



Internal Displacement Law and Policy in a Changing World

This is the third volume in our series on 'Internal Displacement in a Changing World Order'. It argues that in the face of escalating pressures on international cooperation, resources and norms – which in turn aggravate the situation of IDPs and their societies – it is crucial to keep consolidating the internal displacement legal regime, as well as strengthening and building on it further to address the growing and evolving challenges of internal displacement situations. The first part outlines some features of the internal displacement legal regime which may be leveraged to safeguard existing progress. These include its foundations in international human rights law and international humanitarian law; its multi-level anchoring; and its broad contextual relevance. The second part indicates some ways in which this legal regime can be reinforced and developed in the longer term: in particular, by consolidating existing protections at different levels; clarifying and further elaborating norms where needed; and gathering and analysing relevant legal data to track evolution and application of the internal displacement legal regime, as well as how this may still need to develop.

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Over the past three decades, the development of the [multi-layered legal regime](#) on internal displacement has solidified a broad consensus that addressing the situation of internally displaced persons (IDPs) is part of every state's responsibilities towards its own population, and that this is a matter of global concern which requires international cooperation. However, [the systems and resources for this cooperation are under intensifying strain](#), along with the norms underlying them. This includes international human rights law (IHRL) and international humanitarian law

(IHL), the foundations of the internal displacement legal regime, which face various attempts to [rewrite their rules unilaterally](#) or [undermine the international institutions](#) mandated to uphold them.

This is already having repercussions on addressing internal displacement. The erosion of protective norms is a factor fuelling massive displacement crises and pushing humanitarian action to its limits. Deprioritisation of longer-term cooperation and human rights dim the prospects for addressing [governance weaknesses and accountability deficits](#), as well as for rights-based efforts towards [solutions](#) in the context of development strategies.

This context presents serious challenges for IDP protection. At the same time, it reflects an aggravation of existing structural problems which the IDP legal regime has already, to an extent, grown around to take root in regional, national and local legal systems and institutions. In the face of a global context that is admittedly more than daunting, this piece seeks to highlight existing strengths and broadly indicate potential avenues of opportunity – though these will be highly context-dependent. The first part outlines some features of the internal displacement legal regime which may be leveraged to safeguard existing progress. The second part indicates some ways in which this legal regime can be reinforced and developed in the longer term.

Resilient features of the internal displacement legal regime

This section will outline three features of the internal displacement legal regime which render it resilient to pressures on international cooperation, institutions and norms, and indicate potential points of leverage or entry for efforts to promote protection and solutions: 1) its basis in broadly accepted and institutionalised legal obligations in IHRL and IHL; 2) the anchoring of displacement-specific norms at international, regional and domestic levels; 3) the broad contextual relevance of the internal displacement legal regime to all types and phases of internal displacement situations.

Having indicated the growing challenges to IHRL and IHL norms and accountability mechanisms, it may seem counterintuitive to suggest that the basis of the internal displacement legal regime in IHRL and IHL is one of its strengths. Certainly, these pressures are highly tangible in many contexts, as well as in international institutions. However, these long-established and widely accepted international legal obligations are not only derived from treaties which collectively enjoy universal (or near-universal) adherence, but also from [accumulated practice](#) and [consensus](#) which cannot be unilaterally altered or undone. Amid displays of flagrant disrespect for IHL and backsliding on IHRL, a range of states have continued to show willingness to [reaffirm](#) and even [expand](#) their commitment to these norms through [collective initiatives](#) and [individual actions](#). Such initiatives have also been ongoing in the field of internal displacement law and policy, where state actors have continued to engage at the [global](#), [regional](#), [national and local](#) levels on issues such as disaster and conflict displacement and [internal resettlement](#).

IHL and IHRL rules relevant to internal displacement are embedded in national and regional legal systems, providing avenues to hold duty-bearers accountable at these levels (e.g. through [national courts](#) or [regional human rights bodies](#)), as well as transnationally in other states (e.g. through legal action in a [corporation's](#) home state, enforcing individual criminal accountability for forcible transfer through the [grave breaches regime](#) in the 1949 Geneva Conventions, or exercising [universal jurisdiction](#) where displacement is related to an international crime under customary international law).

Furthermore, IHRL provides a binding legal framework to support and maintain focus on longer-term solutions based on [national ownership](#), [international solidarity and accountability of involved actors](#), as these notions correspond to the state's primary responsibility to respect, protect and fulfil human rights on its territory; duties to [cooperate](#) internationally to realise [human rights](#) and development; and the shared [responsibilities of other duty-bearers](#).

The legal and institutional anchoring of displacement-specific protections at various levels is also a factor which renders the internal displacement legal regime resilient to pressure on particular institutions or emanating from specific actors. The IDP legal regime - with the Guiding Principles on Internal as its central point of reference and catalyst - has already been built up without a global treaty regime or dedicated international institution to coordinate and promote this, through the efforts of various (inter-)governmental and non-governmental actors at different levels.

Political commitments on IDP protection have been translated into legal and institutional architecture at the regional, national and sub-national levels. [Almost 100 states](#) have adopted IDP-specific or IDP-inclusive national laws and policies to date, often in the [aftermath](#) of serious crises, with [IDP leaders](#) emphasizing the relevance of such frameworks for IDPs' participation in decision-making. [Regional institutions](#) – especially in Africa, the Americas and Europe – have also engaged extensively in promoting and developing legal and policy instruments on internal displacement or integrating this issue into broader strategies. This reflects broad commitment to these norms. It also adds another layer of accountability mechanisms which may potentially be engaged, as well as forums and processes where normative development can be advanced.

