

Interdisciplinary Migration Research Seminar

Internally Displaced Persons and International Refugee Law

Thursday, 17 December 2020, 11:00 – 12:30 | Brid Ni Ghráinne
(Assistant Professor, Maynooth University, Ireland)

The seminar will take place via zoom. Please register in advance to the meeting at

<https://donau-uni.zoom.us/meeting/register/tJAode2upj4qGd3wX7n-2vMiSvQYF-nCrXHd>

After registering, you will receive a confirmation email containing information about joining the meeting.

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Abstract

This seminar focuses on the relationship between the protection of Internally Displaced Persons (IDPs) and international refugee law, which is the theme of my forthcoming monograph (OUP, 2022). IDPs are persons who have been forced or obliged to leave their places of habitual residence as a result of armed conflict, violence, human rights violations or natural or human-made disasters, but who have not crossed an international border. IDPs often have similar wants, fears, and needs as refugees. However, unlike refugees, IDPs do not have legal status under international law and there is no specific international (as opposed to regional) treaty that grants them protection. This is despite the fact that there are 40 million IDPs in the world today – outnumbering refugees by around 2:1.

Recent decades have nonetheless seen the gradual development of legal and institutional protection of IDPs at international level, such as the Guiding Principles on Internal Displacement and regional IDP treaties, the appointment of a UN Special Rapporteur on the Human Rights of IDPs, the extension of the mandate of the United Nations High Commissioner for Refugees ('UNHCR') to include IDPs, and the creation of 'safe zones' within countries of origin. Although these measures are welcome, some have expressed fears that such activities are in reality about circumventing refugee flows and 'may be (mis)interpreted as obviating the need for international protection and asylum.' Indeed, some states have explicitly stated that IDP protection measures are an alternative for asylum. This monograph asks whether such interpretation is legally correct, and explores whether IDP protection complements, conflicts with, or undermines international refugee law.

The seminar will first set out the relationship between IDPs and refugees and the history of the IDP protection framework. It will then address the challenges of ensuring that protection of IDPs is not (mis)interpreted as a substitute for asylum. The presentation will conclude by setting out how to effectively manage the challenges in the relationship between IDPs and refugees, by setting out future challenges in this relationship, and by illustrating the overall impact and importance of the findings of the research.

About the Speaker

Dr. Bríd Ni Ghráinne is an Assistant Professor at the Department of Law at Maynooth University, Co Kildare, Ireland and specializes in Public International Law, particularly in the areas of Forced Migration and Human Rights. Previously, she was Principal Investigator on the 'Safe Zones in International Law' project funded by the Czech Ministry of Education at Masaryk University, Czech Republic. Bríd has published widely in leading journals such as *Human Rights Law Review*, *International and Comparative Law Quarterly*, *Legal Studies*, *Refugee Survey Quarterly*, and *International Journal of Refugee Law*. Her monograph entitled 'Internally Displaced Persons and International Refugee Law' is forthcoming with Oxford University Press.

Bríd holds a DPhil from the University of Oxford; an LLM (Public International Law) from Leiden University; a BCL (International) from NUI Galway; and diplomas in Legal French and Legal Irish from the Law Society of Ireland and NUI Galway, respectively.