

Migration, Asylum, and Internal Displacement in Times of Armed Conflicts

The Legal Framework and the Crisis Current Situation

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Table of Contents

Introduction.....	1
The definition of Migration, Asylum, and Internal Displacement and their intersections.....	2
The Legal Framework and Position of International Humanitarian Law	5
The impact of armed conflicts on migration, asylum, and internal displacement	9
Current Situation in the Arab Countries Suffering from Armed Conflicts.....	12
Conclusions.....	17
Recommendations	17

Introduction

Civilians are always the most vulnerable and the worst affected by armed conflicts and wars. To avoid the scourge of wars and its devastating effects, millions of civilians forcibly flee their countries, leaving behind their families and homes, in pursuit of a safe haven whether inside or outside their country.

Forced migration, asylum, and internal displacement may be viewed as independent issues with various reasons. However, we can clearly see today the close linkage between them and armed conflicts. Armed conflicts are frequently the top reason behind such issues, which means that addressing them must go hand in hand with armed conflicts; and that any attempts to put an end to the suffering of migrants, refugees, and internally displaced people is not feasible without talking about putting an end to the devastating effects of armed conflicts and stopping international humanitarian law violations.

The increase in the number of armed conflicts around the world goes hand in hand with the increasing number of forcibly displaced people, estimated at tens of millions, which in turn stressed the need to look at the suffering of those who have been forced to leave their homes in the context of speaking about armed conflicts and their wide-reaching effects. Also, the intensity of the destructive effects of these conflicts has exacerbated the suffering of people who are forced to leave their homes as a result of war. When the parties to the conflict do not abide by their obligations towards civilians, and attack or fail to protect them, civilians find no other way but to flee their homes.¹ From this standpoint, international humanitarian law, as the law governing armed conflicts while taking into account humanitarian considerations, was keen to set a number of rules for the purposes of not letting the hostilities cause the displacement of civilians and forcing them to leave their homes.

The number of forced migrants, refugees, and internally displaced people has reached unprecedented numbers, and the situation has worsened as the plight of the affected people became no longer a temporary phenomenon expected to end soon,² Which in turn led to a huge influx of forced migrants and asylum seekers to neighboring countries or other countries opening the door for many challenges to show up. And as for the internally displaced persons, in particular, their number has increased and reached unprecedented levels³.

¹ International Committee of the Red Cross, "Addressing Internal Displacement in Times of Armed Conflict and Other Violence", Geneva, 2018, p. 3.

² United Nations High Commissioner for Refugees, "1 per cent of humanity displaced: UNHCR Global Trends report", 18 June 2020. Retrieved from: www.unhcr.org/news/press/2020/6/5ee9db2e4/1-cent-humanity-displaced-unhcr-global-trends-report.html

³ International Committee of the Red Cross, "Translating the Kampala Convention into Practice: A Stocktaking Exercise" (Foreword by the United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons), Geneva, 2016, p. 5.

Therefore, Maat for Peace, Development, and Human Rights focuses in this Report on addressing forced migration, asylum, and internal displacement issues in the context of armed conflicts from the perspectives of both the reality and legal framework. The Report sets, at the beginning, the definitions of Forced Migration, Asylum, and Internal Displacement and their intersections (First); then moves to the legal framework and position of international humanitarian law (Second); and after that discusses the impact of armed conflicts on migration, refugees, and internal displacement (Third); and the current situation in the Arab countries witnessing armed conflicts (Fourth); and concludes with a set of recommendations.

The definition of Migration, Asylum, and Internal Displacement and their intersections

People who were forced to flee their homes because of the armed conflict may be classified as migrants, refugees, or Internally Displaced Persons (IDPs) depending of their situation. It is important here to clarify what is meant by each of the three items.

The term "**Migration**" is the most comprehensive among the three terms; it is not necessary for a person to have forcibly fled their homes in order to be considered a migrant. Migration can be divided into several types based on the criteria used in the division. This criteria may be the legal basis, being divided into regular migration, irregular migration, or illegal immigration. These criteria may also be classified as voluntary migration undertaken by the individual's free will, or involuntary forced migration undertaken when there are no other options. The criteria may as well be the motive behind the migration, it may be for reasons related to armed conflicts, violence or natural disasters in case of involuntary forced migration, or for reasons related to work, education or family reunification in cases of voluntary migration. The criteria may be the migrant's length of stay in the country of destination, being divided into temporary or permanent migration. Accordingly, the United Nations International Organization for Migration has defined a migrant as "**any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is**"⁴. However, in the context of discussing the relationship between migration and armed conflict, we will address the topic of involuntary forced migration only.

As for **Asylum**, let's note first that the term migration is more broad as migrants or migration mass movements may include asylum seekers, refugees, stateless, and victims

⁴ United Nations, "Migration", Retrieved from: www.un.org/en/global-issues/migration

of human trafficking. However, this does not mean that refugees are subcategory of migrants, as usually misunderstood⁵. Refugee is defined as **any person who, "owing to wellfounded 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"**⁶. It is understood from the previous definition that refugees are a specific and protected group, since that the ongoing situation in their countries makes it impossible for them to return back there⁷. Therefore, they should be viewed as an independent group per se, what requires recognition of the crucial difference between a refugee and a migrant and requires the existence of independent legal frameworks and protection mechanisms. It does not matter whether the person has obtained official recognition of his/her refugee status or not, since such recognition of refugee status is revealing and not constructive, and a person is considered a refugee once he meets the relevant criteria, meaning that he/she "does not become a refugee because of recognition, but because he is a refugee"⁸. In short, the key difference between a refugee and a migrant, even in case of forced migration, is that the refugee is still unable to return to his/her country due to the persistence of circumstances and factors that led him/her to seek refuge in another country.

