



**The Duty of the Ethiopian State to Prevent Displacement and Protect IDPs:
Case Study in SNNPR**

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Case Study in SNNPR**

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Declaration

The undersigned hereby declares that this thesis is original and the result of my work and has never been submitted to any other institution. I also declare that any sources or materials used in this thesis have been duly acknowledged.

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Acronyms

AU	-	African Union
CARE	-	Contamination Assessment and Remediation of the Environment
CID	-	Conflict Induced Displacement
DRM	-	Disaster Risk Management
EDKs	-	Emergency Drug Kits
ERCS	-	Emergency response cleanup service
GBV	-	Gender-Based Violence
DSI	-	Durable Solution Initiative
GP	-	Guiding Principle
GOE	-	Government of Ethiopia
FDRE	-	Federal Democratic Republic of Ethiopia
HPR	-	House of People Representative
ICC	-	International Criminal Court
IDPs	-	Internally displaced persons
IOM	-	International Organization of Migration
IRC	-	International Red Cross
MSF	-	Medicines sans Frontiers
NGO	-	Nongovernmental Organization
NRC	-	National response center
SNNPR	-	Southern Nationalities, and Peoples region
UN	-	United Nation
UNICEF	-	United Nation International Children Emergency Fund
WASH	-	Water Sanitation and Hygiene
WF	-	World Food Program
WHO	-	World Health Organization

Abstract

People are forcefully displaced from their habitual residence in Ethiopia due to various causes. Displaced persons are vulnerable to human rights violations such as their right to life, food, shelter, physical security, not being sexually abused, and not being separated from their families. To this effect displaced persons need special protection, therefore, the international and regional laws protect IDPs by imposing the primary obligation on a state to prevent internal displacement and provide protection to IDPs.

The GP and Kampala convention provides a legal standard by imposing an obligation on the state in preventing internal displacement and in protecting IDPs. The three pillars of state obligations are the obligation to respect, which requires the state to refrain from interfering with or curtailing the enjoyment of human rights of IDPs, obligation to protect, which requires States to protect IDPs against human rights abuses, like being protected from arbitrary displacement, and obligation to fulfill which oblige States to take positive action to facilitate the enjoyment of basic human rights of IDPs, which includes the duty to provide immediate humanitarian assistance, durable solution, basic needs, and social service, as well as the obligation to provide effective legal frameworks and legal remedy both in case of civil and criminal matters.

The case of the Gedeo-West Guji and Meskan-Mareko displacement that happened in April 2018 and September 2018 respectively result in the violation of several human rights of IDPs during and after displacements like the right to life, physical integrity, not to be arbitrary displaced, survival, and development, to psychological support, to humanitarian assistance, to education and the right to health. The Ethiopian government has failed to comply with its obligation to prevent internal displacement in SNNPR specifically in the case of Gedeo-West Guji and Meskan- Mareko CID. Because the government did not take any preventive measures to avoid the causes of the conflicts. Regarding the Ethiopian state's obligation to protect IDPs who were displaced from the two places, the Ethiopian state did not enact legal frameworks that enable the protection of IDPs and provide a legal remedy for IDPs both in case of civil and criminal matters. The protection provided for Gedeo-West Guji and Meskan-Mareko CID IDPs from violation of their human rights was inadequate and the humanitarian assistance provided for IDPs was insufficient and the durable solutions provided by the government were late.

CHAPTER ONE

Introduction

1.1 Background of the Study

Internal displacement describes the situation of people who have been forced to leave their homes but have not left their country. Millions of people are displaced from their permanent residence each year because of violence, development projects, disasters, and climate change and remain displaced within their country's borders.¹

The Kampala Convention defines IDPs per the GP, are “persons or groups of persons who have been forced or obliged to leave their homes or places of permanent residence, in particular as a result of or 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”.²

Ethiopia faces significant internal displacement. In 2018, Ethiopia recorded the third-highest number of new displacements worldwide, with 3,191,000 internally displaced persons (IDPs) identified.³ A significant portion of these displacements is conflict-induced, largely related to ethnic and boundary-based disputes. Old hostility such as the contestation of the Oromia-Somali regional border which first flared up in 2017 continues to persist, while new conflicts have also emerged. In April and later in June 2018, a conflict that was aggravated by competition for land and resources broke out between the Gedeo and the Guji Oromo tribes in West Guji. It is estimated that by August 2018, 748,499 IDPs were displaced from the Gedeo-West Guji conflict alone. Simultaneously, a localized conflict in the Benishangul Gumuz region and the East and West Wellega zones of the Oromia region displaced an estimated

¹ 'Internal Displacement' (*Drishti IAS*) <<https://www.drishtiias.com/daily-updates/daily-news-analysis/internal-displacement-2>> accessed 21 March 2022.

² 'Africa Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa'.

³ 'IOM Report: Ethiopia Records More Than 1.8 Million Internally Displaced in 2020 | International Organization for Migration' <<https://www.iom.int/news/iom-report-ethiopia-records-more-18-million-internally-displaced-2020>> accessed 1 February 2022.

191,995 IDPs. This brought displacement in Ethiopia to a peak of 3.04 million IDPs in March 2019.⁴

In early November 2020, the regional party of Tigray allegedly attacked the Northern Command of Ethiopia's National Defense Force in Mekelle, Tigray region, prompting a military offensive from the federal government of Ethiopia. Following this, conflict broke out in the North of Ethiopia and it is estimated that more than two million IDPs have been displaced due to the conflict.⁵

Though not legally binding, the Guiding Principles on Internal Displacement (henceforth the Guiding Principles) were presented to the UN Commission on Human Rights, forming the foundation for a normative framework for addressing the needs of IDPs. They restate, in explicit terms, the rights of IDPs that are implicit in existing international human rights and humanitarian law.⁶ They address protection against displacement, as well as protection during displacement and return to places of origin, providing especially for humanitarian assistance and the resettlement and integration of IDPs into host communities.⁷

The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, the so-called Kampala convention is adopted by AU on 23 October 2009 and came into force 6th December 2012 is the first of its kind in the world that binds governments to provide legal protection for the rights and well-being of IDPs.⁸

The government of Ethiopia has signed the Kampala Convention in 2009 and the House of People's Representatives has ratified this Convention on February 13, 2020. Although the Convention is the only legally binding document dedicated to the prevention of internal displacement and assistance and protection of IDPs, many of the rules derive from existing legal obligations under both international humanitarian law (IHL) and international human rights law (IHRL).

⁴ Ibid

⁵ 'Ethiopia National Displacement Report 9, Round 26: June - July 2021 - Ethiopia' (*ReliefWeb*) <<https://reliefweb.int/report/ethiopia/ethiopia-national-displacement-report-9-round-26-june-july-2021>> accessed 23 February 2022.

⁶ 'Internal Displacement' (*OCHA*, 7 October 2021) <<https://www.unocha.org/themes/internal-displacement>> accessed 4 March 2022.

⁷ Ibid

⁸ United Nations High Commissioner for Refugees, 'Refworld | African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa ("Kampala Convention")' (*Refworld*) <<https://www.refworld.org/docid/4ae572d82.html>> accessed 21 March 2022.

1.2 Statement of the problem

Currently, internal displacement is a more serious problem than ever before in Ethiopia. According to the IOM report, Ethiopia records more than 1.8 million internally displaced people in 2020. Communal violence and ethnic tensions have a key role in displacing huge numbers of people in different parts of the country. In April and later in June 2018, conflict by competition for land and resources broke out between Gedeo and Guji Oromo tribes in West Guji. It results in the displacement of thousands of people.⁹ There was widespread food insecurity, and malnutrition and the majority of the IDPs have lost most or all of their household items, often having fled in haste with nothing more than personal possessions. Totally 854 houses were fully or partially damaged, IDPs have also lost other assets (farms and livestock) as well as cash reserves and are no longer able to engage in their usual livelihood generating activities (farming and daily labor work) in areas of displacement.¹⁰ In addition, the ethnic conflict between Meskan and Mareko On September 13/2018 was the cause of thousands of IDPs. Moreover, in SNNPR Amaro, Burji, Basketo communities in the Welayta Sodo zone and South Omo are the places IDPs are found because of ethnic conflict except for South Omo displacement which is caused by the Gelgel Gibe III flood.

Internal displacement affects IDPs themselves, the host and surrounding communities, and the image of their country. Being displaced puts people at a higher risk of both being impoverished and unable to enjoy their human rights.¹¹ Though the protection of IDPs is very important, preventing displacement from happening in the first place often plays a very prominent role.

Although the Kampala Convention has not yet been incorporated into domestic law, ratification of the treaty imposes legally binding obligations on the Ethiopian Government. As a State Party to the Kampala Convention, the Ethiopian government has the primary duty and responsibility to prevent internal displacement and protect IDPs in its territory.¹² This research aims to address the

⁹ 'IOM Report: Ethiopia Records More Than 1.8 Million Internally Displaced in 2020 | International Organization for Migration' <<https://www.iom.int/news/iom-report-ethiopia-records-more-18-million-internally-displaced-2020>> accessed 1 February 2022.

¹⁰ 'Ethiopia Response Plan to Internal Displacement between Gedeo and West Guji Zones_22 June_0.Pdf' <https://reliefweb.int/sites/reliefweb.int/files/resources/Ethiopia_Response%20Plan%20to%20Internal%20Displacement%20between%20Gedeo%20and%20West%20Guji%20zones_22%20June_0.pdf> accessed 4 March 2022.

¹¹ 'The Ripple Effect: Economic Impacts of Internal Displacement' <<https://primarysources.brillonline.com/browse/human-rights-documents-online/the-ripple-effect-economic-impacts-of-internal-displacement;hrdhrd9806201898060010>> accessed 22 March 2022.

¹² 'Africa Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.'

gaps of the SNNPR government concerning the implementation of state duty to prevent internal displacement and protect IDPs in SNNPR in general and in the cases of Gedeo-West Guji and Meskan-Mareko CID in particular.

1.3 The Literature Review

In the area of the topic Tesfaye Tola address whether or not Ethiopia fulfill its state obligation by providing protections for those Oromo ethnic IDPs displaced from the Somali region during the year 2017 both under the existing international and national legal and he founds that both Somali regional state and Federal governments' did not fulfill their obligation to protect the rights of IDPs, did not fully fulfill its obligation to provide basic needs and social service both under existing international and national legal rules and did not fully fulfill its obligation to provide durable solutions to these IDPs as per to GP.¹³

Another article by Sewit Zewdu deals with the national normative and institutional frameworks in addressing the needs of IDPs in light of international and regional instruments and finds that the existing normative framework does respond effectively to the problems of IDPs in Ethiopia and institutions which have the mandate and prominent role to prevent Conflict Induced displacement are not effectively responding at prevention phases. Both government and international actors mainly focus on emergency response than that on the provision of lasting solutions to IDPs.¹⁴

In addition, Alexander Tariku's article addresses whether or not Ethiopia fulfilled its State obligation by providing protection and assistance for the rights of internally displaced children displaced from the Burayu area. And the finding was the government has failed to the obligation in that it did not take any preventive measures to eliminate the cause of the displacement of displaced children of Burayu, Ethiopian state by not also enacting legal frameworks for the protection of displaced children, and nonexistence of legal remedy both in case of civil and criminal matters for the prevention and protection of displaced children from Burayu and also by

¹³ Tesfaye Tola Pdf. State Obligation for the Protections of the rights of IDPs: In Case of Oromo People displaced from Ethiopian Somali region.

¹⁴ Sewit Zewdu Pdf. Responding To Internal Displacements in Ethiopia: Normative and Institutional Aspects.

not providing immediate humanitarian assistance and durable solution has failed in its obligation to fulfill to the protection of displaced children from Burayu¹⁵.

