



## 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 Method:** A qualitative normative legal approach, grounded in Human Rights Theory and Just War Theory, was employed. The study analyzed primary legal sources, including the Geneva Conventions, the Rome Statute, and UN resolutions, and incorporated comparative cases from Syria, Ukraine, and Sudan. **Results:** While legal instruments provide substantial normative protections, their 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 that limit their effectiveness. **Findings and Implications:** Despite extensive legal entitlements, displaced Gazans remain inadequately protected due to significant gaps between normative provisions and practical enforcement. Institutional bodies such as the UN Security Council and the International Court of Justice demonstrate inherent limitations, highlighting that global enforcement challenges are systemic rather than isolated. **Conclusion:** Without targeted legal reforms, structural institutional changes, and enhanced accountability mechanisms, displaced populations remain vulnerable, despite the existence of comprehensive legal frameworks. **Contribution:** The study identifies institutional failures in civilian protection and advocates for multidimensional reforms, contributing to a deeper understanding of normative-practical discrepancies in international humanitarian law. **Limitations and Suggestions:** The theoretical and analytical nature of the methodology limits empirical validation, and the focus on Gaza may restrict generalizability. Future research should incorporate field-based studies, broaden comparative analyses, and examine the long-term effectiveness of institutional reforms.

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## Introduction

The escalation of the 2023 Israel-Hamas conflict has worsened an already fragile humanitarian situation in Gaza, triggering one of the most severe displacement crises in recent history. Over 1.7 million people have been forcibly displaced, enduring harsh conditions marked by damaged infrastructure, limited access to healthcare, and severe shortages of essential services, including clean water, sanitation, and shelter.<sup>1</sup> The combination of intense summer heat and inadequate hygiene exacerbates the risk of communicable diseases and heat-related illnesses, particularly among vulnerable populations.<sup>2</sup> Despite the scale of this crisis, there is a notable lack of systematic, evidence-based assessments documenting the experiences of internally displaced persons (IDPs). This gap hinders both effective humanitarian responses and legal accountability.<sup>3</sup>

Gaza's humanitarian infrastructure has been extensively damaged by relentless military operations, destroying hospitals, power grids, and sanitation facilities. These conditions have created a precarious environment for displaced civilians, whose plight is largely overlooked by international legal and policy frameworks intended to protect them.<sup>4</sup> Historically, international

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



law has struggled to safeguard IDPs. Early legal regimes were primarily refugee-centric, offering minimal recognition to those displaced within their own countries. 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 legal evolution remains both incomplete and largely ineffective in practice, especially in the context of Gaza.<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 state and non-state actors to protect civilians, including IDPs, they lack clear, actionable mechanisms to address ongoing displacement crises.<sup>6</sup> IHRL requires states to ensure access to essential services, whereas IHL prohibits forced displacement and collective punishment. The persistent gap between these normative expectations and real-world outcomes highlights the failure of international legal regimes to provide enforceable protection for IDPs in active conflict zones.<sup>7</sup>

The disparity is particularly evident in the actions of non-state actors, such as Hamas and affiliated militant groups, which are increasingly recognized as being bound by customary international law. The Montreux Document and various legal commentaries stress that these entities are obligated to adhere to the principles of International Humanitarian Law (IHL), especially the critical duty to minimize harm to civilians.<sup>8</sup> Yet, accountability mechanisms for non-

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<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 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>.



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

The United Nations' efforts to ensure relief and accountability have encountered substantial obstacles. Agencies such as UNHCR and OCHA, tasked with coordinating humanitarian responses, are often constrained by political vetoes, inconsistent mandates, and operational fragmentation.<sup>10</sup> UN interventions in regions such as Syria, Ukraine, and Sudan reveal a similar pattern: ambitious frameworks frequently fail due to internal political divisions and external interference. In Syria, fragmented aid delivery and conflicting donor priorities have obstructed effective responses. In Ukraine, governance challenges have hindered the integration of internally displaced persons (IDPs), while in Sudan, interventions have struggled to address gender-specific vulnerabilities.<sup>11</sup>

These cases underscore a broader issue: the international community is neither structurally equipped nor politically motivated to implement a coherent, rights-based approach to mass internal displacement. While regional instruments like the Kampala Convention reflect progress, their implementation remains inconsistent.<sup>12</sup> National frameworks, particularly in countries such as Georgia and Nigeria, often marginalize IDPs or fail to effectively integrate them into host communities. This systemic exclusion creates a "blind-spot effect," resulting in the underrepresentation of IDPs in national data and their limited visibility in global policymaking.<sup>13</sup>

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<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>.

<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 study examines the effectiveness of international law in protecting displaced Gazans and proposes potential legal and policy reforms to strengthen that protection. The research is organized into three main components: first, an analysis of International Human Rights Law, International Humanitarian Law, and the Rome Statute; second, an evaluation of institutional performance, with particular attention to the United Nations; and third, an exploration of the political and operational challenges that hinder the protection of displaced individuals.