As for the **internally displaced persons (IDPs)**, the difference between it and the other two terms explained above, is that the IDPs flee their homes, potentially for the same reasons that forced migrants or refugees to leave their homes, but their movement remains limited to movement within the territory of their country. Therefore, IDPs are defined as **"persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border"**⁹. Apparently, two main elements emerge from the previous definition: First, it is understood that an IDP is a person who has been forced or obliged to flee, so that his/her departure from his/her home or usual place of residence is always the result of compelling external circumstances beyond the control of that person; Secondly, that an IDP is a person who has not crossed the borders of the state and whose movement is limited to moving from one place to another within his/her country. Also, the aforementioned definition is a descriptive, not a legal one, as the internally

⁵ United Nations High Commissioner for Refugees, "Asylum and Migration", Retrieved from: www.unhcr.org/asylum-and-migration.html

⁶ Article 1(a) of the Convention Relating to the Status of Refugees of 1951.

⁷ United Nations High Commissioner for Refugees, *ibid*.

⁸ United Nations High Commissioner for Refugees, "Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees", reissued edition, Geneva, 2019 p. 17.

⁹ Guiding Principles on Internal Displacement, annexed to United Nations Commission on Human Rights Report of the Representative of the Secretary-General, UN Doc. No. E/CN.4/1998/53/Add.2, 11 February 1998, p. 5. Retrieved from: undocs.org/en/E/CN.4/1998/53/Add.2

displaced person does not acquire any special legal status, and remains a citizen or habitual resident of the country of origin in which he keeps living and moves within¹⁰.

There is no doubt that the three terms are close and related to each other in terms of its causes, and there are a lot of intersections between them. We can say about the relation between the terms migrant and refugee that the refugee before seeking refuge or apply for asylum in a country other than the one in which he was living for reasons beyond his/her control, whether he obtained the status of a refugee *de jure* or *de facto*, was a migrant or among involuntary migration movement before finally arriving to the country of destination, but he/she still unable to return back to his country.

Also, a refugee, under all circumstances, is a person who has been forced to flee home and seek refuge; on the contrary, a migrant is not necessarily a person who was forced to migrate, as it may be voluntary for reasons such as the ones we previously mentioned. Since our discussion in respect of migration here will be limited to forced migration, it is important to clarify that the term forced migration is not an internationally recognized legal term, but a term used to describe the movements of refugees and displaced persons, and sometimes victims of human trafficking¹¹. Forced migration, in particular, can be defined as "migratory movement which, although the drivers can be diverse, involves force, compulsion, or coercion"¹². Hence, the term forced migration is used to describe the migration movement itself, especially mass migration movements. But when referring to a person who were forced to flee his/her country and already ended up being in another country, then it is more precise here to use the term refugee for describing such person. Forced migration itself is sometimes divided into migration as a result of armed conflict, and migration as a result of natural disasters¹³.

As for the relationship between forced migration and asylum and internal displacement, it could be seen if a person who is a forced migrant before crossing the international borders from a country to another, or a refugee before seeking asylum in another country, was previously displaced within his country or the country in which he used to live. Perhaps his/her internal displacement was primarily a step before he crossing the international borders, or may be such internal displacement itself led him to reach the international borders and ended up crossing it as a result of the spread of the factors that made him/her leave the place in which he used to live.

¹⁰ International Committee of the Red Cross, "Addressing Internal Displacement in Times of Armed Conflict and Other Violence", *op cit.*, p. 4.

¹¹ International Organization for Migration, "International Migration Law: Glossary on Migration", Geneva, 2019, p. 77.

¹² *Ibid.*

¹³ Migration Data Portal, "Forced migration or displacement", 30 June 2021. Retrieved from: migrationdataportal.org/themes/forced-migration-or-displacement

The Legal Framework and Position of International Humanitarian Law

We can divide legal rules aimed at protecting people who became forced migrants, refugees and internally displaced people because of armed conflicts into rules aimed to prevent making civilians forced to leave their homes and rules aimed at protecting those who have already had to leave their homes.

When speaking about the legal rules that aim at protecting civilians in times of armed conflicts from being forced to leave their homes, international humanitarian law will certainly be the prevailing and dominant law in this regard. As the rules international humanitarian law aims at protecting persons not taking part in hostilities during armed conflicts and to restrict the means and methods of warfare; Thus, international humanitarian law establishes minimum standards that must be complied with during armed conflict, and one of the most important objectives of these standards is the protection of the civilian population and their means of survival¹⁴. Parties to the conflict unequivocally have an obligation under international humanitarian law not to directly force civilians to leave their homes, in what is known as forced displacement. International humanitarian law also establishes a number of other obligations aimed at protecting civilians from the effects of hostilities during armed conflicts. What makes the provisions of international humanitarian law regarding the forced displacement of civilians as a result of armed conflict broad provisions that are applied in all international and non-international armed conflicts, and includes all the cases in which civilians were forced to leave their homes as a result of that armed conflict whether the displacement of civilians has been within the borders of the country, thus becoming internally displaced persons, or they had to cross international borders, and thus became refugees¹⁵.

In this context, the Fourth Geneva Convention of 1949 prohibited "individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not" regardless of their motive, except if the security of the population or imperative military reasons required undertaking total or partial evacuation of a given area, considering that those persons shall be "transferred back to their homes as soon as hostilities in the area in question have ceased"¹⁶. The Convention has also considered the "unlawful deportation or transfer" as grave breaches of the Convention¹⁷. The First Protocol Additional to Geneva Conventions has also listed "the transfer by the Occupying Power of parts of its

¹⁴ International Committee of the Red Cross, "Internally Displaced Persons and International Humanitarian Law - Legal Factsheet", 14 December 2017. Retrieved from: www.icrc.org/en/download/file/62432/internally_displaces_persons_2017.pdf

¹⁵ Jean-Marie Henckaerts and Louise Doswald-Beck, "Customary International Humanitarian Law, Volume I: Rules", Cambridge University Press and International Committee of the Red Cross, New York, 2009, p. 457 *et seq.*

¹⁶ Article (49) of Geneva Convention (IV) of 1949 relative to the Protection of Civilian Persons in Time of War.

¹⁷ Article (147) of Geneva Convention (IV) of 1949 relative to the Protection of Civilian Persons in Time of War.

own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory" among the grave breaches of the Protocol¹⁸. The Second Protocol Additional to Geneva Conventions as well has prohibited ordering the displacement of civilian population reasons related to the conflict, unless "the security of the civilians involved or imperative military reasons so demand"¹⁹, and with prohibiting compelling civilians to leave their own territory for reasons related to the armed conflict. Customary international humanitarian law as well provides that parties to the conflict "may not deport or forcibly transfer the civilian population of an occupied territory" in case of international armed conflicts, and "may not order the displacement of the civilian population" in case of non-international armed conflicts, unless the security of the civilians or imperative military reasons so require²⁰.