The above literature does not identify the Ethiopian state's duty to prevent internal displacement and protect IDPs in SNNPR in light of the GP and the Kampala convention, rather they assess only the state's obligation to protect those Oromo ethnic IDPs displaced from the Somali region during the year of 2017, State obligation by providing protection and assistance for the rights of internally displaced children displaced from the Burayu area and the national normative and institutional frameworks in addressing the needs of IDPs in light of international and regional instruments. So Ethiopian state's obligation to prevent internal displacement and protect IDPs in SNNPR needs study.

1.4 The research questions

This study attempts to assess the Ethiopian state's duty to prevent internal displacement and protect IDPs in SNNPR giving special emphasis on the following basic research questions.

1. What mechanisms have the SNNPR regional government taken to prevent internal displacement and protect IDPs in the region?
2. What challenges does the regional government experience in implementing preventing mechanisms for internal displacements and in the protection of IDPs?
3. Did Ethiopia fulfill its state obligation by preventing internal displacement and providing protection for IDPs in SNNPR?
4. What are the solutions for the challenges to have effective prevention of internal displacement and protection of internally displaced persons in SNNPR?

1.5 The Research Objective

1.5.1 General Objective:

With the understanding of the above-mentioned background, the main objective of the thesis is to identify whether or not the government of Ethiopia has complied with its state obligation

¹⁵ Alexander Tariku, 'The Protection of Children's Rights in Times of Internal Displacement in Ethiopia: The Case of Burayu'.

concerning the prevention of internal displacement and providing protections for IDPs in SNNPR.

1.5.6 Specific Objective:

The study had also the following specific objectives.

1. To identify the level of implementation of the SNNPR government in preventing internal displacement and protecting IDPs regarding the GP and Kampala Convention.
2. To identify the challenges that the SNNPR government face while implementing measures for the prevention of internal displacement and protection of IDPs.
3. To provide recommendations on what kind of measures the SNNPR region should have to take to provide effective prevention of internal displacement and protection for internally displaced persons.

1.6 Scope of the study

With constraints of time and resources to address all displacements in the region, the scope of this study is limited to the Ethiopian state's obligation in preventing internal displacement and providing protections for IDPs in SNNPR, particularly in the cases of Gedeo-West Guji and Meskan-Mareko CID regarding the GP and the Kampala Convention.

1.7 Significance of the Study

The study has significant contributions to the organs of governments, policy or lawmakers, legal professionals, students, victims of IDPs as well as other individuals. For instance, since the study identified specific obligations of the state asserted under relevant international and national rules, it helps IDPs and concerned state authorities to understand their obligations in preventing internal displacement and providing protection for IDPs in Ethiopia. In addition, the study has also identified whether or not Ethiopia fulfills its state obligation in preventing internal displacement and providing protection for IDPs in SNNPR. This helps the government as to a kind of measures that should be taken for effective prevention of internal displacement and protection of IDPs in Ethiopia.

1.8 The Research Method

1.8.1 Research Design

In this research, the researcher implemented the ‘qualitative research’ method by collecting qualitative data, since the study is a case study or analysis of practice that is qualitative.

1.8.2 Population, Sample Size, and Sample Technique

The total population for this research could be IDPs who have already resettled and also those that have not yet resettled in Gedeo-West Guji and Meskan-Mareko CID and concerned governmental institutions mandated to work on IDPs.

The sample size of the study is thirty participants of IDPs from Gedeo-West-Guji and thirty participants from Meskan- Mareko for the focus group discussion, one respondent from SNNPR disaster risk management commission, one from Gedeo and one from Gurage zones disaster risk management offices, Gedeo, and Gurage zone justice office.

Accordingly, the research used non-probability sampling, particularly the purposive sampling technique in which the researcher purposively selected participants based on their ethnicity since those IDPs are displaced from their original residence on the bases of their ethnicity.

1.8.3 Types and Methods of Data Collection

The researcher collected both Primary and Secondary data. For primary data observation, focus group discussion and interview were employed.

The researcher observed the current status of IDPs who were displaced from Gedeo-West Guji and Meskan-Mareko CID who have already resettled and also those that have not yet resettled.

The researcher conducted focus group discussions with internally displaced persons from their homes and resettled to their homes in Gurage zone West/Meskan wereda Eneseno, Betligano, and Bechea kebeles and in Gedoeo zone Gedebe and Wenago weredas.

The researcher made interviewed IDPs displaced from the two zones and concerned government organs officials, like the SNNPR disaster risk management commission vice-commissioner, officials of Gedeo, and Gurage zone disaster risk management offices, and public prosecutors of Gedeo and Gurage zones who take and attend the cases of those IDPs.

The researcher used relevant international, national, and domestic legislation as primary sources. Additionally, the researcher used other secondary sources such as reports, articles, and published and unpublished kinds of literature.

1.9 Limitation of the study

Due to limitations of resources and accessibility and time constraints, the research suffers certain limitations in its scope, all internally displaced persons that are found in the region are not fully addressed. In addition not finding a piece of well-documented information regarding IDPs in all specific aspects in the Gurage zone, West Meskan woreda was a problem, to avoid such limitations the researcher collected data from each kebeles by phone and from other literature.

1.10 The Thesis Organization

The Structure of the Study is organized into four chapters. Chapter one contains the general introduction, which will incorporate the background, statement of problems, objectives, literature review, scope, limitations, and methodology used for the study. Chapter two illustrates the conceptual and legal frameworks on state duty in the prevention of internal displacement and protection of IDPs under the GP and the Kampala Convention. While, chapter three examines, the practical experience of the SNNPR State's response to prevent internal displacement and protect the IDPs in the cases of Gedeo-West Guji and Meskan and Mareko CID. The final chapter, chapter four finalized with the conclusion and recommendations of the study.

1.11 Ethical Consideration

The researchers applied all the necessary ethical approval that is needed for legal research that involves voluntary informants in the study.

CHAPTER TWO

2. Conceptual and Legal Framework on State Duty to Prevent Internal Displacement and Protect IDPs

2.1 Introduction

Internal displacement describes the situation of people who have been forced to leave their homes but have not left their country. Millions of people are uprooted from their homes or places of habitual residence each year in the context of conflict, violence, development projects, disasters, and climate change and remain displaced within their country's borders. Conflict over land and resources, political and inter-communal violence and high levels of vulnerability to drought and seasonal floods trigger thousands of new displacements every year in Ethiopia. In 2018, Ethiopia recorded the third-highest number of new displacements worldwide, with 3,191,000 internally displaced persons (IDPs). A significant portion of these displacements is conflict-induced, largely related to ethnic and border-based disputes.¹⁶

The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, known widely as the Kampala Convention, is the world's first continental instrument that legally binds governments "to refrain from, prohibit, and prevent arbitrary displacement of populations" and to protect them and ensure the wellbeing of people forced to flee their homes by conflict, violence, disasters and human rights abuses.¹⁷ In addition, the convention provides an excellent opportunity for member states to put in place national frameworks for the prevention of displacement and comprehensive responses when it does take place.¹⁸

¹⁶ 'Ethiopia National Displacement Report 9, Round 26: June - July 2021 - Ethiopia'.

¹⁷ 'Africa Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.

¹⁸ Ibid

Among the internal displacement crisis which crops up in Ethiopia, this study mainly focuses on the “case studies of SNNPR IDPs displaced from Gedeo -West Guji and Meskan-Mareko CID. So that under this chapter, it is essential to define the concepts of “IDPs”, State obligation, protection of IDPs, and prevention of internal displacement. Moreover, it’s essential to describe relevant international, regional, and national legal frameworks that can be enforced for the prevention of internal displacement and protection of IDPs.

2.2. Conceptual Frameworks

2.2.1. Concept of Internally displaced persons (IDPs)

The UN “Guiding principle on the internal displacement of 1998 defines the concept of IDPs. IDPs are, “a person or a group of persons who have been enforced to leave their homes or places of usual residence in particular because of or 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 boundary.”¹⁹

Departure unwillingly and the fact that the individual stays within his/her country are the two defining elements of an IDP. The element of departure unwillingly distinguishes IDPs from individuals who left their homes out of choice and could have otherwise safely remained where they lived, whereas the element of staying within his/her country explains why IDPs are not refugees. Refugees, by definition, are outside their country of nationality or constant residence. In other respects, however, both categories of displaced persons often face similar risks and deprivation.²⁰

The IDP definition in the Kampala Convention per the Guiding Principles provides for equal treatment of all internally displaced people, whether displaced by armed conflict, generalized violence, human rights violations, disasters, or development projects. While every person who is displaced, irrespective of nationality, is enabled to basic protection and assistance under the Kampala Convention, some rights, like the right to vote, maybe restricted to citizens.²¹ The

¹⁹ ‘Guiding Principles on Internal Displacement’.

²⁰ ‘GPC Handbook Protection IDPs.’

<https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/GPC_Handbook_Protection_IDPs.pdf> accessed 2 March 2022.

²¹ ‘Making-the-Kampala-Convention-Work-for-IDPs. <<https://hrea.org/wp-content/uploads/2020/11/Making-the-Kampala-Convention-work-for-IDPs.pdf>> accessed 2 March 2022.

definition is not restricted to citizens but includes non-nationals who are displaced within their country of habitual residence.

2.2.2 Concept of State Obligation

The legal definition of obligation is a binding tie that requires individuals involved to do something or pay for something under legal terms according to the law.²² Therefore the concept of State obligation refers to a situation in which a state has an honorable, inherent, or legal duty to do something.

Human rights, like all other rights, are based on a relationship between two parties. The two parties are the claimant of a right and the entity that has an obligation to ensure that the claim is met.²³ Human rights standards must be guaranteed by law, which is something only states can do. This is the essence of human rights: not to establish humane ethics, but to put obligations on states for certain minimum norms of conduct to vulnerable persons and all people. Therefore, the state's duty and responsibility to enforce human rights provisions asserted under international, regional, and national laws enable the right holders to exercise rights protected under the law.

By becoming members of the international treaties, member states are, by the international human rights law, bound to respect as well as protect and fulfill the human rights as required by the international humanitarian law.²⁴ This, therefore, means that member states must always protect individuals from human rights abuses, ensure that all individuals enjoy their human rights, and take positive action to facilitate the enjoyment of basic human rights as required by international human rights.²⁵ Governments, therefore, have the obligation to put in place domestic measures as well as registrations that ensure that international human laws are observed. In observing the national laws, a state is obligated to the international human rights law over and above its obligation to the general international law.²⁶

²² 'Obligation: Legal Definition, Types & Examples - Video & Lesson Transcript' (*Study.com*) <<https://study.com/academy/lesson/obligation-legal-definition-types-examples.html>> accessed 8 March 2022.

²³ 'Module 9: Obligations of States and Non-state Actors' <<http://hrlibrary.umn.edu/edumat/IHRIP/circle/modules/module9.htm>> accessed 8 March 2022.

²⁴ 'State's Obligations under International Human Rights - A Research Guide' (*A Research Guide for Students*, 27 November 2017) <<https://www.aresearchguide.com/states-obligations-international-human-rights.html>> accessed 28 February 2022.

²⁵ Ibid

²⁶ Ibid

Through ratification of international human rights treaties, Governments undertake to put into place domestic measures and legislation compatible with their treaty obligations and duties.²⁷ Where domestic legal proceedings fail to address human rights abuses, mechanisms and procedures for individual complaints or communications are available at the regional and international levels to help ensure that international human rights standards are indeed respected, implemented and enforced at the local level.²⁸

The Kampala Convention also sets out the duties of states regarding internal displacement. The convention obliged states parties to prevent arbitrary displacement, protect IDPs during displacement, find durable solutions and also states to identify a national authority or body responsible for responding to internal displacement.²⁹

2.2.3 Concept of Prevention of Internal Displacement

The first fundamental step that states can take to exercise their responsibility concerning internal displacement is to take steps to prevent it.

