



GLC-SPIL International Law Journal

Students for the Promotion of International Law (SPIL), Mumbai

Volume IV
2024

Article 4

Short Article

Title:	Refugee Protection in Fragmented World: International Law and Humanitarian Crises
Authors:	Anuradha Das

Recommended Citation:

Anuradha Das, *Refugee Protection in Fragmented World: International Law and Humanitarian Crises*, 4 GLC-SPIL INT'L L. J. 49 (2023).

This Article has been preserved in the archives of the GLC-SPIL International Law Journal by Students for the Promotion of International Law (SPIL), Mumbai as part of its effort to promote free and open access scholarship. For more information, please contact:

ilj.spilmumbai@gmail.com.

REFUGEE PROTECTION IN FRAGMENTED WORLD: INTERNATIONAL LAW AND HUMANITARIAN CRISES

-ANURADHA DAS¹

ABSTRACT

The problem of refugees is a new phenomenon, which has aroused the concern of all countries of the world. Today, we live in a world that is at once globalized and disunited. The abstract sheds the complex web of interaction between international law and humanitarian crises, especially as related to the obstacles and remedial measures to protect the rights and dignity of displaced peoples. An essay would investigate the constantly changing refugee protection scenery by looking at factors such as political tensions, ongoing armed conflicts, and climate disasters that trigger people to move across borders. The research, which is based on a multi-disciplinary approach, addresses the part of international legal frameworks in the fulfilment of an imperative need of the refugees in an environment of political polarization and unstable power balance. It examines essential instruments such as the 1951 Refugee Convention and its 1967 Protocol, regional agreements, and customary international law, to establish whether they have been cognizant and cohesive enough to safeguard all refugees adequately in different contexts. This paper considers the part of the humanitarian actors, such as intergovernmental organizations, non-governmental organizations, and host communities, in this legal vacuum as well as in providing essential services like protection to the populations displaced.

¹ Student at the National Law University, Odisha.

INTRODUCTION

In a world full of political delicacies and consternation, antagonistic wars, and ecological adversities, the plight of refugees is a challenging complication. Resting on the bedrock of international law, the principle of refugee protection represents a light that helps people escape their homes for safety and look for peace. On the one hand, international legal frameworks provide a strong legal foundation for protecting the rights of refugees as today's humanitarian crises are frequently complex and the international response is disparate. On the other hand, the efficacy of this legal system in ensuring the protection of the rights of refugees is now under scrutiny.²

The fundamental concept of refugee protection is typically based on the 1951 Refugee Convention and its 1967 Protocol which describe the legal definition of a refugee and present the rights and responsibilities of states to refugees. These very instruments signify the international community's resolve to give shelter to those oppressed, going through conflicts, or simply trying to seek refuge. Nevertheless, remarkable numbers of forcibly displaced people leave behind these outdated instruments, and the shortages of existing legal instruments are glaringly apparent.³

The refugee law application, which is inconsistent depending on the state, is the key crisis in refugee protection today. Some countries abide by their obligations under the Refugee Convention and shelter those in need while others have a restricted mindset or policies regarding immigration. The third group does not obey the international law that states the principle of non-refoulement (prohibition of sending refugees back to places where their lives and freedoms are in danger). This is a clear manifestation of the increased vulnerability of

² United Nations Security Council: Resolution 1296 (on the protection of civilians in armed conflict). (2000). *International Legal Materials*, 39(4), 1022–1025.<http://www.jstor.org/stable/20694031>(last visited on May 3, 2024).

³GIL LOESCHER, BEYOND CHARITY: INTERNATIONAL COOPERATION AND THE GLOBAL REFUGEE CRISIS. 661-679.

refugees with the fragmentation being a breeding ground for the persistent displacement and the suffering vicious circle.

Further on, we have witnessed the transformation of the type of humanitarian crises, which are becoming longer-lasting and contain an element of violent conflicts, climate-induced migration, and non-state actors' involvement, which has led to the reformatting of the asylum instrument of protection. The clear distinction between types of migrants such as refugees and other categories like economic migrants or internally displaced people is becoming a challenge in the way tailored legal response is planned.

