



## Displacement without Asylum: Structural and Legal Gaps in the Protection of Gazans under International Law

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## Abstract

**Research Objective:** This study examines the protection of internally displaced Gazans under international law, focusing on the interaction between International Humanitarian Law, International Human Rights Law, and refugee law during the 2023 Israel–Hamas conflict. **Research Methodology:** Qualitative normative legal approach grounded in Human Rights Theory and Just War Theory, analyzing primary legal sources including the Geneva Conventions, the Rome Statute, and UN resolutions, with comparative cases from Syria, Ukraine, and Sudan. **Results:** Legal instruments provide substantial normative protections, but implementation is severely undermined by systematic violations. Both state and non-state actors frequently breach fundamental rights to life, health, shelter, and food, while international institutions face political and structural constraints limiting effectiveness. **Findings and Implications:** Despite extensive legal entitlements, displaced Gazans remain unprotected due to critical normative-practical discrepancies. The UN Security Council and International Court of Justice demonstrate institutional limitations, with global enforcement challenges being systemic rather than isolated. **Conclusion:** Without targeted legal reforms, structural institutional changes, and enhanced accountability mechanisms, displaced populations remain vulnerable despite comprehensive legal frameworks requiring fundamental transformation. **Contribution:** Identifies institutional failures in civilian protection and advocates for multidimensional reform, contributing to the understanding of normative-practical discrepancies in international humanitarian law. **Limitations and Suggestions:** Theoretical analytical methodology limits empirical validation, and the Gaza focus may restrict generalizability. Future research should incorporate field-based studies, expand comparative analysis, and examine institutional reform effectiveness longitudinally.

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## Introduction

The escalation of the 2023 Israel-Hamas conflict has intensified an already precarious humanitarian situation in Gaza, resulting in one of the most significant displacement crises in recent history. More than 1.7 million individuals have been forcibly displaced, enduring harsh conditions characterized by deteriorating infrastructure, limited access to healthcare, and a scarcity of essential services, including clean water, sanitation, and shelter.<sup>1</sup> The combination of summer heat and inadequate hygiene in this environment significantly increases the risk of communicable diseases and heat-related illnesses, particularly among vulnerable populations.<sup>2</sup> Despite the magnitude of this crisis, there exists a notable shortage of systematic, evidence-based assessments that thoroughly document the experiences of internally displaced persons (IDPs). This gap impedes both humanitarian responses and legal accountability.<sup>3</sup>

The humanitarian infrastructure in Gaza has been significantly devastated by relentless military operations, destroying hospitals, power grids, and sanitation facilities. These conditions have created a precarious situation for displaced civilians, whose plight is largely ignored by the international legal and policy frameworks that are supposed to protect them.<sup>4</sup> Historically,

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<sup>1</sup> Manal Totry-Jubran, "Escalating Suppression," *Israel Studies Review* 40, no. 1 (March 1, 2025): 10–18, <https://doi.org/10.3167/isr.2025.400103>; Yara Asi et al., "'Nowhere and No One Is Safe': Spatial Analysis of Damage to Critical Civilian Infrastructure in the Gaza Strip during the First Phase of the Israeli Military Campaign, 7 October to 22 November 2023," *Conflict and Health* 18, no. 1 (2024): 24, <https://doi.org/10.1186/s13031-024-00580-x>; Tom Dannenbaum and Janina Dill, "International Law in Gaza: Belligerent Intent and Provisional Measures," *American Journal of International Law* 118, no. 4 (October 15, 2024): 659–83, <https://doi.org/10.1017/ajil.2024.53>.

<sup>2</sup> Kristie L Ebi et al., "Hot Weather and Heat Extremes: Health Risks," *The Lancet* 398, no. 10301 (August 2021): 698–708, [https://doi.org/10.1016/S0140-6736\(21\)01208-3](https://doi.org/10.1016/S0140-6736(21)01208-3); Joan Ballester et al., "Heat-Related Mortality in Europe during the Summer of 2022," *Nature Medicine* 29, no. 7 (July 10, 2023): 1857–66, <https://doi.org/10.1038/s41591-023-02419-z>; Robert D. Meade et al., "Physiological Factors Characterizing Heat-Vulnerable Older Adults: A Narrative Review," *Environment International* 144 (November 2020): 105909, <https://doi.org/10.1016/j.envint.2020.105909>.

