

State Responsibility in Addressing Internally Displaced Persons (IDPs) Based on the International Legal Framework

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Abstract. Internally Displaced Persons (IDPs) are individuals forced to flee their homes due to armed conflicts, natural disasters, or environmental changes while remaining within their country's borders. Unlike refugees, IDPs lack specific international legal protections under a binding framework, making them more vulnerable to inadequate state responses. This study explores the legal framework governing IDP protection, focusing on the Guiding Principles on Internal Displacement (GPID) and state responsibilities under international law. Using a normative legal research approach, this study examines primary legal sources such as the GPID, the Kampala Convention, and Indonesia's national policies on internal displacement. Findings indicate that while the GPID provides a comprehensive yet non-binding framework, the Kampala Convention represents a regional effort to establish legally binding obligations for IDP protection. However, significant gaps persist at both international and national levels, particularly in enforcement mechanisms and state accountability. In Indonesia, IDP protection is primarily addressed through disaster management laws, social conflict resolution policies, and human rights regulations. The study highlights the need for stronger legal commitments, enhanced international cooperation, and more effective national implementation strategies to ensure the rights and dignity of IDPs are upheld.

Keywords: *Internally Displaced Persons, State Responsibility, Internal Displacement*

Introduction

Internally Displaced Persons (IDPs) are individuals or groups forced to flee their homes due to threats such as armed conflict, natural disasters, or environmental changes, while remaining within the borders of their own country. Unlike refugees who cross international boundaries and benefit from protections under the 1951 Refugee Convention, IDPs are not covered by a specific, binding international legal framework.¹ This creates a significant gap in protection for IDPs, whose numbers continue to rise globally, particularly in regions like Africa, the Middle East, and Southeast Asia. The complexity of their situations, coupled with their lack of international status, underscores the urgency of addressing their plight through a more structured and binding legal framework.

In 2023, conflicts such as those in Sudan and Palestine forced millions of people into displacement, further increasing the already substantial number of internally displaced persons (IDPs) worldwide. The conflict in Sudan resulted in 6 million displacements, the second-highest figure ever recorded after Ukraine in 2022, while Palestine experienced 3.4 million displacements, the highest since records began in 2008. Burkina Faso also saw a surge in displacement due to conflict, with 707,000 cases, the highest since the escalation of violence in 2019. Although conflict-related displacement decreased by 28% compared to 2022—primarily due to the stabilization of frontlines in Ukraine—global figures remained 70% higher than the annual average of the past decade. In addition to conflicts, disasters were a major driver of displacement, with the Türkiye-Syria earthquakes accounting for 4.7 million displacements—the highest earthquake-induced displacement recorded since 2008—and floods in the Horn of Africa forcing 2.9 million people to move. The intersection of conflicts and disasters further complicated displacement situations, often leading to repeated movements for those already displaced.²

Throughout the year, 46.9 million internal displacements were recorded across 151 countries and territories. Nearly all countries that reported conflict-induced displacement also recorded disaster-related displacement, including high-income nations such as Canada and New Zealand, which reported their

¹ Hélène Lambert, *International Refugee Law, International Refugee Law* (Leiden, Netherlands: Brill Nijhoff, 2017), <https://doi.org/10.4324/9781315092478>.

² Internal Displacement Monitoring Centre (IDMC), *2024 Global Report on Internal Displacement*, <https://www.internal-displacement.org/global-report/grid2024/>

highest displacement figures ever. The impact of displacement varied across regions, with climate patterns such as the transition from La Niña to El Niño reducing storm-induced displacement in East Asia and the Pacific while triggering severe floods in the Horn of Africa. In Gaza, the conflict left 83% of the population internally displaced within less than three months by the end of 2023. Overall, the total number of people living in internal displacement increased by 51% over the past five years, reaching a record high of 75.9 million people across 116 countries by the end of 2023. Sub-Saharan Africa remained the most affected region, hosting 46% of the world's IDPs, where conflicts and disasters frequently overlapped, leading to prolonged or repeated displacement.³

