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RESPONDING TO INTERNAL DISPLACEMENTS IN ETHIOPIA: NORMATIVE AND INSTITUTIONAL ASPECTS

**Thesis prepared in partial fulfillment of LL.M program in Human Rights,
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Responding To Internal Displacements in Ethiopia:
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Declaration

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

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List of Abbreviations

AU	- African Union
BGR	- Benishangul Gumuz Region
CID	- Conflict Induced Displacement
CSO	- Civil Society Organization
DRM	- Disaster Risk Management
DTM	- Displacement Tracking Matrix
DSI	- Durable Solutions Initiative
EHRC	- Ethiopian Human Rights Commission
EHRCO	- Ethiopian Human Rights Council
EIO	- Ethiopian Institution of Ombudsman
ERCS	- Ethiopian Red Cross Society
EWS	- Early Warning System
FAG	- Federal Attorney General
GP	- Guiding Principles on Internal Displacement
HoPR	- House of People's Representative
IASC	- Inter-Agency Standing Committee
ICRC	- International Committee of the Red Cross
IDPs	- Internally Displaced Persons
IHL	- International Humanitarian Law
IHRL	- International Human Rights Law
IOs	- International Organizations
IOM	- International Organization for Migration
MoP	- Ministry of Peace
NDRMC	- National Disaster Risk Management Commission
NFI	- Non-Food Item
OCHA	- Office for the Coordination of Humanitarian Affairs
OHCHR	- Office of the High Commissioner for Human Rights
SNNPR	- Southern Nations, Nationalities and Peoples Regions
UN	- United Nations
UNHCR	- United Nations High Commissioner for Refugees

Abstract

Internal displacement which is caused by conflict has become an ongoing phenomenon in Ethiopia. Ethnic based conflicts accompanied by armed attacks and armed conflicts have caused mass displacements in various areas of the country.

In view of this, this study has attempted to critically analyze the existing normative and institutional frameworks in responding to the problem of IDPs in Ethiopia. The study finds that though Ethiopia ratified the Kampala Convention, there is neither a legal nor policy framework that gives domestic effect to the Convention. Other existing normative frameworks also do not comprehensively respond to the specific needs of IDPs. Institutionally, both governmental and non-governmental organizations mainly focus on emergency responses than that of preventing internal displacements and providing lasting solutions to IDPs in the country. Thus, this study suggests for development of a comprehensive normative framework as well as measures of preventing and providing lasting solutions to the problems of IDPs in Ethiopia.

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Chapter One: General Introduction

1.1. Background of the Study

Nowadays, internal displacement is a grave problem in Ethiopia and it has continued to occur in a wide range. In the aftermath of political transformation in 2018, communal violence and armed conflict remain a critical concern across Ethiopia including Somali, Benishangul Gumuz, Oromia, Amhara and Tigray regions.¹ In 2018, Ethiopia ranked as the worst-affected state by total internally displaced person (IDP) numbers and graded at the highest of the internal displacement hierarchy, in which inter-communal conflict broke between West Guji and Gedeo, on the border between the Oromia and Southern Nations, Nationalities and Peoples regions (SNNPR), inflicting over a million new displacements.² This has driven the government to give attention on development of long-lasting solutions to the situation of IDPs by launching Ethiopia Durable Solutions Initiative (DSI).³ Though Ethiopian government has been leading return initiatives since 2019,⁴ displacement of citizens based on their ethnic background and armed conflict still persists and has increased in an alarming rate. Currently, 3.9 million displaced persons are found in the country of which 82% are due to conflict.⁵

¹ OCHA, Humanitarian Needs Overview 2021, (February 2021) Available at:

<https://reliefweb.int/sites/reliefweb.int/files/resources/ethiopia_2021_humanitarian_needs_overview_hno.pdf> accessed March 20, 2021 p.6

²IDMC Mid-Year Internal Displacement Report, (September 12, 2018) Available at

<<https://www.internal-displacement.org/sites/default/files/publications/documents/201809-mid-year-figures.pdf>> accessed September 24,2020

³Ethiopia Durable Solution Initiative (2019)

⁴IOM Report: Ethiopia Records More Than 1.8 Million Internally Displaced in 2020 (2020) Available at:

<<https://www.iom.int/news/iom-report-ethiopia-records-more-18-million-internally-displaced-2020>>AccessedNovember 2, 2020

⁵DTM, Ethiopia National Displacement Report 8 (March- April2021)

<<https://displacement.iom.int/reports/ethiopia-%E2%80%94-national-displacement-report-8-march-%E2%80%94-april-2021>> accessed July 5, 2021

Along with this, the Ethiopian government has recently ratified the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). However, it has not yet proclaimed domestic legislation for its implementation.

Institutionally, Ministry of Peace (Mop) is assigned as an umpiring organ of the Kampala Convention with the responsibility to cooperate with other relevant organs for the implementation and follow up of the Convention.⁶ International organizations (IOs), humanitarian actors and Civil Society Organizations (CSOs) also have responsibility to assist states' efforts to provide protection and assistance to IDPs. Thus, it is the aim of this research to examine the national normative and institutional frameworks in addressing the needs of IDPs in light of international and regional instruments.

1.2. Literature Review

Inquiry of literature reveals that few researches have also covered issues relating to protection of internal displacement in Ethiopia. Concerning the protection of IDPs in Ethiopia, Wakgari Kebeta has found out that Ethiopia has no inclusive policy document for the protection, recognition and institutionalization of the existence of internal displacement that has been supported by specific legislation to protect the rights of IDPs under the rule of law.⁷

Another Article which is related to the topic under consideration is the adequacy of law and policy frameworks on internal displacement in Ethiopia. This Article deals with the issue of IDPs at the national level by examining the adequacy of existing national frameworks for protection of IDPs in Ethiopia. It finds that the existing domestic legal and policy frameworks do not comprehensively respond to the particular needs of IDPs.⁸

⁶African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa Ratification Proclamation no.1187/2020 (The Kampala Ratification Proclamation), NegaritGazette 26th year No.24, 13th, March 2021, Article 4

⁷Wakgari Kebeta, 'The Protection of Internally Displaced Persons in Ethiopia: Leave No One Behind' (2019) 9(1) JID 40

⁸ Meskele Ashine E., 'The Adequacy of Law and Policy Frameworks on Internal Displacement in Ethiopia: A Critical Appraisal.' Adeola R. (eds) (2021) National Protection of Internally Displaced Persons in Africa,

Additional research also dealt with African internal displacement problem and the responses of African Union (AU) in accordance with the Kampala Convention. It mainly focuses on evaluating the effectiveness of institutional mechanism under Kampala Convention and finds out that the Convention does not envisage strong monitoring mechanism as well as established pertinent institution that is responsible for protection and assistance needs of IDPs.⁹

Although an attempt has been made to examine the adequacy of protection available to IDPs in Ethiopia, such issue has not been addressed from practical implementations aspects. The above literatures do not examine practical experiences of institutions that provide protection and assistance to IDPs. They rather assess the problem by using doctrinal research design methods, which might not explain actual problems or obstacles for the protection of IDPs in Ethiopia. It is limited to a doctrinal assessment of the problem. What existing practical problems obstruct protection of IDPs in Ethiopia have been untouched and need further assessment.

1.3. Statement of the problem

Internal displacement which is caused by conflict has become an ongoing phenomenon in Ethiopia. Recent trends show that ethnic based conflicts, accompanied by armed attacks and armed conflicts caused mass displacements in various areas of the country.¹⁰ In this regard, globally Ethiopia ranked in 3rd place with 1.7 million new displacements triggered by conflict and violence in 2020. As stated in the background statement, government has taken different measures to address the issue of internal displacement. However internal displacements that are caused by conflict are continuing.

