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Internally Displaced Persons & Covid-19 Under International Law

Bezawit G. Abebe

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Internally Displaced Persons & Covid-19 under international law

Dissertation

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2022

Dedication

I dedicate this dissertation to my beloved family and friends. Without your encouragement and support, this would not have been possible.

First and foremost, I want to thank my husband, Yohannes Kidane. You wanted me to succeed with my work and pushed me to complete this work by providing constant moral, spiritual, and material support. Thank you for being such a great father to our son Emnet, easing my burden to help me focus on my work, and being a loving and amazing husband. I love you, and thank G-d for bringing you into my life.

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Acronym	
African Union	AU
Amnesty International	AI
Economic Community of Central African States	ECCAS
Economic Community of West African States	ECOWAS
Emergency Relief Coordination	ERC
European Union	EU
Food and Agriculture Organisation of the United Nations	FAO
Guiding Principles	GP
Inter-Agency Standing Committee	IASC
Internal Displacement Monitoring Center	IDMC
Internal Displacement Updates	IDU
Internally Displaced People	IDP
International Armed Conflict	IAC
International Bureau of Education	IBE
International Committee of the Red Cross	ICRC
International Court of Justice	ICJ
International covenant on economic, social, civil, and political rights	ICCPR
International Criminal Court	ICC
International Development Association	IDA
International Fund for Agricultural Development	IFAD
International Human Rights Law	IHRL
International Humanitarian Law	IHL
International Monetary Fund	IMF
Joint IDP Profiling Services	JIPS
Non-Governmental Organisations	NGO
Non-International Armed Conflict	NIAC
North Atlantic Treaty Organisation	NATO
Norwegian Refugee Council	NRC
Ozone Depleting Substances	ODS
The International Criminal Tribunal for the former Yugoslavia	ICTY
UN Commission on Human Settlements	UNCHS

UN Conference on Environment and Development	UNCED
UN Development Fund for Women	UNIFEM
Union for International Cancer Control	UICC
United Nations Children's Education Fund	UNICEF
United Nations Conference on Trade and Development	UNCTAD
United Nations Development Programme	UNDP
United Nations Educational, Scientific and Cultural Organisation	UNESCO
United Nations Environment Programme	UNEP
United Nations Environmental Protection	UNEP
United Nations Framework Convention on Climate Change	UNFCEP
United Nations High Commissioner for Refugees	UNHCR
Universal Declaration of Human Rights	UDHR
World Food Programme	WFP
World Health Organisation	WHO
World Intellectual Property Organisation	WIPO
World Meteorological Organisation	WMO
World Summit on Sustainable Development	WSSD
World Trade Organisation	WTO
World War Second	WWII
World Wide Fund for Nature	WWF

Abstract

The issue of Internally Displaced Persons (IDP) has been overshadowed by global attention on those who flee across an international border, recognized as refugees. In most cases, the only difference between IDPs and refugees is crossing an international border. This research examines the plight of (IDPs) from the perspective of international law and the additional vulnerabilities the Covid 19 pandemic brought them. The rapid growth of IDPs due to wars and disasters is concerning. Furthermore, the challenges for these already vulnerable IDPs are exacerbated by the Covid-19 global pandemic. The authority to regulate IDPs and their rights is left to the sovereign nations they reside in. However, sovereignty is also grounds for not intervening internationally. This research will critically review international and regional conventions, commentaries, and other legal materials to expose the black hole of legal protections for IDPs. Whether existing legal frameworks and international institutions effectively protect their rights. This research will thoroughly analyze primary sources to demonstrate: (1) the vulnerability of IDPs; (2) the international legal framework available for their protection; (3) international institutions that offer humanitarian relief to guarantee the respect of the rights of the affected population; and (4) the added challenges of IDPs during the Covid-19 outbreak. (5) recommendations for the respect of human rights of IDPs. The research findings reveal the inconsistencies between the international rights granted to IDPs and their implementation.

CHAPTER 1 INTRODUCTION

Generally, people's movement from place to place can be voluntary and planned, which might have positive effects.¹ The challenge arises when people are forced to leave their homes due to unforeseen factors, considered forced displacement.² Reasons for forced displacement are multi-layered and complex; the main ones include civil wars, general violence, development projects, and natural and human-made disasters.³

Imagine losing everything in a tragedy or conflict, including your home, treasured assets, and possibly a loved one. Imagine witnessing everything you've worked for to build a wonderful life crumble. Imagine being forced to relocate from home to a new place with nothing to your name while attempting to cope with the shock. Imagine having no idea what to do, where, or who to turn to for help.⁴ This is the reality of forcibly displaced people.

¹ VOLUME 3 – INTERNATIONAL ORGANIZATION FOR MIGRATION, *WORLD MIGRATION 2005: COSTS AND BENEFITS OF INTERNATIONAL MIGRATION* (2005), <https://publications.iom.int/books/world-migration-report-2005-costs-and-benefits-international-migration>. at 11

² *Forced migration or displacement data*, <https://www.migrationdataportal.org/themes/forced-migration-or-displacement> (last visited Jan 29, 2022).

³ Erin Mooney, *The Concept of Internal Displacement and the Case for Internationally Displaced Persons as a Category of Concern*, UNHCR 2005 at.1

⁴ Dan Jezreel A. Orendain & Riyanti Djalante, *Ignored and invisible: internally displaced persons (IDPs) in the face of COVID-19 pandemic*, 16 SUSTAIN SCI 337–340 (2021).

Most forcibly displaced peoples remain within their national boundaries.⁵ For instance, in 2019, out of 79.5 million forcibly displaced people, 50.8 million were internally displaced,⁶ and only 22.5 million people (about the population of New York)⁷ crossed their national borders and became refugees.⁸ In 2020, IDPs outnumbered refugees by 21.6 million.⁹ However, the international media, politics, and legal community have paid less attention to internal displacement than the refugee crisis.¹⁰

According to the Internal Displacement Monitoring Center (IDMC), there will be 55 million internally displaced people (IDP) globally at the end of 2020.¹¹ Forty-eight million out of the 55 million were displaced due to conflict and violence, while seven million were displaced due to disasters.¹² Most IDPs lived in conflict or disaster-

⁵ *Id.* at.1

⁶ UNHCR - *UNHCR Global Trends 2019*, <https://www.unhcr.org/flagship-reports/globaltrends/globaltrends2019/> (last visited Feb 1, 2022).

⁷ U.S. Census Bureau QuickFacts: New York, <https://www.census.gov/quickfacts/NY> (last visited Feb 1, 2022).

⁸ *Id.*

⁹ <https://www.unhcr.org/flagship-reports/globaltrends/>

¹⁰ Elizabeth Ferris, *The Challenge of Internal Displacement in Iraq: The Future*, Brookings, (2007) <https://www.brookings.edu/on-the-record/the-real-challenge-of-internal-displacement-in-iraq-the-future/>

¹¹ *Global Report on internal displacement in 2021*, Internal Displacement Monitoring Center, (Jan, 20,2022), <https://www.internal-displacement.org/global-report/grid2021/>

¹² IDMC | GRID 2020 | *Global Report on Internal Displacement 2020*, <https://www.internal-displacement.org/global-report/grid2020/> (last visited Dec 9, 2020).

affected areas in crowded shelters, camps, or with relatives.¹³ Covid-19 added another layer of complexity to the 55 million people (about twice the population of Texas)¹⁴ who have already lost their houses, access to health care, jobs, safety, and more.

Resolving the IDP crisis is beneficial in solving the refugee crisis.¹⁵ IDPs are the primary sources of the refugee crisis since people are internally displaced in their nation before crossing national boundaries. Dealing with the cause is the best strategy to reduce the repercussions of forced displacement. The research acknowledges and does not undermine the vast suffering encountered by refugees, stateless people, and other immigrants. However, given the more significant number, vulnerability, and the particular need for protection and aid, the researchers focused on legal challenges faced by IDPs.

¹³ Kasereka M. Claude et al., *Prevention of COVID-19 in internally displaced persons camps in War-Torn North Kivu, Democratic Republic of the Congo: A mixed-methods study*, 8 GLOB. HEAL. SCI. PRACT. 638–653 (2020), www.ghspjournal.org (last visited Feb 5, 2021).

¹⁴ U.S. Census Bureau QuickFacts: Texas, <https://www.census.gov/quickfacts/fact/table/TX/PST045221> (last visited Feb 1, 2022).

¹⁵ Chris McKenna and Brennan HobanMonday, *Problems and solutions to the international migrant crisis*, DECEMBER 18, 2017, <https://www.brookings.edu/blog/brookings-now/2017/12/18/problems-and-solutions-to-the-international-migrant-crisis/> (last visited Dec 9, 2020).

Forcibly displaced people face significant risks and vulnerabilities. They suffer significantly higher rates of mortality than the general population.¹⁶ They are highly vulnerable to physical attack, sexual assault, and abduction and have minimal shelter, water, food, sanitation facilities, and health services.¹⁷ In addition, most forcibly displaced people are children. For instance, 52% of displaced people in 2017 were below 18.¹⁸ At the end of 2018, 31 million children (about the population of California)¹⁹ had been forcibly displaced; from this number, 13 million were child refugees, while more than 17 million were displaced internally without crossing their national boundaries.²⁰ Child IDPs are even more vulnerable than adult IDPs.²¹

¹⁶ Peter Heudtlass, Niko Speybroeck & Debarati Guha-Sapir, *Excess mortality in refugees, internally displaced persons and resident populations in complex humanitarian emergencies (1998-2012) - Insights from operational data*, 10 CONFL. HEALTH 1–11 (2016), <https://conflictandhealth.biomedcentral.com/articles/10.1186/s13031-016-0082-9> (last visited Jan 29, 2022).

¹⁷ United Nations Human Rights Office of the Higher Commissioner, *Who are Internally Displaced Persons?* UNHCR, (Oct,02,2018) <https://www.ohchr.org/en/issues/idpersons/pages/issues.aspx>,

¹⁸ UNHCR The UN Refugee Agency, *Global Trends Forced Displacement in 2017*, June 2018, at.3

¹⁹ U.S. Census Bureau QuickFacts: California, <https://www.census.gov/quickfacts/fact/table/CA/PST045221> (last visited Feb 1, 2022).

²⁰ *Child Displacement and Refugees* - UNICEF DATA, , <https://data.unicef.org/topic/child-migration-and-displacement/displacement/> (last visited Feb 1, 2022).

²¹ James Kunder, *The Needs of Internally Displaced Women and Children: Guiding Principles and Considerations Office of Emergency Programmes Working Paper Series* (1998), <https://reliefweb.int/sites/reliefweb.int/files/resources/2E33B9CFFB3B8F7BC1256C7C004EFC-AA-UNICEF.pdf>.

The number of IDPs has been growing dramatically worldwide, making it a critical global issue. The growing number of forcibly displaced persons is hugely concerning. Between 2010 to 2020, the number doubled.²² In 2017, 68.5 million people were forcibly displaced globally, and there have been 30.6 million displacements due to conflicts and disasters across 143 countries and territories. That means 44,400 people left their homes and habitual residence each day.²³ In 2018, there were 42 million IDPs, which jumped to 50.8 million as of December 31, 2019.²⁴ As of 31 December 2020, there was a record of 48 million IDPs.²⁵

Causes of displacement overlap leading to double displacement. Already displaced people become highly vulnerable to other causes of displacement. For instance, Afghanistan had the highest number of people displaced due to disaster at the end of 2019, while 1.2 million IDPs were already displaced, fleeing drought and floods. Hundreds of thousands in Ethiopia, India, and South Sudan were still displaced after disasters that struck them in 2019.²⁶

²² UNHCR, *Internally Displaced People*, INTERNALLY DISPLACED PEOPLE (2020).

²³ *Id.* at. 2

²⁴ IDMC | GRID 2020 | *Global Report on Internal Displacement 2020*, *supra* note 12.

²⁵ *Id.*

²⁶ *Id.*

IDPs face more human rights violations and less protection than those who managed to cross their national boundaries.²⁷ Their government often laces them either due to human rights violations by local authorities or the government's failure to provide adequate protection.²⁸ In addition, IDPs have no international legal status; as such, there is no global institution responsible solely for protecting their rights. No specific UN organization is dedicated to IDPs, unlike United Nations Higher Commissioner for Refugees (UNHCR), which supports refugees. This shows that IDPs are not considered a priority in international organizations. In addition, the authority to regulate IDPs and grant their rights is left to the nations they reside in. This is based on the principle of non-intervention and respect for national sovereignty. While sovereignty is the source of responsibility for countries, it is also the ground for not taking significant measures to solve it internationally.²⁹ The rapidly growing number of IDPs with no international protection through a global organization and no major binding treaty has caused an era of lawlessness with high suffering.

The nature of the refugee crisis, which is transboundary, forces the international community to act.³⁰ Art 1(A) 2 of the 1951 refugee convention makes a clear criterion

²⁷ Luke, *supra*, at 631

²⁸ Leslie, *supra*, at 358

²⁹ Leslie Claire Bailey, *Note Out of Africa, Towards Regional Solutions for Internal Displacement*, Brooklyn J. Int'L, 39. at 362 (2014).

³⁰ *Id.* at.361.

of being “outside the country of not to be considered a refugee.”³¹ While refugees have fled their country of origin for fear of persecution or other human rights violations, those who fled their homes for the same reasons but stayed within their own country are considered IDPs.³² It is important to emphasize that, in most cases, the only factor differentiating between IDPs and refugees is crossing the national border.³³

People may not cross their national border because they may want to return home once the cause of their displacement is resolved, or they might prefer to stay closer to a familiar environment. In addition, some displaced people might be unable to continue their journey, caught in the crossfire, and at risk of being used as pawns, targets, or human shields by the belligerent.³⁴ Some may be unable to travel far due to financial and transportation barriers. For instance, in some countries, Eritrea, crossing borders could be life-threatening as the government has a shoot-to-kill policy against people who attempt to cross the border.³⁵ The reasons for staying in the country might be either because crossing the boundary is more dangerous than staying, or those who are weaker, sick, poorer, or disabled than those who managed to cross borders. While

³¹ *Convention and protocol relating to the status of refugees*, Art 1(A) sub article 2, 1951, entered into force 22 April 1954.

³² Luke T. Lee, *Legal Status of Internally Displaced Persons*, at 631, American Society of International Law, (1992), Addis Barega Birganie, *An African Initiative for the Protection of the Rights of Internally Displaced People*, HRL review, at 185, (2010).

³³ Liesle *supra*, at 368.

³⁴ Erin, *supra*, at 12.

³⁵ Amnesty International, Eritrea 2017/2018, Amnesty International <https://www.amnesty.org/en/countries/africa/eritrea/report-eritrea/>

they might need more protection than the refugees, the border crossing criteria make them fall under the responsibility of their state regardless of the reason for fleeing.

At the beginning of 2020, the Covid-19 pandemic began, and by April 4th, there were more than a million cases worldwide.³⁶ In January 2022, almost 400 million people contracted the Corona Virus, and more than 5.5 million died from it.³⁷

The pandemic posed health, economic and social challenges to everyone globally. However, forcibly displaced people have been the hardest-hit groups, and the impact has been severe.³⁸ Forcibly displaced people are disproportionately affected due to already existing difficulty accessing housing, livelihood, and other substantial needs that the rest of the general population has.³⁹ Some effects IDPs are more susceptible to contracting the virus and further complications due to their living situations in camp-like settings and urban slums, which are overcrowded, and social distancing is

³⁶ *Timeline of WHO's response to COVID-19*, , <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/interactive-timeline#!> (last visited Feb 12, 2021).

³⁷ COVID Live - *Coronavirus Statistics* - Worldometer, , <https://www.worldometers.info/coronavirus/> (last visited Feb 1, 2022).

³⁸ *UNHCR Global Trends - Forced displacement in 2020*, , <https://www.unhcr.org/flagship-reports/globaltrends/> (last visited Feb 1, 2022).

³⁹ Internal Displacement, Mid-year 2020, IDMC

update, <https://www.internal-displacement.org/sites/default/files/publications/documents/2020-update.pdf#page=41> (last visited Feb 1, 2021).

<https://www.internal-displacement.org/sites/default/files/publications/documents/2020-update.pdf#page=41> Mid-year

impossible.⁴⁰ IDPs have limited access to sanitation, and basic needs like soap and water were already scarce before the outbreak, making good hygiene extremely difficult.⁴¹ They also live under poor nutritional and health status, lack of health care, support, and other obstacles.⁴² In addition, IDPs can be disproportionately affected by new government regulations to control the virus, such as lockdowns, restrictions of movement, public health measures, social distancing, and socio-economic measures.⁴³

1.1 Aim and Objectives

This research investigates whether the international IDP crisis is due to a lack of legal standards or implementation. It will explore the causes of internal displacement, the challenges IDPs face, the added vulnerabilities Covid-19 brings, and what better protection the international legal arena can provide. It will also explore the legal protection of IDPs under international law by looking into International Humanitarian Law (IHL) and International Human Rights Law (IHRL), the need for a global binding

⁴⁰ *Humanitarian Impact of covid-19 on displaced people*, https://www.nrc.no/globalassets/pdf/reports/the-humanitarian-impact-of-covid-19-on-displaced-communities/nrc-humanitarian-impact-of-covid-19-on-displaced-people.pdf?fbclid=IwAR2UXOgQUBR4LoTVARUDOi85n-fscdnt7QqOR0Gz37M2R5_CUBmvLzWsmmg (last visited Feb 12, 2021).

⁴¹ *Id.*

⁴² ICRC – INTERNATIONAL COMMITTEE OF THE RED CROSS, IFRC – INTERNATIONAL FEDERATION OF RED CROSS & RED CRESCENT SOCIETIES, *4471_002_Reducing the impact of the COVID-19 pandemic on internally displaced people; 05.2020; PDF* (2019), <https://www.unocha.org/sites/dms/> (last visited Feb 12, 2021).

⁴³ COVID-19 GOVERNMENT MEASURES: IMPACT ON DISPLACED POPULATIONS ABOUT THIS REPORT, (2020).

legal protection, and the practical challenges of implementing the Guiding Principles (GPs). Additionally, the challenges faced by developing countries in protecting IDPs' rights while dealing with a global pandemic will be explored. This research will focus on the impact of the recent Covid-19 crisis and IDPs and investigate the phenomenon from national and international legal perspectives.

This research aims to examine the efficiency of international law in protecting IDPs and show the international, regional, and national legal and implementational gaps to find reforms by focusing on a specific health challenge faced by a pandemic. It shows that the reality is insufficient to protect IDPs in normal circumstances, let alone the added challenges of global pandemics and contagious diseases. It will explore the need for added protection, such as binding legal protection, and the practical difficulties of implementing the United Nations (UN) guiding principles (GPs).

After analyzing the issue internationally concerning legal protection, the research will investigate regional and national legal protections for IDPs. The particular difficulties faced by third-world countries will be identified by emphasizing the specific challenges faced by the global pandemic on IDPs. The regional and local factors contributing to internal displacement will be explored. It will also evaluate if the assistance received during the pandemic from international institutions (if any) were adequate to guarantee the respect of human rights for vulnerable groups under international law. The research will help deep dive into the additional challenges the

covid 19 pandemic added to IDPs and will recommend better ways of handling such emergencies.

1.2 Research questions

The following research questions will guide the design and conduct of the research: (1) What are the international legal frameworks for protecting IDPs? What international law applies to IDPs? (2) Are they adequate? and (3) Which international organizations provide protection and humanitarian aid to IDPs? What are the implementation gaps? (4) What kinds of challenges does Covid-19 pose to the IDP crisis? (5) How can long-term solutions be achieved?

1.3 Methodology

The research will analyze qualitative data through the legal doctrinal method by over-viewing academic writings and analyzing authoritative legal materials such as international and regional conventions and commentaries. The study will present the applicable laws and their developments to offer a collective organized legal rule dealing with IDP and existing literature on the field by exploring journals, books, and reports on human rights and forced displacement. This approach will enable the researcher to

critically analyze the laws and the principles behind them to protect IDPs and show the legal black hole in international law. The research will discuss international legal norms to protect the internally displaced through legal analysis.

The research will use contextual analysis to explain the argument in a broader context beyond the legal background. The study will focus on the overall human rights context since the protection of IDPs should be understood mainly but not only from the legal perspective. The legal background should be understood in the context of historical, economic, and political factors that contribute to the causes of forced displacement and the protection of the displaced.

The research will also make a conceptual analysis. It will clarify the meaning of different concepts about internal displacement. It will define and describe who IDPs are and explain different terminologies about the phenomenon of forced displacement. In addition, the research will make a factual analysis by investigating the number of IDPs, their causes, and their locations.

The research will describe the historical development of IDP laws under international law. It provides a descriptive analysis of international legal rules under various categories of international law. In addition to international treaties and customary law, the research will also investigate regional legal and policy outcomes for

protecting IDPs. It will study the legal sources while considering what the law intended to achieve legally and morally through treaty interpretations. It will also investigate the actual results of such laws through court decisions and policy outcomes to implement the rules. The research will also explore the challenges IDPs and humanitarian organizations face by revising the reports from such organizations. It will also deal with new laws and policies implemented during the Coronavirus pandemic regarding IDPs. Through this method, the study will check if there was a legal black hole or implementational gaps. Suppose existing legal regulations adequately regulated the IDP crisis and exceptional cases like global pandemics. What are the missing legal protections if there is a need for more laws? The research will investigate pandemic policy responses to examine how flexible and prepared the legal system is for such a phenomenon.

In addition, the research will present a close analysis of international organizations that work in the field of IDPs to show the sufficiency or inadequacies of relief offered by such organizations. Specifically, reports from international organizations that deal with the issue of IDPs (e.g., UNHCR, IOM, IDMC, and NRC) will be closely examined to analyze the need and aid they supply. The research will study international organizations' reports on tackling Covid-19 to understand the challenges posed to IDPs. A close case study of state practice focusing on response to the pandemic will be thoroughly analyzed to demonstrate: (1) a real-time experience of a recent IDP crisis; (2) the additional vulnerabilities that IDPs face a crisis in general

and specifically in developing countries (3) international legal framework and institutions that apply to give protection; (3) the additional challenges a global pandemic adds to displaced people and (4) the national relief offered and the collaboration between the national and international framework.

The research will reveal the inconsistencies in the international rights granted to IDPs through a close analysis of treaty and customary law and the non-existence of international mechanisms to solve the issue. In addition, the research will thoroughly scrutinize state practice through the specific case study of the experience of IDPs under Covid-19 to show that the existing system is not efficient enough to tackle the potential upcoming crises. By doing so, the research will aim to deliver the need for an international standardized mechanism to handle the issue of IDPs under international law and recommend improvements.

1.4 Research outline

The first chapter of the research presents the background of forced displacement and internal displacement. This chapter also discussed the study's objective, scope, strengths, and limitations.

The second chapter will provide the legal definition of IDP based on the guiding principles (GPs). It will define internal displacement according to international law and discuss the underlying causes of IDPs by examining it from different perspectives, i.e., international human rights and humanitarian law. The principal rights protected under the GPs will be presented. A short historical development of each legal instrument and its recent sphere of influence will be discussed.

The third chapter will also explore international law's protections offered to IDPs by dividing treaty and customary laws. The global and selected regional conventions and institutional executive structure will also be presented as an international protection framework. Chapter three will discuss the legal protections offered by other branches of international law and the laws relevant to IDPs. For example, cases where IHL or HRL may apply will be explained. Further, the need for special protection of IDPs and the historical development of the recognition of IDPs under international law will be discussed.

The fourth Chapter will analyze the institutional protection of IDP. It will discuss the international organizations that are tasked with protecting IDPs. Under international law, the legal, implementational, administrative, and economic challenges of assisting IDPs will be covered. The dilemma between the obstacles of intervening in a state's sovereign matters and the international community's obligation to protect victims of Human rights violations will be analyzed. The existing international institutions to protect IDP's rights and adequacies will be studied.

Chapter five will discuss the added challenges posed by the global pandemic. The recent Covid-19 crisis and the added vulnerabilities of IDPs will be addressed. In addition, the actual international and local institutions that offered relief to IDPs and their collaborations will be described.

The sixth chapter will provide a conclusion and recommendations.

1.5 Research Strengths and Limitations

This research will significantly contribute to the study of international law, international human rights law, refugee law, and international law in the field of IDP. The research deals with a recent outbreak of the Coronavirus pandemic and its consequences on IDPs. Due to the contemporary aspect of the pandemic, the new findings and contributions of the research will be magnificent. It will significantly contribute to future preparedness for global emergencies and add new considerations in steps taken to control a pandemic. However, the pandemic comes with its consequences of limitations on traveling and lockdowns, which affect the organizations that work with IDPs, limiting information and becoming the research's shortcomings. The outcomes of the pandemic are still to be researched, restricting the sources of data and analysis.

Since the regulation of IDP law is related to the state's internal affairs and within the limit of its sovereignty, proposing to expand a binding international instrument for the standardized aid of IDPs in the international law arena is a challenging step though necessary. Hence international law will not be successfully applied if states do not ratify treaties; finding a convincing proposal for states will be difficult; thus, finding the balance between international and national laws will be the major challenge for this research. As an original work, the close study of the consequences of a global pandemic on IDPs will significantly contribute to the contemporary analysis of IDPs and thus help

prepare for future global and regional disasters that may add to the existing vulnerabilities. The research will focus on displacement caused by conflicts and, if needed, on humanitarian removals, such as those caused by famine, droughts, and climate changes but not on displacements caused by infrastructure development.

CHAPTER 2 :INTERNALLY DISPLACED PERSONS

This chapter will deal with the theoretical argument of the research and the legal background by pointing out why IDPs should be an international issue. It will give a brief historical experience of the development of the IDP legal regime. It will define Internal displacement and IDPs according to international law and discuss the reasons for forced displacements and the vulnerability of displaced people according to existing scholarly literature and international organization reports.

2.1 Internally displaced People as an international Issue

The plight and suffering of people due to forced displacement cause severe Humanitarian, human rights, and security issues.⁴⁴ In principle, the nations where IDPs reside are the primary ones responsible for protecting their rights.⁴⁵ Legally, the

⁴⁴ Addis Barega Birganie, *An African initiative for the protection of the rights of internally displaced people*, HUM. RIGHTS LAW REV. (2010).

⁴⁵ Kunder Kunder, *The U.S. Government and Internally Displaced Persons: Present, But Not Accounted For*, <https://www.brookings.edu/articles/the-u-s-government-and-internally-displaced-persons-present-but-not-accounted-for/> (last visited Feb 1, 2022).

international community must respect national burden, authority, and sovereignty.⁴⁶ However, nations have failed to safeguard IDPs due to two main reasons.

First, the nations might not be capable of aiding IDPs. Most IDPs originate from already vulnerable areas which were affected by poverty. In 2019, 68% of displaced people originated from just five underdeveloped countries.⁴⁷ The highest number of people were displaced in Syria, Venezuela, South Sudan, and Myanmar.⁴⁸ In the same year, like in previous years, Sub-Saharan Africa was once again the region most affected by conflict displacement. 53.7% of the global conflict-induced IDP originates from Sub-Saharan Africa. Protracted conflicts, communal violence, and jihadist attacks affected many countries in the region. This is not to say that only underdeveloped nations have IDPs but to point out that most governments cannot aid them. Internal displacement is worse in developing countries, though natural and environmental disasters cause displacement in developed nations.⁴⁹

⁴⁶ *Id.*, James Crawford, *Brownlie's Principles of Public International Law*, BROWNLIE'S PRINC. PUBLIC INT. LAW 203-5 (2019).

⁴⁷ UNHCR - UNHCR Global Trends 2019, *supra* note 6.

⁴⁸ *Id.*

⁴⁹ Disasters and Displacement: Gaps in Protection, , JOURNAL OF INTERNATIONAL HUMANITARIAN LEGAL STUDIES , <https://www.brookings.edu/articles/disasters-and-displacement-gaps-in-protection/> (last visited Jan 25, 2021).

The international community has admitted that the issue needs solutions since the draft of the guiding principles. IDMC's severity assessment of internally displaced shows that the number of IDPs is growing dramatically, and their situation has harshly worsened across all dimensions of livelihood through the years.⁵⁰ This has created a mismatch between law and reality where international law only protects one group of displaced people, i.e., refugees.

The first important note we need to make is to investigate which people are considered refugees and their distinction from IDPs. The most crucial difference between IDPs and refugees is the international status and protection that refugees can get from a binding treaty, i.e., the 1951 International Convention Relating to the Status of refugees, its 1967 protocol, and the aid they can get from the UNHCR.⁵¹

According to Art. 1. A, 2 of the 1951 Convention on the Status of Refugees, a "refugee" is a person who,

“owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is

⁵⁰ *Severity of internal displacement, 2021 Report*, , <https://www.internal-displacement.org/publications/severity-of-internal-displacement-2021-report> (last visited Feb 1, 2022).

⁵¹ Yang-Yang Zhou, *With in Borders, without Refugee*, at 3. 2010

unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."⁵²

Although refugees and IDPs often flee for similar reasons, the most crucial distinction between IDPs and refugees is the requirement of being “outside the country.” To be considered a “refugee,” the person must cross an international border.

There are many reasons why displaced people do not cross their national boundaries to seek protection in another country. Some displaced people could not cross an international border either because they did not have the necessary resources and abilities or were hoping to return to their original habitual residence. This means that out of the people affected by a cause of displacement, the ones who will not manage to cross a boundary are mostly women, including pregnant women, children, the elderly, disabled people, and so on, who are even more vulnerable than other IDPs. Some IDPs might also be caught in the fire of conflicts. IDPs might not cross international borders also because it is intimidating; they expect their governments to protect them or other nations from denying them asylum.⁵³

⁵² UNHCR - Convention and Protocol Relating to the Status of Refugees, Art 1.A (2), <https://www.unhcr.org/en-us/3b66c2aa10> (last visited Feb 1, 2022).

⁵³ Yang-Yang Zhou, *WITHIN BORDERS, WITHOUT REFUGE THE EFFECT OF PROPERTY RESTITUTION RIGHTS ON THE RESETTLEMENT OF INTERNALLY DISPLACED PERSONS*, International Relations Honors Thesis New York University Spring 2010.

The UNHCR protects refugees, and the International Committee of the Red Cross (ICRC) protects victims of armed conflict.⁵⁴ Both organizations peripherally touch up on IDPs, but no international organization is dedicated to solving IDP issues.⁵⁵

Internally displaced people do not have a special status under international law. The term “Internally Displaced People” is not a legal status that guarantees protection but a descriptive one.⁵⁶

Therefore, the main question is, why should the international community address the issue of IDPs?

IDPs are legitimate people of concern due to the following reasons. First, as explained above, they flee for similar reasons as refugees, but their nations have failed to protect them. Second, their number is growing enormously and causing a global crisis. And third, their specific needs and conditions have worsened through the years, and therefore, they should be the top priorities of the international agenda.⁵⁷ Internal

⁵⁴ Treaties, States parties, and Commentaries - Geneva Convention (III) on Prisoners of War, 1949 - 3 - Conflicts not of an international character, <https://ihl-databases.icrc.org/ihl/WebART/375-590006> (last visited Jan 25, 2021).