Moreover, this situation is enhanced by politicization that makes efforts to honour international law and protect refugees particularly challenging. As the time of nationalism, discrimination, and the hate of immigrants gets worse, it becomes the justification for the states to consider refugees as threats to national security or economic stability of the state rather than human beings who are just born from their mothers. This negative environment erodes the compassion and solidarity of shelter elements vital for effective refugee protection, and it also lowers the credibility of the law's international framework.⁴

Despite this, bright sparks and cases of resilience can still be found in this bleak picture. Non-governmental organizations, humanitarian institutions, and grassroots movements always play the most important role when it comes to the protection of refugee rights, supplying essential services, and holding states to account for their obligation to observe international law. In that same regard, a creative refugee protection system such as a regional framework and burden-sharing mechanisms shows how collective action and solidarity may be part of the solutions in solving the global refugee crisis.

The question of the safeguarding of the refugees makes it evident that we have to give a real and principled response based on the fairytales of international laws and children's rights. In the context of the numerous challenges of modern contemporary humanitarian crises,

⁴ Ayoob, M. (2001). Humanitarian Intervention and International Society. *Global Governance*, 7(3), 225–230. <http://www.jstor.org/stable/27800300> (last visited on April 29, 2024).

emphasizing the need for the refugee protection role is not merely a legal but also a moral necessity—an obligation that only comes along with solidarity, compassion, and collective action that humanizes human nature.⁵

LITERATURE REVIEW

In this era of ever-widening divisions, turmoil, and humanitarian disasters causing an uncountable number of refugees, refugee protection entails the utmost significant issues in the formation of international law and humanitarian causes. This topic highlights the intricate interdependent relationships between the legal area, political scenario, and humanitarian aspect.

Indeed, one of the textbooks that covers this field is "The Refugee in International Law" by Guy S. Goodwin-Gill. In this landmark study, the author offers a comprehensive examination of the law on refugees with their civil and political rights, which are under the scrutiny of such an international law mechanism. Goodwin-Gill highlights the development of the refugee law, which started and was highly developed in the aftermath of World War II. In the same period many institutions were also created to address problems of massive refugee influxes and mixed migration flows. This stands as the foundation for the current understanding of the legal responsibilities that states have and what refugees' rights are.⁶

Building upon Goodwin-Gill's insights, scholarly articles like "The Fragmentation of Refugee Protection: The articles by Eiko R. Thielemann, "A Conceptual Analysis", and Jane McAdam, "Refugee Protection: A Guide to International Refugee Law", have both tackled the issue of refugee regime's fragmentation. Thielemann's contribution focuses on a range of stakeholders in refugee conflict, from state and international institutions to non-state actors and civic society

⁵ DONNELLY, J, human rights, humanitarian crisis, and humanitarian intervention, *International Journal*, 48(4), 607–640. <http://www.jstor.org/stable/25734034>.

⁶ Betts, Alexander, and Gil Loescher. "Refugees in International Relations." *Oxford Handbook of Refugee and Forced Migration Studies*, 2014, pp. 233-245.

groups. She outlines the hurdles surrounding coordination and collaboration among these entities, mainly about the coexistence of different jurisdictions and discord resolution textures and policy aims. Through the book, the reader gets the entire idea of international refugee law where the 1951 Refugee Convention and 1967 Protocol, the regional instruments like the Kampala Convention that was adopted by the African Union are covered. This emphasizes the importance of a coordinated approach to the protection of refugees, namely when several legal arrangements and mechanisms will be in place.⁷

Beyond the academic legal scholarship, there are also factual observations and reports from humanitarian organizations like the United Nations High Commissioner for Refugees (UNHCR), which are vital for understanding the real-life issues in refugee protection. The UNHCR Global Trends report published annually summarizes the overall forced displacement trend and disaggregates it by the refugee, asylum-seeker, and IGP categories. This kind of documentation shows the mass and modes of emergence of the displacement crises and thereby contributes to the advocacy and formulation of well-researched and results-oriented policies. However, thematic papers like the UNHCR gender-specific vulnerabilities faced by women and girls while on the run, inform policymakers of the issues in the protection of this gender category, and in turn craft interventions that will address this issue.