<sup>3</sup> H Hamdouna et al., "Daily Experiences and Strategies for Psychological Survival during the 2014 Assaults in Gaza: A Retrospective Analysis of Chronological Diaries," *The Lancet* 398 (2021), [https://doi.org/10.1016/S0140-6736\(21\)01535-X](https://doi.org/10.1016/S0140-6736(21)01535-X); Rawan Abu Radwan et al., "The Psychological Toll of War and Forced Displacement in Gaza: A Study on Anxiety, PTSD, and Depression," *Chronic Stress* 9 (2025), <https://doi.org/10.1177/24705470251334943>; Faisal Yousef Sabah, "Assessing Housing and Basic Services Access for Internally Displaced Persons in Conflict-Affected Gaza Strip: A Mixed-Methods Study," *Frontiers in Public Health* 13 (2025), <https://doi.org/10.3389/fpubh.2025.1483253>; F Mahamid et al., "Beyond Survival: A Qualitative Study on the Intersection of Caregiving, Coping, and Mental Health in Gaza's Ongoing Mass Massacre," *Journal of Interpersonal Violence*, 2025, 8862605251336360, <https://doi.org/10.1177/08862605251336360>.

<sup>4</sup> Kate Zinszer, Hussam Mahmoud, and Samer Abuzerr, "Healthcare Collapse and Disease Spread: A Qualitative Study of Challenges in Gaza Strip," *BMC Public Health* 25 (2025), <https://doi.org/10.1186/s12889-025-21817-1>; A Hassoun, "Sustainability amid Conflict: Gaza's Environmental, Social, and Economic Struggles," *Journal of Environmental Management* 376 (2025): 124433, <https://doi.org/10.1016/j.jenvman.2025.124433>; Ahmad Shamsul Abd Aziz, Asmar Abdul Rahim, and Muath Mohammed Alashqar, "WAR CRIMES IN GAZA STRIP FROM YEAR 2008 2021: INDIVIDUAL CRIMINAL RESPONSIBILITY UNDER THE LEGAL FRAMEWORK OF ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT," *Journal of International Studies*, 2023, <https://doi.org/10.32890/jis2023.19.1.3>; S Mahomed, "When Sanctuaries of Humanity Turn into Corridors of Horror: The Destruction of Healthcare in Gaza," *South African Journal of Bioethics and Law*, 2023, <https://doi.org/10.7196/sajbl.2023.v16i3.1732>; Nasser Al-Nabit, "Undermining Humanitarian Space in Conflict Epicenters: The Gaza Strip from the 2006 Blockade to Post-October 2023



international law has struggled to provide effective protection for IDPs. Early legal regimes were primarily refugee-centric, offering minimal recognition to those displaced within their national borders. Over time, however, there has been a normative shift, culminating in the recognition of forced internal displacement as a prosecutable war crime under Article 8(2)(e)(viii) of the Rome Statute. Yet this evolution remains legally incomplete and practically ineffective, particularly in Gaza's context.<sup>5</sup>

At the core of this legal stagnation is the fragmented nature of the existing frameworks. While International Humanitarian Law (IHL) and International Human Rights Law (IHRL) establish obligations for both state and non-state actors to safeguard civilians, including internally displaced persons (IDPs), they lack clear and actionable mechanisms to effectively address the ongoing crises of displacement.<sup>6</sup> IHRL demands that states ensure access to essential services, while IHL prohibits forced displacement and collective punishment. The gap between normative expectations and real-world outcomes underscores the failure of international legal regimes to provide enforceable protection to IDPs in active conflict zones.<sup>7</sup>

The disparity is especially evident in the actions of non-state actors, such as Hamas and associated militant groups, which are increasingly acknowledged as being subject to customary international law. The Montreux Document and various legal commentaries emphasize that these entities are required to comply with the principles of International Humanitarian Law (IHL), particularly the vital obligation to minimize harm to civilians.<sup>8</sup> However, accountability

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War," *Journal of Information Systems Engineering and Management*, 2025, <https://doi.org/10.52783/jisem.v10i17s.2782>.