This rule has been rooted in international humanitarian law since a long time, it was introduced through the first attempts to codify the laws of war, as we have in respect of prohibition on deportation of civilians in Lieber Code the provision that "private citizens are no longer ... carried off to distant parts"²¹. Under Rome Statute of the International Criminal Court, the "deportation or transfer of all or parts of the population of the occupied territory within or outside this territory" by the occupying power constitutes a war crime²². And prior to the International Criminal Court, the Charter of the International Military Tribunal of Nuremberg stipulated that "deportation to slave labour or for any other purpose of civilian population of or in occupied territory" constitutes a war crime²³. Also, the Statutes of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, alongside Rome Statute of the International Criminal Court, stipulated that deportation or transfer of the civilian population in times of non-international armed conflicts constitutes a crime against humanity²⁴.

It can be seen from the above that international humanitarian law prohibits parties to the armed conflict from deliberately deporting or forcibly transferring the civilian population, whether within the territory of the country or to outside the country, and whether international armed conflicts or non-international armed conflicts. This prohibition of forced displacement as clarified above has become part of customary

¹⁸ Article 85(4)(a) of the Protocol Additional (I) of 1977 to the Geneva Conventions 1949, and relating to the Protection of Victims of International Armed Conflicts.

¹⁹ Article (17) of the Protocol Additional (II) of 1977 to the Geneva Conventions of 1949, and relating to the Protection of Victims of Non-International Armed Conflicts.

²⁰ Rule (129) of the Customary International Humanitarian Law Rules published by the International Committee of the Red Cross in 2005.

²¹ Instructions for the Government of Armies of the United States in the Field (Lieber Code), 24 April 1863, Article (23).

²² Article (8) of Rome Statute of the International Criminal Court of 1998.

²³ Article 6(b) of the Charter of the International Military Tribunal, Annex to the Agreement for the prosecution and punishment of the major war criminals of the European Axis (Nuremberg Charter)

²⁴ Article 5(d) of the International Criminal Tribunal for the former Yugoslavia Statute of 1993; Article 3(d) of the International Criminal Tribunal for Rwanda Statute of 1994; and Article 7(1)(d) of Rome Statute of the International Criminal Court of 1998.

international humanitarian law, which means that all parties to armed conflicts at any place are bound by these provisions.

Moreover, the parties to an armed conflict have an obligation to protect civilians and not to force them to flee their homes because of actions related to the conflict. Such actions mean that at least those acts which are prohibited under international humanitarian law such as terrorizing the civilian population, carrying out indiscriminate attacks, carrying out attacks against civilians or civilian objects, the use of starvation of the civilian population as a method of warfare, attacking or removing or rendering useless objects indispensable to the survival of the civilian population, using civilians as human shields, collective punishment, and unfulfillment of obligations related to humanitarian assistance and access²⁵, especially in addition to the basic rule binding the parties to conflict at all times to "distinguish between the civilian population and combatants and between civilian objects and military objectives"²⁶. The protection provided by international humanitarian law in this regard is clear in the provisions set out in Fourth Geneva Convention in its second chapter entitled "general protection of populations against certain consequences of war"²⁷ and third chapter entitled "status and treatment of protected persons"²⁸, and the provisions set out in First and Second Additional Protocols to the Geneva Conventions in the fourth chapter of each of them titled "civilian population"²⁹. The parties to the conflict thus bear in all circumstances the responsibility not to subject civilians to the forcible leave of their homes, whether the parties to the conflict intended such action and did so directly or their actions related to the conflict caused such a result.

Outside the framework of international humanitarian law, the United Nations General Assembly affirmed in its resolution of 1970 that the civilian population may not be forcibly transferred, considering that this principle is one of the basic principles concerning protecting the civilian population in times armed conflict³⁰. As for preventing hostilities from causing the forced displacement of civilians, the Guiding Principles on Internal Displacement states that "all authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and

²⁵ Jean-Marie Henckaerts and Louise Doswald-Beck, *ibid.*, p. 403

International Committee of the Red Cross, "Addressing Internal Displacement in Times of Armed Conflict and Other Violence", *op cit.*, p. 15.

²⁶ Article (48) of the Protocol Additional (I) of 1977 to the Geneva Conventions 1949, and relating to the Protection of Victims of International Armed Conflicts.

²⁷ Articles (13-26) of Geneva Convention (IV) of 1949 relative to the Protection of Civilian Persons in Time of War.

²⁸ Articles (27-142) of Geneva Convention (IV) of 1949 relative to the Protection of Civilian Persons in Time of War.

²⁹ Articles (48-78) of the Protocol Additional (I) of 1977 to the Geneva Conventions 1949, and relating to the Protection of Victims of International Armed Conflicts; and

Articles (13-18) of the Protocol Additional (II) of 1977 to the Geneva Conventions of 1949, and relating to the Protection of Victims of Non-International Armed Conflicts.

³⁰ United Nations General Assembly Resolution Number 2675, 9 December 1970, UM Doc. No.: A/RES/2675/(XXV). Retrieved from:

digitallibrary.un.org/record/201888?ln=en

humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons"³¹.

As for the legal rules that aim to protect refugees and internally displaced persons if they had to flee their homes already because of the armed conflict, the international humanitarian law also came with a number of relevant provisions in this regard. The Fourth Geneva Convention stipulates that if the security of the population or imperative military reasons are required the evacuation of a particular occupied area, such evacuation may not result in the displacement of civilians except within the borders of the occupied territories. The Convention also binds occupying power to return these transferred civilians back to their homes as soon as hostilities in this area stop. Until this happens, according to the Convention, the occupying power, is obligated to ensure, to the maximum extent possible, that proper accommodation is provided to the affected civilians, and that the transfers to these places take place in "satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated"³². Second Additional Protocol to Geneva Conventions also stipulates that if circumstances require such a transfer, all possible measures "shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition"³³. And contained as well that the fundamental guarantees of humane treatment includes that "all appropriate steps shall be taken to facilitate the reunion of families temporarily separated"³⁴. International humanitarian law also states in respect of the treatment of displaced persons that "all possible measures must be taken in order that the civilians concerned are received under satisfactory conditions of shelter, hygiene, health, safety and nutrition and that members of the same family are not separated"³⁵. Customary international humanitarian law recognizes as well the right of people who have been forced to leave their homes to return to them if the reasons that led to their flee are no longer existed, and stipulates that property rights of these people have to be respected³⁶.

