

## **Armed conflicts and Refugees' suffering**



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**ECHRD**

**April 2023**

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### **Egyptian Coalition for Human Rights and Development**

It is an initiative launched by Forum for Development and Human Rights Dialogue Foundation, and consists of 500 development associations and organizations in 9 Governorates, in order to promote Human Rights conditions in Egypt, strengthen partnerships, and exchange experience.

The NGOs and institutions participating in the initiative were distributed in 9 governorates: Cairo, Gharbia, Beheira, Alexandria, Beni Suef, Sohag, Luxor, Qena and Aswan.

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➤ **Introduction:**

Armed conflicts are among the most serious threats to human life, especially civilians, who find themselves dragged into a cycle of conflict that narrows them every day, disturbing their lives and putting them in danger. Armed conflict is often the cause and result of State divisions, the erosion of civil society, the lack of respect for domestic law and international standards, and the erosion of traditional values and kinship bonds resulting from the collapse of societal structures. Once these conflicts occur, serious humanitarian crises erupt and result in suffering on a scale People move from a life of stability, safety and normalcy to a life of danger, fear, deadly deprivation of food, clean water, health services, education and economic resources, forced expulsion of huge numbers of populations, travel restrictions, destruction of roads, bridges, markets, schools and infrastructure, and rampant human rights abuses.

Humanity has gone through many wars and conflicts that have torn it apart, as humanity has suffered from violent and power struggles that have led to genocide and mass destruction. The situation is still repeated in the scene of war and armed conflicts, especially those in the Arab region, as a result of profound transformations due to a set of social, economic and administrative factors, as well as On violent conflicts, humanitarian crises and political instability in the areas of fighting and conflict in Iraq, Syria, Tunisia, Libya, Yemen, Somalia, Palestine and other countries that have not rested as a result of wars and conflicts that have been devastated for a long time in person and place, and there has been consensus that civil societies are the biggest losers in these conflicts, as people are directly and indirectly affected by wars and armed conflicts, and citizens are forced to migrate and be displaced from their homelands.

International treaties, the rules of international humanitarian law and the efforts of international organizations have not been able to achieve the required degree of adequate protection for victims of armed conflicts so far, especially civilians, but they have been able to alleviate the suffering of these victims when the parties to the conflict remain to some extent in respect for humanitarian and international norms and respect for the rules of international humanitarian law, but it is clear in fact that these rules and conventions are often not respected, as the case may reach the parties to the conflict that each of them He seeks to triumph over the other party without observing those legal norms and rules. Therefore, the international community continues to seek the greatest possible protection for victims of armed conflict, in light of international humanitarian law, which seeks to reduce the effects of armed

conflicts and to protect and assist all victims of such conflicts. Therefore, we will discuss the impact of armed conflicts and the suffering they cause to refugees through several axes, namely: introducing armed conflicts, identifying the causes and incentives that lead to armed conflicts, explaining the impact of armed conflicts on the displacement of communities and the suffering of refugees, clarifying international efforts to protect refugees, and providing some recommendations that contribute to solving this problem.

**Therefore, the report addresses all topic related to technical education and its relationship with comprehensive industrial development, especially at the Egyptian level, through some axes, which are:**

1. Definition of armed conflicts
2. Causes and catalysts that lead to armed conflicts.
3. Impacts of armed conflicts on the displacement communities and refugees' suffering.
4. International efforts to protect Refugees.
5. Recommendations.

#### **1. Definition of armed conflicts:**

**There is no unified concept of armed conflict, but it agrees that armed conflicts are an** armed conflict between two or more states and is called (international conflict), or between the military power of the state and armed groups or militias and is called (internal conflict), or between two groups in the same region and is called civil or civil conflict, and in all these types of conflicts excessive violence is used across armed forces and groups. Where we find in all circumstances that these conflicts are between two or more parties, whether the conflict is international or local, as each of the parties to the conflict resorts to the use of weapons and force through which it seeks to reach victory and victory at all costs.

Therefore, when talking here about the concept of armed conflict, we find it necessary to differentiate between international armed conflict and non-international armed conflict, in accordance with the principles and provisions referred to by international humanitarian law.

**International armed conflict:** It is the conflict that takes place through the resort to violence and excessive force between two or more states, and this is done through a prior declaration of warning, threat or pressure, or without

prior announcement, and sometimes under illegal or unreal slogans and excuses.

**Non-international armed conflict:** It is the conflict that takes place within one state, and is called internal armed conflict, or civil war, where this conflict takes place between the legitimate armed forces of the state and groups, parties or tribes, and various types of weapons are used in this conflict without sometimes considering the size of the losses that this conflict may leave between the people of the same state, as the important thing is how to achieve victory or control at all costs.

As **international jurisprudence went in the concept of armed conflict**, "armed conflict is the intervention by the armed force of one state against another, regardless of whether such armed intervention is lawful or unlawful. While some believe that the term armed conflict is more comprehensive than the term war, as there are cases that are not taken by the term war, such as in which the state is a party to the conflict and the lack of fairness of the other party as a state, despite its fairness as an international organization..