Protection for IDPs at the national level is often weak, particularly when government actions lead to displacement or when authorities lack the capacity or willingness to provide adequate protection. International attention to IDPs protection gained significant traction only after the Cold War, prompting the United Nations Commission on Human Rights to establish a mandate for the Representative of the Secretary-General on Internally Displaced Persons in 1992. This initiative resulted in the development of the Guiding Principles on Internal Displacement (GPID) by Dr. Francis Deng in 1998, aimed at establishing a comprehensive framework for protecting IDPs at all stages of displacement.⁴

The GPID serves as the primary international instrument aimed at protecting IDPs. The GPID adopts a needs-based and rights-based approach, emphasizing the prevention of forced displacement and ensuring support throughout displacement, return, resettlement, and reintegration. Although these principles are non-binding, they outline key responsibilities for states, such as preventing displacement, protecting those affected, and ensuring durable solutions like local integration or safe return. Alongside the GPID, international human rights law (IHRL) and international humanitarian law (IHL) provide additional protections, especially in armed conflict situations. However, the implementation of these frameworks is often inconsistent due to resource

³ Ibid.

⁴ Will H. Moore and Stephen M. Shellman, "Refugee or Internally Displaced Person?: To Where Should One Flee?," *Comparative Political Studies* 39, no. 5 (2006): 599–622, <https://doi.org/10.1177/0010414005276457>.

limitations, political instability, or insufficient legal mechanisms at the domestic level.⁵

State responsibility is a central principle in addressing the challenges faced by IDPs. As sovereign entities, states bear the primary obligation to safeguard their citizens, including IDPs, through effective policies, legal frameworks, and on-the-ground interventions. This includes not only addressing the immediate needs of IDPs, such as shelter, food, and safety but also tackling the root causes of displacement to prevent future occurrences.⁶ However, many states struggle to fulfill these responsibilities due to challenges such as economic constraints, prolonged conflicts, or inadequate infrastructure, which hinder their ability to respond effectively to internal displacement crises.

Existing international legal frameworks also pose significant limitations. Despite the broad guidelines provided by the GPID and regional instruments like the Kampala Convention (2012) in Africa, there is no universal binding framework specifically addressing IDPs. This absence often leaves states without clear accountability mechanisms or enforcement structures. In regions like Southeast Asia, where no regional convention exists, the protection and support for IDPs rely heavily on the goodwill of governments and the involvement of international organizations, creating inconsistencies in responses and outcomes. This study focuses on two main topics: first, providing an overview of IDPs; and second, analyzing state responsibility in addressing IDPs based on existing international law. By examining these two aspects, the study aims to highlight the gaps in current frameworks and recommend actionable steps to enhance state accountability and legal protections for IDPs.

Research methods

This study uses normative legal research with statutory approach and conceptual approach to comprehensively examine the legal norms and theoretical underpinnings of state responsibilities in addressing internal displacement. By using this method, systematically explore legal sources, including treaties,

⁵ Sarah Kenyon Lischer, "The Global Refugee Crisis: Regional Destabilization & Humanitarian Protection," *Daedalus, the Journal of the American Academy of Arts & Sciences* 146, no. 4 (2017): 85–97, https://doi.org/10.1162/DAED_a_00461.

⁶ Ritumbra Manuvie, *Climate Migration Governance and the Discourse of Citizenship in India*, *Climate Migration Governance and the Discourse of Citizenship in India*, 2023, <https://doi.org/10.1007/978-94-6265-567-6>.

conventions, and guidelines that outline state responsibility toward IDPs. The data sources consist of primary legal materials such as international legal instruments, regional agreements, and national policies, and also secondary data such as literatures and previous research that are relevant to this study. The legal sources that would be examined are the Guiding Principles on Internal Displacement (GPID, 1998), and regional organization instruments, such as the Kampala Convention of the African Union (2012), also Indonesia's national policies that are relevant to addressing internal displacement.

