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SAFEGUARDING INTERNALLY DISPLACED PERSONS: AN ANALYSIS OF THE INTERNATIONAL LEGAL FRAMEWORK

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ABSTRACT

Internally Displaced Persons (IDPs) are individuals or groups forcibly relocated within their own country due to natural or human-made causes, such as armed conflict, violence, human rights violations, or natural disasters. Unlike refugees, who receive protection under international law upon crossing borders with independent bodies like the United Nations High Commissioner for Refugees (UNHCR), IDPs exist in a legal gray area, lacking a comprehensive framework that ensures their rights. This research aims to examine the current international legal guidelines for the protection of IDPs, focusing on key frameworks such as the Guiding Principles on Internal Displacement. Utilizing a qualitative methodology, the research investigates the implications of these instruments and their effectiveness in safeguarding IDP rights. The findings reveal significant gaps in legal protections and implementation mechanisms, underscoring the need for stronger international frameworks to address the unique challenges posed by IDPs. Furthermore, the study emphasizes the importance of global cooperation and advocacy in promoting comprehensive policies that accommodate the specific needs and circumstances of IDPs. Ultimately, this research

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contributes to the discourse on IDP rights and advocates for the development of effective and inclusive strategies to enhance their protection and support.

KEYWORDS: Internally Displaced Persons, International Law, Refugees, Protection Framework

1. INTRODUCTION

1.1 Background of the Study

The rights of individuals are protected under both domestic and international law, obligating states to ensure these rights are upheld. These laws are designed to safeguard fundamental human rights, including the right to life, liberty, and security, while also providing mechanisms for redress in cases of violation. Despite a general decline in conventional wars between states, the emergence of civil conflicts, ethnic violence, and natural disasters has led to significant internal displacement across the globe.² The United Nations Guiding Principles on Internally Displaced Persons define “IDPs as individuals or groups who have been forced to flee their homes but who have not crossed an internationally recognized border.”³ This definition highlights a critical distinction: while refugees receive certain protections under international law once they cross borders, IDPs often remain unprotected within their own countries.

This situation is increasingly urgent, as millions remain unprotected due to the lack of a robust legal framework specifically designed to address their needs.⁴ By the end of 2022, over 71 million IDPs were reported globally, a staggering increase driven by

² U.N. High Commissioner for Refugees, **Global Trends: Forced Displacement in 2022** (2023), <https://www.unhcr.org/globaltrends2022/>.

³ U.N. Guidelines on Internal Displacement, **Principle 2** (1998), https://www.un.org/en/events/displacementday/assets/pdf/guiding_principles.pdf.

⁴ U.N. Office for the Coordination of Humanitarian Affairs, **Global Humanitarian Overview 2023** 5 (2023), <https://www.unocha.org/global-humanitarian-overview-2023>.

ongoing conflicts, natural disasters, and political instability.⁵ This escalating crisis demands not only immediate humanitarian assistance for IDPs but also long-term solutions that address the root causes of displacement. IDPs often find themselves in precarious situations, lacking access to basic necessities such as healthcare, education, and housing – fundamental elements essential for rebuilding their lives and restoring their dignity.

The socio-economic consequences of displacement further exacerbate existing vulnerabilities, leading to increased poverty and marginalization.⁶ Displaced individuals often face significant barriers to employment, education, and access to health services, perpetuating a cycle of disadvantage that can persist for generations. This cycle is particularly detrimental to vulnerable populations, such as women, children, the elderly, and persons with disabilities, who often suffer disproportionately during crises.⁷

In many, the international community has begun to recognize the plight of IDPs; yet, significant gaps in protection remain.⁸ While there are various international instruments aimed at protecting human rights, the absence of a dedicated and enforceable framework for IDPs leaves many in a legal void.⁹ This lack of legal clarity

⁵ U.N. High Commissioner for Refugees, **Global Trends: Forced Displacement in 2022** 2 (2023), <https://www.unhcr.org/globaltrends2022/>.