‘Prevention of internal displacement’ may refer to two fundamental steps that states can take to implement their obligation concerning internal displacement. The first step is the prevention of the basic causes of forced internal displacement or the prevention of people from getting exposed to situations that can be considered as causing a risk of displacement. The second step is about when displacement is not able to avoid, and that is aiming at taking steps in advance to mitigate its harmful effects.³⁰ The prohibition of forced displacement can be taken as a prevention of displacement. The right not to be arbitrarily displaced provides conditions for the minimum procedural standard to determine the arbitrariness of the displacement.³¹

Promoting the legal recognition of the right not to be arbitrarily displaced, penalizing arbitrary displacement in domestic law, and ensuring policies of disaster and conflict risk reduction and preparedness, comprised the ways to address prevention. Asset out in the GP, to prevent internal displacement and avoid conditions that might lead to the displacement of persons, all authorities and international actors shall respect and ensure respect for their obligations under international

²⁷ ‘OHCHR | International Law’ <<https://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx>> accessed 8 March 2022.

²⁸ Ibid.

²⁹ ‘Africa Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa..

³⁰ ‘Addressing Internal Displacement in Ethiopia | Forced Migration Review’ <<https://www.fmreview.org/GuidingPrinciples20/habte-kweon>> accessed 28 January 2022.

³¹ Ibid

law, including human rights and humanitarian law, in all situations.³² Under the GP steps to prevent internal displacement and mitigate the risk of displacement should include a review of relevant national laws and policies to ensure that they incorporate basic international law protections as set out in the Guiding Principles.³³ Continuous attention should be given to preventive protection and to diminish the risk of displacement. In particular, activities to address basic causes of conflict, and the mitigation of violations and abuses are required.³⁴

A protection outlook and a displacement risk assessment should be assimilated into all aspects of early warning analysis of countries and communities in crisis, supporting early warning initiatives within the humanitarian sphere can make strong the capacity and ability to expect and mitigate situations causing internal displacement.³⁵ Therefore, all concerned state authorities, NGOs, and international organizations should be encouraged to provide information on impending situations of internal displacement.

Making populations at risk well-informed about their rights can serve as a preventive measure. Through human rights training, awareness-raising campaigns, and advocacy with local leaders, societies can be entitled to protect themselves and reclaim their rights. In particular, local organizations and the internally displaced persons themselves should play an active role in providing information on imminent situations of internal displacement.³⁶

Under the Kampala Convention obligations of States Parties which must be implemented even before internal displacement occurs are included. For instance, incorporating obligations under the Convention into domestic law, Criminalizing and ensuring individual responsibility for acts of arbitrary displacement that amount to international crimes, and adopting measures, including strategies and policies, on internal displacement at national and local levels, taking into account the needs of host communities.³⁷ In addition to criminalizing acts of arbitrary displacement that amount to international crimes, States Parties to the Convention must ensure individual responsibility for acts of arbitrary displacement, in accordance with applicable domestic and

³² 'Guiding Principles on Internal Displacement'.

³³ Ibid

³⁴ Ibid

³⁵ 'Protection of internally displaced persons inter agency standing committee policy paper'.

³⁶ Ibid.

³⁷ 'Africa Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.

international criminal law.³⁸ Accordingly, States must ensure that individuals alleged to have committed such crimes are investigated and prosecuted.³⁹

2.2.4 Concept of Protection of IDPs

The concept of protection comprises all activities aimed that are obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law i.e. HR law, IHL, refugee law.⁴⁰ Contrary to refugees, internally displaced persons have not crossed an international boundary. As such, no single international legal instrument is particularly devoted to their specific protection needs. Internally displaced persons are covered by the laws of their own country, and the State is obliged for assisting and protecting them.⁴¹ Whereas internally displaced persons are not prohibited from the enjoyment of human rights which are articulated under the domestic and international human rights laws rather they are entitled to enjoy, in full equality, the same rights and freedoms under domestic and international law as the rest of a country's citizens.⁴²

For the ICRC, protection, in its strictest sense, encompasses those activities aimed at preventing and/or putting an end to the violations of the rights of individuals and the obligations of the authorities/belligerents in accordance with the letter and the spirit of IHL and other fundamental rules which protect persons in circumstances of violence.⁴³

Any protection activity is based on the rule of law. Reference to legal obligations and knowledge of the applicable normative framework is essential. IDPs although not expressly referred to various bodies of law, including, most notably, IHL, human rights law, and national laws. The most important needs are addressed and there are no significant gaps in the legal protection of IDPs. As always, the challenge lies in ensuring respect for the existing rules.⁴⁴ The UN Guiding Principles on Internal Displacement are a very useful and important tool as they include elements of IHL, human rights, and refugee law dealing with all the phases of internal displacement.

³⁸ 'Guiding Principles on Internal Displacement'.

³⁹ Ibid

⁴⁰ 'Protection of internally displaced persons inter agency standing committee policy paper'.

⁴¹ Ibid

⁴² 'Guiding Principles on Internal Displacement'.

⁴³ Alain Aeschlimann, 'Protection of IDPs: An ICRC View - ICRC' (*Forced Migration review*, 09:53:35.0) <<https://www.icrc.org/en/doc/resources/documents/article/other/protection-article-011005.htm>> accessed 15 March 2022.

⁴⁴ Ibid

However, as they are part of soft law, they are not legally binding.⁴⁵ There is a concern that increasing recourse exclusively to not binding principles which are specifically designed to deal with internally displaced persons could ultimately narrow the scope of the protection granted by IHL to the entire civilian population.⁴⁶ In many respects, the protection of IDPs does not differ from the protection of the entire civilian population. In both cases, we need to constantly put the interest of affected persons at the forefront of our actions and ensure that activities do not harm the eventual beneficiaries.⁴⁷

The Guiding Principles on Internal Displacement, published in 1998, represent the first comprehensive attempt to articulate what protection should mean for the internally displaced person.⁴⁸ The Guiding Principles identify the rights and guarantees relevant to the protection of internally displaced persons in all phases of displacement. They outline standards for protection against arbitrary displacement, protection, and assistance during displacement, and for safe return or resettlement and reintegration.⁴⁹ The Principles, it should be noted, do not seek to create an advantaged category of persons or to establish a separate legal status for the internally displaced persons. Rather, they are based on the assumption that internally displaced persons have the same rights and obligations as other persons living in their own state. At the same time, however, they draw attention to the importance of recognizing the particular situation and needs of internally displaced persons.⁵⁰ Although not a legally binding document as such, the Principles reflect are consistent with international human rights and humanitarian law, and refugee law by analogy, which is binding.⁵¹

Under the Kampala convention besides preventing arbitrary displacement, ensuring assistance and protection for IDPs during the time of displacement is the key objective. In this regard, the Convention sets out a number of comprehensive obligations that relate to how a State's how to develop and implement humanitarian response for IDPs. For instance: designate an authority, where needed, that is accountable for coordinating protection and assistance activities and assign

⁴⁵ '2016-Global-Report-Internal-Displacement-IDMC.Pdf' <<https://www.internal-displacement.org/sites/default/files/publications/documents/2016-global-report-internal-displacement-IDMC.pdf>> accessed 10 March 2022.

⁴⁶ Ibid

⁴⁷ Ibid

⁴⁸ Guiding Principles on Internal Displacement'

⁴⁹ Ibid

⁵⁰ Ibid

⁵¹ Ibid

responsibilities to appropriate organs for protection and assistance, consult with IDPs and allow them to participate in decisions relating to their protection and assistance, and provide to the extent possible, necessary funds for protection and assistance, monitor and evaluate the effectiveness and impact of humanitarian assistance, under relevant standards and assess the needs and vulnerabilities of IDPs.⁵²

States parties to the Kampala convention have the primary duty and responsibility to provide humanitarian assistance to all IDPs (including those outside camps), immediately and on a non-discriminatory basis. Acknowledging that internal displacement has an important impact on host communities, State Parties are also obliged to extend assistance to local and host communities, where appropriate and no IDPs should be the subject of discrimination, either on grounds of their displacement or on any other grounds such as their race, ethnicity, or political affiliation.⁵³

In addition, Kampala Convention devotes states to seeking lasting solutions to the problem of displacement and explicitly recognizes IDPs' right to voluntarily choose to return home, integrate locally in areas of displacement, or relocate to another part of the country. States are responsible for promoting and creating satisfactory conditions for each of these options on a sustainable basis and in circumstances of safety and dignity. States must endeavor to incorporate relevant principles contained in the Kampala Convention into peace negotiations and agreements to find sustainable solutions to the problem of internal displacement.⁵⁴

2.3. Legal Framework on State Obligation for Prevention of Internal Displacement and Protection of IDPs

Though currently exists twice as many internally displaced people (IDPs) as refugees worldwide, attention has been placed on the hundreds of thousands of refugees, asylum seekers, and migrants who have put their lives at risk to reach European shores. Their bravery and despair have drawn much attention to the phenomenon of displacement.⁵⁵ As the number of IDPs has

⁵² 'Africa Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, Article 3(2) b d, Article 9(2)k ,m and Article5(5).

⁵³ Ibid Article 4(1)

⁵⁴ Ibid Article 3(2) e

⁵⁵ '2016-Global-Report-Internal-Displacement-IDMC.Pdf' <<https://www.internal-displacement.org/sites/default/files/publications/documents/2016-global-report-internal-displacement-IDMC.pdf>> accessed 10 March 2022.

continued to increase in this new century, it has generated severe humanitarian, social and economic costs around the globe.⁵⁶

States have a responsibility to ensure the full and equal enjoyment of human rights of all individuals on their territory or under their jurisdiction. This responsibility has three dimensions: to respect, protect and fulfill human rights.⁵⁷

2.3.1 International Legal Frameworks on State Obligation for Prevention of Internal Displacement and Protection of IDPs

2.3.1.1. International Humanitarian Law (IHL)

The fundamental principle of international humanitarian law is the distinction between the civilian population, persons who do not take a direct part in hostilities, and combatants, parties to a conflict must at all times distinguish between the civilians and combatants, to spare the civilian population and civilian property. Internally displaced persons, provided they are not directly engaged in hostilities, are entitled to the same protection under IHL as any other civilians.⁵⁸ IHL also prohibits any party to an armed conflict from compelling civilians to leave their places of residence. Temporary evacuations may be carried out only if the security of civilians or military imperatives require it; and even then, such evacuations are subject to strict conditions. All possible measures must be taken to safeguard that family members are not separated and that the displaced population is received under adequate circumstances of shelter, hygiene, health, safety, and nutrition. Such evacuations must be temporary; those affected have the right to return in safety to their homes as soon as the reasons for their displacement come to an end.⁵⁹ Each party to a conflict has an obligation to respect and ensure respect for international humanitarian law, by its armed forces and any other persons or groups acting on its instructions, or under its direction or control. All States, regardless of whether or not they are parties to a

⁵⁶ 'Translating the Kampala Convention into Practice: A Stocktaking Exercise' (2017) 99 *International Review of the Red Cross* 365.

⁵⁷ *Handbook for the Protection of Internally Displaced Persons*. (Afghanistan Centre at Kabul University 2010) <http://afghandata.org:8080/xmlui/bitstream/handle/20.500.12138/20021/azu_acku_hv555_a3_h363_2010_w.pdf> accessed 10 March 2022.

⁵⁸ 'How Does IHL Protect Refugees and Internally Displaced Persons?' <<https://www.icrc.org/en/document/how-does-humanitarian-law-protect-refugees-and-internally-displaced-persons-0>> accessed 2 March 2022.

⁵⁹ 'OHCHR | Protocol II Additional to the Geneva Conventions of 12 August 1949' <<https://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolII.aspx>> accessed 10 March 2022.

given conflict, have the obligation to prosecute and punish in their courts, or to extradite, those responsible for serious violations of international humanitarian law.⁶⁰

2.3.1.2 International Criminal Law

By domesticating international crimes into their national laws, state authorities have an obligation to criminalize violations of international human rights and humanitarian laws in national legislation and to prosecute and punish those responsible before national courts and tribunals. War crime, crime against humanity, and genocide are crimes that are considered international crimes under the Statute of the International Criminal Court (ICC), and which can be investigated and prosecuted by the court, provided that the Court has jurisdiction over the act.