**We can conclude from the previous definitions that** the conflict is a competition between two or more parties for values, resources and power, and the goal between the competitors is to harm and neutralize the opponents, which pushes the conflicting parties not to accept the status quo and try to change it, and that interaction constitutes a criterion for classifying that dispute, and thus the conflict expresses the state of conflict between the parties in goals and interests.

**The phenomenon of internal or external conflicts** is one of the complex dynamic phenomena affecting the relationship of the political system with political forces or its relationship with the surrounding countries, due to the multiplicity of its dimensions, the overlap of its causes and sources, the intertwining of its interactions and direct and indirect effects, and the varying levels at which it occurs, in terms of the extent or violence associated with it, and there are determinants that affect the conflict, whether at the internal or external level. Determinants refer to the totality of the conditions that govern all forms of exchange between actors, or those elements that constitute the environment of the regime, such as ruling elites or ideology and public policies, and are the source of flows that affect the totality of actors who fall within the framework of this system.

**A conflict between political groups and forces in a single State is not an international dispute. Rather, it is an internal conflict that is subject to the internal law of the State, and may extend to international humanitarian law.**

**2. Causes and catalysts that lead to armed conflicts:**

**a) Conflict for religious reasons:**

They are the conflicts that occur between the followers of different religions, whether the religions are heavenly or non-heavenly such as Islam, Christian, Jewish, and Hindu, such as disputes between the followers of the Islamic religion and the Christian religion, or are those conflicts that arise between the followers of sects that follow one religion, such as the conflicts between Catholics and Protestants in the Christian religion, and between Sunnis and Shiites in the Islamic religion, as in Iraq, Bahrain and Yemen, or that have challenged between the followers of the same religious sect, such as disputes between moderates and extremists in Sunna.

**b) Conflict for political reasons:**

They are conflicts that erupt between different political parties, and are between political parties or forces, or even between parties within the framework of one state, and that conflict can spread to neighboring countries, and regional or international parties intervene in it, such as the conflict inside Syria, Yemen and Libya.

They are conflicts that occur as a result of disagreement over power, influence and method of participation in governance or attempts to separate from the state, and the domination of some ruling regimes, the peoples, the control of an ethnic minority over the interests of the majority, the marginalization of minorities and the lack of commitment to the principles of human rights, the weakness of good governance, and the lack of transparency, as happened in Burundi and Rwanda, all of this leads to general discontent among the peoples, the emergence of armed movements opposed to the regimes, and a clash between the people and the government that ends in civil wars, leading to the destruction and destruction of states and peoples, and may be resolved by the usual peaceful means or expand into violent conflicts and fighting, and inequality and a sense of injustice create an atmosphere charged with fear in which political competition is impossible, because Disparity loses the minimum agreement on the basic rules of society between its different parties.

**c) Ethnic and racial causes:**

They are conflicts that arise due to belonging to different races, and the vision associated with each faction in its right to sovereignty and the acquisition of resources and has rights and privileges without other factions, social inequality, identity disputes, cultural, social and political disparity, and the

emergence of sectarian and racial problems as basic motives for conflicts, as some countries suffer from a demographic structure with Ethnicities and sects are mixed, resulting in many political and social problems, the policy of exclusion and the cultivation of ethnic hatred, which quickly develops into tension between sects and each other or between sects and the government, and then turns into civil wars such as ethnic conflicts between Kurds and Arabs in Iraq, and between Kurds and Turks in Turkey.

Conflicts are also classified into symmetrical conflicts, in which the parties to the conflict are similar, and asymmetric disputes that arise between asymmetric parties, such as a conflict between a majority and a minority, or a conflict between a government and a group of rebels, or a group that rejects the ruling authority.

**d) Social and cultural reasons:**

Such as the conflicts that erupt between the followers of different ideas and orientations, where each of them sees the validity and validity of the ideas he holds, and wants to apply them in the social circles in which he lives, and strongly rejects the existence of followers of other ideas, such as the ongoing conflicts in Western countries and America between secularists and Islamists, or between nationalists and Islamists in Arab countries, psychological factors of some tribes and claims of marginalization, a sense of inferiority in all its forms and a sense of inferiority among some classes of society, and the emergence of class hatred as a result of deep psychological and social accumulations It leads to a sense of hatred and hatred against other members of society, increased tension and frequent conflicts between the peoples of this state or between them and the ruling authority.

There are some other factors that help increase tension and conflicts between peoples, such as the low standard of living, the disparity of material resources, changes in the demographic composition of society as a result of migrations, displacement, and being influenced by foreign ideas, and the availability of weapons in large quantities in villages and rural areas, in addition to technological transformations that have changed many concepts and relations between the population, such as means of communication and others.

**e) Conflicts for economic reasons:**

They are the conflicts that arise between two parties because of an economic, commercial or financial factor or the dispute over the sharing of resources and how to distribute them, and the feeling of some groups that they do not obtain their share of the capabilities of their countries and seek to obtain it by force, as well as because of the widespread corruption in state institutions, the spread

of poverty and unemployment, the unfair distribution of national resources and wealth, and some natural conflicts that occur as a result of some natural factors such as lack of mother.