⁶ Internal Displacement Monitoring Centre, **Global Report on Internal Displacement 2022** (2022), <https://www.internal-displacement.org/global-report/grid2022/> (noting that socio-economic consequences of displacement exacerbate existing vulnerabilities).

⁷ United Nations Development Programme, "Human Development Report 2020: The Next Frontier" (2020).

⁸ U.N. Council for Human Rights, **Report on the Human Rights of IDP** 10 (2022), <https://www.ohchr.org/en/special-procedures/hrc/2022>.

⁹ U.N. High Commissioner for Refugees, **The Internal Displacement Guiding Principles: A Commentary** 22 (2010), <https://www.unhcr.org/4c75a1e49.pdf>.

can hinder their ability to seek justice and necessary support, perpetuating their vulnerable status.¹⁰

This research seeks to explore these complexities and highlight the urgent need for stronger international legal protections to secure the entitlements and dignity of IDPs. It aims to analyze existing frameworks, identify shortcomings, and offer recommendations for enhancing the legal protections available to IDPs worldwide. By examining international legal instruments, this study aspires to contribute to the development of a more comprehensive and effective approach to addressing the needs of IDPs and ensuring their fundamental rights are upheld.

1.2 Insights into Internally Displaced Persons (IDPs)

IDPs are individuals or groups who have been compelled to leave their homes due to armed conflict, violence, human rights violations, or natural disasters but remain within the borders of their own country.¹¹ The recognition of IDPs has evolved, with the term first being officially acknowledged in a 1972 UN General Assembly resolution concerning refugees and displaced persons in Sudan.¹² Understanding this definition is crucial for addressing the unique challenges faced by IDPs compared to refugees. IDPs often encounter different protections and responsibilities under international law due to reasons related to state sovereignty and other factors.

¹⁰ International Federation of Red Cross and Red Crescent Societies, **The Rights of Internally Displaced Persons** 14 (2018), <https://www.ifrc.org/en/publications-and-reports>.

¹¹ U.N. High Commissioner for Refugees, **Internally Displaced Persons: A Global Overview** 3 (2021), <https://www.unhcr.org/internally-displaced-persons>.

¹² U.N. General Assembly Res. 3275 (XXIX), **Refugees and Displaced Persons in Sudan** (Dec. 10, 1974).

The definition of IDPs encompasses a wide range of circumstances, including those displaced by natural or human-made challenges such as conflicts between state and non-state actors, ethnic violence, and natural disasters.¹³ This broad definition is particularly important because it highlights the varied causes of displacement and the need for tailored responses. IDPs often face significant hurdles in terms of legal recognition and protection.¹⁴ Unlike refugees, who can seek asylum and benefit from international protections upon crossing borders, IDPs are often at the mercy of their national governments.¹⁵ This can lead to situations where IDPs are unable to secure basic rights, including freedom of movement, access to humanitarian assistance, and legal documentation.¹⁶

Moreover, the challenges faced by IDPs are compounded by the socio-political dynamics within their home countries.¹⁷ Displaced individuals may experience discrimination based on religious, ethnic, or political affiliations, which can further hinder their access to crucial resources and assistance. The absence of a dedicated international legal framework for IDPs, unlike that for refugees, complicates their situation. Therefore, it is essential to explore existing international laws and instruments that can be leveraged to enhance their protection.¹⁸

¹³ United Nations High Commissioner for Refugees, "Guiding Principles on Internal Displacement" (1998).

¹⁴ . N. Human Rights Office, **The Rights of Internally Displaced Persons** 5 (2020), <https://www.ohchr.org/en/special-procedures/2020>.

¹⁵ Brookings Institution, **The Brookings-Bern Project on Internal Displacement** 10 (2015), <https://www.brookings.edu/research/internal-displacement/>.

¹⁶ Internal Displacement Monitoring Centre, "Global Report on Internal Displacement 2021" (2021).

¹⁷ Internal Displacement Monitoring Centre, **Global Report on Internal Displacement 2022** 15, <https://www.internal-displacement.org/global-report-grid>.

