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Evacuated And Forgotten: The Legal Status and Rights of Civilians in Border Areas

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Border regions, often imagined as secure zones of sovereign nations, are paradoxically among the most sensitive zones for civilian life. Across the globe, whether it's the Line of Control between India and Pakistan or the volatile frontiers of Israel-Gaza, Armenia-Azerbaijan, and Russia-Ukraine, civilians residing in border areas experience evacuation, displacement, mental trauma, and legal ignorance. While much attention is given to military strategies and international diplomacy, the ground reality of civilians caught in the heated tensions often remains invisible in law and policy. For security purposes, if civilians are required to evacuate from their residences, it becomes the responsibility of the state to provide them with the necessities of life and return their homes once the tension escalates between the nations. In conflict zones, civilians facing evacuation may be entitled to protection and assistance under international humanitarian law and Human Rights law. These rights include protection from harm, access to basic needs like shelter and medical care, and the right to return to their homes once the situation stabilises. The relevance of Geneva Conventions, the UN Guiding Principles on Internal Displacement, and regional constitutional interpretations of the right to life, dignity, and rehabilitation is to protect these rights of civilians but the insufficiency of national legislation, the gaps in enforcement of international humanitarian law, and the inconsistency of disaster relief or rehabilitation norms weakens the global implementation and challenges the equitable access to civilians. However, the security of a nation must not come at the cost of deserting those who live on its frontiers.

Keywords: border regions, human rights law, internal displacement, legal rights, Geneva Conventions.

INTRODUCTION: LIFE ON THE EDGE

Border zones are often the zones of military activity and potential conflict, making them sensitive to shelling, airstrikes, and other forms of violence targeting civilian populations. In the face of conflict or imminent danger, authorities may order the evacuation of civilians from such conflicting areas, potentially disrupting their lives and livelihoods. The forced displacements may lead to struggles of evacuated civilians to access legal assistance and protection, and they may often find themselves abandoned and ignored, with inadequate support for their basic needs and long-term rehabilitation.

Analysing the situation of civilians residing on the frontlines of the India-Pakistan border, particularly in the Jammu and Kashmir region, authorities instructed hundreds of residents along the Line of Control (LoC) and the International Border (IB) in the Jammu region to evacuate to safer zones during Pakistani bombardment. According to the reports of Akashvani Jammu Correspondent, as many as 12 people, including 4 children and 2 women, were killed and over 50 were injured when the Pakistan army shelled forward villages in Poonch and Rajouri in Jammu region and Baramulla and Kupwara in North Kashmir with artillery and mortar shells earlier during the day. The shelling began shortly after Indian armed forces executed missile attacks on nine terror targets in Pakistan and Pakistan-Occupied Kashmir (POK) following Operation Sindoor to avenge the death of 26 civilians in the Pahalgam terror attack that was reported on April 22.

While the residents near the LoC in the Akhnoor sector have been informed by the authorities to shift to safer zones, some of the residents of Poonch were moving to safer places on their own.¹ Formerly, the village had suffered extremely and even been burned to the ground by Pakistani shelling. The town has more than 1000 people, and most of them earn their livelihood by selling milk and milk products. The police asked people to take shelter in a government accommodation or at a relative's house for the time being. We had a sleepless night...I was waiting for the shelling to stop to shift my family of six to a relative's house, said a resident of the worst-hit Mankote to a reporter of The New Indian Express.²

¹ 'Civilians along LoC & international Border in J&K evacuated to safer places' *News on Air* (07 May 2025) <<https://www.newsonair.gov.in/civilians-along-loc-international-border-in-jk-evacuated-to-safer-places/>> accessed 07 July 2025

² *Ibid*

A GLOBAL PATTERN OF NEGLECT

This issue is not unique in South Asia; many similar instances emerge across international hotspots- from Ukraine's Donbas region to Armenia-Azerbaijan's Nagorno-Karabakh zone, and the volatile Israel-Gaza border. Israeli authorities have inflicted a range of inhumane acts in Occupied Palestinian Territory (OPT) including the sweeping restrictions on the movements of 4.7 million Palestinians there, confiscation of much of their land, imposition of harsh conditions and denial of building permits in large parts of West Bank, which has led to forcible transfer of thousands of Palestinians and the refusal of residency rights to thousands of Palestinians.