Flight and lack of water sources, which leads to the phenomenon of drought and desertification and thus the occurrence of disputes over water sources and grazing areas, as happened in Darfur. This type of conflict tends to external conflicts more than internal conflicts, whether between neighboring countries or distant countries to control economic resources, as is the case in the case of the Iraqi invasion of Kuwait in 1990, or as is the case in the US occupation of Iraq in 2003, but this does not negate the existence of cases of internal disputes over economic resources within the Arab state, which are those conflicts that may arise as a result of inequality in the distribution of resources among the spectrums of the same people, which may be scarce.

However, they exist, such as the internal conflicts between the Sudanese people over economic resources and oil places before the secession of South Sudan in 2011, as well as internal conflicts between the spectrums of the Iraqi people, although they were conflicts of a political and ethnic nature, but they were not without economic ambitions and the monopoly of resources, as in the case of the Kurds in Iraq.

### **3. Impacts of armed conflicts on the displacement communities and refugees' suffering:**

People who were residing in areas controlled by conflicts, wars and security disturbances, were forced to leave, either for fear of death or injury, whether from the regime or armed terrorist groups, or for any other consequences of wars, and these apply to the legal concept of asylum.

Another reason for forced migration is the economic crises to which they have been exposed, as their living capabilities have deteriorated, and they have fled to migrate outside the country, as a result of the economic depression that followed, and the consequent search for job opportunities, or obtaining subsistence subsidies from donors before the decision to migrate. There are various manifestations of social exclusion in the country of origin, which were surveyed and suffered, manifested in marginalization, high unemployment rates, low wages, as well as the lack of justice, which has increased with the recent events of the ongoing war.

Although the aforementioned negatives express manifestations of social exclusion, they are, as they assert, the tyranny of regimes and their policies,



which The previous explanation is one of the underlying causes of forced migration, in addition to a rupture in the social fabric between political systems and citizens, whether in deprivation of work (exclusion from government work, versus layoffs in the private sector, and the exacerbation of the problem of unemployment among heads of families and young people and thus the failure to ensure a regular and stable income, and all this is preceded by the provision of low education to the majority of members of society, and the limitation of quality education to a specific group or class in Society (such as special education).

Most refugees attribute the reasons cited to the absence of social policies capable of promoting social progress and advancement.

International humanitarian law is directly affected by the positions of the parties to the conflict, and by the positions of the other parties alike, and this results in unarmed civilians resorting to leaving their homelands and migrating them in various legal and illegal ways, under duress, unchosen, which is confirmed by the Syrian situation, which resulted in the displacement of millions of people to neighboring and distant countries alike.

The law is indifferent to the fate of the victims. There is no doubt that the perpetration of massacres, the violation of values, the continuation of flagrant violations of human rights, and the humiliation of peoples and nations result in violent and terrible reactions as a result of feeling humiliated, which has negative repercussions on entire nations. If the objectives sought by the rules of international humanitarian law are mainly to reduce the effects of military operations, mitigate their scourge, and impose humanitarian considerations in dealing with the inhumane effects of armed conflicts, this requires that the parties to the conflict abide by the humanitarian rules in combat, because the purpose of military operations must stop at the limit of conquering the enemy and achieving victory over it, in accordance with the rules governing military operations.

It should be noted that the provisions of international humanitarian law conventions have attempted to reconcile the normal state of military necessity with humanitarian requirements, thereby restricting the conditions of use of necessity and even precisely defining its areas. We can therefore say that this restriction serves to limit the interests of the parties to the conflict that affect the application of the rules of international humanitarian law, in particular by using its rules of warfare necessity with several names.

Indeed, if the parties to the conflict do not abide by the basic rules of hostilities, the victims lose hope of being protected by law, and the prisoners lose hope of returning to their homeland. These and other violations occur as a result of disregard for and tampering with international legal norms, thereby absent humanitarian norms from the ground.

The rules of international humanitarian law therefore prohibit the large-scale beating, seizure, alteration or destruction of civilian property. without military justification or necessity, prohibits the deportation of the civilian population, and enshrines the principle of non-conversion of occupation to sovereignty over the occupied territory and its people sovereignty is a State ' This place or right of sovereignty does not end or fall when a State is subjected to foreign occupation, which is in fact contrary to international law.

**In this context**, we emphasize that the rules of international humanitarian law s rights ", specifically designed to reduce human rights violations committed during armed conflicts, against protected persons, so the parties to the conflict must apply the rules of international humanitarian law, without waiting for the end of the war or for a peace treaty, In our view, it is the Contracting States' responsibility to abide by and immediately implement the provisions of this Law.

The latter applies to all members of the international community, parties and non-parties to international conventions, especially if we know that not all States are parties to these conventions. Protocol I of 1977 to the Geneva Conventions of 1949, was acceded to by 2005 only. (162) One State and five States that have signed and not ratified it, as well as Protocol II, to which 141 States and four States that have signed and not ratified 19 have acceded. However, international reality has clearly shown that some Contracting Parties often take a negative and rewarding attitude either because of their unwillingness to engage in any form in the dispute or because their interests are linked to that or that party's interests. The personal purposes of the Contracting Parties often determine the direction of their positions on certain armed conflicts. Refrain from participating directly in hostilities with one party against another, does not mean that the other party does not support itself in other ways and methods in accordance with its own or common interests international humanitarian law ", so the interests of the parties to the conflict often preclude the application of rules of international humanitarian law.

