



# GENERAL PROVISIONS FOR DISPLACED PERSONS IN INTERNATIONAL LAW

Mohammed Kadhim Hamzah

Islamic University Lebanon/ Department of General Law

[Kazm1934@gmail.com](mailto:Kazm1934@gmail.com)

Article history:	Abstract:
<b>Received:</b> 30 <sup>th</sup> January 2024 <b>Accepted:</b> 26 <sup>th</sup> March 2024	Displaced persons are civilian populations who are forced to leave their original areas of residence and migrate to other areas within the geographical borders of the state, either out of fear for their lives due to civil wars, revolutions, or uprisings, or in order to search for a source of livelihood elsewhere, or in order to search for services. Educational and health, the phenomenon of displacement is a global phenomenon and is not specific to certain countries or others. There are many security, economic, political and social reasons that control this phenomenon, and with the availability of these reasons in a given country we witness the phenomenon of displacement. There are no real treatments for the phenomenon of displacement. Many countries may not have sufficient capabilities to address this phenomenon, and the treatments are limited to mere temporary solutions. There must be coordination and concerted international efforts in order to help countries that are witnessing the phenomenon of displacement through the cooperation of countries and international organizations with the country that is suffering from the phenomenon of displacement and providing all the requirements it needs in this field

**Keywords:** General provisions, displaced persons, international law

## 1. INTRODUCTION

Displaced persons are civilian populations who are forced to leave their original areas of residence and migrate to other areas within the geographical borders of the state, either out of fear for their lives due to civil wars, revolutions, or uprisings, or in order to search for a source of livelihood elsewhere, or in order to search for services. Educational and health care, and the most important thing that distinguishes displaced persons from similar terms such as refugees, is the closest term to them, as the two terms often go hand in hand, as the geographical factor enters as one of the most important factors distinguishing between the two terms. If civilians leave their areas of residence to other areas within the geographical borders of the state, they are called the term displaced persons. If they cross geographical borders into other countries, they are called refugees.

The research problem is to investigate the role of the international community in solving the problem of the displaced, and the extent of concerted international and local efforts in this field.

The descriptive analytical approach was adopted by describing legal texts and analyzing them with sound logical analysis. Based on the above, we will divide this research into the following two sections:

**The first topic:** defining the displaced and distinguishing them from refugees.

**The second topic:** causes of displacement.

## THE FIRST TOPIC

### Introducing the displaced and distinguishing them from refugees

A displaced person is a person who leaves his original residential areas to other areas within the geographical boundaries of a town, for many reasons, such as reasons related to natural disasters such as floods, volcanoes, and earthquakes, or the move may be for security reasons such as internal or external wars and armed conflicts, or it may be for economic reasons, where the person is forced To leave his area of residence to another area in order to search for a job opportunity.

As for a refugee, he is a person who left the area in which he resides for any of the reasons mentioned above to another country outside the borders of his geographical country. The reasons may be the same for the displaced person and the refugee, but they differ in the place of displacement. The criterion of distinction here is a geographical criterion represented by crossing the geographical borders of the state. Or not crossing it, in the case of remaining within the borders of the state we are facing displacement, but in the case of crossing it to another country we are facing asylum.

Based on the above, and in order to determine the appropriate definition for displaced persons and distinguish them from refugees, it is necessary to develop a specific definition for displaced people to control this concept with international legal controls, and then we put some determinants for it that distinguish it from some similar terms, which are represented by the closest similar term, which is refugees, so we will divide this research into the following two requirements:

**The first requirement:** introducing the displaced.

**The second requirement:** distinguishing displaced persons from refugees.

## THE FIRST REQUIREMENT

### Introducing the displaced

Displaced persons were defined in light of the 1998 United Nations Guiding Principles on Internal Displacement as persons who were forced to leave their areas for safer areas for reasons related to security conditions or human rights violations [1].

Likewise, international jurisprudence has defined internal displacement as: the flight of individuals and their forced abandonment of their homes due to internal armed conflicts, acts of violence, human rights violations, or natural disasters.

The displaced person was also defined as a person fleeing his home because of the threat to his life, freedom, security, or family, as a result of acts of violence, external aggression, internal armed conflicts, violation of human rights, or any circumstance that led to a violation of public order in a town or a violation of Human rights: He is a person forced to leave his region while remaining within the geographical borders of his country [2].

It was defined by the Guiding Principles on Internal Displacement issued by the United Nations in 1998. It is the only one that defines internally displaced persons (displaced persons), as it defines them as: a person or group of people who have forcefully, forcibly, and forcibly fled their areas, and left their homes and areas of residence, in order to Obtain safety due to the outbreak of armed conflict, cases of violence, or due to natural or human disasters, and they were displaced within the geographical borders of their country and did not cross it to another country [3].