⁶¹ The act of ordering the displacement of the civilian population is also included in the lists of war crimes.

2.3.1.3 The Guiding Principles on Internal Displacement

There was no international institution and legal framework on internal displacement until 1998. The fastest-growing category of war-affected populations leads the UN Commission on Human Rights for the recommendation to use of “soft law” for IDPs in April 1998.⁶² The Guiding Principles describe in-depth the guarantees available to internally displaced persons that must be provided both to prevent arbitrary displacement and to mitigate and end it when it happens, they cover all phases of displacement, including measures of protection against being displaced, protection during displacement, and rights relevant in the post-displacement phase when return or other durable solutions become possible.⁶³

In addition, the Guiding Principle set out standards for the delivery of humanitarian assistance, the Principles are established based on the existing human rights and humanitarian law standards.

⁶⁰ Ibid

⁶¹ ‘Rome Statute of International Criminal Court’.

⁶² Thomas G Weiss, ‘International Efforts for IDPs after a Decade: What Next?’

⁶³ ‘Guiding Principles on Internal Displacement’.

Thus, instead of creating new obligations the principles clarify and reflect the existing rules, how they apply to internal displacement settings.⁶⁴

Moreover, the UN Guiding Principles obliged states parties, all authorities of a state, and international actors to protect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, to prevent displacement of persons and to avoid conditions that might lead to displacement.⁶⁵

2.3.2 Regional Legal Frameworks on State Obligation for Prevention of Internal Displacement and Protections of IDPs

2.3.2.1 Kampala Convention

In 2009, the African Union (AU) adopted the Kampala Convention, an instrument that established a common regulatory standard for IDPs. The convention also draws on the Guiding Principles and is the first common regional framework to define roles and responsibilities for a wide range of institutions and organizations operating in displacement settings and other stakeholders and binds governments to provide legal protection for the rights and well-being.⁶⁶

Article 2(a) of the convention provides that one of the main objectives of the convention is to promote and strengthen regional and national measures to prevent or mitigate, prohibit and eliminate root causes of internal displacement as well as provide a durable solution. In addition, state parties are obliged to respect and ensure protection for the human rights of internally displaced persons, including humane treatment, non-discrimination, equality, and equal protection of the law under the convention.⁶⁷ Regardless of the cause of displacement, the Convention obliged state parties to protect the rights of the internally displaced.⁶⁸

⁶⁴ Ibid

⁶⁵ Ibid

⁶⁶ 'UNHCR-GPC-Reg-Framework-IDP Pdf' <<https://www.internal-displacement.org/sites/default/files/publications/documents/UNHCR-GPC-Reg-Framework-IDP.pdf>> accessed 11 March 2022.

⁶⁷ 'Africa Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa'.

⁶⁸ Ibid

2.3.2.2 Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons

Great Lake Protocol is adopted in 2006 by member states of the Great Lakes Region. It is the first binding legal instrument in the world that requires member states to domesticate and implement the GPs as a regional instrument, for providing protection and assistance to IDPs, particularly in the Great Lakes region.⁶⁹ The protocol constraint states parties to domesticate and implement the Guiding Principles as a regional framework for providing protection and assistance to internally displaced persons specified in the Great Lakes Region, to use the annotations of the Guiding Principles on Internal Displacement as an authoritative source for interpreting the application of the Guiding Principles and to enact national legislation to domesticate the Guiding Principles fully and to provide a legal framework for their implementation within national legal systems.⁷⁰ The Protocol, in addition, requires member states to adhere to the principles of international humanitarian law and human rights applicable to the protection of internally displaced persons in general, as reflected in the Guiding.⁷¹

2.3.3 National Legal Frameworks on State Obligation for The Prevention of Internal Displacement and protection of IDPs

Whether or not regional frameworks are in place, the value of domestic laws and policies on internal displacement has unquestionable value. They can, and should, clarify government responsibilities, define responders' roles, and increase the predictability of humanitarian action by institutionalizing collaborative arrangements.⁷² The national framework contains legislations, policies, strategies, and action plans. Among these, national legislation is the key pillar of the national framework which gives legal effect to rights, provides appropriate remedies, and addresses institutional arrangement.⁷³

Though Ethiopia has no specific legal frameworks on IDPs, which can address the internal displacement problem at the domestic level, the FDRE constitutions of 1995, Proclamation No.359/2003, and National criminal codes are also relevant, and existing domestic legal

⁶⁹ Walter Kälin, 'The Great Lakes Protocol on Internally Displaced Persons: Responses and Challenges' (*Brookings*, 30 November 1AD) <<https://www.brookings.edu/on-the-record/the-great-lakes-protocol-on-internally-displaced-persons-responses-and-challenges/>> accessed 11 March 2022.

⁷⁰ Ibid

⁷¹ 'Protocol on the Protection and Assistance to Internally Displaced Persons'.

⁷² 'UNHCR-GPC-Reg-Framework-IDP.Pdf' <<https://www.internal-displacement.org/sites/default/files/publications/documents/UNHCR-GPC-Reg-Framework-IDP.pdf>> accessed 10 March 2022.

⁷³ Ibid

frameworks that provide the legal provision of state obligations for prevention of internal displacement and protection of IDPs in the absence of specific domestic legislation.

2.3.3.1 Proclamation No 1187/2020 Proclamation to Ratify the Kampala Convention

The government of Ethiopia has signed the Kampala Convention in 2009 and the House of People Representative (HPR) has ratified this Convention on February 13, 2020, proclaiming it as an African Union Convention for the protection and assistance of IDPs in Africa ratification proclamation no.1187/2020.

Ethiopia Ratification of the Kampala Convention requires to take legislative reform or domesticating the rules into the national law as well as the designation of an institution.⁷⁴

The Convention also imposes an obligation on states to devise a legal framework for the provision of compensation and reparation for IDPs, when the damage is sustained as a result of displacement as well as the duty to make reparation for IDPs when natural induced displacement results due to state failure to protect and or help. However, the government of Ethiopia has made a reservation, on obligation concerning displacement by natural or manmade causes, except for displacement resulting from expropriation, which is only limited to the provision of humanitarian assistance, securing rehabilitation as well as the continuance of assistance to the person displaced as a result of natural cause by holding the perpetrator responsible. Due to such reservations persons displaced as a result of natural and CID are excluded from getting compensation and reparation for damage suffered as a result of displacement.⁷⁵

Moreover, the Convention stipulated duties that need to be implemented by the national government in all phases of displacement means before, during, and after displacement, as a state party to the Kampala Convention, Ethiopia must implement these obligations.⁷⁶

Besides the Kampala Convention that is ratified to address the issue of internal displacement in the country, there are also other general legislation, policy, and guidance that are relevant to IDPs.

2.3.3.2 The Federal Democratic Republic of Ethiopian Constitution

The 1995 FDRE constitution which is the supreme law of the country states that all international agreements ratified by Ethiopia are an essential part of the law of the land.⁷⁷ Recently Ethiopia

⁷⁴ 'Proclamation-To-Ratify-The-African-Union-Convention-For-The-Protection-And-Assistance-Of-Internally-Displaced-Persons-In-Africa-Kampala-Convention (3).Pdf'.

⁷⁵ Ibid Article 1(3)

⁷⁶ Ibid

has also become the 31st state to ratify the Kampala Convention on February 13/2020. To this effect, the government of Ethiopia has the duty and responsibility adhere to and to respect all international agreements ratified by Ethiopia. FDRE constitution under chapter three also lists out fundamental rights provisions that could apply to IDPs.⁷⁸

Accordingly, the constitution obliged the Ethiopian government to take measures to avert any natural and man-made disasters and in the event of disasters, to provide timely assistance to the victims.⁷⁹

Moreover, the Ethiopian government has a duty to fulfill social services such as clean water, housing, food, and social security as well as public health, education, and other social services including for IDPs under the constitution.⁸⁰

2.3.3.3 The 2013 National Policy and Strategy on Disaster Risk Management

The new 2013 policy is an amendment to the 1993 National policy on disaster prevention and management and provides a framework of disaster risk management measures. The policy address all three phases of a disaster which are prevention, mitigation, and recovery.

In particular, the policy has the main objective to reduce and prevent disaster risk and vulnerability, save lives, safeguard livelihoods and ensure the provision of recovery and rehabilitation assistance. The policy also ensures that DRM is integrated into the development plans and implemented throughout all sector institutions.⁸¹ However, the limitation of the policy is it mainly aims at reducing disaster risks and the potential damage caused by disasters through establishing a comprehensive and coordinated disaster risk management system in the context of sustainable development, the policy doesn't address manmade disaster/ Conflict induced displacement, which is the main cause of displacement in the country.

2.3.3.4 The Ethiopian Durable Solutions Initiative (DSI)

In April 2019, the Federal Government of Ethiopia endorsed the Strategic Plan to Address Internal Displacement in Ethiopia and the Internally Displaced Persons (IDP) Recovery Plan,

⁷⁷ 'FDRE Constitution[1].Pdf - Article 9(4)

⁷⁸ Ibid. Article 14-44

⁷⁹ Ibid Article 89(3)

⁸⁰ Ibid Article 41 and 90()1

⁸¹ United Nations High Commissioner for Refugees, 'Refworld | Ethiopia: National Policy and Strategy on Disaster Risk Management' (*Refworld*) <<https://www.refworld.org/docid/5a2689ea4.html>> accessed 14 March 2022.

which guided the return and relocations of IDPs. Later to the two policy documents, the GOE and the UN jointly introduced the Durable Solutions Initiative (DSI) Ethiopia in December 2019. The DSI was launched in the presence of high-level participation of GOE authorities, UN, NGOs, donor community, regional authorities, and civil society, including mayors of cities near displacement-affected areas.⁸² DSI Ethiopia provides an honorable operational framework for durable solutions responses and procedures with s five levels of support shaping multi-sectorial and collective toward the suitable, voluntary relocations, and local integration of IDPs.⁸³

2.3.3.5. The SNNPRR Constitution

Like the EFDR constitution, the SNNPR constitution does not have a specific provision that deals with IDPs. However, the nonexistence of specific provisions does not refrain IDPs from the enjoyment of all human rights and democratic rights that are provided under the SNNPR. Regarding state obligation, the SNNPR government has the duty to take measures to avert natural and man-made disasters in the event of a disaster, and also the regional government has the duty to provide timely assistance to the victims as provided under Article 97(4).⁸⁴ In addition, the SNNPR constitution also obliged the regional government to fulfill social services such as clean water, housing, food, and social security as well as public health and education including for IDPs.⁸⁵

⁸² ‘Durable Solutions Initiative Ethiopia | IOM Ethiopia’ <<https://ethiopia.iom.int/durable-solutions-initiative-ethiopia>> accessed 19 March 2022.

⁸³ Ibid

⁸⁴ ‘Pro. No. 1-1995 Constitution of Southern Nations, Nationalities, and Peoples’.

⁸⁵ Ibid, Article 98

CHAPTER THREE

3. SNNPR Response in Preventing Internal Displacement and Protecting IDPs in the Case of Gedeo -West Guji and Meskan-Mareko CID

3.1 Introduction

Currently, there exist millions of internally displaced persons (IDPs) in Ethiopia. Drought, floods, ethnic tensions, and conflicts over resources and borders are the leading causes of internal displacement. Inter-communal violence stemming from unresolved grievances has broken out in several parts of the country. One of the locations most impacted is southern Ethiopia.

