



Gaza and the Right to Have Rights

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Refugees, and especially stateless people, are often subjected to extreme violence and remain unprotected when they do not have a nation-state that can provide them with access to rights. Violence, or the threat of violence, is an inevitable part of the experiences of most forcibly displaced people, a famous observation by Hannah Arendt in 'The Origins of Totalitarianism' (1976) that speaks to the experience of Palestinians. At present, the people of Gaza are a clear example of the violent fate faced by those who have lost the right to have rights, as Arendt spoke about. Gaza is home to over 2.2 million people, most of whom are descendants of refugees who were forced to flee their homes in 1948 in the aftermath of the creation of the state of Israel.

Gaza is a pure product of 1948, when the strip was created as a separate geographical entity that has since always remained stateless. The 1948 Declaration of the Establishment of the State of Israel not only established Israel as a Jewish state but also appealed to Jewish people around the world to immigrate to Israel. In the following years, Israel granted every Jewish person the right to immigrate to Israel (under the Law of Return of 1950) and the right to automatic citizenship (under the Nationality Law of 1952) in order to provide shelter to Jewish people who were being persecuted in other parts of the world. The same rights, however, were denied to hundreds of thousands of Palestinian refugees who were forcibly displaced during the 1948 war, which began after the United Nations adopted the Partition Plan for Palestine into two sovereign states. These Palestinians were not allowed to return home (Khalidi 1992). Following the war, control over Gaza was granted to Egypt, but the strip was never incorporated with the institutions of the nation-state and its forms

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of governance and thus remained stateless. The 1967 war transferred its control over to Israel (in addition to the West Bank, the Golan Heights, and the Sinai Peninsula). Having directly controlled Gaza since its occupation in 1967, Israel withdrew from the territory in 2005 and replaced direct control with a suffocating blockade and siege that has continued ever since. As one of the most densely populated places in the world, human rights organizations describe Gaza as an open-air prison.

The lives of people in Gaza ought to be understood within the larger context of Israeli policies that discriminate against all Palestinians. Although the 1948 Declaration guaranteed equality of social and political rights to all its inhabitants, this has not been included in Israel's constitutional documents or Basic Laws. By granting the right to self-determination in the state of Israel exclusively to the Jewish people and declaring Hebrew as the only official language, the 2018 Basic Law—'Israel the Nation State of the Jewish People'—further limited the right to equality and nondiscrimination and turned Palestinians into de jure second-class citizens (Jabareen & Bishara 2019).

Amnesty International (2022) has declared that Israel has perpetrated apartheid, a crime against humanity under the Apartheid Convention and the Rome Statute, against Palestinians across Israel, the West Bank and Gaza, and against Palestinian refugees and their descendants outside the territory, with the intention of maintaining a system of oppression and domination. As refugees who were displaced from their homeland and as stateless people, Palestinians from Gaza have lost the right to have rights by the Israeli settler colonial project amid the brazenly dehumanizing and racialized discourse publicized by Israeli leadership (e.g., https://www.timesofisrael.com/liveblog_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel/; <https://www.nytimes.com/2023/11/15/world/middleeast/israel-gaza-war-rhetoric.html>; <https://www.hrw.org/news/2023/12/18/israel-starvation-used-weapon-war-gaza>). As observed by Didier Fassin (2024), the recent war on Gaza not only demonstrates violence on a larger-than-ever scale, but is also being accompanied 'by a worrying discourse of dehumanization, comparing Palestinians with "human animals", of negation, of contesting the very existence of the "Palestinian people", and annihilation, announcing the "complete destruction" of both infrastructure and inhabitants'.

The racialization of refugees and stateless populations is not new to migration scholars. Perhaps it came as no surprise to many that it was South Africa that presented a case against Israel at the International Court of Justice—having had its own journey with both settler colonialism and racialized inequality and subjugation. The Palestinian struggle is deeply rooted in historical injustices, including the displacement and dispossession of millions of Palestinians. The ensuing decades have witnessed continued occupation, the expansion of settlements, and restrictions on the basic rights of the Palestinian people. These harsh realities have given rise to a persistent cycle of violence, despair, and human suffering that have reached unprecedented levels in the aftermath of the Hamas terror attack in Israel on October 7, 2023, and the Israeli bombing and invasion of Gaza that followed.

In this context, the indifference shown by most European governments toward the suffering of Palestinians is harrowing. The decision by the EU and several governments (including Finland, Sweden, and Iceland) to suspend funding the United Nations Relief and Works Agency (UNRWA) is just one example of the apparent ingrievability of the lives of people in Gaza, as Judith Butler (2009) might remind us. In most European media coverage, the victims of the Israeli bombardments are mere numbers of dead and wounded, not lives killed or mourned (Nasr 2024). The disregard for Palestinian

lives and voices does not stop at the borders of Gaza and the West Bank. While the Palestinian solidarity movement is suppressed in several European countries—with a particularly strong form of policing, delegitimizing, and suppressing solidarity with Palestinians taking place in Germany—anti-Arab racism, other racisms, and anti-Semitism are on the rise. Right-wing parties are astutely seizing the opportunity created by this context to carry on with their anti-immigration rhetoric and policies.


As migration scholars, it is time not only to document but also to put our understanding of the effects of terror, war, and the displacement and dispossession of thousands of people into any form of action that reduces the suffering and loss of lives. We must not stand silent while witnessing the killing of tens of thousands of adults and children.


COMPETING INTERESTS


The authors have no competing interests to declare.

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