

Research on Refugee Governance from the Perspective of International Law

– Taking the Israeli-Palestinian Conflict as an Example

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Abstract: The problem of refugee protection has existed in the international community for a long time, which is almost unavoidable for every member of the international community for its close relationship to national politics, economy, law, national security, diplomacy and so on. This paper mainly focuses on the current Israeli-Palestinian conflict to discuss the main sources of refugees and their governance dilemmas as well as attaches great importance to the protection and governance of refugees' rights and the possible improvement of international cooperation mechanisms. Responding to the refugee crisis requires greater cooperation at the regional and global levels. Finally, this paper puts forward some relevant thoughts. For example, advocating the creation of an independent Pakistan is the most effective approach. It is also important to promote peace processes such as negotiations and reconciliation, and to actively engage in international cooperation at the world level, with appropriate assistance from both States and international organizations. Hopefully, these measures can contribute to the international refugee problem through this own research.

Keywords: international law, international relations, refugee, armed conflict

1. Introduction

The refugee issue has existed in the international community for a long time. Even in the modern era, the global governance system is constantly optimizing in a better direction, and refugee protection is still an unavoidable problem that every member of the international community needs to face together, because it is closely related to national politics, economy, law, national security and diplomacy [1]. Although the theme of our age is peace and development, there are still terrorism and armed conflicts in some regions, which not only threaten national security, but also create a large number of refugees. Underlying these local crises is a long-standing problem of refugee protection.

This paper starts with the refugees themselves, discusses the sources of refugees in the history and the current international community and how to determine the definition of refugees, and then expands the vision to the whole world, combining with some examples in the current Israeli-Palestinian conflict, analyzes the difficulties in refugee governance from both objective and subjective perspectives. Then, by enumerating the rights of refugees and the protection of some laws and treaties, it gives some methods and thoughts to alleviate similar crises. In response to the refugee

crisis, all countries need to establish and improve relevant legal systems, and actively build Bridges of cooperation to eliminate the root causes of refugees.

2. Refugee Crisis Caused by International Armed Conflicts

2.1. Origin of Refugees

The causes of refugees in history mainly include war, political persecution, racial persecution, natural disasters and so on. The origins of Palestinian refugees can be traced back to the late 19th century, when Palestinian areas were mostly inhabited by Arabs, but with the increase of Jewish immigration, Jews began to settle in the area. After the First World War, Palestine became a British mandate, and to balance the conflict between Arabs and Jews, the British government issued a series of mandate laws. Then, in 1947, the United Nations passed a resolution dividing the Palestinian territories into Jewish and Arab states. The Jewish people accepted the resolution and declared the State of Israel. However, the Arab states disagreed and launched an attack on Israel, leading to the Israeli War of Independence in 1948-1949. The war caused large numbers of Palestinians to flee their homes and become refugees from the Israeli-Palestinian conflict. At that time, the Israeli army carried out large-scale destruction and burning of Palestinian homes, resulting in hundreds of thousands of Palestinians homeless, forming a refugee problem, these refugees are mainly distributed in the West Bank, Gaza Strip, Lebanon, Syria and other countries. Since then, Israel has continued to expand its territory through wars and conflicts, making more Palestinians refugees [2]. The refugee issue in the Palestinian-Israeli conflict is a complicated historical and political issue, involving many aspects such as geopolitics, ethnic conflicts and religious disputes.

The Palestinian Islamic Resistance Movement (Hamas) declared on October 7, 2023, a military campaign against Israel, dubbed "Al-Aqsa Flood," claiming to have launched a minimum of 5,000 rockets into Israel. Without delay, Israel proclaimed war and initiated Operation "Iron Sword" targeting Hamas locations in Gaza. For the first time in half a century since the Yom Kippur War in 1973, Israel waged war against Hamas. Subsequently, the Palestinian Islamic Jihad announced that its fighters had joined Hamas. On 11 October, Israel announced the formation of an emergency coalition government in Israel. On the evening of 17 October, the Al-Ahli Arab Hospital in Gaza City, Gaza Strip, was hit by an air strike [2]. Armed acts such as these have caused indiscriminate damage to innocent people, especially in Gaza, turning them into refugees.

2.2. Screening of Refugees

Broadly speaking, a refugee refers to an individual who, as a result of natural or human-induced catastrophes, lacks the resources to survive, is uprooted, and must depart from their homeland. Refugees, in the strict sense of the word, are established by *the United Nations Convention relating to the Status of Refugees*, signed in Geneva on 28 July 1951, and *the Refugee Protocol*, as amended by the United Nations in New York on 31 January 1967. The two documents define refugee as: A person who, for reasons of race, religion, nationality, membership of a particular social group, or political opinion, fears persecution and remains outside his own country and is unable or unwilling to be protected by that State because of such fear, or a stateless person, a person who, as a result of the above, has remained outside his former country of habitual residence and is now unable or unwilling to return to that country because of the above fears [3]. Geographically speaking, refugees represent a unique type of migration among populations. The aftermath of natural calamities, warfare, class and national subjugation, religious and racial bias, alterations in national frontiers, and more, compel numerous individuals to relocate abroad, resulting in compulsory migration [4].

