

Incompetence in refugee protection under the provisions of the international law

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Abstract: This study aims to help the refugees within international law, legal protection for refugees, aspects, the scope of protection, and identify the incompetence. As asylum is one of the most discussed topics as it is considered a burden on the international community, effects it has on the hosted countries, economic, social, and security aspects, studying and analyzing the legal provisions related to refugees in international conventions, especially the Four Geneva conventions and the first and second Additional Protocols since these are the first to organize the principles that limit violations against civilians and refugees.

What we have concluded is that international efforts have been established in the field of refugee protection by stipulating their basic rights, which is the right of the individuals to obtain refuge and protection. However, the international community is unable to find realistic and practical solutions to ease of suffering of the refugees, as the obligations and rights imposed are considered satisfactory.

Keywords: refugee protection; legal protection; methods for refugee protection; international conventions; asylum countries.

عدم الكفاءة في حماية اللاجئين في ظل أحكام القانون الدولي

هبة جودت المحيسن

كلية الحقوق || جامعة البترا || الأردن

المستخلص: تهدف هذه الدراسة إلى مساعدة اللاجئين تحت ظل القانون الدولي، والحماية القانونية للاجئين، والجوانب، ونطاق الحماية، وتحديد نقاط عدم الكفاءة. حيث يعتبر اللجوء من أكثر المواضيع التي تم مناقشتها ويعتبر عبئاً على المجتمع الدولي مما له من تأثيرات على الدول المستضيفة إقتصادياً وإجتماعياً وأمنياً، تم في هذا البحث دراسة وتحليل الأحكام القانونية المتعلقة باللاجئين في الاتفاقيات الدولية خاصة. واتفاقيات جنيف الأربع والبروتوكولات الإضافية الأولى والثانية لأنها أول من نظم المبادئ التي تحد من الانتهاكات ضد المدنيين واللاجئين.

توصلنا إلى إثبات وجود ما تم بذله من جهود دولية في مجال حماية اللاجئين ونص مجموعة من القوانين التي تحمي حقوقهم الأساسية، وهي حق الأفراد في الحصول على اللجوء والحماية. ومع ذلك، فإن المجتمع الدولي غير قادر على إيجاد حلول واقعية وعملية لتخفيف معاناة اللاجئين، حيث تعتبر الالتزامات والحقوق المفروضة مقبولة.

الكلمات المفتاحية: حماية اللاجئين الحماية القانونية؛ طرق حماية اللاجئين. الاتفاقيات الدولية؛ دول اللجوء.

Introduction

International humanitarian law is the basis for the protection of victims of international and non-international armed conflicts; the protection of refugees aims to stop the brutal and grave violations which they are exposed to due to armed conflicts.

Armed conflicts push civilians to flee and seek refuge in other areas because of the resulting suffering, which leads many civilians to escape from the persecution to other places that are more secure and stable.

As a result of the increase in the number of refugees and displaced people due to wars, and internal and external conflicts, and wars, providing legal protection from conflicts and serious violations of human rights has become necessary.

International texts have agreed upon many rights in addition to the obligations imposed on countries to protect the status of refugees, as they stipulate granting and treating refugees as citizens, in addition to the need to treat them preferentially on the basis that they are refugees.

This study deals with identifying the nature of asylum by clarifying the concept of asylum and refugees' protection, clarifying the scope of legal protection for refugees, the methods on which it is based, and clarifying the forms of protection represented by private and public protection under the provisions of the international law and conventions.

Study problem and questions

Most of the armed conflicts that occur in the world are accompanied by large movements of civilians to escape from persecution and in search of security and stability, and therefore this study was conducted to show the incompetence in the protection of refugees under the provisions of international law and international conventions.

- 1- What does asylum and refugees' protection mean?
- 2- What are the methods used to protect refugees?
- 3- How effective are the provisions of international law and international conventions in protecting refugees?