<sup>5</sup> N Schimmel, "TRAPPED BY SOVEREIGNTY," *World Affairs* 185 (2022): 500–529, <https://doi.org/10.1177/00438200221104498>; Naziye Dirikgil, "Addressing the Prevention of Internal Displacement: The Right Not to Be Arbitrarily Displaced," *Journal of International Migration and Integration* 24, no. 1 (March 31, 2023): 113–38, <https://doi.org/10.1007/s12134-022-00935-4>; Stefano Giantin, Milica Matijević, and Jelena Madžarević, "Duration of Internal Displacement at the Intersection of Law and Politics," *Годишњак Факултета Правних Наука - АПЕИРОН*, 2022, <https://doi.org/10.7251/gfp2212023m>; Al-Nabit, "Undermining Humanitarian Space in Conflict Epicenters: The Gaza Strip from the 2006 Blockade to Post-October 2023 War"; Steve Tiwa Fomekong, "Why Communities Hosting Internally Displaced Persons in the Sahel Need Stronger and More Effective Legal Protection," *International Review of the Red Cross* 103 (2021): 923–57, <https://doi.org/10.1017/S1816383122000108>.

<sup>6</sup> Schimmel, "TRAPPED BY SOVEREIGNTY"; S Mahomed, "International Humanitarian Laws: Applicable to All or a Privilege for Some?," *South African Journal of Bioethics and Law*, 2024, <https://doi.org/10.7196/sajbl.2024.v17i1.2058>; Krzysztof Orzeszyna, "Convergence of International Humanitarian Law and International Human Rights Law in Armed Conflicts," *Studia Iuridica Lublinensia*, 2023, <https://doi.org/10.17951/sil.2023.32.3.237-252>; M Ivleva, A Yastrebova, and M Glaser, "The Application of International Humanitarian Law in the Resolution of a Complex Humanitarian Crisis: A Case Study of the Tigray National Regional State of the Federal Democratic Republic of Ethiopia," *Kutafin Law Review*, 2023, <https://doi.org/10.17803/2713-0533.2023.1.23.137-156>.

<sup>7</sup> Schimmel, "TRAPPED BY SOVEREIGNTY"; O Korinska, "Internally Displaced Persons as a Category of Social Practice," *Social Pedagogy: Theory and Practice*, 2024, <https://doi.org/10.12958/1817-3764-2024-1-36-41>; D Flanagan, "Caught in the Crossfire: Challenges to Migrant Protection in the Yemeni and Libyan Conflicts," *Journal on Migration and Human Security* 8 (2020): 318–31, <https://doi.org/10.1177/2331502420978151>.

<sup>8</sup> Hyeran Jo, "International Humanitarian Law on the Periphery," *Journal of International Humanitarian Legal Studies* 11 (2020): 97–115, <https://doi.org/10.1163/18781527-bja10016>; Louis-Benoît Lafontaine, "Lawfare and International Humanitarian Law: A Shift in the War Experience for Western Democracies," *Comparative Strategy* 43 (2024): 255–79, <https://doi.org/10.1080/01495933.2024.2340953>; R Alley, "Humanitarian Law Compliance," *Journal of International Humanitarian*



mechanisms remain weak or non-existent. Similarly, the responsibilities of external actors—including states that provide military or financial support to conflict parties—are ill-defined and poorly enforced, further complicating the legal landscape.<sup>9</sup>