The suspension of basic civil rights and deprivation of opportunity to have a voice in a wide range of matters that affect their daily lives the most represent the invisibility of the vulnerable situation of civilians. The confiscations of lands on a large scale, the categorical denials of building permits, the extent of restrictions on movement and civil rights, and the mass residency revocations not only fail in any rational balancing test between security concerns and the gravity of fundamental rights abuse but also lack any legitimate security defence.³

The situation of Palestinians in the occupied territories, or OPT, challenges the implications of Human Rights law and International Humanitarian law in complicated border regions. These highlights showcase the vulnerability and concerns about the legal status and rights of civilians in border regions. The authorities are taking steps to ensure the safety and security of civilians, but the long-term implications of evacuation and forced displacements remain a concern. The invisibility of the sensitive conditions of civilians suffering in the conflict zones stems from the complexity of border situations, lack of effective mechanisms for supervision, and the focus on security and border control, which often overshadow the needs of civilians. Border civilians are not expendable security risks; they are the citizens entitled to dignity, safety, and justice.

³ 'A Threshold Crossed Israeli Authorities and the Crimes of Apartheid and Persecution' (*Human Rights Watch*, 27 April 2021) <<https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>> accessed 07 July 2025

LEGAL VACUUMS AND HUMANITARIAN GAPS

Despite the growing intensity of tensions in border areas, the measures to protect the legal status and rights of displaced civilians often remain alarmingly inadequate and can be influenced by domestic political tensions or geopolitical dynamics. The civilians who have been the victims of forced displacement and evacuations are not recognised as internally displaced persons (IDP) or refugees in many countries, including India, preventing them from international support and leading to human rights violations, including abuses by powerful states and non-accountability for such abuses in the absence of a comprehensive legal framework. Even the Disaster Management Act of 2005 remains neutral rather than providing emergency relief in such cases, since the cross-border bombardments or military escalations are not included in the definition of disasters under the Act.

This legal vacuum reflects a systemic blind spot, and in the absence of any formal legal protections, displaced civilians are left with no compensation, property loss, psychological trauma, and are forced to rely on such informal shelters that lack proper sanitation, security, or privacy. During the rising tensions between India and Pakistan, evacuations on the borders of Jammu and Kashmir, Punjab, and Arunachal Pradesh are often managed by ad hoc administration and police departments, and the evacuated civilians are guaranteed no rights, relief, or long-term rehabilitation. Amid rising tensions between the nations, the United States had brokered a ceasefire to halt all military escalations with immediate effect on both sides. However, there have been several instances of violation of the truce with both countries accusing each other of escalations, and the underlying tensions mainly concerning the Kashmir region remain unresolved. India warned against further violations, but the potential resolution is yet to be realised.

Globally, this situation is not much different. While International Human Rights law exists to protect the rights of civilians, it may not be adequately implemented to address the specific requirements and sensitivities of those living on the nation's frontlines. Since the Donbas conflict in 2014, almost 6.9 million civilians have been registered as refugees, and over 4 million civilians have been internally displaced in Ukraine, out of which more than half are women and a quarter are children, accounting for 76% of all refugees. More than 42,000 Ukrainians have been injured or killed, and more than 2.5 million homes have been destroyed in the attacks and invasion by Russia. Around 61% of refugees and 73% of

displaced Ukrainians are willing to return home, but bureaucratic hurdles are violating their rights in accessing housing, healthcare, and voting rights.⁴ The conflict between Russia and Ukraine has not been officially concluded yet, but there have been several attempts at peaceful negotiations and a ceasefire. However, a successful agreement awaits the willingness of both nations to resolve conflicts on mutually agreed terms and conditions. Similar situations have been faced by the displaced Palestinians in the Occupied Palestinian Territory (OPT), where the civilians have been denied their fundamental rights and services during the Israel-Gaza conflict.