The study is innovative in its integration of legal analysis with real-world experiences from recent conflicts, addressing the persistent gap between normative frameworks and their practical implementation. The central argument is that failures in legal and institutional systems are not primarily due to ambiguities in the law, but rather to structural, political, and operational obstacles that impede effective enforcement. Evidence from Gaza, alongside comparative insights from Syria, Ukraine, and Sudan, demonstrates a consistent pattern of inadequate legal frameworks, slow institutional responses, and fragmented humanitarian efforts.

While the primary focus is on Gaza, the comparative analysis allows for broader insights into international humanitarian governance. The study aims to contribute to academic discourse and inform policy reform by highlighting systemic deficiencies and proposing actionable solutions. These include the establishment of UN-managed safe zones, the enforcement of arms embargoes, and amendments to the UN Charter to reduce the impact of veto powers. Then, the research 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 employed a qualitative legal research approach to examine international laws concerning the rights of displaced persons in armed conflict, with a particular focus on Gaza. The research emphasized understanding legal norms through statutes, treaties, customary international law, judicial decisions, and expert commentaries. Its primary objective was to evaluate the effectiveness of current international legal frameworks, namely International Humanitarian Law (IHL), International Human Rights Law (IHRL), and refugee law, in protecting internally displaced persons (IDPs).

The analysis was informed by Human Rights Theory (HRT) and Just War Theory (JWT), which provided frameworks for assessing the moral and legal justification of military actions and their impact on IDPs. Key sources included foundational legal instruments such as the Geneva Conventions, the 1951 Refugee Convention, and the Rome Statute, alongside judicial decisions from the International Court of Justice (ICJ) and the International Criminal Court (ICC). Supplementary sources included UN resolutions, General Comments, academic literature, and reports from human rights organizations, providing context and evaluative perspectives.

The study assessed the compliance of both state and non-state actors with international legal standards, taking into account their distinct legal statuses. For states, the analysis considered domestic laws and judicial mechanisms that implemented international norms. For non-state actors, such as Hamas and affiliated groups, compliance was evaluated in light of customary international law and guidelines articulated in the Montreux Document. This combined approach addressed the "compliance gap" by integrating legal analysis with empirical evidence from human rights reports and evaluations.

By blending rigorous legal analysis with social and contextual perspectives, this methodology ensured both thoroughness and practical relevance. Drawing on HRT and JWT, alongside comparative insights from Syria, Ukraine, and Sudan, the study produced findings that were analytically robust and practically grounded. This approach enabled a critical, ethical, and comprehensive assessment of the protection of displaced persons in Gaza, highlighted areas of legal failure, and suggested avenues for reform.



## Results and Discussions

### *Legal Protections and Framework Analysis*

Internally Displaced Persons (IDPs) are protected 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 the humane treatment of 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 provides layered protections: IHRL offers broad, universal coverage, while IHL delineates specific rules of conduct during wartime. However, the enforcement of these protections varies considerably between state and non-state actors.<sup>15</sup>

### *Documented Violations and Protection Gaps*

Systematic violations of fundamental rights persist in contemporary conflicts, severely affecting health, housing, and food security. Deliberate attacks on healthcare infrastructure in Ukraine, Syria, and Ethiopia constitute war crimes under IHL. The destruction of residential areas in Gaza and Mariupol has produced acute shelter crises, while conflict-induced food insecurity, exacerbated by military blockades and the destruction of agriculture, violates both IHL and IHRL obligations. Non-state actors frequently evade accountability due to jurisdictional limitations and inconsistent enforcement mechanisms, creating legal grey areas that undermine 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 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>.



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

International judicial and enforcement mechanisms display significant weaknesses in protecting internally displaced persons (IDPs). The International Court of Justice (ICJ) has limited enforcement capacity, as its provisional measures rely on state compliance rather than coercive authority, as demonstrated in cases such as *Ukraine v. Russia*. Similarly, the effectiveness of the United Nations Security Council (UNSC) is severely compromised by geopolitical rivalries among its permanent members (P-5), with the veto power frequently obstructing critical interventions, even during acute humanitarian crises. Although Chapter VII resolutions are legally binding under the UN Charter, compliance remains inconsistent, with states often invoking sovereignty to justify non-compliance.<sup>17</sup>

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

Past humanitarian crises have revealed recurring patterns of institutional paralysis and inadequate protection mechanisms. The protracted conflict in Syria exemplified how UNSC deadlock, driven by vetoes, can prolong civilian suffering despite existing resolutions. Likewise, the Rohingya crisis in Myanmar and the genocide in Rwanda underscore the devastating consequences of international inaction and the urgent need for institutional reform. These cases illustrate that, although comprehensive legal frameworks exist, their practical application is often undermined by political considerations, enforcement deficiencies, and the prioritization of state interests over humanitarian obligations.<sup>18</sup>

This dynamic 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 a robust legal framework, 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 face systematic violations of their rights. This paradox reflects deeper structural dysfunctions in the enforcement and operationalization of international humanitarian and human rights law.<sup>19</sup>

