

Abstract□

They are described as the “refugees at home”; internally displaced persons who have fled their homes as a result of armed conflict, generalized violence, violations of human rights or natural or human-made disasters, yet remain within the borders of their country of origin. The phenomenon of internally displaced persons has increased since the end of the cold war, because in recent years conflicts have predominantly been internal. Civil wars generally result in more civilian victims, as targeting civilians became a mean of waging war rather than merely a result of it. It is worth noting that more than %70 of the internally displaced who have been forced to flee their homes and become refugees within the borders of their own countries are women and children.

There are wide-ranging similarities between the plight of refugees and that of internally displaced persons, originating from the concept of alienation; since both categories are no longer willing or capable of enjoying the protection of their own country. However there is an important legal distinction between refugees who flee their country and “refugees” who become displaced within their own national borders. While refugees benefit from the protection of the 1951 international convention on refugees, the additional protocol of 1967 and the statute of the office of the United Nations High Commissioner for Refugees; internally displaced persons do not enjoy any special legal status since they remain within their own countries and hence subject to it’s laws.

The fact that there is no special legal status for the internally displaced should not imply that they lack protection granted by national laws,

international human rights law and international humanitarian law. However, these laws often leave internally displaced persons without adequate protection on the ground due to legal loopholes, lack of tools for enforcement and other obstacles.

In the absence of an international treaty on internally displaced persons, the guiding principles on internal displacement were drafted to provide international institutions with guidelines for their staff on the ground, in a time where no support was gained from national governments for the concept of an international treaty, with concerned governments arguing that this is a domestic matter covered by the law of the land. The debate can be summed up thus: would it be sufficient to strengthen the protection of the internally displaced within existing legal frameworks, or should the concept of national sovereignty be bypassed; either by drafting a special treaty on internally displaced persons or by revising the concept of refugees to include the internally displaced?