Discussion

Internally Displaced Persons (IDPs) in Brief

When the issue of internal displacement was first raised on the international agenda in the early 1990s, there was no established definition for “internally displaced persons.” However, having a clear definition was crucial for identifying the affected populations, understanding their specific needs, gathering data, and formulating laws and policies to assist them. As a result, defining this group became one of the key tasks for the Representative of the United Nations Secretary-General on Internally Displaced Persons at the beginning of his mandate. Given the variety of opinions on the matter, this was a challenging endeavor.⁷

Two key elements of internal displacement were evident: first, the movement was involuntary, and second, it occurred within national borders—distinguishing internally displaced persons from refugees, who, under international law, are defined as individuals outside their country. Beyond these points, however, the full scope of the concept still needed to be clearly defined. A starting point was the working definition proposed by the United Nations Secretary-General in 1992, which defined internally displaced persons as:⁸

“Persons or groups 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 disaster, and who are within the territory of their own country.”

The key point in this definition is that IDPs are individuals or groups who remain within the borders of their own country, which distinguishes them from

⁷ Erin Mooney, “The Concept of Internal Displacement and the Case for Internally Displaced Persons as a Category of Concern,” *Refugee Survey Quarterly* 24, no. 3 (2005): 9–26, <https://doi.org/10.1093/rsq/hdi049>.

⁸ Ibid.

refugees, who have crossed international borders to seek safety. Meanwhile, according to GPID, 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 effect 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.⁹

Based on the definition above, IDPs could be identified with three key elements that distinguish them from other categories of migrants or refugees. *First*, IDPs are individuals who are forced or obliged to flee or leave their homes or habitual places of residence, meaning that their displacement is not voluntary but rather the result of life-threatening circumstances. *Second*, the causes of displacement include crises such as armed conflict, situations of generalized violence, human rights violations, and natural or human-made disasters. *Third*, the displacement occurs within the borders of their own country without crossing an internationally recognized state border. As a result, IDPs remain under the jurisdiction of their own state, which is responsible for ensuring their protection and fulfilling their rights, even though they often face significant challenges and vulnerabilities due to their displaced status.

Internally Displaced Persons (IDPs) and refugees share the common experience of being forced to flee their homes due to crises such as conflict, violence, or disasters. However, the primary difference lies in whether they cross an international border. IDPs remain within their own country's borders, often moving to other regions within the same state to seek safety. Refugees, on the other hand, cross internationally recognized borders to escape persecution or danger, placing themselves under the jurisdiction and protection of another country or international law.

Another significant distinction is their legal status and the protection frameworks available to them. IDPs do not have a special status under international law; their rights and safety are the responsibility of their own government. This can be problematic if the government is the cause of their displacement or lacks the capacity to protect them. International organizations, such as the United Nations, may provide assistance, but their involvement is limited by the principle of state sovereignty. Refugees, in contrast, are protected under the 1951 Refugee Convention and its 1967 Protocol, which guarantee

⁹ Xavier Leus, Jane Wallace, and Alessandro Loretto, "Internally Displaced Persons," *Prehospital and Disaster Medicine* 6, no. 3 (2001): 116–23, <https://doi.org/https://doi.org/10.1017/S1049023X00025851>.

certain rights, including non-refoulement, ensuring they cannot be forcibly returned to places where their lives or freedoms are at risk.¹⁰

The mechanisms for seeking safety also differ between the two groups. IDPs often face restrictions on movement within their own country, especially in conflict zones or under repressive regimes. Refugees, however, have the right to seek asylum in another country and may receive legal recognition as refugees, granting them broader protections and, in some cases, opportunities for resettlement in a third country.¹¹ In summary, while both IDPs and refugees experience forced displacement and similar vulnerabilities, their key differences lie in whether they cross international borders and the corresponding legal protections and assistance available to them. Refugees benefit from international legal frameworks and protections, whereas IDPs remain under the jurisdiction of their national governments, often leaving them more vulnerable in times of crisis.