If we have look on the international instruments devoted to the protection of forced migrants, refugees and internally displaced persons, we find that they are almost insufficient. With regard to forced migration, there is no international instrument dedicated to treating this issue, and perhaps the reason behind this is that the term is basically a non-legal term, as we explained earlier in this Report³⁷. As for internal

³¹ Guiding Principles on Internal Displacement, *op. cit.*, p. 6, Principle (5).

³² Article (49) of Geneva Convention (IV) of 1949 relative to the Protection of Civilian Persons in Time of War.

³³ Article 17(1) of the Protocol Additional (II) of 1977 to the Geneva Conventions of 1949, and relating to the Protection of Victims of Non-International Armed Conflicts.

³⁴ Article 3(4) of the Protocol Additional (II) of 1977 to the Geneva Conventions of 1949, and relating to the Protection of Victims of Non-International Armed Conflicts.

³⁵ Rule (131) of the Customary International Humanitarian Law Rules published by the International Committee of the Red Cross in 2005.

³⁶ Rules (132, 133) of the Customary International Humanitarian Law Rules published by the International Committee of the Red Cross in 2005.

³⁷ International Organization for Migration, "International Migration Law: Glossary on Migration", *op. cit.* p. 77.

displacement, unfortunately there is no universal legally binding instrument that addresses the issue of internal displacement. However, the United Nations Guiding Principles on Internal Displacement have become an authoritative reference on how states should deal with the plight of the internally displaced persons (IDPs), and many of these rules have become an integral part of international human rights law³⁸. At the regional level, the African Union adopted in 2009 the first legally binding regional instrument on the protection and assistance of IDPs³⁹, which was considered a milestone in for plight of IDPs not only in Africa but worldwide⁴⁰. For refugees, the Convention relating to the Status of Refugees issued by the United Nations Conference of Plenipotentiaries on Refugees and Stateless Persons and its Protocol⁴¹ comes as the first binding international legal instrument that deals with the essential aspects of the issue of refugees⁴². The Convention constitutes the first legal instrument in the world regarding the situation of refugees and the core of work to protect the rights of refugees around the world, with 149 states party to either the Convention and the Protocol or to both⁴³. The Convention came based on the right of asylum, which was stipulated under the Universal Declaration of Human Rights which states that "everyone has the right to seek and to enjoy in other countries asylum from persecution"⁴⁴.

The impact of armed conflicts on migration, asylum, and internal displacement

Armed conflicts, especially non-international ones, have considerably increased in recent years. The number of people who have been forced to leave their homes -including forced migrants, refugees and internally displaced persons- has increased in turn in unprecedented numbers and proportions. By last year, 2020, the number of people who have been forced to leave their homes reached at least 82.4 million as a result of armed conflict, violence, persecution, human rights violations, and unrest⁴⁵.

The continuation of armed conflicts always exacerbates the humanitarian situation, which makes the lives of affected civilians in areas of armed conflict unbearable under the fire of the warring parties in a battle in which they are not a party to. In most circumstances, people are not forced to leave their homes because of the mere armed conflict, but as a result of violations of international humanitarian law or basic human

³⁸ International Committee of the Red Cross, "Addressing Internal Displacement in Times of Armed Conflict and Other Violence", *op cit.*, p. 17.

³⁹ African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) of 2009

⁴⁰ International Committee of the Red Cross, "Translating the Kampala Convention into Practice: A Stocktaking Exercise", *op cit.*, p 5.

⁴¹ Convention relating to the Status of Refugees of 1951

⁴² United Nations High Commissioner for Refugees, "The 1951 Refugee Convention". Retrieved from: www.unhcr.org/1951-refugee-convention.html

⁴³ *Ibid.*

⁴⁴ Article 14(1) of the Universal Declaration of Human Rights of 1948.

⁴⁵ United Nations High Commissioner for Refugees - USA, "UNHCR Figures at a Glance", 18 June 2021. Retrieved from: www.unhcr.org/en-us/figures-at-a-glance.html

rights; This means that if there was a commitment by the parties to the conflict to the applicable laws, whether the rules of international humanitarian law or international human rights law, these people would not have had to leave their homes and most of them would be able to stay in the places where they used to live⁴⁶.

To find out the impact of armed conflicts on the numbers of refugees and internally displaced people, we can look at huge numbers of these groups in the various areas affected by armed conflicts around the world. And whereas armed conflicts have increased in terms of numbers around the world and are constantly expanding in terms of their geographical scope and increasing in their devastating effects in recent years, the number of refugees has doubled by extension. In numbers, the number of refugees registered with the United Nations High Commission for Refugees and the United Nations Relief and Works Agency for Palestine Refugees and asylum seekers who formally applied for asylum in several countries increased from 16 million in 2005 to 30.5 million in 2020. While the number of internally displaced persons increased in various countries witnessing armed conflicts from 23.3 million in 2005 to 48 million in 2020⁴⁷.