Sustainable Development Goals Series. Springer, Cham

⁹Admasu Alemayehu, 'The African international displacement problem and the response of AU: An examination of essential features of the AU IDPs Conventions' (LL.M Thesis, Addis Ababa University 2010)

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¹⁰ OCHA; Ethiopia Humanitarian bulletin (August16, 2021), Available at

<https://reliefweb.int/report/ethiopia/ethiopia-humanitarian-bulletin-issue-11-2-16-august-2021>> accessed

August 23,2021

As Ethiopia is a party to the Kampala Convention, Ethiopian government has the primary obligation to prevent arbitrary displacement, provide protection and assistance to IDPs in the country.¹¹ The issue of internal displacement also requires multi-sector involvement. IOs, humanitarian agencies, international and local NGOs have their own responsibility in addressing the issues of internal displacement within the country. However, nonexistence of a comprehensive dedicated framework to guide responses to internal displacement and lack of explicit norms and legislation as well as strong institutional set-up specifically addressing identifiable needs of IDPs have partly hindered prevention, protection and assistance to IDPs.¹²

Hence, this study assesses the existing national framework and institutional responses in addressing the issue of internal displacement in the country.

1.4. Research Questions

This study attempts to assess the normative and institutional framework of IDPs in Ethiopia by giving special emphasis on the following basic research questions.

1. Do existing policies and laws respond effectively to problems of IDPs in Ethiopia?
2. Do existing institutions in Ethiopia effectively respond to the needs of IDPs?
3. What are the major implementation gaps of policies and laws that are supportive of IDPs?
4. What solutions do exist to address such legal and institutional lacunas, if any?

1.5. Objective of the Study

1.5.1. General objective of the Study

The general objective of this study is to evaluate the normative and institutional aspects in responding to internal displacement in Ethiopia.

1.5.2. Specific Objectives

The following are some of the specific objectives of the study: -

¹¹ The African Union Convention for the Protection and Assistance of IDPs in Africa (Kampala Convention) adopted in 2009, (entered into force in 2012) Article3-5

¹²Ibid(n.7) 48

- To analyze the existing normative and institutional framework for protection and assistance of IDPs in Ethiopia.
- To identify protection and assistance shortcomings for implementation of policies and laws that are supportive of IDPs
- To assess the role, nature and effectiveness of the institutional mechanisms both for the protection and assistance of victims of internal displacement.
- To find potential legal and policy solutions for the existing legislative and institutional gaps that might be identified in the study.

1.6. Scope of the Study

This study examines the domestic normative and institutional frameworks for the protection of displaced persons in Ethiopia in light of regional and international standards. Hence it scrutinizes the adequacy of domestic normative and institutional protection to IDPs in Ethiopia. The research confines the subject matter on conflict-induced displacement (CID) which is the major contributing factor for internal displacement in Ethiopia, with the exclusion of natural induced displacement.¹³ Accordingly, the research assesses the normative framework of providing prevention, protection and assistance to IDPs and its practical implementation by the national and international mandated institutions based in Addis Ababa.

1.7. Research Design and Methodology

1.7.1. Research Design

In order to meet its aims, the research has employed a qualitative research design to collect qualitative data since the research aims at examining and analyzing the adequacy of normative and institutional protection to IDPs in Ethiopia. Qualitative research defined as exploring and understanding the meaning individuals or groups attributes to a social or human problem¹⁴which is based on collecting and analyzing non-numerical data.¹⁵ In view

¹³Ibid (n.5)

¹⁴ John W. Creswell and John D. Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, (5th Edition, USA, SAGE Publications, 2018) 41

¹⁵Yitayew Alemayehu and Wondemagegn Tadesse, *Human Rights Research: A Practical Guidebook on Methodology and Methods*, (Addis Ababa University, Centre for Human Rights, 2013) 114

of this, the research uses qualitative research method to assess practical implementation of the normative aspect by the relevant entities and addresses the questions listed above.

Examination and interpretation of different legal instruments that are relevant to the research have been made by using doctrinal analysis. Mainly standards set by the Kampala Convention have been used to scrutinize the normative and practical aspect of IDPs in Ethiopia. To assess non-legal documents i.e. policy, strategy and data that have been collected through interviews, textual analysis is used since the research's central aim is to identify legal and implementation gaps in the protection and assistance of IDPs, instead of identifying the number of displaced and resettled persons in the country.

1.7.2. Population, Sample Size and Sample Technique

The total population for this research could be IDPs, IDP hosting communities and both governmental and non-governmental institutions mandated to work on IDPs. However, due to the difficulties to study the entire population, this research is limited to nationwide IDP institutions based in Addis Ababa. Thus, IDP hosting community and governmental and nongovernmental IDP institutions located in regional states of the country are not part of this research because of lack of accessibility, limited time and cost. However, headquarter institutions located in Addis Ababa have comprehensive picture of situations of IDPs in the country since these institutions have coordination and supporting roles for the regional institutions which includes traveling to different areas of the regions to assess the situation. Thus, field officers of these institutions are incorporated in the study.

The sample size of the study is determined based on the principle of redundancy which uses the standards of redundancy for exclusion of certain respondents when the inclusion of new participant does not significantly add new information and understanding.¹⁶ Accordingly, the research used non-probability sampling particularly purposive sampling technique in which the researcher deliberately selects certain units from the population¹⁷ based on institutional mandate, knowledge and experience they have on the issue under the study.

¹⁶Scott W. Vanderstoep and Deirdeo D. Johnston, *Research Method for everyday Life : Blending Qualitative and Quantitative Approaches*(Jossey-Bass:2009) 187

¹⁷Ibid(n.15) 131

1.7.3. Types and Methods of Data Collection

In conducting the study, primary data is collected through a face-to-face semi-structured interview with 20 key informants that were selected from different non-governmental and governmental organs based on their institutional mandate, experience and knowledge they have about the issue under the study (for further detail see annex -I). In addition, interviews with thirteen IDPs who have been displaced from Wellega (Oromia region); Metekel Zone (Benishangul Gumuz Region-BGR); Humera, North Shewa and Special Oromia Zones (Amhara region) and Somali region have been interviewed on phone. To select IDPs from different IDPs sites, I have used purposive sampling by employing UN agency field officers and Ethiopian Human Rights Council (EHRCO) branch office experts.

Besides, a review of international instruments including Guiding Principles on Internal Displacement (GP) as well as regional instruments such as the Kampala Convention, and relevant domestic laws and policies have been conducted. The secondary data, on the other hand, has been obtained from books, articles, researches and reports.

1.8. Limitation of the study

Undertaking the study was not an easy task; particularly, obtaining information for the purpose of the study has been a demanding and burdensome task due to current unrest in the country, sensitivity issues of the subject matters concerned with IDPs and the remote location of IDPs. Hence, it was difficult to get relevant data in due time from key informants of concerned institutions and IDPs. However, the researcher tried to manage the challenges by extending time schedule for data collection, by conducting the interviews through phone, and express to key informants that their identity will be kept confidential.

1.9. Significance of the Study

This study has been necessitated by the fact that internal displacement has increased in Ethiopia. The country has recently ratified the binding Convention in the area of protecting and assisting IDPs. Hence, this piece of research will serve as an inspiration and beginning point for future and more detailed analysis of normative and institutional bases that exist for the protection and assistance of IDPs in Ethiopia. Accordingly, it will bring into light the survey of existing normative and institutional arrangements regarding IDPs and thereby

identifying the existing gap. It also identifies challenges in the protection and assistance of IDPs in the country and suggests for possible solutions.

1.10 Organization of the Study

This research consists of four chapters. The first chapter contains the background of the study; which includes the introduction of the subject matter, preliminary literature review, and statement of the problem, research objectives, scope, significance as well as design and methodology. The second chapter examines normative and institutional framework for protection of IDPs and the third chapter contains data analysis and interpretation. Lastly, the fourth chapter tries to answer the initial research questions for the study that was raised in the first chapter, by summarizing, concluding and pointing out possible recommendations.