One prominent example of the IDP phenomenon is the situation in Syria. Since the outbreak of the Syrian Civil War in 2011, millions of Syrians have been forcibly displaced within their own country due to the ongoing conflict. The war, marked by intense fighting between government forces, rebel groups, and other factions, has resulted in widespread violence, human rights violations, and destruction of infrastructure, leading to the displacement of over 6.5 million people within Syria. These internally displaced individuals (IDPs) have fled their homes to seek refuge in other regions of Syria, often living in overcrowded camps, makeshift shelters, or informal settlements. Many face dire conditions, lacking access to essential services such as healthcare, education, and adequate food or water.¹²

Another example is in Africa, South Sudan has been embroiled in a brutal civil war that has caused widespread violence, displacement, and humanitarian crises, since gaining independence in 2011. The conflict, primarily between government forces and opposition groups, has led to the internal displacement of over 4 million people. These IDPs have sought refuge in temporary shelters, often in camps managed by the United Nations or non-governmental

¹⁰ Colin Yeo, *Refugee Law, Refugee Law* (Bristol, UK: Bristol University Press, 2022), <https://doi.org/10.56687/9781529219999>.

¹¹ Osamu Arakaki and Lili Song, "Regional Refugee Regimes: East Asia," in *The Oxford Handbook of International Refugee Law* (London: Oxford University Press, 2021), 389–406.

¹² Ria Silviana, "The Role of the European Union in Handling Syrian Refugees," *Lampung Journal of International Law* 1, no. 1 (2019): 27–34, <https://doi.org/10.25041/lajil.v1i1.2022>.

organizations. Many of them face dire conditions, including food shortages, poor sanitation, and limited access to healthcare.¹³

The impact of IDPs is complex and affects various aspects of social, economic, and environmental life. On an individual level, IDPs face heightened vulnerabilities due to the loss of access to basic needs such as food, water, healthcare, and education. Many live in emergency conditions in camps or temporary shelters with limited facilities. Socially, mass displacement can create tensions in the areas where IDPs seek refuge, including conflicts with local populations over limited resources. Economically, IDPs often lose their livelihoods, which affects productivity both in the origin and destination areas. Additionally, displacement caused by disasters can accelerate environmental degradation, such as damage to forests or land, in temporary shelter locations. This situation requires attention and holistic solutions to mitigate negative impacts and sustainably restore the lives of IDPs.

State Responsibility in Addressing Internally Displaced Persons Based on International Legal Framework

The legal framework governing international refugee law is primarily codified in binding treaties, with its origins rooted in the refugee conventions established by the League of Nations during the early 20th century. These foundational efforts culminated in the adoption of the 1951 Refugee Convention, which remains the cornerstone of international refugee protection. In contrast, the international legal framework for internally displaced persons (IDPs) was underdeveloped until the 1990s, with only fragmented references within international humanitarian law providing limited guidance.¹⁴

Unlike refugee law, international humanitarian law does not explicitly recognize the category of IDPs, instead subsuming them under the broader protections afforded to civilian populations during armed conflicts. Key provisions addressing displacement are found in the Fourth Geneva Convention of 1949 and its Additional Protocols of 1977, which prohibit forced displacement unless necessitated by “imperative military reasons” or required to ensure the safety of civilians affected by military operations. These principles were later reinforced under the Rome Statute of 1998, which classified forced displacement

¹³ Erin Mooney, *op. cit.*

¹⁴ Walter Kälin, “Internal Displacement,” in *The Oxford Handbook of International Refugee Law* (London: Oxford University Press, 2021), 848–63.

as constituting both a crime against humanity and a war crime, thereby elevating its status within the corpus of international criminal law.¹⁵

The protection of internally displaced persons (IDPs) at the national level often remains fragile, particularly when government actions cause displacement or when authorities lack the capacity or willingness to provide adequate support. International attention to IDP protection emerged prominently only after the Cold War, prompting the UN Human Rights Commission to establish the mandate for the Representative of the Secretary-General on Internally Displaced Persons in 1992. This initiative led to the creation of the GPID, presented by Dr. Francis Deng in 1998, which aimed to establish a comprehensive framework for safeguarding IDPs throughout all stages of displacement.¹⁶

The GPID adopts both needs-based and rights-based approaches, focusing on preventing forced displacement and ensuring support during displacement, return, resettlement, and reintegration. Unlike refugee law, which relies on “international protection” due to the absence of national protection for refugees, the GPID is grounded in the concept of sovereignty as responsibility. This notion reinterprets sovereignty not as a state's unrestricted authority but as its duty to guarantee the safety and welfare of its population while remaining accountable to both national and international stakeholders. Principle 3 underscores that the primary obligation for protecting and assisting IDPs rests with national governments.¹⁷