3. The Dilemma of Refugee Governance

The Israeli-Palestinian conflict has been one of the focal points in the Middle East for a long time, and the refugee issue is an indispensable part of this conflict. With the continuous escalation of the conflict, a large number of Palestinians have become refugees, and this issue has aroused the wide attention of the international community. The origins of the Israeli-Palestinian conflict date back to the early 20th century, when there was a large Palestinian Arab population in Palestinian areas [5]. As Jewish immigration increased, tensions between Jews and Palestinian Arabs grew. After the establishment of Israel in 1948, a large number of Palestinians were displaced and became refugees, forcing them to leave their homes in search of a safe place to live. The global refugee issue is profoundly influenced by intricate local and international elements, stemming from the extensive impact of both domestic and international factors. Additionally, the issue of refugees varies across countries and regions, driven by distinct national and global motivations.

3.1. Objective Difficulties

As is known to all, refugees generally choose countries or regions fleeing war, political persecution, social unrest and other volatile areas to seek safety and asylum. They often flee to neighboring countries or refugee camps provided by international organizations. Because of their geographical convenience, they often only need to cross borders or certain canals to reach neighboring countries, which may mean better access to humanitarian assistance and protection. In the Israeli-Palestinian conflict, refugees from Gaza often choose to flee to Egypt or Jordan. However, these two countries, both Arab countries, have refused to accept refugees from Gaza. Recently, Egyptian President Abdel Fattah al Sisi and Jordan's King Abdullah II said they would not accept refugees from Gaza. Sisi believes that the influx of refugees into Egypt is likely to affect Egypt's social stability; However, Abdullah II said that the negative consequences of the conflict between Hamas and Israel should not be borne by other countries [6]. From a historical point of view, since the first Middle East War in 1948, Jordan has received a large number of Palestinian refugees, and adopted the way of local resettlement to deal with the refugee problem, after decades of development, Jordan has become the world's largest recipient of Palestinian refugees. At the same time, more than 300,000 Palestinian refugees entered Jordan during the Third Middle East War, and the vast majority of them stayed. The increasing number of refugees and their descendants placed a heavy financial burden on Jordan, and there were attempts to overthrow the rule of Jordan's Hasim family. So for now, Jordan remains wary. As for Egypt, the heart of Egypt does not want to follow in the footsteps of Jordan. Another concern of Sisi is that if a large number of Gaza refugees enter Egypt, they are likely to be mixed with Hamas or other Palestinian militants, which will pose a serious threat to Egypt's social stability. By refusing to accept refugees from Gaza, neighboring countries like Egypt and Jordan have both historical and current considerations. Moreover, from the perspective of geopolitical tussles: the international community has different positions on the issue of refugees in the Israeli-Palestinian conflict. All parties strive to gain influence by intervening in the settlement of the conflict, making the Palestinian-Israeli conflict a part of the international political game.

3.2. Subjective Difficulties

First of all, the intensifying Israeli-Palestinian conflict has made the number of refugees continue to increase, and it is inherently difficult to control this situation in the face of limited resources. According to the World Health Organization, Gaza's 12 main hospitals require at least 94,000 liters of fuel per day to "maintain critical functions". Only two-thirds of Gaza's hospitals are currently "partially functioning", while the escalation of hostilities has spread to the West Bank, East Jerusalem, the Lebanese-Israeli border and Syria, and risks spreading to other countries in the region, including

Jordan, Iran and Iraq [7]. Who urgently needs funding to respond to humanitarian needs in the occupied Palestinian Territory, particularly in the Gaza Strip. Secondly, the situation and environment in the countries of origin are not encouraging. The Gaza Strip is cut off from electricity and water because of the Israeli blockade. Israel has also issued evacuation orders for residents of the northern Gaza Strip to move to the south, and the humanitarian system in Gaza is on the brink of collapse, with large numbers of displaced people living in poverty and insecurity and facing a lack of basic needs, including housing, education and health care. The flow of refugees could lead to social instability and security problems, posing challenges to the already tense security situation in Palestine and Israel. It is also worth noting that the existence of refugee camps can also become hotbeds for the infiltration and activities of violent terrorist organizations.