Chapter- Two: Normative and Institutional framework for the Protection of Internally Displaced Persons

2.1. Introduction

The main aim of this chapter is to analyze the existing normative and institutional framework from the perspective of protection and assistance of IDPs. Thus, it is of great importance to dwell on the concepts of “IDPs” based on international and regional frameworks, simultaneously appraising international and national normative and institutional frameworks in addressing IDPs.

2.2. Normative Framework

2.2.1. Concept of Internally Displaced Persons

Unlike refugees, the term “internally displaced person” does not grant a particular legal status, rather than describing the factual circumstances of an individual. In this sense, it applies to any person regardless of nationality but who is forced to leave home and remains under the jurisdiction of his or her State.¹⁸ Instead of defining IDPs, different instruments simply describe the factual status of IDPs.

According to the Guiding principle (GP), IDPs are: -

*persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.*¹⁹

The GP gives descriptions of who is an IDPs. As pointed out by the second special rapporteur on the human rights of IDPs, the description underscores the coercive nature of movement which occurs within the national borders.²⁰

¹⁸ Global Protection Cluster, *Handbook for the Protection of Internally Displaced Persons*, (Geneva,2007) 20

¹⁹ UN, *Guiding Principles on Internal Displacement (1998)* (Guiding Principles) Available at: <https://www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html> accessed 10 October 2020, Para 2

²⁰ Walter Kalin, *Incorporating the guiding principles on internal displacement into domestic law*, (Washington, DC: The American Society of International Law, 2010) p.2

The GP applies to persons displaced by natural or man-made disasters which exclude economic, social or cultural migrants.²¹The definition given by the GP is to give recognition of the factual situation of IDPs than providing or restricting new rights or entitlements.²²

The GP list of reasons for displacement is only illustrative as it is pointed out by the phrase 'in particular'. Some of the reasons enumerated are armed conflict, generalized violence, violations of human rights or natural or human-made disasters.²³ According to this definition, voluntary displacement cannot be considered as internal displacement. This definition intends to include persons who have been uprooted in anticipation to avoid the effect of natural or human-made disasters.

As long as the GP is concerned, displacement is considered as arbitrary if it is based on ethnics cleansing; occurred as result of armed conflict which is not necessary for military reason or safety of civilians, or displacement through large scale development by overriding the general public interest as well as in situation of disaster unless it is for the safety of those who are affected.

Besides the above definition of IDPs given under GP, the Kampala Convention also provides the definition of 'internal displacement' as forced or involuntary movement of people within the national border. This definition of the Convention implies internal displacement can be either the result of arbitrary displacement as it is stated under Article 4 or from involuntary movement of natural disaster.²⁴ Though IDPs does not have an explicit legal definition, the descriptions given can be used as basis for national and policies development.²⁵

The Kampala Convention has also enumerated under Article 4(4) an expansive list of acts which might be considered as causes of arbitrary displacement by enhancing further than the causes as

²¹ Robert Kogod Goldman, 'Internal Displacement: The Guiding Principles on Internal Displacement-Normative Status, and the Need for Effective Domestic Implementation' [2007] 7 ISIL YB Int'l Human & Refugee L 265-271

²²Jessica Wyndham, 'Developing Trend: Laws and Policies on Internal Displacement' [2006] 14(1) WCL Journals & Law Reviews 3

²³ Guiding Principles, Introduction

²⁴ Maria Stavropoulou, 'Kampala Convention and protection from arbitrary displacement',(2010) General Article FMR36,63

²⁵ Jessica (n.22) 3

stated out in the GP. This is regarded as a significant advancement of the Convention.²⁶ Thus, the Convention play prominent role in transforming the principles as envisaged under the GP into legally binding norms.

It is important to reiterate, at this stage, that internal displacement is a process that begins with a flight from inside the nation and ends where IDPs obtain sustainable solutions.²⁷ In this view, different instruments set out response mechanisms that are required to be taken at pre-displacement, during displacement and post-displacement phase process. These are:

- i) **Pre-displacement-** it is the stage where protection against arbitrary displacement is sought, especially, for the states to prevent the grounds leading to occurrences of displacement from occurring.
- ii) **During displacement-** it is the situation where displacement occurs and there is a demand for protection and humanitarian assistance of IDPs. Protection at this stage requires actions that encompass a wide range of civil, political, social and economic rights.²⁸
- iii) **Post-displacement-** it is the time where finding durable solutions for the affected IDPs, and providing humanitarian assistance as well as building sustainable livelihoods is necessary.²⁹

Both GP and the Kampala Convention follow the above three-phase approach. However, distinct from the GP that is articulated from human rights points of view by laying out pertinent rights for the protection of IDPs at all phases of displacement, the Kampala Convention being also enunciated from the various perspectives of state obligation such as to prevent, obligation to provide protection and assistance, and obligation to give lasting solution for IDPs.³⁰

²⁶ Kampala Convention Article 4(4, e and h)

²⁷ Brookings Institution, 'National Instrument on internal displacement; A Guide to their displacement', (August 2013) 28

²⁸ Walter Kälin, 'Guiding Principles on Internal Displacement: Annotations,' Transnational Legal Policy No. 32, (American Society of International Law, 2nd edition 2008)46

²⁹ UNHCR, *Internal Displacement: Responsibility and Action*, (2013), Handbook for Parliamentarians No 20-2013, Available at: <<https://www.refworld.org/docid/528b1a444.html>> Accessed 4 August 2020 P.18

³⁰ Beyani, Chaloka, 'A View from Inside the Kitchen of the Kampala Convention: The Modernisation of the International Legal Regime for the Protection of Internally Displaced Persons'. LSE Legal Studies Working Paper No. 17/2020, Available at <<https://ssrn.com/abstract=3736788>> accessed April 18,2021

2.2.2. International Normative Framework

Until drafting of the GP, there is no a specific legal instrument that is tailored to IDPs and their rights.³¹ Thus, international human rights and humanitarian laws are used to serve as the primary sources for protection and assistance of IDP.³²

2.2.2.1. International Human Rights Law (IHRL)

IHRL which is a set of international instruments imposes an obligation on states towards individuals to respect and protect against human rights abuse. These instruments enshrined essential internal displacement rights. i.e. the right to life, liberty and security of the person; the right to freedom of movement and residence; adequate standard of living, food and shelter; and prohibition of arbitrary deprivation of property and possessions etc.³³ Based on this, member states are vested with the power to take action, to protect and respect basic human rights.

However, applying such instruments to IDPs is far from a straightforward process. There is no single IHRL that expressly contains the rights of IDPs not to be arbitrarily displaced; the right to return home;³⁴ the right to compensation or restitution of property lost as a result of displacement, and the right to personal documentation. Though these rights might be inferred from various treaties, there is a need to reiterate the general principles, into a single instrument to address and reinforce the existing protection.³⁵

³¹Borton, J., Smith, M. and Otto, *Support to Internally Displaced Persons – Learning from Evaluations*.