The existing international and regional legal frameworks, the GP and the Kampala convention, obliged state parties to prevent arbitrary displacement of people from their homes and Permanent residence and to respond to the situation of displacement to protect IDPs. Despite the Kampala Convention was ratified after Gedeo-West Guji and Meskan-Mareko CID the convention and the UN guiding principles have almost similar views on state obligation to prevent internal displacement and protection of IDPs the researcher uses both instruments as a point of reference. In this chapter, the researcher overviews the background of the situation of displacement in SNNPR particularly the cases of Gedeo-west Guji and Mareko-Meskan CID and identifies whether or not the Ethiopian government complies with its state obligation to prevent internal displacement and to protect IDPs under relevant international, regional and national rules as follows.

3.2 Back Ground of Gedeo-West Guji CID in SNNPR

Following the inter-communal violence that erupted in mid-April 2018 along the borders of the Gedeo and Guji zones, thousands of people were displaced, and the wave of violence between the Gedeo and Guji communities started in Kercha woreda of the West Guji zone and later

spread to other woredas along the border. Houses were burnt down, damaged, looted, and livelihoods destroyed.⁸⁶

The IDPs in the Gedeo were scattered across Dilla Zuria, Gedeb, Kochere, Wonago, and Yirgachefe woredas of the Gedeo zone, 64 percent of whom were hosted in Gedebe woreda. Some 84,000 people were also displaced in the West Guji zone. All IDPs in the Gedeo zone were Gedeos ethnics displaced from the Guji zone. Around 67% of the IDPs in the West Guji were also ethnics of Gedeos displaced within the West Guji.⁸⁷

The Government, the local community, and civil society were the first and main responders to date, with support from a few partners. However, the needs significantly surpassed the resources available. The emergency response was initiated by the Gedeo Zonal Administration with an allocation of ETB 308,000 from its contingency budget for the purchase of food items. Upon the request of the West Guji zonal authorities, the Oromia Regional Government submitted a request to the federal government for additional food assistance.⁸⁸

Water supply coverage in IDP-hosting woredas in the Gedeo zone was critically low ranging from 21% in Gedeb to 64% in Dilla Zuria. To improve water access, the Government had deployed 2 water trucks and the borehole in Gedeb Town was rehabilitated. The water trucking service was however discontinued when the IDP return operation started. Meanwhile, several water points in the IDP-hosting woredas became dysfunctional due to over-use.⁸⁹

To reduce open defecation and associated health risks, the Government, with community participation, constructed 13 and rehabilitated 46 communal latrines in Gedeb, Kochere, and Dilla Zuria woredas of the Gedeo zone. However, these remain worrying insufficient compared to the scale of displacement. UNICEF distributed water treatment chemicals and WaSH NFIs to IDPs in Gedeb AND Yirgachefe woredas. Adequate stock of WaSH supplies was also prepositioned at regional and zonal levels.⁹⁰

⁸⁶ 'Ethiopia-west guji-Gedeo conflict displacement-flash update 2-22 may 2018.Pdf'

<https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ethiopia_-west_guji-_gedeo_conflict_displacement_-flash_update_2-22_may_2018.pdf> accessed 18 March 2022.

⁸⁷ Ibid

⁸⁸ Ibid

⁸⁹ Ibid

⁹⁰ Ibid

In the initial stages of displacement, 54 schools in Gedeb woreda were used as temporary shelters for the IDPs, affecting 49,519 students. As of 30 April however, 47 schools were reopened as IDPs were returned or moved to host communities. The SNNP Regional Bureau of Water and Children Affairs was approached to solicit support for IDP-hosting woredas in identifying GBV cases and unaccompanied children.⁹¹

Government authorities made some arrests after a brief investigation and declared the situation resolved, leaving people to begin returning home. A few months later, in June, violence erupted once again on an even more intense scale. Over 800,000 people were forced to flee. Tragically, many experienced horrific violence, including rape, gang rape, and murder. Entire villages were burned down.⁹²

The Government has been facilitating the return of Gedeo-Guji IDPs to their respective areas of origin since the third week of August 2018, where conditions allow. The returns were preceded by successive Government and community leaders-led peace and reconciliation conferences organized since the inter-communal violence broke out along the Gedeo (SNNP) and West Guji (Oromia) regional boundaries in April 2018.⁹³

The displaced people were mostly settled in already food insecure host communities or resided in cramped public buildings without adequate food and water and substandard sanitation and hygiene facilities. Most of the IDPs, including children, were sleeping on the cold floors of the public buildings for a lack of mattresses and blankets, exposing them to pneumonia.⁹⁴

The Government has been facilitating the return of Gedeo-Guji IDPs to their respective areas of origin since the third week of August 2018, where conditions allow. The returns were preceded by successive Government and community leaders-led peace and reconciliation conferences organized since the inter-communal violence broke out along the Gedeo (SNNP) and West Guji (Oromia) regional boundaries in April 2018.⁹⁵ The peace conferences were organized at all administrative levels (kebele, woreda, zone, region, and federal) with the involvement of key

⁹¹ Ibid

⁹² 'The Crisis Below the Headlines: Conflict Displacement in Ethiopia — Refugees International' <<https://www.refugeesinternational.org/reports/2018/11/14/the-crisis-below-the-headlines-conflict-displacement-in-ethiopia>> accessed 18 March 2022.

⁹³ Situation update no 8 Gedeo - Guji final.' <https://reliefweb.int/sites/reliefweb.int/files/resources/situation_update_no8_-_gedeo-guji_-_final.pdf> accessed 15 March 2022.

⁹⁴ Ibid

⁹⁵ Ibid

stakeholders (Aba Gedas, women, men, spiritual leaders). The youths were consulted separately to ensure their involvement in the peace-building effort. Government officials and IDP representatives also conducted “go and see visits” to areas of return, to enable informed decision making. Partners have advised for further peace-building conferences be organized with the full participation of the returnees.⁹⁶

IDPs who have voluntarily returned to their homes noted challenges to resume their lives, including a critical shortage of shelter and non-food items (particularly household utensils/kitchen sets) and other amenities such as seeds and farming tools.⁹⁷

3.3 Background of Gurage Zone Meskan-Mareko CID in SNNPR

Gurage Zones is found in the SNNPR region, and it has thirteen woredas (districts) and two provisional city administrations. The major ethnic groups of the zone are Gurage, Kebena, and Mareko.

Until 2002, Meskan, and Mareko were a single woreda named ‘Meskan Mareko’. Their relationship becomes affected when Mareko woreda becomes one of the thirteen Woredas that make up today’s Gurage Zone of Southern Nations, Nationalities, and the Peoples Regional State of Ethiopia.⁹⁸ In 2002 when Mareko become an independent woreda in Guraghe Zone nine kebeles were demarcated under Meskan woreda by the then government officials in favor of the Meskan ethnic group, this action turned their peaceful relationship into mistrust and conflict. Post-2002 relations apart from their friendly relations, the Meskan and Mareko have been involved in the conflict (non-violent to violent) in different times.

In the case of the Meskan and Mareko inter-ethnic conflict political elites and business owners motivated and financed the youth movement before and after the conflict on Sep 13, 2018, during the violent conflict they were involved in the killing, burning houses, looting and injuring Meskan ethnic groups.⁹⁹

Due to the ethnic conflicts between the two ethnic groups, 84 people were died, 9000 people from west Meskan and 1000 people from Meskan were displaced, almost all married couples

⁹⁶ Ibid

⁹⁷ Ibid

⁹⁸ Tewodros Adamu Workie, ‘The Nexus between Ethnic Federalism and Ethnic Conflicts. The Case Of Meskan And Mareko Ethnic Groups, In Southern Nation, Nationalities And People Region, Ethiopia.’

⁹⁹ Ibid

(families) among the two ethnic groups were separated and the conflict replaced friendliness/cooperation of the two communities with hatred and grievance.¹⁰⁰

3.4. Assessing SNNPR Government Response in Preventing Internal Displacement and Providing Protection for IDPs Regarding the GP and Kampala Convention

As discussed in chapter two the GP and the Kampala convention impose an international obligation on a state or concerned authorities to prevent internal displacement and to provide protections for IDPs, particularly by Protecting people from arbitrary displacement, providing humanitarian assistance during and after internal displacement, Protecting IDPs from the commission of criminal acts against their right, Providing durable Solution, providing legal frameworks regarding IDPs and providing legal remedy both in case of Civil and Criminal matters. In this section the researcher assesses the SNNPR government response in preventing internal displacement and providing protection for the cases of Gedeo-west Guji and Meskan-Mareko CID.

3.4.1. Protecting people from ‘arbitrary displacement’

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, to prevent and avoid conditions that might lead to displacements of persons as provided under the GP.¹⁰¹ In line with the GP the Kampala Convention, also provides a state duty to prevent internal displacement by protecting people from arbitrary displacement as well as by preventing and avoiding any condition that might lead to displacement and minimizing its adverse effects¹⁰². Therefore, the Ethiopian state has a duty to prevent internal displacement by avoiding any condition that might lead to displacement and minimizing its adverse effects. In the case of the CID of the Gedeo-West Guji, the collected data from Gedeo the zone disaster risk management office indicates the displacement occurred on three rounds, the first round of displacement happened in April 2018, the second in May 2018 and the third in which a huge number of peoples were displaced happened on June 2018. From the three rounds of displacements, Gedeo

¹⁰⁰ Interview with HUsen Mustefa Officer of West Meskan Wereda disaster risk management office at W/Meskan

¹⁰¹ Guiding Principles on Internal Displacement’ Principle 5.

¹⁰² ‘Africa Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa ‘Article 3.

ethnic communities were displaced both from Gedeo Zone four weredas and Oromia region Guji zone. The number of IDPs from the Gedeo Zone Gedeb wereda was 45,255, Kochere wereda 20,465, Yergachefe wereda 33,498, and Wenago wereda 2145, totally of 10,1363 people were displaced. Whereas the number of IDPs of Gedeo ethnic communities from the Guji zone is 44,6420.¹⁰³ Concerning the duty to avoid any conditions that lead to displacement the collected data from the Gedeo zone disaster risk management office shows that both SNNPR and the federal government do not take any measure to avoid the causes of displacement.¹⁰⁴ In addition during the interview with Ato Fasika Alemu vice-commissioner of the SNNPR disaster risk management commission, confirms the regional government has no experience in implementing measures to avoid the causes of displacements that are happening in the region rather, the focus of the commission is providing a solution for displacements by discussing with IDPs and elders to solve the conflict peacefully and also by resettling IDPs after displacement happens.¹⁰⁵ Regarding minimizing the adverse effects of the displacement, since the time in which Gedeo-West Guji CID happened was political insecurity all-round the country because of the resining of EFDR prime minister Ato Hylemaryam Desalegn his power, to cool down the insecurity the federal government declared a state of emergency for three months on April 16/2018, the military was ordered to implement the command post and the regional government special force also cooperate with the federal defense force to avert any adverse effect against IDPs after displacement.¹⁰⁶ Therefore both the federal and the regional governments do not comply with their obligation to avoid the cause of displacement whereas regarding the obligation to minimize the adverse effect of displacement both the federal and the regional governments comply with their obligation in the Gedeo-West Guji CID.

In the case of Meskan-Mareko CID totally of 9000 Meskan ethnic communities were displaced from w/meskan and Mareko weredas, the collected data indicates that the Mareko wereda police force, civil servants of Mareko wereda, and Mareko youth selectively displaced Meskan ethnic community who resides in nine kebeles namely (Betlijano, Bati-Fata, Beacha, Enseno, Eneseno-Usema, Acha-Genamae, Yemer-Wacha third, Leda, and Bame) on the ground of their ethnicity without committing any wrong full act. Concerning the duty to avoid any conditions that lead to

¹⁰³ Interview with Ato Werku Zeleke, officer of Gedeo Zone disaster risk management office at Dilla

¹⁰⁴ Ibid

¹⁰⁵ Interview with Ato Fasika Alemu SNNPR disaster risk management commission Vice-commissioner at Hawassa

¹⁰⁶ Interview with Ato Werku Zeleke, officer of Gedeo Zone disaster risk management office at Dilla

displacement the collected data from the West Meskan wereda disaster risk management office shows that both SNNPR and the federal government do not take any measure to avoid the causes of displacement.¹⁰⁷ Whereas, regarding minimizing its adverse effects of the displacement the regional government ordered the region's special force to protect IDP's security after displacement has happened.¹⁰⁸ Therefore, both the federal and the SNNPR government doesn't comply with their state obligation to avoid the cause of displacement to prevent IDPs of Meskan ethnic communities from arbitrary displacement. Whereas the regional government partially complies with its obligation concerning minimizing the adverse effect of displacement.