In addition, the multidisciplinary approach integrates legal analysis and social studies, which fill the void in the legal protection of refugees. Works such as "Refugee Economies: Displacement, Development, and Final Destination", a book by Alexander Betts and Paul Collier, discussed the economics of the refugee crisis, including the livelihood of refugees and their roles in host communities. These studies give a novel economic perspective in discussing the solutions of the situations of protracted displacement and also offer sustainable solutions that may be of great use for any prolonged displacement crises.⁸

⁷ DEBARRE, A, International Humanitarian Law in the UN Counterterrorism Framework. In *Safeguarding Medical Care and Humanitarian Action in the UN Counterterrorism Framework* (pp. 10–26), International Peace Institute. <http://www.jstor.org/stable/resrep19637.7> (last visited on May 1, 2024).

⁸ World Health Organization. *INTERNATIONAL HUMANITARIAN LAW (IHL) AND CORE HUMANITARIAN PRINCIPLES IN ACTION. In A GUIDANCE DOCUMENT FOR MEDICAL TEAMS RESPONDING TO HEALTH EMERGENCIES IN ARMED CONFLICTS AND OTHER INSECURE ENVIRONMENTS*. World Health Organization. <http://www.jstor.org/stable/resrep40717.12> (23–61).

Authors of the studies on refugee protection in a pluralistic world spotlight the complex picture of defiance opposed to refugees and the diversity of the legal schemes intended to protect the human rights of displaced persons. Interdisciplinarity brings together texts dedicated to international refugee laws as well as empirical studies into displacement dynamics. That enriches our knowledge of the complex field of humanitarian crisis while allowing us to apply compassion and effectiveness while addressing this crisis.

LEGAL FRAMEWORKS FOR REFUGEE PROTECTION

The legal frameworks for refugee protection occurring at the international level are the main components of international law, ensuring the implementation of international legal standards and assistance to the displaced people facing persecution, crisis, and other situations that threaten their health or livelihood. The assemblage of these frameworks includes a community of international conventions, treaties, regional agreements, and organizational mechanisms devoted to tackling refugee crises and ensuring the protection of refugees from all over the world. Nevertheless, legal frameworks such as the one mentioned above are not free of problems at this stage in their implementation and enforcement which is similar to gaps in protection followed by inappropriate resolutions of the refugee crisis.⁹

The field of international refugee law has an early legal instrument establishing the basic norms and standards, which is the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. They serve as a foundation for the international protection regime by defining a refugee, and state parties' obligations and refugees' rights. Non-refoulement ban contained in

⁹ VALKI, L, Kosovo, International Law and Humanitarian Intervention. *Perspectives*, 15, 45–67. <http://www.jstor.org/stable/23615887>.

Article 33 prevents countries from handing back refugees who face the threat of life or freedom in the host country. This continues to be done by the UNHCR as well as regional human rights courts which are an important pillar as is the UNHCR.¹⁰

International refugee law is adopted based on case law – which serves as a great tool for clarifying and making sense of this international law. For instance, one of the practical examples is the 1985 judgment of the European Court of Human Rights (ECHR) in the case called *Vilvarajah v The United Kingdom*. It follows in that instance, that instead of only excluding the straight removal of an asylum seeker to his country of origin, the Court included among others indirect forms of expulsion (i.e. extradition or deportation) to a third state where the risk of persecution is very high.¹¹

Aside from the regional frameworks and institutions, the issue of seeking more regional cooperation and consolidation in the protection of refugees through the regional lens is also addressed. For instance, the Convention Governing the Specific Aspects of the Refugee Problem in Africa reached in 1969 by the Organization of African Unity (OAU), the OAU Refugee Convention, goes beyond the respective article in the 1951 Convention to encompass the definition of a refugee to also include people fleeing events affecting public order. This concept has been broadened to take into account the specific conditions of African states, namely, the issues linked to the displacement triggered by war, insecurity, and human rights abuses.¹²

Another example of the evolution of the refugee framework came with the 1984 Cartagena Declaration on Refugees adopted by the Latin American States, where the term 'refugee' was broadened so that it applied to those who fled the public order disturbance caused by armed conflicts, generalized violence, foreign aggression, internal conflicts, massive violations of

¹⁰ MacFarlane, S. N. (1999). Humanitarian Action and Conflict. *International Journal*, 54(4), 537–561. <https://doi.org/10.2307/40203415>.