Forced migration resulting from a war or looming conflict is one of the region's most serious social and economic problems. In 2013, there were 10.7

million new displaced persons from their homes as a result of the conflict, and it is certain that both the duration and the rapidity of these conflicts will intensify refugees' social, economic and political exclusion. According to the Internal Displacement Monitoring Centre, the largest internal displacement in 2013 related to conflict and violence in Syria (6.5 million people), Sudan (2.4 million), Iraq (2.1 million) and Somalia (1.1 million). By July 2015, a total of 11.6 million people displaced by the Syrian conflict alone, about 53 percent of the population, were internally displaced, while the rest were refugees (i.e. outside their country of nationality). In 2013, children under 18 were 50 percent of the world's refugee population, the highest number in 10 years. That year, Somali children were ranked high among the approximately 25,300 asylum applications from unaccompanied or separated children in 77 countries. Long-term displacements create generations that lack access to quality education, thereby reproducing and deepening the negative effects of forced displacement. Since the beginning of the war in Syria, it is estimated that 90% of Syrian refugee children and youth aged 6 to 17 have been out of school. In 2013, out of 2.8 million Syrian refugees outside their country's borders, less than 359 thousand children attended formal primary or secondary education in Jordan, with an estimated 800 thousand Syrian refugees in 2014, with enrolment rates in secondary schools recorded in the larger Za'atari camp (It has approximately 160 thousand refugees, 24% for girls and 15% for boys. Among Syrian refugees in Lebanon, about 30% of men and 36% of women aged 15-29; the secondary gross enrolment rate for Syrian refugees in Lebanon is 19 percent (16% among young men and 24 percent among young women).

Given Syria's pre-crisis enrolment rates, education among refugees in these host countries is very clear, and Syrian children also face a number of other obstacles in host countries' education systems. Syria ' and the lack of support in classrooms. As a result of this order, Lebanon's Ministry of Education and Higher Education imposed barriers to registration of refugees, which are sometimes prevented from learning in public schools.

Similarly, access to education among internally displaced persons is negatively affected by the conflict, as evidenced in Somalia's case. In other cases, post-conflict trends show that lower educational attainment among conflict-affected groups persists over time, as they rarely resume post-conflict studies.

Conflict can also have indirect effects on the educational system and the labor market of neighboring countries hosting refugees. In Lebanon, for example, the United Nations Educational, Scientific and Cultural Organization (UNESCO) estimates that 140,000 Lebanese school-age children are directly affected by the requirements of Syrian refugees from Lebanon's educational system. The influx of Syrian workers has put downward pressure on wages in the informal sectors of Jordan and Lebanon. Another consequence of forced displacement is the severance of relations within the family, which in Arab societies is a major institution of protection and support and is certain to have a multiplier effect on the future of refugees.

Internally displaced persons in Somalia are often members of a minority community who lose their social support when they are uprooted, exploited and subjected to violence, are vulnerable to exploitation and violence, and are vulnerable to recruitment from armed groups; in particular if internally displaced persons' families are headed by women or children. The family unit is often torn apart with separated children, as reported in the Za 'atari refugee camp in Jordan; Grandparents reside with their grandchildren, while parents stay home to secure a possible income and protect the family's property. Thus, decision-making roles and responsibilities in the family are suddenly transformed; Children become dependants, and women are responsible for raising children and securing income after losing their partners.

➤ **Problems of social integration experienced by refugees as a result of displacement:**

a. **Safe stay:**

When investigating refugees' threats to residence and housing; To understand the state of security and tranquility, obtaining passport residence, especially annual residence, has proved to be extremely difficult, as the diversity of residency from one school to the other is the best from their point of view, as both of them allow the holder to travel and return unimpeded, and the tourist residence or asylum application they call in their speech (Yellow Card) by registration with UNHCR ends once the country has left, and they also have fixed periods within the country.

There are many obstacles facing them: the fine for delaying the renewal of residence, as well as the difficulty of obtaining formal permits for shop owners. In particular, the majority of refugees are in difficult economic situations, since their residence is not for the purposes of tourism, study or employment, Understanding an emergency and exceptional situation that has

fled homicide and bombardment s families and widows, as well as older persons living alone This is confirmed by a study on the importance of residence and housing as one of the material variables active in obstructing or facilitating integration.

**b. Education:**

Another indicator of social integration was education or enrolment in educational institutions, where parents of families with children of school age found it difficult to enroll their children in educational institutions.

Family heads were found to suffer from some challenges associated with the educational process, foremost among which was the qualitative variation of the curriculum, its contents as well as the different meaning of the tone, which often led to misunderstandings and obstructed communication with their teachers and student peers.

Health problems and diseases associated with forced migrations, especially in war situations, are among the concerns that host communities must take into account, requiring early responses to improve the health of sick or infected migrants as an indicator of integration.

Health problems are exacerbated by the onset of forced migratory movements. With the momentum of migration, many migrants and their families have multiple health problems. The current state of health of migrant families is especially among older mothers, wives and children between medium and bad, due to suffering from certain diseases such as (Periodic, respiratory and nervous system diseases), as well as some of the physical injuries they have received from their home country of war.