4. Rights and Protections of Refugees

Typically, refugees are entitled to obtain asylum. Yet, the scope of global security extends beyond individual safety. It's essential that refugees receive equal rights and fundamental support as other legal immigrants within the nation. Put differently, refugees are entitled to fundamental civil liberties, encompassing the liberty to think and move freely, along with protection against torture and demeaning treatment. Additionally, refugees are entitled to economic and social privileges, including access to healthcare and employment.

Central to the global safeguarding framework are *the 1951 Convention Relating to the Status of Refugees* and its 1967 Protocol, augmented by additional regional agreements and proclamations concerning refugee rights [3]. Nonetheless, international refugee law operates in conjunction with other factors. Rather, it ought to be amalgamated with global human rights legislation, starting with *the 1948 Universal Declaration of Human Rights* [8], and international humanitarian law (the laws of war). The realm of international refugee law is augmented by additional legal frameworks, especially those pertaining to international human rights, international humanitarianism, and international criminal law. These laws lack a hierarchical structure, yet they are interlinked. As an illustration, global human rights legislation declares that asylum seekers and refugees, akin to all individuals, receive protection under international human rights law. This legislation is applicable within a State's territory or its jurisdiction. *The 1948 Universal Declaration of Human Rights* affirmed the inherent freedom and equality of all individuals in terms of their dignity and rights [8]. According to global human rights legislation, specific protections, like the ban on torture and slavery, must not be limited or halted for any cause [9]. Likewise, international humanitarian law aims to restrict warfare tactics and the effects of armed conflict on individuals who are either not engaged or have ceased involvement. According to international humanitarian law, individuals not engaged in combat, irrespective of their displacement status, deserve respect, protection against war's impact, and fair access to aid. Given the involvement of numerous refugees and displaced individuals in both international and domestic armed conflicts, international humanitarian law principles offer protection for them.

5. Implications on the Refugee Issue

Although the international community has taken some measures to help refugees, the refugee problem remains a global challenge. To solve the refugee problem, joint efforts of the international community are required, including the provision of humanitarian assistance, the promotion of political solutions to conflicts and the improvement of economic conditions in the affected countries. The refugee problem in the Palestinian-Israeli conflict needs the joint efforts of all parties to promote the peace process and provide humanitarian assistance to solve it. The author believes that the following solutions are feasible.

Firstly, creating a sovereign Palestinian state emerges as the optimal approach to address the issue of Palestinian refugees. The creation of a sovereign Palestinian state enables Palestinian refugees to go back to their native land and reconstruct. Moreover, through dialogue and negotiation between Palestine and Israel, we should strive for a fair and reasonable solution, including Palestinian state-building and providing return options for refugees, to promote the peace process. In addition, the international community should step up assistance to refugees in Palestine and Israel, including providing basic living needs and improving medical and educational conditions. United Nations High Commissioner for Refugees (UNHCR) provides a large amount of assistance to Palestine refugees, including food, health care, education, etc. However, such assistance is often insufficient to meet the needs of refugees due to problems such as lack of funding. The significance of global collaboration escalates when nations, especially those in development, must accommodate numerous refugees over extended duration, often without sufficient resources [10]. Various nations can play a significant role by offering monetary and technical support and engaging in refugee resettlement initiatives. Finally, other countries in the region need to cooperate more to share the burden of the refugee problem. Reduce the root causes of refugee problems by providing more opportunities, including through resource integration and economic development.

6. Conclusion

Refugees represent a unique segment within the global community. Their reluctance or incapacity to go back to their native lands stems from factors such as warfare, ethnic oppression, tribal disputes, shifts in national territories, political refuge, natural calamities, economic decline, among others. Armed conflicts and terrorism have greatly worsened the refugee crisis. It will also cause great harm to innocent people in all countries. The fact that international law is a kind of soft law, coupled with the problems left over from history and the inescapable reality of conflicts between many States, has led to the greater need for the protection of refugee groups. The existence of the refugee crisis has always reminded us that the members of the international community need to strengthen cooperation at the regional and national levels, because the refugee flow is essentially a global problem, international institutions and cooperation organizations should also contribute to it. At the same time, countries should strengthen the study of international refugee laws and security management and prevention, and deal with possible crises subjectively. The solution to the refugee problem will take a long road and cannot be achieved in a short period of time. Before the long-term solution of the refugee problem, firstly, each country should establish a diplomatic refugee policy and implement a protection policy for refugees to ensure their safety and rights; Second, countries should strengthen cooperation, legally improve and develop the existing system, perfect the existing legal system, and give full play to the international power of refugee protection. All in all, in the face of global issues such as the refugee issue, countries should foster a sense of a community of shared future for mankind and jointly cope with possible crises.

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