The United Nations' efforts to ensure relief and accountability have faced significant challenges. Agencies like UNHCR and OCHA are responsible for coordinating humanitarian responses, yet they are often hindered by political vetoes, inconsistent mandates, and operational fragmentation. UN interventions in regions such as Syria, Ukraine, and Sudan have demonstrated similar patterns: ambitious frameworks struggle to succeed due to internal political divisions and external interference. For instance, in Syria, the fragmentation of aid and conflicting priorities among donors have obstructed effective responses.<sup>10</sup> In Ukraine, challenges in governance have hindered the integration of internally displaced persons (IDPs), while in Sudan, interventions have faced difficulties in addressing gender-specific vulnerabilities.<sup>11</sup>

These cases highlight a broader issue: the international community is neither structurally equipped nor politically motivated to implement a coherent and rights-based approach to mass internal displacement. While regional instruments like the Kampala Convention signify progress, their implementation remains inconsistent.<sup>12</sup> National frameworks, particularly in countries like Georgia and Nigeria, often marginalize internally displaced persons (IDPs) or do not effectively integrate them into host communities. This systemic exclusion creates a "blind-spot effect,"

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*Legal Studies*, 2021, <https://doi.org/10.1163/18781527-BJA10032>; R Arnold, "International Humanitarian Law and Non-State Actors: A Contradiction of Terms?," *Israel Law Review* 53 (2020): 409–30, <https://doi.org/10.1017/S0021223720000163>.

<sup>9</sup> Yasmine Nahlawi, "Accountability Pursuits in the Syrian Context: An R2p Success?," *Global Responsibility to Protect*, 2025, <https://doi.org/10.1163/1875984x-20250004>; Cecilia Jacob, "A New Politics of International Criminal Justice: Accountability in Ukraine and the Israel–Gaza War," *International Affairs*, 2024, <https://doi.org/10.1093/ia/iiae224>; Ghuna Bdiwi, "Should We Call for Criminal Accountability During Ongoing Conflicts?," *Journal of International Criminal Justice*, 2023, <https://doi.org/10.1093/jicj/mqac037>; B Whitaker, "Courting Migrants: How States Make Diasporas and Diasporas Make States. By Katrina Burgess. New York: Oxford University Press, 2020. 252p. \$74.00 Cloth.," *Perspectives on Politics* 19 (2021): 1046–48, <https://doi.org/10.1017/S1537592721001444>.

<sup>10</sup> Tom Buitelaar, "Human Security and Accountability in the Central African Republic: A Bridge Half-Crossed," *Journal of International Peacekeeping* 27, no. 1 (June 21, 2024): 115–49, <https://doi.org/10.1163/18754112-27010005>; Lea Ruesch et al., "Orchestrating Coordination among Humanitarian Organizations," *Production and Operations Management* 31, no. 5 (May 2022): 1977–96, <https://doi.org/10.1111/poms.13660>.

<sup>11</sup> Lazarus Baak Madut et al., "Mixed-Methods Reproductive Health Knowledge, Attitudes and Practices Survey of IDPs, Returnees and Host Communities in Jonglei State, South Sudan," *BMJ Open* 15 (2025), <https://doi.org/10.1136/bmjopen-2024-083905>; Wolfgang Stojetz and Tilman Brück, "The Double Burden of Female Protracted Displacement: Survey Evidence on Gendered Livelihoods in El Fasher, Darfur," *The Journal of Development Studies*, 2024, <https://doi.org/10.1080/00220388.2024.2376402>; M Alfahal et al., "Conflict and Displacement in Sudan: Health Challenges, Socio-Economic Strain, Trauma, and Coping Mechanisms among Internally Displaced Persons in Port Sudan Shelters," *Medicine* 104 (2025), <https://doi.org/10.1097/MD.00000000000042232>.