⁵⁵ Nafees Ahmad, *Internally Displaced Persons and International Refugee Law: Protection Gaps, Challenges and Implementation in Practice*, INT. HUM. RIGHTS LAW DOC. 606-620 (2017), <https://papers.ssrn.com/abstract=3087777> (last visited Feb 3, 2022).

⁵⁶ Internal displacement | IDMC, <https://www.internal-displacement.org/internal-displacement> (last visited Feb 1, 2022).

⁵⁷ Severity of internal displacement, 2021 Report, *supra* note 50.

displacement has posed an existential threat to millions of people. It violates fundamental human rights such as the right to life, movement-related rights, family life, water and sanitation, adequate housing, documentation, property, education, employment, economic activities, and so on, causing an international humanitarian crisis.⁵⁸ The international community has a moral obligation to assist these people.

The special needs and vulnerabilities of IDPs had been noted already in the 1990s from publications of The Brookings institution project on internal displacement, which has put the concerns for IDPs. According to a publication from the institution, IDPs are most likely not to have adequate shelter, earn a living, have documentation to get the necessary benefits, and experience gender-based discrimination and mental problems.⁵⁹

Displaced people have higher mortality compared to the host population.⁶⁰

Research has shown that in addition to the safety and security issues, non-violent deaths due to infectious diseases while displaced have outnumbered violent deaths even in the most brutal conflicts.⁶¹ This was true in fierce disputes such as the 2003 genocide in Darfur.⁶² A case study on Darfur analyzed changes over time for cause-

⁵⁸ Ahmad, *supra* note 55.

⁵⁹ James Kuder, *the US Government and Internally Displaced Peoples: Present, but not Accounted for*, Nov 1999

⁶⁰ Heudtlass, Speybroeck, and Guha-Sapir, *supra* note 16.

⁶¹ *Id.*

⁶² Degomme O, Guha-Sapir D. *Patterns of mortality rates in Darfur conflict*. Lancet. 2010. Available: [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(09\)61967-X/fulltext](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(09)61967-X/fulltext)

specific mortality rates and assessed the effect of displacement on mortality rates. The study showed that violence was the leading cause of death in 2004, while diseases caused the most deaths since 2005. Between mid-2006-2007, there was fewer violence-related death and more diarrhea-related mortality. Therefore, displacement correlated with increased deaths associated with infectious diseases.⁶³ This shows that IDPs run from violence to save their lives leaving behind their homes, schools, and community to die from the consequences of displacement later. Such deaths are mainly attributed to a lack of access to food, water, shelter, sanitation, and medical care, consequently causing excess mortality due to preventable infectious diseases.⁶⁴

Most IDPs are displaced due to conflicts.⁶⁵ Due to violence, displaced people are exposed to diverse traumas and injuries, making them vulnerable to psychological disorders, such as post-traumatic stress disorder (PTSD).⁶⁶ And IDPs experience worse mental health outcomes than refugees.⁶⁷

⁶³ *Id.*

⁶⁴ *Id.* 52

⁶⁵ UNHCR Global Trends - Forced displacement in 2020, *supra* note 38.

⁶⁶ Derebe Madoro et al., *Post-traumatic stress disorder and associated factors among internally displaced people in South Ethiopia: A cross-sectional study*, 16 NEUROPSYCHIATR. DIS. TREAT. (2020). At 2318

⁶⁷ *Id.*

From the above-listed sufferings of IDPs, it is clear that forced displacement violates common international morality.⁶⁸

In addition to the humanitarian needs of IDPs, some causes of internal displacement are global, which calls for a worldwide solution, thus making the people affected a global concern. For instance, climate change is a worldwide issue and a global burden.⁶⁹ However, when people are displaced due to climate disasters, they burden their nations. As this research will examine later, pandemics can also cause displacement or worsen the situations of IDPs.

2.2. Historical background of the international legal protection of IDPs

In the 1920s, forced displacement was on the international agenda, and from 1921-51, nine institutional arrangements were made to aid displaced people.⁷⁰ Such multilateral initiatives, especially after the Second World War (WWII), led to significant achievements by creating the United Nations High Commissioner for

⁶⁸ Maria Stavropoulou, *The Right Not to be Displaced*, U.J. INT'L L. POL'Y (1994).

⁶⁹ Ahmad, *supra* note 55. At.99

⁷⁰ Magure & von Meding Woldemariam, *ARTICLE: FORCED HUMAN DISPLACEMENT, THE THIRD WORLD AND INTERNATIONAL LAW: A TWAIL PERSPECTIVE: Forced Human Displacement, the Third World, and International Law*, 20 *Melbourne J. of Int'l Law* 248.

Refugees (UNHCR) to assist and protect refugees and adopt the refugee convention 1967 protocol.⁷¹

The international community showed commitment to solving the issue of refugees urgently. At the same time, those displaced internally due to refugee-like situations were distinctly ignored by the legal and institutional interstate order due to the concept of sovereignty and state responsibility.⁷² The refugee convention of 1951 dealt with people fleeing prosecution.⁷³ However, it left out those who did not manage to cross the borders of their respective countries. In most cases, the cause of displacement and the patterns of movement are very similar.⁷⁴

The first international attention to internal displacement started in the 1980s when the number of IDPs almost doubled that of refugees.⁷⁵ After the end of the cold war, the number of refugees decreased while the number of IDPs skyrocketed. The main reason is the change in the type of warfare targeting more civilians and the prevalence

⁷¹ UNHCR - History of UNHCR, , <https://www.unhcr.org/history-of-unhcr.html> (last visited Feb 1, 2022).

⁷² THOMAS G. WEISS & DAVID A. KORN, *INTERNAL DISPLACEMENT: CONCEPTUALIZATION AND ITS CONSEQUENCES* (2006), <https://www.taylorfrancis.com/books/internal-displacement-thomas-weiss-david-korn/10.4324/9780203965436> (last visited Dec 26, 2020).

⁷³ UN Refugee Convention Relating to the Status of Refugees 1951

⁷⁴ ROMOLA ADEOLA, *THE INTERNALLY DISPLACED PERSON IN INTERNATIONAL LAW* (2020). At.1.

⁷⁵ Thomas G. Weiss, *Whither international efforts for internally displaced persons?*, JOURNAL OF PEACE RESEARCH (1999).

of ethnic conflicts.⁷⁶ There were no international norms or institutions to regulate how to handle the issue. At the same time, the humanitarian suffering is no less than that of refugees and even worse in most cases.⁷⁷ Until the late 1990s, there was no internationally recognized definition for IDPs, neither a legal framework nor international institution assigned for their protection.⁷⁸

The UN Secretary-General Boutros Boutros-Ghali submitted the first analytical report on IDPs to the UN Commission on Human Rights in 1992. According to the Analytical report of the Secretary-General on internally displaced persons,

Nearly all countries with large populations of internally displaced persons are also refugee-producing countries, and the factors causing refugees and displaced persons to flee their homes are often identical. Yet there are no international standards applicable to internally displaced persons, nor any international body having special responsibility for protecting their rights. In recent years, a number of dramatic situations in Africa, Asia, and Latin America have made public opinion more sensitive to the sharp contrast between the relatively efficient international regime for the protection of refugees, and the

⁷⁶ WEISS AND KORN, *supra* note 72.at 563

⁷⁷ ADEOLA, *supra* note 74.

⁷⁸ Gabriel Cardona-Fox, *Exile within Borders, A Global Look at the Commitment to the International Regime to Protect Internally Displaced Persons*, (2018) at.2

*helplessness of the international community faced with the urgent needs of internally displaced persons. From the human rights perspective, where the ultimate concern is the effective enjoyment of fundamental rights by all persons, without discrimination, this difference is viewed as an injustice which calls for the creation of a more effective system for the protection of the rights of internally displaced persons.*⁷⁹

The commission approved resolution 1992/73, which requests: “the Secretary-General to designate a representative to seek views and information again from all Governments on the human rights issues related to internally displaced persons, including an examination of existing international human rights, humanitarian and refugee law and standards and their applicability to the protection of and relief assistance to internally displaced persons” and authorized him to appoint a special representative.”⁸⁰ The committee requested that the special representative looks into current human rights, humanitarian, and refugee laws and their relevance to internally displaced persons (IDPs). Despite the focus only on existing rules and institutions, many states saw this as a potential violation of their domestic laws.⁸¹

⁷⁹ Commission On et al., *Analytical Report of the Secretary-General on Internally Displaced Persons; Art.9 UN Doc. E/CN.4/1992/23* (1992), http://repository.un.org/bitstream/handle/11176/188685/E_CN.4_1992_23-EN.pdf?sequence=3&isAllowed=y.

⁸⁰ E/CN.4/RES/1992/73, *Refworld* / *Internally displaced persons.*, <https://www.refworld.org/docid/3b00f0e71c.html> (last visited Dec 23, 2020).

⁸¹ WEISS AND KORN, *supra* note 72.

The Secretary-General appointed Francis M. Deng as the first Representative to the Secretary-General on Internal Displacement. The representative drafted the Guiding Principles (GP), and with a team of legal experts, it was presented at a conference in Vienna in 1998. The purpose of the GP was to give guidance by restating the existing relevant international human rights law and humanitarian law and increasing awareness of the specific needs of IDPs.⁸² GP was not a binding treaty and took a soft law approach.

In understanding how the GP works, it is worth mentioning why it was drafted in the first place; As mentioned above, governments and NGOs requested appropriate frameworks to guide national and international responses in situations of internal displacement. Secondly, there was a need to raise awareness and visibility of the sufferings of IDPs and, thirdly, to organize and restate existing laws in international human rights, humanitarian, and refugee laws.⁸³ Note that it was not to draft new laws but to spell out existing ones applicable to IDPs.

⁸² Introductory notes, note para 9, UNHCR - Guiding Principles on Internal Displacement, <https://www.unhcr.org/en-us/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html> (last visited Jan 29, 2021).

⁸³ *Id.*

The choice of a non-binding law was made in order to facilitate a quicker implementation process. Similar to a treaty, a hard law requires extensive negotiations, drafting, adoption, ratification, and implementation time.⁸⁴ In order to provide "necessary guidelines" to States, international organizations, non-governmental organizations, and other parties dealing with internally displaced people, the committee claimed that a normative framework would be sufficient. Due to the urgent need to address the terrible situation of the millions of internally displaced people around the world, which may take years to negotiate and ratify, they opted against drafting a treaty.⁸⁵ Secondly: they were also concerned that attempting to negotiate a treaty on existing law, as the Guiding Principles do, would have allowed some States to call into question some of the existing treaty provisions or to weaken customary law by expressing the opinion that some of its principles are no longer valid. The other reason is that the team felt that obtaining enough ratifications to bring the treaty into force would be impossible, even if a text could be agreed upon. Even if it were to enter into force, the states most affected by internal displacement are unlikely to ratify it. States might also ratify the pact with reservations, allowing them to opt-out of the additional commitments.⁸⁶ Third, the Principles must combine international human rights law and

⁸⁴ *Id.*

⁸⁵ ARTICLE: THE PROCESS AND PROSPECTS FOR THE U.N. GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT TO BECOME CUSTOMARY INTERNATIONAL LAW: A PRELIMINARY ASSESSMENT, 35 *Geo. J. Int'l L.* 483, , https://plus.lexis.com/document/?pdmfid=1530671&crd=87e289ab-be32-409c-bde7-28d728f22e64&pdocfullpath=%2Fshared%2Fdocument%2Fanalytical-materials%2Furn%3AcontentItem%3A4GHH-6DT0-00CW-50H3-00000-00&pdcontentcomponentid=294116&pdteaserkey=&pdislpamode=false&pdworkfolderlocatorid=NOT_SAVED_IN_WORKFOLDER&comp=ff4k&earg=sr5&prid=db494b4e-2694-4056-92b0-dce498dfafb1 (last visited Feb 22, 2022).

⁸⁶ *Id.*

international humanitarian law to address the problem of internal displacement. Because of the legal, political, and institutional distinctions between these two areas of law, the legal advisers considered it premature to write a treaty that integrated both areas of law into one language. Finally, they argued that establishing a new treaty was unnecessary because current accords implicitly granted rights to internally displaced people. In addition, the team that prepared the document was not the state representatives who had the authority to negotiate on the internal matters of their respective nations but legal advisors who couldn't give consent to representing states due to the sovereignty issue.⁸⁷

Even though they are not binding laws, they are recognized as an “important international framework for the protection of internally displaced persons and resolve to take effective measures to increase the protection of internally displaced persons” by 190 states who adopted the World Summit Outcome in 2005.⁸⁸ They are also considered a significant step toward the protection of IDPs.⁸⁹

⁸⁷ Mike Asplet & Megan Bradley, *The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)*, 52 INT. LEG. MATER. 397–410 (2013).

⁸⁸ Refworld | 2005 World Summit Outcome: resolution / adopted by the General Assembly, , <https://www.refworld.org/docid/44168a910.html> (last visited Feb 3, 2022).

⁸⁹ 2005 World Summit outcome, UNGA res 60/1 (16 September 2005) para 132

According to the Global database on “IDP laws and policies,’ there are 26 laws adopted by different countries according to the GP.⁹⁰ According to the database, “Laws are often developed through regulations, adopted by Ministries or agencies responsible for determining an issue unspecified in the law. These regulations may be necessary to address specific and urgent aspects of the displacement crisis quickly. Nonetheless, laws are necessary as they have the power to amend previous legislative provisions and to bind governmental actions formally.”⁹¹

⁹⁰ Global Database on IDP Laws and Policies | Global Protection Cluster, , <https://www.globalprotectioncluster.org/global-database-on-idp-laws-and-policies/> (last visited Feb 3, 2022).

⁹¹ *Id.*

2.3. Definition of Internal Displacement

The UN Secretary-1992 General's Analytical Report made an attempt to define the term "internally displaced person." The report noted that internally displaced are

*Persons who have been forced to flee their homes suddenly or unexpectedly in large numbers: as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters: & who are with in the territory of their own country.*⁹²

This definition covers many reasons for displacement compared to the 1951 refugee convention. The recognition of human rights violations as a reason for displacement was the most significant.

Natural and manmade disasters were also added, which is particularly important, especially in the era of climate change, with the growing number of disaster displacements.⁹³ Traveling away from places where environmental risks are either immediate or long-term has been a known safety measure, making this a major reason for displacement.⁹⁴ In some instances, many natural disasters have man-made causes at

⁹² On et al., *supra* note 79.

⁹³ Human Rights and Climate Change, <https://www.ciel.org/issue/human-rights-climate-change/> (last visited Feb 3, 2021).

⁹⁴ Elizabeth Ferris, *NORTH CAROLINA JOURNAL OF Climate Change, Migration, Law and Global Governance*, 44 (2019).

their core. As a result, some responses to natural catastrophes may lead to more displacement, such as when authorities deny access to humanitarian aid.⁹⁵

This definition comes with some shortcomings. For instance, the emphasis on the immediate or sudden nature of the movement, the possible exclusion of small numbers of displacements, the exclusion of the displacement of stateless people by the concept of ‘own country,’⁹⁶ and the problem of quantification of what big numbers mean are some of it.⁹⁷ The emphasis on the imminent nature of displacement is unnecessary; disasters still cause planned movements due to disaster risk.

The definition is quite broad as it encompasses both natural and manmade reasons for displacement: The issue is that it does not come with a systematic, comprehensive, and authoritative data system to reflect this.⁹⁸

The Guiding Principles on Internal Displacement is the first international document that produced the final definition of IDPs. This definition is not a legal

⁹⁵ ADEOLA, *supra* note 74.

⁹⁶ On et al., (n 6) Para 13, *supra* note 77.

⁹⁷ ADEOLA, *supra* note 74.

⁹⁸ Improving IDP data to help implement the Guiding Principles | Forced Migration Review, , <https://www.fmreview.org/GuidingPrinciples20/krynskybaal-kivela-weihmayer> (last visited Jan 29, 2022).

definition but a descriptive one; hence it is in the introduction part rather than the main body of the GP.⁹⁹ The definition does not grant international status to IDPs; unlike refugees, IDPs are in their own countries and thus expected to have the same rights as the rest of the residents in the country.¹⁰⁰

According to the Guiding Principles (GP), IDPs are:

“Persons or groups of Persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border”¹⁰¹

⁹⁹ WALTER KÄLIN ET AL., *the Guiding Principles on Internal Displacement into Domestic Law* : Edited by Walter Kälin; STUDIES IN TRANSNATIONAL LEGAL POLICY (2010).

¹⁰⁰ Introduction to the Guiding Principles on Internal Displacement, *supra* note 83.

¹⁰¹ UNHCR - Guiding Principles on Internal Displacement, Art 2. 1998 , <https://www.unhcr.org/en-us/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html> (last visited Jan 29, 2021).

Some key elements of the above definition need to be emphasized. They are:

- 1, Persons or groups of persons
- 2, Forced or obliged to flee or to leave (the involuntary character of the movement):
- 3, Homes or places of habitual residence
- 4, As a result of or in order to avoid
- 5, Who have not crossed an internationally recognized state border

1, The notion of person or persons is an ambiguous wording in this context because, legally, a person does not refer only to human beings.¹⁰² For instance, international law accepts corporations or states as legal persons.¹⁰³ From the context of the GP, the word persons or group of persons seems to refer only to natural persons. It is also unclear if the idea of persons or groups of persons strictly refers to citizens of the country or includes refugees, stateless people, foreign residents, and others. Some nations adopted the notion of persons in the context of IDP solely for citizens. For instance, the preamble of the Sudanese National Policy for IDPs of 2009 uses the phrase

¹⁰² Elvia Arcelia Quintana Adriano, *NATURAL PERSONS, JURIDICAL PERSONS AND LEGAL PERSONHOOD*, 8 MEX. LAW REV. 101–118 (2015).

¹⁰³ James Crawford, *Brownlie's Principles of Public International Law*, BROWNIE'S PRINC. PUBLIC INT. LAW p.115-124 (2019).

‘Sudanese citizens’, which only applies to its nationals.¹⁰⁴ Some countries have adopted a more expansive way. For instance, Ukrainian law lists the groups of people in its definition as ‘Internally displaced person is the citizen of Ukraine, the foreigner or the stateless person who is in the territory of Ukraine on legal causes and has the right to permanent residence in Ukraine.’¹⁰⁵ However, the intention of the GP is not to exclude others, and it applies to every displaced person.

The word persons is in plural form. Presumably, it applies only to two or more persons and not to an individual who is displaced. But the right not to be displaced is an individual and a group right.¹⁰⁶ It is considering that the issue of quantification, which was dealt as a problem in the definition of the analytical report, emphasizing the quantity of the displaced might not be the intention of the GP.¹⁰⁷ However, for the IDP crisis to be of international concern, it must be a mass movement.¹⁰⁸ The number of a displacement that is considered a mass movement is still unclear.

¹⁰⁴ Refworld | Sudan: National Policy for Internally Displaced Persons (IDPs), 2009, , <https://www.refworld.org/docid/5a7aec3a4.html> (last visited Jan 5, 2021).

¹⁰⁵ Refworld | Ukraine: Law No. 1706-VII, Art. 1 on Ensuring Rights and Freedoms of Internally Displaced Persons, , <https://www.refworld.org/docid/5a7af1d54.html> (last visited Feb 5, 2022). Law of Ukraine “About providing the rights and freedoms of internally displaced persons,” , <https://cis-legislation.com/document.fwx?rgn=71224> (last visited Feb 5, 2022).

¹⁰⁶ Ahmad, *supra* note 55.

¹⁰⁷ ADEOLA, *supra* note 74.

¹⁰⁸ Ahmad, *supra* note 55.

2, Forced or obliged to flee or leave: an element of coercion or involuntariness of the movement is necessary. There is an attempt to balance between the too-narrow description of ‘forced’ people who will be excluded and the too-broad one that will not be manageable.¹⁰⁹ For instance, for those who are forced to leave due to economic reasons, the element of coercion might not be transparent. Four categories of people are covered under the definition. Those forced to flee, obliged to flee, forced to leave, and obliged to leave. Forced might be linked to physical strength, violent action, strong influence, or authority.¹¹⁰ Obligated might refer to the existence of willingness based on a sense of duty or looking for aid.¹¹¹ The concept of fleeing or leaving is also worth analyzing. Leaving could be based on a reason for movement.¹¹² While fleeing is caused by the element of urgency due to fear or danger.¹¹³

¹⁰⁹ Introduction to the Guiding Principles on Internal Displacement, *supra* note 83.

¹¹⁰ force_1 noun - Definition, pictures, pronunciation and usage notes | Oxford Advanced Learner's Dictionary at OxfordLearnersDictionaries.com, https://www.oxfordlearnersdictionaries.com/us/definition/english/force_1 (last visited Feb 5, 2022).

¹¹¹ oblige verb - Definition, pictures, pronunciation and usage notes | Oxford Advanced American Dictionary at OxfordLearnersDictionaries.com, https://www.oxfordlearnersdictionaries.com/definition/american_english/oblige (last visited Feb 5, 2022).

¹¹² leave_2 noun - Definition, pictures, pronunciation and usage notes | Oxford Advanced Learner's Dictionary at OxfordLearnersDictionaries.com, https://www.oxfordlearnersdictionaries.com/us/definition/english/leave_2 (last visited Feb 5, 2022).

¹¹³ ADEOLA, *supra* note 74. At 10

3, Homes or places of habitual residence: The GP does not define what is considered home. It is mainly assumed the home or habitual residence requires a degree of habitation that is either permanent or regular. It could be assumed that there was a need not to make a rigid definition of what home means so that the description would not leave out some cases and that a case-by-case scenario would figure it out.¹¹⁴ “Home” is a means of shelter and a tool for the person to have a social, private, and physical space.¹¹⁵

4, As a result of or in order to avoid armed conflict, situations of generalized violence, human rights violations, and natural or human-made disasters.

According to this sentence, an internally displaced person could either be fleeing due to the reasons mentioned, such as armed conflict after they occurred or because they are trying to avoid them. The research will dive into each of the causes in section 2.1.2 while dealing with causes of displacement.

5, Not crossing an internationally recognized state border: Crossing an international border is the main criterion that differentiates IDPs from refugees. And therefore, it is the main criterion to call someone an IDP. The wording of the analytical report was “One’s own country,”¹¹⁶ which, as explained above, caused ambiguity.

¹¹⁴ *Id.* At 11

¹¹⁵ Stavropoulou, *supra* note 68.

¹¹⁶ On et al., *supra* note 79.

2.3. Causes of Internal Displacement

The reasons for displacement and the details that caused it are incredibly significant legally, and they help understand the violations of specific rights.¹¹⁷ Earlier research shows two approaches to dealing with forced displacement. One is analyzing the existing responses of international law to the various causes of displacement to conclude that displacement is a human rights violation. The second is to identify the human rights violations that displacement violates.¹¹⁸ In some cases, displacement could be the result of other proximate causes, such as gross human rights violations or conflicts. In other cases, displacement might be the deliberate result, such as in cases of forced relocation or resettlement¹¹⁹ Longstanding poverty, underdevelopment, conflict over diminishing resources, and climate change are added factors that increase the risk of displacement.¹²⁰ Some displacement causes might be interrelated and layered. Regions like the Lake Chad basin already suffer from desertification and environmental degradation and have been affected by Boko Haram's insurgency for the last decade,

¹¹⁷ Stavropoulou, *supra* note 68. at 694.

¹¹⁸ *Id.* at 691

¹¹⁹ *Id.*

¹²⁰ IDMC | GRID 2020 | *Global Report on Internal Displacement 2020*, *supra* note 12. <https://www.internal-displacement.org/global-report/grid2020/downloads/2020-IDMC-GRID-sub-saharan-africa.pdf?v=1.17>

triggering increased new displacements. Many countries in Central Africa continued to suffer the effects of communal conflicts, while the interlinked triggers of conflict and climate change in East Africa forced people to flee their homes in Ethiopia, Somalia, and South Sudan.¹²¹

According to the GP's definition, the causes of displacement are as follows:

Armed conflicts: Armed conflicts are not any conflict that involves arms. According to *Prosecutor v Dusko Tadic*, the International Criminal Tribunal for the former Yugoslavia (ICTY) describes Armed conflict as follows: 'an armed conflict exists whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups or between such groups within a State.'¹²² This definition makes a difference between International Armed Conflict (IAC), between states, and Non-international Armed Conflict (NIAC), between states and armed groups or between armed groups.

Even though there is a possibility that people might be internally displaced due to IAC, Most IDPs are displaced due to NIAC. When dealing with IDPs, the focus is mostly NIAC. NIAC, according to common Article 3 to the Geneva Conventions of 1949, is "armed conflicts not of an international character occurring in the territory of

¹²¹ <https://www.internal-displacement.org/global-report/grid2020/downloads/2020-IDMC-GRID-part1.pdf>

¹²² The Prosecutor v Dusko Tadic International Criminal Tribunal for the former Yugoslavia, Appeals Chamber (IT-94-1-AR72) (October 2, 1995), para 70

one of the High Contracting Parties" ¹²³ Article 1(2) of Additional Protocol II distinguishes an armed conflict from a non-serious form of violence such as internal disturbances and tensions, riots or acts of banditry, the situation must reach a certain threshold of confrontation. ¹²⁴

which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol. ¹²⁵

For NIAC to be dealt under IHL there needs to be organization and command of the armed group, control over part of the territory and high threshold of the intensity of the conflict. ¹²⁶

Situations of generalized violence: The UNHCR's guidelines on International Protection describe generalized violence as follows:

¹²³ Treaties, States parties, and Commentaries - Geneva Convention (III) on Prisoners of War, 1949 - 3 - Conflicts not of an international character, *supra* note 54.

¹²⁴ OHCHR | Protocol II Additional to the Geneva Conventions of 12 August 1949, , <https://www.ohchr.org/en/professionalinterest/pages/protocolii.aspx> (last visited Jan 24, 2021).

¹²⁵ *Id.* Art 2,

¹²⁶ ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT, Art 8(2)(d) and (f) (1998), <http://treaties.un.org>. (last visited Jan 24, 2021).

Events seriously disturbing public order' also include situations of generalized violence, i.e. violence that is widespread, affecting large groups of persons or entire populations, serious and/or massive human rights violations, or events characterized by the loss of government control and its inability or unwillingness to protect its population - including situations characterized by repressive and coercive social controls by non-state actors, often pursued through intimidation, harassment and violence.¹²⁷

Violations of Human Rights: This cause of displacement covers a wide range of situations. There is no other explanation in the definition as to which kinds of violations or according to which laws these violations are to be measured.

Natural and Human-Made Disasters: According to the UN, disaster is defined as

“A serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts.”¹²⁸

Natural disasters could be caused by natural phenomena such as earthquakes, volcanos, tsunamis, hurricanes, and famines. Some natural

¹²⁷ UNHCR - UNHCR Guidelines on International Protection No. 12 on claims for refugee status related to situations of armed conflict and violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees and the region, Para 58, <https://www.unhcr.org/en-us/publications/legal/58359afe7/unhcr-guidelines-international-protection-12-claims-refugee-status-related.html> (last visited Jan 25, 2021).

¹²⁸ Disaster | UNDRR, , <https://www.undrr.org/terminology/disaster> (last visited Feb 16, 2022).

disasters are sudden in appearance, while others might be slow, while both are mainly related to climate change. For instance, floods, hurricanes, cyclones, landslides, and others are sudden. In contrast, long-term environmental issues such as deforestation, desertification, drought, rising sea level, extreme temperature, land degradation, and others might cause long-term and slow disasters.¹²⁹

- The number of climate-related disasters is increasing. According to the world disaster report

*The impacts of global warming are already killing people and devastating lives and livelihoods every year, and they will only get worse without immediate and determined action. The frequency and intensity of climatological events are increasing substantially, with more category 4 and 5 storms, more heatwaves breaking temperature records and more heavy rains, among many other extremes. Loss of natural resources, food insecurity, direct and indirect health impacts and displacement are likewise on the rise.*¹³⁰

¹²⁹ Cohen and Bradley, Disasters and Displacement: Gaps in Protection, Journal of International Humanitarian Legal Studies, Vol. 1, 2010. At 1

¹³⁰ World disasters report 2020 - International Federation of Red Cross and Red Crescent Societies, <https://media.ifrc.org/ifrc/world-disaster-report-2020/> (last visited Jan 27, 2021).

There are two categories of causes of displacement. The first is deliberate displacement, in which state authorities or other entities forcibly remove people from their homes for the purposes of developmental projects, control, enforcing assimilation, changing the demographic composition of territory, cutting off supplies to insurgent groups, or as a tactical policy during times of conflict.¹³¹ The second type of displacement happens as a consequence of various factors such as systemic human rights violations, war, armed conflicts, development-induced relocations, and environmental degradation.¹³² Development-induced displacement is more challenging to define as a proximate cause of displacement because it results from a policy designed to enhance the national or local welfare, if not the people directly affected.¹³³ Development strategies might have destabilizing impacts. Destabilization can contribute to large-scale population movements, such as a reaction to a government's decision to implement a specific development plan. In contrast to the first two types, where determining the entity responsible for the displacement is rather straightforward, the cause of development-induced displacement is far more challenging to establish and deal with in international legal terms.¹³⁴

¹³¹ Stavropoulou, *supra* note 68.

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.*

Among the different types of environmental degradation, some instances are particularly concerning because they render natural areas uninhabitable, either temporarily or permanently, and so cause large-scale human migrations. Traditionally, environmental disasters are divided into four categories: 1) long-term environmental degradation, such as global warming, deforestation, land erosion, salinity, siltation, waterlogging, and desertification. 2) Natural disasters such as earthquakes, droughts, floods, hurricanes, monsoons, tidal waves, tornadoes, and volcanic eruptions, to name a few. 3) Accidents, including both industrial and chemical disasters, and 4) armed conflict.¹³⁵ Long-term environmental degradation and unexpected natural environmental disturbances are inextricably linked, with the former aggravating the pace as well as the adverse effects of the latter.¹³⁶ The desertification of the African Sahel region best illustrates the link between long-term environmental degradation and subsequent population displacement. Desertification in the area may be explained by large-scale causes such as global warming and local man-made causes. Some reasons, such as steady population growth, exacerbated unsustainable exploitation of natural resources until it reached irreversible depletion thresholds and could no longer retain sufficient moisture and rainwater, resulting in recurrent drought.¹³⁷ The nomadic farmers of the Sahel traveled further and further southward, away from the desert, in search of less scarce areas, stripping the soil bare as they went during seasons of

¹³⁵ THE PROTECTION OF ENVIRONMENTALLY-DISPLACED PERSONS IN INTERNATIONAL LAW on JSTOR, , <https://www.jstor.org/stable/43267165> (last visited Feb 16, 2022).

¹³⁶ *Id.*

¹³⁷ *Id.*

drought. Subsistence farmers were also compelled to relocate to more vulnerable terrain, further overworking the soil and compounding the problem.¹³⁸ Such displacements can also cause conflicts in hosting communities.

Global warming, often known as the greenhouse effect, is a result of human activity, particularly large-scale fossil fuel combustion and forest degradation. As a result, large volumes of carbon dioxide and other gases have been released into the atmosphere. According to scientists, average global temperatures will rise between three and eight degrees Fahrenheit over the next sixty years, and the Earth has not seen such a climate change in the last 10,000 years.¹³⁹ A rise in sea level could trigger the most significant number of migrants. Given that one-third of the world's present population lives within sixty kilometers of a coastline and that the global population is growing, sea-level rise will have disastrous consequences.¹⁴⁰

¹³⁸ *Id.*

¹³⁹ Fragile Planet: documenting the impact of the climate crisis – in pictures | Environment | The Guardian, <https://www.theguardian.com/environment/gallery/2020/oct/08/fragile-planet-documenting-the-impact-of-the-climate-crisis-in-pictures> (last visited Feb 19, 2022).