¹¹ Salehyan, I., & Gleditsch, K. S. Refugees and the Spread of Civil War. *International Organization*, 60(2), 335–366. <http://www.jstor.org/stable/3877896>.

¹² UNHCR. Global Trends: Forced Displacement in 2023. United Nations High Commissioner for Refugees, 2024.

human rights or other circumstances. The regional instruments embody the plasticity powered by the adaptation of the asylum laboratories to specific diverse and changing migration contexts within specified geographical locations worldwide.

The functional completeness of the legal infrastructure at the international and regional levels notwithstanding, these problems *ex principle* remain and sometimes even impossible to eliminate. This problem is that the political will of states can be under threat and when these gaps in the protection and insufficient support to the displaced population emerge occurs. Furthermore, these individuals get different interpretations and application of refugee law by their national institutions and law courts which produces differences even in refugee status among them.¹³

As an example, in *M.S.S. v Belgium and Greece* before the ECHR it was proved that Belgium violated the applicant's rights as defined by the Convention of European Human Rights by choosing to send him to Greece where he had faced inhuman and degrading treatment due to the institutional deficiencies of the system of asylum in the country. Ultimately, the situation in Yugoslavia brought into sharp focus the need for a strong implementation of refugee law, which is to say that international and regional treaties on this topic have to provide for a clear procedure of adjudication.

Also, increased populist undercurrents and anti-immigrant assertions in many countries have encouraged the crafting of harsh asylum policies, border closures, and turned-back operations as well which procedurally undermine refugee protection and intensify humanitarian crises. The European Union's reaction to the refugee influx in the Mediterranean region portrayed by introducing deterrence measures and externalizing migration control through policies has led to questionability about minimum refugee rights and devotion to the solidarity principle in the EU member states.¹⁴

¹³ Hathaway, James C. "The Law of Refugee Status." *The American Journal of International Law*, vol. 101, no.2, 2007, pp. 271-307.

¹⁴ Lu, C. (2007). *Humanitarian Intervention: Moral Ambition and Political Constraints*, *International Journal*, 62(4), 942–951. <http://www.jstor.org/stable/40204344>

International instruments and regional legal regimes define the same legal rules even though challenges do not go elsewhere during implementation and enforcement. To successfully tackle these problems, all the states, international institutions, civil society actors, and other parties involved, have to make every effort to guarantee refugees relief and their rights to refugee law in a world where a clear distinction gets obfuscated easily.

REFUGEE STATUS DETERMINATION

The refugee status determination (RSD) is the crucial procedure during which asylum seekers' claims are examined and determined whether to be granted or not refugee status including all other rights that are stipulated under international law. There is often no common procedure for RSD across different countries and areas, but it generally consists of a set of interviews, document screening, and investigations to verify the truthfulness of the asylum seeker's claims. This package of programs puts in place the mechanism to prevent individuals who need asylum from the prosecution they are fleeing or the harm they may face.¹⁵

Nevertheless, security dilemmas regarding fairness and adequate due process are common in the asylum procedure, providing certain constraints for the adoption of efficient refugee protection mechanisms. One of the main troubles is the absence of counselling services and the poor level of understanding for asylum seekers mostly belonging to the lower classes of society. This leaves asylum-seekers with a language skill gap through which they struggle to cope with the complicated legal processes and present their cases properly which could lead to wrongful rejection and refoulement.¹⁶

¹⁵ Suleiman, K. A, *The International Crisis and the International System: A study on the interplay between the management of international strategic crises and the structure of the international system*, Arab Center for Research & Policy Studies. <http://www.jstor.org/stable/resrep12667>.