The definition of displaced persons was stated in the Kampala Convention of 2009, as this agreement is considered the first regional agreement that clearly paid attention to internal displacement, especially on the continent of Africa, where it worked to establish a legal rule aimed at protecting the displaced, as it defined internal displacement as a group of people or groups who were forced To leave their homes due to acts of violence in order to search for safety.

It is clear from these definitions that some elements must be present in order for a person to be considered a displaced person, the most important of which are two elements:

**First:** the element of coercion

A person must forcibly leave his place of residence such that circumstances force him to do so and he has no other choice, whether those circumstances are political, economic, security, educational, health, or other circumstances [4].

**Second:** The element of movement within the geographical borders of the state

Displacement must take place within the borders of the state - because if it crosses them to another state, the legal description will shift from displaced person to refugee, and international legal provisions will change as a result, and the legal status of each of them will differ.

### The second requirement

#### Distinguishing displaced people from refugees

In order to reach a distinction between the two terms, it is necessary to define the concept of the refugee. This is an important aspect because it determines the legal nature of refugees, and its definition varies according to the basis on which its definition is relied upon.

The definition of a refugee has been stated by international jurisprudence as: "Every person who seeks asylum because his life or the life of his family is exposed to danger and his fear of a violation of human rights" [5].

It was also defined as: "A person who has been displaced or deported from his original homeland through means of pressure and coercion, forcing him to leave his original homeland because of the persecution he is exposed to because of his race, religion, nationality, affiliation to a particular party or group, or because of expressing his opinions." Political and failure is to provide him with protection in his country."

International and regional agreements and conventions did not agree on a specific and common definition of the displaced person according to the intent of their provisions. A person may be considered a refugee in an international document while not in another document. The United Nations Refugee Convention of 1951 defined the concept of the externally displaced person, the "refugee," as: a person who is forced to Leaving his country of nationality or residence because of the persecution he is exposed to because of his religion, nationality, or sect, or because of expressing a political opinion in a particular field.

The Protocol on Refugees was approved on 12/16/1966 by the United Nations General Assembly, where the external refugee was defined as: every person who meets the definition of a refugee in Article (1) of the 1951 Refugee Convention, regardless of the date of the event that forced him to seek refuge or the place. in which they occurred, whether they occurred before January 1, 1951 or after this date, and whether these events occurred in Europe or elsewhere in the world."

The Organization of African Unity Convention of 1969 is considered one of the international documents pertaining to displaced persons abroad in general and displaced persons on the African continent in particular, as it defined the

displaced person as: "a person who fears persecution for himself due to external aggression due to foreign occupation and the control of a foreign country over his country, or due to recent events." Which threatens public security in part of his country of origin or all of its territory or the country of which he holds nationality, until he leaves his place of normal residence, in order to seek a safe haven outside his country of origin or whose nationality he holds" [6].

In light of the above, it is possible to determine the difference between a displaced person and a refugee, as this is represented by crossing international borders. The refugee is forced to leave his country for another country because of the persecution he is exposed to and the real risks that threaten his life. A refugee does not cross until he is able to cross the international border, but if he remains... Within his country, he is considered displaced and the general provisions for displaced people are applied to him in accordance with the provisions of international law. His country is responsible for protecting him and providing services to him, and it has the right to request assistance from the international community if its capabilities are weak. As for the refugee, he is under the protection of the country in which he is located, in addition to the protection of the United Nations High Commissioner for Refugees. of the United Nations [7].

### **The second topic Reasons for displacement**

There are many reasons that push individuals to migrate. It is a phenomenon as old as time, and has occurred among many individuals, groups and countries, depending on the circumstances they are experiencing and according to the circumstances that occur in countries that affect the political, economic and political aspects. They are circumstances that force individuals to leave their areas. To other areas not affected by these conditions

These circumstances may be political and security, as is the case in the event of revolutions, wars, or political unrest that would endanger the lives of individuals, disrupt their lives, prevent them from doing their work, and make it difficult for them to go to their work areas.

The reasons for displacement may be economic, as individuals may not find a source of livelihood in their areas of residence. In this case, they have no choice but to move to other areas where they find a job opportunity, where they practice a specific craft, or they pursue a profession that is in high demand in light of the new areas. There is old residence.

