

THE CONSEQUENCES OF STATELESSNESS IN THE CASE OF ISRAEL AND PALESTINE

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INTRODUCTION

Statelessness is, at its heart, the condition of individuals who have no legal recognition or protection from any country.¹ Without formal citizenship, they often find themselves unable to access vital services like proper healthcare and schooling and barred from lawful employment or the freedom to travel. Globally, around 4.4 million people are believed to experience statelessness, although the actual figure could be higher due to data shortfalls.² It helps to remember that these individuals differ from refugees, who retain a home nation but flee due to threats or persecution.³ Meanwhile, treaties such as the 1961 Convention on the Reduction of Statelessness aim to prevent and resolve the issue, but inconsistent enforcement leaves many without recourse.⁴

“At least a third of the estimated 10 million stateless people around the world are children”

Source: United Nations Children’s Fund, Uprooted (UNICEF, New York, September 2016)

The effect of being without a nationality takes its heaviest toll on the practicalities of daily life. Documents like birth certificates and passports are out of reach, making people vulnerable to exploitation.⁵ Even enrolling a child in school or renting a home can become a daunting task.⁶ On a deeper level, not being recognised as a citizen undermines a person’s sense of identity, affecting their ability to participate in society and cultivate a sense of belonging. At the same time, the presence of large stateless groups can add pressure to regional dynamics, spurring global bodies to label it both a humanitarian crisis and a significant human rights concern.⁷

One of the clearest examples is found in the context of Israel and Palestine. Years of political conflict and territorial disputes have left vast numbers of Palestinians without formal citizenship, whether in Palestinian territories or neighbouring countries.⁸ Although the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) provides vital support, in the absence of a durable political solution, many remain trapped in a cycle of statelessness.⁹ Additionally, ongoing debates over Palestinian statehood, alongside broader questions about Israeli governance, further complicate these challenges. Grasping the multitude of political, social, and legal factors at play is crucial in devising meaningful, rights-based solutions. The following analysis explores how this reality unfolds across Israel

¹ United Nations High Commissioner for Refugees (UNHCR), *Ending Statelessness within 10 Years* (UNHCR 2014) <https://www.unhcr.org/> accessed February 2025.

² United Nations High Commissioner for Refugees (UNHCR), *Statelessness Around the World* <https://www.unhcr.org/ibelong/statelessness-around-the-world/> accessed February 2025.

³ Convention Relating to the Status of Stateless Persons 1954 (No 5158)..

⁴ Convention on the Reduction of Statelessness 1961 (No 9898).

⁵ Amnesty International, *The Human Cost of Statelessness* (Amnesty International 2019) <https://www.amnesty.org/> accessed February 2025.

⁶ *ibid.*

⁷ UNHCR, *Global Trends: Forced Displacement in 2021* (UNHCR 2021) <https://www.unhcr.org/globaltrends> accessed February 2025.

⁸ Victor Kattan, ‘The Nationality of Denationalized Palestinians’ (2019) 19(3) *International Journal of Discrimination and the Law* 203.

⁹ United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), *What We Do* <https://www.unrwa.org/what-we-do> accessed February 2025.

and Palestine, illuminating personal accounts and the broader international implications of statelessness.

1. HISTORICAL AND POLITICAL BACKGROUND

1.1 The Impact of Colonial Policies and Displacement

Understanding the current landscape of statelessness in Israel and Palestine first requires a look at how the region's overlapping histories shaped today's legal and social realities. The British Mandate period (1920–1948) laid much of the groundwork, with policies that simultaneously promoted Jewish immigration and denied meaningful self-determination to the local Arab population.¹⁰ The partition of Palestine in 1947 and the subsequent creation of Israel in 1948 triggered the mass displacement of Palestinian communities, many of whom found themselves outside newly drawn borders.¹¹

Over time, multiple Arab–Israeli wars, most prominently in 1967, altered demographics further. In the process, numerous Palestinians lost or never obtained valid legal status in any recognised state.¹² Attempts to address these issues through international instruments, such as United Nations General Assembly Resolution 194, did not succeed in establishing a durable solution for their citizenship or right to return.¹³

1.2 The Oslo Accords and the Entrenchment of Statelessness

The Oslo Accords (1993 and 1995) offered some promise of partial autonomy for Palestinians in the West Bank and Gaza Strip, but they did not fully address crucial concerns about statehood, borders, or the right of return for refugees.¹⁴ As a result, countless Palestinians remained without official citizenship, whether in occupied territories or living abroad. Over time, these series of events show not only the fracturing of Palestinian society but also the way repeated political struggles have firmly embedded statelessness in the region's laws and social systems.