Although classified as “soft law” and lacking formal legal binding power, the Guiding Principles draw legitimacy from international human rights and humanitarian law. By clarifying existing legal protections applicable to IDPs, they assert an implicit claim to binding legal force. Over time, the GPID has gained significant influence, with research showing that countries implementing domestic laws in line with these principles experience notable reductions in displacement. This evolution highlights how non-binding legal frameworks can effectively shape national policies and practices, despite ongoing challenges in implementation.¹⁸

Thirty principles in the GPID address various aspects of displacement: general principles (principles 1 to 4), protection from displacement (principles 5

¹⁵ Moore and Shellman, “Refugee or Internally Displaced Person?: To Where Should One Flee?”

¹⁶ Ibid

¹⁷ Hugo Storey, “International Refugee Law and the Protection of Stateless Persons,” *International Journal of Refugee Law* 32, no. 1 (2020): 174–80, <https://doi.org/10.1093/ijrl/ceaa004>.

¹⁸ Walter Kälin, op. cit.

to 9), protection during displacement (principles 10 to 23), the framework for providing humanitarian assistance (principles 24 to 27), and protection during return, local integration in displaced areas, and resettlement to other regions of the country (principles 28 to 30). These principles offer guidance to all relevant stakeholders, including the UN Special Rapporteur in fulfilling their mandate, states dealing with internal displacement, all relevant authorities (including de facto authorities), as well as groups and individuals involved with IDPs, and both inter-governmental and non-governmental organizations.¹⁹

The general principles mentioned in the first section included four principles. The GPID states that IDPs are entitled to the same rights and freedoms as other citizens in their country, both under international and domestic law.²⁰ They must not face discrimination due to their displacement. Additionally, these principles do not affect individual criminal accountability for violations of international law, including genocide, crimes against humanity, and war crimes (principle 1). These Principles apply to all authorities, groups, and individuals, regardless of their legal status, and do not limit or modify international human rights or humanitarian law, nor the right to seek asylum (principle 2). National authorities are responsible for providing protection and humanitarian assistance to IDPs. IDPs have the right to request such assistance without fear of persecution or punishment (principle 3). These Principles apply without discrimination, including based on race, sex, religion, or other factors. Special protection and assistance are required for vulnerable IDPs, including children, pregnant women, disabled persons, and the elderly (principle 4).

In the context relating to protection from displacement arranging in principles 5 to 9, which state that all authorities and international actors must uphold their obligations under international law, including human rights and humanitarian law, to prevent conditions leading to displacement (principle 5). No one should be arbitrarily displaced from their home, outlining specific prohibitions against displacement for reasons such as apartheid, ethnic cleansing, armed conflict, large-scale development projects, and collective punishment. Displacement should be temporary and only last as long as necessary (principle 6). The authorities must explore alternatives to displacement, and if displacement

¹⁹ Internal Displacement Monitoring Centre (IDMC), *Guiding Principles on Internal Displacement*, <https://www.internal-displacement.org/internal-displacement/guiding-principles-on-internal-displacement/>

²⁰ United Nations, “Guiding Principles on Internal Displacement” (n.d.), <https://api.internal-displacement.org/sites/default/files/publications/documents/199808-training-OCHA-guiding-principles-Eng2.pdf>.

is unavoidable, ensure proper conditions for the displaced, including safety, health, and family unity. It also requires transparency, informed consent, and legal safeguards (principle 7). The displacement must not violate the rights to life, dignity, liberty, or security (principle 8). The obligation of states to protect vulnerable groups, such as indigenous peoples, minorities, and those with strong ties to their land, from displacement (Principle 9).

IDPs protection during displacement is arranged in principles 10 to 23. IDPs have the inherent right to life and must be protected from genocide, murder, arbitrary executions, and enforced disappearances. They should be protected from violence, including attacks, starvation, and use as shields in armed conflict (principle 10). Everyone has the right to dignity and physical, mental, and moral integrity. IDPs must be protected from rape, torture, cruel treatment, slavery, and violence, including gender-specific violence (principle 11). IDPs have the right to liberty and security, and should not be arbitrarily arrested or detained. If detention is necessary, it should be limited and not discriminatory, and IDPs should never be taken hostage (principle 12).