¹⁶ Smits, R., Molenaar, F., El-Kamouni-Janssen, F., & Grinstead, N, *Cultivating conflict and violence: A conflict perspective on the EU approach to the Syrian refugee crisis*, Clingendael Institute. <http://www.jstor.org/stable/resrep05288>.

Furthermore, in terms of substantive fairness, the RSD framework requires that the authorities in office render quick and unbiased decisions by the competent bodies, presenting options to the asylum seekers to produce evidence, challenge unfavourable rulings, and turn to appeals through a well-defined and effective review process. Failure of the asylum claim processing, inappropriate decision-making, and incomplete review procedure are some of the factors that can screw over the credibility and fairness of the RSD process, therefore rights of the asylum seekers are violated and they go on with the uncertainties while waiting for the decisions.

The difficulties accompanying the identification and protection of vulnerable sub-populations of the refugees as well as vulnerable subpopulations of the refugees make the RSD process even more complicated and create space for specialized procedures and safeguards tailored for their unique protection needs. For example, unaccompanied minors should be properly accommodated, and arrangements for guardianship as well as support services need to be provided in the course of the asylum process for their safety and well-being. In addition, LGBTQ+ people, for instance, have a much greater risk of being victims of persecution, discrimination, harassment, or even violence about their sexual orientation or gender identity. Therefore, this group requires a careful, knowledge-rich, and culturally sensitive approach in cases of RSD.¹⁷

The case of *A.B. v. Canada (Minister of Citizenship and Immigration)* illustrates the importance of procedural fairness and protection for vulnerable refugee populations in the RSD process. In this case, the Canadian Supreme Court held that the denial of refugee status to a lesbian refugee claimant from Jamaica was procedurally unfair because the Immigration and Refugee Board failed to consider the claimant's sexual orientation and the risk she faced upon return to her home country. The Court emphasized the need for decision-makers to assess

¹⁷ Ayoob, M, Third World Perspectives on Humanitarian Intervention and International Administration. *Global Governance*, 10(1), 99–118. <http://www.jstor.org/stable/27800512>.

asylum claims holistically, taking into account the intersecting factors of gender, sexual orientation, and other vulnerabilities.¹⁸

In response to these challenges, many countries have adopted specialized procedures and guidelines for conducting RSD interviews, assessing credibility, and identifying and protecting vulnerable asylum seekers. These measures include the use of trained interpreters, cultural mediators, and trauma-informed approaches to support survivors of torture, gender-based violence, and other forms of persecution. Additionally, the appointment of child welfare officers, legal guardians, and independent advocates can help ensure the participation and protection of children and other vulnerable individuals in the RSD process.

Refugee status determination is a complex and multifaceted process that requires adherence to principles of procedural fairness, due process, and protection for vulnerable populations. By strengthening legal safeguards, enhancing training for decision-makers, and promoting collaboration with civil society organizations and refugee communities, states can improve the integrity and effectiveness of the RSD process and uphold the rights of asylum seekers by international refugee law.¹⁹

INTERNAL DISPLACEMENT AND STATELESSNESS

The inner movement and the phenomenon of statelessness are the different but linked challenges in refugee protection and human rights law. Providing legal protection to the

¹⁸ Gardam, J., & Charlesworth, H. (2000). Protection of Women in Armed Conflict. *Human Rights Quarterly*, 22(1), 148–166. <http://www.jstor.org/stable/4489270>.

¹⁹ International Crisis Group. (2012). *HUMANITARIAN CRISES AND STATE CAPACITY*. In *PAKISTAN: NO END TO HUMANITARIAN CRISES* (p. Page 2-Page 9). International Crisis Group. <http://www.jstor.org/stable/resrep32240.5>.

internally displaced population (IDP) and stateless persons is preserving their rights and fulfilling special demands within the inclusive context of international laws.²⁰

Although internally displaced people are those who have run away from their homes driven by conflict, violence, natural disasters, or rights abuse, they remain within the boundaries of their own country. When it comes to these laws, IDPs are not refugees. In these IDPs, there is rights protection that is provided under international humanitarian law and human rights law, including the right to life, liberty, and security of person, as well as the right to an adequate standard of living.