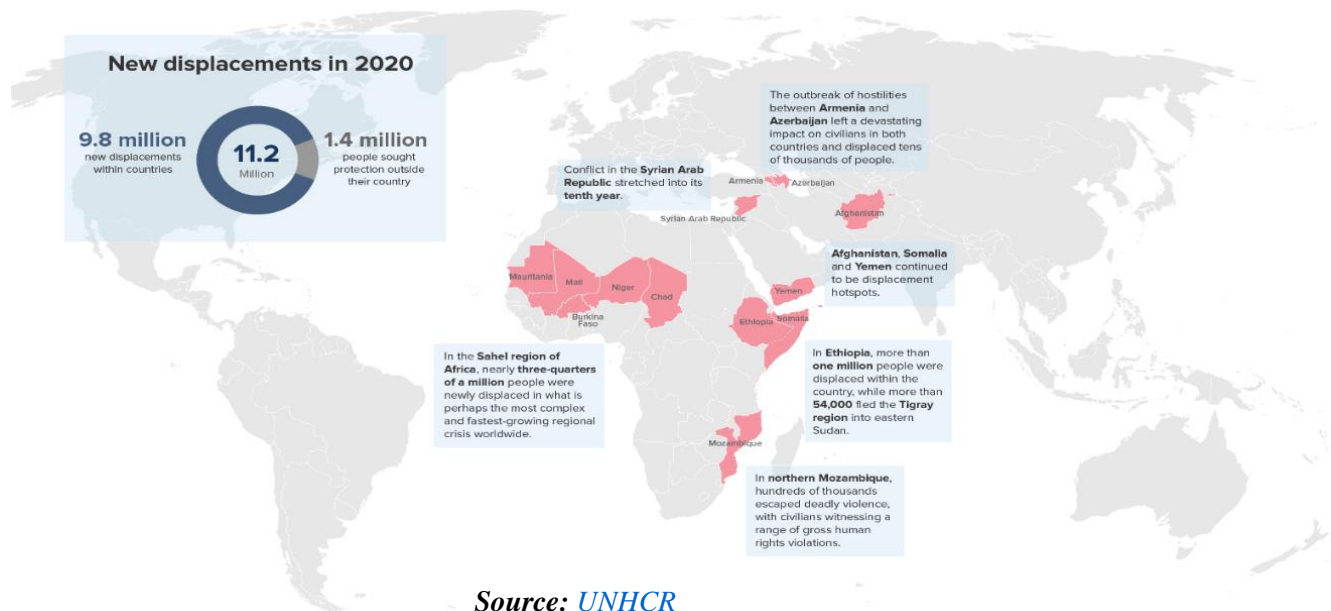
Last year, 11.2 million were forced to flee homes looking for a safe place, including 9.8 million who were internally displaced without crossing international borders and 1.4 million people who crossed international borders seeking protection outside their countries. As a result of this relationship between armed conflicts and forced migration, asylum, and internal displacement, countries witnessing armed conflicts -in which a large number of grave violations of international humanitarian law was committed- topped the list of countries with highest numbers internally displaced persons and countries exporting biggest numbers of refugees during the past year. These countries included countries witnessing, a continuation of armed conflicts and crises that erupted during the past years, such as Syria, Yemen, Afghanistan and Somalia; or countries where new armed conflicts or crises have erupted in the past two years, such as Ethiopia, Armenia, Azerbaijan, the African Sahel countries and Mozambique⁴⁸.

⁴⁶ International Committee of the Red Cross, "Internal Displacement in Armed Conflict: Facing Up to the Challenges", Geneva, 2009, p. 2.

⁴⁷ United Nations High Commissioner for Refugees - USA, *ibid*.

⁴⁸ United Nations High Commissioner for Refugees, "Global Trends in Forced Displacement - 2020 Report", Copenhagen, 2021, p. 5 *et seq*.

By looking at the numbers over the course of the past years around the world, we can see that the countries with the largest number of people who had to leave their countries and crossed international borders heading to more stable places are the countries where the armed conflict has spread across most of the country's territories. Syria comes at the top of the list, followed by Palestine, then Venezuela, Afghanistan, South Sudan, Myanmar, D.R. Congo, Somalia, Sudan, and Central Africa⁴⁹.

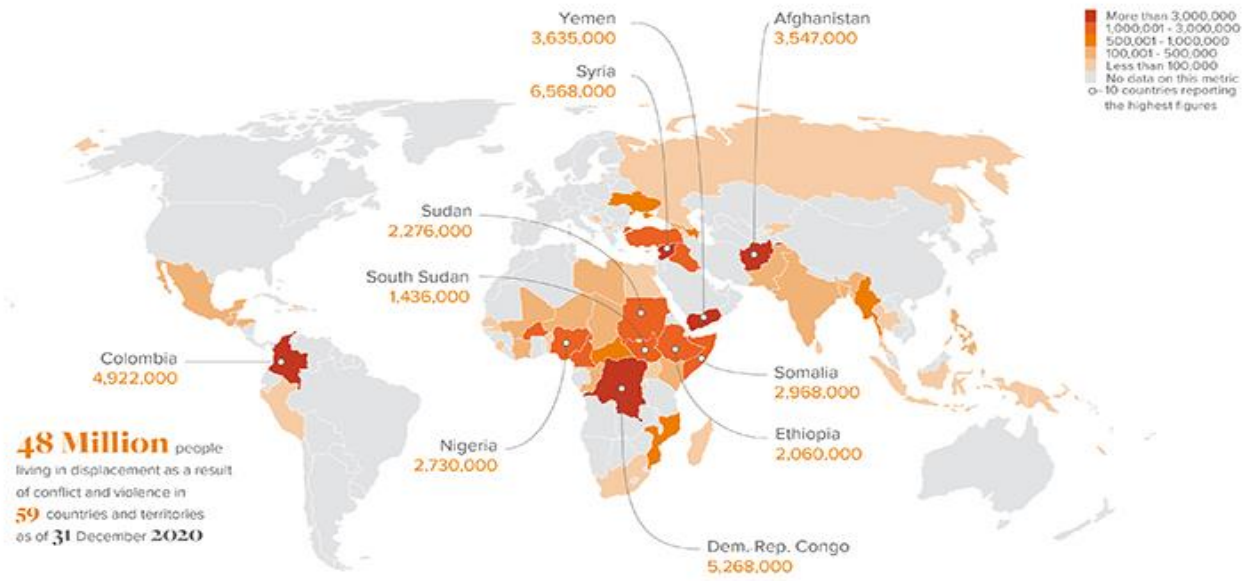


As for countries where armed conflicts have led to an enormous increase in the number of internally displaced people, by the end of 2020, the number of internally displaced people around the world has reached 48 million people in 59 countries experiencing armed conflicts and violence. Syria came at the top of this list as well, followed by D.R. Congo, then Colombia, Yemen, Afghanistan, Somalia, Nigeria, Sudan, Ethiopia, and South Sudan⁵⁰.