NEGLECTED LEGAL OBLIGATIONS TOWARD VULNERABLE BORDER POPULATIONS

The fourth Geneva Convention (1949), with several other provisions of International Humanitarian Law, has been violated by the policies of Israel when it violated the ceasefire in March 2025, which was agreed on certain terms and conditions between Israel and Hamas in January 2025, resulting in the escalation of violence and a significant humanitarian crisis in Gaza. However, a long-lasting resolution is yet to be officially declared, and the international mediators are continuing diplomatic efforts to achieve a potential resolution.

Another conflict between Armenia and Azerbaijan over Nagorno-Karabakh has been reported, with the displacement of hundreds of thousands of civilians from the region since the 1990s. In their first conflict in the 1990s, over one million people were estimated to be displaced, and 30,000 killed.⁵ The second war in 2020, further extended with the blockade of the Lachin corridor in 2022-2023, led to the significant displacement of over 1,20,000 ethnic Armenians from Nagorno-Karabakh's region.⁶ In November 2020, Russia brokered the ceasefire between the conflict of Nagorno-Karabakh, which had been invaded by Armenia since the 1990s, resulting in the regained control of surrounding territories and some portion of the Nagorno-Karabakh region as well by Azerbaijan. However, the ceasefire is not a

⁴ 'Explainer: War in Ukraine - the human cost and humanitarian response' (UNHCR, 21 February 2025) <<https://www.unhcr.org/in/news/stories/explainer-war-ukraine-human-cost-and-humanitarian-response>> accessed 07 July 2025

⁵ 'Nagorno-Karabakh (Azerbaijan/ Armenia)' (Global Centre for the Responsibility to Protect, 30 November 2023) <<https://www.globalr2p.org/countries/nagorno-karabakh-azerbaijan-armenia/>> accessed 07 July 2025

⁶ 'Azerbaijan: Blockade of Lachin Corridor Putting Thousands of Lives in Peril Must Be Immediately Lifted' (Amnesty International, 09 February 2023) <<https://www.amnesty.org/en/latest/news/2023/02/azerbaijan-blockade-of-lachin-corridor-putting-thousands-of-lives-in-peril-must-be-immediately-lifted/>> accessed 07 July 2025

reflection of a robust peace settlement, as the tension remains high in the region, with reports of several instances of violation of the ceasefire.⁷ Even the multiple attempts at peace negotiations had failed to produce a lasting resolution for the conflict that has been going on for decades, and the achievement of a ceasefire did not stabilise the situation.

Through all these circumstances, an observation is realised that cross-border tensions led to a serious humanitarian crisis for the civilians residing on the frontlines of both sides. Several attempts for peace and de-escalation of conflicts between the nations have been made, even by the international mediators, but there has not been any significant legal safeguard promoted to protect the rights of civilians or compensate for the casualties. The demolition of houses, violation of fundamental rights and services, forced displacements and evacuations, and losses have been suffered by the civilians, but the law prioritises territorial coherence, ceasefire observation, and military liability, while the needs and rights of civilians remain invisible and unprotected by law.

The absence of legal aid further oppresses the intensified risks often suffered by vulnerable groups like women, children, senior citizens, and disabled civilians in the form of increased exposure to gender-based violence, lack of healthcare and security, and deprived education and income. The concern for national security frequently overshadows the vulnerabilities of civilians, and the perpetrators of human rights violations are never held accountable and responsible for their losses by the law. This legitimate and humane gap raises a condemning question- Why are the people living along those very borders, which are fiercely protected as the symbol of the sovereignty of the nation, treated as replaceable?