¹⁴⁰ THE PROTECTION OF ENVIRONMENTALLY-DISPLACED PERSONS IN INTERNATIONAL LAW on JSTOR, *supra* note 135.

Pollution, leakage of dangerous materials, explosions, and fires are all examples of industrial and chemical disasters. They can happen due to poor construction and management planning and a failure to follow safety procedures.¹⁴¹

Climate change has the potential to affect displacement or contribute to a wide range of human movements, including: (1) internal and external (cross-border) movement; (2) short-term, recurrent, and permanent movement; and (3) forced, voluntary, and anticipatory movement.¹⁴² First, climate change increases the frequency and severity of hydro-meteorological hazards, forcing people to escape amid imminent, life-threatening danger, floods, and storms. Floods, in particular, can potentially displace vast numbers of people. People displaced by these catastrophes are often allowed to return once the event has passed.¹⁴³ Displacement caused by sudden-onset, acute hydro-meteorological phenomena such as floods and storms is short-term and short-distance, primarily dependent on the capacity of communities and local institutions to provide adequate coping support. People may move in anticipation of

¹⁴¹ *Id.*

¹⁴² ARTICLE: PROTECTING PEOPLE DISPLACED BY WEATHER-RELATED DISASTERS AND CLIMATE CHANGE: EXPERIENCE FROM THE FIELD, 15 Vt. J. ENVT. L. 803, , ALICE THOMAS (2014), https://plus.lexis.com/document/?pdmfid=1530671&crd=30a410a6-0904-49a7-ba13-db5a9cb2a3e1&pddocfullpath=%2Fshared%2Fdocument%2Fanalytical-materials%2Furn%3AcontentItem%3A5CDD-BRF0-02C9-M0KV-00000-00&pdcontentcomponentid=308668&pdteaserkey=&pdslpamode=false&pdworkfolderlocatorid=NOT_SAVED_IN_WORKFOLDER&ecomp=ff4k&earg=sr1&prid=0d424619-6e3b-4cf4-9f2a-30632a6ffd8d (last visited Feb 19, 2022).

¹⁴³ *Id.*

such events in order to avoid future injury, which may be permanent when such events are likely to repeat.

Second, climate change-related effects that take longer to manifest, such as changes in rainfall patterns, water scarcity, and ocean acidification, will have an impact on natural resource availability, which people rely on for their livelihoods and survival, particularly in the poorest parts of society, e.g., agricultural yields and fisheries. People may be forced to leave their homes in search of other livelihoods due to these slower-onset environmental changes, either directly or indirectly. These consequences may cause temporary or permanent human displacement.¹⁴⁴

Third, increasing storm surges, saltwater inundation of freshwater supplies, and sea level rise are expected due to climate change, rendering specific locations untenable, particularly low-lying atolls and coastal communities. Increased storm surges and permafrost melt are forcing the migration of dozens of indigenous Alaskan settlements in the Arctic, warming at double the rate of the rest of the earth. These modifications are likely to result in permanent relocation.¹⁴⁵

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

According to IDMC, Internally displaced people include, but are not limited to:

- *Families caught between warring parties and having to flee their homes under relentless bombardments or the threat of armed attacks, whose own governments may be responsible for displacing them*
- *Residents of poor neighborhoods rendered unsafe and uninhabitable, at least temporarily, by the impacts of weather-related, geophysical, or technological hazards*
- *Indigenous communities that were forced from their ancestral lands to make way for the construction of dams and other infrastructure projects*
- *Families pushed to leave their homes by constant harassment by local criminal gangs*
- *Rural communities whose livelihoods are decimated by drought, leaving them unable to feed their families and forced to seek external help elsewhere*
- *Communities from coastal, mountainous, or arid areas whose land and livelihoods are irrevocably lost because of gradual environmental degradation linked to the impacts of climate change¹⁴⁶*

¹⁴⁶ Internal displacement | IDMC, *supra* note 56.

Chapter 3. Legal Protection of IDPs under international Law

There are a variety of approaches to IDP rights under international law. Stavropoulou, a human rights researcher, developed a binary strategy in which the existing responses of international law to reasons for forced displacement are studied, and then the human rights that caused displacement infringes are identified.¹⁴⁷ The legal significance of the factual basis on which displacement occurs is crucial. It's worth noting that, in some situations, displacement is unavoidable if other human rights, such as the right to life, are to be respected.¹⁴⁸

The following section will provide a review of international law sources to determine the protections that IDPs are entitled to under international law. It will explore the internationally secured rights of displaced people in-depth, starting with general rights such as human rights law, and progressing to more particular laws such as the Guiding Principles.

According to Art (38) 1 of the Statute of the International Court of Justice (ICJ), sources of international law are:

- a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- b. international custom, as evidence of a general practice accepted as law;

¹⁴⁷ Maria Stavropoulou, *The Right Not to be Displaced*, U.J. INT'L L. POL'Y (1994). At 690.

¹⁴⁸ *Id.*

- c. the general principles of law recognized by civilized nations;
- d. subject to the provisions of Article 59, i.e., that only the parties bound by the decision in any particular case,] judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.¹⁴⁹

We must go into the sources of international law indicated above while looking for laws governing IDPs under international law. First, let us start by looking at treaty law: international agreements and conventions that might cover the rights of IDPs.

3.1 Protection of IDP under treaty law

IDPs' protection standards can be drawn primarily from human rights, international humanitarian law, and international environmental law. The field of applicability of these protective regimes in terms of their substantive, personal, territorial, and temporal scope is the determining factor in their validity. Restrictive provisions in international human rights agreements, such as derogation clauses, should be addressed.¹⁷

¹⁴⁹ ICJ art 38(1) , <https://www.icj-cij.org/en/statute>

3.1.1 Human Rights law

Because it has an unrestricted substantive, personal, and territorial scope, international human rights law (IHRL) provides a complete IDP protection framework.¹⁵⁰ IHRL, on the other hand, has limited applicability in emergencies. The right to life and the prohibition of torture, enslavement, and retrospective criminal law is the only non-derogable rights that apply even in times of emergency and are common to all international human rights agreements.¹⁵¹ Furthermore, international human rights treaties contain no explicit prohibitions on deportation or expulsion.¹⁵²

The Universal Declaration of Human Rights (UDHR) has served as a model for many domestic constitutions, laws, regulations, and policies that guarantee fundamental human rights, even though it is not a binding treaty.¹⁵³ It is the cornerstone of human rights law and a foundation text for many treaties that state the protection of many rights

¹⁵⁰ Ahmad, *supra* note 55.

¹⁵¹ OHCHR | International Covenant on Civil and Political Rights, *supra* note 149 Article 4. OHCHR | International Covenant on Economic, Social and Cultural Rights, , <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx> (last visited Feb 14, 2022). Stavropoulou, *supra* note 68.

¹⁵² "The IDP in International Law"? Developments, Debates, Prospects, , DAVID JAMES CANTOR (2018), https://plus.lexis.com/document/?pdmfid=1530671&crd=70c65cea-f12a-45fa-bb55-d8411d010aae&pddocfullpath=%2Fshared%2Fdocument%2Fanalytical-materials%2Furn%3AcontentItem%3A60J0-M511-F27X-624X-00000-00&pdcontentcomponentid=254934&pdteaserkey=&pdslpamode=false&pdworkfolderlocatorid=NOT_SAVED_IN_WORKFOLDER&comp=ff4k&earg=sr0&prid=d8702e18-e373-4442-9e06-cabcd3bec823 (last visited Feb 9, 2022).

¹⁵³ The Status of the Universal Declaration of Human Rights in National and International Law, , GEORG. J. INT. COMP. LAW.

that are infringed upon just because a person is relocated.¹⁵⁴ Even though it is not a legally binding treaty in and of itself, it is vital to address it.

As stated in the definition of IDP, human rights violations are a legitimate reason for displacement.¹⁵⁵ Human rights violations committed on a systemic and systematic basis by the government or other parties might result in mass movements of people.¹⁵⁶ Forced displacement breaches many of the declaration's rights, which are guaranteed to all human beings.

*The internal displacement during and after displacement causes huge violation of fundamental human rights like movement-related rights, family life, food, water and sanitation, basic shelter and adequate housing, health, recognition, issuance, and replacement of documentation, property and possessions, employment, economic activities, and social protection, electoral rights, education and other regulatory issues in every geopolitical entity.*¹⁵⁷

The following section will outline the most severely harmed rights resulting from displacement. Starting from Art 1 of UDHR, which reads as “All human beings are

¹⁵⁴ Universal Declaration of Human Rights | United Nations, , <https://www.un.org/en/universal-declaration-human-rights/> (last visited Feb 23, 2021).

¹⁵⁵ UNHCR - Guiding Principles on Internal Displacement, *supra* note 82.

¹⁵⁶ Stavropoulou, *supra* note 68.

¹⁵⁷ “The IDP in International Law”? Developments, Debates, Prospects, , <https://plus.lexis.com/document/?pdmfid=1530671&crd=70c65cea-f12a-45fa-bb55-d8411d010aa>

born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”¹⁵⁸

Most of the rights guaranteed by the declarations correlate with the two binding covenants of the International Covenant on Civil and Political Rights (ICCPR)¹⁵⁹ and the International Covenant on Economic, Social, and Cultural Rights (ICESC).¹⁶⁰ Displacement infringes on the freedom and dignity of millions of IDPs fleeing for their lives because of conflicts, violence, and unrest. In such instances, displacement will almost certainly constitute cruel, inhuman, or degrading treatment, as defined under Article 5 of the UDHR and Article 7 of the ICCPR. Art 3 of UDHR explicitly states that everyone has the right to a safe and secure life and liberty. It is an understatement to say that displacement jeopardizes people's lives, liberty, and security.¹⁶¹

Art 12 of the declaration reads, "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.”¹⁶² Furthermore, no one can arbitrarily interfere with an

¹⁵⁸ Universal Declaration of Human Rights | United Nations, *supra* note 154. Art 1.

¹⁵⁹ OHCHR | International Covenant on Civil and Political Rights, Art 5, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> (last visited Feb 14, 2022).

¹⁶⁰ OHCHR | International Covenant on Economic, Social and Cultural Rights, *supra* note 151.

¹⁶¹ Universal Declaration of Human Rights | United Nations, *supra* note 154. Art 3.

¹⁶² *Id.* Art 12

individual's home and privacy, according to article 17 of the ICCPR.¹⁶³ Privacy is significantly impacted by being displaced and losing your shelter and home. Family is frequently separated or endangered due to natural or human-made causes and attacks on honor and reputation, which are easily hurt due to losing one's habitual residence. As stated in the definition of home, it is more than just a place to sleep. A person's home provides them with a physical space, a social class, a private life, and a venue to socialize.¹⁶⁴ When people are uprooted, which is usually violently and abruptly, they lose their social life and roots. The ICESCR contains similar provisions.¹⁶⁵ It includes provisions for family protection (article 10), the right to an adequate standard of living, shelter, and food (article 11), the right to physical and mental health (article 12), the right to work (article 6), the right to education (article 13), and the right to pursue one's own economic, social, and cultural development (article 1), (article 15). When forced displacement happens, all preceding rights are invariably infringed to some extent.

Displacement violates other sections of the ICCPR, such as the principle of self-determination (article 1, also article 1 of the ICESCR); the right to legal personality (article 16); the freedoms of thought (article 18); expression (article 19); association (article 20); and assembly (article 21) are all indirectly affected.¹⁶⁶

¹⁶³ OHCHR | International Covenant on Civil and Political Rights, *supra* note 151. Art 17

¹⁶⁴ Stavropoulou, *supra* note 67.p.717.

¹⁶⁵ OHCHR | International Covenant on Economic, Social and Cultural Rights, *supra* note 151.

¹⁶⁶ OHCHR | International Covenant on Civil and Political Rights, *supra* note 151.

The right to own property, which could be an important factor in ending displacement and facilitating return, is also crucially affected by displacement and is protected under Art 17 of UNDHR.¹⁶⁷ Art 17 says, “(1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property.”¹⁶⁸ When relocated, IDPs frequently lose their property because of looting and destroying crops and animals, community burning and bombing, and theft of private homes and land. IDPs' most valuable possession is usually the property they leave behind when displaced.¹⁶⁹

Owners' properties are frequently seized by unregulated settlers when owners are uprooted for several years, resulting in the devastation of agricultural fields. Furthermore, powerful local administrations and combatant organizations may confiscate and give "empty" land to followers, either publicly or informally.¹⁷⁰ When property rights are in question, it raises additional peace and security concerns because the means for resolving property disputes may have changed significantly during the conflict and reconstruction efforts. When there is a violent conflict, it may destroy legal

¹⁶⁷ Universal Declaration of Human Rights | United Nations, *supra* note 154.

¹⁶⁸ *Id.* Art 17.

¹⁶⁹ WITHIN BORDERS, WITHOUT REFUGE THE EFFECT OF PROPERTY RESTITUTION RIGHTS ON THE RESETTLEMENT OF INTERNALLY DISPLACED PERSONS, *supra* note 53.

¹⁷⁰ *Id.*

documents, property registrations, and landmarks that delineate land holdings. As a result, the information about claims might be inefficient when it comes to restitution.¹⁷¹

Property is crucial since many IDPs lose their belongings when they are uprooted and cannot return because they have nowhere to go. Property rights are universal human rights significant for IDP resettlement, economic development, and post-conflict peacekeeping.¹⁷²

The following section will explain that respecting the internally displaced's property rights is vital for restoring order and forming an atmosphere favorable to their return and resettlement. The following is the argument: When displacement results from a conflict, it becomes a barrier to creating order in a post-conflict context. Return and resettlement are two options for resettling displaced people. Property rights restoration is critical for both return and resettlement because it ensures that IDPs have a place to reside in the event of a return. As a result, restoring and effectively enforcing IDPs' property rights is critical to their triumphant return and resettlement. Therefore, property rights are essential for fulfilling their other right, which is the right to return. In addition, granting property rights to IDPs is critical to establish incentives for them to return home and provide the means to resettle and reintegrate elsewhere.¹⁷³

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ *Id.*

The importance of freedom of movement and the prohibition of exile in the context of displacement cannot be overstated. Freedom of movement is inherently violated when people are displaced. They are restricted in their movements (whether in refugee camps, resettlement villages, or welfare centers). They can also not exercise their right to return to their home country or habitual residence.¹⁷⁴ Furthermore, displaced people may find themselves trapped in the crossfire of opposing forces.

Regardless of the causes of displacement or whether a specific type of displacement is expressly forbidden by international law, some of the rights listed above are likely to be violated in any situation of displacement. The severity varies from case to case. However, on this basis alone, displacement appears to be prohibited by international law whenever it results in violations such as those mentioned above. For example, suppose a government violates the right to food by starving and subsequently forcing people to migrate. In that case, it is arguable that article 11 of the ICESCR and a number of other articles of the UDHR and the ICCPR are being violated. For the time being, putting aside the issue of implementation, it appears reasonable to conclude that creating, maintaining, failing to eradicate, or failing to take steps to reduce situations that encourage displacement should be expressly forbidden.¹⁷⁵

¹⁷⁴ Stavropoulou, *supra* note 68.

¹⁷⁵ *Id.*

There is a claim that forced mass relocations and resettlements for the displacement of minorities, punishment of criminals, or settlement of land might breach Article 2 of the Genocide convention.¹⁷⁶ Internal and exterior expulsions may also be covered under the Genocide Convention if they result in genocide or endanger the physical life of people. The Convention establishes a far too high bar to apply in all circumstances of displacement.¹⁷⁷

¹⁷⁶ United Nations Office on Genocide Prevention and the Responsibility to Protect, , <https://www.un.org/en/genocideprevention/genocide-convention.shtml> (last visited Feb 8, 2022).,Stavropoulou, *supra* note 68.

¹⁷⁷ Stavropoulou, *supra* note 68.

3.1.2 Humanitarian Law:

International humanitarian law is a branch of public international law that governs the conduct of warfare.¹⁷⁸ It intends to provide the bare minimum of protection during the most catastrophic period in humanity.¹⁷⁹ It protects persons who are not or are no longer in hostilities, the sick and wounded, and captured combatants, regulates methods of warfare, and protects the civilian population.¹⁸⁰ Displacement is a byproduct of war and one of our time's most pressing humanitarian issues.¹⁸¹ While both laws strive to limit the state's power, IHRL achieves this goal more comprehensively by encompassing all aspects of individual rights (except in times of emergency). In contrast, IHL only applies during armed conflicts and has the advantage of containing no derogation clauses.¹⁸²

As a result of armed conflict, there are two sorts of displacement. Pre-emptive or preventative displacement occurs when individuals flee in anticipation of imminent

¹⁷⁸ Veronica Patience Fynn, *Legal discrepancies: Internal displacement of women and children in Africa*, PROQUEST DISSERTATIONS AND THESES, 2010.

¹⁷⁹ Luke T. Lee, *Internally displaced persons and refugees: Toward a legal synthesis?*, J. REFUG. STUD. (1996).

¹⁸⁰ International humanitarian law and the protection of war victims - ICRC, , <https://www.icrc.org/en/doc/resources/documents/misc/57jm93.htm> (last visited Feb 12, 2022).

¹⁸¹ Displacement in times of armed conflict: How international humanitarian law protects in war and why it matters | International Committee of the Red Cross, , <https://www.icrc.org/en/document/ihl-displacement> (last visited Feb 15, 2022).

¹⁸² International humanitarian law and the protection of war victims - ICRC, *supra* note 180.

violence and see no way to protect themselves. The other is when people are displaced as a result of violence.¹⁸³

In the 1920s, international Red Cross conferences were the first to address extra guidelines for protecting civilians in times of conflict. IHL was mainly concerned with combatants before 1949. However, World War II (WWII) proved to be terrible for civilians. The four Geneva Conventions and Additional Protocols are the primary treaty law of IHL.¹⁸⁴ The fourth Geneva Convention mainly focuses on protecting civilians in times of war.¹⁸⁵ Today, the fourth Geneva Convention is more focused on civilian safety.¹⁸⁶

IHL is the particular law that applies to forced displacements in the context of armed conflict (*lex specialis*). As a result, IHL's applicability to displaced people is limited to situations involving armed conflict. It is vital to note that millions of IDPs

¹⁸³ Displacement in times of armed conflict: How international humanitarian law protects in war and why it matters | International Committee of the Red Cross, *supra* note 181.

¹⁸⁴ Treaties, States parties, and Commentaries - Geneva Convention (I) on Wounded and Sick in Armed Forces in the Field, 1949 - -, Treaties, States parties, and Commentaries - Geneva Convention (III) on Prisoners of War, 1949 - 3 - Conflicts not of an international character, *supra* note 54. Treaties, States parties, and Commentaries - Geneva Convention (III) on Prisoners of War, 1949, , Treaties, States parties, and Commentaries - Geneva Convention (IV) on Civilians, 1949, Treaties, States parties, and Commentaries - Additional Protocol (III) to the Geneva Conventions, 2005, *Id*.

¹⁸⁵ Treaties, States parties, and Commentaries - Geneva Convention (III) on Prisoners of War, 1949, *supra* note 184.

¹⁸⁶ Treaties, States parties, and Commentaries - Geneva Convention (IV) on Civilians, 1949, , <https://ihl-databases.icrc.org/ihl/INTRO/380> (last visited Feb 9, 2022).

would have been shielded from suffering and death if parties to an armed conflict had observed the standards of IHL.¹⁸⁷ There are two types of armed conflicts (as stated in Chapter 2.3 of this research when defining armed conflicts): international armed conflicts (IAC) and non-international armed conflicts (NIAC).¹⁸⁸ IHL straightforwardly governs IAC, but NIAC is subject to limitations.¹⁸⁹

The application of IHL to IDPs caused by NIAC and the extent of protection depends on the armed conflict's character and the hostilities' length.¹⁹⁰ An armed conflict is different from less severe kinds of violence, such as internal disturbances and tensions, riots, or acts of banditry; the situation must reach a high level of confrontation, as defined by common Article 3.¹⁹¹ First, hostilities must be reduced to a manageable level. This may be the case, for example, when hostilities are of a collective nature or when the government is forced to utilize military action against insurgents rather than relying solely on police forces.¹⁹² Second, non-governmental actors in the conflict must

¹⁸⁷ Louise Sarsfield Collins, *Sheltering the Displaced: The Protected Status of Internally Displaced Persons (IDPs) under International Humanitarian Law*, 4 ASIA-PACIFIC YEARB. INT. HUMANIT. LAW (2008), <https://0-heinonline.org.library.ggu.edu/HOL/Page?handle=hein.journals/apyhul4&id=189&div=8&collection=journals> (last visited Jan 25, 2021).

¹⁸⁸ INTERNATIONAL COMMITTEE OF THE RED CROSS, *ADVISORY SERVICE Internally Displaced Persons and International Humanitarian Law*, www.icrc.org (last visited Feb 8, 2021).

¹⁸⁹ *Id.*

¹⁹⁰ Treaties, States parties, and Commentaries - Geneva Convention (IV) on Civilians, Art 6, 1949, , <https://ihl-databases.icrc.org/ihl/INTRO/380> (last visited Feb 9, 2022).

¹⁹¹ Common Article 3 Of Geneva Conventions, 1949 In The Era Of International Criminal Tribunals - [2001] ISILYBIHRL 11, , <http://www.worldlii.org/int/journals/ISILYBIHRL/2001/11.html> (last visited Feb 10, 2022).

¹⁹² *Id.*

be regarded as "party to the conflict," which means they have established armed forces. For instance, these forces must be organized and capable of sustaining military operations.¹⁹³ Internal disturbances or tensions, common in nations with persistent and severe human rights violations and non-international armed conflict, do not meet the threshold of applicability of Article 3 of the GC or AP II, and thus international humanitarian law does not apply. Therefore, displacements induced by such disturbances are not protected by IHL.

The fact that the applicability of common Article 3 of the Geneva Conventions depends on the judgment of the state concerned, which may downplay conflicts for political reasons, and that Article 3 incorporates no method to objectively qualify conflicts further complicates the application of international humanitarian law to non-international armed conflicts.

There are rules in IHL that prevent or ban displacement during armed conflict, as well as rules that provide possible remedies to civilians living anywhere near wars.¹⁹⁴ The common Article 3 of GCI-IV and AP II guarantees a minimum level of humanity

¹⁹³ Treaties, States parties, and Commentaries - Additional Protocol (I) to the Geneva Conventions, 1977, , <https://ihl-databases.icrc.org/ihl/INTRO/470> (last visited Feb 10, 2022).

¹⁹⁴ Collins, *supra* note 187.

for persons impacted by the conflict's events. Part IV of AP II provides protective provisions for civilians in Articles 13-18.¹⁹⁵

Article 17 Sec. I of AP-II reads as follows:

Article 17 — Prohibition of forced movement of civilians

1. *The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety, and nutrition.*
2. *Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.*¹⁹⁶

Civilians should not be displaced for conflict-related causes unless required for the security and protection of civilian populations caught up in the conflict or for critical military reasons: in situations where such removal is unavoidable, safety requirements should be followed. Art 17 sub-article two further provides that civilians should not be compelled to leave their territory for mere reasons of the conflict. Therefore, under IHL, forced displacement can be legal if it makes a community safer or necessary for military

¹⁹⁵ OHCHR | Protocol II Additional to the Geneva Conventions of 12 August 1949, Art 13-18^{supra} note 129.

¹⁹⁶ *Id.* Art. 17

reasons.¹⁹⁷ Supposedly these displacements must be carried out; Parties to the conflict should take all reasonable precautions; Civilian population must be supplied with adequate safety, housing, cleanliness, health, and nutrition.¹⁹⁸

Furthermore, the transfer, directly or indirectly, by the occupying power of parts of its civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory, is a war crime, according to Article 8 (b) (viii) of the Rome Statute.¹⁹⁹ Forced displacement is also considered a crime against humanity under Art 7 2(d).

*"Deportation or forcible transfer of population" means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;*²⁰⁰

Better adherence to IHL reduces the widespread destruction and damage to civilian property caused by war. IHL also restricts the employment of certain weapons and compels warring parties to clear, remove, or destroy explosive remains of war in territories under their control as quickly as possible following the end of hostilities,

¹⁹⁷ Talking to armed groups | Forced Migration Review, , <https://www.fmreview.org/non-state/Bangerter> (last visited Feb 15, 2022).

¹⁹⁸ OHCHR | Protocol II Additional to the Geneva Conventions of 12 August 1949, Art 17 (1), <https://www.ohchr.org/en/professionalinterest/pages/protocolii.aspx> (last visited Feb 9, 2022).

¹⁹⁹ ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT, Art 7(2)(d) & Art 8(b) (b) (Vii) *supra* note 131.

²⁰⁰ *Id.* Art 8 (b) (viii)

making the environment safer for returnees. As a result, adherence to IHL helps make repatriation a viable option for displaced individuals. Furthermore, the protection that IHL provides to civilians may help ensure returnees' safety.²⁰¹

3.1.3 International Environmental Law:

International Environmental Law (IEL) is a subset of public international law that endeavors to manage pollution and the depletion of natural resources within a sustainable development framework.²⁰² IEL contains a number of standards aimed at preventing, minimizing, and resolving the various aspects of environmental degradation and their consequences, such as environmental disasters. Population, biodiversity, climate change, ozone depletion, toxic and hazardous compounds, air, land, sea, transboundary water pollution, marine resource conservation, desertification, and nuclear damage are all covered by IEL. In terms of environmental protection, IEL provides essential protection relevant to internal displacement through several basic principles, including sustainable development, prevention, precaution, and participation.²⁰³

²⁰¹ Displacement in times of armed conflict: How international humanitarian law protects in war and why it matters | International Committee of the Red Cross, *supra* note 181.

²⁰² David Hunter, James Salzman & Durwood Zaelke, *International environmental law and policy* 1518.

²⁰³ ADEOLA, *supra* note 74.

The importance of IEL in the protection of IDPs stems from three key concerns: environmental degradation, Climate change, and the repercussions of development projects, particularly in the extractive industry.²⁰⁴ Humanitarian and human rights laws, on the other hand, take an anthropocentric approach to environmental degradation, focusing on the negative impacts of environmental degradation on humans.

Migration to escape a disrupted environment is an essential component of the problem; the existing international legal framework ignores the link between environmental degradation and human movement.²⁰⁵ However, the extent to which international law and practice give physical protection to the ecologically displaced from major human rights violations is sadly limited.²⁰⁶

Conflict and war are no longer the predominant causes of displacement. In 2020, out of 30.7 million new displacements, 30 million were due to weather-related disasters.²⁰⁷ A vast number of individuals are fleeing areas that can no longer sustain life due to environmental degradation.²⁰⁸ Scientists have only recently brought attention to

²⁰⁴ *Id.*

²⁰⁵ THE PROTECTION OF ENVIRONMENTALLY-DISPLACED PERSONS IN INTERNATIONAL LAW on JSTOR, *supra* note 135.

²⁰⁶ *Id.*

²⁰⁷ Internal displacement 2020: Mid-year update, , IDMC , https://www.internal-displacement.org/sites/default/files/publications/documents/2020_Mid-year_update.pdf#page=41 (last visited Feb 11, 2021).

²⁰⁸ THE PROTECTION OF ENVIRONMENTALLY-DISPLACED PERSONS IN INTERNATIONAL LAW on JSTOR, *supra* note 135.

environmentally-induced migration, which has sparked heated debate among legal academics.

In theory, there is no difference between protecting those who are displaced due to environmental deterioration versus those fleeing conflict. However, the nature of displacement resulting from climate-related events does not always fit well within current legal and institutional frameworks, leaving the question of when and under what circumstances people who move due to climate changes are entitled to special rights and protection open.²⁰⁹

Until the 19th century, states did not recognize the transboundary consequences of air pollution: matters once considered of national concern have been proven to have international implications. The impacts are not only at the bilateral, subregional level but global. The first big conference of the UN was the 1992 UN Conference on Environment and Development (UNMCED). As a result of the conference Brundtland Report.²¹⁰ International environmental law tries to create sustainable development, which is defined as development that allows people to enjoy a high quality of life today

²⁰⁹ ARTICLE: PROTECTING PEOPLE DISPLACED BY WEATHER-RELATED DISASTERS AND CLIMATE CHANGE: EXPERIENCE FROM THE FIELD, 15 *Vt. J. Envtl. L.* 803, *supra* note 142.

²¹⁰ 1987: Brundtland Report, <https://www.are.admin.ch/are/en/home/media/publications/sustainable-development/brundtland-report.html> (last visited Feb 16, 2022).

without jeopardizing future generations' quality of life.²¹¹ International environmental law is crucial for dealing with specific environmental risks as well as incorporating long-term environmental protection into the global economy.

The climate faces environmental challenges that can only be addressed through international cooperation. Countries must gain some advantage in handling the problem collectively before they are willing to give up their autonomy. Countries typically turn to international cooperation when (1) environmental impacts are transboundary (such as pollution into the Great Lakes) or global (such as climate change); (2) some international activity contributes to environmental harm, such as the international trade in elephant ivory or whale slaughter; or (3) international coordination of financial or technical support can catalyze action (for example, for the global conservation of biological diversity). In these circumstances, international cooperation, whether in the form of a binding treaty or a nonbinding "soft law" agreement, is required to respond effectively to the environmental crisis. International environmental law is used to balance the planet's natural constraints with the world's ever-growing economy in order to avoid permanent environmental harm in the first place, in addition to the peaceful resolution of ecological problems.

²¹¹ Philippe Sands et al., *Principles of International Environmental Law*, PRINC. INT. ENVIRON. LAW (2018).

Since the mid-1980s, the subject of international environmental law has emerged as a discrete field of public international law. Governments now convene on a regular basis to discuss the planet's overall sustainability or to negotiate one of the hundreds of bilateral, regional, and global treaties targeted at addressing a specific environmental concern before it's too late.

Countries discussed the global environment at the United Nations Conference on the Human Environment in Stockholm in 1972. The Stockholm conference brought attention to the worldwide dimensions of rising environmental concerns and established the environment as a legitimate topic for international collaboration.²¹² The Stockholm Conference also resulted in the establishment of the United Nations Environment Program (UNEP), which serves as the UN's institutional home for environmental protection. The Stockholm declaration is crucial in codifying the principle of prevention which concentrates on the avoidance of injury and due diligence. Article 21 of the declaration provides that states are to ensure that “activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdictions²¹³

²¹² United Nations, *United Nations Conference on the Human Environment, Art 21, Stockholm 1972 / United Nations*, <https://www.un.org/en/conferences/environment/stockholm1972> (last visited Feb 8, 2022).

