

Fact Sheet 4/2023

KEY LAWS AND POLICIES: PROTECTING IDPs

Internally displaced persons (IDPs) are persons forced to flee within national borders. IDPs are different to refugees, but face many of the same experiences and challenges.

Who are internally displaced persons (IDPs)?

Internally displaced persons (IDPs) are persons who are forced to flee their homes but who do not cross an international border. Both the 1998 [UN Guiding Principles on Internal Displacement](#) (UN Guiding Principles) and the 2009 AU [Convention for the Protection and Assistance of Internally Displaced Persons in Africa](#) (Kampala Convention) define IDPs as:

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.ⁱ

IDPs are different to refugees. IDPs remain within national boundaries, while it is a fundamental requirement of refugee protection that a person has crossed an international border.ⁱⁱ The two groups share many of the same experiences and challenges, however.

Are people displaced internally in the context of climate change IDPs?

Yes. The UN Guiding Principles and Kampala Convention both define IDPs to include people forced to flee 'as a result of or in order to avoid the effects of ... natural or human-made disasters'ⁱⁱⁱ and call on states to 'take measures to protect and assist persons who have been internally displaced due to natural or human made disasters, including climate change'.^{iv} This is significant, because evidence indicates that the [majority of displacement](#) in the context of climate change is (and will continue to be) internal.

What is the significance of the 2009 Kampala Convention?

The Kampala Convention is the key regional framework for protecting IDPs in Africa. It follows the earlier 2006 [Great Lakes Protocol on the Protection and Assistance of Internally Displaced Persons](#). The Kampala Convention is significant as the world's first binding continental framework for the protection of IDPs, providing an exemplar for enhancing IDP protection elsewhere.

A total of [31 African states](#) have signed and ratified the Kampala Convention. These states are: Angola, Benin, Burkina Faso, Cameroon, Central African Republic, Cote d'Ivoire, Congo, Djibouti, Equatorial Guinea, Ethiopia, Gabon, Gambia, Guinea-Bissau, Lesotho, Liberia, Mali, Malawi, Mauritania, Nigeria,

Niger, Rwanda, Sahrawi Arab Democratic Republic, Sierra Leone, Somalia, South Sudan, Eswatini, Togo, Uganda, Zambia, Zimbabwe.^v

The Kampala Convention draws heavily on the UN Guiding Principles – an international non-binding declaration that nevertheless incorporates a number of binding principles from other areas of international law, including international human rights and humanitarian law.

Who is responsible for protecting IDPs?

National governments have the primary obligation to protect and assist IDPs within their territory and/or jurisdiction, including non-citizens. However, international organisations and humanitarian agencies also have obligations under the Kampala Convention.^{vi}

The Kampala Convention sets out obligations covering all phases of displacement, including:

Preventing arbitrary displacement, for example:

- States Parties shall devise early warning systems, in the context of the continental early warning system, in areas of potential displacement, establish and implement disaster risk reduction strategies, emergency and disaster preparedness and management measures^{vii}

Protecting those who are displaced, for example:

- States Parties shall take measures to protect and assist persons who have been internally displaced due to natural or human made disasters, including climate change.^{viii}

Promoting safe return and other long-term solutions for IDPs, for example:

- States Parties shall seek lasting solutions to the problem of displacement by promoting and creating satisfactory conditions for voluntary return, local integration or relocation on a sustainable basis and in circumstances of safety and dignity.^{ix}

About Climate Mobility Africa Insights

Climate Mobility Africa *Insights* is a publication of the Climate Mobility Africa Research Network (CMARN) – a multidisciplinary, bi-lingual (EN+FR) network of researchers and policy makers that aims to advance evidence-based law and policy responses to climate mobility in Africa. Climate Mobility Africa *Insights* is generously supported by the Robert Bosch Foundation. To find out more, visit: www.cmarnetwork.com.

ⁱ UN Guiding Principles, para 2; Kampala Convention, Art I(k).

ⁱⁱ See CMARN 'Key Laws and Policies: Refugee Law' Factsheet 3/2023 (2023).

ⁱⁱⁱ Kampala Convention, Art I(k).

^{iv} Kampala Convention, Art V(4).

^v An additional 13 states have signed but not ratified the Kampala Convention.

^{vi} Kampala Convention, Art VI.

^{vii} Kampala Convention, Art IV(2).

^{viii} Kampala Convention, Art V(4).

^{ix} Kampala Convention, Art XI(1).