

Treatment 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
- C. Creating an appropriate legal framework: "The Guiding Principles on Internal Displacement"
 - 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