2. LEGAL FRAMEWORK

2.1 Domestic Legal Barriers to Palestinian Citizenship

Statelessness in Israel and Palestine arises under the interplay of several legal regimes. Israel's domestic laws, including the Law of Return (1950)¹⁵ and the Citizenship

¹⁰ Martin Bunton, *The Palestinian–Israeli Conflict: A Very Short Introduction* (OUP 2013) 23.

¹¹ Benny Morris, *1948: A History of the First Arab–Israeli War* (Yale University Press 2008) 89.

¹² Rosemary Sayigh, 'Palestinians in Lebanon: Harsh Present, Uncertain Future' (1995) 75 *Middle East Report* 28.

¹³ UNGA Res 194 (11 December 1948) UN Doc A/RES/194.

¹⁴ William B Quandt, *Peace Process: American Diplomacy and the Arab–Israeli Conflict Since 1967* (3rd edn, Brookings Institution 2005) 105.

¹⁵ The Law of Return 5710-1950 (Israel) <https://www.refworld.org/legal/legislation/natlegbod/1950/en/34127> accessed February 2025.

Law (1952)¹⁶, grant automatic rights to Jews worldwide but limit or deny those same privileges to Palestinians uprooted during conflicts.¹⁷ In the West Bank and Gaza Strip, governance is split between the Palestinian Authority and, in the case of Gaza, Hamas. Yet, neither entity is fully recognised as a sovereign state by the international community. As a result, the authority to confer nationality or permanent residency remains constrained.¹⁸

2.2 International Legal Instruments and Their Limitations

Internationally, the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness outline states' responsibilities to prevent and reduce statelessness.¹⁹ However, practical implementation has been inconsistent, particularly in the absence of a clear path to statehood for Palestinians. Even Jordanians of Palestinian origin, who make up a significant segment of Jordan's population, have at times faced arbitrary revocations of citizenship.²⁰ This patchwork of laws and partial recognitions leaves many individuals in legal limbo, largely unable to enjoy the rights and protections that come with recognised nationality.

3. REGIONAL PERSPECTIVES

3.1 The Regional Impact of Palestinian Statelessness

Statelessness is not confined to Israel and the Occupied Palestinian Territories; it spills into neighbouring regions as well. Jordan hosts one of the largest Palestinian refugee populations in the Middle East, extending varying degrees of residency rights, employment opportunities, and social benefits. Yet, full citizenship is not guaranteed for all, leaving some in precarious situations.²¹ Lebanon's restrictive labour and property laws further marginalise Palestinian refugees, effectively barring them from many professions and housing options.²² In Syria, protracted conflict and displacement have compounded the legal status challenges already faced by Palestinian residents, with many forced to flee yet again, this time to other countries.

3.2 Variations in Legal Status and Access to Rights

These differing state policies produce significant variations in the daily realities of stateless Palestinians. For instance, while some can access public education or basic healthcare, others

¹⁶ The Citizenship Law 5712-1952 (Israel) <https://www.refworld.org/legal/legislation/natlegbod/1953/en/14615> accessed February 2025.

¹⁷ B'Tselem, 'Citizenship and Entry into Israel Law' (B'Tselem 2017) <https://www.btselem.org/campaigns/citizenship> accessed February 2025.

¹⁸ *ibid.*

¹⁹ Convention Relating to the Status of Stateless Persons 1954 (No 5158); Convention on the Reduction of Statelessness 1961 (No 9898).

²⁰ Human Rights Watch, *Stateless Again* (HRW 2010) <https://www.hrw.org/report/2010/02/01/stateless-again> accessed February 2025.

²¹ Dawn Chatty, *Displacement and Dispossession in the Modern Middle East* (Cambridge University Press 2010) 214.

²² Sari Hanafi, *UNRWA and Palestinian Refugees: From Relief and Works to Human Development* (Routledge 2014) 97.

are excluded from these essential services. In each environment, support from the UNRWA offsets some hardships, but it does not resolve the underlying issue of nationality.²³

4. SOCIOPOLITICAL DIMENSIONS

4.1 Statelessness and the Struggle for Palestinian Self-Determination

At its core, statelessness within Israel and Palestine is intertwined with the larger question of Palestinian self-determination. Ongoing disputes, ranging from the expansion of Israeli settlements to internal Palestinian political divisions, shape the possibilities for any lasting resolution.²⁴ The broader international community remains divided on recognising Palestinian statehood, often employing diplomatic language that ultimately fails to ensure meaningful legal protections for those left without a nationality.

4.2 Public Advocacy, Policy Debates, and Global Divisions

Public opinion, both within the region and globally, also influences policy decisions. Grassroots movements, human rights organisations, and diaspora communities advocate for changes to current laws, seeking avenues for naturalisation and improved living conditions.²⁵ However, voices calling for full recognition of Palestinian sovereignty run up against opposition from various quarters that argue about security, historical claims, and future governance structures. In this highly polarised environment, the question of citizenship becomes entangled with broader ideological and security concerns, prolonging the plight of stateless individuals.