3.4.2 Providing Humanitarian Assistance

To save the lives of IDPs during displacement crises states are primarily obliged to provide protection and humanitarian assistance to IDPs within their jurisdiction as articulated under the GP.¹⁰⁹ In addition, States are also required to meet their obligation by providing immediate humanitarian assistance to IDPs such as essential foods and potable water, shelter, housing, appropriate clothing, and essential medical and psychological treatment.¹¹⁰ If the national resource is limited to providing sufficient humanitarian assistance to IDPs, the state shall cooperate with other states or other national and international organizations and facilitate the free passage of humanitarian assistance to IDPs.¹¹¹ The Kampala convention also provides a similar obligation against state parties under Article 5(1) (6) and 9(2) (b).

In the case of Gedeo-West Guji CID, the data collected from FGD of Gedeo IDPs indicates in the first two weeks of Displacement the food and water assistance provided by the Gedeo zone was not sufficient because of the disproportion of the number of IDPs and limited supply of food by the Gedeo zone.¹¹² Upon the request of the SNNP Regional Government for food and non-food assistance to the Federal government to meet the increasing needs, the Federal Government was providing food assistance (with reduced rations - cereals (maize) and oil. The Government has also dispatched partial non-food items and has deployed six water trucks to these zones (2 in Gedeo and 4 in West Guji). The Ministry of Health has delivered 33 emergency drug kits

¹⁰⁷ Interview with HUsen Mustefa Officer of West Meskan Wereda disaster risk management office at w/meskan weareda

¹⁰⁸ Ibid

¹⁰⁹ 'Guiding Principles on Internal Displacement' Article 3.

¹¹⁰ Ibid

¹¹¹ Ibid Article 25

¹¹² Focus group discussion with Abreham Getu and 5 members of IDPs at Yergachefea wereda

(EDKs) to Gedeo response and 5 to West Guji. However, the increasing needs were overwhelming the Government's capacity to respond.¹¹³

While efforts to mobilize response are ongoing, a huge majority of needs remain unaddressed, which is a concern for Government and partners.¹¹⁴ There were critical gaps in the emergency shelter and non-food items supplies, water trucking and WaSH NFIs, lack of logistics support to transport supplies from zone to woredas or IDP sites, insufficient relief food rations and incomplete baskets, and overstretched health and nutrition supplies and coverage amidst a high-risk environment for disease outbreaks¹¹⁵. UNICEF, WHO, WFP, World Vision, MSF-Spain, People in Need, IRC, GOAL, Save the Children, CARE, Plan International NRC, and ERCS were some of the major partners operating in these areas.¹¹⁶ Though both the federal and the regional governments tried to provide humanitarian assistance with food, water, shelter, health services, and other non-food items there was insufficiency. In addition, the data collected from the Gedeo zone disaster risk management office indicates there were 5 schools totally and 7 schools partially damaged during the conflict. For that matter students are enforced to stop attending their education and, the regional government was unable to provide educational services to those displaced students during the time of displacement.¹¹⁷ Therefore both the federal and the regional governments don't fully comply with their obligation to provide humanitarian assistance in all aspects to Gedeo IDPs during displacement

In the case of Meskan-Mareko CID Meskan ethnic communities were displaced from the nine kebeles, namely (Betlijano, Bati-Fata, Beacha, Enseno, Eneseno-Usema, Acha-Genamae, Yemer Wacha third, Lida and Bame). During the time of displacement, IDPs did not get sufficient humanitarian after they were forcibly displaced from their home, they concentrated in Koshe and Enseno compounds where they stayed for 15(fifteen) days the compound, it was not comfortable to stay there, for that matter they are enforced to leave the compound and to live by renting homes around the compound. They extend their life by engaging in daily labor work. the regional government assists them only by providing 15 kilos of wheat to each family member monthly, which is not sufficient to survive, whereas they cover their house rent monthly and also

¹¹³ 'Flash update 5 Ethiopia west guji_gedeo conflict displacement june_29'
<<https://reliefweb.int/sites/reliefweb.int/files/resources/flash>.

¹¹⁴ Ibid

¹¹⁵ Ibid

¹¹⁶ Ibid

¹¹⁷ Interview with Ato Werku Zeleke, officer of Gedeo Zone disaster risk management office at Dilla

they bought water, and access health services when in need by themselves.¹¹⁸ The regional government provides supplementary food, oil, and money for house rent for only a few months. In addition, there was no assistance of materials that helps them to protect their sanitation like soaps and other similar materials. In addition, the data collected from the FGD of Meskan IDPs indicates the Federal government did not provide any humanitarian assistance during the time of displacement and after displacement. However, the host community sometimes assists with food and water.¹¹⁹ Regarding educational services, though the regional government doesn't provide services to displaced students, most displaced students attend their education in host community schools.¹²⁰ Therefore, the federal government does not comply with its obligation to provide immediate humanitarian assistance to Meskan IDPs. The SNNPR also doesn't fully comply with its obligation to provide immediate humanitarian assistance since it provides only insufficient food and never provides water, shelter, sanitation, and health and educational services to Meskan IDPs during and after displacement.

3.4.3 Protection of IDPs from crimes against their rights

Concerning the state's duty, for the protection of IDPs from crime against their rights, the GP stipulated that IDPs have the right to get protection from crime during the time of displacement while correspondently state has also an obligation to respect and protect the enforcement of such rights. In addition, the GP stated that 'every person has the right to life, dignity and physical, mental, and moral integrity. To protect such rights GP stated that IDPs have the right to be protected from any acts against these rights such as from crime of rape, mutilation, torture, cruel inhuman, or degrading treatment, and other similar acts.'¹²¹

In the case of Gedeo-West Guji CID homicide, rape, physical injury, destruction of property, firing hose, and robbery were committed against IDPs.

In the case of Meskan-Mareko CID, Mareko ethnic inhabitant's committed crimes of homicide, physical injury, burning homes, destruction of property, and robbery against Meskan ethnic community during the time of displacement. The collected data from Gurage zone justice office

¹¹⁸ Focus group discussion with Mohamed kenamo with other seven members of IDPs in West Meskan wereda

¹¹⁹ Ibid

¹²⁰ Ibid

¹²¹ 'Guiding Principles on Internal Displacement'.

indicates that to make suspects criminally responsible for their criminal acts the regional government formed a group by selecting individuals from concerned government organs and justices sectors. And the group tried to investigate the commission of crimes against IDPs in Meskan-Mareko CID and reported the finding of the cases for prosecution to SNNPR and Gurage zone justice offices based on their jurisdiction. However, all suspects are not prosecuted because they left the place after committing the crimes against Meskan ethnic community IDPs and the police can't find them.¹²²

Data collected from focus group discussion indicates that at the time of displacement, 220 people were killed, and physically injured, and also the Meskan community homes were burned and their property was destroyed selectively in each nine kebeles. In addition crime against humanity like forced disappearance has been committed against Meskan communities, Mareko inhabitants forced the Meskan inhabitants to leave the place in those nine kebeles. Whereas, though the regional government doesn't protect IDPs from the commission of such crimes during the time of displacement, the regional government provides the region special force to protect IDPs from the commission of any criminal acts after they are displaced and stayed in their respective area by rent. However, the Federal Government does not protect these IDPs from the violation of their rights during the time of displacement.¹²³ Therefore, the Federal Government, doesn't comply with its obligation to protect IDPs from violation of their rights during displacement. Although the regional government protects the Meskan community from the commission of any criminal act after displacement by ordering the region Special force to give protection for those displaced persons who live around the neighboring kebeles, since the region doesn't protect Meskan ethnic IDPs from the commission of criminal acts during the time of displacement, SNNPR doesn't fully comply with its obligation to protect the rights of IDPs from violations.

3.4.4 Providing durable Solutions

State response in providing durable solutions is also the other category of state obligation to for the protection of IDPs. A durable solution is a solution that enables IDPs to secure the political, legal, and Social Conditions to maintain life, livelihood, and dignity. After IDPs settled in temporary camps and stay in such camps for a limited period, they need lasting solutions to sustain their livelihoods. Because of that GP and the Kampala convention, imposes an obligation

¹²² Interview with Ato Tesfaye Sahlea prosecutor of Gurage zone Justice office at Wealkite

¹²³ Focus group discussion with Mohamed Kenamo with other seven members of IDPs in w/Meskan wereada

on the state to provide durable or lasting solutions for IDPs by establishing conditions, which enable IDPs, to return voluntarily to their homes or places of habitual residence, or to resettle in another part of the country or local integration based on their choice and sustainable basis with safety and dignity.

Based on this rule, the data collected from the Gedeo zone disaster risk management office indicates that in the case of Gedeo-West-Guji CID totally of 8919 homes 4150 from Gedeb wereda, 1462 from kochea wereda, 3190 from Yerga-Chefea wereda and, 117 from Wenago wereda were burned during the displacement, the government of Ethiopia in cooperation with NGOs like world vision provide a durable solution by building 8916 homes for returnees and providing domestic animals and vegetable's to be planted for IDs. In addition, the regional government continues providing food and nonfood items for the returnees by collecting support from Regional governments, Diasporas, Charity organizations, and civil society organizations.¹²⁴ Ministry of Peace, NDRMC, and regional authorities (both Oromia and SNNP) made Conference in Hawassa on 27-28th November and decide all IDPs to return home and no IDP return would take place unless the conditions return are met based on the principle of voluntary return with safety dignity and sustainability.¹²⁵

Focus group discussion with Abrham Getu and other five members of IDPs in Yerga-Chefea wereda indicates that at the time of resettlement there was fear of insecurity because of threats made by individuals against returnees, the IDPs were not widely consulted in decisions of resettlement, while most local government officials talked about peace and reconciliation, and peace conferences had been conducted at local levels, returnees at various locations were not aware of the process. In addition, though contemporarily their home is built by the regional government in cooperation with NGOs, at the time of resettlement there was no shelter and there was a gap in the provision of food and non-food items, children were not attending school due to the schools were partially damaged during the conflict and was not restored at the time of resettlement.¹²⁶

Therefore both the federal and the regional governments have not fully complied with their obligation to provide a durable solutions to IDPs of the Gedeo zone.

¹²⁴ Interview with Ato Werku Zeleke, officer of Gedeo Zone disaster risk management office at Dilla

¹²⁵ Ibid

¹²⁶

In the cases of Meskan-Mareko CDP, the SNNPR regional government in cooperation with Elders and representatives of IDPs from each kebele in early January 2022 discussed solving the conflict peacefully and to resettle those displaced from nine kebeles to their former residence, to facilitate condition for a durable solution. From the nine kebeles in which all of them express their wish. Contemporarily all IDPs from nine kebeles of Meskan wereda were resettled to their former resident. Of the total no 894 households of displaced from nine kebles 43 households'home was burnt, the host community discussed and decided to assist the IDPs who lost their houses with wood and labor to build their homes, whereas regional government assist them with iron sheet and nail. Whereas the federal government doesn't provide a durable solution for Meskan IDPs¹²⁷ Though SNNPR provides durable solutions for Meskan IDPs, since the solution provided is so delayed, that means after 3 years of displacement, in which displaced persons are stayed for three consecutive years with uncomfortable conditions by renting one room class with the average of six families, faced several problems and also for the problem of resource constraint the IDP whose home is burnt is still on the problems since their home is not finished and also they still have a problem of non-food items. Concerning providing job opportunities, since most of the IDPs are farmers after the government resettled, IDPs to their former residence are expected to facilitate an opportunity to proceed on their job by providing seeds, fertilizer, and by providing equipment that helps the IDPs to farm. However, Meskan IDPs displaced Focus group discussion with Mohamed Kenamo and other 7 members indicate that the government of Ethiopia does not provide any material and financial support to restart their job of farming.¹²⁸

In addition, the data collected from the interview of SNNPR government disaster risk management vice-commissioner Ato Fasika Alemu indicates the regional government house with the constraints of resources decided to build 20000 iron steel cover and 10000 grass cover houses totally 30000 homes and to resettle all IDPs found all around the region, however, this doesn't make all IDPs accessible since the number of IDPs in the region who needs house to resettlement are above 30000.¹²⁹ Therefore the federal government doesn't comply with its obligation to provide a durable solution to Meskan IDPs, and the regional government also doesn't fully comply with its obligation to provide durable solutions for Meskan IDPs.