While there are some challenges associated with providing timely and adequate help and safe shelter to IDPs, especially during armed conflict and internal displacement situations, these can be addressed and overcome. This can lead to complex situations, such as a lack of humanitarian aid as well as limited protection from violence, exploitation, and also access to basic needs like healthcare and education. Moreover, the refugees might face many difficulties in the process of finding durable solutions, including voluntary return, resettlement, and local integration.²¹

To illustrate the stateless status, we need to explain the situation of people who are not citizens of any country, which occurs due to ineffective nationality laws, unfair practices, or drastic changes in state organization. Stateless persons are among the most displaced, disadvantaged, and vulnerable groups in society. They face a myriad of barriers in terms of accessing fundamental rights including healthcare, education, employment, and movement.

With the provision of help and protection for people displaced from their home countries, governments, international organizations, and civil society organizations face numerous challenges. Stateless identity holders may not have the right papers, which is problematic as they have difficulty in proving who they are, using important services, or exercising their rights. The issue of statelessness particularly mingles with various other factors of

²⁰ Jose, B., & Medie, P. A. (2015). *Understanding Why and How Civilians Resort to Self-Protection in Armed Conflict*, *International Studies Review*, 17(4), 515–535. <http://www.jstor.org/stable/24758565>.

²¹ Domalain, B. (2023). *Climate change, internal displacement and humanitarian crises in Iraq*, Rudaw Research Center. <http://www.jstor.org/stable/resrep51591>.

discrimination and marginalization, for example, ethnicity, gender, or religion, culminating in the increase of vulnerabilities and barriers to integration.²²

State prevention and reduction through legal mechanisms that face the challenge of statelessness are essential in solving such a complex and persistent problem. For the prevention and reduction of statelessness, the provision of international and regional agreements such as the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness constitute important frameworks for states within which states can protect stateless persons' rights and achieve nationality for such individuals.

Also, national laws and policies contribute to minimizing statelessness by carrying rule that guarantees no one is arbitrarily deprived or stripped of his or her nationality simultaneously with the process of determining statelessness, granting legal status and identity documentation to the stateless individuals and, finally, embracing a nationality that is inclusive towards all individuals while safeguarding their rights and dignity.²³

There is a need for partnerships and government coordination within the structure that consists of governments, international organizations, civil society actors, and communities that are vulnerable. By increasing awareness of the factors underlying statelessness and its consequences, lobbying for legal amendments and adjustments, and offering help and support to stateless people, the institutions involved in this initiative should be working together to identify and solve the root causes of statelessness and to protect the rights and wellbeing of all people, regardless of their nationality or legal status.²⁴

²² Pusterla, F, Complex Humanitarian Crises in Uncertain Times: The Challenge for the European Union Humanitarian Aid Policy, *St Antony's International Review*, 13(1), 75–104. <https://www.jstor.org/stable/26229123>.

²³ Southall, D., & Abbasi, K, *Protecting Children from Armed Conflict: The UN Convention Needs an Enforcing Arm*. *BMJ: British Medical Journal*, 316(7144), 1549–1550. <http://www.jstor.org/stable/25179272>.

²⁴ Clark, T., & Simeon, J. C, *War, Armed Conflict, and Refugees: The United Nations' Endless Battle for Peace*, *Refugee Survey Quarterly*, 35(3), 35–70. <https://www.jstor.org/stable/48503288>.

REFUGEE RIGHTS AND ACCESS TO JUSTICE

Under international law, refugees have some basic rights to be provided with security and basic needs, and they include the right to work, enjoy education, receive healthcare, and have access to justice among others. These rights are recognized and reaffirmed in international treaties like the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention on the Rights of the Child at regional and national levels respectively. Nevertheless, it is generally conceded that many refugees would face significant obstacles in achieving their protection and dignity in the host countries where legal, social, and economic backgrounds may hinder the exercising of these rights.²⁵