⁴⁹ Ibid. p. 7;

United Nations Relief and Works Agency for Palestine Refugees in the Near East, "UNRWA in Figures – 2019", Jerusalem, 2020, p. 1. Retrieved from: www.unrwa.org/resources/about-unrwa/unrwa-figures-2019-2020

⁵⁰ Internal Displacement Monitoring Centre, "IDMC's 2021 Global Report on Internal Displacement", Geneva, 2021, p. 14.



Source: [IMDC](#)

Current Situation in the Arab Countries Suffering from Armed Conflicts

The Arab region is plagued with armed conflicts and turmoil. The intensity of which has increased over the last decade as a result of the spread of non-international armed conflicts, the spread of the phenomenon of terrorist groups, the continuation of occupation, and foreign colonial interventions, the Arab countries have become therefore one of the world's largest exporters of refugees and one of the highest regions in the world in the number of internally displaced people. The suffering of the civilian in the areas of armed conflict in the Arab countries is still ongoing on, and can be clearly seen through the numbers of forced migrants, refugees and internally displaced persons in Palestine, Syria, Iraq, Yemen, and Libya. As we explained earlier while discussing of the legal framework, there is no doubt that the humanitarian crisis of forced migrants, refugees and internally displaced persons in Palestine, Syria, Iraq, Yemen, Libya, and any other country suffering from armed conflicts is a result of a large number of violations committed, and are being committed, the parties to the conflict who do not comply with the provisions of international humanitarian law and international human rights law. The states supporting and funding these violations also contribute to exacerbating the situation and prolonging the conflict, and even sometime the parties to the conflict are fighting on behalf of these states in a proxy war.

In **Occupied Palestine**, the **israeli occupation** started since 1948 to displace many Palestinian villages and committed massacres against the Palestinians, which led to the

displacement of more than 700,000 Palestinians at the time⁵¹. The atrocities and crimes it committed in 1948 were not enough for the occupation to stop this criminality, as it continued its systematic policies to displace Palestinians from their homes and build settlements in the 1967 Occupied Palestinian Territories and in occupied East Jerusalem. In the last decade only, about 10,000 Palestinians were displaced in the occupied West Bank after their expulsion or the demolition of their homes⁵². The latest of these practices were the attempts to displace Palestinians from the neighborhoods of the occupied city of Jerusalem like Sheikh Jarrah and Silwan this year, in continuation of a series of war crimes and violations of the provisions of international humanitarian law that prohibited displacement and settlement, and the Israeli occupation's blatant breach of its obligations towards Palestinian in its capacity as an occupying power.

The occupations' attacks directed against civilian population in Gaza Strip have also considerably led to the displacement of Palestinians in an area that already hosts a large number of displaced persons who previously fled Palestinian cities in 1948 and 1967 and suffers from the siege imposed by the occupation, in violation of the provisions of international humanitarian law that prohibit targeting civilians and civilian objects and prohibit collective punishment. In addition to violations of international human rights law in the occupied West Bank and occupied Jerusalem. All of these make it obvious that the occupation has blatantly violated the various principles and provisions we mentioned while addressing the legal framework in respect of not causing the displacement of civilian population and not to carry out hostilities causing the occurrence of such displacement.

Today, after more than 70 years of Palestine under Israeli occupation, more than 70 years after the establishment of the Zionist settler colony, the number of Palestinian refugees and internally displaced persons has reached more than 6 million Palestinian - a significant proportion of whom live in refugee camps⁵³. This number of refugees and internally displaced persons in Palestine is the second largest one in the world after Syria, which reveals part of the tragedy and the catastrophe of the Palestinian people that the Israeli occupation directly caused over seven decades of displacement, ethnic cleansing, direct attacks against civilians and civilian objects, and other war crimes and grave violations of international humanitarian law and international human rights law. The Israeli occupation, however, continues to violate severely international humanitarian law and international human rights law, forcing more Palestinian civilians to leave their homes

⁵¹ United Nations General Assembly Official Records, Supplementary Report of the United Nations Conciliation Commission for Palestine, UN Doc. No. A/1367/Rev. 1, 23 October 1950. Retrieved from: unispal.un.org/DPA/DPR/unispal.nsf/0/93037E3B939746DE8525610200567883

⁵² United Nations Office for the Coordination of Humanitarian Affairs, "Breakdown of data on demolition and displacement in the West Bank". Retrieved from: app.powerbi.com/view?r=eyJrIjoiMmJkZGRhYWQ0ODk0MS00MWJkLWI2NTktMDg1NGJlMGNiY2Y3IiwidCI6IjBmOWUzNWRiLTU0NGYtNGY2MCIsIHZGNgJLTUViYQxNmU2ZGM3MCIslmMiOjIh9

⁵³ United Nations Relief and Works Agency for Palestine Refugees in the Near East, *ibid*.

as a result of the ongoing deportation, dispossession, and settlement or as a result of carrying out hostilities that are completely inconsistent with the provisions of international humanitarian law. All of these has been the reason for the displacement of millions of Palestinian civilian populations whether within the Palestinian territories or to other countries.

As for **Syria**, the ten-year armed conflict has resulted in the largest number of refugees and internally displaced persons around the world. The armed conflict in Syria -between the Syrian government and the various armed groups- has led to 6.7 million Syrian civilians leaving their homes and seeking refuge in many countries around the world⁵⁴, and the displacement of 6.5 million internally to other areas inside Syria⁵⁵.

The parties to the conflict in Syria, whether the Syrian government or the armed groups involved in the conflict, have committed countless violations of international humanitarian law and international human rights law since the outbreak of the conflict in 2011 and until today. These violations and war crimes included forced displacement, massacres, extrajudicial killings, arbitrary arrests, hostage-taking, enforced disappearances, sexual violence and rape⁵⁶. Committing these violations that led to the grave intimidation of civilians has not been enough for the parties to the conflict, as they also carried out unlawful attacks against civilians and civilian objects including targeting persons and objects enjoying special protection under international humanitarian law, imposing sieges, and using weapons banned under international law⁵⁷. Instead of the parties to the conflict seeking to alleviate the crisis and working on opening ways for the return of Syrian refugees and internally displaced persons to their homes, they have continued to displace more Syrians in even higher numbers than before⁵⁸.