²³ United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), *What We Do* <https://www.unrwa.org/what-we-do> accessed February 2025.

²⁴ International Crisis Group, 'Israel/Palestine: The Conflict and the Covid-19 Crisis' (ICG 2020) <https://www.crisisgroup.org> accessed February 2025.

²⁵ Amnesty International, *The Apartheid Regime in Israel: A Roadmap* (Amnesty International 2022) <https://www.amnesty.org> accessed February 2025.

5. BROADER CONSEQUENCES OF STATELESSNESS

Beyond restricted travel and loss of identity, the stateless also face a range of other vulnerabilities:

- **Risk of Exploitation and Trafficking:** Without valid citizenship, individuals lack the legal protection that makes it safer to report abuses or seek help, making them prime targets for human trafficking and forced labour.²⁶
- **Property and Inheritance Challenges:** Many countries tie property ownership and inheritance rights to recognised nationality. Stateless families can lose access to homes or farms if they are unable to register assets in their name.²⁷
- **Barriers to Marriage and Family Life:** Officials often require nationality documents to validate marriages and births. Couples may find their union unrecognised by law, creating confusion over their children's status.²⁸
- **Potential for Radicalisation:** Feeling excluded from mainstream society can push some individuals to embrace extreme ideologies.²⁹ Limited opportunities and marginalisation can serve as catalysts for radicalisation.
- **Psychosocial Strain:** Going through life without a passport or any form of national identity can foster lingering anxiety and depression, amplifying the sense of alienation within communities that do hold citizenship.³⁰
- **Multigenerational Impact:** Children born to stateless parents are frequently stateless themselves, making it exceedingly difficult to break the cycle. Even if local laws evolve, a lack of documentation often prevents new generations from obtaining nationality.³¹
- **Economic Consequences for the Region:** Large populations that cannot fully participate in formal economies, own businesses, or pay taxes can slow broader economic growth, dampen investment, and perpetuate poverty.³²

²⁶ International Organization for Migration (IOM), *World Migration Report 2022* (IOM 2022) <https://publications.iom.int/books/world-migration-report-2022> accessed February 2025.

²⁷ Norwegian Refugee Council (NRC), 'Housing, Land and Property Rights' (NRC 2021) <https://www.nrc.no/> accessed February 2025.

²⁸ Institute on Statelessness and Inclusion, *The World's Stateless 2020* (ISI 2020) <https://www.institutesi.org/worldsstateless2020> accessed February 2025.

²⁹ International Crisis Group, 'Exploiting Disorder: al-Qaeda and the Islamic State' (ICG 2016) <https://www.crisisgroup.org> accessed February 2025.

³⁰ World Health Organization (WHO), *Mental Health Considerations for Stateless Communities* (WHO 2021) <https://www.who.int> accessed February 2025.

³¹ UNHCR, *This is our Home: Stateless Minorities and their Search for Citizenship* (UNHCR 2017) <https://www.unhcr.org> accessed February 2025.

³² World Bank, *The Economic Effects of Statelessness* (World Bank 2020) <https://www.worldbank.org> accessed February 2025.

CONCLUSION

In the case of Israel and Palestine, statelessness emerges as more than a legal gap—it is an enduring reality shaped by historical events, shifting legal frameworks, and ongoing socio-political tensions. The ramifications extend beyond restricted movement or lack of documentation; they infiltrate nearly every aspect of everyday life and ripple across generations. A stateless status not only jeopardises one's immediate prospects for education, employment, or freedom of movement but also exposes entire families to enhanced risks of exploitation, property insecurity, and barriers to legal marriage. This underlines the urgent necessity for comprehensive policy solutions that address these social vulnerabilities.

Although international conventions such as the 1961 Convention on the Reduction of Statelessness articulate ways to resolve and prevent statelessness, implementing these measures in a region marked by conflict requires unwavering political will. Real progress will likely rest on multilateral efforts that bring together regional actors, global organisations, and civil society groups. Moreover, any attempt to address statelessness in Israel and Palestine must go hand in hand with broader discussions on rights, recognition, and security—issues at the heart of a decades-long dispute. For Palestinians, the sense of belonging and identity remains intricately tied to the recognition of a sovereign homeland. For its part, Israel faces pressure to reconcile security priorities with international legal obligations.

In short, tackling statelessness in this region demands more than temporary relief measures. It requires confronting deep-rooted political disagreements, amending nationality laws to be inclusive, and fostering the social conditions that enable a truly equitable future. Until then, countless families will continue bearing the weight of a status that robs them not just of basic rights but also of a stable place in the world.

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