To answer the previous questions, the study was divided into three topics. The first one deals with the nature of asylum and refugees' protection, the second includes identification of refugees' protection and its methods, and the third includes a clarification of the forms of refugees' protection in conflicts.

The Study Approach

Most of the armed conflicts that has or will occur are accompanied by large movements of civilians to escape from persecution or as a search for security and stability, therefore this study will

conduct to show the incompetence in the protection of refugees under the provisions of international law and international conventions.

Topic 1: The nature of asylum and the rules regulating it.

This topic will be studied in two parts, the first includes an identification of the concept of asylum and its causes, and the second includes a clarification of the conditions for asylum.

Section 1: What is asylum and refugees' protection?

Asylum is part of the human rights, for protecting individuals and groups in case of necessity, these cases are the basis on which to build a coherent law based on the consolidation of the concept of human rights.

First: The nature of asylum and refugees' protection

Asylum is defined as a request for infallibility and protection for a person or group in a place other than their original, due to the danger that threatens them, whether on the spiritual side or on real and intangible property.⁽¹⁾

Asylum is also defined idiomatically as having to emigrate to the homeland either by choice as a result of changing the regime in it as a result of a revolution or coup, or to escape from terrorism, or for religious, political or ideological reasons by choosing another country either permanently or temporarily until the reasons that led to asylum are removed.⁽²⁾

A refugee is defined in terminology as a person who moves away from his homeland because of his fear of persecution for reasons related to nationality, racism, religion, political opinion or affiliations, and does not wish to remain under the jurisdiction of his country of origin.

It is defined in international jurisprudence as every person who was forced to leave his country due to fear for his life or freedom from persecution due to war, natural disasters, or political reasons.⁽³⁾

The right to asylum, according to the definition of the Institute of International Law, means "the protection granted by the country to a foreigner who came to request it in the territory of that country or in another place related to some of its systems located abroad."⁽⁴⁾

(1) Salim, Nadim, The Palestinian refugee issue, development and prospects, a thesis submitted for obtaining a master's degree in political science, University of Algeria: College of Political Science, International Relations and Media, p. 28.

(2) Fauk Al-Aada, Dr. Smouhi, Dictionary of Diplomacy and International Affairs, Lebanon Beirut, p. 356.

(3) Shatnawi, Faisal (1999) Human Rights and International Humanitarian Law, Al-Hamid Publishing House and Library, Amman, p. 242.

(4) Amr Allah, Muhammad Burhan (2008) The Right of Political Asylum: A Study in the Theory of the Right to Refuge in International Law, Cairo: Al-Nahda Al-Arabiya Publishing House, p. 11.

It is also defined as “the right of individuals who meet the characteristics of a refugee to have a temporary legal protection granted by the country of refuge within the country’s physical territory or in certain places outside it.”⁽⁵⁾

From the previous definitions, the right to asylum requires the availability of many elements, which are as follows:

- 1- The person must be residing out of the country of origin or out of country of his/her usual residence.
- 2- That the fear is justified.
- 3- To be persecuted.
- 4- That fear prevents him/her from being protected of the country of origin or the country he/she residence.

Second: The concept of legal protection for refugees

The refugee status is represented in lack of protection in his country of origin or the country’s inability or unwillingness to provide it, which causes the refugee to be afraid, as a result of the persecution he/she is exposed to, forcing him/her to flee to another country in order to obtain security and to preserve his/her life.

The legal protection of the refugee is imposing a set of legal restrictions on the freedom of conflicting parties, governments and armed groups when using force and means of repression, coercion or infringement of human rights, with the aim of protection and to prevent all acts that would harm civilians. Legal protection also aims to protect against forms of persecution, coercion, breach, and infringement.⁽⁶⁾

The UNHCR defines international refugee protection as “interventions by countries or the UNHCR on behalf of asylum seekers and refugees in order to ensure recognition of their rights, security, safety, and protection in accordance with international standards.” Interventions include ensuring respect for the principle of non-refoulement, allowing refugees to reach safety, facilitating their access to fair procedures for determining refugee status, applying humanitarian standards, being formal, and implementing durable solutions.⁽⁷⁾

As a result of the the definition above, international protection for refugees is one of the means of ensuring recognition of the basic rights for refugees, as it guarantees their security and safety in accordance with the provisions of international law. We must note that the actual application shows the reluctance of the countries of asylum in providing them with the required protection.

