**Abstract**

Article 1 D forms part of the first article of the 1951 Convention which is dedicated, as appears from its heading, to the 'definition of the term “refugee”'. Section D is one of four sections (Art. 1 C, D, E, and F) that were inserted in order to exclude certain categories of persons, who without such exclusion would fall into the scope of the refugee definition of the 1951 Convention. Article 1, in turn, is part of chapter I of the 1951 Convention that deals with general provisions. In effect, Article 1 D is intended to avoid overlapping competencies between the different mandates of UN agencies, and to ensure continuity of protection and assistance of a particular group of refugees. Article 1 D comprises two sentences. The first excludes a specific category of persons from the scope of the 1951 Convention in certain circumstances and addresses the matter of overlapping competencies. The second sentence brings such persons back to the 1951 Convention’s applicability if the circumstances that justified their exclusion ceased to exist, thereby aiming for continuity of protection. Given its general wording, which does not refer to refugees of a specific nationality, Art. 1 D could apply to any group of refugees that satisfy its conditions. However, the drafting history of the 1951 Convention and the practice of its application since its entry into force show that Art. 1 D *de facto* concerns Palestinian refugees only.[[1]](#footnote-1) In fact, there is consensus that the 1951 Convention recognizes the special circumstances and status of Palestinian refugees as a group by providing them with a special provision for the determination of the 1951 Convention status and entitlement to benefits under the 1951 Convention.[[2]](#footnote-2) Thus, the following discussion will deal exclusively with Palestinian refugees as addressed by Art. 1 D.

1. *Cf*. Hathaway, *Status*, pp. 205–209. [↑](#footnote-ref-1)
2. BADIL, *Protection Gaps*, p. 74; *Cf. also*, Hathaway, *Status*, p. 208 ('More specifically, this exclusion clause applies to all Palestinians eligible to receive UNWRA assistance in their home region.'). [↑](#footnote-ref-2)