²¹³ *Id.*

Since the Stockholm Conference in 1972, the globe has met regularly in a series of major summits to move the world toward a more sustainable path. The 1992 United Nations Conference on Environment and Development (UNCED), often known as the Rio Earth Summit, was the most important. Principle 1 of the Rio declaration emphasizes that humans “are at the center of sustainable development” and “are entitled to a healthy and productive life in harmony with nature”²¹⁴ Principle 4 of the Rio Declaration further emphasizes that “to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation of it”²¹⁵ The concept of development cannot be reduced to a single set of economic imperatives. Rather, it necessitates a careful balance of economic imperatives, social safeguards, and environmental protective measures.²¹⁶

Environment and development summits in Johannesburg in 2002 and Rio in 2012 (the Rio+20 Summit) were also organized under the theme of sustainable development. More recently, the Sustainable Development Goals' approval reflects this broader progress (SDGs). These non-binding objectives serve as a strategic plan for bringing the global community together to achieve clear, quantifiable goals by 2030.

²¹⁴ United Nations, *United Nations Conference on Environment and Development, Rio de Janeiro, Brazil, 3-14 June 1992* / *United Nations*, <https://www.un.org/en/conferences/environment/rio1992> (last visited Feb 8, 2022).

²¹⁵ *Id.*

²¹⁶ ADEOLA, *supra* note 74.

In 2010, the United Nations Framework Convention on Climate Change (UNFCCC) meeting in Cancun for the first time referred to mobility as a form of climate change adaptation and recommended that more work be done in the areas of migration (assumed voluntarily), displacement (forced movement), and planned relocations (when a government resettles a community to protect them from the effects of climate change). The European Union, the United Kingdom's Foresight Study, the International Organization for Migration ("IOM"), and the Platform on Disaster Displacement have extensively researched the first two of these.²¹⁷

It is difficult to define and ban environmental damages that result in displacements. As a result, it is impossible to provide legal protection. The influence of environmental degradation, climate change, and the impact of developmental initiatives are the key issues when it comes to the protection of IDPs.²¹⁸

The UNFCCC, which is the primary legal framework for international climate action, is another relevant source for developing legal rules on climate change-induced displacement. However, the UNFCCC was late in examining how to cope with migration and displacement caused by climate change. Only concerted advocacy in the run-up to the sixteenth Conference of the Parties ("COP") in Cancun brought human

²¹⁷ Ferris, *supra* note 94.

²¹⁸ ADEOLA, *supra* note 74.p.22

mobility into the UNFCCC negotiations in a meaningful way. States established the Cancun Adaptation Framework in late 2010 as a result of these efforts, which recognized human mobility as a form of climate change adaptation. This decision prompted more academic research, boosted the work of the Nansen Initiative and others, and brought the issue of mobility to the forefront of the worldwide climate change regime. A Climate Change and Human Mobility Advisory Group were also established to provide technical assistance to the Parties. As a result, Cancun gave the subject a lot of momentum and legitimacy, and it may have opened up access to international climate funds for mobility-related adaptation measures.²¹⁹

The Warsaw International Mechanism for Climate Change Loss and Damage ("WIM") was established at the 19th meeting of the Conference of Parties and aims to improve the knowledge base on the relationship between climate change and migration, enhance state cooperation, and provide technical support on loss and damage approaches, among other things. The Cancun Advisory Group on Climate Change and Human Mobility continues to provide support to the WIM Executive Committee, and governments are increasingly acknowledging that human mobility is both an adaptation and a loss and damage concern.²²⁰ The Paris Agreement was signed in 2015,²²¹ and for the first time, nearly all countries agreed to partially binding Intended Nationally

²¹⁹ Ferris, *supra* note 94.

²²⁰ *Id.*

²²¹ The Paris Agreement | UNFCCC, , <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement> (last visited Feb 19, 2022).

Determined Contributions ("INDCs") to reduce climate change and its negative consequences.²²² The Paris Agreement is a watershed moment in the international climate change process because it is the first time that a legally binding agreement brings all nations together in a common cause to fight climate change and adapt to its repercussions.

There are three main areas where environmental law is related to IDPs.

Climate change is a reason for the displacement of a lot of people. It is a human rights challenge facing our generations. The year 2021 has seen the highest disaster displacements of all time.²²³ The majority of recent global displacements remain to be induced by disasters. In the first half of 2020, Cyclone Amphan was the single-largest cause of displacement, forcing 3.3 million people from their homes in Bangladesh and India. Numerous IDPs may be forced to remain in their temporary housing for a while if their homes are damaged or destroyed. Millions of people in low-lying areas are relocated as a result of the rising number of severe flood and storm victims. The food supply and safety of the Arctic residents are threatened by melting snow and ice. These

²²² Ferris, *supra* note 94.

²²³ IDMC | GRID 2020 | Global Report on Internal Displacement 2020, *supra* note 12.

and other consequences are destroying the cultures of indigenous and other groups around the world.²²⁴

Development-induced displacement is more challenging to define as a proximate cause of displacement because it results from a policy designed to enhance the national or local welfare, if not the people directly affected. Consequently, the people affected by such development projects enjoy minimal legal protection.

3.2. Displacement under Customary law:

Forced displacement causes massive misery and suffering and threatens international peace and security. Some types of displacements cause such a harsh and horrendous that it is considered a violation of customary international law and international “ common morality.”²²⁵

The second source of international law, after treaties, is "international custom, as evidence of a general practice acknowledged as law," according to the Statute of the International Court of Justice.²²⁶ The International Court of Justice has stated that customary international law consists of two elements: (1) the objective element of state

²²⁴ Human Rights and Climate Change, *supra* note 93.

²²⁵ Stavropoulou, *supra* note 68.

²²⁶ Statute of the Court | International Court of Justice, , <https://www.icj-cij.org/en/statute> (last visited Feb 13, 2022).

practice and (2) the subjective element of "accepted as law," i.e., that states engage in practice out of a sense of legal obligation, or what is known as *opinio juris*. Traditional custom requirements are based on states' objective common practice and their subjective belief that adherence to the practice is a legal obligation. Published material, such as reports of official acts, statements made by the state's representative at various fora, state legislation, and judicial decisions, is the primary source of evidence of a state's practice.

All the IHL regulations that deal with displacement are also customary laws. For instance, when it comes to the practice of handling displaced persons, there is a general practice that many states accept as law.²²⁷ The rules are incorporated in national law, military manuals of many countries, and even the major regional treaty in protecting IDPs, i.e., the Kampala Convention.

Scholars argue that the guiding principles are considered customary law. For such a claim, we need to investigate the two requirements of customary law. Many states have taken acts demonstrating that they believe the Guiding Principles to be international law, with varying degrees of detail. As of 2016, 30 countries had developed laws & policies aimed at translating some of the abstract provisions of the GP into directives at the national level.²²⁸ More than 60 countries have adopted policies for the protection of IDPs based on the GP.

²²⁷ Customary IHL - Practice Relating to Rule 131. Treatment of Displaced Persons, , https://ihl-databases.icrc.org/customary-ihl/eng/docindex/v2_rul_rule131 (last visited Feb 22, 2022).

²²⁸ Global Database on IDP Laws and Policies | Global Protection Cluster, *supra* note 90.

According to legal scholars, the acts of international organizations such as the United Nations should be acknowledged as a source of international law. The argument underlying this assumption is that most international organizations' organs are made up of representatives from member states, and hence the acts of those organs are simply the acts of the member states represented in those organs. The condition for recognizing UN acts as sources of international customary law, such as General Assembly resolutions, is that the resolution declares that the rule or concept under examination "is the law." "Its value as evidence of customary international law is proportionally lessened" if a large number of governments vote against the resolution. Internal displacement decisions in the Commission on Human Rights and the General Assembly have "incrementally strengthened" over time. The Commission "takes notice" of the Guiding Principles in a 1998 resolution, while the Commission "takes note with appreciation" of the Report of the Secretary-Representative Generals on Internally Displaced Persons in a 2000 resolution. The General Assembly passed Resolution 54/167 in 2000, stating that it "takes note with appreciation" of the Secretary-General's report on internally displaced persons. The General Assembly passed Resolution 56/164 in December 2001, stating that it "welcomes the report of the Secretary-Representative General's on Internally Displaced Persons."²²⁹

²²⁹ Refworld | Resolution Adopted by the General Assembly [on the report of the Third Committee (A/54/605/Add.2)] 54/167. Protection of and assistance to internally displaced persons, , <https://www.refworld.org/docid/3b00f3577.html> (last visited Feb 23, 2022).

3.3 THE GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

To amend the gap in international humanitarian laws regarding IDPs, in March 1992, the UNHCR requested that the Secretary-General appoint a special representative on IDPs to research human rights issues relating to IDPs, “including an examination of existing international human rights, humanitarian and refugee laws and standards and their applicability to the protection of and relief assistance to internally displaced persons.”²³⁰ Thus Francis M. Deng of the Brookings-Bern Project on Internal Displacement was appointed as the first Special Representative of the UN Secretary-General on IDPs. In 1994, working with Roberta Cohen, he drafted the legislative framework, The Guiding Principles on Internal Displacement, “a broadly recognized framework of normative standards and institutional arrangements that are intended to alleviate the international legal vacuum existing in occurrences of internal displacement.”²³¹

The Guiding Principles on Internal Displacement (UN, 1998) sets out the rights of IDPs and the obligations of governments towards them per international law. The document emphasizes national authorities' primary responsibility to protect and assist

²³⁰ E/CN.4/RES/1992/73, *supra* note 80.

²³¹ *supra* note 84.

all IDPs, regardless of the cause of their displacement.²³² The GP, on its introductory note by the representative of the Secretary-General and on Art 3 of its introduction, scope, and purpose, notes that the principles reflect and are consistent with international human rights, humanitarian, and analogous refugee law.²³³ The GP guides in recognizing the already existing international laws. That means the GP is not a treaty but a non-binding soft law. It also did not create new legal norms but merely referred to existing laws in the context of IDPs.²³⁴

Now let us dive deep into the rights of IDPs under the GP. With a set of 30 provisions, the principles address the specific needs of internally displaced persons and identify their rights during all phases of displacement, according to the Introductory Note to the Principles: (1) protection against arbitrary displacement, i.e., prevention before displacement, (2) protection during displacement, (3) protection during return or resettlement, (4) humanitarian assistance, and (5) durable solutions.²³⁵

The Principles' Section I (Principles 1-4) establishes "General Principles," which state that internally displaced persons are entitled to the same freedoms as other citizens of their country and are not to be discriminated against. By stating that "the principles shall be observed by all authorities, groups, and persons irrespective of their legal

²³² UNHCR - Guiding Principles on Internal Displacement, *supra* note 82.

²³³ *Id.*

²³⁴ "The IDP in International Law"? Developments, Debates, Prospects, *supra* note 152.

²³⁵ UNHCR - Guiding Principles on Internal Displacement, *supra* note 82.

status," Section I makes it clear that the Principles apply to both state and non-state entities.²³⁶

Protection against displacement is addressed in Section II (Principles 5-9). "Every human being shall have the right to be protected from being arbitrarily displaced," says Principle 6. Principle 7 outlines the responsibilities of "authorities" when conducting a valid displacement, including, among other things, ensuring that "suitable accommodation is supplied to the displaced persons to the maximum extent practicable."²³⁷

Section III addresses protection during displacement (Principles 10-23). The principles in this section aim to "establish the applicable human rights" before elaborating on "what these rights signify in a displacement situation." According to the Annotations to the Principles, Principle 17 states that "every human being has the right to respect of his or her family life," which "reflects the principle common to international human rights and humanitarian law that the family as the fundamental unit of society is entitled to protection." "To give effect to this right for internally displaced persons, family members who desire to remain together shall be allowed to do so," says Principle 17.

²³⁶ *Id.* Section I

²³⁷ *Id.*

The provision of humanitarian assistance to internally displaced persons is addressed in Section IV (Principles 24-27). All humanitarian assistance must be supplied "impartially and without discrimination," according to Principle 24. Principle 25 outlines a state's responsibilities in terms of humanitarian assistance. It further states that humanitarian groups have the "right to provide their services" to the internally displaced and that such offers are not considered an "unfriendly act or an interference in a State's internal affairs." Furthermore, Principle 25 states that a state's agreement cannot be denied arbitrarily, "especially where the authorities concerned are unable or unwilling to give the essential assistance."

Finally, in the post-conflict or post-displacement phase, Section V (Principles 28-30) covers the concerns of return, resettlement, and reintegration. Principle 28 states that authorities' primary responsibility is to create conditions and offer methods for internally displaced people to "return freely, in safety and dignity, to their homes or places of habitual residence, or to resettle in another part of the country."

To date, there is no internationally binding treaty to regulate IDPs. However, there are significant signs of progress at the regional level. According to the Global database on "IDP laws and policies," there are 30 laws adopted by different countries according to the GP.²³⁸ According to the database, "Laws are often developed through regulations, adopted by Ministries or agencies responsible for determining an issue

²³⁸ Global Database on IDP Laws and Policies | Global Protection Cluster, *supra* note 90.

unspecified in the law. These regulations may be necessary to quickly address specific and urgent aspects of the displacement crisis. Nonetheless, laws are necessary as they have the power to amend previous legislative provisions and to bind governmental actions formally.”²³⁹

Other international instruments for the protection of IDPs are:

- The Sendai Framework for Disaster Risk Reduction 2015-2030, (2015)²⁴⁰
- The Nansen Principles, The Nansen Conference, Climate Change and Displacement in the 21st Century.²⁴¹
- The International Federation of Red Cross and Red Crescent Societies (IFRC) the Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance(2007).²⁴²

²³⁹ *Id.*

²⁴⁰ Sendai Declaration | PreventionWeb, , <https://www.preventionweb.net/publication/sendai-declaration> (last visited Feb 5, 2022).

²⁴¹ UNHCR - Nansen Conference on Climate Change and Displacement in the 21st century (Oslo, 6-7 June 2011): Conference Report, , <https://www.unhcr.org/protection/environment/4ea969729/nansen-conference-climate-change-displacement-21st-century-oslo-6-7-june.html> (last visited Feb 5, 2022).

²⁴² Introduction to the Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance - International Federation of Red Cross and Red Crescent Societies, , <https://oldmedia.ifrc.org/ifrc/document/introduction-guidelines-domestic-facilitation-regulation-international-disaster-relief-initial-recovery-assistance/> (last visited Feb 23, 2022).

- IASC Framework on Durable Solutions for Internally Displaced Persons (2010);²⁴³
- The Pinheiro Principles: United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons (2005);²⁴⁴

There are also regional binding laws adopted for the protection of IDPs. They are:

- The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (adoption in 2009 and entry into force in 2012)²⁴⁵ The Kampala Convention is the first-ever continent-wide binding instrument that directly incorporates the GP and articulates a holistic response to internal displacement and includes other actors like groups and entities that are not States.²⁴⁶ 30

²⁴³ IASC Framework on Durable Solutions for Internally Displaced Persons | IASC, , <https://interagencystandingcommittee.org/other/iasc-framework-durable-solutions-internally-displaced-persons> (last visited Feb 2, 2022).

²⁴⁴ UNHCR - Principles on Housing and Property Restitution for Refugees and Displaced Persons (the Pinheiro Principles), UN Sub-Commission on the Promotion and Protection of Human Rights, June 2005, , <https://www.unhcr.org/protection/idps/50f94d849/principles-housing-property-restitution-refugees-displaced-persons-pinheiro.html> (last visited Feb 5, 2022).

²⁴⁵ AFRICAN UNION: Kampala Convention, , 46 AFRICA RESEARCH BULLETIN: ECONOMIC, FINANCIAL AND TECHNICAL SERIES 18437A-18437B (2009).

²⁴⁶ Kampala Convention (n 10) art 7.

countries have ratified the convention.²⁴⁷ Africa has pioneered a binding regional treaty in 2009. According to the GP, the Kampala Convention binds all members to provide legal protections for the rights and well-being of IDPs.²⁴⁸

- The Pact on Security, Stability, and Development in the Great Lakes Region – Protocol on the Protection and Assistance to Internally Displaced Persons (2006), 12 states have adopted the pact ²⁴⁹

The Organizations of the American States & the Council of Europeans have recommended that their member states adopt the GP into their national legislation.

²⁴⁷ Ratification of the Kampala Convention – GENIDA, , <https://genida.org/kampala-convention/> (last visited Feb 3, 2022).

²⁴⁸ UNHCR - African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), , <https://www.unhcr.org/about-us/background/4ae9bede9/african-union-convention-protection-assistance-internally-displaced-persons.html> (last visited Feb 3, 2022).

²⁴⁹ Asplet and Bradley, *supra* note 87.

CHAPTER 4: INTERNATIONAL INSTITUTIONS FOR THE PROTECTION OF IDPS AND IMPLEMENTATIONAL CHALLENGES

Introduction

States were the sole power holders in international law, international relations, and political philosophy. On the other hand, modern scholarship has cast doubt on the premise that nations have complete control over their territories. Non-state actors (NSAs), such as international organizations, non-governmental organizations (NGOs), and quasi-states, increasingly have domestic and international law roles. Furthermore, there has been a growing acceptance that protection is not entirely the obligation of the State since the introduction of the 'Responsibility to Protect' paradigm.²⁵⁰ Nonetheless, based on the principle of sovereignty, states where IDPs live, have the primary obligation to ensure their assistance and protection. IDPs have the right to request and receive this protection from these authorities.²⁵¹ International organizations only render additional help to reinforce rather than replace national responsibility.²⁵²

However, leaving the primary responsibility of IDPs' protection to state authorities is fraught with some loopholes. First, it is antithetical that the government

²⁵⁰ *ibid*

²⁵¹ UNHCR - Guiding Principles on Internal Displacement, *supra* note 82. Principle 3.

²⁵² United Nations Human Rights Office of the High Commissioner. *Whose responsibility is it to protect and assist internally displaced persons?*
<https://www.ohchr.org/en/issues/idpersons/pages/issues.aspx>

from which IDPs flee or affiliated with forces responsible for the attacks that lead to internal displacement is expected to protect IDPs.²⁵³ More so, despite the enumeration of the duties of national governments towards IDPs, some seem unwilling or unable to carry out these duties.²⁵⁴ At the same time, others are in denial or partial denial of the reality of internal displacement.²⁵⁵ Thus, although internal displacement is supposed to be a mass movement, there is no mechanism to get protection because they have not crossed a border.²⁵⁶ The laxity of national governments towards carrying out their responsibilities has revealed the need for the international community to step in with extra help and hold these authorities accountable.²⁵⁷ In place of the preceding, the objective of this chapter is to examine the international institutions responsible for the protection of IDPs and the implementational challenges they encounter.

²⁵³ Astrid Sehl, *IDP's Face Multiple Protection Challenges*, 10 September 2009, Relief web <https://reliefweb.int/report/world/idps-face-multiple-protection-challenges>

²⁵⁴ Erin Mooney, *Realising National Responsibility for Internally Displaced Persons*, Brookings (9 December 2004) www.google.com/amp/s/www.brookings.edu/on-the-record/realizing-national-responsibility-for-internally-displaced-persons/amp/

²⁵⁵ Astrid Sehl, *IDP's Face Multiple Protection Challenges*, 10 September 2009, Relief web <https://reliefweb.int/report/world/idps-face-multiple-protection-challenges>

²⁵⁶ Roberta Cohen, *New Challenges For Refugee Policy: Internally Displaced Persons*, 1 April 1999, Brookings, <https://www.brookings.edu/on-the-record/new-challenges-for-refugee-policy-internally-displaced-persons/amp/>

²⁵⁷ Astrid Sehl, *IDP's Face Multiple Protection Challenges*, 10 September 2009, Relief web <https://reliefweb.int/report/world/idps-face-multiple-protection-challenges>.

4.1 The Involvement of International Institutions in IDPs protection

The authority to regulate IDPs and grant their rights is left to the countries they reside in based on the non-intervention principle and respect for national sovereignty. Therefore, IDPs are not a priority in international organizations. While sovereignty is the source of responsibility for nations, it is also the ground for the international community not taking significant measures to solve the issue internationally.²⁵⁸

IDPs have no international legal status, and their protection is not the responsibility of a specific international organization like refugee protection.²⁵⁹ No formally recognized UN agency is responsible for giving relief to IDPs, and the first responsible body is the national government. This is the strong departure point of the regulation of IDPs by international organizations compared to that of refugees. One of the distinctions between the refugee and IDP crises is the open flow of global engagement. The international community is compelled to respond because the refugee problem is transboundary.²⁶⁰ According to Art 1(A) 2 of the 1951 refugee convention being "outside the country of nationality" is a clear criterion to be considered a

²⁵⁸ Leslie Claire Bailey, Note Out of Africa, Towards Regional Solutions for Internal Displacement, *Brooklyn J. Int'L*, 39, at 362 (2014).

²⁵⁹ ADEOLA, *supra* note 74

²⁶⁰ Leslie Claire Bailey, Note Out of Africa, Towards Regional Solutions for Internal Displacement, *Brooklyn J. Int'L*, 39, at 361 (2014).

refugee.²⁶¹ While refugees are people who have fled their country of origin due to fear of persecution or other violations of human rights, those who fled their homes for the same reasons but stayed within their own country are considered IDPs.²⁶² It is important to emphasize that the only factor differentiating between IDPs and refugees is crossing the national border in most cases.²⁶³ There is no one body at the UN who is primarily working on the IDPs. Through the UN Charter's protection of human rights, the General Assembly, Economic and Social Council, Human Rights Commission, and Subcommission for the Prevention of Discrimination and the Protection of Minorities have all taken action in the field of internal refugee issues. However, out of respect for nation-state sovereignty, this protection only covers grave and persistent violations of human rights; given the UN's budgetary and organizational circumstances, it is limited to providing only that. It would appear that only other organizations, like the ICRC and UNHCR, could offer material aid. Additionally, States frequently respond extremely badly to offers of aid because they believe their sovereignty is being diminished more than by international human rights protection, which is still external.

As clearly shown in previous chapters, IDPs are subjected to more human rights violations and receive less protection than individuals who have successfully crossed

²⁶¹ Convention and protocol relating to the status of refugees, Art 1(A) sub-article 2, 1951, entered into force 22 April 1954.

²⁶² Luke T. Lee, *Legal Status of Internally Displaced Persons*, at 631, *American Society of International Law*, (1992), Addis Ababa Birganie, *An African Initiative for the Protection of the Rights of Internally Displaced People*, HRL review, at 185, (2010).

²⁶³ Leslie Claire Bailey, *Note Out of Africa, Towards Regional Solutions for Internal Displacement*, *Brooklyn J. Int'l L.*, 39, at 368 (2014).

national borders.²⁶⁴ Long-term internal displacement has become the norm in far too many nations and continents, particularly in regions with low development indices and high levels of violence. In many places, unresolved inter-ethnic, religious, or political conflicts feed and prolong them. In addition, internal displacement served as a breeding ground for human rights abuses like murder, torture, rape, kidnapping for military service, forced evictions, and property destruction. Countries dealing with internal displacement do not always completely assume the responsibility of confronting such abuses and defending inhabitants. They usually have weak political institutions and little access to State resources. They cover issues that are crucial to resolving human displacements, such as transitional justice, security sector reform, and livelihood restoration. Their government commonly displaces them due to local authorities' human rights breaches or the government's refusal to offer the necessary protection.²⁶⁵

The predicament of IDPs was undetected or unaddressed for a long time until the conclusion of the Cold War, when it was brought to light.²⁶⁶ It is apparent that there is now a noticeably better understanding of the scale and severity of this issue after a lengthy time in which the difficulties of the IDPs were given little to no attention. Internal displacement began to get attention and was regarded as a humanitarian crisis

²⁶⁴ Luke T. Lee, *Legal Status of Internally Displaced Persons*, at.631, American Society of International Law, (1992), Addis Barega Birganie, *An African Initiative for the Protection of the Rights of Internally Displaced People*, HRL review, at.631, (2010).

²⁶⁵ Leslie Claire Bailey, *Note Out of Africa, Towards Regional Solutions for Internal Displacement*, Brooklyn J. Int'L, 39. at 358 (2014).

²⁶⁶ Roberta Cohen, *New Challenges For Refugee Policy: Internally Displaced Persons*, 1 April 1999, Brookings, <https://www.brookings.edu/on-the-record/new-challenges-for-refugee-policy-internally-displaced-persons/amp/>

requiring international assistance. Human rights organizations that had previously remained uninvolved in internal displacement began to push for the international community to intervene when governments restrict access to vulnerable populations.²⁶⁷

Notably, in 1989 and 1990, the UN employed diplomatic bargaining to convince the Sudan government to accept Operation Lifeline in Sudan. Interestingly, the UN Security Council authorized the use of force to facilitate the delivery of relief to IDPs in Somalia and Rwanda.²⁶⁸

Internal displacement crises are prevalent in complex disasters, frequently resulting in a partial or complete loss of state power. With the growing relevance of internal displacement and state authorities' negligence or failure to ensure the protection of IDPs in such situations, it is obvious that a broad response involving national and international actors is essential to address such crises.²⁶⁹ This collaborative effort required the existence of some coordination mechanisms.

There are relevant institutions whose missions let them include the assistance of IDPs. The Geneva Convention's Article 3 Section 2 guarantees the ICRC the right to

²⁶⁷ Roberta Cohen, *New Challenges For Refugee Policy: Internally Displaced Persons*, 1 April 1999, Brookings, <https://www.brookings.edu/on-the-record/new-challenges-for-refugee-policy-internally-displaced-persons/amp/>

²⁶⁸ Roberta Cohen, *New Challenges For Refugee Policy: Internally Displaced Persons*, 1 April 1999, Brookings, <https://www.brookings.edu/on-the-record/new-challenges-for-refugee-policy-internally-displaced-persons/amp/>

²⁶⁹ UNHCR (Global Protection Cluster Group), *Handbook on the Protection of Internally Displaced Persons*, <https://www.unhcr.org/4c2355229>, p.43

take the initiative in non-international armed situations. With its origins in Red Cross tradition, Red Cross international conference decisions, the Red Cross movement, and ICRC statutes, the ICRC has an authority of action for internal disturbances and tensions that are recognized in international customary law. This served as the foundation for the aforementioned declaration of the refugee policy, in which the ICRC also cited GC IV and AP I. The ICRC must still obtain the consent of the affected nations before taking any action, which emphasizes the subsidiarity of its assistance and the fundamental value of cooperation with the UNHCR and other organizations that provide relief to refugees.

IDPs are on the run in their own country due to non-cross-border displacement, and they often travel to locations where it is impossible to provide relief and support by a single organization. As a result, a cluster approach was used to coordinate the assistance provided to IDPs. In this context, a cluster refers to organizations collaborating to help IDPs in the shelter, health care, camp management, and protection issues.²⁷⁰ This approach provides the coordination framework for non-refugee emergencies, unlike refugee situations which are coordinated by the Refugee Coordination Model (RCM).²⁷¹

²⁷⁰ UNHCR Africa. *Internally Displaced People*. <https://www.unhcr.org/internally-displaced-people.html>

²⁷¹ Cluster Approach (IASC) - UNHCR|Emergency Handbook, <https://emergency.unhcr.org/entry/61190/cluster-approach-iasc> (last visited Jun 13, 2022).

4.2 An Overview of the Cluster Approach

In 2005, the humanitarian reform agenda proposed the cluster model as a critical operational and policy aspect for promoting responsibility, cooperation, and predictability in non-refugee emergency response coordination.²⁷² The cluster system arose to address gaps in international humanitarian response accountability. It distributes responsibility for service delivery of health and housing services across several cluster lead agencies, so no single agency is responsible for the complete response. The Humanitarian Coordinator has overall responsibility for coordination and delivery in each country.²⁷³

The cluster system was established to ensure accountability in international relief. Its structure ensures that numerous agencies with different responsibilities work together. The duty for service delivery in health, water, and shelter are dispersed rather than concentrated on one entity.²⁷⁴

²⁷² Cluster Approach (IASC) - UNHCR|Emergency Handbook, *supra* note 271.

²⁷³ *Id.*

²⁷⁴ *Id.*

Clusters are UN and non-UN humanitarian organizations working in major humanitarian fields (water, health, shelter, logistics, etc.). They are selected by the IASC and have specific coordination responsibilities.²⁷⁵

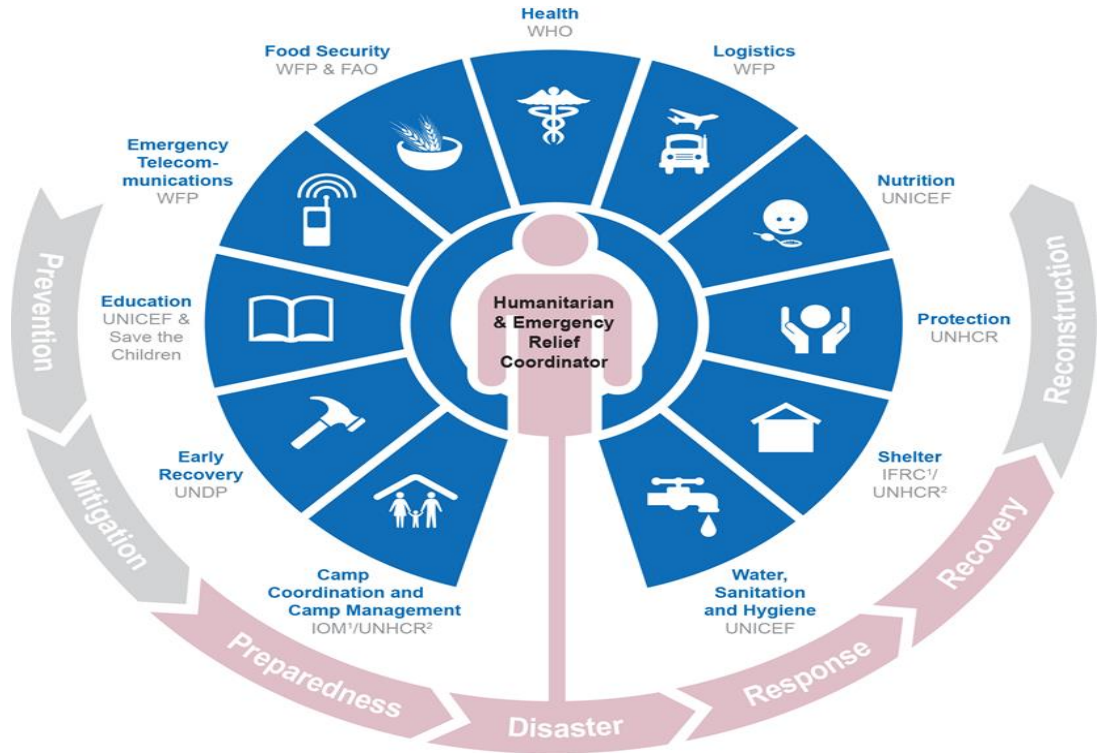
Some of the international organizations in the cluster system will be addressed below, along with their backgrounds and the assistance they provide.

1. The Emergency Relief Coordinator (ERC) coordinates inter-agency humanitarian action in complex and natural emergencies.²⁷⁶ It encompasses mobilizing political and financial support, advocating for protection and assistance, briefing the Security Council, and dialoguing with governments, humanitarian agencies, and other relevant actors.
2. The Inter-agency Standing Committee (IASC): is the longest-standing and highest-level humanitarian forum.²⁷⁷ This committee is chaired by the ERC and is responsible for coordination and decision-making on humanitarian action issues. It is also responsible for developing humanitarian policies and tools, dividing responsibilities for various humanitarian actions, and bridging any gap in humanitarian response.