The broad contextual relevance of the internal displacement legal regime makes it capable of engaging renewed political commitment, addressing emerging displacement challenges, and facilitating a longer-term focus. This legal regime in principle applies to [all phases of any internal displacement situation](#), whether arising from conflict, generalised violence, disaster, or climate change impacts. [Almost all countries in the world are affected](#) by at least one of these internal displacement phenomena. This shows that all states potentially have a self-interest in (re-)committing to implementing internal displacement laws and policies, as part of preparing for or dealing with disasters and conflicts.

[Large-scale inter-state conflicts](#) and [climate-related disasters](#) have arguably sharpened sensibilities to these issues among states and in societies more broadly. The versatile and open-ended nature of this legal

regime also future-proofs it by permitting it to address [increasingly complex displacement](#) arising from [overlaps between environmental factors and violence](#). Its broad scope also allows for [links to areas of law and policy](#) that deal with cross-cutting, longer-term issues of general interest within and across societies, such as those relating to overall improvement of living standards, including [housing](#) and a [just energy transition](#).

Some directions for the way forward

The foundations of the internal displacement legal regime in IHRL and IHL, the multi-level anchoring of displacement-specific laws and policies, and the broad contextual relevance of the internal displacement legal regime are all factors rendering it resilient to pressure. They also indicate opportunities to consolidate progress on legal protection for IDPs. Crucially, this is not only a matter for states to take up: '[every organ of society](#)' has a role to play in promoting [IHRL](#), [IHL](#) and related internal displacement frameworks -as many have long been doing, [including IDPs](#). Depending on context and on the issue at stake, this may require rallying political commitment to these norms; reasserting them across contexts; and invoking them to engage relevant accountability structures. These efforts will need to span the international, regional, national and local levels, as well as [reaching beyond displacement-specific forums and processes](#) to connect to relevant areas of law and policy which concern IDPs and host populations alike.

In addition, there may be issues on which the legal regime requires continued clarification and development, in line with IHRL and IHL. This may be needed to ensure coherence [with complementary standards](#) in connected policy fields. It may also support efforts to address existing governance and accountability challenges and capture evolving complexities of internal displacement situations. An example of one such issue is the involvement of [actors beyond the territorial state in resolving internal displacement](#). While facilitating durable solutions falls within the territorial state's primary human rights responsibilities, the cooperation of other states, international organisations and private actors is often

sought. Other actors may also already be involved in, or significantly impact on, durable solutions processes – for example, by engaging in [displacement response](#), [providing services](#) or [controlling relevant infrastructure](#). This gives rise to a need to establish parameters for involvement, clarify responsibilities and develop accountability channels, to ensure that the rights of IDPs and host populations are respected, protected and fulfilled.

Efforts towards legal development, implementation and compliance may be supported by the collection, systematisation and analysis of legal data on internal displacement - for example, on [national IDP laws and policies](#), [regional](#) or [national](#) judgments, and alignment (or gaps) between international standards and [national laws](#) or [responses](#). This not only permits transnational exchange of knowledge and experiences, but may also indicate the emergence of new rules, guide interpretation of existing ones, or highlight implementation and compliance gaps and barriers. Overall, such analyses keep track of how the internal displacement legal regime is evolving – and how it may need to continue doing so – through broadly shared commitments and practices.

Conclusion

In a context of major political shifts which are bringing long-standing pressures on IDPs, their societies and international cooperation systems to a new level, it is not only worthwhile but necessary to safeguard the progress which has been achieved over the last three decades on legal protection in internal displacement contexts, as well as reaffirm and reassert the applicability of underlying frameworks of IHRL and IHL. In this regard, these general frameworks, as well as IDP-specific and IDP-inclusive instruments, offer avenues and entry points to uphold IDP rights and protections. The broad contextual relevance of the internal displacement legal regime may also create opportunities to engage political commitment, deal with evolving displacement dynamics, and link to other policy areas of general, longer-term public interest.

Overall, the internal displacement legal regime is an asset which in principle is well-positioned to support longer-term approaches to resolving internal displacement. This includes managing the interplay and balance between national ownership and international cooperation; different forms of accountability and the responsibilities of various actors; and immediate and longer-term needs of IDPs and host populations.

At the same time, there is also a need to go beyond consolidation to continue strengthening and developing this legal regime - at different levels, in connection with broader legal and policy processes, and through the engagement of various actors - to meet ongoing and emerging challenges, whether they relate to addressing internal displacement as an internal societal issue or international cooperation in this sense. This may be supported by legal clarification and elaboration in certain areas, as well as understanding implementation gaps and obstacles to compliance. Legal data collection and connected research and analysis can support these efforts by tracking the evolution of the legal regime on internal displacement and identifying future directions for legal development.

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This topical paper is part of the special series on ‘Internal Displacement in a Changing World Order’, led by the [Internal Displacement Research Programme](#) at the RLI. The experts contributing to this series assess how rapid shifts in contemporary politics, plummeting levels of humanitarian aid and escalating global crises are impacting displacement-affected communities. The series ties into the launch in April 2026 of a 45-chapter [“Handbook of Internal Displacement”](#) that comprehensively addresses this issue.

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