The UN system demonstrates notable shortcomings in addressing complex, protracted displacement crises. Ambiguous policy directives, legal uncertainties, and bureaucratic delays hinder decisive action. For instance, many small island developing states lack robust strategies for addressing climate-induced migration, reflecting a broader problem of fragmented and underdeveloped UN responses. Funding shortages and legal barriers further obstruct the delivery of essential services, such as healthcare, to displaced populations. These challenges are compounded by the UN's tendency to adopt short-term measures that fail to provide sustainable

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<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>.



protection or lasting solutions.<sup>20</sup>

Entrenched political interests among the UNSC's permanent members severely undermine the credibility and functionality of the global governance system. This is particularly evident in the Gaza conflict, where the veto power wielded by P-5 states often obstructs meaningful intervention. The Council's effectiveness is further compromised when member state interests, such as the strategic alliance between the United States and Israel, impede the adoption of balanced humanitarian resolutions. A parallel can be drawn with Resolution 2165 on Syria, which sought to enable humanitarian access but failed to halt the violence, exposing the structural limitations of the Council. Such dynamics erode institutional legitimacy and increasingly shift negotiations to informal coalitions that lack meaningful enforcement capacity.<sup>21</sup>

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

Arms transfers by major exporters pose a significant challenge to adherence to international humanitarian law (IHL). The Arms Trade Treaty (ATT) establishes legal obligations for conducting humanitarian impact assessments; however, limited ratification and poor compliance by key exporters undermine its effectiveness. When states supply weapons to parties known to target civilians or obstruct humanitarian access, they risk incurring indirect liability for subsequent violations. This regulatory gap enables conflicts to persist, during which the protection of civilians remains systematically compromised.<sup>22</sup>

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

The International Court of Justice (ICJ) faces institutional constraints that hinder effective legal enforcement. Provisional measures lack binding enforcement mechanisms, relying solely on voluntary state compliance. The Ukraine v. Russia case illustrates how jurisdictional disputes and conflicting state interests can neutralize judicial authority, particularly in politically sensitive conflicts. Such enforcement deficits weaken the Court's ability to provide timely protection during humanitarian emergencies.<sup>23</sup>

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<sup>21</sup> A Abbara et al., "Sanctions on Syria," *The Lancet. Global Health* 8 (2020), [https://doi.org/10.1016/S2214-109X\(20\)30363-6](https://doi.org/10.1016/S2214-109X(20)30363-6); Maryna Henrysson et al., "The Lack of Social Impact Considerations in Transitioning towards Urban Circular Economies: A Scoping Review," *Sustainable Cities and Society*, 2021, <https://doi.org/10.1016/j.scs.2021.103394>; G Samara, "Family Businesses in the Arab Middle East: What Do We Know and Where Should We Go?," *Journal of Family Business Strategy*, 2020, 100359, <https://doi.org/10.1016/j.jfbs.2020.100359>.

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

Current reform initiatives seek to address multiple dimensions of global governance failure. Proposals to restrict Security Council veto power during humanitarian crises align with the Responsibility to Protect (R2P) principles and aim to prevent political paralysis in the face of atrocities. Suggested measures include enhancing representation to reflect contemporary geopolitical realities, expanding General Assembly authority, and granting the ICJ oversight of veto misuse. Simultaneously, accountability frameworks should encompass non-state actors operating in legal gray areas, with clearer obligations and enforcement mechanisms for armed groups exercising territorial control.<sup>24</sup>

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

Historical failures in Rwanda, Myanmar, and Syria reveal the catastrophic consequences of institutional inadequacy, from mass displacement to genocide. These crises demonstrate how political stalemate, operational fragmentation, and legal uncertainty facilitate unchecked violations. Even alternative mechanisms, such as economic sanctions, can exacerbate civilian suffering rather than provide effective protection. Addressing these systemic weaknesses requires comprehensive reform, strengthening legal authority, restructuring power dynamics, and establishing universal accountability mechanisms. Without substantial institutional transformation, international protection will remain aspirational, leaving displaced populations vulnerable to the consequences of global governance failures.<sup>25</sup>

### **Conclusion**

This study finds that although international legal frameworks offer robust normative protections for internally displaced persons (IDPs), their implementation in Gaza remains fragmented and largely ineffective. Despite the presence 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 face systematic violations of their rights to safety, shelter, health, and dignity. Institutional inefficiencies, political obstructions, particularly within the United Nations Security Council, and the absence of accountability for both state and non-state actors severely impede the enforcement of these norms. The study presents a novel, integrative legal analysis grounded in Human Rights Theory and Just War Theory, highlighting how structural and political constraints undermine effective protection. By comparing similar failures in Syria, Ukraine, and Sudan, it expands the discourse on global humanitarian governance. It further proposes legal, institutional, and political reforms, including restrictions on Security Council vetoes, enforceable arms embargoes, and the establishment of UN-administered safe zones. Finally, the research recommends that future studies prioritize empirical investigations into the lived experiences of IDPs, examine 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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