²⁷⁵ *Id.*

²⁷⁶ UNHCR (Global Protection Cluster Group), *Handbook on the Protection of Internally Displaced Persons*, <https://www.unhcr.org/4c2355229>, p. 43

²⁷⁷



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²⁷⁸ Cluster Approach (IASC) - UNHCR|Emergency Handbook, *supra* note 271.

4.2.1 The United Nations High Commissioner for Refugees (UNHCR)

Historical Background

After WWII, the United Nations High Commissioner for Refugees (UNHCR) was founded in 1949 through a resolution and formalized through a statute in 1950 with a three-year work plan to aid European refugees.²⁷⁹ In 2003 the UN General Assembly decided to remove the temporal limitation on the continuance.²⁸⁰ More than 70 years have passed, and the organization is still dealing with a variety of situations, with a concentration on refugee protection and support.²⁸¹ While the organization has a mandate for refugees, its agenda includes protecting and assisting anyone affected by forced displacement, including IDPs.²⁸²

The UNHCR's increasing participation with internally displaced people has corresponded with the international community's increased concern for the situation of the internally displaced.²⁸³ One of the rationales for this is recognizing that the causes, plight, and needs of internally displaced persons in many situations are closely related to that of refugees; thus, it is impossible to resolve refugee problems without

²⁷⁹ UN Economic and Social Council Resolution 319 (XI) : Refugees and Stateless persons UN Doc E/RES 319 (16 August 1950)

²⁸⁰ ADEOLA, *supra* note 74.

²⁸¹ UNHCR - History of UNHCR, *supra* note 71.

²⁸² UNHCR Africa. *Internally Displaced People*. <https://www.unhcr.org/internally-displaced-people.html>

²⁸³ Refworld | Information Note: UNHCR's Role with Internally Displaced Persons, <https://www.refworld.org/docid/3ae6b31b87.html> (last visited Jun 13, 2022).

simultaneously addressing those IDPs.²⁸⁴ However, it must ensure that its involvement with IDP protection does not affect the safety of refugees, the organization's primary focus.²⁸⁵

The UN High Commissioner for Refugees (UNHCR) was given a vital role in the 'cluster model' for monitoring IDP protection, emergency shelter, and camp management in 2005. The UNHCR, in particular, is in charge of the Global Protection Cluster. It also co-leads the Global Shelter Cluster with the International Federation of Red Cross and Red Crescent Societies (IFRC) and the Global Camp Coordination Camp Management Cluster (CCCM) with the International Organization for Migration (IOM). IDMC and the Joint IDP Profiling Service (JIPS) provide expertise and internal displacement data. The Special Rapporteur on the Human Rights of IDPs works to promote IDPs' human rights in the UN system and provide advocacy with governments. OCHA works in close partnership with Security Council bodies, UNHCR, UNDP, and the Special Rapporteur on the Human Rights of IDPs with the UN Secretariat Organizations to promote the protection and assistance of IDPs.²⁸⁶ The collaboration and operation of these institutions are guided by the same policies set out in UNHCR's Strategic Directions 2017-2021.²⁸⁷

²⁸⁴ *Id.*

²⁸⁵ UNHCR, *supra* note 22.

²⁸⁶ United Nations Office for the Coordination of Humanitarian Affairs. *Internal Displacement*. <https://www.unocha.org/fr/themes/internal-displacement>

²⁸⁷ UNHCR Africa. *Internally Displaced People*. <https://www.unhcr.org/internally-displaced-people.html>

4.2.2. The role of the UNCHR in the protection of IDPs

In line with its long-standing promise to work with other institutions toward the protection and security of solutions for IDPs, the UNHCR's 2019 policy on its engagement in instances of internal displacement demands global, regional, and national operations to pool resources.²⁸⁸ The policy guarantees greater consistency, coherence, and predictability in internal displacement solution prevention, response, and cross-border flow. This goal is to ensure that all IDPs are safe, that they may live in peace, that they can learn and work, and contribute to their society's progress.²⁸⁹ The lead roles of the UNHRC in the cluster system are;

1. **Camp coordination and management:** The UNHCR heads this cluster in conflict situations involving IDPs, while the IOM takes the lead when the crises stem from natural disasters. The function of the camp coordination and management cluster is not to advocate for or create camps, as might be implied.

²⁸⁸ UNHCR, *Policy on UNHCR'S Engagement in Situations of Internal Displacement* (UNHCR/HCP/2019/1), 18 September 2019, <https://www.unhcr.org/protection/idps/50f951df9/unhcr-internally-displaced-persons-unhcrs-role-support-enhanced-humanitarian.html>, p. 4

²⁸⁹ UNHCR, *Policy on UNHCR'S Engagement in Situations of Internal Displacement* (UNHCR/HCP/2019/1), 18 September 2019, <https://www.unhcr.org/protection/idps/50f951df9/unhcr-internally-displaced-persons-unhcrs-role-support-enhanced-humanitarian.html>, p. 7

Instead, its role is to establish and maintain an appropriate and dignified standard of living conditions for IDPs.²⁹⁰

2. **Protection of IDPs:** in line with its role as the lead agency for the global protection cluster, the UNHCR has the primary duty of protecting IDPs and other affected populations in complex situations like conflicts.²⁹¹ It also takes the lead in circumstances where a disaster has caused displacement subject to national and inter-agency approval. Otherwise, the protection-mandated agencies decide which is best to assume the lead role for protection—for instance, UNICEF for child protection, UNFPA for sexual and gender-based violence, etc.²⁹² An example of its protection activities for IDPs is the case of Sri Lanka. Although it commenced with assisting refugees returning from India, the organization responded to the government's call to address IDPs' needs when the fighting displaced returnees and other community locals. It then established the Open Relief Centres (ORCs), where the displaced population could seek shelter from the war.²⁹³
3. **Shelter provision:** The UNHCR also leads the shelter cluster in situations involving conflict, while the IFR takes the lead where it involves natural

²⁹⁰ UNHCR Emergency Handbook. *Cluster Approach* (IASC). <https://emergency.unhcr.org/entry/61190/cluster-approach-iasc>

²⁹¹ UNHCR (Global Protection Cluster Group), *Handbook on the Protection of Internally Displaced Persons*, <https://www.unhcr.org/4c2355229>, p. 49

²⁹² UNHCR Emergency Handbook. *Cluster Approach* (IASC). <https://emergency.unhcr.org/entry/61190/cluster-approach-iasc>

²⁹³ UNHCR, *UNHCR'S Role with Internally Displaced Persons*, 20 November 1998, <https://www.refworld.org/docid/3ae6b31b87.html>

disasters. The UNHCR can still take the lead in the latter case where the IFRC is not present or able to do so.²⁹⁴

The organization also conducts operational interventions such as IDP support as part of the reintegration effort for returnees into their home country. It is acknowledged as one of the most common techniques of IDP involvement.²⁹⁵ In 1992, it assisted both refugees and IDPs in Mozambique through community-based projects in its area of operations.²⁹⁶ It is now in charge of restoring and reintegrating refugees and internally displaced persons into their homes. Innovative efforts, like the 'Open Cities' project, have played a part in facilitating the voluntary return of these populations.

The UNHCR has been at the forefront of UN efforts to assist IDPs. Despite the UNHCR's mission expressly authorizing it to give international aid to refugees outside of their home countries, the UNHCR has used its flexible, extra-statutory "good offices" powers to bring IDPs into its zone of concern. The UNHCR sees IDP protection as a natural extension of its work in refugee return. Any attempt to provide protection and

²⁹⁴ UNHCR Emergency Handbook. *Cluster Approach (IASC)*. <https://emergency.unhcr.org/entry/61190/cluster-approach-iasc>

²⁹⁵ UNHCR, *UNHCR'S Role with Internally Displaced Persons*, 20 November, 1998, <https://www.refworld.org/docid/3ae6b31b87.html>

²⁹⁶ UNHCR, *UNHCR'S Role with Internally Displaced Persons*, 20 November, 1998, <https://www.refworld.org/docid/3ae6b31b87.html>

support to one group but not the other would be formalistic and inhumane, given that the two groups frequently confront the same issues and are found in the same places.²⁹⁷

4.2.3 United Nations Office for the Coordination of Humanitarian Affairs (OCHA):

Historical background:

The UN Secretariat's Office for the Coordination of Humanitarian Affairs (OCHA) is tasked with bringing together humanitarian actors for a coordinated response to catastrophes.²⁹⁸ It coordinates effective and principled humanitarian action in partnership with national and international actors to save lives in humanitarian crises.²⁹⁹ OCHA works closely with global cluster lead agencies and NGOs to formulate policies, manage inter-cluster issues, distribute operational guidelines, and organize field support.³⁰⁰ The OCHA was established in 1998 by the Secretary-General of the United Nations from the erstwhile Department of Humanitarian Affairs.³⁰¹ It was created on the General Assembly's resolution 46/182, which was passed in 1991. This resolution aimed to improve the UN's response to complex emergencies and natural catastrophes. The ERC, the Under-Secretary-General for Humanitarian Affairs, was established, as

²⁹⁷ *Id.*

²⁹⁸ OCHA, *History of OCHA*, <https://www.unocha.org/about-ocha/history-ocha>

²⁹⁹ OCHA, *Our work*, <https://www.unocha.org/>

³⁰⁰ Cluster Approach (IASC) - UNHCR|Emergency Handbook, *supra* note 271.

³⁰¹ OCHA, *History of OCHA*, <https://www.unocha.org/about-ocha/history-ocha>

was the Department of Humanitarian Affairs. It also established the Interagency Advisory Committee, the Consolidated Appeals Process, and the Central Emergency Revolving Fund, which served as crucial coordinating platforms and tools for the ERC.³⁰²

Besides its primary function of coordinating the response to emergencies, the OCHA is also responsible for;

- Coordination of global humanitarian funding,
- Management of global and national humanitarian response funds,
- Creation of evidence-based and forward-looking humanitarian policy agenda,
- Advocacy on behalf of people affected by conflict and disaster and
- Management of humanitarian data and information.³⁰³

³⁰² OCHA, *History of OCHA*, <https://www.unocha.org/about-ocha/history-ocha>

³⁰³ OCHA, *Our work*, <https://www.unocha.org/>

OCHA's Role in the Protection and Assistance of IDPs

The OCHA's role in providing safety and support to IDPs is complementary to the ERC's. In 1996, the United Nations General Assembly passed Resolution 51/950, tasking the ERC with inter-agency coordination of IDP protection and support.³⁰⁴ Since no one agency has been granted institutional responsibility for IDPs, this obligation, as well as its responsibility as Chair of the IASC to support internal displacement response, is critical.³⁰⁵

The OCHA assists the ERC in carrying out these responsibilities in the following ways;

1. **Advocacy on IDPs problems:** The OCHA is in charge of lobbying for, monitoring, and reporting on IDP concerns in order to help all stakeholders respond effectively to internal displacement.³⁰⁶ At the headquarters level, the OCHA promotes IDP issues to member states, the media, and donors in order for them to be included in the ERC's briefing to the Security Council for action. It also collaborates with the IASC to address policy and institutional gaps in the IDPs' situation.³⁰⁷ It advocates for governments, the media, and humanitarian

³⁰⁴ OCHA, *OCHA on Message: Internal Displacement*, April 2010, https://www.unocha.org/sites/dms/Documents/OOM_InternalDisplacement_English.pdf, p.2

³⁰⁵ OCHA, *OCHA on Message: Internal Displacement*, April 2010, https://www.unocha.org/sites/dms/Documents/OOM_InternalDisplacement_English.pdf, p.2

³⁰⁶ OCHA, *OCHA on Message: Internal Displacement*, April 2010, https://www.unocha.org/sites/dms/Documents/OOM_InternalDisplacement_English.pdf, p.2

³⁰⁷ OCHA, *OCHA on Message: Internal Displacement*, April 2010, https://www.unocha.org/sites/dms/Documents/OOM_InternalDisplacement_English.pdf, p.2

actors on the ground, assisting the humanitarian coordinator (HC) in his response to internal displacement. Technical help, data collection and analysis, and inter-cluster collaboration are also provided.³⁰⁸

2. **Address of protection concerns:** The OCHA collaborates with the HC to guarantee that cross-cutting protection problems are adequately addressed through inter-cluster collaboration. It also guarantees that humanitarian assessments and strategic planning are used to identify and solve the most pressing protection concerns. For humanitarian decision-making and reaction, this assessment and preparation are required.³⁰⁹

3. **Promotion of respect for international humanitarian and human rights laws:** Conflicting parties should respect and adhere to international human rights norms, according to the OCHA, in order to avoid forced relocation.³¹⁰ Instead, it argues that the likelihood of displacement in conflict scenarios should be factored into contingency planning to make response planning easier.³¹¹

4. **Propelling access to IDPs:** Accessing IDPs in complicated circumstances can be difficult. In this sense, the OCHA takes the lead in resolving the difficulties

³⁰⁸ OCHA, *OCHA on Message: Internal Displacement*, April 2010, https://www.unocha.org/sites/dms/Documents/OOM_InternalDisplacement_English.pdf, p.2

³⁰⁹ OCHA, *Protection*, <https://www.unocha.org/es/themes/protection>

³¹⁰ OCHA, *Protection*, <https://www.unocha.org/es/themes/protection>

³¹¹ OCHA, *OCHA on Message: Internal Displacement*, April 2010, https://www.unocha.org/sites/dms/Documents/OOM_InternalDisplacement_English.pdf, p.2

that IDPs face in gaining access.³¹² It does this by liaising with relevant bodies or entities to secure humanitarian access.³¹³

5. **Encouragement of durable solutions for IDPs:** The OCHA's advocacy for IDPs does not end with emergency response facilitation. It also devises and promotes a strategy for moving from disaster response to recovery and development.³¹⁴ In 2006, at the World Humanitarian Summit, "the agenda for humanity" was announced, with the goal of "leaving no one behind." It considers displacement to be a developmental issue that it intends to address over time. Following that, OCHA established a Platform for Action, Commitments, and Transformation (PACT) to serve as a clearinghouse for commitments and activities related to the agenda.³¹⁵ IDPs are identified as vulnerable populations in the 2030 Agenda for Sustainable Development and must be empowered to achieve the SDGs.³¹⁶ It argues that incorporating IDPs into policies aimed at

³¹² OCHA, *OCHA on Message: Internal Displacement*, April 2010, https://www.unocha.org/sites/dms/Documents/OOM_InternalDisplacement_English.pdf, p.2

³¹³ OCHA, *OCHA on Message: Internal Displacement*, April 2010, https://www.unocha.org/sites/dms/Documents/OOM_InternalDisplacement_English.pdf, p.2

³¹⁴ OCHA, *OCHA on Message: Internal Displacement*, April 2010, https://www.unocha.org/sites/dms/Documents/OOM_InternalDisplacement_English.pdf, p.2

³¹⁵ OCHA, *Agenda for Humanity*, <https://www.unocha.org/about-us/agenda-humanity>

³¹⁶ International Institute for Sustainable Development, *To Leave No One Behind, Brief Calls For Considering IDPs In SDG Implementation*, 11 December 2018, <https://sdg.ilsd.org/news/to-leave-no-one-behind-calls-for-considering-idps-in-sdg-implementation/>

achieving the SDGs could reduce the prevalence and impact of internal displacement.³¹⁷

The police and IDP crisis in Sudan in 2005 was a significant OCHA involvement in an internal displacement issue. The violent conflict between the two parties sparked by the forcible relocation of IDPs resulted in the deaths of numerous IDPs and police officers, as well as a lack of access to basic services, property loss, and the need for humanitarian aid. The UN's Office for the Coordination of Humanitarian Affairs (OCHA) intervened by providing a coordinated humanitarian response to those affected and facilitating discussion between IDPs, the humanitarian community, and state authorities. As a result, the forcible relocation was halted, and alternate sites were sought.³¹⁸

³¹⁷ International Institute for Sustainable Development, *To Leave No One Behind, Brief Calls For Considering IDPs In SDG Implementation*, 11 December 2018, <https://sdg.ilsd.org/news/to-leave-no-one-behind-calls-for-considering-idps-in-sdg-implementation/>

³¹⁸ OCHA, *OCHA on Message: Internal Displacement*, April 2010, https://www.unocha.org/sites/dms/Documents/OOM_InternalDisplacement_English.pdf, p.2

4.2.4: Internal Displacement Monitoring Centre (IDMC)

Historical Background:

The IDMC was founded in Geneva in 1998 as an independent humanitarian NGO under the Norwegian Refugee Council.³¹⁹ It was referred to as the Global IDP Project until 2006.³²⁰ Since its creation, it has used a variety of technologies to deliver multi-source data on internal displacement to the international humanitarian community. The Global Report on Internal Displacement (GRID), Internal Displacement Updates (IDUs), Country pages, Research Papers, Internal Displacement Event Tagging and Clustering Tool (IDTECT), and Satellite Imagery Analysis are just a few of the tools available, as well as the development of specialist tools to expand the organization's global coverage.³²¹

IDMC is the world's most comprehensive internal displacement data and analysis source. It has provided a rigorous, independent, and trusted service to the international community since its inception in 1998 as part of the Norwegian Refugee Council (NRC).³²² IDMC is the most well-known internal displacement data aggregator

³¹⁹ Ecolnet, *Internal Displacement Monitoring Centre (Formerly Global IDP Project) (IDMC)*, 10, August, 2020, <https://www.ecoi.net/en/source/11233.html>

³²⁰ Ecolnet, *Internal Displacement Monitoring Centre (Formerly Global IDP Project) (IDMC)*, 10, August, 2020, <https://www.ecoi.net/en/source/11233.html>

³²¹ IDMC, *About IDMC; What We Do*, <https://www.internal-displacement.org/about-us>

³²² IDMC | GRID 2021 | 2021 Global Report on Internal Displacement, , <https://www.internal-displacement.org/global-report/grid2021/> (last visited Jan 29, 2022).

in the world. Its research informs policy and operational decisions that benefit millions of people who have been internally displaced or are in danger of being displaced in the future. Its Global Report on Internal Displacement is the most trustworthy source of statistics on internal displacement danger, scale, and effects.³²³

IDMC provides verifiable data on the number of displaced individuals displaced or at risk of being displaced due to conflict, violence, or disaster. It also researches and provides data on internal displacement drivers, patterns, and impacts. The data gathered and the analysis undertaken is then utilized to provide advice and support to global, regional, and internal entities in charge of internal displacement policymaking to reduce the risk of future displacement and enhance the lives of IDPs worldwide.³²⁴

IDMC's Role in the Protection and Assistance of IDPs.

Despite not playing a direct operational role in the protection of IDPs, the IDMC's role in data collection, research, and analysis benefits other humanitarian institutions' efficient operation in the following ways:

- 1. Collaboration with other institutions to provide lasting solutions to internal displacement:** The IDMC collaborates with state authorities, expert

³²³ IDMC, *Global Report on Internal Displacement (GRID) 2021 Homepage*, <https://www.internal-displacement.org/>

³²⁴ IDMC, *About IDMC; What We Do*, <https://www.internal-displacement.org/about-us>

organizations, and UN agencies to create lasting solutions. It studies the causes, patterns, and effects of internal displacement. This data is used to design policies that help those internally displaced and prevent the danger of internal displacement in the future.³²⁵

2. **Visibility of internal displacement on the international agenda:** The IDMC's periodic reports on the global rate of internal displacement help to keep the subject of internal displacement on the international agenda. In this approach, ongoing efforts to address the issue of internal displacement are undertaken at the global, regional, and national levels.³²⁶

4.2.1 International Organization for Migration (IOM)

Historical background:

Established in 1951, the IOM was formerly known as the Provisional Intergovernmental Committee for the Movement of Migrants from Europe (PICMME).³²⁷ It was designed to deal with the displacement caused by WWII and to supervise the relocation of millions of people who were impacted.³²⁸ Today, the IOM is a leading international migration organization that collaborates with governments and

³²⁵ IDMC, *About IDMC; What We Do*, <https://www.internal-displacement.org/about-us>

³²⁶ IDMC, *About IDMC; What We Do*, <https://www.internal-displacement.org/about-us>

³²⁷ IOM UN Migration, *IOM History*, <https://www.iom.int/iom-history>

³²⁸ IOM UN Migration, *IOM History*, <https://www.iom.int/iom-history>

other organizations on migration management, the advancement of knowledge on migration issues, the provision of solutions to migration problems, and the provision of assistance to migrants in need, including refugees and IDPs.³²⁹ In 2019, it provided assistance and protection to over 21 million IDPs displaced within their countries due to conflict and disasters.³³⁰

4.2.5 IOM's Role in the Protection and Assistance of IDPs

In its efforts to provide safety and aid to IDPs, the IOM recognizes that state authorities bear primary responsibility in this regard and, upon request, assist them in preparing for and responding to internal displacement challenges.³³¹ It also adopts a right-based and people-centered, and inclusive framework for addressing internal displacement, which includes the following:³³²

1. **Development of preventive and preparatory plans for internal displacement crisis:** The IOM works with other agencies and authorities on preventative strategies aimed at reducing the risk of future internal displacement

³²⁹ IOM UN Migration, *About IOM*, <https://www.iom.bg/en/content/iom-history>

³³⁰ IOM UN Migration, *Internal Displacement* <https://www.iom.int/internal-displacement>

³³¹ IOM, *Framework for Addressing Internal Displacement 2017*, https://www.iom.int/sites/g/files/tmzbd1486/files/2018-07/170829_IDP_Framework_LowRes.pdf, p. 8

³³² IOM, *Framework for Addressing Internal Displacement 2017*, https://www.iom.int/sites/g/files/tmzbd1486/files/2018-07/170829_IDP_Framework_LowRes.pdf, p. 8

as well as preparatory plans for effective response to internal displacement crisis. These include; mass evacuation plans, disaster management, and primary and contingency plans for crises.³³³ They also work on ways to address the root causes of internal displacement, which are incidences of conflict and disaster. Its activities include risk analysis, conflict sensitivity, disaster risk reduction, and pooling support for states and communities to establish resilience.³³⁴

2. **Development of programs targeted at environmental sustainability and climate change:** Disasters, environmental degradation, and climate change are recognized as some of the causes of internal displacement. To protect IDPs who have been displaced due to these factors and reduce future occurrences of the same, the IOM is developing programs relating to environmental sustainability and climate change to create a conducive environment for returning IDPs and reduce the risk of future displacement.³³⁵

³³³ IOM, *Framework for Addressing Internal Displacement 2017*, https://www.iom.int/sites/g/files/tmzbd1486/files/2018-07/170829_IDP_Framework_LowRes.pdf, p.14

³³⁴ IOM, *Framework for Addressing Internal Displacement 2017*, https://www.iom.int/sites/g/files/tmzbd1486/files/2018-07/170829_IDP_Framework_LowRes.pdf, p.14

³³⁵ IOM, *Framework for Addressing Internal Displacement 2017*, https://www.iom.int/sites/g/files/tmzbd1486/files/2018-07/170829_IDP_Framework_LowRes.pdf, p.14

3. **Provision of adequate and rapid humanitarian response:** The IOM offers safety and aid to IDPs through a successful emergency-based response. It offers surge support by sending out rapid response teams from its global expert pool. Within 72 hours of the beginning of the crisis, these teams are supposed to bring humanitarian aid to the impacted area.³³⁶ The IOM's framework for dealing with internal displacement specifies that their emergency response includes tracking displacement, camp management, and shelter support, such as the delivery of emergency shelter kits, non-food goods, shelter repairs and upgrades, shelter building, etc. While offering health care services, they also serve other industries, including water, food security, logistics, and sanitation.³³⁷
4. **Protection from IDP-prone vices:** IDPs are vulnerable to threats such as gender-based violence, human trafficking, child abuse, neglect, and exploitation. The IOM assists state authorities in preventing these dangers.³³⁸ To curb the high incidence of gender-based violence amongst IDPs, it engenders the participation of women in camp governance through camp-based initiatives

³³⁶ IOM, *Framework for Addressing Internal Displacement 2017*, https://www.iom.int/sites/g/files/tmzbd1486/files/2018-07/170829_IDP_Framework_LowRes.pdf, p.14

³³⁷ IOM, *Framework for Addressing Internal Displacement 2017*, https://www.iom.int/sites/g/files/tmzbd1486/files/2018-07/170829_IDP_Framework_LowRes.pdf, p.14

³³⁸ IOM, *Framework for Addressing Internal Displacement 2017*, https://www.iom.int/sites/g/files/tmzbd1486/files/2018-07/170829_IDP_Framework_LowRes.pdf, p.14

while engaging its field workers to identify and mitigate incidences of gender-based violence in camps.³³⁹ It also provides support for protecting the property rights of IDPs and implementing policies targeted at redressing other rights of IDPs that may have been violated during the crisis.³⁴⁰

5. **Active pursuit of durable solutions and sustainable recovery:** The organization actively collaborates with other agencies to transition from emergency response to durable solutions and sustainable recovery.³⁴¹ Together with other organizations, the IOM constructs and implements action plans for resolving internal displacement and reducing the risk of future displacement, including fostering resilience and coping abilities amongst IDPs, rendering support to affected communities to confront future shocks, etc. This aligns with its Progressive Resolution of Displacement Situations Framework, targeted at transitioning from humanitarian response to recovery, stability, and development.³⁴² The IOM is also an active contributor to global initiatives to

³³⁹³³⁹ IOM, *Framework for Addressing Internal Displacement 2017*, https://www.iom.int/sites/g/files/tmzbdl486/files/2018-07/170829_IDP_Framework_LowRes.pdf, p.14

³⁴⁰ IOM, *Framework for Addressing Internal Displacement 2017*, https://www.iom.int/sites/g/files/tmzbdl486/files/2018-07/170829_IDP_Framework_LowRes.pdf, p.14

³⁴¹ IOM, *Framework for Addressing Internal Displacement 2017*, https://www.iom.int/sites/g/files/tmzbdl486/files/2018-07/170829_IDP_Framework_LowRes.pdf, p.15

³⁴² IOM, *Framework for Addressing Internal Displacement 2017*, https://www.iom.int/sites/g/files/tmzbdl486/files/2018-07/170829_IDP_Framework_LowRes.pdf, p.15

resolve internal displacement. For instance, the UN High-Level Panel on Internal Displacement, an initiative launched in 2020 that drives bold solutions to internal displacement and promotes the GP on internalization displacement.³⁴³

4.2.6 United Nations Development Programme (UNDP)

Historical Background:

The UNDP is the UN-led international development agency formed in 1965 by the UN General Assembly.³⁴⁴ It comes from a merger of the United Nations Expanded Programme of Technical Assistance (1949) and the United Nations Special Fund (1958) with the primary mandate to end poverty and build democratic governance, law, and inclusive institutions.³⁴⁵ It was officially founded in 1966 by combining both programs. Their responsibility encapsulates helping countries achieve sustainable human development by improving citizens' quality of life and conserving environmental resources while connecting them to knowledge, experience, and resources to build a better life³⁴⁶. Today, the UNDP is recognized as a global development network and the

³⁴³ IOM UN Migration, *Internal Displacement* <https://www.iom.int/internal-displacement>

³⁴⁴ UNDP, *About Us*, <https://www.undp.org/about-us>

³⁴⁵ UNDP, *About Us*, <https://www.undp.org/about-us>

³⁴⁶ UNDP, *About Us*, <https://www.undp.org/about-us>

world's largest multilateral source of development assistance.³⁴⁷ As the UN's global development organization, the UNDP has a pertinent role in IDP concerns, especially in terms of long-term solutions. It renders aid through five-year community programs.³⁴⁸ It is entirely funded by voluntary contributions from the UN member states.³⁴⁹

One of the primary focuses of the UNDP is crisis prevention and recovery. Under this arm, the UNDP works with other organizations and governments to reduce the risk of disasters and armed conflicts, some of the root causes of internal displacement.³⁵⁰ Where such crises occur, it collaborates with other institutions to enhance recovery. It supports state authorities in assessing needs, reintegration of displaced persons' capacity development, and policymaking.³⁵¹ Hence, it has been and continues to be a significant part of the cluster system adopted to protect IDPs.

³⁴⁷ Newworld Encyclopedia, United Nations Development Program, https://www.newworldencyclopedia.org/entry/United_Nations_Development_Program

³⁴⁸ Karen Mingst, *United Nations Development Programme*, 15 February 2018, Encyclopedia Britannica, <https://www.britannica.com/topic/United-Nations-Development-Programme>

³⁴⁹ Newworld Encyclopedia, United Nations Development Program, https://www.newworldencyclopedia.org/entry/United_Nations_Development_Program

³⁵⁰ Newworld Encyclopedia, United Nations Development Program, https://www.newworldencyclopedia.org/entry/United_Nations_Development_Program

³⁵¹ Newworld Encyclopedia, United Nations Development Program, https://www.newworldencyclopedia.org/entry/United_Nations_Development_Program

UNDP's Role in the Protection of IDPs

According to the UNDP's written submission for the UN High-Level Panel on Internal Displacement:³⁵²

"UNDP advocates for responding to the internal displacement crises through human development and people-centered approach and recognizing the rights of IDPs to safety, protection, opportunity, and advancing themselves. It focuses on rebuilding displaced persons' lives with dignity and strengthening host communities under pressure to expand their services, create jobs, and address long-standing development issues. This means bringing the humanitarian and development communities together to support countries throughout a crisis- from strengthening resilience and preparedness from the onset to creating lasting solutions."³⁵³

This encompasses its general strategy toward contributing to the protection of IDPs in conflict or disaster crises. However, to contribute to durable solutions concerning IDPs

³⁵² UNDP, *Advancing Human Development Approaches in Addressing Internal Displacement; UNDP Written Submission for the UN High-Level Panel on Internal Displacement*, June 2020, https://www.un.org/internal-displacement-panel/sites/www.un.org.internal-displacement-panel/files/published_undp_submission_to_the_high_level_panel_on_internal_displacement_draft_june_12.pdf

³⁵³ UNDP, *Advancing Human Development Approaches in Addressing Internal Displacement; UNDP Written Submission for the UN High-Level Panel on Internal Displacement*, June 2020, https://www.un.org/internal-displacement-panel/sites/www.un.org.internal-displacement-panel/files/published_undp_submission_to_the_high_level_panel_on_internal_displacement_draft_june_12.pdf, p.2 para.3

issues in the short, medium, and long term, the submission further states that it employs a resilience lens.