TOWARDS HUMANE AND GLOBAL ACCOUNTABILITY

Despite the concerning number of displacements and violations of basic human rights of the border civilians globally, there has been no binding law established or implemented to protect the lives and rights of the Internally Displaced Persons (IDPs). Article 4 of the Fourth Geneva Convention 1949⁸ protects people who are in the hands of a party to the conflict of which they are not nationals, and Articles 55 and 56 impose a duty on the occupying powers to provide the necessities of life for the civilians captured in the conflict who are not their

⁷ Nagorno-Karabakh (Azerbaijan/ Armenia) (n 5)

⁸ Fourth Geneva Convention 1949, art 4

nationals. Article 49 prevents the forcible evacuation of civilians by the state unless there are safety concerns for them.⁹ Another significant covenant- the International Covenant on Civil and Political Rights (1966) included a provision in Article 12 for the safety and protection of the rights of civilians, including freedom of movement and the right to choose their residence, and restricted the arbitrary restrictions by their country.¹⁰ Nevertheless, such arbitrary restrictions are often imposed in conflict zones, and the enforcement of such conventions is often reported to be weak during relevant situations, leaving millions of displaced civilians evacuated and forgotten.

The UN Guiding Principles on Internal Displacement (1998) are 30 standards set by 1.2 million people in 11 countries after the global exploitation of the human rights of evacuated civilians to highlight the protection of such internally displaced civilians. Principles 5 to 9 and 10 to 23 lay down the protection against forceful displacement and protection of their rights during displacement, respectively. The humanitarian assistance is further grounded in the principles of 24 to 27, and the principles 28 to 30 provide frameworks for the protection of the local integration of displaced civilians and their return or resettlement in other parts of the country. However, it is not a globally binding legal framework, but the United Nations General Assembly (UNGA) has recognised and considered it as a considerable authoritative framework for the protection of IDPs and encouraged the adoption of such principles in all the relevant countries that often face such conflicts and situations.¹¹

The Universal Declaration of Human Rights (UDHR) is one of the milestone documents in the history of International Human Rights Law (IHRL), proclaimed by the United Nations General Assembly (UNGA) in 1948, and has been set as the standard norms for all countries and people. Article 25 of UDHR protects the right of common people to have an adequate standard of living with access to necessities like food, clothing, shelter, medical care, and special care and security to women, children, disabled people, elderly civilians, or anyone who is not able to earn a livelihood due to unforeseen circumstances.¹² Under the provisions of the Convention on the Rights of the Child (CRC), the United Nations has proclaimed the

⁹ Geneva Convention relative to the Protection of Civilian Persons in Time of War 1949, art 49

¹⁰ International Covenant on Civil and Political Rights 1966, art 12

¹¹ 'Guiding Principles on Internal Displacement (*Internal Displacement Monitoring Centre*) <<https://www.internal-displacement.org/internal-displacement/guiding-principles-on-internal-displacement/>> accessed 07 July 2025

¹² Universal Declaration of Human Rights 1948, art 25

convention to mandate the special care and protection of the rights of children, including the necessary access and assistance to basic education, shelter, and security for their complete and harmonious development.¹³

CONCLUSION: REHUMANIZING THE FRONTLINES

All of these conventions and laws for the protection of Human Rights have been frequently violated by the countries in the conflict areas where residents are forced to evacuate for their safety, but no security or legal compliance has been provided to them in the long run. Several people, including the vulnerable sections of our society- women, pregnant women, children, infants, disabled people, or senior citizens, have often been the victims of territorial conflicts between nations and have lost their lives or their basic rights and necessities to live a healthy life. Even if countries violate these laws or conventions, there is no implementing body on an international level to hold them accountable for their actions and strictly enforce the law and justice for the people.

Partnerships between UNHCR, ICRC, and National Human Rights bodies and regional Blocs like SAARC, ASEAN, and the African Union can establish a binding convention or law that countries could adopt in their domestic legislation for the protection of regional civilians. Furthermore, international bodies can monitor border evacuations and displacements or set a common protocol for the humane displacement procedures to secure their rights and lives. Frontline civilians must no longer be treated as replaceable or pawns for security purposes. In the heat of war between nations, civilians from Palestine to Poonch, from Karabakh to Kupwara, and from many unheard places have been fighting their invisible war for the recognition of their rights for decades, which often remains invisible in the eyes of the law. The enforcement of justice, humanity, and legality must be universal and not regional.

¹³ Convention on the Rights of the Child 1989