<sup>12</sup> Paul Clayton Perrin, "Applying a Dignity Lens in Migration and Displacement," *Journal on Migration and Human Security* 13, no. 1 (March 6, 2025): 138–50, <https://doi.org/10.1177/23315024241305408>; Cathrine Brun et al., "The Dynamic Space of Aid Relations in Protracted Internal Displacement: The Case of Sri Lanka's Northern Muslims," *Disasters* 48, no. 3 (July 5, 2024), <https://doi.org/10.1111/disa.12623>.

leading to the underrepresentation of IDPs in national data and their lack of visibility in global policymaking.<sup>13</sup>

This study examines the effectiveness of international laws in protecting displaced Gazans and proposes potential legal and policy reforms to enhance that protection. The research is structured into three main components: first, it analyzes International Human Rights Law, International Humanitarian Law, and the Rome Statute; second, it evaluates the performance of institutions, particularly the United Nations; and finally, it explores the political and operational challenges that hinder the protection of displaced individuals.

This research is innovative in that it integrates legal analysis with real-world experiences from recent conflicts, addressing the disconnect between legal frameworks and their practical application. The central premise is that failures in legal and institutional systems arise not from ambiguous laws, but rather from structural, political, and operational obstacles that impede effective enforcement. Evidence from Gaza and other regions illustrates a consistent pattern of inadequate laws, sluggish institutions, and fragmented humanitarian efforts.

While the focus of this research is primarily on Gaza, it also considers Syria, Ukraine, and Sudan to extract broader insights for international humanitarian governance. The aim is to contribute to academic discourse and influence policy reform by highlighting the deficiencies of current systems and proposing actionable solutions. These solutions include establishing UN-managed safe zones, enforcing arms embargoes, and amending the UN Charter to mitigate the effects of vetoes.

The study underscores that without urgent legal and structural reforms; the plight of displaced Gazans will continue to exemplify the international community's failure to uphold its own human rights and humanitarian standards.

## Methods

This study uses a qualitative legal research approach to analyze international laws related to the rights of displaced people in armed conflict, especially in Gaza. We focus on understanding legal norms through statutes, treaties, customary international law, court decisions, and expert commentaries. The main goal is to evaluate how well current international laws like International Humanitarian Law (IHL), International Human Rights Law (IHRL), and refugee law protect internally displaced persons (IDPs).

The analysis is based on Human Rights Theory (HRT) and Just War Theory (JWT) to determine the moral and legal justification of military actions and their impact on IDPs. Key data sources include important legal treaties, such as the Geneva Conventions, the 1951 Refugee Convention, and the Rome Statute. We also look at court decisions from international courts like the International Court of Justice (ICJ) and the International Criminal Court (ICC), as well as documents like General Comments and UN resolutions. Secondary sources include academic articles and reports from human rights organizations for additional context and evaluation.

We assess how state and non-state actors comply with legal standards while recognizing their different legal statuses. For state actors, we examine laws and court systems that show how they apply international norms. For non-state actors, like Hamas and affiliated groups, we evaluate compliance based on customary international law and guidelines from the Montreux Document. This approach addresses the "compliance gap" by combining legal analysis with findings from human rights reports and evaluations.

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<sup>13</sup> Lucy Earle et al., "When Internal Displacement Meets Urbanisation: Making Cities Work for Internally Displaced People," *Refugee Survey Quarterly* 39, no. 4 (December 1, 2020): 494–506, <https://doi.org/10.1093/rsq/hdaa028>; Dirikgil, "Addressing the Prevention of Internal Displacement: The Right Not to Be Arbitrarily Displaced."





This approach blends detailed legal analysis with social perspectives to ensure thoroughness and relevance. By using legal insights from HRT and JWT, along with empirical data and comparisons from situations in Syria, Ukraine, and Sudan, we aim to produce findings that are both strong and practical. This methodology supports a clear, critical, and ethical examination of how displaced people in Gaza are protected, helping identify areas where legal actions fail while suggesting ways to improve.