1. Supporting the efforts of state authorities and other agencies to reduce the risks of forcible displacement
2. Utilizing tools like livelihood recovery, governance, justice, social cohesion, and the rule of law to help IDPs and host communities cope and recover from shocks
3. Facilitating, where possible, the sustainable, voluntary, and dignified return and reintegration of IDPs into their communities.
4. It was aiding state and local authorities with strategies, policies, and institutional development that are IDP-inclusive.³⁵⁴

The UNDP also provides recommendations to other institutions in the cluster to strengthen humanitarian development, develop comprehensive solutions, build collaborations and joint initiatives, and prioritize policy research toward understanding the impact of displacement on IDPs, host communities, and national development.³⁵⁵

³⁵⁴ UNDP, *Advancing Human Development Approaches in Addressing Internal Displacement; UNDP Written Submission for the UN High-Level Panel on Internal Displacement*, June 2020, https://www.un.org/internal-displacement-panel/sites/www.un.org.internal-displacement-panel/files/published_undp_submission_to_the_high_level_panel_on_internal_displacement_draft_june_12.pdf, p.2, Para.5

³⁵⁵ UNDP, *Advancing Human Development Approaches in Addressing Internal Displacement; UNDP Written Submission for the UN High-Level Panel on Internal Displacement*, June 2020, https://www.un.org/internal-displacement-panel/sites/www.un.org.internal-displacement-panel/files/published_undp_submission_to_the_high_level_panel_on_internal_displacement_draft_june_12.pdf, p.3

4.3 CHALLENGES FACED BY INTERNATIONAL INSTITUTIONS IN THE PROTECTION OF IDPs

The subject of whether to expand the law's applicability to this group has two possible strategies, according to the Special Rapporteur for Internally Displaced Persons. The first believes the current standards are sufficient and urges for more vigorous enforcement, while the second insists that a unique protection regime be put in place in addition to the existing norms for IDPs. The Special Rapporteur for the IDPs refers to the existence of two different approaches to the question of extending the law applying to this group. One considers the existing standards adequate and calls for better enforcement, while the other demands that a separate protective regime supplements the current standards for the IDPs.

Each of these defense mechanisms pertinent to IDPs exhibits flaws in the framework.

The involvement and aid rendered by international institutions toward protecting IDPs, either individually or through the cluster approach, are undoubtedly laudable.

However, there continue to be operational, institutional, political, and financial challenges affecting the implementation of their strategies and action plans.³⁵⁶

Legal challenges:

- National sovereignty impediments:

Respecting national sovereignty is one of the main obstacles preventing the international community from intervening and carrying out its action plans. As previously said, the State where an IDP resides is primarily responsible for protecting them due to national sovereignty. While also being secondary and occasionally dependent on national policy is those of the international community.³⁵⁷ Some countries like Somalia and Sudan have expressed unwillingness to allow international intervention in the past. Even when they do, they remain suspicious of such efforts, fearing they can undermine their authority.³⁵⁸

³⁵⁶ Erika Feller, *UNHCR'S Role in IDP protection: Opportunities and Challenges*, <https://www.fmreview.org/en/brookings/feller.pdf>

³⁵⁷ United Nations Human Rights Office of the High Commissioner. *Whose responsibility is it to protect and assist internally displaced persons?* <https://www.ohchr.org/en/issues/idpersons/pages/issues.aspx>

³⁵⁸ Roberta Cohen, *New Challenges For Refugee Policy: Internally Displaced Persons*, 1 April 1999, Brookings, <https://www.brookings.edu/on-the-record/new-challenges-for-refugee-policy-internally-displaced-persons/amp/>

Consequently, governments often express unwillingness to allow humanitarian organizations to start cross-border operations or negotiate with rebel forces.³⁵⁹

While many governments endeavor to fulfill their obligations to safeguard IDPs, others are unable or unwilling to do so. Zimbabwe and Bangladesh, for example, are in denial or partial denial. Others, such as the DRC and North Sudan, have affiliated troops that are among the most active perpetrators of atrocities and bloodshed.³⁶⁰

The competing inclinations of "State-centered" assurances of sovereign equality and non-intervention and the "individual-centered" commitment to human rights exist in international human rights law. Many States have agreed to international inspection of some aspects of their treatment of their populations within their borders by accepting international agreements safeguarding human rights. However, a more complex theoretical and practical dilemma occurs when states break these binding rules. How can the United Nations combine its human rights role with its commitment to national sovereignty?³⁶¹ Even if all States agreed that human rights are an appropriate matter of

³⁵⁹ Roberta Cohen, *New Challenges For Refugee Policy: Internally Displaced Persons*, 1 April 1999, Brookings, <https://www.brookings.edu/on-the-record/new-challenges-for-refugee-policy-internally-displaced-persons/amp/>

³⁶⁰ IDP's face multiple protection challenges - World | ReliefWeb, <https://reliefweb.int/report/world/idps-face-multiple-protection-challenges> (last visited Jun 4, 2022).

³⁶¹ NOTE: THE CONTINUING CONSTRAINT OF SOVEREIGNTY: INTERNATIONAL LAW, INTERNATIONAL PROTECTION, AND THE INTERNALLY DISPLACED, 77 B.U.L. Rev. 429, <https://plus.lexis.com/document/?pdmfid=1530671&crd=fd6c34a3-d622-46e1-bacf-44c9a0fc12b4&pddocfullpath=%2Fshared%2Fdocument%2Fanalytical->

international concern and thus not primarily within a State's domestic authority, they would still have to address how the international community might adequately express that concern. The existence of an international obligation is a separate legal matter from the consequences of its breach, as the International Law Commission has repeatedly stated. Even if all States agreed that human rights are an appropriate matter of international concern and thus not primarily within a State's domestic authority, they would still have to address how the international community might properly express that concern. As the International Law Commission has repeatedly emphasized, all States agreed that human rights are an appropriate matter of international concern and, thus, not primarily within a State's domestic authority. However, they must address how the international community might properly express that concern. The existence of an international obligation is a separate legal matter from the consequences of its breach, as the International Law Commission has repeatedly stated.

A state that rules without popular permission is no longer sovereign, and it is legal to intervene from the outside to restore sovereignty to the actual sovereign - the people. Other scholars have argued that international law has had to respond to the emergence of new actors on the international stage who do not fit within the nation-conceptual State's borders. Such actors include ethnic groups, refugees and internally

displaced persons, and regional and international organizations. Some have asked for the concept of state sovereignty to be debunked as a "myth."³⁶² Publicists' works, on the other hand, are merely a secondary source of international law. These arguments' theoretical correctness does not, by itself, put an end to state sovereignty.³⁶³

The existence of international responsibility is distinct from the consequences of its failure. Even if all States agreed that human rights are an acceptable topic of global concern and hence outside of a State's domestic power, they would still need to figure out how the international community could express that concern. As the International Law Commission has often noted, the existence of global responsibility is distinct from the consequences of its failure.³⁶⁴

This ambivalence informs the current UN discussions of humanitarian assistance and protection for the internally displaced. Initially, UN humanitarian relief unquestionably required the consent of the State in which it would be provided. Although this absolute principle is under strain, the UN has not entirely rejected it; the commitment to preserving sovereignty remains strong. In response to Representative Deng's initial request for opinions about the internally displaced, the Under Secretary for Humanitarian Affairs and Emergency Relief Coordination wrote of

³⁶² *Id.*

³⁶³ *Id.*

³⁶⁴ *Id.*

an emerging "consensus in the international community" that a "balance" should be struck "between sovereignty and solidarity with people in need."

The international community's continued theoretical and legal respect for sovereignty is reflected in practical practice. The notion has served as both a total and partial help barrier. In Ethiopia, for example, the government effectively barred international aid to the rebel-held area, and human rights groups in Sudan accused the United Nations World Food Programme ("WFP ") of allowing the government to direct aid distribution along ethnic and political lines.

Other legal issues with protecting internally displaced individuals also exist. Derogation provisions in international human rights agreements can be used to suspend the freedom of movement. The right to freedom of movement is guaranteed by Article 12 of the ICCPR, which also lists various restrictions in Section 3.³⁶⁵ It can also be wholly disregarded because it is not on the list of rights guaranteed by Article 4, Section 2 of the ICCPR and continues to apply even in the emergencies mentioned above. IHL, on the other hand, is applicable in cases of human displacement in international armed conflict. IHL aims to lessen the negative impacts of armed conflict and defend people not currently participating in hostilities. One of the critical factors leading to relocation

³⁶⁵ ICCPR, Section 2, Art 12

is IHL breaches, which include assaults on and mistreatment of civilians, property destruction, sexual abuse, and impeded access to essential services like healthcare.

These legal gaps in international agreements must be filled to provide IDPs with an acceptable level of protection. It is not anticipated that the threshold for the application of international humanitarian law will be lowered to encompass internal conflicts and tensions in its substantive scope. Without such changes, millions will keep being displaced within their countries. Similar attempts to extend the coverage of international refugee law to internally displaced persons (IDPs) would be met with resistance from states that oppose any attempt to violate their sovereignty as well as reservations from the UNHCR, which prefers only to extend its mandate in sporadic and limited ways.³⁶⁶ It would be appropriate to develop a set of guiding principles that could then be incorporated into a solemn General Assembly declaration and ultimately into a legally binding Convention based on an overview of existing standards. In particular, this ought to answer queries about who should be the recipient of a right not to be displaced and the nature of the state's obligations. The specific requirements of the IDPs before, during, and after their displacement must serve as the foundation for this. The final issue is how and by whom this constitutional protection will be implemented.³⁶⁷

³⁶⁶ Ahmad, *supra* note 55.

³⁶⁷ *Id.*

Implementational challenges:

A more complex theoretical and practical dilemma occurs when states break these binding rules. How can the United Nations combine its human rights role with its commitment to national sovereignty?³⁶⁸ The laxity of national governments towards carrying out their responsibilities has revealed the need for the international community to step in with extra help and hold these authorities accountable.³⁶⁹ In place of the preceding, the objective is to examine the international implementational challenges institutions responsible for protecting IDPs encounter.

It is both de jure and de facto important to protect people who have been uprooted within their own countries as a result of armed conflict, natural disasters, and the effects of climate change. Depending on the reason for the displacement, the difficulties change. For two reasons, internal relocation brought on by climate change is difficult. First, scientists agree that the majority of the effects of climate change will be accounted for by internal displacement. Second, because of their propensity for extreme weather events like typhoons, floods, and droughts as well as their limited

³⁶⁸ *Id.*

³⁶⁹ Astrid Sehl, *IDP's Face Multiple Protection Challenges*, 10 September 2009, Relief web <https://reliefweb.int/report/world/idps-face-multiple-protection-challenges>.

capacity to appropriately prepare for, respond to, and recover from these crises, the least developed countries are anticipated to incur the most profound human consequences. Therefore, it will primarily be the responsibility of national governments in countries already struggling with serious issues like poverty, environmental degradation, and instability to provide aid and protection to those displaced by climate change-related effects on weather and other factors. Internal migration due to climate change is significant due to the de jure and de facto issues of protecting people who are relocated within their own countries due to natural catastrophes and the impact of climate change.

Humanitarian bodies have failed to look eye to eye with national security bodies. This has caused substantial implementational obstacles, for instance, in Iraq.³⁷⁰ Even though changing the focus of IDPs from a humanitarian issue to a security issue might seem inappropriate, governments have legitimate security concerns related to displaced communities. Politicized funds and bureaucracy hinder humanitarian efforts. There is a real danger that armed militias could fill the gap of humanitarian relief as a key strategy for increasing their territorial coverage.³⁷¹

³⁷⁰ The Real Challenge of Internal Displacement in Iraq: The Future, , ELIZABETH FERRIS (2007), <https://www.brookings.edu/on-the-record/the-real-challenge-of-internal-displacement-in-iraq-the-future/> (last visited Dec 10, 2020).

³⁷¹ *Id.*

Durable solutions are mentioned as a solution for IDPs. The inter-agency standing committee (IASC) framework on durable solutions for IDPs states that a solution 'is achieved when IDPs no longer have specific assistance and protection needs that are linked to their displacement and such persons can enjoy their human rights without discrimination resulting from their displacement."³⁷² Property restitution issues are significant obstacles to the return of IDPs.³⁷³ Property restitution and compensation could be great incentives to solve the IDP crisis. However, financial issues and funding inadequacies could hamper such efforts.

Empirical study indicates that a lack of natural resources is unlikely to result in armed conflict. There have been occasions, too, where intensifying competition for natural resources has aggravated existing political and social problems, leading to violent conflict.³⁷⁴ Political reasons hamper efforts to adopt new international norms or accords to address persons forced to relocate due to climate change's effects. There is now little interest on the world stage in taking on new international commitments or drafting new international laws. The Paris Agreement, the Sendai Framework for Disaster Risk Reduction, Agenda 2030 for Sustainable Development, and, most recently, the Global Compact for Migration are aspirational frameworks that rely on voluntary compliance rather than legal duties to achieve their goals. Second,

³⁷² Framework on Durable Solutions for Internally Displaced Persons (n 10) paras 8ff

³⁷³ The Real Challenge of Internal Displacement in Iraq: The Future, *supra* note 368.

³⁷⁴ ARTICLE: PROTECTING PEOPLE DISPLACED BY WEATHER-RELATED DISASTERS AND CLIMATE CHANGE: EXPERIENCE FROM THE FIELD, 15 Vt. J. Envtl. L. 803, *supra* note 142.

notwithstanding these "successes" at the United Nations, this is a challenging period for multilateralism and collaborative action on major global concerns. Changes in US leadership appear to be eroding the liberal rules-based order that has largely provided stability and prosperity since World War II. The policy seems to have shifted away from seeing strong multilateral institutions as essential for US national interests and toward a worldview emphasizing "America First." Furthermore, the current xenophobic, anti-immigrant attitude makes developing a new global framework that makes it difficult for people to enter other countries. Indeed, mobilizing support for taking recognized refugees has been challenging, as evidenced by the significant drop in US resettlement spots from 110,000 to 50,000 under President Obama to 40,000 under President Trump, mobilizing support for taking recognized refugees has been challenging.³⁷⁵ For these reasons, it is doubtful that the international community will develop and adopt a comprehensive legal framework shortly for those who move because of the effects of climate change. Several such draft treaties and agreements exist. Still, they are likely to remain an issue for discussion among academics and lawyers rather than as a basis for political action.³⁷⁶

³⁷⁵ Ferris, *supra* note 94.

³⁷⁶ ARTICLE: Climate Change, Migration, Law, and Global Governance, 44 N.C.J. Int'l L. 425, , <https://plus.lexis.com/document?crd=2c4441d0-de29-4d2a-9c72-d179b4a8c22a&pdDocFullpath=%2Fshared%2Fdocument%2Fanalytical-materials%2Furn%3AcontentItem%3A5X8P-3X01-FGRY-B4D6-00000-00&pdsourcgroupingtype=&pdcontentcomponentid=138905&pdmfid=1530671&pdisurlapi=true> (last visited Jun 24, 2022).

There are also some practical obstacles to protecting IDPs. For instance, in many countries, women's access to safety and justice remains elusive as states continue to deny women's demands for legal rights and resources to respond to violence against women. Emphasizing the importance of international protection for women facing persecution who are unable to flee across an international border is crucial. If they can cross an international border, women and girls facing forced marriage, honor killings, female genital mutilation, and other gender-based persecution can file for refugee status and resettlement to a safe third country. Traveling outside of the country on one's own is nearly impossible in countries like Iraq, where laws and traditions severely restrict women's rights and mobility. Due to domestic legal and cultural barriers, as well as the nature of gender-based violence, where perpetrators are more often than not those closest to them and well-positioned to exert dominance and control: members of their family, clan, or tribe, women with potential refugee or asylum claims based on gender-based persecution face heightened barriers to accessing international legal protection.³⁷⁷

IDPs are entitled to the same rights and freedoms under international and national laws as others in their country. Some specific needs and protection risks that arise in internal displacement include family separation, loss of documentation, freedom

³⁷⁷ ARTICLE: Trapped Between Borders: A Proposal to Apply International Legal Protection to Persecuted Women and Girls Who Are Unable to Flee, 26 U.C. Davis J. Int'l L. & Pol'y 99, , https://plus.lexis.com/document/?pdmfid=1530671&crd=f3ab3cfb-53e9-4be0-b449-aa29d750ea41&pdDocFullpath=%2Fshared%2Fdocument%2Fanalytical-materials%2Furn%3AcontentItem%3A617D-C801-DY33-B0FW-00000-00&pdcontentcomponentid=156167&pdteaserkey=&pdslpamode=false&pdworkfolderlocatorid=NOT_SAVED_IN_WORKFOLDER&comp=ff4k&earg=sr39&prid=4fd50a19-84a9-44e0-8096-eabd5141d455 (last visited Mar 22, 2022).

of movement in and out of camps, loss of property, and further exposure to secondary or onward displacement. Achieving a durable solution to internal displacement means that IDPs no longer have any specific assistance and protection needs directly linked to their displacement and can enjoy their human rights without discrimination. Attaining a durable solution to internal displacement is a process that can be achieved through sustainable integration.

New challenges in international law have arisen due to the recent worldwide endeavor to halt refugee flows while safeguarding the IDPs. International human rights and humanitarian law have already prohibited many of the leading causes of internal displacement; effective enforcement is needed now. The 1977 Second Protocol ("Protocol II") to the Geneva Conventions ban the forcible evacuation of civilians, except for their safety or military imperatives and military strategies that target civilian populations and indirectly lead to their displacement. Massacres, torture, beheadings, other human rights violations, and all-important displacement causes are prohibited under the original Geneva Conventions. The Geneva Conventions and Protocols have arguably reached the character of customary law, even though not all States are parties to them.³⁷⁸

³⁷⁸ NOTE: THE CONTINUING CONSTRAINT OF SOVEREIGNTY: INTERNATIONAL LAW, INTERNATIONAL PROTECTION, AND THE INTERNALLY DISPLACED, 77 B.U.L. Rev. 429, *supra* note 361.

- Access to IDPs: Access to IDPs is often uneasy and, in some cases, closed. When humanitarian intervention is considered a threat to national sovereignty, they might be denied access and disrespected.³⁷⁹ More so, the dispersal of IDPs across different camps and settlements to avoid identification significantly increases the difficulty of accessing them. Some hide in forests or other places; others merge with local communities, making them inaccessible or requiring programs that spread across the community.³⁸⁰ Limited access to IDPs affects humanitarian response in the following ways;
- Challenges in accessing accurate information on IDPs: Some areas of displacement could be inaccessible, and it might be challenging to get accurate data.
- IDPs may face specific threats, such as tension with host communities, settlement in unsafe or unsuitable locations, and forced return to dangerous areas, increasing difficulty in reaching them for assistance or protection. While displaced, these communities struggle to meet basic needs amidst exacerbated hardship. The futility of initiatives and strategies to reduce displacement and render help to local communities.

³⁷⁹ Roberta Cohen, *New Challenges For Refugee Policy: Internally Displaced Persons*, 1 April 1999, Brookings, <https://www.brookings.edu/on-the-record/new-challenges-for-refugee-policy-internally-displaced-persons/amp/>

³⁸⁰ Roberta Cohen, *New Challenges For Refugee Policy: Internally Displaced Persons*, 1 April 1999, Brookings, <https://www.brookings.edu/on-the-record/new-challenges-for-refugee-policy-internally-displaced-persons/amp/>

- The risky work environment for international aid workers: IDPs are primarily in unsafe and dangerous areas. The overall legitimacy of such expansions of the mandate involving humanitarian help has been confirmed by successive UN resolutions, which have addressed the threats to the safety of aid workers and issues with simultaneously assisting IDPs and refugees.
- The minimal ability of international institutions to assist IDPs in their search for durable solutions.³⁸¹
- A partial list of these difficulties includes political ones like the shared importance of return and the predisposition to see actual return or relocation movements as a permanent solution.
- Urban environments are sometimes the hardest to operate in due to congestion, ethical issues with unnoticed populations and urban IDPs' concerns about their safety, and practical issues with coordinating the efforts of humanitarian, development, and peace-building actors.³⁸²

³⁸¹ Chaloka Beyani, Natalia Krynsky Baal & Martina Caterina, *Conceptual challenges and practical solutions in situations of internal displacement*, FORCED MIGR. REV. (2016).

³⁸² *Id.*

CHAPTER 5: COVID-19 AND IDPs

Executive Director of the World Food Programme (WFP) David Beasley noted that the global spread of COVID-19 this year has sparked "the worst humanitarian crisis since World War Two," pointing to deepening crises, more frequent natural disasters, and changing weather patterns, saying "we're already facing a perfect storm."³⁸³

Every crisis teaches us something about ourselves: our local and global readiness, our ability to process and respond to information and uncertainty, work together to reduce risks, and our ability to perceive and respond to existing inequalities.³⁸⁴ On the other hand, Pandemics are distinct because it is widespread, fast-moving targets that disperse over time and space. Covid-19's emergence in the early months of 2020, and its rapid spread over the globe, appears to be no different. It is both a global and a local emergency. It has swept the world at breakneck speed, causing near-unprecedented international and local societal upheaval levels.³⁸⁵

³⁸³ As famines of 'biblical proportion' loom, Security Council urged to 'act fast' | | UN News, , <https://news.un.org/en/story/2020/04/1062272> (last visited Mar 8, 2022).

³⁸⁴ CINNAMON P. CARLARNE, *ARTICLE: From COVID-19 to Climate Change: Disaster & Inequality at the Crossroads*, 12 *San Diego J. Climate & Energy* L. 19.

³⁸⁵ *Id.*

Its emergence brought plenty of social, political, and economic challenges to light. Such crises amplify the difficulties faced by society's most vulnerable citizens, including the elderly, children, women, racial minorities, and the politically disenfranchised. A global crisis threatens all humans simultaneously, though not equally; it exacerbates imbalances and vulnerabilities.³⁸⁶ The impact varied according to the exposure of nations and individuals and has also aggravated existing vulnerabilities and created newer risks for specific sectors and groups of people, one of which is IDPs.

Despite the UN Secretary-recent General's call for a global ceasefire,³⁸⁷ armed conflicts didn't stop during Covid-19. New conflict-related displacement is reported in numerous countries. Humanitarian organizations are also being impacted by travel bans and other measures taken to contain the virus, making it incredibly difficult to reach those in need with humanitarian aid.³⁸⁸ IDPs have existing vulnerabilities, including poor living conditions, inadequate housing in camps, dense population inhibiting isolation, and lack of access to water, sanitation, adequate nutrition, health care, essential services, and source of income.³⁸⁹ Displaced individuals are in danger of contracting the coronavirus and are disproportionately harmed by the measures taken to

³⁸⁶ *Id.*

³⁸⁷ Global Ceasefire | United Nations, , <https://www.un.org/en/globalceasefire> (last visited Mar 2, 2022).

³⁸⁸ THE HUMANITARIAN IMPACT OF COVID-19 ON DISPLACED COMMUNITIES SUMMARY, .

³⁸⁹ Internal Displacement Monitoring Centre (IDMC), *Coronavirus Crisis: Internal Displacement*, IDMC (2020) <https://www.internal-displacement.org/crises/coronavirus>

stop it from spreading. They are currently stigmatized, subjected to unfair or unjustifiable rules, and unable to use social safety nets to help their families cope financially. The objective of this chapter is an exposition on the impact of the Coronavirus on IDPs.

5.1 A brief history of Covid-19

Coronaviruses (CoVs) are a family of viruses that cause respiratory and intestinal diseases in animals and humans³⁹⁰. They often cause mild to moderate upper respiratory tract infections, such as the common cold. Over the last two decades, three novel coronaviruses have evolved from animal reservoirs to humans, causing significant and widespread sickness and deaths.³⁹¹

SARS-CoV first occurred in November 2002 in China as an endemic, which was over by July 2003 with 8098 cases and 774 deaths recorded. MERS-CoV was first identified in Saudi Arabia in 2012, causing a fatal infection spread to about 27 countries.

³⁹⁰ UK Research and innovation, *What is corona virus? The different types of corona viruses* , UKRI (25 March 2020, updated 7, July 2020) <https://coronavirusexplained.ukri.org/en/article/cad0003/>

³⁹¹ Coronaviruses | NIH: National Institute of Allergy and Infectious Diseases, , <https://www.niaid.nih.gov/diseases-conditions/coronaviruses> (last visited Mar 1, 2022).

Unlike SARS-CoV, which quickly disappeared, it is still prevalent, and as of November 2019, 2494 infections, 858 of which were fatal, had been recorded.³⁹²

On the 31st of December 2019, the World Health Organization (WHO) was formally informed about a cluster of pneumonia cases in Wuhan, China³⁹³. Towards the end of the first week of January, about 59 cases, none of which were fatal, had been recorded. By the 15th of January 2020, WHO had become aware of 282 confirmed cases spanning Japan, South Korea, Thailand, and Wuhan, China. The cause of this severe acute respiratory syndrome became known as COVID-19, a novel SARS-CoV virus.³⁹⁴

Because of its unique nature, no one was immune to it, allowing it to spread quickly. COVID-19 virus is primarily spread between persons by respiratory droplets and contact routes, according to existing findings.³⁹⁵ Respiratory infections can be transmitted through droplets of various sizes; respiratory droplets are defined as droplets with a diameter of greater than 5-10 μ m. Droplet transmission happens when a person

³⁹² Steve Chaplin, *COVID-19: A Brief History and Treatments in Developments*, Wiley Clinical Healthcare Hub (21 May, 2020) <https://wchh.onlinelibrary.wiley.com/doi/10.1002/psb.1843>

³⁹³ Steve Chaplin, *COVID-19: A Brief History and Treatments in Developments*, Wiley Clinical Healthcare Hub (21 May, 2020) <https://wchh.onlinelibrary.wiley.com/doi/10.1002/psb.1843>

³⁹⁴ Steve Chaplin, *COVID-19: A Brief History and Treatments in Developments*, Wiley Clinical Healthcare Hub (21 May 2020) <https://wchh.onlinelibrary.wiley.com/doi/10.1002/psb.1843>

³⁹⁵ Modes of transmission of virus causing COVID-19: implications for IPC precaution recommendations, <https://www.who.int/news-room/commentaries/detail/modes-of-transmission-of-virus-causing-covid-19-implications-for-ipc-precaution-recommendations> (last visited Mar 17, 2022).

comes into close contact with someone who has respiratory symptoms (e.g., coughing or sneezing) and is exposed to potentially infective respiratory droplets on his or her mucosae (mouth and nose) or conjunctiva (eyes). Transmission can also happen through fomites in the sick person's immediate environment.³⁹⁶ As a result, the COVID-19 virus can be transmitted through direct contact with infected people and indirect contact with surfaces in the nearby environment.

The symptoms included fever, chills, cough, weakness, diarrhea, discomfort, and in more severe instances, acute renal injury, blood clotting, and other complications. The symptoms appeared around fourteen days after the infection, and some individuals were asymptomatic. Most infected with the virus will have mild to moderate respiratory symptoms and recover without medical attention. On the other hand, some will become critically sick and require medical assistance. Severe sickness is more likely to strike the elderly and those with underlying medical disorders such as cardiovascular disease, diabetes, chronic respiratory disease, or cancer. COVID-19 can make anyone sick and cause them to get very ill or die at any age.³⁹⁷ The worrying spike in the number of confirmed cases worldwide prompted travel restrictions and lockdown measures to prevent the virus from spreading further.³⁹⁸

³⁹⁶ *Id.*

³⁹⁷ Coronavirus, , https://www.who.int/health-topics/coronavirus#tab=tab_1 (last visited Mar 17, 2022).

³⁹⁸ Timeline of WHO's response to COVID-19, *supra* note 36.

5.2 The Impact of Covid-19 on IDPs

COVID-19 has a global impact. Different countries and societal groups are affected differently, and the impoverished, mobile, and displaced are disproportionately affected. They are affected in various ways: they are more susceptible to contracting the disease while living in overcrowded shelters, face numerous barriers to accessing social services and health care, have difficulty obtaining relief and aid, and risk losing their livelihoods (if they didn't lose it due to displacement), and are financially insecure.³⁹⁹

The Norwegian Refugee Council (NRC) expressed its concern about the lives and well-being of displaced people living in fragile and conflict-affected states as Covid-19 spreads worldwide. The coronavirus has spread to nations already suffering from war and other crises. Millions of IDPs live in overcrowding, frequently in camps or camp-like circumstances where social separation is nearly difficult to achieve. Long before the emergence of Covid-19, access to sufficient health care and basic requirements such as soap and water was limited, so practicing good hygiene according to WHO guidelines is also impossible.⁴⁰⁰ Its growth triggered plenty of regulatory

³⁹⁹ Orendain and Djalante, *supra* note 4.

⁴⁰⁰ THE HUMANITARIAN IMPACT OF COVID-19 ON DISPLACED COMMUNITIES SUMMARY, *supra* note 388.

measures and policies, including lockdown orders in many nations, travel bans, trade restrictions, isolation, and quarantine of affected individuals, to name a few. Some countries used Covid-19 and the historic shutdown of borders and migration restrictions in response to deny forcibly displaced people their right to cross boundaries and seek asylum and carry out their nationalist agendas of border closure policies.⁴⁰¹

According to the IDMC's Global Report, conflict and disaster triggered 40.5 million additional internal displacements in 2020, resulting in 55 million internally displaced persons globally by the end of 2020, 48 million due to conflict and violence, and 7 million as a result of disasters.⁴⁰² According to Alexandra Bilak, the Director of IDMC, "Conflict, violence, and disasters continue to uproot millions of people from their homes every year. We have never recorded more people living in internal displacement worldwide in IDMC's history than we do today."⁴⁰³ The United Nations has already warned that the globe is on the verge of a large-scale famine affecting 265 million people. This is due to the pandemic's impact on countries experiencing conflict, economic hardship, and climate change. Yemen, the Democratic Republic of the Congo (DRC), Afghanistan, Venezuela, Ethiopia, South Sudan, Sudan, Syria, Nigeria, and

⁴⁰¹ Betsy Lippman et al., *Covid-19: Understanding the Impact of the Pandemic on Forcibly Displaced Persons - World | ReliefWeb*, <https://reliefweb.int/report/world/covid-19-understanding-impact-pandemic-forcibly-displaced-persons> (last visited Mar 1, 2022).

⁴⁰² Internal Displacement Monitoring Centre (IDMC), *Coronavirus Crisis: Internal Displacement*, IDMC (2020) <https://www.internal-displacement.org/crises/coronavirus>

⁴⁰³ Internal Displacement Monitoring Centre (IDMC), *Coronavirus Crisis: Internal Displacement*, IDMC (2020) <https://www.internal-displacement.org/crises/coronavirus>

Haiti are all nations with large populations of displaced people.⁴⁰⁴ These statistics will help to consider the number of vulnerable people set up for disproportionate risks in the wake of the COVID-19 pandemic.

In the wake of the COVID-19 pandemic, IDPs have been more susceptible to the risk of contracting the virus and have been placed in a disadvantaged position from the measures that have been put in place to curb its spread. Because of where they initially find shelter in a host community, like most urban migrants, these families will inevitably seek refuge in squatter camps and improvised settlements; IDPs are more prone to catching diseases like COVID-19 than typical members of the host society. They frequently have no access to safe lodging when they arrive in a new city, exacerbated by insufficient support and helpful information on what to do.⁴⁰⁵

Some government responses have largely excluded informal urban settlements from their Covid-19 response and recovery plans. For instance, in Sierra Leone, where the urban poor have long been excluded from urban planning, residents of informal urban settlements have relied heavily on local community resources and distribution channels without government support.⁴⁰⁶ The lack of evidence on the social and

⁴⁰⁴ THE HUMANITARIAN IMPACT OF COVID-19 ON DISPLACED COMMUNITIES SUMMARY, *supra* note 388.

⁴⁰⁵ Orendain and Djalante, *supra* note 4.

⁴⁰⁶ Amanda Lenhardt, *The Social Economic Impacts of Covid-19 in Informal Urban Settlements* (2021), <https://opendocs.ids.ac.uk/opendocs/handle/20.500.12413/16900> (last visited Mar 2, 2022).

economic circumstances of IDPs living in informal urban settlements has long been an issue. The Covid-19 pandemic has worsened the complexity of helping people in these communities where many IDPs seek protection. There are often no credible data about the number of individuals who reside [in informal urban settlements] or their health because of their informal status, making it challenging to plan for an outbreak and may result in ineffective and damaging responses.⁴⁰⁷

The vulnerabilities increase their risks of the primary and secondary effects of the pandemic. Some impacts of the COVID-19 pandemic on IDPs will be examined closely in the following headings regarding health, food security, safety, security, socio-economic, and gender-based violence.