¹²⁷ Interview with HUsen Mustefa Officer of West Meskan Wereda disaster risk management office

¹²⁸ Focus group discussion with Mohamed Kenamo and other seven members of IDPs in West Meskan wereda

¹²⁹ Interview with Ato Fasika Alemu SNNPR disaster risk management commission Vise-commissioner at Hawassa

2.4.5. State Response in Providing a Legal Remedy in Civil and Criminal cases

Mostly IDPs are victims of violations of human rights and commission of criminal acts, who need effective remedy, to this effect, the GP and the Kampala Convention impose an obligation on states to devise a legal framework for the provision of compensation and reparation for IDPs. When the damage is sustained as a result of displacement and when natural induced displacement results due to state failure to protect and assist the Kampala Convention imposes an obligation on states to provision of compensation and reparation for IDPs.¹³⁰ However, the government of Ethiopia has made reservations, on obligation with regard to displacement by natural or manmade causes, with the exception of displacement resulted from expropriation, is only limited to the provision of humanitarian assistance, securing rehabilitation as well as the continuance of assistance to the person displaced as a result CID by holding the perpetrator accountable. This reservation precluded IDPs who are displaced as a result of CID from getting compensation and reparation for damaged incurred as a result of displacement. Besides the reservations, the government also entered a declaration on the definition of internal displacement which would be understood within the context of Article 1(K) of the Convention. Such legal recognition serves as a base for safeguarding the rights of IDPs throughout the country. This is also considered struggling to address the immense need for CID in the country.

Both in the case of Gedeo-West Guji and Meskan-Mareko CID, IDPs who's left their property at their original place did not recover their property and did not get compensation for the damage caused to them because of arbitrary displacement. The Ethiopian government also did not assist these IDPs in order to get appropriate compensation or another form of reparations other than providing durable solutions in cooperation with NGOs by building the home that was burned during displacement. Though Ethiopia has made reservations regarding providing compensation for CID on the ratification proclamation of the Kampala convention. This shows that the Ethiopian government did not fully fulfill its state obligation to assist these IDPs to recover their property or in obtaining the appropriate form of compensation or just reparation as prescribed under the GP

¹³⁰ 'Africa Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. Article 12'.

3.4.6 Assessing State Response in Providing a Legal Framework that Enables to Compensate IDPs

The Kampala Convention obliged States Parties to establish an effective legal framework to provide just and fair compensation and other forms of reparations, where appropriate, to internally displaced persons for damage incurred as a result of displacement, in accordance with international standards.¹³¹ The government of Ethiopia does not establish a legal framework that enables to compensation of IDPs. Concerning the property of IDPs displaced from Gede-West Guji and Meskan-Mareko CID until now, none of the IDPs recovers their personal property left or destroyed at their place of origin due to displacement. However, both federal and regional governments failed to protect people from arbitrary displacement. since there is no single national legal provision that imposes an obligation on states to provide fair compensation for IDPs, The government does not legal remedy or compensation for the adverse effect caused to IDPs displaced from Gedeo-West Guji and Meskan-Mareko CID. Therefore, both the federal and SNNPR governments doesn't comply with their obligation to establishes a legal framework which enables to compensate IDPs.

3.4.7 State Response in providing a legal Frameworks Regarding IDPs

The Kampala Convention under Article 3(2) (a) obliged state parties to incorporate their obligations into domestic law by enacting or amending relevant legislation on the protection of, and assistance to, internally displaced persons in conformity with their obligations under international law.

Though the Ethiopian government ratified the Kampala Convention, which is a good initiative, it's not enough to address the issue of IDPs, since the convention is not self-executing it needs domestication into national laws to implement the rules and to make the rule justiciable. Besides Ethiopia ratifying the Kampala convention recently, there is neither specific legislation nor policy that enables to use of the Kampala Convention for the desired purpose.

With regard to the criminal responsibility act of arbitrary displacement, the Ethiopian Criminal Code has not included a provision that penalizes arbitrary displacement, which is a practical challenge for prosecution and to give effective legal remedies to victims of arbitrary displacement. During the interview with Ato Tesfaye Sahlea, prosecutor of the Gurage zone, not

¹³¹ 'Africa Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, Article 12(2)'.

having a provision of arbitrary displacement under the EFRD criminal code is a practical challenge to prosecute individuals who displaced people from their residence. However, they try to make those individuals responsible by prosecuting their other criminal acts during displacing IDPs like homicide, destruction of property and causing physical injury.¹³²

Therefore, the Ethiopian government doesn't comply with its state obligation to provide an effective legal frameworks for IDPs by enacting or incorporating the rule of the Kampala Convention into the domestic legislation.

3.5. The Response to Internal Displacement under the Ethiopian National Legislation

Even if Ethiopia does not enact national legislation, which specifically addresses the issues of IDPs, there exist general human right provisions scattered in national Constitution and national criminal laws which can be applicable to issues of IDPs in the absence of specific proclamation or regulation.

For instance, we could not find a provision that explicitly prohibits “arbitrary displacement” under the criminal code of Ethiopia, However, there are certain provisions that can fill the gaps through constitutional interpretations. The FDRE constitution obliged the government to take measures to avert any natural and manmade disasters.¹³³ That may cause people to be displaced from their homes and permanent residence. In addition, FDRE constitution provides protection to peasants and pastoralists not to be displaced from their own lands.¹³⁴ This provision imposes an obligation on the government to protect and respect the rights of peasants as well as pastoralists not to be displaced from their lands. However, the provision has limitations with its scope, since the protection is provided only for farmers and pastoralists, it does not encompass all communities in the country who are engaged in different fields of work. Moreover, FDRE Constitution also provides freedom to all citizens of Ethiopia to choose their residence, engage in economic activities, and pursue a livelihood of their choice anywhere within the national territory, and the constitution imposes an obligation on both State and Federal government organs to respect and protect these rights.¹³⁵ Therefore, based on the above provisions the constitution can be

¹³² Interview with Ato Tesfaye sahlea prosecutor of Gurage zone Justice office, at Welkitea

¹³³ Federal Democratic Republic of Ethiopia Constitution, Article 89(3)

¹³⁴ Ibid, Article 40(4)(5)

¹³⁵ Ibid, Article 32, 42 and 13(1)

considered and interpreted as preventing arbitrary displacement of people by providing for all Ethiopian citizens those who live in any region even out of their respective ethnic regions within the boundary of Ethiopia.

However in the case of Gedeo-west Guji and Meskan-Mareko CID the federal and the SNNPR regional governments refrain from stopping the act arbitrary displacement of the Gedeos and Meskan ethnic communities, when they were forcefully displaced from their resident.

With respect to the provisions, provided under GP and the Kampala Convention regarding the protection of IDPs from crime against their rights to life, their right to dignity, and morality, the FDRE constitution have been also provided as fundamental rights under chapter three of the FDRE constitutions of 1995, that can be applied to protect the rights of IDPs in the absence of specific legal frameworks on IDPs. Moreover both the Federal and regional governments have obligation to respect and protect the human rights provision of the constitution as stipulated under Article 13(1) of the constitution.

In the case of Gedeo-west Guji and Meskan-mareko CID during the time of displacement crimes like a crime against the right to life; a crime of homicide, a crime of forced disappearance, a crime of grave physical injury, and a crime of rape had been committed. Therefore, this shows SNNPR government failed to fulfill its obligation to respect and protect the rights of these Gedeo and Meskan IDPs.

Moreover, in the context of Ethiopian domestic legal frameworks, there is no provision, which exactly conforms guarantees for IDPs to request protection and humanitarian assistance as stipulated under the GP. However, “the Government of Ethiopia have obligation to take measures to avert any natural and man-made disasters and in the event of disasters, to provide timely assistance to the victim of natural disasters” as proclaimed under Article 89(3) of FDRE. Therefore, since internal displacement caused by conflict and violence is a human-made disaster, it is applicable to the case of displacement caused by conflict, and violence. Whereas the Ethiopian government has limitations interims of providing timely assistance to case Gedeo-West Guji and Meskan-Mareko CID.

Regarding the law that specifically imposes an obligation on states to provide durable Solutions for IDPs in Ethiopia. The GOE and the UN jointly launched the Durable Solutions Initiative (DSI) in Ethiopia in December 2019. DSI Ethiopia provides a principled operational framework for durable solutions responses and proposes five levels of support shaping multi-sectorial and

collective efforts toward sustainable returns, voluntary relocations, and local integration of IDPs. The durable solutions initiative aims to support the implementation of the Kampala Convention, jointly address internal displacement and large-scale development projects while recognizing and respecting the rights of IDPs and other affected groups.¹³⁶ This clearly indicates Ethiopian federal governments comply its state obligation to provide legal provision that stipulates for Ethiopian IDPs, the right to get the durable solution and imposes an obligation on the state to enforce such rights when the problem of displacement has occurred in Ethiopia.

Regarding state response in providing basic needs and Social services under the National legal Provision, the Ethiopian government has obligation to provide houses, shelter, and Social services for every Ethiopian Citizen to the extent of the country's resources permit as stipulated under the FDRE constitution¹³⁷.since IDPS from Gedeo-west Guji and Meskan-Mareko are citizens of the country the government has an obligation to provide basic needs and Social service based on the countries resource. However, there were limitations in providing basic needs and services for those IDPs.

¹³⁶ 'Durable Solutions Initiative Ethiopia | IOM Ethiopia' <<https://ethiopia.iom.int/durable-solutions-initiative-ethiopia>> accessed 19 March 2022.

¹³⁷ Federal Democratic Republic of Ethiopian Constitution, Article 90

CHAPTER FOUR

4. Conclusions and Recommendation

4.1 Conclusion

IDPs are persons or groups of persons who have been forced to leave their homes or places of habitual residence, in particular as a result of or 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 as defined under the GP and Kampala convention. Because of their vulnerability, IDPs face diverse challenges like shortage of food and water supply, poor sanitation, accessibility of health care and educational services, lack of security, and violation of their human rights. To ensure safety and dignity for IDPs the international and regional legal framework for the protection of IDPs particularly the GP and KC impose an obligation on the state to prevent internal displacement and protect IDPs. Therefore, this study is conducted to identify whether or not Ethiopia's state complies with its state duty in preventing internal displacement and providing protections for IDPs in SNNPR, particularly in cases of Gedeo-West Guji and Meskan-Mareko CID under the existing international, regional and national legal frameworks.

The study found about, 547783 Gedeo ethnic people were displaced by Gedeo-West Guji in 2018, and 9000 Meskan ethnic people were displaced by Meskan-Mareko CID in 2018 from their permanent residence. Contemporarily, these IDPs are returned to their former residence. Both the federal SNNPR governments did not comply with their obligation to prevent internal displacement in both cases since the federal and the regional governments does take any measure to avoid the causes of displacement.