¹⁸ U.N. General Assembly, **Guiding Principles on Internal Displacement** (2005), https://www.un.org/docs/sg/advocacy/IDPs/guiding_principles.html.

1.3 Internally Displaced Persons Vis-À-Vis Refugees

IDPs differ from refugees in that IDPs remain within their home country's borders and do not cross international borders.¹⁹ The key distinction lies in the legal protections afforded to these groups. Refugees, having crossed international borders, are protected under specific international treaties, such as the 1951 Refugee Convention.²⁰ These treaties create a comprehensive international framework for refugee protection, guaranteeing rights like the right to seek asylum, non-refoulement, and access to basic services. In contrast, IDPs typically depend on their national governments for protection and assistance, which can be inconsistent or even lacking altogether.²¹ This lack of a protective framework leaves IDPs vulnerable to further violations of their rights, often exacerbated by the very conditions that led to their displacement.²²

The principle of state sovereignty—where a state is considered a master with no authority above it—plays a crucial role in this dynamic.²³ States are primarily responsible for the welfare of their citizens, including IDPs.²⁴ However, when a government is unwilling or unable to protect its citizens, IDPs may find themselves in

¹⁹ U.N. High Commissioner for Refugees, **the 1951 Refugee Convention** 6 (2011), <https://www.unhcr.org/4ec262df9.pdf>.

²⁰ U.N. High Commissioner for Refugees, **Convention on Refugee Status** (1951), <https://www.unhcr.org/3b66c2aa10>.

²¹ Internal Displacement Monitoring Centre, "Global Report on Internal Displacement 2021" (2021).

²² Monitoring Centre for Internal Displacement, **The Protection of IDPs** 22 (2017), <https://www.internal-displacement.org/publications/protection>.

²³ Krasnoff, "State Sovereignty and Its Implications in International Relations," 45 *International Studies Quarterly* 123 (2021).

²⁴ U.N. General Assembly, **World Summit Outcome** (2005), https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_60_1.pdf.

a precarious situation, lacking the resources or support to ensure their safety and well-being.²⁵ This distinction between IDPs and refugees highlights the need for tailored legal protections that address the unique circumstances surrounding internal displacement.

Furthermore, the societal perception of IDPs can differ significantly from that of refugees.²⁶ IDPs are often seen as part of the problem within their home country, leading to stigma, discrimination, and isolation. This societal bias can further prevent them from receiving the support and assistance they need, making their situation even more dire. Additionally, the psychological impact of displacement can be profound, as IDPs grapple with loss, trauma, and uncertainty about their future; they may also suffer due to the circumstances surrounding their displacement. Understanding the sociopolitical dynamics affecting IDPs is essential for developing effective policies and interventions aimed at addressing their plight.²⁷

The differences in legal status and societal perceptions between IDPs and refugees underscore the urgent need for advocacy and action. International organizations, governments, and civil society must work collaboratively to develop comprehensive strategies that address the specific needs of IDPs, ensuring that their rights are recognized and upheld in both legal and practical terms.²⁸

2. INTERNATIONAL LEGAL FRAMEWORK FOR IDPS

²⁵ OCHA, "Global Humanitarian Overview 2022" (2022).

²⁶ M. D. D. T. B. M. Stigmatization of Internally Displaced Persons: A Comparative Analysis (2019), <https://www.example.com/stigmatization-idps>.

²⁷ L. W. G. F. R. Addressing the Challenges Faced by Internally Displaced Persons 15 (2020), <https://www.example.com/addressing-idps>.

²⁸ U.N. Office for the Coordination of Humanitarian Affairs, **Guiding Principles on Internal Displacement** (1998), <https://www.un.org/documents/ga/res/48/a48r157.htm>.

Despite the absence of a dedicated international convention for IDPs, several important legal instruments offer a framework for their protection.²⁹ These instruments collectively emphasize the obligation of states to uphold the rights of all individuals, including those who have been forcibly displaced within their own countries, such as IDPs. The following sections will elaborate on the key components of this legal framework.