5.2.1 Health Challenges

The health challenges faced by IDPs constitute a significant part of the pre-existing vulnerabilities that put them in a more disadvantaged position in the spread of the virus, difficulty in observing safety measures, and inadequate health facilities. The lack of specific data on IDPs, lack of surveillance system, lack of health data

⁴⁰⁷ *Id.*

management system, and limited testing capacity has impeded evaluations of how the coronavirus has affected displaced persons and how this compares to host communities and non-displaced people. However, mounting evidence shows that IDPs are more sensitive to Covid-19 than the overall population. Some of the obstacles posed by displacement, including overcrowding, poor nutrition, and underlying and frequently untreated health disorders and diseases, appear to increase IDPs of all ages getting Covid-19 and suffering severe symptoms.⁴⁰⁸

- **Pre-existing vulnerabilities**

IDPs have a higher susceptibility to infectious diseases due to; a lack of health services, environmental factors, and host factors. Environmental factors include crowded camps, non-access to clean water, sanitation and hygiene (WASH) facilities, and scarcity of basic preventive measures. Host factors include; inadequate nutrition and incomplete vaccination leaving them susceptible to outbreaks of vaccine-preventable diseases.

⁴⁰⁸ Coronavirus and internal displacement: latest, , <https://www.internal-displacement.org/crises/coronavirus> (last visited Mar 9, 2022).

Statistics reveal a higher mortality rate amongst IDPs than the general population.⁴⁰⁹ Their precarious financial situation and lack of healthcare facilities and pharmaceutical shops prevent access to healthcare and access to the purchase of protective items like masks and sanitizers. IDPs may lack the financial means or even the ability to obtain social and health services. This significantly higher mortality rate results from low immunity induced by other infectious diseases like diarrhea, malaria, and respiratory diseases resulting from overcrowding, unsanitary environment, and substandard living conditions.⁴¹⁰ Crowded living conditions favor the widespread of Covid-19 and are infested with vectors and carriers of disease-causing organisms. For instance, favorable habitats for yellow fever mosquito vectors and other diseases. In such situations, displaced people who are already infected by other diseases will have weak immunity to fight against Covid-19 infection.

Non-communicable diseases have also recorded a high prevalence amongst IDPs. A study in Ukraine showed that about 59.8% of IDPs had at least one non-communicable disease. They were more likely to report interruptions in care and medication than non-IDPs. Research in Uganda and Georgia also identified high-risk

⁴⁰⁹ Internal Displacement Monitoring Centre (IDMC), *Coronavirus Crisis: Internal Displacement*, IDMC (2020) <https://www.internal-displacement.org/crises/coronavirus>

⁴¹⁰ David Cantor, Jina Swartz, James Smith et.al, *Understanding the Health Needs of Internally Displaced Persons: A Scoping Review*, *Journal of Migration and Health* (29 October 2021) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8600058/>

factors for diabetes, liver disease, and cardiovascular diseases due to the high rate of alcohol use by IDPs. In Iraq, higher non-communicable illnesses like hypertension, diabetes, bone, and digestive disorders were identified.⁴¹¹

- **Exposure to Covid-19**

Forty-five percent of IDPs in Yemen who were asked claimed they or a member of their household had suffered Covid-19 symptoms, compared to 30% of non-displaced people.⁴¹² The inability to physically separate themselves from others was cited as the most common barrier IDPs faced in reducing their risk of contracting or transmitting the illness. A qualitative study was carried out in 2020 after the implementation of a physical distancing policy to curb the health crises in Mali. In Bamako and Ségou, in two of Mali's ten regions, 68 participants were in the study, including 50 IDPs, seven administrative and health authorities, and 11 humanitarian actors. The study shows how difficult it is for IDPs to adhere to most physical separation procedures. The proximity in which IDPs live, their beliefs and values, and the lack of toilets and safe water on sites bring about the possibility of disease spreading among IDPs and its potential implications. IDPs' lifestyles and economic situation, humanitarian actors' lack of financial resources and authority, and social pressure from religious leaders are all

⁴¹¹ David Cantor, Jina Swartz, James Smith et.al, *Understanding the Health Needs of Internally Displaced Persons: A Scoping Review*, Journal of Migration and Health (29 October 2021) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8600058/>

⁴¹² Policy Brief: COVID-19 & Disruptions to Education | Coronavirus Health Crisis | World Vision International, <https://www.wvi.org/publications/policy-briefing/coronavirus-health-crisis/policy-brief-covid-19-disruptions-education> (last visited Mar 3, 2022).

identified as major challenges to implementing and adopting physical distancing measures.⁴¹³ In addition, poor housing conditions make it difficult for IDPs to self-isolate. A study in Burkina Faso showed that because most IDP households have less space per person, 87% said they could not isolate an ill member compared to 64% in non-IDP homes.⁴¹⁴ Mitigation strategies include the construction of new shelters or the compartmentalization of existing shelters.

- **Inadequate health services for Covid-19**

A study on IDPs in Rohingya communities living in camps in Cox's Bazar, Bangladesh, shows multi-dimensional impacts.⁴¹⁵ According to the study, it was difficult for them to receive safe and timely treatment for Covid-19 symptoms because of the Rohingyas' negative impressions about medical clinics and hospitals. With limited internet connectivity, stories circulating that some patients were transported

⁴¹³ Mohammed Ali, Irama Apho Ly, Niele Hawa Diarra et.al, *Challenges To The Implementation And Adoption Of Physical Distancing Measures Against Covid-19 By Internally Displaced People In Mali: A Quantitative Study*, Biomed Central, Conflict and Health (04 December 2021) <https://conflictandhealth.biomedcentral.com/articles/10.1186/s13031-021-004>

⁴¹⁴ Mohamed Ali Ag Ahmed et al., *Challenges to the implementation and adoption of physical distancing measures against COVID-19 by internally displaced people in Mali: a qualitative study*, 15 CONFL. HEALTH 1–9 (2021), <https://conflictandhealth.biomedcentral.com/articles/10.1186/s13031-021-00425-x> (last visited Mar 5, 2022).

⁴¹⁵ Lippman et al., *supra* note 401.

offsite to secret locations after clinics had exacerbated widespread mistrust.⁴¹⁶ In terms of awareness and understanding of Covid-19, many camp inhabitants had a pretty basic knowledge of Covid-19 as of July 2020. They still lacked precise and accurate information on the particular steps they could take to safeguard themselves and their families months after the pandemic began.⁴¹⁷

IDPs frequently face institutional and structural barriers to accessing adequate social and health assistance. IDPs may not access accurate information if a city is infected, especially if the local authority fails to communicate effectively and does not use various media platforms. They may be completely unaware of the pandemic.⁴¹⁸ On a worldwide basis, there are also concerns that displaced persons will have difficulty getting vaccinated against Covid-19 because of limited access to health facilities and, in some circumstances, a lack of legal documentation.⁴¹⁹

⁴¹⁶ *Id.*

⁴¹⁷ *Id.*

⁴¹⁸ Orendain and Djalante, *supra* note 4.

⁴¹⁹ Policy Brief: COVID-19 & Disruptions to Education | Coronavirus Health Crisis | World Vision International, *supra* note 412.

5.2.2 Mental Health Challenges

Given the living conditions of IDPs, it comes as no surprise that they are also saddled with mental health challenges. Research has shown that IDPs are at higher risk of anxiety, depression, and other forms of mental distress.⁴²⁰ According to the study in Rohingya, family bonds were disrupted by the epidemic, both within Cox's Bazar and between camp occupants and their relatives outside and Rohingyas' capacity to communicate with loved ones during the lockdown. Because living in camps away from their own country was already a confined and restricted way of life, Rohingya camp dwellers perceived these restrictions differently from others in the global community.⁴²¹

According to the IOM, the pandemic and its associated infection prevention and control measures have significantly decreased migrants' and displaced persons' access to employment and income-generating opportunities constituting a significant source of stress and concern for these groups.⁴²² Inadequate relief and assistance from the local authorities exacerbated the loss of income, and Thailand's suicide rate is on the rise. Food insecurity, mental health decline, and health difficulties that affect their quality of

⁴²⁰ Mariana Lagos-Gallego et al., *Post-traumatic stress disorder in internally displaced people of Colombia: An ecological study*, 16 TRAVEL MED. INFECT. DIS. (2017).

⁴²¹ Lippman et al., *supra* note 401.

⁴²² International Organisation For Migration, *Assessing The Socio-Economic Impact Of Covid-19 On Migrants And Displaced Populations In The Mena Region*, IOM (2021) <https://reliefweb.int/sites/reliefweb.int/files/resources/IOM%20Socio-economic%20impact%20of%20COVID-19.pdf>

life may result from this financial insecurity, which is compounded by insufficient social support systems and infrastructures.⁴²³

The imposition of lock-down measures resulting in lack of income, restriction of movement, cramping, and relative woes can further affect the mental health of internally displaced persons and increase dependence on alcohol and other substances, which in turn result in liver diseases and risk of cardiovascular diseases. Children's mental health and well-being can also be harmed by self-isolation resulting from COVID-19.⁴²⁴

5.2.3 Food Security Challenges

Food security challenges have been a general vulnerability even before the breakout of the pandemic. According to the 2020 report of the State of Food Security and Nutrition Report, some two billion people faced food insecurity at a moderate or severe level before the pandemic.⁴²⁵ Mainly, the Food Crisis Prevention Network

⁴²³ Orendain and Djalante, *supra* note 4.

⁴²⁴ Policy Brief: COVID-19 & Disruptions to Education | Coronavirus Health Crisis | World Vision International, *supra* note 412.

⁴²⁵ Committee on World Food Security, *Impact of COVID-19 on Food Security and Nutrition: Development Effective Policy Responses to Address the Hunger and Malnutrition Pandemic*, High Level Panel of Experts (September 2020) <https://www.fao.org/3/cb1000en/cb1000en.pdf>

estimated that as of December 2019, about 9.4 million people were in dire need of emergency food assistance. These food security challenges led to a spike in the global malnutrition rate to the point of exceeding the emergency threshold.⁴²⁶ By April 2020, the Food Crisis Prevention Network declared an unprecedented humanitarian crisis. A whopping 11.4 million people needed immediate food and nutrition assistance with a threat of more to join the train.⁴²⁷ The causes of food insecurities are often the causes of displacement. Qu Dongyu, the Director-General of the Food and Agriculture Organization (FAO), emphasized how the 2020 Global Study on Food Crises report shows a clear link between war and rising levels of acute food insecurity. He cited Yemen as the world's worst food and malnutrition crisis, saying that the number of acutely food-insecure people there is "expected to exceed 17 million." One hundred thirty-five million people in 55 countries experienced acute food insecurity in 2019, nearly 60% of whom lived in conflict or instability.⁴²⁸ According to recent UN research, food insecurity is rising in 20 hunger hotspots where conflict, economic shocks, natural disasters, and limited humanitarian access are putting millions of lives at risk. According to the Hunger Hotspots report, released jointly by the FAO and the WFP, people in South Sudan, Yemen, northern Ethiopia, and Nigeria are particularly vulnerable.⁴²⁹

⁴²⁶ Food and Agriculture Organisation of the United Nation, *Anticipating the Impacts of COVID-19 in Humanitarian and Food Crises Contexts*, FAO (4 April 2020) <https://www.fao.org/3/ca8464en/CA8464EN.pdf>

⁴²⁷ As famines of 'biblical proportion' loom, Security Council urged to 'act fast' | | UN News, *supra* note 383.

⁴²⁸ *Id.*

⁴²⁹ Hunger Hotspots: 4 countries face famine, UN report warns | World Food Programme, <https://www.wfp.org/stories/hunger-hotspots-4-countries-face-famine-un-report-warns> (last visited Mar 3, 2022).

The emergence of the coronavirus pandemic has significantly aggravated the existing food security challenge through a significant disruption in food supply chains, thereby threatening people's access to food through multiple dynamics. Food security in informal urban settlements of IDPs is of particular concern due to the overall market and transportation disruptions worldwide, with little ties to rural and international food markets.⁴³⁰ The combined effects of insecurity, barriers to trade, lockdown policies, market closure, and the static state of many economies have profound effects on food security and food systems, placing about 50 million people at risk of needing emergency food and nutrition assistance.⁴³¹ For the 368 million children skipping school meals because of school closure, a lack of access to adequate nutrition can have severe consequences for their survival and development.⁴³²

Between April 2019 and April 2020, early research of the consequences of market disruptions on food prices in East Africa indicated an 8-10 percent increase in food costs in Burundi, Rwanda, and Uganda, more than double the yearly inflation rate

⁴³⁰ Lenhardt, *supra* note 406.

⁴³¹ Organisation for Economic Co-Operation and Development (OECD), *OECD Policy Responses To Coronavirus- When A Global Virus Meets Local Realities: Coronavirus (Covid-19) In West Africa*, OECD (11 May 2020) <https://www.oecd.org/coronavirus/policy-responses/when-a-global-virus-confronts-local-realities-coronavirus-covid-19-in-west-africa-8af7f692/>

⁴³² Policy Brief: COVID-19 & Disruptions to Education | Coronavirus Health Crisis | World Vision International, *supra* note 412.

of 4-5 percent in these countries.⁴³³ The vulnerability of IDPs in conflict areas like Chad, Mali, Burkina Faso, and Ethiopia is considerably higher with regard to food security, water, hygiene, and health because of the operation of various dynamics to be discussed below.⁴³⁴

1. Poverty and Income loss

The COVID-19 pandemic is expected to push an extra 88 million to 115 million people into extreme poverty in one year, with the total rising to as many as 150 million by 2021.⁴³⁵ According to a World Bank study, many of the new poor would live in nations with high poverty rates. Significant numbers of people will fall below the extreme poverty line in several middle-income countries.⁴³⁶ Even though disaggregated numbers for urban versus rural areas aren't available, the 1 billion people predicted to live in informal urban settlements are likely to account for a considerable portion of this total. Loss of income and employment due to lockdowns and other disease containment measures, travel restrictions restricting mobility to access markets and livelihood

⁴³³ Lenhardt, *supra* note 406.

⁴³⁴ Committee on World Food Security, *Impact of COVID-19 on Food Security and Nutrition: Development Effective Policy Responses to Address the Hunger and Malnutrition Pandemic*, High Level Panel of Experts (September 2020) <https://www.fao.org/3/cb1000en/cb1000en.pdf>

⁴³⁵ COVID-19 to Add as Many as 150 Million Extreme Poor by 2021, , <https://www.worldbank.org/en/news/press-release/2020/10/07/covid-19-to-add-as-many-as-150-million-extreme-poor-by-2021> (last visited Mar 1, 2022).

⁴³⁶ *Id.*

opportunities, and higher costs of staples such as food are factors that contribute to poverty.⁴³⁷

Income loss and low purchasing power are the aftermaths of the preventive measures adopted in many parts of the world to curb the spread of the virus. However, the effect of IDP dependent on humanitarian assistance and mobility for income is significantly higher. With the looming lockdown policies, regular households resorted to massive stocking and storing of food in preparation for the lockdown; however, IDPs, most of whom did not have the financial capability to embark on such a preventive venture, were left at the mercy of humanitarian services. Households in poor settlements cannot typically preserve food, relying on informal markets and street food vendors for most of their sustenance. Access to food was severely limited in areas where traveling was restricted, markets were shuttered, and street-food vendors were prohibited. For instance, the pandemic significantly impacted Rohingya livelihoods, particularly for shopkeepers and others with public-facing businesses, who were unable to operate due to social isolation, government orders to close, and a lack of clients due to lockdown-related movement restrictions. Many respondents claimed that economic harm was the most severe sort of harm they had experienced as a result of Covid-19 in a summer 2020 survey.⁴³⁸ In this light, IDPs were placed more disadvantaged than their non-IDP counterparts.

⁴³⁷ Lenhardt, *supra* note 406.

⁴³⁸ Lippman et al., *supra* note 401.

2. Access to markets and availability of essential goods:

Across the world, border closures and movement restrictions have impeded access to market bottlenecks in procuring basic food and medication. According to a survey conducted by the NRC, in Yemen, 27% of displaced persons reported constraints in physical access to markets; 33% of this number said that these constraints were due to COVID-19 lockdowns and movement restrictions.⁴³⁹ These participants also noted the unavailability of certain essential goods, of which 46% percent reported the unavailability of food items. Many informants also pointed out that the pandemic significantly increased the price of these goods and reduced purchasing power of displaced populations.

3. Disruption of humanitarian operations:

According to a survey conducted in April by the humanitarian information provider ACAPs, a joint NRC, and Save the Children, almost 7% of humanitarian operations have entirely ceased around the world. Up to 74% of organizations reported a negative impact on operations, with roughly 13% focusing solely on life-saving

⁴³⁹ Norwegian Refugee Council, *COVID-19 Impact Assessment Report- Yemen, July 2020*, Reliefweb (July 2020) <https://reliefweb.int/sites/reliefweb.int/files/resources/NRC%20COVID-19%20Impact%20Assessment%202020%20-%20Combined.pdf>

services.⁴⁴⁰ This is a compounding factor for food crises, especially for IDPs dependent on humanitarian operations. The resources that are diverted for COVID-19 operations may affect the budgets for assistance; more so, the restriction placed on movement through lockdown measures may affect the mobility of staff and supplies, including the ability to conduct fieldwork.⁴⁴¹

Curfews and limitations on mobility between cities enforced in Libya to combat the spread of Covid-19 are obstructing the supply of humanitarian aid. Humanitarian organizations in South Sudan have reported increasing limitations on accessing Protection of Civilians (POC) displacement sites. Humanitarian organizations in Libya, for example, are encountering difficulties importing relief products, notably those required for public health initiatives. NRC has 16 personnel in Yemen who cannot return due to the stoppage of humanitarian flights. Nearly half of all international employees await their return, diminishing humanitarian capacity, technical experience, and leadership. In other circumstances, in the framework of Covid-19, cross-border movements of humanitarian commodities and personnel have become more critical than ever. Cross-border assistance delivery into northwest Syria was already in jeopardy before the pandemic remains the most plausible alternative for assuring the continuing supply of life-saving, multi-sector humanitarian aid.⁴⁴² The disequilibrium between the increased number of people in need of humanitarian assistance and the resources

⁴⁴⁰ THE HUMANITARIAN IMPACT OF COVID-19 ON DISPLACED COMMUNITIES SUMMARY, *supra* note 388.

⁴⁴¹ *Id.*

⁴⁴² *Id.*

available to meet these needs may widen, especially with the increase in humanitarian delivery costs.

The second arm of this section is the security challenges of IDPs. They may be stigmatized and deliberately targeted with negative perceptions as carriers of the virus due to close contact with foreign aid workers. In addition, there have been claims of growing xenophobia against international charity workers due to the pandemic.⁴⁴³ In some countries, authorities may be motivated to speed up camp closure, relocation, and premature return processes presented as involuntary or unsafe solutions for IDPs. Some of these measures impede their security, compelling some of them to return home prematurely or relocate to urban cities where the virus spreads faster.⁴⁴⁴

⁴⁴³ *Id.*

⁴⁴⁴ International Federation of Red Cross and International Committee of the Red Cross, *Reducing the Impact of the COVID-19 Pandemic on Internally Displaced Persons (IDPs)*, Reliefweb (2020) <https://reliefweb.int/sites/reliefweb.int/files/resources/Reducing%20the%20impact%20of%20the%20COVID-19%20pandemic%20on%20internally%20displaced%20people%20%28IDPs%29.pdf>

5.2.4 Socioeconomic Challenges

IDPs may face difficulties seeking relief and assistance during a lockdown. IDPs may lose their identity documents; they may become unregistered in the host society and may face language obstacles, cultural differences, Indigenous or ethnic discrimination, racism, and other forms of exclusion may all play a role. Citizenship rights supported by documentation frequently imply equal access to a government's services. Without this "right," IDPs may have difficulty receiving money aid, food packages, or other forms of relief aid. An IDP will not be assisted unless there is free-for-all support, such as food aid to all households, without the necessity for identification.⁴⁴⁵

The measures adopted to curb the coronavirus by way of lockdown policies, remote work, restriction of movement and border closures had far-reaching effects on the economy of nations and, consequently, citizens' socioeconomic status. Many companies had to undergo restructuring and lay off staff leading to an increased unemployment rate, low income, and purchasing power. This challenge poses a more significant threat for IDPs, who are often dependent on insecure and informal

⁴⁴⁵ Orendain and Djalante, *supra* note 4.

employment than non-displaced people, particularly in low and middle-income countries.⁴⁴⁶

1. Loss of employment and livelihood

As discussed under the food security impact of Covid-19, lockdowns, and limits on travel and employment losses are already affecting displaced people's ability to feed their families, pay for necessities, and seek medical treatment. Displaced people rely primarily on daily wages and the underground economy to make ends meet. The temporary collapse of the informal sector and movement restrictions make them particularly vulnerable.⁴⁴⁷ Compared to residents of the host city or community, Internally displaced families are highly susceptible to loss of livelihood and financial insecurity, which could have long-term consequences. IDP families contacted in Davao City relied on informal economies by establishing small-scale entrepreneurs, despite enduring economic marginalization and exploitation. They sell food in workplaces, own a tiny sari-sari shop, or work odd jobs to supplement their income. A lockdown eliminates these income sources, causing financial collapse and further descent into poverty and depravity.⁴⁴⁸ As mentioned above, such groups are often more concerned

⁴⁴⁶ Internal Displacement Monitoring Centre (IDMC), *Coronavirus Crisis: Internal Displacement*, IDMC (2020) <https://www.internal-displacement.org/crises/coronavirus>

⁴⁴⁷ THE HUMANITARIAN IMPACT OF COVID-19 ON DISPLACED COMMUNITIES SUMMARY, *supra* note 388.

⁴⁴⁸ Orendain and Djalante, *supra* note 4.

about the loss of income and its adverse outcomes than the pandemic's health implications. A survey conducted by the IDMC to measure the effects of the pandemic on internally displaced communities revealed loss of employment and livelihoods as the main impact. In Iraq, about 89% of the respondents acceded to this, with the employment rate of the general population in small and medium enterprises decreasing by 27% between February and June 2020.⁴⁴⁹

COVID-19 has influenced and continues to influence the socioeconomic outcomes of migrants and displaced populations in the Middle East and North Africa (MENA) region, according to IMO's study. The assessment made by IMO, which is a complete assessment of COVID-19's socioeconomic impact on migrants and displaced persons in the MENA region, examines the implications of the pandemic on six key pillars, (1) health services and systems during the crisis; (2) access to social protection and essential services; (3) economic response and recovery; (4) macroeconomic response and multilateral collaboration; and (5) social cohesion and community resiliency, by adapting the United Nations framework for the immediate socioeconomic response to COVID-19 to the specific realities of migrants and displaced populations.⁴⁵⁰

⁴⁴⁹ International Organisation For Migration, *Assessing The Socio-Economic Impact Of Covid-19 On Migrants And Displaced Populations In The Mena Region*, IOM (2021) <https://reliefweb.int/sites/reliefweb.int/files/resources/IOM%20Socio-economic%20impact%20of%20COVID-19.pdf>

⁴⁵⁰ Assessing the Socio-Economic Impact of Covid-19 on Migrants and Displaced Populations in the MENA Region - Libya | ReliefWeb, , <https://reliefweb.int/report/libya/assessing-socio-economic-impact-covid-19-migrants-and-displaced-populations-mena-region> (last visited Mar 9, 2022).

In Libya, the study showed that 64% of IDPs and 85% of migrants were engaged in some form of paid work before COVID-19. By January 2021, 65% of migrants and IDPs reported being unable to carry out their jobs as before, even though they were still employed. In comparison, 20% of migrants and 9% of IDPs noted that they lost their jobs or did not receive their salaries.⁴⁵¹ Similar reports were recorded in Sudan, Yemen, Tunisia, Algeria, Jordan, and Egypt.⁴⁵²

Due to reduced income and earning capacity, migrants and displaced populations have expressed reduced ability to send remittances to families back home.⁴⁵³ According to the IOM Displacement Tracking Matrix in Libya, 26% of foreign workers reported sending remittances in July-August 2020, compared to 35% in March-April 2020 representing a ten percent decline in months.⁴⁵⁴ The IDMC also noted that this decline in remittances could be traced not only to a decrease in revenues related to the pandemic but other factors like lower oil prices, depreciation of currencies, and

⁴⁵¹ International Organisation For Migration, *Assessing The Socio-Economic Impact Of Covid-19 On Migrants And Displaced Populations In The Mena Region*, IOM (2021) <https://reliefweb.int/sites/reliefweb.int/files/resources/IOM%20Socio-economic%20impact%20of%20COVID-19.pdf>

⁴⁵² Internal Displacement Monitoring Centre (IDMC), *Coronavirus Crisis: Internal Displacement*, IDMC (2020) <https://www.internal-displacement.org/crises/coronavirus>

⁴⁵³ International Organisation For Migration, *Assessing The Socio-Economic Impact Of Covid-19 On Migrants And Displaced Populations In The Mena Region*, IOM (2021) <https://reliefweb.int/sites/reliefweb.int/files/resources/IOM%20Socio-economic%20impact%20of%20COVID-19.pdf>

⁴⁵⁴ International Organisation For Migration, *Assessing The Socio-Economic Impact Of Covid-19 On Migrants And Displaced Populations In The Mena Region*, IOM (2021) <https://reliefweb.int/sites/reliefweb.int/files/resources/IOM%20Socio-economic%20impact%20of%20COVID-19.pdf>

closure of remittance service providers as a result of lockdowns. In this light, the pandemic has aggravated pre-existing economic shocks fraught with higher risks to communities or groups with increased exposure.⁴⁵⁵

2. Housing:

Maintaining social distance and isolating if unwell or exposed are two preventative methods against coronavirus.⁴⁵⁶ Preventive strategies are not simple to achieve in overcrowded encampments where IDPs frequently live, in displacement camps that share limited space with host communities, emergency shelters, and informal settlements. Poor housing conditions can exacerbate IDPs' exposure to Covid-19. IDPs living in rented housing may face an increased risk of eviction due to their loss of

⁴⁵⁵ International Organisation For Migration, *Assessing The Socio-Economic Impact Of Covid-19 On Migrants And Displaced Populations In The Mena Region*, IOM (2021) <https://reliefweb.int/sites/reliefweb.int/files/resources/IOM%20Socio-economic%20impact%20of%20COVID-19.pdf>

⁴⁵⁶ Timeline of WHO's response to COVID-19, *supra* note 36.

income owing to Covid-19, consequently facing secondary displacement. Rent is one of the highest costs for IDPs, and many were already having financial difficulties before the outbreak.⁴⁵⁷

Covid-19 not only worsened the situation of IDPs but also caused more displacement. In Libya, stigma and/or discrimination against families who have or fear they have Covid-19 symptoms has resulted in a significant increase in forced evictions. In Iraq, eviction threats across the country discovered that 60% of respondents stated they would not pay their rent in the next three months, with 42% expecting eviction.⁴⁵⁸

3. Drastic devaluation of money:

Another economic challenge closely related to the Covid-19 crisis is the drastic devaluation of money, leading to inflation and reduced purchasing power. Consequently, many families are unable to purchase essential items for livelihood. A survey in Iraq revealed market prices increased by 15 percent on average, with 60 percent of respondents claiming they lost their income due to Covid-19. Around 67 percent of respondents stated they were compelled to use negative coping tactics, such as selling productive assets and jeopardizing their long-term hopes for a stable income.

⁴⁵⁷ Coronavirus and internal displacement: latest, *supra* note 408.

⁴⁵⁸ THE HUMANITARIAN IMPACT OF COVID-19 ON DISPLACED COMMUNITIES SUMMARY, *supra* note 388.

More than one-third of respondents to a study said that the virus would cause economic hardship in Somalia, citing the loss of casual job options, increased inflation, and basic requirements as examples.⁴⁵⁹

4. Increased social inequities

The global economic slowdown triggered by the pandemic has increased societal inequities in most countries regarding access to basic needs like food, water, and health care, placing groups disproportionately affected by pre-covid food insecurity at greater risk.⁴⁶⁰ Many states, especially in conflict areas, could not distribute palliatives to non-IDPs whose data is more accessible than IDPs. This, coupled with the disruption of social protection programs and altered food environments by the pandemic, has placed IDP in a more disadvantaged position.

⁴⁵⁹ *Id.*

⁴⁶⁰ International Organisation For Migration, *Assessing The Socio-Economic Impact Of Covid-19 On Migrants And Displaced Populations In The Mena Region*, IOM (2021) <https://reliefweb.int/sites/reliefweb.int/files/resources/IOM%20Socio-economic%20impact%20of%20COVID-19.pdf>

School closures can deprive children of essential possibilities for learning and development in safe and protected environments and a sense of stability and community belonging. The most vulnerable children, those living in poverty, girls, children with disabilities, refugees, IDPs, and others in fragile and conflict-affected contexts: are disproportionately affected by disruptions in education. These children do not have access to alternative education, and the gap between those who have access to online distance learning and parents who are better prepared for homeschooling and/or live in situations that are unsuitable for continuing their studies will widen.

5.2.5 Safety and Security:

Governments worldwide have closed their borders or implemented new policies to prevent or limit Covid-19 transmission over national borders. These restrictions are already hurting vulnerable people seeking safety, exposing them to more severe violence, or compelling them to use riskier trafficking routes. Formal border crossings have been almost entirely stopped in Ethiopia, Kenya, and Uganda, effectively shutting down refugee transit centers.⁴⁶¹ As a result, displaced people who could seek safety in neighboring countries were forced to stay in dangerous situations. When borders are shutting, and movement is restricted, the pandemic's direct and indirect effects produce new displacement, including secondary displacements and premature and dangerous

⁴⁶¹ THE HUMANITARIAN IMPACT OF COVID-19 ON DISPLACED COMMUNITIES SUMMARY, *supra* note 388.

returns. Lockdown measures prevented Venezuelan refugees and migrants from earning a living in Colombia, and as a result, many have been compelled to return home.⁴⁶² Human rights groups warn that the enforcement of stay-at-home orders leads to violence, resulting in secondary displacement in Lagos, Nigeria, with an estimated 100,000 IDPs. In Somalia, 57% of survey respondents indicated they don't have access to a health center, and over 15% said they'd consider leaving their current area because of Covid-19-related problems.⁴⁶³

The security and safety of displaced populations and broader community cohesion are some of the social challenges exacerbated by the emergence of the COVID-19 pandemic. IDPs could be at risk of violence based on the perception that they may spread the disease. IDMC reports show that IDPs living in unsafe shelters are victimized, lack access to vital services, and are stigmatized or discriminated against. One of the most prominent areas for IDPs is public safety and security.⁴⁶⁴

⁴⁶² *Id.*

⁴⁶³ *Id.*

⁴⁶⁴ International Organisation For Migration, *Assessing The Socio-Economic Impact Of Covid-19 On Migrants And Displaced Populations In The Mena Region*, IOM (2021) <https://reliefweb.int/sites/reliefweb.int/files/resources/IOM%20Socio-economic%20impact%20of%20COVID-19.pdf>

There is also the possibility that COVID-19 impacted macro-level security in some regions.⁴⁶⁵ A joint study conducted by the UNDP and the IOM in Iraq posits that the coronavirus pandemic provided room for different armed groups and security actors to gain a more robust social presence. Some have traveled and engaged in new attacks while attention was focused on responding to the pandemic. In Nigeria, shortly after the declaration of fourteen days of lockdowns at the outset of the spread of the virus, an armed robbery group called "One million Boys" attacked residents in Lagos and Ogun states opposing Covid-19 restrictions.⁴⁶⁶ Incidences like this are more dangerous to displaced populations who might not have proper shelter.