Children should never be recruited into armed conflict. IDPs should be protected from discriminatory recruitment practices, especially any inhuman methods used to enforce compliance (principle 13). IDPs have the right to freedom of movement and residence, including the right to move freely in and out of camps or settlements (principle 14). IDPs have the right to seek safety within their country, leave their country, seek asylum abroad, and be protected from forced return to dangerous places (principle 15). IDPs have the right to know the fate and whereabouts of missing relatives. Authorities should work to establish this information and protect the graves of the deceased, respecting the remains of IDPs (principle 16).

IDPs have the right to family life. Families should be allowed to stay together, and separated families, especially those with children, should be reunited as quickly as possible (principle 17). IDPs have the right to an adequate standard of living, including access to essential food, water, shelter, clothing, and medical services. Women should be involved in planning and distributing these supplies (principle 18). Wounded, sick, and disabled IDPs should receive timely medical care without discrimination. Special attention should be given to the health needs of women and the prevention of infectious diseases (principle 19).

IDPs have the right to recognition as persons before the law and should be issued necessary legal documents, such as identification, birth certificates, and marriage certificates, without unreasonable conditions (principle 20). IDPs' property and possessions should be protected from destruction, arbitrary

appropriation, or violence, including pillage, and should not be used for military purposes or as collective punishment (principle 21). IDPs should not be discriminated against in enjoying their rights, including freedom of thought, employment, community participation, and political participation (principle 22). IDPs, especially children, have the right to education. Authorities should ensure that education is free, compulsory at the primary level, and culturally sensitive, with efforts to include women and girls in educational programs (principle 23).

In section 4 of the GPID, Humanitarian assistance must be provided according to the principles of humanity and impartiality, without discrimination. It must not be diverted for political or military purposes (principle 24). National authorities are primarily responsible for providing humanitarian assistance to internally displaced persons (IDPs). International organizations have the right to offer support, and their assistance should be considered in good faith. Authorities should not arbitrarily withhold consent for such aid, especially when they are unable to provide it themselves, and must facilitate unimpeded access to humanitarian aid (principle 25). Humanitarian assistance personnel, their transport, and supplies must be respected and protected from attacks or violence (principle 26). International humanitarian organizations must consider the protection needs and human rights of IDPs when providing assistance, adhering to international standards and codes of conduct. This does not diminish the protection responsibilities of organizations specifically mandated to safeguard IDPs (principle 27).

The GPID's last section is entitled about the return, resettlement, and reintegration of IDPs. Competent authorities must create conditions that allow internally displaced persons (IDPs) to voluntarily return to their homes or resettle elsewhere in the country in safety and dignity. Special efforts should be made to ensure IDPs' full participation in planning and managing their return, resettlement, and reintegration (principle 28). IDPs who have returned or resettled should not face discrimination due to their displacement. They have the right to participate fully in public affairs and access public services. Authorities must assist in the recovery of their property or provide compensation or reparation if recovery is not possible (principle 29). Authorities must grant international humanitarian organizations and other appropriate actors rapid and unimpeded access to IDPs to assist in their return, resettlement, and reintegration (principle 30).

The GPID, as outlined above, provides a comprehensive framework for the protection and assistance of internally displaced persons (IDPs) throughout all stages of their displacement. The GPID addresses both the legal and practical

aspects of displacement, focusing on preventing forced displacement, ensuring protection during displacement, and facilitating return, resettlement, and reintegration. In essence, the GPID reflects a rights-based and needs-based approach, reinterpreting sovereignty as a state's responsibility to protect its citizens, including those displaced within its borders. Although the GPID is considered non-binding (soft law), it has gained significant influence and has contributed to shaping national and international practices concerning the protection of IDPs. The principles emphasize the importance of both national responsibility and international cooperation in addressing the challenges faced by internally displaced populations.