Regarding the protection of IDPs, both the federal and SNNPR regional governments did not fully comply with their obligation to protect IDPs in all aspects. For instance, Concerning the obligation to provide humanitarian assistance with food, water, shelter, health, educational services, and other none food items to IDPs in the case of the Gedeo-West Guji conflict there

was insufficiency and inconsistency of providing humanitarian assistance because of disproportion in the supply and the number of IDPs. In addition, in the case of Meskan-Mareko CID, the regional government provides only inadequate food assistance because of that IDPs are enforced to extend their life by engaging in daily labor work.

Concerning the obligation to provide effective legal frameworks, besides Ethiopia ratifying the Kampala convention currently there is no specific legal framework that address the issue of internal displacement. Moreover the criminal code of Ethiopian does not recognize arbitrary displacement committed during peacetime as the crime of Genocide or crime against humanity as ordinary crimes to criminalize arbitrary displacement committed during peacetime, it is punishable only as war crimes if it has been committed during armed conflict, occupation, or at wartime. Therefore, the Ethiopian government does not comply with its obligation to provide legal frameworks, which expressly address the issue of internal displacement.

Regarding the obligation to provide durable solutions, even though the Federal and SNNPR government tried to settle all IDPs to their former residence in cooperation with NGOs there was dalliance in the case of Meskan-Mareko CID, who were resettled after three years of dalliance, Therefore the Ethiopian government did not fully fulfill its obligation to provide durable solutions to these IDPs as the GP and the Kampala Convention.

Concerning the obligation to provide legal remedy both in civil and criminal cases, there are no IDPs who recover their property and are compensated for the moral and material damage caused to them because of the CID in both cases. Additionally, in the case of criminal matters, though there are persons prosecuted for the acts of crime committed during displacement against these IDPs, there are persons who are not prosecuted in both cases Therefore, the Ethiopian government does not comply with its obligation to provide legal remedy both in case of civil and criminal.

4.2 Recommendation

Addressing forced displacement, in particular, its prevention is a delicate issue for states, by assessing the causes of displacement; government authorities should identify the cause and provide immediate solutions for the causes of displacement. Community stabilization, peacebuilding, and reconciliation efforts are much needed in the country, to prevent further

conflict-induced internal displacement. To make this effective the Ethiopian government has to incorporate clear Prevention of internal displacement mechanisms to avoid irreversible damage caused by the displacement.

The Ethiopian government also has to incorporate a clear and precise legislation on the mechanisms for the protection of IDPs that include rights and procedures of durable solutions that would be applicable uniformly throughout the country

In addition, Governments should improve its ability to meet their obligations by addressing the diversity of displacement in a sustainable development plan. Because even if the diverse of displacement risk are fairly well understood, managing these processes is currently beyond the capacity of the local government

The government also should include a provision under the national criminal law that criminalize acts of arbitrary displacement committed during peacetime as acts which punishable under the law. In addition, the government should provide a legal provision that asserts a right for IDPs to claim their property left at their original residence, disposed or destroyed due to displacement, especially from those organs that cause displacements and failed to fulfill their obligation to protect.

Moreover, the Ethiopian government has to strengthen the justice system to make accountable suspects of displacement and who committed criminal acts against IDPs. Effective coordination is also needed among human rights, disaster risk reduction, and development actors if they are to assist in building political will and accountability, and encouraging governments to sign up to and implement legal instruments relating to internal displacement, disaster risks and human rights.

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Annex I

Interviews

I. Interview Consent from

The title of the study is “The duty of the Ethiopian state to prevent displacement and protect IDPs: the case of SNNPR. My name is Meaza Fikru. I am a postgraduate Student of L.L.M in Human Right law at Addis Ababa University School of law and governance study. The aim of the study is to examine whether or not the Ethiopian government fulfills its state obligation to prevent internal displacement and protect IDPs in SNNPR, particularly in the case of Gedeo-West Guji and Meskan – Mareko CID. For the case of this study, the data gathered from respondents helps the researcher reach accurate findings and enables the concerned authority to solve the existing problem of IDPs with regard to the prevention of internal displacement and protection of IDPs. The participants of both respondents’ interviews and focus group discussions were volunteers and they can refuse or they may withdraw at any time. Their names, as well as answers, are completely confidential.

Signature of research participant

Signature of participant _____ Date _____

Signature of researcher

I believe the participant is giving informed consent to participate in this study

Signature of researcher _____ Date _____

II. Interview questions for Focus group discussion and members of IDPs displaced from Gedeo-West Guji and Meskan-Mareko conflict

A) Concerning the obligation to prevent displacement

1. What is your Name, Age, and marital status?
2. Where was your permanent residence?
3. What is the main cause of your displacement?
4. What do you remember about the situations of displacement?

5. Did you ask SNNPR regional State government to prevent you from displacement?
6. What are the measures that the SNNPR state government took in order to prevent you from attacks during displacement?
7. What do you think about the actions taken by the Federal government to prevent you from displacement?

B) Concerning the obligation to provide protection and humanitarian assistance

8. Who did provide you provides humanitarian assistance such as transport, food, water, medical treatment, and temporary shelter during the time of displacement?
9. What kinds of protection SNNPR government provides for you during displacement and after displacement?
10. What are the solutions provided by the SNNPR government to you after the displacement?
11. What was the serious problem you faced during the time of displacement?
12. What kind of crime /attack was committed on IDPs during the time of displacement?
13. Who committed such crimes?
14. Who protected you from crime during the time of displacement?

C) Concerning Durable solution Settlement and basic needs and Social service

15. Who do you settle here and how do you settle here?
16. What do you think about the IDPs settlement program?
17. How many of you participated in the discussion of settlement and settled according to your desire?
18. How many international and national organizations participated in settling and assisting you? Who are they?
19. Have you a permanent job?
20. Who provides your settlement place?
21. Did you get food, water, education, and medical services after resettlement?
22. Did you recover your property left at your original residence?
23. What do you think about your property left at your Original place?
24. What kinds of measures government have taken in order to recover?
25. What are the major taken by governments in order to provide you legal remedy interims of civil matters for the adverse effect caused to IDPs because of displacement?

26. What kinds of measures have been taken by the government in order to provide a legal remedy for IDPs interims of criminal matters for acts of arbitrary displacement and crimes committed against IDPs?

D) Interview questions for directorate of SNNPR regional State disaster risks management commission

1. Interview questions for directorate of SNNPR regional State disaster risks management commission

1. What is your Name, Age, and marriage status?
2. What is your responsibility or status in the commission?
3. What is the main cause for the displacement of communities of Gedeo-West Guji and Meskan-Mareko CID in the region?
4. How many peoples were displaced from Gedeo - West Guji/ and Meskan-Mareko CID in the region?
5. What are the measures you take to prevent displacement in SNNPR in general and Gedeo-West Guji and Meskan-Mareko displacement in particular?
6. What are the challenges you face in implementing those prevention measures?
7. Why Ethiopian government unable to prevent Gedeo-West Guji and Meskan-Mareko displacement in the SNNPR region?
8. Who displaced Gedeo and Meskan communities from their residence in the region?
9. Who primarily provides humanitarian assistance to IDPs who were displaced from Gedeo-West Guji and Meskan-Mareko during the time of displacement for IDPs?
10. What was the role of your office with regard to the protection of IDPs of Gedeo-West Guji and Meskan-Mareko?
11. What is the main problem Gedeo-West Guji and Meskan-Mareko IDPs are facing currently?
12. What were the measures you took in order to protect IDPs from acts of crime and social problems at the time of displacement, after displacement, and during resettlement?
13. What are the challenges you faced during the implementation of protection measures to those IDPs?
14. What was the source of your financial income to cover humanitarian assistance and to provide other protections including basic needs and Social service to Gedeo-West Guji and Meskan-Mareko IDPs?

15. What kind of criminal acts were committed against the IDPs during the time of displacement and what measure you take to protect Gedeo-West Guji and Meskan-Mareko IDPs victims?
16. Which international and national Organizations and civil associations working with you to address the overall protection of Gedeo-West Guji and Meskan-Mareko IDPs need?
17. Among IDPs displaced from the Gedeo-West Guji and Meskan-Mareko conflict how many of them relocated to in new place, return to their original residence, and re-integrated? Where is the place of the new settlement?
18. How many IDPs from Gedeo-West Guji and Meskan-Mareko remain in temporary camps? Why do they remain?
19. Who provide durable solutions, basic needs, and social service for these IDPs after the resettlement of the Gedeo and Meskan communities?
20. What is guideline or rule did you use when you provide durable Solutions to Gedeo-West Guji and Meskan-Mareko IDPs?
21. What do you think about the basic need and social services provided to settled and unsettled IDPs regarding water, food, clothes education, medical treatment, and creating job opportunities?
22. How many Gedeo-West Guji and Meskan-Mareko IDPs left their property at their Original place?
23. How many of them recover their property?
24. What was the action taken by the government in order to restore the property of IDPs?
25. What was the action the government takes in order to provide a legal remedy for the damage caused to IDPs and for their property destroyed?

E) Interview questions for Gedeo and Gurage zone public prosecutor

1. What is your Name, Age, and marriage status?
2. What is your responsibility or status in the commission?
3. What do you know about the displacement of the Gedeo-West Guji and the Meskan-Mareko conflict?
4. What are the causes for Gedeo-West Guji and Meskan-Mareko displacements?
5. What kinds of crimes were committed during the time of displacement against Gedeo-West Guji and Meskan-Mareko IDPs?

6. Who instigated and committed both arbitrary displacement and crimes committed against IDPs Gedeo-West Guji and Meskan-Mareko during the time of displacement?
7. What were the numbers of victims for each crime?
8. Did your office prosecute the suspects of arbitrary displacement and Crimes committed against IDPs?
9. Do you think that the existing national laws are sufficient for the prevention of internal displacement and protection of IDPs by providing legal remedy interims of criminal and civil matters?
10. How many Suspects were accused of the acts of arbitrary displacement and crimes committed against Gedeo-West Guji and Meskan-Mareko displacement IDPs?
11. What do you think about the action taken by the Ethiopian government in preventing internal displacement and protecting IDPs by providing a legal remedies for the victims of arbitrary displacement and crimes committed against them?

Appendex-I

Interview Groups

A. List of interview respondents

No	Name of Respondent	Position	Place	Day of interviews
1	Ato Fasika Alemu	SNNPR Disaster and Risk Management Commission vice-commissioner	Hawassa	March 18/2022
2	Ato Hussen Mustefa	Officer at west Meskan disaster risk management office	Enseno	March 9/2022
3	Tesfaye Sahelae	Prosecutor of Gurage zone	Welkitae	March 11/2022
4	Ato Werku Zeleke	Officer at Gedeo zone disaster risk management office	Dilla	March 15/2022
5	Ato Tesfayea Wolde	Prosecutor of Gedeo zone	Dilla	March 16/2022

B. List of focus group discussion groups on w/Meskan wereda on March 11 and 12/2022

No	Name of Respondent	Age	Sex	Educational background	category
1	Mohamed kenamo	50	M	Grade 10	IDP
2	Neju Awel	35	>>	Grade 5	>>
3	Gezaw Beareka	38	>>	Grade 10	>>
4	Mohamed Kedir	36	>>	Grade 3	>>
5	Umer Kenema	39	>>	Grade 5	>>
6	Melese Werku	40	>>	Grade 4	>>
7	Werknesh Degefe	32	F	Grade 0	>>
8	Rudan Hussen	40	M	Grade 3	>>

C. List of focus group discussion groups on Gedeo zone Wenago wereda on March 11 and 12/2022

No	Name of Respondent	Age	Sex	Educational background	category
1	Mesfen Deresilo	45	M	Grade 8	IDP
2	Abreham Getu	35	>>	Grade 8	>>
3	Kenilo Alburea	38	>>	Grade 4	>>
4	Abebe Sheberu	55	>>	Grade 3	>>
5	Amdela Boru	49	>>	Grade 0	>>
6	Adugna Gelea	38	>>	Grade 3	>>