**c. Job Opportunities:**

The Employment Availability Index is one of the indicators that leads to many pressures for host communities in labor markets, especially when the State suffers from problems of providing adequate employment for its young citizens. Once they reach the asylum community, they seek employment opportunities to reduce their dependence on the care services provided to them by both volunteers and civil society organizations, bearing in mind that they are the dependants of their children and others. The foregoing statement is consistent with Sortz's analysis of the practice theory "Bordeo", where it is considered that entry into the labor market in new societies is highly dependent on the social capital of the labor networks that give migrants an understanding of the macro-competitive images of social life.

With regard to training and vocational rehabilitation, they received no training, and Governments did not pay attention either to male heads of

household who were not eligible for the labor market or even to female empowerment, although such development activities were carried out through civil society organizations. On the other hand, there is a discrepancy between a large numbers of refugees in their current occupational activity than previously practiced in the country of origin and those who are hungry for previous employment and its revival, despite difficulties: financial possibilities, official licenses, insurance and the appropriate place of administration.

➤ **Threats to the security of returnees and internally displaced persons:**

Displaced persons are subjected to various kinds of suffering as a direct result of violations of international humanitarian law by warring States which does not distinguish between civilian persons and combatants on the one hand, and between civilian objects and military objectives on the other, creating extremely severe and painful conditions for civilians family separation, the disruption of social and cultural ties and the elimination of conditions of stability and depriving displaced persons of the essential and vital ingredients for their continued survival and putting their lives at risk of death. This compels them to travel large distances in search of a safe haven away from fighting, making displaced persons more vulnerable and more vulnerable.

**Some factors that may increase displaced persons' need for protection are:**

- The presence of internally displaced persons in transit, in hiding, forced to resort to unsafe areas, or more violent military operations on their territory than in areas from which they have fled, thus being more vulnerable to direct military attacks and ill-treatment.
- Increased risk of family separation, social organization of the IDP community being damaged and dispersed, differentiating between family members; Children lose contact with their relatives during the chaos of the decision, while the elderly are not empowered to flee. They are left to confront their fate, and women may have to play non-traditional roles to support their families if contact with the head of the family is lost during the displacement, or have to live in difficult conditions that increase their vulnerability. In addition to the risk of rape or sexual violence by women and girls during escapes, children may be forced into forced recruitment for a party to the conflict.
- Internally displaced persons, especially elderly persons, children and pregnant and lactating women, suffer from health crises as a result of their

lack of basic services such as shelter, food, health care, care and medical services.

- The loss of IDPs' sources of employment, which constitute the basic livelihoods for their survival. Displacement disrupts civilians' basic services such as education and health. In some cases, IDPs lack the necessary documentation to prove their identity, enable them to obtain certain benefits, or recognize them before the law as a result of displaced persons' insufficient time to pick up their identity papers while on the run, and in others they may dispose of them for fear of persecution if they indicate their identity.
- Returnees are former refugees who have returned to their country but have not yet reintegrated into their homes and communities and return to one's country after a period of time spent by Kalaji, which must normally mark the end of personal suffering, displacement and return to a normal life. In practice, however, refugees are increasingly returning to situations that are far from safe. Sometimes they may choose to return because their situation in the country of asylum is worse than in the country of origin. In other cases, refugees were forced to repatriate despite the fact that forced return constituted a violation of a fundamental right granted to all refugees and a breach of international law.
- The refugee's "return" may take many months or years. Upon re-entry, the returnee may find it impossible to return immediately to his or her area of origin and while waiting for the opportunity to repatriate, returnees need, inter alia, access to food, water, shelter and health and education facilities. Long-term returnees living in a community other than their own could face many problems and could find themselves in a situation similar to that of internally displaced persons.
- Internally displaced persons may have to flee their homes for a number of reasons. They may choose to leave for their own safety or may be forced to leave by a military group, for example. The only factor that often distinguishes between internally displaced persons and refugees in the same area is that refugees have crossed an international border outside their country. In addition, IDPs may still suffer from the direct factors that led to their flight because they did not leave the country. Internally displaced persons may not have been able to leave their country because the border is too far away from them or perhaps because of the dangers of military conflict and mines associated with the departure flight. IDPs, like returnees, have limited access to adequate food, water, shelter, health or education facilities and access to employment. They often suffer violations of their human rights, which initially led to their fleeing their homes, and

may face further threats affecting other rights during the period of displacement, as well as other threats during the process of return and reintegration with their communities back home.

➤ **Factors affecting the human rights of returnees and internally displaced persons:**

- Returnees and internally displaced persons are particularly vulnerable to violations of civil and political rights and economic, social and cultural rights. Three main areas can be identified:

**1) Discrimination based on membership of a group:**

Tracking the underlying reasons that originally forced people to flee their homes returnees and internally displaced persons belonging to certain countries or regions are often members of an unspecified group, they may all belong to a group of religious, linguistic or ethnic minority groups, for example, and thus be subjected to discriminatory practices by other population groups or authorities. For example, they may find that their freedom of movement is restricted or that their children do not have places in local schools. They may also be victims of attacks, killings and arbitrary arrests.