The emergency of COVID-19 and the measures adopted in response to the virus might result in tension between mobile and hosting communities. In some instances, it strains community relations that the increase in resource scarcity can amplify. Evidence collected by the IOM revealed that COVID-19 aggravated existing and underlying grievances and increased the lack of resources, consequently placing strain on community relationships.⁴⁶⁷ Vulnerable communities like displaced persons often bear

⁴⁶⁵ International Organisation For Migration, *Assessing The Socio-Economic Impact Of Covid-19 On Migrants And Displaced Populations In The Mena Region*, IOM (2021) <https://reliefweb.int/sites/reliefweb.int/files/resources/IOM%20Socio-economic%20impact%20of%20COVID-19.pdf>

⁴⁶⁶ Emma Nnadozie, *Lockdown: Activities of Deadly One Million Boys, Awawa Gang Rubbish Police Claims in Lagos*. Vanguard (18 April 2020) <https://www.vanguardngr.com/2020/04/lockdown-activities-of-deadly-one-million-boys-awawa-gang-rubbish-police-claims-in-lagos/amp/>

⁴⁶⁷ International Organisation For Migration, *Assessing The Socio-Economic Impact Of Covid-19 On Migrants And Displaced Populations In The Mena Region*, IOM (2021) <https://reliefweb.int/sites/reliefweb.int/files/resources/IOM%20Socio-economic%20impact%20of%20COVID-19.pdf>

the brunt when this happens. About 50% of the IOM informants reported discrimination against mobile populations like IDPs linked to COVID-19, including physical violence, stigmatization, and racist comments.⁴⁶⁸

The preceding paragraphs have examined how the incidence of the coronavirus pandemic purports significantly higher risks for IDPs by acting on and exacerbating pre-existing vulnerabilities faced by this group. The absence of genuine input from international agencies and other service providers operating in the camps was noted by Rohingya communities in Cox's Bazar. Outsiders often made decisions about the pandemic response and other service provisions without significant participation and feedback from those who were most affected. The Rohingyas questioned expressed a great desire to return to Myanmar and desired that the agencies working in Cox's Bazar be more aware of this need. Even though this outlook before the Covid-19 outbreak, the emphasis on recovery remained strong. Indeed, the epidemic experience reinforced the belief that life would be better at home in Myanmar.⁴⁶⁹

⁴⁶⁸ International Organisation For Migration, *Assessing The Socio-Economic Impact Of Covid-19 On Migrants And Displaced Populations In The Mena Region*, IOM (2021) <https://reliefweb.int/sites/reliefweb.int/files/resources/IOM%20Socio-economic%20impact%20of%20COVID-19.pdf>

⁴⁶⁹ Lippman et al., *supra* note 401.

5.2.6 Gender-Based violence

Gender-based violence (GBV) escalates in all types of emergencies, including economic downturns, conflict, and disease outbreaks, which are sometimes overlapping causes of displacement. School disruptions mainly endanger girls. For example, the Ebola epidemic in areas of Africa exacerbated gender inequality, with increased physical and sexual violence against girls, adolescent pregnancies, and child marriage reported in afflicted nations. School closures in Sierra Leone connected to 11,000 schoolgirls becoming pregnant and unable to return to school owing to the Ebola outbreak. When schools reopen, vulnerable youngsters, particularly adolescent girls, may drop out due to their deteriorated conditions during the shutdown.⁴⁷⁰

Gender-based violence has long been associated with epidemics and pandemics enough to constitute a risk factor. According to the UNFPA, pandemics often lead to breakdowns of social infrastructures, thus compounding the pre-existing weaknesses and conflicts. Consequently, the existing gender inequality is compounded by pandemics.⁴⁷¹ According to Bradbury and Isham, the lockdown imposed to deal with COVID-19 has granted greater freedom to abusers because the distorted power

⁴⁷⁰ Policy Brief: COVID-19 & Disruptions to Education | Coronavirus Health Crisis | World Vision International, *supra* note 412.

⁴⁷¹ Shalini Mittal, Tushar Singh, *Gender-based Biolence During COVID-19 Pandemic: A Mini-Review*, *Frontiers in Global Women's Health* (8 September 2020) <https://www.frontiersin.org/articles/10.3389/fgwh.2020.00004/full>

dynamics at home resulting in abuse and gender violence escape the scrutiny of anyone outside the home.⁴⁷²

Displacement also creates vulnerability for GBV. According to statistics from 4868 IDPs in Nigeria, around a third had been the victim of sexual abuse (1616), while a fifth had been the victim of physical violence (997). One thousand three hundred eighty-two women had experienced socioeconomic violence, and 1484 had experienced emotional violence, with almost half (2297) reporting damaging cultural behaviors. Boko Haram insurgents (63) were among the perpetrators of sexual violence since the displacement; 34 were unknown, 22 were members of the police and armed forces, 19 were intimate partners, and seven were relatives. According to the majority of women, strangers, men, and Boko Haram terrorists were the most common perpetrators of physical assault (80 percent).⁴⁷³ This study clearly shows how displacement creates a favorable environment for GBV. According to Refugees International, the most pervasive form of GBV for displaced populations and refugees is Intimate Partner Violence (IPV). It escalates rapidly without checks in place, yielding fatal results in some cases.⁴⁷⁴ Some of the factors that lead to increased occurrences of intimate partner

⁴⁷² Bradbury-Jones Caroline, Isham Louise, *The Pandemic Paradox: The Consequences of COVID-19 on Domestic Violence*, National Library of Medicine (29 July 2020) <https://pubmed.ncbi.nlm.nih.gov/32281158/>

⁴⁷³ Oladosu Ojengbede et al., *Sexual and gender-based violence in camps for internally displaced people and host communities in northeast Nigeria: a mixed methods study*, 7 LANCET GLOB. HEAL. (2019).

⁴⁷⁴ Refugees Internal, *Gender Matters: COVID-19's Outsized Impact on Displaced Women and Girls*, Reliefweb (7 May 2020) <https://reliefweb.int/report/world/gender-matters-covid-19-s-outsized-impact-displaced-women-and-girls>

violence are; rapidly changing gender norms triggered by displacement, poverty, women's separation from their families, forced marriages, and substance abuse by males. The organization's study conducted in South Sudan, which is prominent for conflict-related sexual-based violence, revealed that the higher risk for women is within the household. Thus, stay-at-home orders adopted in many states create significant risks for women and girls.

Globally, one in every three women is subjected to physical or sexual violence, most perpetrated by an intimate partner. Before Covid-19, 243 million women and girls between the ages of 15 - 49 had been sexually or physically abused by an intimate partner. Emerging data and stories from people on the front lines suggest that all sorts of violence against women and girls, notably domestic abuse, have increased since the onset of COVID-19.⁴⁷⁵ In April 2020, Antonio Guterres, the UN Secretary-General that there had been a global surge in domestic violence cases due to the lockdown policies and movement restrictions. The spike was evidenced in countries like France, Italy, and the United Kingdom, only one month after the declaration of COVID-19 as a pandemic by the United Nations, leaving the statistics in less developed climes to the imagination.⁴⁷⁶

⁴⁷⁵ The Shadow Pandemic: Violence against women during COVID-19 | UN Women – Headquarters, <https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19> (last visited Mar 3, 2022).

⁴⁷⁶ Refugees Internal, *Gender Matters: COVID-19's Outsized Impact on Displaced Women and Girls*, Reliefweb (7 May 2020) <https://reliefweb.int/report/world/gender-matters-covid-19-s-outsized-impact-displaced-women-and-girls>

GBV has increased exponentially due to pre-existing toxic societal norms and gender disparities, economic and social stress brought on by the COVID-19 epidemic, and restrictions on movement and social isolation measures. Many women are confined to their homes with their abusers and blocked off from conventional support services.⁴⁷⁷ Many communities recorded a spike in domestic and gender-based violence incidents out of sheer frustration and interpersonal clashes in families.

The COVID-19 pandemic has been the biggest shock to education systems in a century, with over 1.6 billion children and youth unable to attend school for months, with many still having yet to return.⁴⁷⁸ Children will be more sensitive to risky behaviors and bad coping techniques when not in school. As a result of school closures, they will be more vulnerable to violence, rape, neglect, abuse, and exploitation.⁴⁷⁹ School closure not only leads to more GBV but also aggravates displacement conditions. In areas where there is an armed conflict, the likelihood of armed forces or groups recruiting children and teenagers has grown due to disruptions in their education and a sense that their chances for a bright future have been jeopardized. As long as schools are closed, parties

⁴⁷⁷ Gender-based violence and COVID-19 | United Nations Development Programme, , <https://www.undp.org/publications/gender-based-violence-and-covid-19> (last visited Mar 2, 2022).

⁴⁷⁸ UNESCO's support: Educational response to COVID-19, , <https://en.unesco.org/covid19/educationresponse/support> (last visited Mar 2, 2022).

⁴⁷⁹ Policy Brief: COVID-19 & Disruptions to Education | Coronavirus Health Crisis | World Vision International, *supra* note 412.

to conflicts have a greater chance of occupying educational facilities, preventing children from returning to school when COVID-19-related restrictions are lifted.⁴⁸⁰ In nations like Myanmar, the suspension of temporary classrooms and child-friendly venues hampered humanitarian actors' ability to engage with displaced children and understand their security needs.⁴⁸¹

IDPs have an existing vulnerability in this regard, as internal displacement has always been associated with violence against women due to displacement stress and financial strain.⁴⁸² Thus, the restrictive measures adopted to curb the spread of the virus alongside its effect on the livelihood, mental health, and psychological state of displaced populations only exacerbated a pre-existing vulnerability.

At the end of June 2020, the Global Protection Cluster reported that COVID-19 was linked to the increase of GBV rate in about 90 percent of humanitarian field sites in which it worked. More disheartening is the fact that not only has it increased the number of such cases but the lockdown and movement restrictions have also impeded access to life-saving care and support for survivors of GBV as a result of little funding available for GBV-related programs. Essential services, such as domestic abuse shelters

⁴⁸⁰ *Id.*

⁴⁸¹ *Id.*

⁴⁸² Shalini Mittal, Tushar Singh, *Gender-based Violence During COVID-19 Pandemic: A Mini-Review*, *Frontiers in Global Women's Health* (8 September 2020) <https://www.frontiersin.org/articles/10.3389/fgwh.2020.00004/full>

and hotlines, have reached capacity as COVID-19 cases pressure health resources.⁴⁸³ The perpetrators often get away with it because the lockdown worsens the situation. Thus, it is evident that some measures adopted to respond to the virus put women and girls at risk. With the COVID-19 reaction and recovery activities, the global community has to do more to prioritize combating violence against women. In Afghanistan, where poverty has forced many IDPs into early and forced marriages, child labor, and begging, they are especially vulnerable to violence and abuse.⁴⁸⁴

Sexual and reproductive health challenges are not left out of the train as there is evidence that IDPs who do not live in camps face a disproportionate level of sexual and reproductive health challenges manifesting in unwanted and adolescent pregnancies, birth complications, maternal mortality, sexually transmitted infections and diseases, obstetric fistula, and more.⁴⁸⁵

⁴⁸³ The Shadow Pandemic: Violence against women during COVID-19 | UN Women – Headquarters, *supra* note 475.

⁴⁸⁴ Policy Brief: COVID-19 & Disruptions to Education | Coronavirus Health Crisis | World Vision International, *supra* note 412.

⁴⁸⁵ David Cantor, Jina Swartz, James Smith et.al, *Understanding the Health Needs of Internally Displaced Persons: A Scoping Review*, Journal of Migration and Health (29 October 2021) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8600058/>

This chapter has carefully set out the history and global impact of the coronavirus pandemic. The virus exacerbates the existing vulnerabilities of IDPs, thus putting them at greater risk of the effects of the virus because of the operation of several factors, including reduced access to health care, essential items, and food as a result of lockdown and restrictive policies. A pandemic's negative consequences may lead to secondary displacement or forced migration. Falling into extreme poverty, hunger, food insecurity, losing a job or source of income, a family member dying due to the virus, and other factors can cause IDP households to relocate.⁴⁸⁶

The economic impact of the virus is also evidenced to be greater on IDPs, who already face low-income and financial challenges and are heavily dependent on humanitarian assistance. Poor and crowded living conditions in many states also inhibit successful adherence to control measures like isolation and quarantine while aggravating their despaired psychological and mental health, yielding results like increased cases of GBV and general insecurity. It has been posited in line with the GP on Internal Displacement that IDPs have rights under international law, which the authorities of their countries must protect.

⁴⁸⁶ Orendain and Djalante, *supra* note 4.

CHAPTER 6. CONCLUSION AND RECOMMENDATIONS

6.1 CONCLUSION

Millions of people are forcibly uprooted each year from their homes. They are isolated from their families, friends, neighbors, and support systems. Disasters caused by war, natural hazards, and climate change impact people's lives significantly. There is a growing concern regarding the degree to which those facing forced (or potential) displacement are protected under international law, particularly human rights law, despite the causes of displacement being numerous and complex.

IDPs are a category of concern on a worldwide scale. The staggering number of people who are internally displaced each year is a reason for concern. Unlike refugees, these individuals remain inside the borders of the state from which they were displaced, and their primary source of protection is that state. The UN Guiding Principles on Internal Displacement (GP) lists various causes of displacement, including armed war, widespread violence, human rights abuses, and man-made and natural calamities.

The term "internally displaced persons" (IDPs) is used normatively to refer to a broad category of people who are forced to relocate within the boundaries of a state. Over the past 20 years, this idea, which was initially contained in the GP, has found expression in frameworks at the national and regional levels. The GP comprises 30 guiding principles emphasizing prevention, protection, humanitarian assistance, and durable solutions. Most of the norms emerged as complementary protection regimes in international refugee law, environmental law, human rights, and humanitarian law.

International law focuses on advocacy when it comes to IDP rights. It promotes the preexisting rights of IDPs under human rights and humanitarian law. The goal is to protect individuals from arbitrary displacement, protect their rights while displaced, and ensure that displacement ends. The guiding principle, the only international document to regulate the rights of IDPs, is not binding. However, the rights mentioned under the Guiding principles are binding under other international laws such as human rights, humanitarian, and environmental laws. This has been highlighted as a global "legal protection gap" that causes human rights violations and displacement of people.

There are a few shortcomings of the GP. First, it is not binding. Second, it does not give any legal definition or status to the term internally displaced person. Third, the causes of displacement are not exhaustive, which makes the idea that any cause that forces people out of their homes would qualify as involuntary displacement.

Protecting IDPs has also seen the rise of regional strategies, particularly in Africa, Europe, and the Americas. In Africa, the primary step in IDP protection is the adoption of hard laws on internal displacements, like the Kampala Convention. The Council of Europe's recommendation and the rulings of regional institutions, particularly the European Court of Human Rights, have significantly contributed to protecting IDPs in Europe. Although they are more often disaster-related responses than preventative measures, national approaches to internal displacement are becoming more and more prominent.

Although there isn't a dedicated organization for IDPs, several procedures have emerged to protect and help IDPs. The most important of these mechanisms is IASC, which offers a valuable forum for coordinating humanitarian efforts. Several agencies within the IASC participate in IDP issues through the cluster model.⁴⁸⁷ The UN secretary-general also created a high-level panel in 2019 to offer long-term solutions to IDP challenges worldwide. The global governance system has also seen the emergence of other pertinent systems for advancing data, analysis, and research.

In 2020, the effects were felt worldwide when the Covid-19 pandemic hit the world. The effects vary by nation and societal group, with the impoverished, refugees,

⁴⁸⁷ ADEOLA, *supra* note 74.

and displaced being disproportionately impacted. Because COVID-19 has effectively stopped the globe, vulnerable groups like IDPs are more likely to experience injustice and inequality. They frequently do not have access to even the most basic services, which keeps them from receiving the majority of aid and assistance.

The COVID-19 pandemic's potential effects on IDPs as nations and local governments can be summed up in five main ways. First, because of where they initially find shelter in a host community, IDPs are typically more susceptible to catching diseases like COVID-19 than regular members of that society. It is practically impossible in the congested and frequently unclean conditions of most informal settlements, where social isolation and quarantine are the typical techniques for limiting the spread of the virus. Secondly, internally displaced people frequently face institutional and structural barriers when accessing appropriate social services, livelihood, and healthcare. In addition, due to citizenship issues, internally displaced people may experience difficulties receiving relief and assistance during a lockdown. IDPs occasionally lose their identity documents, leaving them unregistered in the host society. Language barriers, cultural differences, racism, prejudice against Indigenous or ethnic groups, and other forms of exclusion may also be factors. Thirdly, according to the World Bank, internally displaced families are incredibly vulnerable to losing their means of subsistence income and financial instability compared to residents of the host city or community, often experiencing exploitation and marginalization in the economy.⁴⁸⁸ Additionally, the traumatic condition they live in and have gone through

⁴⁸⁸ COVID-19 to Add as Many as 150 Million Extreme Poor by 2021, *supra* note 435.

while displaced added to the stressful conditions the pandemic brought, making them more susceptible to mental health crises, gender-based violence, and stigma with no access to help. Due to all these interrelated problems and difficulties, a secondary displacement or forced relocation may occur due to a pandemic's ripple-effect detrimental impacts. IDP families may be forced to relocate for various reasons, including falling into extreme poverty, hunger and food insecurity, losing a job or source of income, and virus-related mortality in the family.

IDPs lived in the above conditions of international legal and implementational gaps even before the pandemic broke out. Regardless of the global efforts to assist IDPs, the causes of displacement and the resulting vulnerabilities have only added. Some causes are not just national but international. One example could be the global warming effect. The effects of both slow and sudden environmental change are intricate. Similarly, the Covid-19 pandemic was not a federal burden but an international phenomenon. The disease and fatalities are local and personal. The causes are global. IDPs are affected in a variety of ways, including being more susceptible to contracting the disease while living in a shelter, facing numerous obstacles to receiving social services and health care, finding it challenging to access relief and aid, being more likely to lose their source of income, and experiencing financial instability.

6.2 RECOMMENDATIONS

IDPs have become a concern on a global scale. Unlike refugees, internally displaced people remain inside their state's borders, and their primary source of protection is that state. There is no international treaty dealing with internal displacement, which leaves the application of their rights to national jurisprudence. However, some causes of displacement are global. For instance, disasters caused by global warming and desertification need prevention and protection mechanisms beyond the national scope. In addition, the inability and unwillingness of nations to protect IDPs show the inadequacy of national protection. The deep dive into the types of legal international protection mechanisms and implementational institutions in the previous chapters have established the protection gap. To complicate the matter, global emergencies like a pandemic added to the vulnerabilities of IDPs call for urgent international steps. This part will offer recommendations to protect IDPs' human rights and future preparedness.

- There needs to be more focus on curbing causes of displacement rather than on humanitarian assistance. While providing humanitarian aid to displaced people is very critical, investing in causes of displacement will save lives, sufferings, and financial benefits in the long run and even solve the refugee crisis. Better conflict resolution mechanisms need to be put in place before conflicts erupt and cause displacement.

- By looking at internal displacement as a source of a refugee crisis, refugee-accepting countries should allocate resources and diplomatic efforts to assist IDPs while they are in their host countries. This will save a lot of lives and resources.
- The international community needs to put more effort into ensuring IDPs' livelihood. For them to be able to work, enroll their kids in school, get health care, receive food rations through the Public Distribution System, and collect pensions to which they are legally entitled, it is necessary to make sure they have the necessary papers.
- International organizations must advocate for IDPs by requesting the national government to include the Guiding Principles on Internal Displacement in federal laws and policies. Such steps will safeguard the fundamental human rights of IDPs, such as the right not to be displaced, the right to property restitution, freedom of movement, and non-discrimination.
- International organizations need to promote national and international measures to curb the causes of displacement. Climate change and global warming are crucial causes of disaster displacements, and national

authorities should be encouraged to take steps to improve such causes before disasters happen. Preventive methods such as awareness raising, planting trees, and investing in protective measures could be more fruitful. The risks increase, especially in the global south, and for those who are already vulnerable, there is more to do to mitigate, adapt, and prepare for climate change.

- National governments must implement procedures to safeguard the displaced peoples' property rights. International organizations should help nations willing to help IDPs financially or by putting systems to protect their human rights. IDPs are impacted by violent conflict in a variety of ways. Conflict is frequently linked to significant property destruction, the depletion of household resources, the disruption of labor markets and economic activity, and severe life losses in the areas where it occurs. For instance, to protect their property right, governments should emphasize that all property rights will be protected and that those currently displaced won't face any consequences for being absent from their houses. Second, the government needs to implement a system that allows displaced people to register their assets in anticipation of receiving them back later.

- IDPs experience a variety of human rights breaches, including frequent exposure to violence and loss of their cultural and social identities. Long after the conflict is over, these experiences might harm household behavior. Efforts should be made to consider IDPs' cultural and documentation identities. IDPs should have access to documentation either while being displaced or after a return. One of the main topics that governments and humanitarian organizations consider is how to make it easier for IDPs to return to their homes after a violent war has subsided. However, the chances of households reintegrating into their original communities are slim in the early stages of recovery.

- International organizations should work to ensure that all returns are given the help they need to start leading productive lives and that returning IDPs can, whenever feasible, return to their own homes or are given the option to relocate. There needs to be an independent international organization that helps assess if a return is feasible and if IDPs are ready and willing to return. As this research has shown, some governments might push for premature return for political and other reasons and induce the second displacement. If IDPs are not compelled to return, they must choose whether to return to their villages or remain there for a more extended period or permanently. Such a voluntary return process may be aided or hindered by several circumstances that can

appear at the individual, home, and communal levels. For post-conflict rehabilitation initiatives, it is important to understand the factors that cause IDP returns. On the one hand, obstacles to return have detrimental effects on rehabilitation. On the other hand, elements that encourage return offer a chance for a speedy recovery. Planning the supply of services also requires an understanding of postwar movements. This means careful preparation is necessary to prevent other returning people like refugees from becoming internally displaced and from overwhelming infrastructure and social services.

- International binding legal instruments are necessary to protect the right not to be displaced. While the regional level of a legal instrument such as the Kampala convention is encouraging, leaving such a massive issue to continents is not fruitful. Such regional acts might not be adequate because, for instance, Africa might not be financially capable of curtailing causes of displacement.

The COVID-19 pandemic reevaluates the current understanding of internal displacement. Structured injustices are being exposed and exacerbated by the COVID-19 pandemic in both blatant and unsettling ways. It suggests that even if the pandemic worsens inequality, it forces us to address it and consider how climate change's effects will reverberate unevenly across already-existing inequity channels. We are to blame for these catastrophes, so a local and global solution is required. Despite being so close to one another, we are six feet apart. We are about to experience a string of tragic self-inflicted events. Our responses to these crises intersect with a shared and stressed Entire planet system, a fully globalized economy, global governance, and a citizenry divided by borders and identities but bound by shared needs and shared places. In a world where diseases spread across national boundaries, the atmosphere is polluted with greenhouse gases, and unsustainable consumption and inequality patterns shift from one country to the next. Our global interdependence and mutual dependency are increasing even as our governments become more inward-looking.⁴⁸⁹

It begins with having the correct data and information on the status, conditions, and experiences of IDPs. Previous health emergencies like the 2003 SARS epidemic and the 2014–2016 Ebola outbreak in West Africa have failed to consider internal displacement. The International Organization for Migration mentioned IDPs face increasing risks of exposure to the virus and other diseases, further amplified by the rising number of displaced people, thus the need for relocation and improved

⁴⁸⁹ CINNAMON P. CARLARNE, *supra* note 384.

monitoring. Likewise, the COVID-19 pandemic provides opportunities to closely examine the actual direct and reverberating impacts of an epidemic or pandemic on IDPs.

The COVID-19 epidemic brings several social, political, and diplomatic challenges to light worldwide, within individual countries, and even within tiny communities. The responses to the pandemic had both painful failures and glorious accomplishments. Families and individuals who have been internally displaced have yet to receive the required attention and care. The international community undermines vulnerable populations' resilience by repeatedly failing to meet their needs, which threatens our cities' and communities' sustainability and inclusivity. Internal displacement must be addressed since it frequently results in a precarious and less protected status than refugee status because the people affected must rely on the authorities who may have caused their flight. As a result of the COVID-19 epidemic, several social and political issues have come out. It is important to remember that everyone from the international community to national governments, their local counterparts, and numerous other players and stakeholders must work toward comprehensive, long-lasting solutions.

How can we handle issues of the domestically displaced in the face of an epidemic or pandemic, as they are more likely to be excluded from the overall narrative, beyond quick solutions to the growing social, economic, and physical insecurity globally?

- First, The UN cites “armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters” as the causes of IDPs being forced from their homes to another within an “internationally recognized state border.”⁴⁹⁰ It is time to expand and improve on this definition. As explained above, Pandemics and climate change can also be causes of displacement. Similarly, preventive measures should be taken for conflict displacements too. Better conflict resolution methods between armed groups and proxy wars are essential.
- Second, the Covid pandemic has proven that national efforts to curb the needs of IDPs are inadequate. There is a need for an international organization dedicated to working with IDPs. The issue of national sovereignty and non-intervention could be solved by consent-based assistance, where the international organization can only assist when the country agrees. Especially in cases of global emergency, IDPs will get better organized and smoothly help. Such an organization can also work

⁴⁹⁰ KÄLIN ET AL., *supra* note 99.

towards international preparedness for future pandemics and emergencies.

- Third, national and local preparedness and response efforts for the pandemic should include internally displaced people. The interests of IDPs must be considered when these plans are developed and put into action, per their right to enjoy, in full equality, the same rights and freedoms under international and domestic law as other people in their country.
- The measures taken to protect other communities should be extended to IDPs, and additional steps should be taken to compensate for their vulnerabilities and preexisting gaps. IDPs should have better access to health care, social security assistance, mental health support, and access to livelihood in emergencies. This can only be achieved through an international institution that plans for situations of emergency and pandemic. It is necessary to take action to compensate for their prone inhibitions, provide access to food, shelter, and other necessities, improve living conditions to accommodate restricted policies, etc. To guarantee inclusive response strategies, analysis that considers the age, gender, and variety of IDPs and inhabitants is also crucial.

- High mortality and morbidity rates are related to the camps' poor health conditions. Covid 19 could be taken as the necessary wake-up call to prioritize camping needs. International organizations and governments must take measures to lessen, where necessary, the crowding and cramming of shelters for internally displaced people and adjust the site layout of camps under their control. This would significantly reduce their vulnerability to catching the virus and make it easier to follow the precautions needed to be safe. Additionally, it will be simpler to isolate infected people, and IDPs' general psychological well-being will improve. More specifically, authorities should ensure that suitable alternative housing is offered when some displaced people need to be relocated. Similar to this, any camp that must be abandoned must be proven to be a part of the plan to provide safe and voluntary alternatives for IDPs. Additionally, the occupant must receive an adequate warning, and those who are unable to return home must be provided with alternative housing.
- International organizations and national authorities should work to curb Gender-based violence in emergency situations. School closures and lockdowns should have an optional mechanism to protect victims of

domestic violence and gender-based violence. Measures like separating women and children in emergency situations might minimize such attacks.

- Authorities should take action to lessen the impact on internally displaced people by considering the detrimental effects of such restrictive measures in light of their preexisting vulnerabilities, such as disrupted access to food, water, health care, and other critical goods and services. All limits linked to COVID-19 must comply with international law, be non-discriminatory, and be focused on preserving public health. IDPs' conditions and locations should be taken into consideration while taking restrictive measures. Their right to access food should be prioritized when the risk of infection is not high.
- The COVID-19 pandemic has drawn attention to several social, political, and community engagement issues. Genuine community involvement is critical voices are to informing the pandemic response and recovery. Work needs to be put on pandemic awareness through grassroots community engagement in IDP settlements. Young people will play a vital role as community researchers and as points of contact

and conduits who can clearly inform their fellow community members about possible pandemic prevention and preparedness.

- In response to the pandemic, deliberate measures must be taken to stop all types of violence and stigmatization of internally displaced people. International organizations and national authorities should work on awareness raising and punitive actions against those who stigmatize IDPs for their vulnerable position or contact with foreign international organization workers. They must also ensure that official information on the virus is impartial and does not foster unfavorable views about internally displaced individuals.
- The majority of research on IDPs focuses on what causes conflict-related displacement. While there is a paucity of study on moving back in after a conflict, the majority focuses on intentions to move back rather than whether the move out actually happened or not. More research is needed on the number of returns and their success rates.

- Governments should put a lot of emphasis on the danger that IDPs face through measures taken by nations, such as restricting movement to curb the infection of the virus. IDPs' position should be taken under consideration, and they should be given a unique position to either cross a border to save their lives or access a service. International organizations should pressure national governments that don't allow IDPs to cross borders. Governmental actions to stop the spread of COVID-19 have a tangible impact on how IDPs enter and exit camps. Specific camp measures have been put into place in various nations, impacting potential return movements and livelihood activities.
- Lockdowns and movement restrictions should not apply to service cars that deliver aid or equipment to IDP camps. International organization staff should also get protection or exemption to access camps. Authorities should adjust and reduce limitations on the mobility of aid workers, COVID-19 supplies, necessary medications, and food and medicine.
- Governments all around the world have rightfully emulated the strategies used by those nations first affected by COVID-19 to lessen the disease's

effects in the face of an unprecedented threat. Many people have quickly enacted controls, including lockdowns and severe travel bans. However, a one-size-fits-all approach is ineffective. This is particularly true in humanitarian contexts because COVID-19 poses a "double emergency" due to the direct health effects and the secondary destruction to these states' already unstable political, economic, social, and humanitarian environments. As part of a well-rounded response that considers all needs, COVID-19 mitigation actions need to be adjusted to local settings.

- The necessity of comprehending local dynamics, paying attention to impacted populations, and being willing to modify the approach has been demonstrated by lessons learned from prior disease outbreaks and crises. Frontline NGOs, s can be relied upon as reliable interlocutors in these communities to disseminate crucial knowledge about the illness and put into action strategies that are considerate of local contexts and current needs to lessen the potentially disastrous effects on health, protection, livelihoods, and food security.
- In order to guarantee access to food and other basic necessities as well as health, water and sanitation, protection, livelihood, and education

services for all communities, response actors and host governments should collaborate to tailor restrictions to local settings.

- In the end, it is important to make sure that humanitarian aid continues to reach internally displaced people in need while also ensuring that the distribution of aid in camp settings is done in accordance with the necessary precautions for physical separation, infection prevention and control, crowd management, etc. Additionally, steps must be taken to improve IDPs' capacity for communication and information access.

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