Treatement of Internally Displaced Persons (IDPs) in International Law

Outline

I. Introduction

II. Who are IDPs? Defining the notion of Internally Displaced Persons and identifying the basis of their protection

A. The working definition in absence of a legally binding definition
B. A broad notion of displacement
C. Displacement in a global context
D. Specific needs and vulnerabilities of internally displaced persons

III. The normative framework of IDP protection in the absence of explicit rules in Human Rights Law and International Humanitarian Law

A. Application of Refugee Law in analogy would fundamentally weaken IDPs’ legal position
B. IDPs are protected as citizens under their home country’s international legal obligations
   1. The content and legal nature of the document
   2. Guiding Principles as synthesis of existing protection under international law. How hard is soft law?
   3. Example: Principle 6 on “protection from arbitrary displacement”
   4. Guiding Principles recognized as authoritative document

IV. The Way Forward/Conclusion

A. The need for a stronger legal framework in a situation where an international Convention is not yet an option due to lack of international consensus
B. Creating consensus on normativity “bottom up”
C. New challenges: The effects of climate change as causes of displacement

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