**2) Displacement of the indigenous community:**

The displacement of returnees and internally displaced persons from their community, leaving their property, status, employment, family members, etc., is in a state of vulnerability. For example, because of their displacement, IDPs and returnees may not be able to establish their identities and thus claim citizens' natural rights in their country, such as access to free health care, employment, freedom of movement, etc. Returnees and internally displaced persons may be discriminated against solely because they belong to another region of the country and the local population does not want or cannot share local resources. Indeed, the presence of a large number of displaced persons in a region may place a significant burden on available food, housing, jobs and other fundamentals. Prices usually rise significantly and the local population's standard of living may fall. Tensions may arise quickly.

**3) Return and reintegration process:**

Returnees and internally displaced persons may face a range of difficulties during their repatriation journey and in the months following return and problems associated with travel through combat zones, recovery of stolen or occupied properties, compensation, rehabilitation and tracing of missing family members, all of which can be central to the return's or internally displaced persons' success in restoring a normal life. Exposure during that phase of displacement may also require a specific human rights response that differs from that of other members of the region's population.

**4. International efforts to protect Refugees:**



**a. Protection of refugees in the 1951 United Nations Convention:**

Owing to the international community's deplorable post-World War II situation and the resulting dramatic rise in the number of refugees as a result of the geopolitical changes that have particularly affected the European continent, a Convention relating to the Status of Refugees was concluded on 1 January 1951.

**This Convention defines a refugee as:** "The refugee is anyone who has been present as a result of events that occurred before the first of January 1951, and because of a well-founded fear of persecution on account of his race, religion, nationality or membership of a particular social group because of his political opinions, outside the country of which he is a national.

**One of the Convention's main positive points is** that it has made the risk of persecution one of the reasons for the enjoyment of refugee status, which means that all practices likely to infringe the human rights enshrined in international law fall within this framework.

On the other hand, we note that the Convention stipulates a specific time limit for a person to be a refugee. He was outside his state because of events that occurred before January 01, 1951. As already noted, this Convention arose after the events of the Second World War, authorizing us to say that it came to resolve the refugee problem on the European continent in particular. Moreover, this Convention did not speak of all the reasons for asylum; It had focused on political asylum and had overlooked a very important point in the asylum case; That is, collective asylum, which has become the hallmark of asylum in today's era.

Thus, with a view to remedying all these shortcomings, particularly those relating to the time and geographical limits provided for in the 1951 Convention, as well as the emergence of new refugee situations, the international community promulgated in 1967 a Protocol on the Status of Refugees.

This legal arsenal was also strengthened on September 19, 2016, through the adoption by the United Nations General Assembly of the New York Declaration on Refugees and Migrants. The latter, which reaffirmed the importance of the international refugee system, represented an obligation on Member States to strengthen and strengthen mechanisms for the protection of persons during their movement. This paved the way for the adoption of a

Global Compact on 17 December 2018 in New York. After two years of intensive consultations led by UNHCR with Member States, international organizations, refugees, civil society, the private sector and experts. The Global Compact, whose core objective is to assist refugees and alleviate the burden on large numbers of receiving States, was promulgated.

**It is also a framework for more equitable and predictable sharing of responsibilities, while** recognizing the fact that a sustainable solution to the refugee situation cannot be achieved without international cooperation.

The Charter provides a plan for Governments, international organizations and other stakeholders to ensure that host communities have the support they need and that refugees can lead a productive life. The Charter is also a unique opportunity to transform the way the world responds to refugee situations, benefiting both refugees and their host communities.

**Its four main objectives are:**

- Alleviating pressure on host countries;
- Enhancing refugees' self-reliance;
- Expanding access to third-country solutions;
- Supporting conditions in countries of origin for a safe and dignified return.

**b. Protection of refugees in international humanitarian law:**

The provisions of international humanitarian law prohibit disputing parties from making evictions and forcible transfers of civilian populations during international and non-international armed conflicts. This is in line with the rules of protection established for the civilian population under the rules of customary international humanitarian law, which prohibit the relocation and eviction of civilian populations from their places of residence. **Rule No. 129 stipulates that:**

- 1) "Parties to an international armed conflict shall not forcibly deport or transfer the civilian population, in whole or in part, unless the security of the civilians concerned or for compelling reasons so requires.
- 2) Parties to a non-international armed conflict shall not order the spouse of the civilian population, in whole or in part, for reasons related to the conflict, unless the security of the civilians concerned or for compelling military reasons so requires".

The Libre Code prohibits the deportation of civilian populations from their places of residence. The Code is the first legal code to incorporate acts constituting war crimes, issued by the United States President Abraham Lincoln in 1863, while the American Civil War, which was part of

customary international humanitarian law - this Code affirms that "ordinary citizens may no longer be forcibly transferred to remote areas.

The Charter of the International Military Tribunal for the Prosecution of War Criminals in Turmberg affirms the prohibition of the deportation of inhabitants of the occupied territories elsewhere. Forced relocation of populations is an international war crime. Article VI of the Charter of the Tribunal provides that: Killings, ill-treatment and deportation against the inhabitants of an occupied area or where forced labor or any other intent". The definition of " crimes against humanity "in article VI includes paragraph (c) of the Charter of the International Military Court as follows: "Killing, extermination, enslavement, deportation and other inhumane acts committed against the civilian population before or during the war".