## Results and Discussions

### *Legal Protections and Framework Analysis*

Internally Displaced Persons (IDPs) are safeguarded under a comprehensive legal framework that integrates International Humanitarian Law (IHL), International Human Rights Law (IHRL), and various regional instruments.<sup>14</sup> Article 3 of the Geneva Conventions mandates humane treatment for non-combatants, while international treaties such as the ICCPR and ICESCR affirm essential rights, including the right to life, freedom of movement, and adequate living standards. Although the Guiding Principles on Internal Displacement (GPID) are non-binding, they establish operational standards that have influenced national regulations and contributed to the binding Kampala Convention in Africa. This multifaceted framework creates layered protections, with IHRL offering broad universal coverage and IHL delineating specific rules of conduct during wartime, although the enforcement of these protections can vary significantly between state and non-state actors.<sup>15</sup>

### *Documented Violations and Protection Gaps*

Systematic violations of fundamental rights continue to occur in contemporary conflicts, significantly impacting health, housing, and food security. Deliberate attacks on healthcare infrastructure in Ukraine, Syria, and Ethiopia amount to war crimes under International Humanitarian Law (IHL). Meanwhile, the destruction of residential areas in Gaza and Mariupol has resulted in critical shelter crises. Additionally, conflict-induced food insecurity, exacerbated by military blockades and the destruction of agriculture, contravenes both IHL and International Human Rights Law (IHRL) obligations. Non-state actors often evade accountability due to jurisdictional limitations and inconsistent enforcement mechanisms, creating legal grey areas that jeopardize civilian protections despite the existence of formal rights guarantees.<sup>16</sup>

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<sup>14</sup> H Aleman et al., "Protection of Internally Displaced People in South Asia: The Role the South Asian Association for Regional Cooperation (SAARC) Could Play in Implementing a Convention Similar to the Kampala Convention," *The International Journal of Human Rights* 24 (2022): 602–8, <https://doi.org/10.1007/s12134-022-00935-4>; Dirikgil, "Addressing the Prevention of Internal Displacement: The Right Not to Be Arbitrarily Displaced"; Earle et al., "When Internal Displacement Meets Urbanisation: Making Cities Work for Internally Displaced People."

<sup>15</sup> Jamie Draper, "Justice and Internal Displacement," *Political Studies* 71 (2021): 314–31, <https://doi.org/10.1177/00323217211007641>; P Acha-Anyi, "Unmasking the Human Rights Needs of Internally Displaced Persons: A Case Study of Selected States in Nigeria," *International Journal of Migration, Health and Social Care*, 2024, <https://doi.org/10.1108/ijmhsc-02-2023-0016>; Adam Lichtenheld, "Explaining Population Displacement Strategies in Civil Wars: A Cross-National Analysis," *International Organization* 74 (2020): 253–94, <https://doi.org/10.1017/S0020818320000089>; Mary Melmar Teves, "Conflict and Displacement: The Life Stories of Internally Displaced Families (IDFs)," *Jurnal Ilmiah Peuradeun*, 2024, <https://doi.org/10.26811/peuradeun.v12i2.1102>.

<sup>16</sup> A Adelaja and J George, "Armed Conflicts, Forced Displacement and Food Security in Host Communities," *World Development*, 2022, <https://doi.org/10.1016/j.worlddev.2022.105991>; Olga Shemyakina, "War, Conflict, and Food Insecurity," *Annual Review of Resource Economics*, 2022, <https://doi.org/10.1146/annurev-resource-111920-021918>; James Muriuki, Darren Hudson, and Syed

### ***Institutional Failures and Legal Limitations***

International judicial and enforcement mechanisms exhibit notable weaknesses in their ability to protect internally displaced persons (IDPs). The International Court of Justice has limited enforcement capacity, as its provisional measures rely on the goodwill of states rather than coercive power, as demonstrated in cases such as *Ukraine v. Russia*. The effectiveness of the UN Security Council is severely compromised by geopolitical conflicts among the permanent members (P-5), with vetoes frequently obstructing crucial interventions, even in the face of humanitarian crises. Although Chapter VII resolutions are legally binding under the UN Charter, compliance among states remains inconsistent, often with claims of sovereignty being used to rationalize non-compliance.<sup>17</sup>