Al-Khadrawi, Oqba (2014) *The Right to Asylum in International Law*, Alexandria: Al-Wafa Library, p. 11.

(6) Al-Fatlawi, Suhail Hussein, *Human Rights in Islam (a comparative study in the light of the Universal Declaration of Human Rights)* Lebanon: Al-Fikr Al-Arabi Publishing House, p. 11.

(7) United Nations High Commissioner for Refugees, *Refugees’ Protection, Handbook of International Refugee Law*, p. 129.

Third: Reasons for Asylum

The 1967 protocol defined the temporal and spatial restriction as a basis for defining refugees and kept persecution as the only reason for asylum. However, the UNHCR expanded the concept of refugees and the reasons that lead to asylum.⁽⁸⁾

The 1951 United Nations Convention on Refugees, in addition to the United Nations Protocol on Regional Refuge in 1967, specified the reasons that motivate people to seek refuge, and these reasons are as follows:

1. Persecution

Persecution, based on Article 33 of the 1951 Convention, is "a threat to life, liberty or dignity - serious violations of human rights - and any other harmful acts that may amount to persecution. These must be considered separately and individually for each person based on his or her feelings, opinions and psychology".

2. Discrimination

It means differences in treatment, taking rights and giving opportunities, which creates a feeling of insecurity.

3. Fear

Fear is one of the things that are determined by the condition of the person concerned, and this reason is not sufficient in itself, as it requires another objective element that complements it to be available, which is exposure to persecution. These two elements must be taken into consideration.

4. Ethnicity

It means belonging to a certain group, so that one group of the population is distinguished from others in a way that exposes the other group to persecution.

5. Nationality

Persecution through nationality is carried out in political movements based on certain nationalities, such as the Chechens in Russia.

6. Belonging to a specific social group

Where some social groups are subjected to persecution, especially women, in many regions of the world, then the reason is belonging to this group.

7. Political opinion

Political opinion results from embracing political opinions that are either compatible or different with what the ruling political system believes, which leads to fear of persecution in the event of a

(8) Mahmoud El-Sayed Hassan Hassan (2005), Refugees' Protection during Political and International Conflicts, No. 162, October 2, p. 11.

difference of opinion with the ruling regime, but the fear must be justified by committing actual violations such as restrictions or imprisonment.⁽⁹⁾

Section 2: Asylum terms and its termination conditions

First: Asylum terms

Countries grant the right of asylum to people in the event that a set of conditions are met, based on the rules of international law, and these conditions are as follows:

1. The person must be outside the territory of his country or outside the usual territory of his country in case he is a stateless person.

Since refugees retain the nationality of their country of origin, this is considered one of the general conditions for recognition of refugee status without any exceptions.

2. A person must be unable to enjoy protection and safety in his country of origin, whether this is impossible as a result of wars and civil strife or as a result of the refusal of the country to provide protection to people, or as a result of his or her fear of persecution.
3. The fear of persecution must be due to reasonable and justified reasons, and the fear must be based on specific and limited reasons. As a result, the refugee description does not apply to people who do not have specific reasons to fear persecution.
4. According to Article 1 of the Convention, the refugee must face any of the reasons that lead to his/her expulsion from the ranks of the refugees, and these reasons are described as serious; reasons such as crimes against public peace, war crimes, crimes against humanity, or if he commits a serious non-political crime outside the country of refuge or has been convicted of actions contrary to the purposes and principles of the United Nations.