(2005) Publikationer.sida. Available at:

https://publikationer.sida.se/contentassets/43bb8db5b2654cd897d2af0fb24c412f/support-to-internally-displaced-persons-learning-from-evaluation.-synthesis-report-of-a-joint-evaluation-programme_3281.pdf > Accessed 10

November 2020 p.78

³² Ibid (n.18) 20

³³ Universal Declaration of Human Rights (UDHR)(adopted 10 December 1948) Article 13; International Covenant on Civil and Political Rights (ICCPR) adopted 19 December 1966, (enter into force 23 March 1976) Article 6,9, 12(1),19(3, b); International Covenant on Economic, Social and Cultural Rights (ICESCR) adopted 16 December 1966, (enter into force 3 January 1976) Article 11 and 12

³⁴ Borton (n.31)

³⁵ Robert(n.21) 269

2.2.2.2. International humanitarian law (IHL)

In situations of armed conflict, IDPs are protected by IHL. It has prominent role in preventing and protecting internal displacement by prohibiting the displacement of persons except for military causes or protection of the civilians themselves. Displacing civilians without such justification is a crime against humanity.³⁶ IHL protects civilians from and during displacement so long as they do not directly take part in hostile activities.³⁷ Forced displacements as well as discrimination on such ground are prohibited.³⁸ IDPs are also entitled to various rights, such as, the right to life, to dignity and to freedom as well as provision of humanitarian assistance etc.³⁹ accordingly, states are obligated to incorporate and implement these protections in their internal legal framework.⁴⁰

In order to minimize these complications, the GP tries to consolidate in single document different principles of IHRL and IHL that are applicable to IDPs with the aim of addressing the gaps that may exist.⁴¹

2.2.2.3. United Nations Guiding Principles on Internal Displacement

The UN Guiding Principles on Internal Displacement (GP) is a non-binding instrument that provides a set of IDPs consolidated rights to national and international actors in addressing the dire human rights and humanitarian needs of IDPs.⁴² Many of the principles enshrined therein are emanated from IHRL and IHL. Though it is not a treaty, acceptance of these rights by many states as well as emanation of these principles from universally accepted treaties shows its wider

³⁶ Rome statute of international criminal court (2002), Article 8(2(e, viii))

³⁷ Additional Protocol relating to the Protection of Victims of Non-International Armed Conflict (GC AP II) Art.51(3)

³⁸ Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC IV) Art. 49 and 147

³⁹ GC IV Art. 3, 27, 32 and AP II Art. 4 and 17

⁴⁰ Customary International Humanitarian Law (CIHL) Rules 129 Available at <https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule129> accessed April 18, 2021.

⁴¹ Borton (n.31)79

⁴² Wakagari (n.7) 41

international recognition.⁴³ In relation to IDPs, different countries have started to implement the GP by developing national laws and policies,⁴⁴ though no enforcement mechanism is envisaged.

In its structural set-up, GP is organized into three phases of displacement; these are prevention phase, protection and humanitarian assistance phase and durable solutions phase.

The pre-displacement phase

In order to prevent the causes of displacement, the GP provides rules for protection against arbitrary displacement. It expressly affirmed the rights of IDPs not to be arbitrarily displaced and clearly stated out that displacement during armed conflict would be arbitrary unless it is for imperative military reasons or security of the civilians involved,⁴⁵ which is the reflection of the Fourth Geneva Convention and Additional Protocols to the Geneva Conventions.⁴⁶ This right emanates from human rights and humanitarian law provisions dealing with freedom of movement and residence as well as forced displacement of civilians during armed conflict. It also imposes an obligation on states to prevent and avoid conditions that might lead to displacement with their respective IHRL and IHL obligations.⁴⁷

Protection During Displacement and Humanitarian Assistance

Section three of the GP contains major human rights principles and rules of international humanitarian law in relation to IDPs during displacement. Most of the principles under this section are in effect declaratory of the customary law.⁴⁸ Along with this, there are other basic rights that are given to IDPs such as the right to an adequate standard of living, the right to education and the right to protection from arbitrary denial of property and possession.⁴⁹

⁴³ Roberta Cohen, 'Lessons Learned from the Development of the Guiding Principles on Internal Displacement', (February 2014), Georgetown University; Crisis Migration Project) 12

⁴⁴ Global Protection Cluster, 'Regulatory Frameworks on Internal Displacement; Global, Regional And National Developments' (2015)9

⁴⁵ Guiding principle 6

⁴⁶ Guiding principle 6

⁴⁷ Guiding principle 5

⁴⁸ Robert(n.21) 272

⁴⁹ Guiding Principle 18,21 and 23

The primary responsibility to provide humanitarian assistance to their displaced citizens is imposed on national governments under Principle 25 through due recognition to the principle of national sovereignty.

Post-Displacement Phase

This section addresses return, resettlement and reintegration of IDPs. These principles are mainly influenced by refugee law, though, distinct from refugees; IDPs remain in national territory and have full rights as nationals and residents of that country.⁵⁰ As per Principle 28(1), it is mainly up to the competent authority to create suitable conditions and mechanisms for voluntary and safe return of IDPs to their home or habitual residence or in other places of the country. In providing solutions to problems of post-displacement, Principle 28 (2) affirmed the need to have full participation and consent of IDPs, in the planning and management of return or reintegration or resettlement of IDPs to another part of the country in addition to non-discrimination access and participation to the public service.

In general, the GP aim at providing directions on the way the law interpreted and applied in all phase of displacement. Some regional organizations and states consider the GP as significant instrument and integrate them into their laws and policies.⁵¹

2.2.3. African Regional Instruments

As noted in the above sections, further directions are also offered by regional instruments as pertains to their approach towards IDPs.

2.2.3.1. The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)

The African Union (AU) has, in 2009, adopted a binding Convention for the Protection and Assistance of IDPs in Africa. The Convention is influenced by regional and IHRL, IHL and also mainly based itself upon the GPs.⁵² Nevertheless; it is distinctive for its enunciation of the need

⁵⁰ Robert(n.21)273

⁵¹ IDMC, Guiding Principles on Internal Displacement, Available at: <<https://www.internal-displacement.org/internal-displacement/guiding-principles-on-internal-displacement>> Accessed February 2, 2021.

⁵² Kampala Convention, preamble

for holistic response to internal displacement and complementing GP, which is mainly focusing on the rights of IDPs by imposing obligation on different stakeholders.⁵³ Besides, its binding nature is recognized as a major advancement in the development of legally binding instrument for safeguarding IDPs.⁵⁴

In response to internal displacement, the Kampala Convention applies to all phases of displacement by holding the states parties' primarily responsible for preventions of arbitrary displacement, protection of IDPs and providing durable solutions.⁵⁵ Accordingly, the national authority has the responsibility to design policies and laws as well as assigning responsible organ for responding to internal displacement.⁵⁶ The Convention also requires states to have early warning systems (EWS), employment of disaster risk reduction strategies and response measures in potential displacement areas.⁵⁷ Not only this, states are also required to make reparation in condition when there is state abstention from rendering protection and assistance for IDPs in cases of natural disaster.⁵⁸

Apart from states responsibility, the Convention also set out the responsibilities of IOs and other relevant actors related to provision of protection and assistance to IDPs.⁵⁹ Moreover, AU, international actors, humanitarian agencies, civil societies, and non-state armed groups are also duty bound to respect the right of IDPs and to discharge their obligations under international law.⁶⁰ Thus, setting out wide range of obligations to all concerned stakeholders⁶¹ is one of the meticulous approaches of the Convention.

The Convention also takes a new approach to develop a legal framework that is tailored to the specific needs of IDPs in Africa by acknowledging its complex nature and listed out non-

⁵³ UNGA, 'Report of the Special Rapporteur on the Human Rights of IDPs, Chaloka Beyani', A/HRC/26/33, (April 14, 2014)10, Available at <<http://goo.gl/25Zjus>>accessed April 15, 2021.