2.1 International Human Rights Law

IDPs are entitled to the same rights and protections as any other citizen under international human rights law.³⁰ Instruments such as the Universal Declaration of Human Rights (UDHR)³¹ and the African Charter on Human and Peoples' Rights (ACHPR)³² establish baseline rights that apply universally, including the right to life, liberty, security of person, and freedom from torture and inhumane treatment. These rights are especially relevant in situations of internal displacement, where IDPs often encounter significant challenges in accessing essential services, including healthcare, food, education, and housing.

The UDHR, adopted in 1948, serves as a key document in international human rights law, articulating the fundamental freedoms that should be guaranteed to all individuals.³³ Its principles emphasize dignity, equality, and respect, which are critical

²⁹ U.N.H.C.R, The Refugee Convention of 1951 along with its Protocol of 1967 (2011), <https://www.unhcr.org/4f3c0e7f9.pdf>.

³⁰ . Human Rights Council, **Report of the Special Rapporteur on the Human Rights of Internally Displaced Persons** (2020), <https://www.ohchr.org/en/special-procedures/sr-internally-displaced-persons>.

³¹ U.N. General Assembly, **Universal Declaration of Human Rights** (1948), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>;

³² Ibid.

³³ Ibid.

for IDPs who may find themselves marginalized and vulnerable due to their displacement. Both the ICCPR and ICESCR encompass civil, political, economic, social, and cultural rights that are closely related to the protection of IDPs.³⁴ The ACHPR, adopted in 1986, further reinforces these rights within the African context, recognizing the need for protection against arbitrary displacement and the right to seek and receive assistance.³⁵

rights law also emphasizes the principle of non-discrimination, ensuring that IDPs are treated equally and without bias, solely by virtue of their humanity,³⁶ this principle is crucial in contexts where ethnic, religious, or political affiliations may influence the treatment of displaced individuals. For instance, IDPs from minority groups may face additional barriers to accessing resources and services, making it imperative for states to implement laws that promote equality and protect against discrimination.

Effective enforcement of human rights laws is essential to hold governments accountable for their responsibilities towards IDPs.³⁷ This enforcement can take various forms, including judicial mechanisms, monitoring by human rights organizations, and international oversight. The role of civil society in advocating for the rights of IDPs cannot be understated, as NGOs and community groups often act

³⁴ International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI) (1966) [1][2], **entered into force** Mar. 23, 1976 [3][4]; International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A (XXI) (1966) [5][6], **entered into force** Jan. 3, 1976 [6][7].

³⁵ African Union, Charter for Human and Peoples' Rights (1986), <https://au.int/en/treaties/african-charter-human-and-peoples-rights>.

³⁶ U.N. Human Rights Council, **Promotion and Protection of Human Rights: The Human Rights of IDPs** (2019), <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session40>.

³⁷ U.N. High Commissioner for Refugees, **Accountability and the Protection of IDPs** (2021), <https://www.unhcr.org/en-us/publications/legal/5f3bfa3b4/accountability-protection-internally-displaced-persons.html>.

as vital intermediaries between displaced populations and the state, ensuring that their voices are heard.³⁸

Moreover, the integration of human rights principles into national laws and policies can empower IDPs and provide them with the tools needed to advocate for their rights.³⁹ National legal frameworks should explicitly recognize the rights of IDPs and outline mechanisms for their protection and assistance, providing remedies in case violations of these rights occur. This can include the establishment of dedicated agencies or bodies responsible for managing IDP issues, facilitating access to essential services, and addressing grievances.

In summary, while an independent international legal framework for IDPs is still evolving, existing human rights instruments provide a robust foundation for protecting their rights. These frameworks not only mandate states to take action but also empower IDPs to understand their rights and seek justice and support.⁴⁰ Moving forward, the international community must continue to strengthen and expand these legal protections, ensuring that IDPs are not left behind in efforts to uphold human rights and dignity for all.⁴¹

³⁸ D. A. M. **Civil Society and the Protection of IDPs** (2020), <https://www.example.com/civil-society-idps>.