Second: Asylum termination cases

Asylum ends in many cases and based on many reasons, which are as follows:

1. Voluntary return: This situation occurs if the refugee decides to return to his country, and it is considered one of the best ways to terminate the status of refuge.
2. Expulsion: The option of expulsion is one of the rights of the country of refuge, as it has the right to put an end to the status of refuge. Based on the Convention on the Status of Refugees, expulsion of the refugee is possible in accordance with the following conditions:
 - a. The country may not legally expel a refugee except on the basis of security reasons related to national security and public order.

(9) Salah al-Din Talab Faraj (2009) The Rights of Refugees in Islamic Sharia and International Law, Journal of the Islamic University, first issue, January 2009, p. 169.

- b. The country has the right to expel a refugee if he obtains an entry permit for the territory of another country.
3. Acquiring the nationality of the country of refuge: That is, the country of refuge grants citizenship to a refugee, and then the status of refuge is terminated.
4. Death.

Topic 2: Protection for refugees and its methods

The principle which the country is responsible for providing security and protection to its citizens, and it has to preserve their basic rights and safety from any aggression of any kind, whether it is from inside or outside the country. This responsibility is based on the individuals' association with the country and having citizenship, rights and privileges. As a result, citizenship is a legal and basic link between individuals and the country, and according to which individuals have access to basic or secondary local and state rights.⁽¹⁰⁾

Section 1: The legal basis for international refugees' protection

1. International refugees' protection

Providing international refugees' protection rests in the hands of all the countries and UNHCR, responsible for respecting rights for their nationals, but in case national protection is denied or unavailable, the country in which the individual sought asylum is responsible for providing protection; therefore, all the world have a responsibility to provide protection as a result of obligations contained in the international law.

It is also the duty of the UNHCR to provide protection for the refugees.

Based on the regulations and resolutions of the General Assembly and the Economic and Social Council, And 1951 Convention, the responsibility of UNHCR relates to multiple groups of humans who are mutually recognized as "People of interest to the association".

These people are normally include refugees and asylum seekers in addition to returnees, stateless humans in certain cases, and internally displaced people.

UNHCR is considered the guardian for implementing the 1951 Convention. On the other hand, countries are responsible towards refugees and asylum seekers in accordance with the international law and their internal legislation.

2. The right to asylum in accordance with the conventions

Seeking asylum is one of the fundamental human rights, it is difficult for countries to deny this right, because it is a right recognized in customary international law, which makes non-member countries bound by the conventions as a matter of custom.

(10) Kreidi, Ali Jabbar (2005) International Refugee Protection, Ph.D. thesis, University of Baghdad: Faculty of Law, p. 51.

International conventions deals with the concept of asylum and focuses on, as it is an objective right, without considering the identity of the individual having this right. As a result, article 14 of the Universal Declaration of Human Rights emphasized in the first paragraph on this right as it established the right to asylum on the grounds that it is an international norm, but it excluded the category of people accused of committing ordinary crimes or acts that contradict the principles and objectives of the United Nations from having this right, and the researcher believes that this article falls short of the protection of refugees, as it excluded a person from having this right merely for being accused of committing crimes without proving that he has committed the criminal act.

The American Treaty for protecting Human Rights, which was concluded in 1969, states that "every person has the right to seek and be granted refuge in a foreign country, in accordance with the legislation of the country and international conventions if he/she is prosecuted for political or ordinary crimes attached to it."

Arab Charter on Human Rights of 2004, Article no. 28 that "every person has the right to seek political asylum in another country to escape persecution, and those who are being prosecuted for a common right crime shall not benefit from this right, and political refugees may not be extradited."

The 1951 Convention relating to the Status of Refugees and the annexed protocol to the year 1967 set a broader framework for refugee protection, highlighting rights and privileges for refugees on the territory of the member countries, as well as establishing a protective system for the legal status of refugees, and countries are obligated to implement without discrimination among them.

Among the principles included in the preamble is the principle of equal rights and freedoms for all, in addition to the principle of international cooperation in burden-sharing.⁽¹¹⁾

Regional international texts on refugees' legal documents have established a set of legal rules for refugees.

