www.refworld.org/docid/4fe2e5672.html>> accessed 15 November 2023.

United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 'Gaza Strip the Humanitarian Impact of 15 Years of The Blockade', 2022 <<https://www.un.org/unispal/document/gaza-strip-the-humanitarian-impact-of-15-years-of-the-blockade-june-2022-ocha-factsheet/>> accessed 27 November 2023.

United Nations Human Rights Office of the High Commissioner (OHCHR), 'Israel/OPT: Respecting Fundamental Rights in Gaza is Pre-Condition to Achieving Peace, says UN Human Rights Expert' (2020) <<https://www.ohchr.org/en/press-releases/2020/09/israelopt-respecting-fundamental-rights-gaza-pre-condition-achieving-peace>> accessed 27 November 2023.

United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 'Gaza crossings: movement of people and goods' <<https://www.ochaopt.org/data/crossings>> accessed 28 November 2023.

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), 'Where We Work' <<https://www.unrwa.org/where-we-work/jordan>> accessed December 13, 2023.

UNRWA, 'UNRWA's Lifesaving Aid May End Due to Funding Suspension' (27 January 2024) <<https://www.unrwa.org/newsroom/official-statements/unrwa-s-lifesaving-aid-may-end-due-funding-suspension>> accessed 5 February 2024.

UNRWA, 'Letter From UNRWA Commissioner-General Philippe Lazzarini To The UN General Assembly President Mr. Dennis Francis' (7 December 2023) <https://www.unrwa.org/resources/un-unrwa/letter-unrwa-commissioner-general-philippe-lazzarini-un-general-assembly> accessed 20 December 2023.

UNRWA, 'UNRWA Situation Report #47 On the Situation in The Gaza Strip and The West Bank, Including East Jerusalem' (8 December 2023) <<https://www.unrwa.org/resources/reports/unrwa-situation-report-47-situation-gaza-strip-and-west-bank-including-east-jerusalem#>> accessed 11 January 2023.

UNHCR Executive Committee Meetings, 'Protection of Asylum-Seekers in Situations of Large-Scale Influx No. 22 (XXXII) – 1981, Executive Committee of the High Commissioner's Programme' <<https://www.unhcr.org/au/publications/protection-asylum-seekers-situations-large-scale-influx>> accessed 13 December 2023.

UNRWA, 'Protection brief Palestine refugees living in Lebanon' (September 2020) <https://www.unrwa.org/sites/default/files/20-09-28_lfo_context_protection_brief_2020_final83.pdf> accessed 7 February 2024.

UNHCR New York Declaration for Refugees and Migrants Answers to Frequently Asked <<https://globalcompactrefugees.org/sites/default/files/2019-12/New%20York%20Declaration-%20Frequently%20Asked%20Questions%20%282017%29.pdf>> accessed 10 June 2021.

UN High Commissioner for Refugees (UNHCR), ‘Note on UNHCR’s Interpretation of Article 1D of the 1951 Convention relating to the Status of Refugees and Article 12(1)(a) of the EU Qualification Directive in the context of Palestinian refugees seeking international protection’, May 2013 <<https://www.refworld.org/policy/legalguidance/unhcr/2013/en/41179>> accessed 7 May 2024.

World Health Organization, ‘Rabat Declaration Adopted to Improve Refugee and Migrant Health’ (2023) <https://www.who.int/news/item/16-06-2023-rabat-declaration-adopted-to-improve-refugee-and-migrant-health?mc_cid=3547bd-d524&mc_eid=0cd57908d5> accessed 19 June 2023.