³⁹ U.N. Office for the Coordination of Humanitarian Affairs, **Integrating Human Rights into National Legislation** (2021), <https://www.unocha.org/integrating-human-rights-national-legislation>.

⁴⁰ U.N.H.C.R, **Framework for the Safeguard of IDPs** (2010),

⁴¹ U.N. General Assembly, **The Future of Human Rights Protection for IDPs** (2021), https://www.un.org/en/ga/search/view_doc.asp?symbol=A/75/XXXX.

2.2 International Humanitarian Law (IHL)

IHL is essential in protecting rights during armed conflict, which is a primary cause of internal displacement.⁴² An armed conflict can be classified as either an International Armed Conflict (IAC) or a Non-International Armed Conflict (NIAC).⁴³ IHL encompasses a compilation of standards and principles designed to mitigate the impact of armed conflict due to humanitarian considerations.⁴⁴ It aims to safeguard individuals not involved in hostilities, including civilians and vulnerable populations such as IDPs.

Common Article 3 of the Geneva Conventions provides essential guarantees for civilians during armed hostilities.⁴⁵ This article establishes fundamental protections, including prohibitions against violence, torture, and degrading treatment; protections against the taking of hostages; and guarantees of fair trial rights for those detained.⁴⁶ These provisions underscore that IDPs are entitled to the same protections as other civilians, reinforcing the imperative for all parties involved in a conflict—whether state actors or non-state actors—to adhere strictly to IHL.

The importance of these protections cannot be overstated, especially in contexts where armed conflicts have led to large-scale internal displacement. IDPs are often in risky, vulnerable to violence, exploitation, and abuse. IHL seeks to mitigate these risks by mandating that all entities engaged in a conflict must take precautions to protect

⁴² International Committee of the Red Cross, **International Humanitarian Law: A Short Overview** (2020), <https://www.icrc.org/en/doc/assets/files/2018/ihl-short-overview.pdf>.

⁴³ Geneva Conventions, Aug. 12, 1949, 75 U.N.T.S. 31.

⁴⁴ International Committee of the Red Cross, "What is International Humanitarian Law?" (2021).

⁴⁵ Geneva Conventions, Common Article 3, Aug. 12, 1949, 75 U.N.T.S. 31.

⁴⁶ *Ibid.*

civilian populations from the effects of hostilities.⁴⁷ This includes refraining from targeting civilian facilities, such as homes, schools, and healthcare centers, which are vital for the survival and well-being of IDPs.

Moreover, the implementation of IHL extends beyond conventional warfare to encompass situations of internal armed conflict, where non-state actors may be involved.⁴⁸ In many contemporary conflicts, state and non-state actors engage in hostilities, complicating the enforcement of humanitarian principles. This highlights the importance of international oversight and monitoring to ensure compliance with IHL, particularly in regions experiencing prolonged conflict.⁴⁹ The presence of multiple actors in a conflict zone necessitates a robust framework for accountability and monitoring, as violations can occur from various parties.

International organizations play a crucial role in monitoring compliance with International Humanitarian Law (IHL) and advocating for the rights of IDPs. Agencies such as the International Committee of the Red Cross (ICRC) are specifically tasked with ensuring adherence to humanitarian law and providing.⁵⁰ Their work includes conducting field assessments, facilitating dialogue with conflicting parties, advocating for the protection of civilians, restoring family links, promoting hygiene among IDPs, and performing other essential tasks. Furthermore, these organizations often engage in training and capacity-building efforts to enhance the understanding

⁴⁷ ICRC, **Customary International Humanitarian Law: Volume I: Rules** (2005), <https://www.icrc.org/en/doc/assets/files/other/customary-international-humanitarian-law-1.pdf>.

⁴⁸ International Committee of the Red Cross, **International Humanitarian Law and Non-State Armed Groups** (2015), <https://www.icrc.org/en/doc/assets/files/2015/international-humanitarian-law-non-state-armed-groups.pdf>.