⁵⁴ Ibid (n.44)9

⁵⁵ Kampala Convention, Article 3,4,5and 9

⁵⁶ Ibid Article3(2)

⁵⁷ Ibid Article4(2)

⁵⁸ Ibid Article 12

⁵⁹ Ibid Article 6 and 8

⁶⁰ Ibid

⁶¹ Ibid Article 3-9

exhaustive cause of displacement⁶² as well as recognizing the host community role in response to IDPs.⁶³

2.2.3.2. Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons (Great Lake Protocol)

Great Lake Protocol adopted in 2006 by member states of the Great Lakes Region. It is the first binding legal instrument in the world that calls member states to domesticate and implement the GPs as a regional instrument, for providing protection and assistance to IDPs in the Great Lakes Region.⁶⁴

The Protocol aims to transform the GPs into legally binding document by endorsing as a national legislation and seeks to ensure the implementation of minimum standards as set out in the GPs.⁶⁵ The protocol also stresses out on measures that need to be taken for protection of pastoralist, host community as well as provide regional protection mechanism for protection of IDP in the region.⁶⁶ This initiation indicates member states engagement to uphold IDP protection law in the region. Besides, the Protocol also serves as an inspiration for AU to develop continent-wide IDP tailored binding legal framework in the region (Kampala Convention).⁶⁷

2.3. Institutional Framework

In order to ensure the necessary protection and assistance of IDPs, existence of robust legal and institutional framework is a must. One of the pillars for protection and assistance of IDPs is existence of responsible institutions. However, due to complex nature of the problem or lack of political will, it is not possible to find a single institution which is mandated to safeguard the rights of IDPs internationally.⁶⁸

⁶² Ibid, Article 4(4)

⁶³ Ibid, preamble, articles 3(2)(c), 5(5) and 9(2)(b)

⁶⁴ Great Lakes Protocol on the Protection and Assistance to IDPs, adopted in 2006 (entered into force in 2008) Article 6(1 and 3)

⁶⁵ Wakgari(n.7)41

⁶⁶ Great Lake Protocol Article 4(1)

⁶⁷ Chaloka (n.53) 9

⁶⁸ IASC, Guidance: Implementing the Collaborative Response to the Situation of Internal Displacement,(September 30,2004) Available at: <<https://www.refworld.org/docid/41ee9a074.html>> accessed May 23,2021 p.4

2.3.1. International Institutional Framework

Unlike refugees, there is no single international law, so far, which addresses the issue of IDPs comprehensively. Protection and assistance have been rendered dispersedly by IOs, humanitarian agencies and other relevant actors.⁶⁹ Various international and intergovernmental institutions have been taking part in different phases of displacement. Nevertheless, there is no exclusive institution which is mandated globally for protection and assistance of IDPs.⁷⁰ Due to this structural problem, different actors have engaged themselves based on their preference of involvement, which in turn causes protection gap to IDPs.⁷¹

In order to address the pitfalls of the above alternatives, the Emergency Relief Coordinator's office⁷² introduced "cluster leads" approach in which various organs would take part in their ultimate responsibility based on their mandate, area of expertise as well as guideline by Inter-Agency Standing Committee (IASC).⁷³

Following this, Office for the Coordination of Humanitarian Affairs (OCHA) has been designated as a responsible body to coordinate humanitarian response globally;⁷⁴ United Nations High Commissioner for Refugees (UNHCR), as a lead of the Protection Cluster, is set up to guide States on national IDP legislation process and has been engaged in supporting internal displacement national frameworks development; International Organization for Migration (IOM) as shelter cluster lead, provides temporary shelter, food and non-food item (NFI) to IDPs and also collect and analyzes IDPs information, undertake demography study, conduct situation assessments to address acute needs of IDPs.⁷⁵ The Office of High Commissioner for Human Rights (OHCHR) is tasked with protection of vulnerable groups like IDPs by advocating as well as monitor, investigate and report the human rights conditions of IDPs; International Committee

⁶⁹ Ibid

⁷⁰ Ibid

⁷¹ Admasu (n.9) 40

⁷² ERC established by the UN GA Resolution 48/57(1991) to ensure inter-agency coordination in response to IDPs and as Chair of the Inter-Agency Standing Committee-IASC which is consultation forum for IDPs.

⁷³ IASC Guidance(n.68)

⁷⁴ UN General Assembly Resolution 46/182 (July 2009) Available at <<https://www.unocha.org/story/resolution-46182-which-created-humanitarian-system-turns-twenty-five>> accessed June 20,2021

⁷⁵ IASC Guidance (n.68)

of the Red Cross (ICRC) is globally mandated to protect and assist IDPs that are affected by armed conflict and other situations of violence in all phase of displacement etc.⁷⁶There are also other actors that are assigned diverse roles in responding to internal displacement.

This collaborative response of international actors has great significance in avoiding duplication and fragmentation of response by assigning clear responsibility as well as creating accountable and predictable responses for IDPs.

2.3.2. Regional Institutional Framework

At the regional level, the Kampala Convention aims to develop and promote regional cooperation by instituting a conference of states parties, which serve as facilitating organ for cooperation and dialogue among states as well as for regulating the execution of the Convention.⁷⁷As it is indicated under Article 14(2) of the Convention, states must also report legislative and other measures taken to implement the Convention accompanied with the report they are presenting to African Commission on Human and Peoples' Rights and the African Peer Review Mechanism.

On the one hand, the Convention provides recognition to AU and international partners through obligating states to respect such mandate as well as the role of *international humanitarian organizations in providing protection and assistance to IDPs, in line with international law*.⁷⁸ On the other side, it sets out the role and responsibility of IOs under Article 6. The purpose behind this is to create a strong bond among IOs, AU and states parties.

The Convention also aims at strengthening the institutional framework and capacity of AU for the protection and assistance of IDPs by stressing out lack of institutional framework.⁷⁹ However, the attention given to institutional setup is very minimal as there is only one article that expressly raised such an issue. Moreover, the Convention is silent as to the establishment of pertinent institutions that are responsible for the protection and assistance needs of IDPs.

⁷⁶ Ibid

⁷⁷ Kampala Convention, Article 14

⁷⁸ Ibid, Article 5(3)

⁷⁹ Ibid, Article, preamble and Art 8(3, a)

The Convention mainly bases on national and international institutional mechanisms of protection and assistance. States parties are primary holder of responsibility to prevent, protect and assist IDPs within their territory.⁸⁰ In order to discharge such obligations, states must designate responsible organ for directing, organizing, assigning responsibility and cooperating with international actors in protection and assistance of IDPs.⁸¹ Due to lack of capacity and unwillingness, States parties may resist to providing protection and assistance needs for IDPs. In such instances, there is no enforcement mechanism that obliges states to cope up with the responsibility enshrined under the Convention.

Regionally, the proposed article to establish new Office of the High Commissioner for IDPs in the continent was precluded, as it is said to be, because of resource shortage and to avoid mandate overlap due to increased involvement of UNHCR in Africa. This has led the system to function under the existing global framework.⁸² Hence, the Convention does not assign such responsibility to single body. Instead, it imposes general obligations on AU to intervene in member states when there is grave situation and to support states in implementing their obligation under the Convention.⁸³

Besides, to regulate the implementation of the Convention by states parties, Article 14(1) of the Convention tries to put on monitoring mechanism by establishing conference of states parties. However, this provision does not provide means of ensuring obedience as well as possible measures that is going to be taken on non-compliance of states parties. Though it is not satisfactory, the other monitoring mechanism provided under the Convention is to present reports every two years from the date the Convention comes into effect based on Article 62 of the African Charter on Human and Peoples' Rights.⁸⁴ Therefore, it is possible to conclude that, state reporting is the mere controlling mechanism under the Kampala Convention.

⁸⁰ Ibid, Article 5(1)

⁸¹ Ibid, Article 3(2, b)

⁸² Admasu (n.9) 40,122 and 117

⁸³ Kampala Convention Article 8(1and2)

⁸⁴ Ibid Article 14(4)

From the above analysis of institutional framework, we can conclude that, for severe situations facing IDPs in Africa, there must be strong institutional response vividly existing legal framework.

2.4. National Framework of Ethiopia

Ratification and domesticating the Kampala Convention requires states parties to take legislative reform as well as designation of institutional focal point.⁸⁵ As sovereign state, Ethiopia is required under international human rights treaties and other instruments, to provide for protection and assistance needs of internal displacement.⁸⁶

2.4.1. Normative Framework of Ethiopia

In response to internal displacement, state's national framework contains legislations, policies, strategies and action plans. Among these, national legislation is the key pillar of national framework which gives legal effect to rights, provides appropriate remedies and address institutional structure.⁸⁷ Besides the Kampala Convention which 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.

To observe international obligations and ensure better protection of IDP, designing specific IDP national law is significant.⁸⁸ In this regard, the government of Ethiopia has signed the Kampala Convention in 2009 and the House of People Representative (HoPR) has ratified this Convention on February 13, 2020, proclaiming as African Union Convention for the protection and assistance of IDPs in Africa ratification proclamation no.1187/2020.