Displacement may occur for reasons related to university or therapeutic services. Individuals may not find services in their old areas that meet their needs and aspirations, forcing them to migrate to areas where these services exist. Based on the above, and in order to determine the causes of displacement, we will divide this requirement into the following two sections

**The first requirement:** security reasons.

**The second requirement:** economic and social reasons.

### **The first requirement Security reasons**

Security reasons are among the most important reasons that lead to displacement. With all other reasons for displacement, individuals can review themselves regarding the issue of displacement, except in light of these reasons, time is not in the interest of individuals because any delay in this area would affect their lives and put them at stake, so individuals are forced To leave their areas of residence to other, safer areas away from areas of conflict and armed conflict [8].

In this field, jurists have differed in the field of defining armed conflicts that push citizens and force them to leave their areas and migrate to other safer areas. Jurist Solberg and others argued, according to the study they prepared in 1989, that international wars are the main cause of displacement, and the result that results from that. Internal armed conflicts and local disturbances are not considered among the causes of displacement, and even if citizens leave these latter areas, they are no longer displaced because the reasons that led them to do so are not among the causes of displacement according to this jurisprudential opinion [9].

The jurist Schemed conducted a study in 1997 on the causes of forced displacement, which is considered one of the oldest quantitative and multi-variant analyzes in this field. He concluded that one of the most important causes of forced migration is the country's involvement in an international war or war with another country, which forces its residents to Migration and displacement to safer areas.

Despite the predominance of both jurisprudential opinions, one of the most important reasons that lead to displacement in the security field is armed conflicts, whether at the internal or international level. These conflicts that the world witnessed during the First World Wars (1914-1918) and the Second (1939-1945) represented One of the most important causes of displacement at the internal and international levels, as the world has turned into two halves: the first half is a camp and an operations center through which military operations are managed, while the other half has become a center for sheltering civilians, in addition to the armed conflicts that followed the two world wars, where more than 250 conflicts broke out. Armed forces in the world at the local and global levels, and even after the end of the Cold War, internal armed conflicts were restructured again, as these conflicts were nourished and supported at all levels, whether on the material, ideological, or moral levels, and the result that resulted from this was the renewal of

conflicts and their many causes. Which had a negative impact on the displaced, as their numbers increased within their countries [10].

In many cases, in the case of displacement during armed conflicts, it is accompanied by a violation of the rules and provisions of international humanitarian law and international human rights law, so individuals are forced to seek refuge in safer areas due to fears of these violations. The national army may be the cause of these violations due to the presence of civilians. Within conflict areas, this violation may occur out of revenge or due to ignorance of the rules and provisions of international law.

In this area, the guidelines for internal displacement in Article 15 give individuals the right to move from one place to another in their country or to leave their country for another country in order to seek asylum, in order to obtain safety, in addition to giving them the right to be protected from forced return to places. There is previous residence in order to preserve his life, safety, freedom and health [11].

### **The second requirement Economic and social reasons**

Economic reasons are among the reasons for displacement that are not related to security reasons. The security and political situation may be stable, but there are no job opportunities somewhere on the territory of the country, so individuals are forced to leave these areas and migrate to other areas with economic abundance that enable them to practice work that provides them with money. Financial support is sufficient for them to live in freedom and dignity and meet their personal and family needs.

Displacement may occur for reasons that have nothing to do with economic reasons. The individual's financial situation may be good and he does not have a problem in this area, but because of his desire to obtain services in the health, educational, or other field, which forces him to move from one place of living to another place where it is available. These services, it is known that not all regions of the country are equal in services. Rather, there must be variation in this area, as services are concentrated in one place and decreased in another place [12].

Based on the above and to shed light on the economic and social reasons that push individuals to migrate, we will divide this requirement into the following two branches:

**The first branch:** economic reasons.

**Second branch:** Social causes.

#### **First branch: Economic reasons**

There are many economic reasons that push individuals to migrate, which are as follows:

**First:** Variation in the distribution of industrial enterprises

Industry is one of the most important sources of income for many individuals, especially those who live in cities, where there are large factories and laboratories that receive and accommodate large numbers of them to work, and they have rights and duties regulated under the employment contract, or under the law of government economic institutions, so that they are treated as employees, and in the face of this Advantages: Individuals find working in these institutions an important and essential advantage in that it is a source of livelihood for them and their families, so they are forced to move from their places of residence to the places where these institutions are located, while if the state had worked to provide such institutions in the areas of individuals, they would not have been forced to move [13].

**Second:** Variation in the distribution of agricultural land areas

Agriculture is considered one of the important and basic sectors for the state and individuals, as it is considered an important source of income diversification and supplementing the state budget with new resources. As for individuals, it is a source of livelihood for them and their families. There may be a discrepancy in the distribution of agricultural land, as its distribution is widespread in certain areas of the state, while Its distribution is less in other areas, or fertile lands may be abundant in one place in the country, while lands that are not suitable for agriculture or whose productivity is low are concentrated in other areas. In this case, it is natural and logical for people to migrate to the more fertile agricultural areas in search of a source of livelihood [14].