The Fourth Geneva Convention affirms the prohibition of the deportation and eviction of civilian populations from their places of residence, in international armed conflicts, under article 49, which prohibits the mass or individual transfer of protected persons or their exile from occupied territory to the territory of the occupying Power or to any other occupied or non-occupied State on any grounds whatsoever.

Additional Protocol II to the Geneva Conventions of 1977 also affirms the prohibition of the transfer of civilian populations in non-international armed conflicts, in accordance with article 17 of its paragraphs 1 and 2, **which affirm that:**

- 1) A civilian population may not be deported for conflict-related reasons unless the security of the civilian population concerned or pressing military reasons so require.
- 2) Civilian personnel may not be forced to leave their land for conflict-related reasons.

The Guiding Principles emphasized, under principle V, that "all international authorities and parties concerned must respect their obligations under international law, including international human rights and humanitarian law, in all circumstances, in order to prevent and avoid any situations that may lead to the displacement of persons". Principle VI of the Guidelines emphasized the protection of the civilian population against arbitrary transfer, except where the security of the civilian population so requires, **emphasizing the provisions of the Fourth Geneva Convention and Additional Protocol II, which stipulate:**

- Everyone has the right to protection against arbitrary displacement from one's home or habitual residence;
- The prohibition of arbitrary displacement falls under the following conditions: when it is used as an instrument of collective punishment,
- Displacement shall not last longer than circumstances require".

### **3) Exception to the prohibition of the transfer of civilian populations**

The rule imposed by international humanitarian law on parties to conflict prohibits the transfer of civilian populations in international armed conflicts, as stated in the preceding paragraph. This prohibition, however, makes an exception if the reason for the eviction and forced relocation of the civilian population is to maintain their security. This is emphasized in article 49 of the Fourth Geneva Convention of 1949, which states that "... The occupying Power may undertake a total or partial evacuation of a particular occupied area as required by the security of the population or for compelling military reasons. Such evictions may not result in the displacement of protected persons, except within the limits of the occupied territories, unless this is materially impossible. The population so transferred must be repatriated as soon as hostilities in this sector cease".

Additional Protocol II to the Geneva Conventions affirms the prohibition of the transfer of civilian populations in non-international armed conflicts under Article (17) As a general rule, which stipulates that "the deportation of the civilian population shall not be ordered for reasons related to the conflict", it also makes an exception to this prohibition in the event that the security of the civilian population so requires when it stipulates that "unless the security of the civilian persons concerned or urgent military reasons so require".

#### **Thus, the civilian population may be transferred in two exceptional cases:**

- There is a threat to civilians' security in their places of residence. They are therefore temporarily transferred, thereby securing their return as soon as the risk and its cause have disappeared.
- Acts of war necessity require this, but there are serious restrictions to legitimize this situation, as civilian populations may only be transferred outside their country's borders for compelling reasons. They must also be provided with an appropriate alternative, with adequate conditions of health, security and food, and no distinction must be made between family members. In the case of a protecting State, any evictions or transfers must be notified so that the protecting State can pursue them.

The rules of international humanitarian law prohibit, in any event, disputing parties from excluding "compelling military reasons for the transfer of civilian populations, as a pretext for their persecution and displacement. In the event of the above-mentioned exceptions, the transfer of civilian populations out of the territory of their State is prohibited, as affirmed by the Fourth Geneva Convention under article 49, "evictions may not result in the displacement of protected persons, except within the limits of the occupied territories, unless this is not materially possible".

- **Legal norms criminalizing the transfer and removal of the civilian population:**

- International humanitarian law prohibits the collective or individual transfer of the population of the occupied territories from the occupied territories to the territory of the occupying Power or to the territory of any other State, where the exile or transfer of the civilian population constitutes a serious violation of the provisions of the Fourth Geneva Convention of 1949, in accordance with article 147.
- The Charter of the International Criminal Court, "Rome", affirmed in article VIII of paragraph (2)/b/8) that the denial and transfer of civilian populations is a war crime and stipulated that "other serious violations of the laws and customs applicable to international armed conflicts, within the established scope of international law, shall be any of the following: (b) The direct or indirect transfer by the occupying Power of parts of its civilian population into the territory it occupies, or the removal or transfer of all or parts of the population of the occupied territory within or outside this territory".
- Exile is not only a war crime, if it is used against the civilian population in a state of war. The Charter of the International Military Court on the Punishment of German War Criminals "Nuremberg" and the Charter of the International Criminal Court "Rome" affirm that the crime of exile and transfer is within the scope of crimes against humanity, as affirmed in article VII of the Rome Charter in paragraph 7. (1/d) which provides that "for the purpose of this Statute, any of the following acts constitutes a 'crime against humanity' when committed in the context of a widespread or systematic attack directed against any civilian population and with knowledge of the attack... deportation or forcible transfer of population".

c. **Prohibition of the transfer of the occupying Power's population to the occupied territories:**

The transfer by the occupying Power of its "nationals" to the territory of the occupied territory and their settlement of the occupied territories is an additional factor for the displacement of the civilian population from their

territory. International humanitarian law therefore prohibits settlements to protect the occupied territories from confiscation by citizens of the occupying Power, but its main objective is also to protect the civilian population from such settlers and to undermine them for the manifestations and capabilities of life. Consequently, they had to flee their places of residence.