The ability to work should therefore be accorded to the refugees because this brings about self-reliance, they earn a decent living and socioeconomic integration of refugees in their host communities. On the other hand, refugees face a situation where they encounter legal restrictions, administrative barriers, as well as policies that promote protectionism. The barriers include work permit requirements, sectoral bans, and discrimination in employment. Additionally, the refugees might not be able to attribute the knowledge of their qualifications and credentials preventing them from creating their job chances based on their talents and experience.²⁶

Likewise, refugees have equal rights to education and healthcare as citizens, but quite a several refugees face barriers in getting the education and healthcare services they desire. There are numerous barriers to education such as language barriers, discrimination, crowded classrooms, and documentation offences. Healthcare services may be deprived for many reasons for instance financial constraints, limits of availability of healthcare services, or discriminations against bigger junctions by the healthcare providers. Nevertheless, mental health issues appear

²⁶ McCoubrey, H, *INTERNATIONAL HUMANITARIAN LAW AND UNITED NATIONS MILITARY ACTION IN THE "NEW WORLD ORDER."*, International Law and Armed Conflict Commentary, 1(1), 36–47. <http://www.jstor.org/stable/44516055>.

in refugees during the displacement and conflict, and at leaving their homeland for good. This singled-out warrior calls for specialized support and care.²⁷

Justice is the other most important area that has to do with refugee asylum. Most of the time this area is overlooked or neglected. Asylum seekers can be confronted with issues in comprehending their legal rights and filing legal procedures - both might be quite complex for the ones who come from countries where attorneys are not accessible. Language deficiencies, cultural diversity, and [legal remedies and procedures?] awareness may import a further burden of communication for refugees to get access to justice. Additionally, a refugee can be discriminated against by society, xenophobia, and injustice of the system as well which affects her/his trust and faith in legal authorities and processes.²⁸

To make the situation of legal empowerment and justice access easier for refugees, multifaceted strategies should be developed, which take into consideration not only a systemic dimension but also an individual approach. In congruence with these terms of engagement, states have to design and implement their laws and policies in a way that they are consistent with international human rights standards and refugees can be carefully protected and given enough assistance. This process translates into bypassing all the legal obstacles that would deny refugees equal access to employment, education, healthcare, and justice and finally, into the uprooting of discrimination in the society and raising the refugees to the status of equal rights to that of the citizens in the country.²⁹

Nonetheless, the provision of legal aid and assistance programs is required to address the considerable gap in the access to legal resources of refugees such as consultancy, representation, and goodwill mediums. The design of such programs would be modelled according to the demands of refugees, taking into account cultural and linguistic aspects as well as people's peace of mind in doing so. Engagement with non-governmental organizations,

²⁷ Goodwin-Gill, Guy S., and Jane McAdam. *The Refugee in International Law*, Oxford University Press, 2011.

²⁸ Mills, K, Neo-Humanitarianism: *The Role of International Humanitarian Norms and Organizations in Contemporary Conflict*. Global Governance, 11(2), 161–183. <http://www.jstor.org/stable/27800563>.

²⁹ Davies, G, *Protection advocacy by international NGOs in armed conflict situations: Breaking the barrier*, <http://www.jstor.org/stable/resrep50714>.

community-based societies, and refugee organizations can enable legal aid services to grow and help refugees know their rights and have access to all the opportunities that await them.

Finally, institutions should provide capacity building to enable legal workers, jurists, and law enforcement officials to gear towards refugee law, human rights principles, and cross-cultural competence. Improvement in the knowledge and skill level of legal practitioners by states ensures the enhancement of justice services quality refugee movements and the same time justice administration fairness and effectiveness.³⁰

Together with stronger remedies to help legal empowerment and access to justice for refugees, we should also have broader measures in place to resolve conflicts, build strong friendships among communities, and bolster inclusive and resilient societies that honour human dignity and respect the rights of all people irrespective of the nationality or legality status. Through the development and full-on realizations of human rights within the context of asylum-seeking and thus complying with international law, states provide refugees with possibilities to take refuge in justice as well as a living that is self-reliant and securing integration.