In addition to the Syrian government and armed groups, a number of external parties with colonial ambitions contributed to making the situation more catastrophic whether through their direct intervention in the conflict or their support to some of parties to the conflict in several forms of support despite all the violations committed. **Turkey** comes at the forefront of these countries, as it has caused -since its invasion of large parts of northern Syria in 2016 support of the pro-Turkey armed groups- the displacement of large numbers of civilians in northern Syria. Those numbers even once exceeded 200,000 displaced persons when Turkey invaded the Syrian city of Afrin⁵⁹. The pro-Turkey armed

⁵⁴ United Nations High Commissioner for Refugees, *ibid.*, p. 3;
Internal Displacement Monitoring Centre, *ibid.*, p. 14.

⁵⁵ *Ibid.*

⁵⁶ United Nations Human Rights Council, "Report of the independent international commission of inquiry on the Syrian Arab Republic", 12 February 2014, UN Doc. No. A/HRC/25/65, paras. 20-150. Retrieved from: undocs.org/A/HRC/25/65

⁵⁷ *Ibid.*

⁵⁸ Internal Displacement Monitoring Centre, *ibid.*, p. 39.

⁵⁹ Reuters, "More than 200,000 people fled Syria's Afrin, have no shelter: Kurdish official", 19 March 2018. Retrieved from: <https://reut.rs/2HNlcnj>

groups in Syria have carried out a large number of violations of international human rights law in the Syrian areas occupied by Turkey under full watch of the Turkish occupation forces⁶⁰. In addition to Turkey's own policies in the territories it occupies, from attempts to Turkify cities and discriminate between Syrian civilians on the basis of ethnicity, which may amount to ethnic cleansing policies. This approach of Turkey, in addition to its support for a number of armed groups violating international humanitarian law since the conflict outbreak, has led to having it as one of those causing -either directly or indirectly- the suffering experienced by a significant proportion of Syrian refugees and internally displaced persons. It is clear from this that the Syrian government, armed groups and foreign parties to the conflict in Syria have spared no effort over the past decade to intimidate and terrorize civilians in various Syrian cities, in a manner that the international community widely condemned. Which led millions of Syrians to flee their homes and get scattered in various countries around the world to this day looking for a refuge in a safe place as a result of these atrocities and criminality.

As for **Yemen**, the total failure of all parties to the conflict to abide by the provisions of international humanitarian law and international human rights law since the outbreak of the conflict has caused Yemen to be the worst humanitarian crisis in the world, as always described by the United Nations⁶¹. Violations have been committed from all parties⁶² without exception causing tens of thousands of civilian casualties as a result of hostilities and direct attacks against civilians only, while the conflict left more than 230 thousand dead⁶³. The conflict has not only caused the displacement of millions of Yemeni civilians, so that one out of every eight Yemenis has become internally displaced, but the devastation caused by the conflict -including the spread of hunger and poverty with the spread of epidemics in a collapsed health care system- has made the lives of these individuals in Yemen extremely tough, in a country that two-thirds of its population depends on humanitarian aid⁶⁴.

Regarding the violations of the international humanitarian law by the parties to the conflict, the internationally recognized Yemeni government forces in the areas under its control have committed a number of violations against civilians, which in turn caused a number of civilians to flee the areas under its control to escape these violations. As for the violations committed By the **Houthi armed group**, foremost among which comes the use

⁶⁰ United Nations Human Rights Council, "Report of the Independent International Commission of Inquiry on the Syrian Arab Republic", 14 August 2020, UN Doc. No. A/HRC/45/31, paras. 37-69. Retrieved from: undocs.org/A/HRC/45/31

⁶¹ UN News, "Humanitarian crisis in Yemen remains the worst in the world, warns UN", 14 February 2019. Retrieved from: news.un.org/en/story/2019/02/1032811

⁶² United Nations Security Council, "Letter dated 26 January 2018 from the Panel of Experts on Yemen mandated by Security Council resolution 2342 (2017) addressed to the President of the Security Council", 26 January 2018, UN Doc. No. S/2018/68. Retrieved from: www.securitycouncilreport.org/un-documents/document/s201868.php

⁶³ United Nations Office for the Coordination of Humanitarian Affairs, "Global Humanitarian Overview 2021 "Geneva, 2020, p. 111.

⁶⁴ UN News, "First Person: Yemen 'cannot even afford to worry about the coronavirus'", 28 February 2021. Retrieved from: news.un.org/en/story/2021/02/1085732

of civilians as human shields and the establishment of military facilities in densely populated civilian areas, in addition to causing the death of large numbers of civilians using mortars as a result of non-observance of the provisions of international humanitarian law in respect of the rules of conduct of hostilities⁶⁵, and the use of internationally prohibited weapons like anti-personnel mines⁶⁶. Not to mention the widespread violations of international human rights law in the areas under the control of the Houthi armed group⁶⁷, which included most of the grave violations committed against children in Yemen since the outbreak of the conflict⁶⁸. In addition to the fact that the Houthi armed group has caused the displacement of thousands of Yemeni civilians in areas affected by the hostilities between the Houthi armed group and other parties to the conflict or in areas which under Houthi control and witnessing flagrant violations of international human rights law, a large number of IDPs and refugees camps in Yemen have been hit by Houthi artillery shelling and heavy weapons⁶⁹. Moreover, despite all the violations committed by the Houthi armed group, **Iran** remained throughout the conflict period as the first source of financial and military for the group⁷⁰, with evidence of its violation of the arms embargo on armed groups in Yemen⁷¹, which means that it bears a large part of responsibility for the tragedy of the internally displaced persons in Yemen.