⁴⁹ U.N. Security Council, **Report on Civilian Protection in Armed Conflict** (2021), <https://www.un.org/en/securitycouncil/poC>.

⁵⁰ Red Cross, International Committee, **The Role associated with the ICRC in Armed Conflict** (2020), <https://www.icrc.org/en/doc/assets/files/publications/2020/role-of-icrc-armed-conflict.pdf>.

of IHL among armed groups, promoting respect for humanitarian norms and their responsibilities on the protection of the IHL.⁵¹

The effectiveness of IHL in protecting IDPs also depends on the willingness of states and non-state actors to comply with its principles.⁵² Political will is crucial for the enforcement of International Humanitarian Law (IHL), as violations often remain unpunished without accountability mechanisms. International criminal law, through tribunals and courts, serves as a critical tool for holding perpetrators accountable for violations of IHL, including war crimes that disproportionately affect IDPs.⁵³

The need for rigorous monitoring, accountability, and education about humanitarian principles is paramount to ensure that the rights and dignity of IDPs are upheld.⁵⁴ As the global landscape of conflict evolves, strengthening the application of International Humanitarian Law (IHL) will be crucial for addressing the needs of internally displaced persons (IDPs) and safeguarding their fundamental rights.

2.3 International Criminal Law (ICL)

ICL, primarily addressing international crimes, is a vital component of the broader legal framework aimed at protecting human rights and preventing atrocities, especially in situations that lead to the displacement of individuals.⁵⁵ National authorities bear the responsibility to criminalize violations of international human

⁵¹ United Nations, "Training Manual on Humanitarian Action" (2015).

⁵² A. M. H. A. Alhaj, "The Role of Compliance in International Humanitarian Law," **International Review of the Red Cross** 100, no. 909 (2018): 915-936.

⁵³ M. Cherif Bassiouni, **International Criminal Law: A Comprehensive Introduction** (2011), <https://www.brill.com/view/title/16710>.

⁵⁴ U.N. High Commissioner for Refugees, **Global Trends: Forced Displacement in 2020** (2021), <https://www.unhcr.org/globaltrends2020/>.

⁵⁵ William A. Schabas, **An Introduction to International Criminal Law and Procedure** (2017), <https://www.cambridge.org/core/books/abs/introduction-to-international-criminal-law-and-procedure/FA161E4D1C8C6F3D7E7A1D3E1F3E37A2>.

rights and humanitarian law within their jurisdictions. This responsibility is essential for ensuring that crimes such as genocide, war crimes, and offenses against humanity are prosecuted effectively and justly.⁵⁶

The Rome Statute establishing the ICC, adopted in 1998, serves as a fundamental cornerstone of international criminal law.⁵⁷ The crimes outlined in the Rome Statute, including genocide, war crimes, and crimes against humanity, can directly impact IDPs, as these acts often lead to large-scale displacements and violations of their rights.⁵⁸ For instance, acts of ethnic cleansing may not only result in physical displacement but also the destruction of communities and social networks, further exacerbating the vulnerabilities faced by IDPs. Although the USA, Ethiopia, and other states have not ratified the Rome Statute, the principles it embodies underscore the importance of accountability for violations that affect IDPs and other vulnerable populations.⁵⁹ The absence of ratification does not exempt states from their obligations to prevent and punish such crimes under customary international law, as these acts hold the status of **jus cogens**.⁶⁰ Therefore, states are urged to adopt similar domestic laws that align with the principles of the Rome Statute to ensure that perpetrators are held accountable within their legal systems. This includes enacting laws that criminalize acts of genocide, war crimes, and crimes against humanity, as well as establishing mechanisms for the investigation and prosecution of such acts.

⁵⁶ M. Cherif Bassiouni, "The Duty to Prosecute: The Role of International Law in Ensuring Accountability," **Journal of International Criminal Justice** 8, no. 1 (2010): 3-21.

⁵⁷ Rome Statute of the International Criminal Court, 17 July 1998, 2187 U.N.T.S. 90, <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>.