Despite its power of binding force as soft law, at the domestic level, such as Colombia has integrated significant elements of the Guiding Principles into its domestic legal systems. Meanwhile at the regional level, in Africa, with this “hardening” of GPID, there is now a regional treaty for the protection of IDPs is African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009) which is commonly called the Kampala Convention.²¹ The Kampala Convention (2009) outlines the concept of national responsibility. The key focus of this convention is the clear emphasis on the state's responsibility to respect and protect internally displaced persons (IDPs) and to fulfill the rights enshrined within it. The Kampala Convention serves as a specific legal instrument for African countries that have ratified it, underscoring the necessity of legal protection for IDPs in countries experiencing an increasing number of displaced persons.²²

Here are the key points of state responsibility under the Kampala Convention:

1. **State Sovereignty and Responsibility:** States have the primary responsibility to protect and assist their own citizens, including IDPs, within their own territories. This includes ensuring that internal displacement is prevented, minimized, and addressed. Governments must take measures to address the root causes of displacement and provide adequate assistance and protection to those affected.
2. **Protection of IDPs:** States are obliged to take necessary legal, policy, and practical measures to ensure the safety, dignity, and rights of IDPs. This includes:

²¹ Walter Kälin, op. cit.

²² Rensy Triana Putri Budihardjo, “Urgensi Perlindungan Hukum Internally Displaced Person (IDP) Pada Saat Konflik Bersenjata Di Nigeria Pada Tahun 2009 Berdasarkan Perspektif Hukum Internasional,” *Bravijaya Law Student Journal*, no. Maret (2015), <http://hukum.studentjournal.ub.ac.id/index.php/hukum/article/view/1031>.

- Ensuring that IDPs are protected from violence, abuse, and exploitation.
 - Safeguarding IDPs' human rights, including access to basic needs such as food, shelter, healthcare, and education.
 - Providing legal documentation to IDPs, as many often lack legal status due to displacement.
3. Humanitarian Assistance: States are required to ensure that humanitarian assistance is provided to IDPs without discrimination. They must allow and facilitate the entry of humanitarian organizations and agencies to provide assistance to those in need.
 4. Prevention of Displacement: The Convention calls on States to take proactive measures to prevent displacement, including conflict prevention, addressing the root causes of displacement (such as conflict, violence, and natural disasters), and ensuring that displaced populations can safely return or resettle.
 5. Cooperation with Other States and Regional Organizations: While the primary responsibility for IDPs lies with States, the Kampala Convention emphasizes the need for regional cooperation. States are encouraged to cooperate with neighboring countries, regional bodies, and international organizations to provide solutions for IDPs, share resources, and support each other's efforts in addressing internal displacement.
 6. State Accountability: States are required to be accountable for the protection and assistance of IDPs, and the Convention establishes mechanisms to monitor and report on the implementation of obligations. Failure to fulfill these obligations may subject States to scrutiny and diplomatic or legal consequences.
 7. International and Regional Support: In cases where States are unable to fulfill their responsibilities, the Convention recognizes the role of regional and international actors in providing support, but this is contingent upon the consent of the affected State.

The Kampala Convention establishes a clear framework for State Parties to fulfill their primary responsibility in protecting and assisting internally displaced persons (IDPs). It emphasizes that States must prevent displacement, ensure humanitarian assistance, safeguard IDPs' rights, and address the root causes of displacement. While States are the main duty-bearers, the Convention also highlights the importance of regional and international cooperation to support States in fulfilling their responsibilities. Ultimately, the Kampala

Convention establishes a framework that holds States accountable for their actions and ensures the safety, dignity, and rights of IDPs across Africa.²³

At the national level of Indonesia, a comprehensive legal framework to address the protection of IDPs, particularly through national regulations focused on disaster management, conflict resolution, and humanitarian assistance²⁴. The National Disaster Management Law (Law No. 24/2007) serves as the primary legal basis for disaster-related displacement, with a focus on protecting and assisting IDPs affected by natural disasters such as earthquakes, tsunamis, and floods. This law assigns clear responsibilities to Indonesia's National Disaster Management Authority (BNPB) and Regional Disaster Management Authority (BPBD)—including the provincial and district or city level—to coordinate humanitarian aid and relief efforts for displaced persons.²⁵ It mandates that IDPs receive essential assistance, including shelter, food, healthcare, and other basic needs, while also prioritizing the prevention of displacement through early warning systems and mitigation measures.