The agreement of the Organization of African Unity adopted the definition that came in the 1951 agreement and added a new standard with the aim of expanding the scope of protection, as it added the standard of aggression, external aggression, the occurrence of crises or internal disturbances and occupation by a foreign country and other things.

And that the European Convention on Human Rights did not include any provision guaranteeing asylum or obligating the contracting countries to receive foreigners, but the third article of the same convention included a provision prohibiting the return of a foreigner to his country in which he is

(11) Zahra Merabet (2011) International Protection of Refugees in Armed Conflicts, memorandum for obtaining a master's degree in public international law, Mouloud Maamari University, Faculty of Law, p. 59.

subjected to persecution, and that no person may be subjected to torture, cruel treatment, or punishment which humiliates his or her dignity.⁽¹²⁾

Refugee law is characterized by a relatively weak degree of development and neglects to keep pace with the rapid developments that the world is witnessing, it is linked with international humanitarian law and human rights law to remedy the incompetency, due to the availability of many legal rules aimed at protecting refugees in armed conflicts and working to fill the gap which exists in refugee law.⁽¹³⁾

Section 2: Methods for refugees' protection

1. The International Committee of the Red Cross

This committee is considered an independent humanitarian organization that works impartially to assist and protect the victims of wars, especially refugees, this committee

Assumes a set of responsibilities that fall within the scope of article 23 of the Basic Law for refugees in order to protect under the international humanitarian law.

It sought to address the refugee security problems in refugee camps by locating the camps in dangerous areas exposed to hostilities near the borders, and determining the locations of the combatants in the refugee camps.

The National Societies of the Red Cross and the Red Crescent unite to provide aid to refugees, and participate in the issue of returning refugees to their home lands, as this body of organizations is fully aware of the country of origin of the refugees, which contributes to provide recommendations for the process of return the refugees to their countries while ensuring their safety, security, and dignity.

The incompetence in this particular process refugees have not got any international law to provide protection, if the country which hosts the refugees is not a party to an armed conflict, whether the conflict is international or non-international.

This requires work to establish a specialized committee working to protect refugees in these cases; therefore, the UNHCR was established.

2. The UNHCR

This commission aims to provide assistance in the international refugees' protection based on General Assembly Resolution 319-4 in order to replace the International Refugee Organization, and the organization mainly aims to guarantee the right of asylum to all individuals and to find safe places for them in countries of asylum and the right for the refugees to return to their country voluntarily.

The work of the Commission is considered a humanitarian work in total and not a political one, and its functions are as follows:

(12) The third article of the European Convention on Human Rights, dated 4/11/1950 AD.

(13) Jovica Patronovic, "Thoughts on the Relationship between International Humanitarian Law and International Refugee Law and their Promotion and Dissemination, International Review of the Red Cross, No. 02, 1988, p. 162."

1. Concluding international agreements to protect refugees and supervising them after the ratification of these agreements.
2. Concluding special agreements with countries to implement and take measures that improve the conditions of refugees.
3. Coordination between the efforts of non government organizations which concerned with welfare of refugees.

UNHCR main duties during times of displacement, provide a critical emergency assistance in the form of clean water, sanitation and healthcare, shelter, blankets, house goods, food and arrange transport and assistance packages for people who return to homeland. Add to that income-generating projects for those who resettle.

Topic 3: Forms of refugees' protection in conflict

A refugee is considered like a civil person in terms of the scope of legal protection granted to him, because he is a civil person before he is a refugee. Based on that, a refugee has the same rights and duties that are granted to a civilian.

This topic will be studied in two sections, the first identifies the scope of general protections for refugees, and the second clarifies the scope of private protection for refugees.

Section 1: General protection for refugees

The international humanitarian law singled out civilians with a set of protection provisions and included refugees with them, and based on that, the protection of a refugee falls under the provisions of the third common article all of four Geneva Conventions and the provisions of the second additional protocol subsequent to these conventions.