Though, the Convention imposes obligation on states to devise legal framework for provision of compensation and reparation for IDPs, when the damage sustained as result of displacement as well as the duty to make reparation for IDPs when natural induced displacement resulted due to state abstention to protect and assist.⁸⁹ The government of Ethiopia however has made

⁸⁵ Ibid Article 3(2, a and b)

⁸⁶ UDHR Article 13 and ICCPR Article 12(1)

⁸⁷ Ibid (n.18) 39

⁸⁸ Ibid(n,29)37

⁸⁹ Kampala Convention, Article 12(2 and 3)

reservations, on obligation with regard to displacement by natural or manmade causes, with the exception of displacement resulted from expropriation, is only limited to provision of humanitarian assistance, securing rehabilitation as well as continuance of assistance to the person displaced as result of natural cause by holding the perpetrator accountable.⁹⁰ Due to such reservation person who are displaced as result of natural and CID are precluded from getting compensation and reparation for damaged incurred as a result of displacement.

Alongside, the above reservations, the government also entered 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 base in safeguarding the rights of IDPs throughout the country. This is also considered as a prominent step for country who has been struggling to address immense need of internal displacement in the country.⁹¹

The Convention also primarily stipulated obligations which need to be implemented by national government in all phases of displacement. As state party to the Kampala Convention, Ethiopia has a duty to implement these obligations. Accordingly, Article 3 of the Conventions requires states to integrate their obligations under the Convention into their national law through, endorsement or amending of the existing legislation to develop policy and other necessary measures on internal displacement. This implies that mere ratification of the Convention is not adequate enough to address the issue of IDPs comprehensively. Besides, Kampala Convention is not a self-executing instrument which requires domestication to make the rule justiciable. However, there is neither specific implementation legislation nor policy that is capable of putting the Kampala Convention to the desired purpose.

With regard to criminal responsibility, the Kampala Convention obliges state parties to hold individuals responsible for the criminal act of arbitrary displacement as well as armed groups for their acts of violation of the rights IDPs under national and international criminal law. Though, there are provisions under **Ethiopian Criminal law** that punish acts violating the rights of IDPs namely; act of homicide, rape and physical injury which are punishable under Article 539, 540, 553,620 and also criminalizes war crime, crime against humanity and genocide under Article 269

⁹⁰ Kampala Convention Ratification Proclamation, Article 3(1 a and b).

⁹¹ Enguday (n.8) 9

and 270 which are often committed during activity of arbitrary displacement. However, there is no single provision that penalizes arbitrary displacement. This gap limits the right of IDPs to get effective remedies.

The other national legislation that needs to be discussed is, the Constitution of **the Federal Democratic Republic of Ethiopia (the FDRE Constitution)** which is the supreme law of the country. The FDRE Constitution contains fundamental human rights provisions that could be applied to IDPs. These are the right to life, personal security as well as the right to protection against cruel and inhuman degrading treatment.⁹² This is also extended to the democratic right to freedom of movement and chooses his residence within the national boundaries of the country as well as protection against discrimination.⁹³ However, the constitution does not have detail legislation that could be able to enforce these provisions and ensure the right of IDPs.

With regard to natural and manmade disasters, the constitution under Article 89(3) obliges the government to prevent as well as to provide timely assistance to victims. However, these provisions are not supplemented by IDP specific legislation and policy for their enforcement and better protection of IDPs in the country.

Besides the above legislative framework, the amending **2013 National Policy and Strategy on Disaster Risk Management (DRM policy)** of Ethiopia, envisage a comprehensive policy framework for disaster risk management (DRM) measures. 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.’*⁹⁴ In particular, it has the objective to reduce and prevent disaster risk and vulnerability; save lives safeguard livelihoods and ensure provision of recovery and rehabilitation assistance; reduce reliance and expectations of support from relief agencies; and ensures that DRM is integrated into the development plans and implemented throughout all sector institutions.⁹⁵ The humanitarian assistance and rehabilitation aspects of such activities are

⁹² FDRE Constitution, Article 14, 15

⁹³ Ibid, Article 25, 32(1).

⁹⁴ The National Policy and Strategy on Disaster Risk Management, the Federal Democratic Republic of Ethiopia, July 2013, Addis Ababa, Article 2.3.1.

⁹⁵ Ibid, Article 2.3.2.

also applicable to protect and address the humanitarian situation IDPs.⁹⁶ However, DRM system is confined mainly on natural disaster response than that of manmade disaster/ Conflict, which is the main cause of displacement in the country.

Correspondingly, the National Disaster Risk Management Commission (NDRMC) establishment regulation no 363/2015 also define disaster grounds as *'Anything that is either natural or manmade hazardous occurrence, human movement or condition that can cause serious disaster, death, bodily injury...'*⁹⁷It is possible to infer that, this definition comprises the situation of IDPs. However, both policy and regulation of DRM do not address the issue of IDPs explicitly. Besides, DRM response system confined mainly on natural disaster than that of manmade disaster/ Conflict, which is the main causes of displacement nowadays.

The **Ethiopian Durable Solutions Initiative (DSI)**, developed and launched in 2019 is another instrument that aims to serve as a principled operational framework for crafting and implementing durable solutions to IDPs and the host community. The initiative also aims to collaborate and guide all concerned partners on durable solutions in the country.⁹⁸ Hence, its applicability confined to post-displacement phase, which is mainly targeting provision of lasting solutions to IDPs.

The DSI is designed based on international standards including GP and the IASC Framework on Durable Solutions for IDPs⁹⁹comprising of key guiding principles of return, reintegration and resettlement. This includes obtaining of advanced informed and voluntary consent of IDPs besides actively engaging IDPs in the planning and decision making process.¹⁰⁰

More importantly, DSI envisaged location specific activities in finding durable solutions to CID. I.e. capacitating local conflict resolution mechanism and support reconciliation activities; address challenges related to housing, land and property and also rendering justice for crime committed

⁹⁶ Enguday (n.8) 7

⁹⁷ National Disaster Risk Management Commission Establishment Council of Ministers Regulation, No. 363/2015, Federal Negarit Gazette 22nd Year No. 15,2015(NDRMC Regulation) Article 2(5).

⁹⁸ Ethiopia DSI (n.3)

⁹⁹ Ibid, 1

¹⁰⁰ Ibid

during displacement.¹⁰¹ This makes the instrument significant base in pursuing lasting solutions for CID.

Though the Kampala Convention serves as major guideline in response to internal displacement in the country, there is neither a legal nor policy framework that gives domestic effect to it. Thus, the existing national frameworks do not comprehensively respond effectively to the specific needs of IDPs.

2.4.2. Institutional Framework of Ethiopia

To mobilize multi-sectoral commitment in solutions to internal displacement, there should be a single institution which is established by the law with the mandate of coordinating different organs that are involved in protection and assistance giving for displaced persons which has the effect of creating permanency and effective protection and assistance of IDPs.¹⁰² There are different ways of establishing national authority. This could be, a government department or ministerial office; steering committee or task force that can implement national IDPs framework or setting up national focal point within the existing department.¹⁰³

In Ethiopia, several actors will be engaged in implementing IDP law, mainly, MoP, NDRMC, National Human Rights Institutions, Humanitarian and Civil Society Organizations.