**d. Prohibition of forced "eviction" of civilians during armed conflict:**

**Definition of forced evictions**

In its third paragraph 13, the Committee on Economic, Social and Cultural Rights stated in general comment No. 7 that forced evictions used in the present general comment are defined as "The permanent or temporary transfer of individuals, families or communities against their will from the homes or land they occupy, without adequate avenues of legal or other protection or access. However, the prohibition of forced evictions does not apply to forced evictions in accordance with international human rights law and covenants.

Thus, forced evictions are defined as "permanent or temporary expulsion of individuals, families or groups against their will, from the homes or land they occupy, without the availability or provision of appropriate forms of legal and other protection, but forced evictions are not applicable to evictions carried out by force in accordance with the law and in conformity with the provisions of international human rights instruments.

Deportation and deportation "arbitrary transfer" of civilian populations constitute illegal acts and constitute serious violations of the rules of international humanitarian law, as stipulated in the article (147) of the Fourth Geneva Convention, which affirmed that "The grave breaches referred to in the preceding article include one of the following acts, if committed against protected persons or property protected by the Convention, murder, torture or inhuman treatment, including life science experiences, intentional infliction of severe pain or serious harm to physical integrity or health, exile or unlawful transfer. The deportation consists of the issuance by the competent authorities of the State of an administrative decision requiring the alien residing on its territory to leave its territory without his or her consent as one of the security measures and measures taken by the State against a foreigner residing on its territory if his or her continued stay on its territory results in damage to the State's interests, security and public order.

States may resort to expulsion as punishment for certain acts which an alien is prohibited from carrying out on the territory of the State, or which may be

used within the so-called subsidiary penalties, imposed on the foreign resident if he commits any of the acts punishable in the State's penal legislation, where the alien is deported immediately upon exhaustion of the sentence imposed. Deportation is considered a security measure or a penal sanction that can only be applied by confronting foreign residents on the State's territory. Therefore, deportation may not extend to nationals of a State who enjoy immunity from such action from international humanitarian law.

➤ **Conclusion:**

Armed conflicts in the Arab state are one of the threats to Arab national security, because of the repercussions that affect the Arab structure as a whole, the state of collapse of any Arab country in whole or in part as a result of conflicts between the spectrums of the same people affects regionally on neighboring countries, as well as Arab-Arab conflicts whose causes vary from one country to another, and the study dealt with the causes of armed conflicts and their effects, From a political point of view, it entails the overthrow and sagging of the structural structures of the political system from the constitution and the authorities in the state, to the informal components of the political system, which leads to societal instability and the spread of chaos and insecurity, and in social and humanitarian terms, which causes the displacement of large numbers of people away from places of conflict, as well as economic effects that include unemployment and loss of Jobs and the collapse of the local currency and the cessation of production, so the repercussions of conflicts include all aspects of influence on society, which may lead to the collapse of the state.

It is clear through the previous presentation in the study that the reconstruction process in all its aspects is not easy, but it is complex and intertwined, and the process of political reconstruction after conflicts and wars is a process that is not in the body, but is controlled by determinants and interactions that determine the paths of departure towards state-building, and the conflicting parties to find common spaces and understandings that enable cooperation and agreement to reach acceptable formulas to build on them towards re-establishing Political reconstruction, even if the conflicting parties are governed by ideologies and interests, and although the factors of consensus in the Arab state are more than the factors of difference and can be relied upon to build a strong state, but the incentives for difference can be contributed by external parties or non-democratic systems of government, which depend on sectarianism and the subsequent exclusion, which is the hallmark of conflicts, these exclusions must be set aside and the interest of the homeland must be upheld over the narrow interest of the conflicting currents, and represent the

challenges of reconstruction The main planning point when developing reconstruction programs, as the order of these challenges varies from one country to another, depending on the internal variables of each country and the appropriateness of the necessary treatment.

➤ **Recommendations:**

1. Formulating a draft unified criminal codification of crimes committed against civilians during armed conflicts, and define them precisely so as to indicate their legal elements and pillars, and the provisions of criminal responsibility arising from them and their punishment, in order to remove ambiguity and gaps in the most serious crimes against civilians, namely crimes against humanity, war crimes and the crime of genocide.
2. Identifying the elements of the crime of aggression as a form of crimes committed against civilians, as well as a crime against the security and safety of human beings, especially in light of the tremendous development of weapons.
3. Inclusion of the crime of international terrorism among the most serious crimes for the international community, especially in light of the growth of terrorist movements in the world and their control over large parts in some regions.
4. Reformulating the rules on state responsibility, so that the state will punish serious violations against civilians, at the political and legal levels.
5. All local media channels that support the stability of countries should put a systematic and proactive plan with a strategy to fight rumors and get out of the role of the defender for the role of the attacker, which leads to the decline of rumor devices in its impact on the people.
6. In order to face these wars, we must work to educate the people as In general and young people in particular to maintain internal security to make it hard for any party, whether internal or external, to play with the minds of young people and influencing them and directing violence against the state.