Based on the third common article in the conventions, all parties must abide by a set of principles, in the case of armed conflict of any kind, represented as follows: ⁽¹⁴⁾

1. The principle of non-discrimination

All conflicting parties must be committed to non-discrimination in treatment of civilians and refugees considering that they are an integral part of the civilian category. Discrimination in treatment should not be based on color of skin, sex, nationality, race, political opinions or other forms of discrimination.

2. Humane treatment

It is forbidden and prohibited for all conflicting parties to attack the life, physical integrity or personal dignity of a person; this applies for all civilians and refugees, and they must have the right of

(14) Barbah, Zayan (2012) Applications of international humanitarian law to civil wars, memorandum for obtaining a master's degree: International Law and International Relations, Faculty of Law, p. 52.

having a fair trial and not to pass judgments or decisions without a legal and fair trial that guarantees their rights.

3. Caring for and providing care for the wounded and sick

This principle is considered one of the most important rights of civilians and refugees, as the conflicting parties have a duty to protect, care and assist them, in addition to the duty of granting facilities to relief campaigns in order to carry out their work.

The incompetence in these principles mentioned in international humanitarian law is not mentioning the phrase "respect and protection", but the matter was remedied in the second additional protocol of 1977.

The Second Additional Protocol stipulates the protection of refugees in the text of Article 12, the first paragraph, which states that "the current protocol applies without unfair discrimination to people affected by the conflict," which ensures the possibility of intervention to activate the protection towards civilians and refugees against any of the dangers arising from Military operations.

It must be noted that they have this protection without the requirement that they are considered the object of military attacks that lead to spreading panic and fear among them, and it is also prohibited to commit all acts of violence and threats, and it is forbidden to use starvation against civilians as a method of fighting.⁽¹⁵⁾

Article (4) of the Protocol affirmed the basic guarantees of humane treatment imposed on the parties to the conflict in agreement, and emphasized judicial guarantees.

It also stressed the prohibition of all actions that lead to depriving people in the region where the conflict exists from resources that are essential and necessary for survival, such as food and medicine. It is also the duty of the conflicting parties to allow relief work and humanitarian aid and work to facilitate its access to the places of refugees and civilians.

The researcher concludes that the role of protocol was in explaining what was included in the third of the agreements and contributing to mentioning what was omitted in them. The protocol also worked to provide more effective protection for refugees and people affected by conflict and its effects.

4. The International Committee of the Red Cross

This committee is considered an independent humanitarian organization that works impartially to assist and protect the victims of wars, especially refugees. This committee assumes a set of responsibilities that fall within the scope of article 23 of the Basic Law for Refugees in order to protect them under the international humanitarian law.

(15) Article (14) of the Additional Protocol of 1977 annexed to the four Geneva Conventions.

It sought to address the refugee security problems in refugee camps by locating the camps in the dangerous areas exposed to hostilities near the borders on the one hand, and determining the locations of the combatants in the refugee camps on the other.

The National Societies of the Red Cross compined to the Red Crescent unite to provide aid to refugees, and participate in the issue of returning refugees to their homes, as this body of organizations is fully aware of the country of origin of the refugees, which contributes to providing recommendations for the return of refugees to their countries while ensuring their safety, security, and dignity.

The incompetence is that refugees under the International Humanitarian Law do not have full protection, if the country which hosts them is not a party to an armed conflict, whether the conflict is international or non-international.

This requires work to establish a specialized committee working to protect refugees in these cases; therefore, the UNHCR was established.

5. The UNHCR

This commission aims to provide assistance in the international refugees' protection based on General Assembly Resolution 319-4 in order to replace the International Refugee Organization, and the organization mainly aims to guarantee the right of asylum to all individuals and to find safe places for them in countries of asylum and the right to return to their country voluntarily.