PROTECTION OF REFUGEES IN ARMED CONFLICT

The refugees living in war regions stand up to an increase in risks to their safety, security, and well-being that require the Governments to be prompt concerning their rights and needs. States in such cases are legally bound to fulfil their international obligations, in particular refugee law, human rights law, and IHL, to shield refugees from military conflict. As such, these responsibilities cover the respect of non-refoulement, provision of access to asylum procedures, and granting refugees the same rights as any other individuals affected by the conflict.³¹

³⁰ Zeid, S. (2015). Women's, children's, and adolescents' health in humanitarian and other crises, *BMJ: British Medical Journal*, 351. <https://www.jstor.org/stable/26521866>.

³¹ Coles, G. J. L. (1984). Some Reflections on the Protection of Refugees from Armed Conflict Situations, *In Defense of the Alien*, 7, 78–121. <http://www.jstor.org/stable/23141143>.

The fact that forced displacement causes obstacles for refugees just highlights even more how vulnerable they are and deprives them of basic public services. Displacement could be caused by the attacks on the refugee camps and settlements directly, as well as by the use of indiscriminate or targeted military operations that usually affect civilians sadly. On the other hand, refugees are at risk of various forms of violence such as violence, exploitation, and abuse committed by armed groups, including gender-based and sexual violence against women, child recruitment, and forced labour. Besides the physical danger they are in, they also experience mental trauma, lost work, and disrupted social networks and support systems.³²

International humanitarian law virtually remains paramount as it lays down the legal precepts and rules for the combatants and the protection of civilians, among whom are the refugees and internally displaced peoples. Major items of IHL that aim at protecting refugees involve the concepts of distinction, proportionality, and precaution which demand the parties to the conflict to identify between civilians and combatants and abstain from attacking civilian objects, and this assumes all the feasible precautions to prevent harm to civilians.³³

In addition to this, IHL forbids any mass displacement of civilians, whether they are refugees or just locals, and requires the parties involved in the conflict to ensure that any dislocated person is granted adequate protection, help, and humanitarian relief. The Conventions of Geneva and their Protocols give particular attention to the refugees and the civilians, including the right to humanitarian assistance, medical attention, and protection from random arrests and forced displacements.

³² Goodwin-Gill, Guy S, The Refugee in International Law: An Appraisal, *Revue hellénique de droit international*, vol. 52, 1999, pp. 51-76.

³³ Leaning, J. (1999). Medicine and International Humanitarian Law: Law Provides Norms That Must Guide Doctors in War and Peace, *BMJ: British Medical Journal*, 319(7207), 393–394. <http://www.jstor.org/stable/25185505>.

CONCLUSION

The current situation of refugee protection demonstrates the indisputable need for having well-anchored international legal frameworks and effective responses. Given the high complexity faced by contemporary conflicts and humanitarian disasters, innovative means as well as international collaboration are needed to find the way out of the situation of stateless persons. The source of the problem lies in the tension between sovereignty—one individual nation's self-governance and the universality of the principle of human rights. International law is a mandatory framework for a settlement of these conflicting issues, suggesting norms on the acknowledgement of refugee status, protection from refoulement, and an opportunity for asylum.³⁴

Nevertheless, the limitation of international legal prospects by power interests, the lack of material resources, and the implementation holes are some of the reasons for their weakness. Consequently, this leaves the system fragmented where asylum seekers' protection varies in light of geographical locations, citizenship, and social and economic status. To add to this, the fact that some parts of the world have become homes to more extreme movements like the nationalist and populist ones is also seen to have contributed to more hostilities towards asylum seekers and migrants, thus undermining the efforts to uphold their rights.³⁵ It is urgent to tackle the root cause such as conflict, living degree, and environmental deterioration to avoid the humanitarian emergencies of tomorrow. It is the joint commitment to respect international law, human rights, and humanitarian principles that would define the foundation for an equitable and compassionate global response to the problems of refugees and displaced people around the world.

³⁴ International Crisis Group, *Refugee Protection in a Fragmented World: Challenges and Opportunities*, International Crisis Group, 2023.

³⁵ Belloni, R, The Trouble with Humanitarianism, *Review of International Studies*, 33(3), 451–474. <http://www.jstor.org/stable/40072187>.