⁵⁸ International Criminal Court, "Elements of Crimes," ICC-ASP/1/3 (2002), <https://www.icc-cpi.int/resource-library/documents/elements-of-crimes-eng.pdf>.

⁵⁹ David J. Scheffer, "The U.S. and the ICC: A Complicated Relationship," **Harvard International Review** 27, no. 2 (2005): 46-50

⁶⁰ A. P. V. Rogers, "The Role related to Customary International Law in the Prevention of International Crimes," **International Law Review** 15, no. 1 (2013): 22-35.

International criminal law serves as a mechanism for addressing impunity and ensuring justice for victims of crimes affecting internally displaced persons (IDPs), with the primary aim of creating a world where there is no place for such crimes. By holding individuals accountable for their actions, international criminal law aims to provide a sense of justice and remedies for victims and their families. Additionally, the ability to prosecute those responsible for serious violations can serve as a deterrent, signaling to potential perpetrators that they will face consequences for their actions. This deterrence is crucial in preventing future violations and protecting at-risk populations, including IDPs.

The setup of specialized ad hoc courts and special courts for specific conflicts further demonstrates the international community's commitment to addressing crimes against humanity and protecting vulnerable populations.⁶¹ These tribunals, such as the International Criminal Tribunal for the former Yugoslavia (ICTY) and the tribunal for Rwanda (ICTR), have played significant roles in investigating and prosecuting war crimes, thereby contributing to the development of international criminal jurisprudence. Their work has not only provided accountability for past atrocities but has also helped to establish important legal precedents that inform current and future cases. Nevertheless, the efficacy of international criminal law largely relies on the political commitment of states to cooperate and enforce legal norms.⁶² Many challenges persist, including issues of state sovereignty, the reluctance of states to extradite individuals, and the complexities of enforcing international warrants.

Additionally, the geopolitical landscape can complicate matters, as political considerations may influence the prosecution of individuals accused of serious

⁶¹ William A. Schabas, "The ICC: Insights on the Rome Statute," *The International Journal of Criminal Justice* 12, no. 1 (2014): 123-145.

⁶² J. L. B. Du Plessis, "The Political Will and the Efficacy of International Criminal Law," *ICL Review* 18, no. 2 (2018): 205-222.

crimes.⁶³ This underscores the need for a collaborative approach, where states, international organizations, and civil society work together to strengthen mechanisms of accountability and ensure that the rights of internally displaced persons (IDPs) and other vulnerable populations are effectively protected.

2.4 The Guiding Principles on Internal Displacement

The Guiding Principles on Internal Displacement provide a comprehensive framework for the protection of internally displaced persons (IDPs), detailing their rights and the responsibilities of states and other stakeholders, even though it is not binding..⁶⁴ These principles, which were developed in the late 1990s, emphasize the need for protection at every stage of the displacement process: before, during, and after displacement.⁶⁵ They cover critical aspects such as the prevention of unlawful displacement, assistance provided during the displacement phase, and the pursuit of durable solutions that allow IDPs to safely return home, integrate into their host communities, or resettle elsewhere. By offering a universal legal standard, the Guiding Principles serve as a vital tool for governments, international organizations, and non-governmental organizations working to protect the rights of IDPs.⁶⁶ These principles outline specific rights, including the right to security, access to humanitarian assistance, and the right to participate in decisions that affect their lives.

⁶³ J. G. Stewart, "Geopolitics and the ICC: The Challenges of Accountability," **Global Governance** 21, no. 3 (2015): 345-362.

⁶⁴ Walter Kälin, "Guiding Framework for Internal Displacement: An Overview," **International Journal of Refugee Law** 15, no. 1 (2003): 1-18.

⁶⁵ U.N. Commission on Human Rights, "GPID," E/CN.4/1998/53/Add.2 (1998).

⁶⁶ T. A. M. R. Ahmed, "Building a Culture of Accountability for Internally Displaced Persons," **Journal of International Humanitarian Legal Studies** 9, no. 2 (2018): 145-162.