The work of the Commission is considered a humanitarian work in total and not a political one, and its functions are as follows:

1. Concluding international agreements to protect refugees and supervising them after the ratification of these agreements.
2. Concluding special agreements with countries to implement and take measures that improve the conditions of refugees.
3. Coordination between the efforts of non government organizations concerned with the welfare of refugees.

UNHCR works to coordinate to provide assistance to refugees and returnees, based on the organization's duty to protect refugees and search for permanent solutions for them. The role of UNHCR includes natural people residing outside their countries who do not have protection from their governments and at the same time do not want or cannot return to their country.

Section 2: Special protection for refugees

The Fourth Geneva Convention in 1949 was and still the main reference for international humanitarian law which the rules was established and related to protecting civilians in armed conflicts. The agreement was also contributed by placing restrictions on countries hosting refugees, forcing these

countries to establish methods for providing protection to refugees, and also forcing the conflicting parties on the initiative to set agreements which provide civilian protection for those not involved in hostilities.

The special protection of refugees is represented by protecting them under the authority of the country of refuge, where granting refuge is considered one of the humanitarian actions carried out by the countries hosting refugees, and the country has a set of obligations represented in granting them preferential treatment in some cases.⁽¹⁶⁾

As a result, the refugee-hosting countries must refrain from doing some actions and doing others instead, and these actions are as follows:

1. Temporary protection should be provided to refugees.

This obligation is applied in the event of the arrival of a large number of refugees, in this kind of event the country will be unable to grant refuge absolutely, i.e. the response of the hosted country is temporary and short, meaning that the country allows the refugees to enter its territory temporarily while providing them with protection, shelter and health care.

Where covenants and treaties emphasized that asylum should not be returned or refused in the event of civilians escaping from persecution to seek asylum, except in exceptional cases such as the influx of large numbers of refugees and if the situation is unstable in the country of refuge, as for that reasons temporary protection is granted.

2. Non-deportation to a country living in unstable conditions

The term asylum refers to the act of protection provided by the country to the refugees in the country, which entails preventing it from forcibly deporting the refugee to another country where his/her life and property has a risk. This was confirmed by the 1951 United Nations Convention, which stipulated in Article 33 the prohibition of expulsion or response by the country against the refugee, and this was confirmed by Article 45 at the fourth paragraph from the Fourth Geneva Convention of 1949, This principle is considered to be one of the fundamental and basic principles for providing effective protection at all levels for the refugee, and it is part of the main principles to the international law to which all countries, whether contracted or not, are bound by it, and international responsibility entails for breach and non-compliance with it. Also, accepting refugees is a win for the receiving country and the communities that host them. By providing them with the right to work, to health, and to education, refugees can start productive lives in their host countries. The faster they can integrate into the labor force, the faster they can become productive members of society.

(16) Khadraoui, Oqba (2012) International Refugee Protection, Master's Degree Dissertation, Muhammad Khudair University, Faculty of Law, p. 60

3. The necessary assistance must be provided to the refugees

Countries hosting refugees are obligated to provide the necessary assistance and meet their needs regardless of their economic and financial situation. The aspects of assistance are to enable the refugee to return to their homeland when the event of stability of the situation or when they wish to do so, and refugee must also be assisted by providing primary resources to survive and integrate into local communities, Also, as part for the international communities assist countries that host or receive large numbers of refugees with and aid from the UNHCR and from non-governmental and humanitarian organizations which will help hosted countries to ease their economic effect for hosting the refugees.

Among the most important rules and principles enshrined in international humanitarian law to protect refugees during armed conflict are the following:

1. Work to establish safe areas and health sites

Under the provisions of international humanitarian law, the contracting countries and the parties of the conflict in particular, may agree to establish safe areas and health institutions in order to protect civilians from the consequences of conflicts.

According to the text of article 14 of the Geneva Convention, the International Committee of the Red Cross has the right to provide good aid with the aim of pushing the conflicting parties to facilitate the establishment of these areas.