### ***Lessons from Historical Crises***

Previous humanitarian crises have revealed persistent patterns of institutional failure and inadequate protection mechanisms. The prolonged conflict in Syria exemplified how paralysis within the UN Security Council, due to vetoes, can prolong suffering despite existing resolutions. Similarly, the Rohingya crisis in Myanmar and the genocide in Rwanda illustrate the devastating consequences of international inaction and the urgent need for institutional reform. These cases highlight that, although legal frameworks exist on paper, their practical application is severely hindered by political considerations, enforcement gaps, and the prioritization of state interests over humanitarian obligations. This situation necessitates comprehensive reforms to enhance the protection of internally displaced persons (IDPs) in practice.<sup>18</sup>

Reveals a persistent and troubling gap between the normative protections afforded to IDPs under international law and their actual realization in conflict zones, particularly in Gaza. Despite the robust framework of legal instruments, including the Geneva Conventions, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Guiding Principles on Internal Displacement, displaced civilians continue to endure systemic violations of their rights. This paradox highlights a broader structural dysfunction in the enforcement and operationalization of international humanitarian and human rights law.<sup>19</sup>

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Fuad, "The Impact of Conflict on Food Security: Evidence from Household Data in Ethiopia and Malawi," *Agriculture & Food Security* 12 (2023): 1–20, <https://doi.org/10.1186/s40066-023-00447-z>; C Schetter, L Wirkus, and Birgit Kemmerling, "The Logics of War and Food (in)Security," *Global Food Security*, 2022, <https://doi.org/10.1016/j.gfs.2022.100634>.

<sup>17</sup> B Mezmur and R Adeola, "The Protection of Internally Displaced Children in Africa: A Doctrinal Analysis of Article 23(4) of the African Children's Charter," *Journal of African Law* 65 (2021): 115–29, <https://doi.org/10.1017/S002185532100005X>; Internal Displacement Section, "Policy on UNHCR's Engagement in Situations of Internal Displacement," *International Journal of Refugee Law* 32 (2020): 148–59, <https://doi.org/10.1093/ijrl/eeaa007>.

<sup>18</sup> Andrew C.K. Lee et al., "Ukraine Refugee Crisis: Evolving Needs and Challenges," *Public Health* 217 (April 2023): 41–45, <https://doi.org/10.1016/j.puhe.2023.01.016>; Elisabetta Aurino and Sara Giunti, "Social Protection for Child Development in Crisis: A Review of Evidence and Knowledge Gaps," *The World Bank Research Observer* 37, no. 2 (July 22, 2022): 229–63, <https://doi.org/10.1093/wbro/lkab007>.

<sup>19</sup> Firas Meshhal Abduljabbar et al., "The Impact of Islamic Law on Human Rights Abuses in Conflict Zones," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 2 (November 30, 2024): 743–60, <https://doi.org/10.29240/jhi.v9i2.11165>; Olha Korinska, "Internally Displaced Persons as a Category of Social Practice," *Social Pedagogy: Theory and Practice*, no. 1 (2024): 36–41, <https://doi.org/10.12958/1817-3764-2024-1-36-41>.



The United Nations system has serious weaknesses, especially when dealing with complicated and ongoing displacement crises. The lack of clear policies, legal confusion, and bureaucratic delays make it hard for the UN to take strong action. The point out that many small island developing states do not have solid strategies for handling climate-induced migration. This reflects a larger problem of disconnected and underdeveloped responses from the UN. Additionally, funding shortages and legal issues are significant obstacles to providing essential services, like healthcare, to displaced people. These problems get worse because the UN often uses short-term solutions that do not provide long-term protection or lasting answers.<sup>20</sup>

The entrenched political interests of the permanent members of the UN Security Council (UNSC) significantly undermine the credibility and functionality of the global governance system. This is particularly evident in the Gaza conflict, where the veto power wielded by the P-5 states often obstructs meaningful intervention. The Council's ability to respond effectively to crises is severely compromised when the interests of member states clash, especially in situations involving geopolitical alliances, such as that between the United States and Israel, which hampers balanced humanitarian resolutions.<sup>21</sup> A similar situation arose with Resolution 2165 in Syria, which aimed to provide humanitarian access but ultimately failed to stop the violence, highlighting these structural constraints. This ongoing dynamic erodes the Council's legitimacy and shifts negotiation efforts to informal coalitions that lack the enforcement capacity.<sup>22</sup>