2.4.2.1. National Disaster Risk Management Commission (NDRM)

To regulate and minimize the risk of disaster, the NDRMC established by Council of Ministers regulation no.363/2015 as a leading organ for managing and responding to disaster occurrences in particular, for natural and man-made induced displacement.¹⁰⁴In relation to institutional

¹⁰¹ Ibid,8

¹⁰² Ibid (n.28)52

¹⁰³ Ibid

¹⁰⁴ NDRMC Regulation no.363/2015, Article 6(5)

protection of IDPs in Ethiopia, the Commission involves in protection and assistance giving for people affected by disasters, including IDPs.¹⁰⁵

The NDRMC is also entrusted with the powers and duties, among others, to device, lead, and organize disasters responses; to monitor and evaluate disaster risk reduction, disaster response and rehabilitation programs of disaster victims in addition to the implementation of DRM policy and strategy.¹⁰⁶ Despite such an endeavor and practical involvement of the Commission in the issue of IDPs, there is no explicit provision of IDPs in the regulation.¹⁰⁷

Nationally, the Commission leads and direct studies and assessments conducted before, during, and after the disaster period including disaster risk forecaster in addition to managing the Federal Early Warning and Emergency Coordination Center and support the setting up of similar centers in lead sector institutions at Federal, Regional, Zonal and Woreda Administration levels, whenever necessary.¹⁰⁸

2.4.2.2. The Ministry of Peace

MoP established as one of the new executive organ with the major aim of promoting and bringing peace as well as preventing and resolving conflicts that are arising within the country.¹⁰⁹ Before this, the DRM policy assigned the Ministry of Federal Affairs as a leading institution, in relation to conflict-related hazards and associated disasters. However, as per Article 36(1) of the amending proclamation no.1097/2018, power and responsibility of Ministry of Federal Affairs and Pastoral Development shifted to MoP.¹¹⁰ Accordingly, the Ministry tasked, to devise and implement sustainable solutions to disputes and conflicts that may arise within Regional States in addition to provision of proper protection to citizens living in any part of the country in

¹⁰⁵ Mehari Taddele Maru, ‘Causes, Dynamics, and Consequences of Internal Displacement in Ethiopia’, (StiftungWissenschaft und Politik German Institute for International and Security Affairs, SWP Working Paper FG 8, 2017) 11.

¹⁰⁶ NDRMC Regulation No. 363/2015, Article 3,4and 5

¹⁰⁷ Wakagari (n.7) 46

¹⁰⁸ Regulation No. 363/2015, Article 10and11

¹⁰⁹ The definition of power and duties for the executive organs of Federal Democratic Republic of Ethiopia, Proclamation No.1097/2018, Federal Negarit Gazette, 25th Year No.8, Article 13(1)

¹¹⁰ Ibid, Article 36 (1).

cooperation with pertinent Regional Organs.¹¹¹ Moreover, it has the responsibility to conduct study that can identify the cause of factors for conflicts among communities, proposing recommendations, and implement same upon approval.¹¹²

On the other hand, MoP is also responsible to make the required preparations for natural and man-made disasters in addition to lead and follow up NDRMC.¹¹³ Beside this, the MoP is assigned as an implementing organ of the Kampala Convention with the responsibility to cooperate other relevant organs for the implementation and follow up of the Convention.¹¹⁴

2.4.2.3. National Human Rights Institutions

National Human Rights Institutions are particularly well placed in the protection of human rights and addressing IDPs at national levels. Specifically, they play significant role in recommending protection and assistance mechanisms of IDPs in relation to their human rights, legislation reform or amendments, identifying specific vulnerabilities and needs, report their assessment of the situation based on the data they gathered as well as advising the government in complying with its international human rights obligations and recommendations given by the treaty bodies.

¹¹⁵

Accordingly, the Ethiopian Human Rights Commission (EHRC) and the Ethiopian Institution of Ombudsman (EIO) were established as an autonomous organ of the Federal Government to play the role of "watch-dog" over the executive bodies of the state with regard to grievances related to the public sector as well as human rights violations committed against individuals.¹¹⁶

¹¹¹ Ibid, Article 13(1, b and q)

¹¹² Ibid, Article 13(1, g)

¹¹³ Ibid, Article 13(1, m)

¹¹⁴ Kampala Ratification Proclamation no.1187/2020, Article 4

¹¹⁵ Ibid (n.18) 46

¹¹⁶ Proclamation to amend the Ethiopian Human rights establishment proclamation no.1224/2020, Article 6 and Proclamation to amend Ethiopian Institution of the Ombudsman establishment proclamation no.1142/2019, Article 7(1and2)

2.4.2.4. National Humanitarian and Civil Society organizations

Local CSO and national humanitarian organs play critical roles in the promotion of humanitarian assistance and protection of IDPS.¹¹⁷ In this regard, the Ethiopian Human Rights Council (EHRCO) which is established with the objective of defending human rights,¹¹⁸ has been working as human rights monitoring and reporting organ in Ethiopia.¹¹⁹ Ethiopian Red Cross Society (ERCS) on the other hand also, mandated to provide humanitarian assistance to victims of natural and manmade disasters (including persons displaced as result of conflict) such as provision of emergency responses, family reunification, first aid as well as water and sanitation throughout Ethiopia.¹²⁰

Generally, the existing international, regional and national normative and institutional aspect which has prominent part in the protection and assistance of IDPs has been discussed in this chapter. The next chapter will be assessing whether or not the normative aspects are implemented by national and international actors, so as to provide effective protection to IDPs.

¹¹⁷ Ibid (n.18) 48

¹¹⁸ The Ethiopian Human Rights Council, Memorandum of Association as its amended in June22,2016, Article 4

¹¹⁹ EHRCO, Available at:<<https://www.ecoi.net/en/source/11110.html>> accessed March 1, 2021

¹²⁰ Ethiopian Red Cross Society Re-Establishment Charter, Proclamation No.1067/2017, Federal Negarit Gazette, 24th Year No.23. Preamble and Article 3(2)

Chapter Three: Analysis of Institutional Implementation in Responding to IDPs in Ethiopia

3.1. Introduction

There needs to be robust institution, apart from the existence of comprehensive normative framework, in order to addresses the actual and potential threat of IDPs as well as providing the necessary assistance and protection for IDPs. Thus, this chapter overviews the current situation of CID in Ethiopia and analyzes the existing institutional implementation in responding to IDPs within the country based on three phase process of internal displacement i.e. pre-displacement, during displacement and post-displacement stages. Though, the primary responsibility to prevent, protect and assist IDPs lies on the government, IOs, humanitarian agencies, international and local NGOs have their own responsibility in addressing the issues of internal displacement within the country.

3.2. The Current Situation of Conflict Induced Displacement in Ethiopia

According to the annual conflict and disaster displacement figures of Internal Displacement Monitoring Center (IDMC) CID has started to increase in number since 2017.¹²¹ CID is mainly caused by ethnic violence, border based disputes, rivalry for land and resource¹²²as well as armed attacks or conflicts.¹²³ For instance, conflict as a result of territorial border dispute between Somali and Oromo in 2017, dispute over land and resource between Gedio and Guji in 2018 and ethnic based attack by armed groups in West and East Wellega Zones of Oromia region starting from 2018,¹²⁴ the recurrent armed attacks in BGR from 2017 to 2021,¹²⁵ displacements occurred in North Shewa and Oromia Special Zones are the major areas in which CIDs occurs and millions of individuals are

¹²¹IDMC, Ethiopia: Country Information, (1 January-31 December) Available at< <https://www.internal-displacement.org/countries/ethiopia>> accessed July 4, 2021

¹²² DTM Ethiopia (n.5)

¹²³ IDMC (n.121)

¹²⁴ DTM Ethiopia (n.5)

¹²⁵ OCHA, Ethiopia: BenishangulGumuz Region Flash Update p.1(January 6, 2021)

<<https://reliefweb.int/report/ethiopia/ethiopia-benishangul-gumuz-region-flash-update-6-january-2021>> accessed July 5, 2021

internally displaced. The internal displacement occurred in Tigray Regional State due to the armed conflict between the Federal government and Tigray Regional State is also notable.¹²⁶ CID becomes the main cause of internal displacement in the country.