Additionally, Law No. 7/2012 addresses the management of social conflicts that may lead to displacement, requiring the government to provide support and ensure the safety of those displaced by violence. Protection with human rights approach, despite based on 1945 Constitution, there is specific Indonesian Human Rights. Law No. 39/1999 recognizes the basic human rights of all individuals, including those who are displaced. It emphasizes the protection of IDPs from exploitation, violence, and discrimination, ensuring that they receive equal treatment under the law.²⁶ Also, Indonesia frequently collaborates with non-governmental organizations (NGOs) and international humanitarian agencies, such as the United Nations High Commissioner for Refugees

²³ Jane McAdam, "From the Nansen Initiative to the Platform on Disaster Displacement: Shaping International Approaches to Climate Change, Disasters and Displacement," *University of New South Wales Law Journal* 39, no. 4 (2017): 1518–46, <https://doi.org/10.2139/ssrn.2901910>.

²⁴ Valerie Liany Gabriela Kondoy, "Peranan Indonesia Dalam Menangani Pengungsi Terkait Konvensi 1951," *Lex Et Societatis* 8, no. 2 (2020), <http://dx.doi.org/10.1016/j.jaad.2013.01.032>.

²⁵ Thio Haikal Anugrah, Muhammad Akib, and HS Tisnanta, "Analisis Kebijakan Resettlement Dalam Penanggulangan Bencana Alam Di Lampung Selatan," *Jurnal IUS Kajian Hukum Dan Keadilan* 9, no. 1 (2021): 52–62, <https://doi.org/http://dx.doi.org/10.29303/ius.v9i1.830>.

²⁶ Irsan Koespramono, *Pengungsi Internal Dan Hukum Hak Asasi Manusia* (Jakarta: Komisi Nasional Hak Asasi Manusia, 2007).

(UNHCR) and the International Federation of Red Cross and Red Crescent Societies (IFRC), to address the needs of Internally Displaced Persons (IDPs), particularly in disaster-affected regions. These partnerships play a crucial role in providing essential assistance, including shelter, food, healthcare, and psychosocial support, ensuring that IDPs receive the aid necessary for their survival and recovery.²⁷

Conclusion

The issue of internally displaced persons (IDPs) highlights the complexities of forced displacement within national borders, driven by crises such as armed conflict, violence, human rights violations, and natural or human-made disasters. Unlike refugees, who cross international borders and benefit from specific international protections, IDPs remain under the jurisdiction of their governments, often making them more vulnerable, especially when the state is unable or unwilling to ensure their safety. Defining IDPs has been crucial for identifying their unique needs and guiding policies to address their challenges, which include access to basic necessities, social integration, and livelihood restoration.

The legal framework for protecting internally displaced persons (IDPs) has evolved significantly from limited provisions in international humanitarian law to comprehensive frameworks like the Guiding Principles on Internal Displacement (GPID). While the GPID, as soft law, lacks binding authority, it has influenced national policies and international practices, emphasizing state responsibility and sovereignty as accountability. At the regional level, the African Union's Kampala Convention exemplifies the transition of such principles into binding obligations, focusing on state responsibility, humanitarian assistance, and root cause prevention. Nationally, countries like Indonesia address IDP protection through laws on disaster management, social conflict resolution, and human rights, complemented by international cooperation. Together, these frameworks underscore the necessity of harmonizing global, regional, and domestic efforts to safeguard the rights and dignity of IDPs, ensuring their protection throughout all

²⁷ Arie Afriansyah, Hadi Rahmat Purnama, and Akbar Kurnia Putra, "Asylum Seekers and Refugee Management: (Im)Balance Burden Sharing Case between Indonesia and Australia," *Srinwijaya Law Review* 6, no. 1 (2022): 70–100, <https://doi.org/10.28946/slrev.Vol6.Iss1.1145.pp70-100>.

stages of displacement.

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