### **Arms Trade Regulation and State Responsibility**

Arms transfers by major exporters pose a considerable challenge to adherence to international humanitarian law (IHL). The Arms Trade Treaty (ATT) sets forth legal obligations for conducting humanitarian impact assessments; however, limited ratification and insufficient compliance by key exporters diminish its effectiveness. When states supply weapons to parties known for targeting civilians or impeding humanitarian access, they expose themselves to potential indirect liability for any ensuing violations. This regulatory shortcoming allows conflicts to persist, during which the protection of civilians remains systematically compromised.<sup>23</sup>

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### ***Judicial Authority and Enforcement Limitations***

The International Court of Justice demonstrates institutional constraints that limit effective legal enforcement. Provisional measures lack binding enforcement mechanisms, relying entirely on voluntary state compliance. The Ukraine v. Russia case exemplifies how jurisdictional disputes and conflicting state interests can neutralize judicial authority, particularly in politically sensitive conflicts. This enforcement deficit undermines the court's capacity to provide timely protection during humanitarian emergencies.<sup>24</sup>

### ***Institutional Reform Proposals and Accountability Frameworks***

Current reform initiatives address multiple dimensions of global governance failure. Proposals to limit Security Council veto power during humanitarian crises align with the Responsibility to Protect principles and seek to prevent political paralysis in the face of atrocities. Enhanced representation reflecting contemporary geopolitical realities, expanded General Assembly authority, and ICJ oversight of veto misuse represent comprehensive approaches to institutional modernization. Simultaneously, accountability frameworks must encompass non-state actors operating in legal gray areas, requiring clearer obligations and enforcement mechanisms for armed groups exercising territorial control.<sup>25</sup>

### ***Systemic Weaknesses and the Path Forward***

Historical failures in Rwanda, Myanmar, and Syria demonstrate the catastrophic consequences of institutional inadequacy, ranging from mass displacement to genocide. These crises reveal how political stalemate, operational fragmentation, and legal uncertainty enable unchecked violations. Even alternative mechanisms like economic sanctions can exacerbate civilian suffering rather than providing effective protection. Addressing these systemic weaknesses requires comprehensive reform encompassing legal authority enhancement, power dynamic restructuring, and universal accountability mechanisms. Without substantial institutional transformation, international protection remains aspirational, leaving displaced populations vulnerable to the consequences of global governance failures.<sup>26</sup>

### **Conclusion**

This study reveals that while international legal frameworks provide strong normative protections for internally displaced persons (IDPs), their implementation remains fragmented

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and largely ineffective in the context of Gaza. Despite the existence of binding and non-binding instruments such as the Geneva Conventions, the Guiding Principles on Internal Displacement, and the Rome Statute, displaced individuals in Gaza continue to endure systematic violations of their rights to safety, shelter, health, and dignity. Institutional inefficiencies, political obstructions—particularly within the United Nations Security Council—and a lack of accountability for both state and non-state actors significantly hinder the enforcement of these norms. The study offers a novel integrative legal analysis rooted in Human Rights Theory and Just War Theory, emphasizing how structural and political constraints impede effective protection. By examining comparative failures in Syria, Ukraine, and Sudan, this research broadens the discourse on global humanitarian governance. It also suggests several legal, institutional, and political reforms, including limitations on Security Council vetoes, enforceable arms embargoes, and the creation of UN-managed safe zones. Ultimately, future research should prioritize empirical investigations into the lived experiences of IDPs, explore the role of regional organizations in managing displacement, and assess the legal responsibilities of arms-exporting states.

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**Maruf Adeniyi Nasir:** Conceptualization, Methodology, Writing- original, Draft, Writing - review & editing, Supervision,

### Declaration of Competing Interest

The authors declare that they have no competing financial interests or personal relationships that could influence the work reported in this paper.

### Data Availability

Data will be made available on request

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