All this and more in Yemen have led to having the number of IDPs there reached, as a result of the conflict only and without counting the displaced as a result of natural disasters, 3.6 million⁷². Only last year, 143,000 Yemenis were displaced due to the continuation of the conflict for the seventh in Yemen, and many of those displacements were due to indiscriminate attacks and the use of civilians as human shields, as we explained⁷³. Although the number of IDPs in Yemen for reasons related to natural disasters -especially torrential rains and flash flood- reached numbers that have not been recorded in Yemen before, but the number of people displaced for reasons related to the armed conflict and the violations committed has reached more than fifteen times the number of people displaced due to natural disasters⁷⁴. Furthermore, Yemen continues to be one of the most prominent hot spots regarding the refugee crisis⁷⁵, as about 190,000

⁶⁵ United Nations Security Council, *ibid.*, p. 297.

⁶⁶ United Nations Human Rights Council, *ibid.*, p. 8.

⁶⁷ Human Rights Watch, "World Report 2020", USA, 2020, p. 641.

⁶⁸ United Nations, "Children and armed conflict, Report of the Secretary-General", 9 June 2020, UN Doc. No. A/74/845, p. 25. Retrieved from: undocs.org/en/A/74/845

⁶⁹ Human Rights Watch, "Yemen: Houthis Attacking Displaced People's Camps", 23 March 2021. Retrieved from: www.hrw.org/news/2021/03/23/yemen-houthis-attacking-displaced-peoples-camps

⁷⁰ Reuters, "Exclusive: Iran steps up weapons supply to Yemen's Houthis via Oman – officials", 20 October 2016. Retrieved from: www.reuters.com/article/us-yemen-security-iran-idUSKCN12K0CX;

Middle East Eye, "Iran arming Yemen's Houthi rebels since 2009: UN report", 1 May 2015. Retrieved from: www.middleeasteye.net/news/iran-arming-yemens-houthi-rebels-2009-un-report

⁷¹ United Nations Security Council, "Letter dated 27 January 2020 from the Panel of Experts on Yemen addressed to the President of the Security Council", 27 January 2020, UN Doc. No. S/2020/70, p. 8. Retrieved from: www.securitycouncilreport.org/un-documents/document/s-2020-70.php

⁷² Internal Displacement Monitoring Centre, *ibid.*, p. 14.

⁷³ *Ibid.*, p. 42

⁷⁴ *Ibid.*, pp. 15, 41

⁷⁵ United Nations High Commission for Refugees, "Global Trends in Forced Displacement - 2020 Report", *op cit.*, p. 6.

civilians in Yemen were forced to leave their homes after the outbreak of the conflict, to be scattered in various countries⁷⁶.

Conclusions

In conclusion, all of the aforementioned illustrates the direct relationship between armed conflicts and forced migration, asylum, and internal displacement. International humanitarian law has prevented the forcible displacement of civilians, whether directly through displacing and deporting them or indirectly through hostilities that do not comply with international humanitarian law causing them to not be safe in their homes. Thus, the violations of the provisions of international humanitarian law by the parties to the conflict and the failure to fulfill the obligations they bear is the reason for the displacement of thousands of civilians in times of armed conflict. The outbreak of armed conflicts, especially non-international ones, has also led to an unprecedented explosion of forced migration, refugee, and internal displacement crises which have increased challenges in a way much more than before. All of this comes to assure us that the commitment of the parties to the armed conflict to the provisions of international humanitarian law entails preventing conflicts from causing civilians to flee their homes, and that it is a matter of urgency and necessity in order to stop the suffering and the tragedy of forced migrants, refugees, and IDPs.

Recommendations

In light of all of the aforementioned, Maat for Peace, Development, and Human Rights recommends the following:

- **To the International Community and UN bodies:**
 1. Formulating a legally binding international agreement on the issue of internal displacement, due to the absence of a binding international instrument in this regard and in response to the great challenges posed by the unprecedented massive increase in the number of IDPs around the world;
 2. Amending the Convention relating to the Status of Refugees to suit the challenges facing the refugee issue today, as these challenges differ from those that existed when the Convention was adopted 70 years ago, and in order to provide greater protection for today's refugees;

⁷⁶ Migrants-Refugees, "Country Profiles - Yemen". Retrieved from: migrants-refugees.va/country-profile/yemen/; United Nations High Commission for Refugees, "Almost 100,000 flee Yemen in four months as receiving countries struggle to cope in face of funding crisis", 4 August 2015. Retrieved from: www.refworld.org/docid/55c0c3d14.html

3. Urging states that have not acceded to the Convention relating to the Status of Refugees to accede to it to ensure that the rights of refugees are widely recognized until the Convention is amended or another more effective legal instrument is adopted;
- **To state and non-state parties to armed conflict:**
4. Complying with the provisions and rules of international humanitarian law prohibiting the forcible displacement, deportation, or transfer of civilian populations;
5. Complying with applicable rules of international humanitarian law and international human rights law that prevent hostilities from causing civilians to leave their homes in search of a safe place;
6. Obliging with returning civilians who were transferred -for the security of the population or imperative military reasons- as soon as hostilities have ceased;
- **To the refugee-hosting countries:**
7. Complying with the rules of international law, resolutions of international legitimacy, and regional legal instruments relevant to the refugee issue;
8. Adhering to internationally recognized principles regarding refugees, in particular, the principle of non-refoulement;
9. Providing decent livelihoods and humane treatment for all refugees on its territory without discrimination;
10. Not to persecute refugees just because they are not citizens of the state;
- **To the countries housing IDPs:**
11. Adhering to the United Nations Guiding Principles on Internal Displacement as a minimum standard in respect of the IDPs issue;
12. Treating IDPs as civilians enjoying the same rights as other residents of the country under international and domestic law;
13. Not to discriminate between IDPs and other civilians on the grounds that they are displaced and not to persecute them just for being displaced;
14. Providing protection and humanitarian assistance to the IDPs;
- **To specialized international organizations and civil society organizations:**
15. Providing technical advice or support to governments on the implementation of relevant international instruments when needed and within their mandates;
16. Raising awareness of refugees and IDPs of their rights, providing them with assistance and support, and helping them to integrate into the new societies to which they were forced to move;
17. Raising awareness of the members of the communities that contain refugees or IDPs of the rights of refugees and IDPs and urging them to provide support and assistance to them so that they are not subjected to discrimination or persecution within those communities;
18. Assisting in receiving refugees and internally displaced persons in satisfactory humanitarian conditions.