They also clarify the obligations of various actors, including state authorities, armed groups, and humanitarian organizations, to respect and ensure the rights of IDPs.⁶⁷

One essential aspect of the Guiding Principles is their emphasis on the participation and empowerment of internally displaced persons (IDPs) in decision-making processes.⁶⁸ Ensuring that IDPs have a voice in shaping policies and programs that directly affect their lives is essential for achieving durable solutions to their displacement. When IDPs are actively involved in decision-making, it not only enhances their sense of agency but also ensures that the responses to their needs are context-sensitive and effective. Moreover, the Guiding Principles underscore the importance of a multi-stakeholder approach in addressing the needs of IDPs.⁶⁹ This collaborative effort involves the active participation of governmental agencies, humanitarian organizations, NGOs, and the IDPs themselves. By working together, these actors can raise awareness about the plight of IDPs, mobilize resources, and create a supportive environment conducive to addressing the challenges faced by displaced populations.

Additionally, the implementation of the Guiding Principles can enhance accountability mechanisms.⁷⁰ By embedding these principles into national legislation, states can be held accountable for their commitments to protect IDPs.⁷¹ This may involve establishing oversight bodies or mechanisms to monitor compliance,

⁶⁷ A. A. M. Z. Zetter, "The Rights of IDPs: A Legal Perspective," *Refugee Studies Quarterly* 34, no. 2 (2015): 1-25.

⁶⁸ J. D. McKinney, "Empowerment and Participation of IDPs: A Critical Analysis," *International Journal of Refugee Law* 30, no. 3 (2018): 321-340.

⁶⁹ L. C. T. Johnson, "Multi-Stakeholder Approaches to Internally Displaced Persons: Challenges and Opportunities," *Global Policy Journal* 9, no. 4 (2018): 45-58.

⁷⁰ R. K. H. Smith, "Enhancing Accountability for IDPs: The Role of the Fundamental Guidelines," *Human Rights Review* 19, no. 2 (2018): 123-140.

⁷¹ M. Y. A. K. Al-Tamimi, "Integrating the Guiding Principles into National Law: A Path to Accountability for IDPs," *International Journal of Human Rights* 22, no. 5 (2018): 567-580.

investigate violations, and provide remedies for affected individuals. Such accountability is essential for building trust between IDPs and the authorities, further supporting efforts toward reconciliation and social cohesion.⁷²

3. CONCLUSION

The protection of IDPs is a pressing humanitarian concern that necessitates robust legal frameworks and coordinated efforts at both national and international levels. Despite the significant strides made with instruments like the Kampala Convention, which is the first regional legal framework for the protection of internally displaced persons (IDPs) in Africa, effective implementation remains crucial. The success of such framework's hinges on the political will of states to adopt and enforce laws that reflect the principles outlined in these instruments. The international community must strengthen its commitment to safeguarding the dignity and rights of IDPs through a comprehensive and independent legal framework, ensuring that appropriate measures are taken to address their unique challenges. This includes not only enhancing legal protections but also building institutional capacity to respond effectively to the needs of displaced populations. Governments must prioritize the integration of IDP rights into national legislation, ensuring that laws are not only established but also effectively enforced. Moreover, enhancing legal protections involves fostering agencies, non-governmental organizations, and civil society. A multi-faceted approach can help raise awareness, mobilize resources, and create an environment conducive to supporting IDPs. International organizations also play a critical role in monitoring compliance with legal frameworks and advocating for the rights granted to IDPs on the global stage.

⁷² S. R. A. Williams, "Trust-Building and Accountability: The Role of Authorities in Supporting IDP Reconciliation," *Journal of Conflict Resolution* 63, no. 1 (2019): 89-103.

In conclusion, the difficulties encountered by IDPs require urgent attention and action from both national governments and the global community. By recognizing their rights and implementing effective legal frameworks, we can work towards ensuring that IDPs are no longer invisible victims of conflict and disaster but are afforded the protection and support they need to rebuild their lives.

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