2. Create neutral zones

Based on the text of Article 15 of the Fourth Geneva Convention, the conflicting parties may agree to establish neutral areas in order to protect the sick, wounded, and civilians not participating in hostilities; these areas must be demilitarized, free of weapons, and not affiliated with any of the parties to the conflict. Moreover, they are intended primarily to provide protection and shelter to people not participating in the conflict, so they are not to be attacked or used as military targets, because this would cause danger to the lives of the civilians in these kind of territories.

3. Evacuation from dangerous areas

The parties of the conflict must work to facilitate the evacuation of civilians and refugees from areas that are considered dangerous for their lives to other remote and safe areas in cooperation with humanitarian organizations to assist in deportation and transportation.⁽¹⁷⁾

The researcher concludes that international humanitarian law is one of the most important laws that granted refugees effective and practical protection, through the international rules that it included and derived from customs and conventions, and we notice that it mainly aimed at trying to solve humanitarian problems that arise from armed conflicts.

(17) Article 17 of the Geneva Convention of 1949.

Topic 4: Refugee Cost and Impact on the host countries.

There is an impact at the hosted country, the impact may be upon their economy, society or the administrative structures, this is can be regarding the reduced expenses for refugee related tasks, these expenses may vary from country to another, depending on the policy and the budget that the hosted country has or may willing to pay, such as housing shelter health and Food security, as well as purchasing and maintaining the transportations vehicles that are required to address both emergencies and longer-term refugee situations, environmental and infrastructural costs. The hosted country may suffer from increase in market price, and decrease in local wages as the human capital increase; reduction or contamination of water supplies; and place a significant strain on roads, bridges, warehousing facilities and the availability of land, these impacts sometimes can be reduced by the NGO's aid to the hosted country and sometimes the aid is not sufficient due to long-term refugee situation, The impact of refugee is done at local level. The arrival and continued presence of a refugees will always affect hosted countries populations in different ways. People will face increased competition for employment, while employers benefit from a new source of cheap and willing labour.

Local residents might witness the degradation of the environment in areas where refugees

Settled, while entrepreneurs may move in to the area to take advantage of the commercial opportunities that always arise in refugee situations⁽¹⁸⁾.

Conclusion

Refugees is considered to be one of the most critical crises at the international level, as for this is and because this crises is getting larger and larger of refugees, this prompt the United Nations to take care of these people through the various establishments of High Commissioner for Refugees, and the international community together to contribute conclusion of many agreements that are legal basis for organizing their affairs and care.

Legal protection of refugees has taken many directions, including with and against the refugee, as it is attested by its handling of many refugee cases, but other cases still need treatment and many solutions.

Results

1. International efforts have been established in the field of refugee protection by stipulating their basic rights, and at the most individual's right to seek refuge and protection.
2. The international community is unable to find realistic and practical solutions to the suffering of refugees, as the obligations and rights imposed are considered satisfactory.

(18) <https://www.unhcr.org/excom/standcom/4de4f7959/role-host-countries-cost-impact-hosting-refugees.html>

3. The most important reasons for the incompetence in the protection of refugees are the non-binding rules of international law, in addition to the fact that countries invoke the principle of their sovereignty over their territory.
4. Although international refugee law is considered one of the most pivotal mechanisms for protecting human rights, it is not considered a comprehensive remedy in this scope, as it does not give a comprehensive description of a refugee to any person who has been subjected to human rights violations, since the refugee description is restricted to those who can prove their fear of persecution.

Recommendations

1. We recommend finding a unified comprehensive definition of asylum and avoid making it on basis of persecution, asylum may occur in the form of groups crossing international borders as a result of armed conflicts.
2. It is necessary to activate the role of the various bodies for the protection of refugees through the High Commissioner of Refugees, with the aim of providing protection to the largest number of refugees and providing them with the necessary assistance.
3. Find collective international cooperation in order to solve refugee's problems and to provide a practical protection laws in the hosted countries.

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