**Third:** Variation in income level

There is no doubt that a person seeks to improve the level of his income, and the state must develop strategic and economic plans that help the individual to do so. One of the most important standards by which the progress and advancement of countries is measured is the level of their per capita income. The developed countries are witnessing economic recovery. It is the one in which the level of per capita income is high. In contrast to this, the countries that witness a decline in the level of per capita income are the countries that are economically backward and suffer from a deficiency in their natural resources and local and national production. All of these reasons push individuals to move from their places of residence to their places of residence. Other places so that they can improve their economic situation and raise their income level [15].

The researcher believes that economic reasons are among the important reasons that push individuals to leave their areas of residence and migrate to places where there are job opportunities that enable them to improve their economic level and meet their basic needs. If the state wants to address the phenomenon of displacement, it must address its causes, including economic reasons, by providing job opportunities. With individuals and providing factories and laboratories in most places so that individuals can work and not be forced to migrate, because this has negative effects on society.

**Second branch: Social reasons**

These reasons include displacement in order to obtain services. Services may vary from one region to another in the country. These reasons have nothing to do with economic or security reasons. An individual may live under good economic security conditions, but he needs services, whether in the health or educational aspect. Or other fields, so that he seeks to ensure the future and independence of his family, which forces him to migrate to places where these services are available. The individual may need educational services from primary and middle schools and universities, in addition to his need for health services such as government and private hospitals, health institutions, and places Entertainment and other such services that the residential area lacks. It is natural that these services are not available in all regions of the country, but rather vary from one place to another. The capitals witness the availability of such services, while some governorates and remote places lack such services [16].

Services in the social field are represented in many aspects, which can be summarized as follows:

**First:** health services

Health services are considered one of the causes of displacement. The individual has the right to enjoy an integrated health system close to him whenever the need for it arises. Therefore, he is forced to migrate in order to satisfy this need he has in this area, especially since in many countries the state is not able to provide health services and deliver them to people. All units of the state they are concentrated in one place in the state at the expense of other places. In this case, individuals are forced to move from their places of residence to places where health services and an integrated health system are available [17].

**Second:** Educational services

Educational services are of great importance to many individuals concerned about their future and the future of their children. Individuals may be forced to leave their areas of residence to places where educational services are available in order to guarantee their children's future, improve their academic level, and ensure an educational standard for them in order to enter the colleges they desire and obtain a job. appropriate for them, especially since these services are concentrated in areas of the country at the expense of other areas, and this is sufficient reason for individuals to migrate to those areas where educational services are available and leave their areas that lack these services, or where such services exist but are not at the same level. In this case, the Afrahs are forced to move [18].

**Third:** Development and urban expansion projects

This project is one of the causes of displacement, as scientific consumption is constantly increasing, so the need arises for expansion in all fields at the expense of other population groups, such as establishing dams and government projects in the agricultural and industrial sectors, and other fields. In this case, the need arises to compensate individuals affected by In these projects, individuals cannot remain in their areas of residence and must be displaced.

**Fourth:** Weak food security

This is represented by weak food security, drought, desertification, and population growth, which are sufficient reasons for displacement. Individuals seek to obtain the best services or to improve their food security, and this is what forces them to migrate [19].

## 2. CONCLUSION

At the conclusion of our research, we reached a number of results and recommendations, which are the following:

**First:** the results

1. The phenomenon of displacement is a global phenomenon and is not specific to certain countries or others. There are many security, economic, political and social reasons that control this phenomenon, and with the availability of these reasons in a given country we witness the phenomenon of displacement.
2. There are no real treatments for the phenomenon of displacement. Many countries may not have sufficient capabilities to address this phenomenon, and the treatments are limited to mere temporary solutions.
3. Weak coordination and cooperation between countries witnessing the phenomenon of displacement and international organizations that assists countries in providing humanitarian aid to the displaced. Often these organizations are threatened and attacked by armed groups.

**Second:** Recommendations

1. International efforts must be coordinated and combined in order to help countries that are witnessing the phenomenon of displacement through the cooperation of countries and international organizations with the country that is suffering from the phenomenon of displacement and providing all the requirements it needs in this field.
2. Governments witnessing internal displacement must work diligently and sincerely to provide adequate protection for the displaced, preserve their property, and provide them with shelter, food, and clothing.
3. The need for local legislation to include deterrent penalties for those who violate international humanitarian law and international human rights law and endanger civilian lives.

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