3.3. Institutional Response at Pre-displacement stage

Priority should be given to measures of prevention in order to eradicate or minimize the atrocity of internal displacement. Thus, at pre-displacement phase, prior measures of protection have to be taken place against arbitrary displacement. Kampala Convention which becomes the integral law of the country dispensed various obligations to different stakeholders; however, government holds the primary responsibility of preventing internal displacement and providing protection and durable solutions for IDPs.¹²⁷ Article 4 of the Kampala Convention imposes obligation on states to respect their international obligations of human rights and humanitarian law by preventing and avoiding conditions that might lead to arbitrary displacement of persons. It imposes three-fold obligation on states to refrain from, prohibit and prevent arbitrary displacement.¹²⁸ To implement its preventive obligation, state should, among others, apply EWS in potential displacement areas.¹²⁹

3.3.1. The Role of Ministry of Peace

The Ministry of Peace (MoP) is designated as implementing organ of the Convention in collaboration with concerned agencies.¹³⁰ Thus, it has performed various activities in relation to internal displacement. The Ministry is also assigned with the responsibility to devise and implement sustainable solutions to disputes and conflicts that may arise within regional states in addition to provision of proper protection to citizens living in any part of the country in cooperation with pertinent regional organs.¹³¹ To execute this obligation, the ministry has five major directorates; these are conflict early warning directorate; durable

¹²⁶ DTM Ethiopia; Emergency Site Assessment: Northern Ethiopia Crisis 4 Data Collection: 2 - 23 March 2021 (April 2021), Available at <<https://reliefweb.int/report/ethiopia/emergency-site-assessment-northern-ethiopia-crisis-4-data-collection-2-23-march-2021>> accessed May 14, 2021) 1

¹²⁷ Kampala Convention Article 3, 4, 5 and 9

¹²⁸ Ibid Article 3(1, a)

¹²⁹ Ibid Article 4(2)

¹³⁰ Kampala ratification proclamation 1187/2020, Article 4

¹³¹ Proclamation No.1097/2018(n.110), Article 13(1, b and q)

solutions for conflict directorate; law enforcement directorate; crime monitoring and controlling directorate; and peace value mentoring and national consensus directorate.¹³²

With regard to prevention of internal displacement, conflict early warning directorate provides early warning before the occurrences of conflict when there is indicator of conflict by analyzing and interpreting data collected by field officers and shared by members of the community at root level i.e. Kebele.¹³³ In this regard, a system called situational room is designed and is operating at pilot stage in Gambela, Oromia, Somali, and Southern nations and nationalities, Harerge, Dire Dawa and Addis Ababa. A situational room is an electronically networked system that enables any person to share information by using the system link. Besides, information gathered through free phone calls and short messages will be registered in the data system. Occurrence and indicators of incidents will be gathered through free phone calls and short messages on daily basis, then this information will be registered in networked database system, the next step is analyzing this information in the data analyzing room. Once this information is gathered, there will be meeting led by Minister D'état of MoP on regular basis to discuss on the findings. By using this system, preventive measures have been taken in various areas of the country by addressing conflicting issues that were likely to lead to internal displacement within the country.¹³⁴ However, resolved conflicting issues will not oftentimes be revealed to the public due to sensitivity of the issue and to avoid further escalations of the matter.¹³⁵ Despite this, CIDs are recurrently occurring in the country. This is because EWS by itself is not enough. And there has to be early response mechanism which requires its own organization and structure.¹³⁶

The large magnitude of conflict and the resulting internal displacement Ethiopia has experienced for the past three years makes the issue unprecedented phenomenon in the

¹³² Interview with Mingistu Abera, Crime Monitoring and Controlling Director at MoP, (Addis Ababa, June 9,2020)

¹³³ Ibid

¹³⁴ Ibid

¹³⁵ Ibid

¹³⁶ Interview with Megbaru Ayalew, Conflict Early Warning and Durable Solutions Director at MoP, (Addis Ababa, June 8, 2020).

country within a short period of time.¹³⁷ Due concern should be given for establishing similar centers all over the country to reinforce the early response mechanism.

Peace value mentoring and national consensus is the other directorate of MoP that works on prevention of CID, which carries out awareness creation and sensitization activities to ensure the peace and security of the country as well as developing national consensus on pressing national matters.¹³⁸ Regarding this, MoP has been conducting participatory and continuous dialogue with the community and religious leaders, elders and intellects on how to live in coexistence in multiethnic federalism in various areas of the country.¹³⁹ Though, displacement caused by conflict continues to break out in different places of the country as it takes relatively longer time to see the outcome of these kinds of activities.¹⁴⁰

Transforming the thought of the community through peace building education and dialogue is another means of preventing and eradicating the root cause of CID, however, it is a progressive realization process that requires the involvement of all citizens.¹⁴¹

Law enforcement organs do also have the responsibility to maintain public order and peace; prevent and investigate any threat and acts of crime to ensure the respect of rule of law in the country.¹⁴² Maintaining law and order is one of the most effective means for respect of and protection of human and democratic rights of citizens living in the country. However, it has been reported that the regional administration office and special regional forces are involved in the internal displacement and commission of human rights violations.¹⁴³

Accordingly, the Ministry needs to work in coordination with relevant organs especially with federal and regional law enforcement agencies to prevent displacement of citizens

¹³⁷ Ibid

¹³⁸ Mingistu (n.132)

¹³⁹ Ibid

¹⁴⁰ Ibid

¹⁴¹ Megbaru (n.136)

¹⁴² FDRE Constitution, Article 52(2, g) and Ethiopian Federal Police Commission Establishment Proclamation No. 720/2011, Federal Negarit Gazette, 18th Year No.8, Article 6(1)

¹⁴³ Interview with Temsegen Abate, IDPs displaced from Wellega (OromiaRegion) ; Abdinur Ali and Yisak Guya, IDPs displaced from Somali Region (Interviewed on phone, June12,2021)

living in any part of the country and securing their safety besides its activity of public awareness and peace dialogue. Moreover, MoP is given the power to oversee the National Intelligence Security; Federal Police and NDRMC as well as the responsibility to work with relevant federal and regional state government organs for safeguarding and maintaining public order.¹⁴⁴ Thus, MoP needs to be able to use this power to discharge its responsibility of preventing conflict (which is the main cause for internal displacement) and protecting citizens who live in different parts of the country.

3.3.2. The Role of Human Rights Advocacy Institutions

Various human rights violations are committed against IDPs during CID.¹⁴⁵ Along with this, human rights institutions have prominent role in educating the public and state organs about human rights of IDPs as well as engaging in human rights advocacy to prevent internal displacements.¹⁴⁶ This has the purpose of creating society and government organs that respect and demand the enforcement of human rights. This also helps the government to discharge its human rights and humanitarian law obligation by preventing grounds that might result in arbitrary displacement.¹⁴⁷

With regard to this, the Ethiopian Human Rights Commission (EHRC) which is established with the objective of, among others, creating public awareness for ensuring respect and protection of human rights in the country¹⁴⁸ has undertaken institutional reform with the aim of strengthening the institution and building its capacity to execute its mandates.¹⁴⁹ EHRC has established a separate department which is mandated to work on the right of IDPs, refugees and migrants. This department engages itself in human rights advocacy to

¹⁴⁴ Proclamation 1097/2018, Article 13(1, a i, j and m)

¹⁴⁵US Department of State, 2020 Country Reports on Human Rights Practices: Ethiopia, Available at <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/ethiopia/> accessed June 20,2021 ; EHRCO Urgent press release on Metekel case on December 24 &25, 2020; and EHRC investigation report on the human right violation committed following the death of Artist Hachalu Hundessa, 2020.

¹⁴⁶ EHRC Amendment Proclamation no.1224/2020, Article 6(1and2) and EHRCO Memorandum of Association as its amended in June22,2016, Article 4

¹⁴⁷ Kampala Convention, Article 4(1)

¹⁴⁸ EHRC Amendment proclamation 1224/2020, Article 2

¹⁴⁹ Ibid, Preamble

improve protection and respect to the human rights of IDPs.¹⁵⁰ This initiative indicates that the Commission gives attention to the issues of IDPs. However, as it is a newly established department with limited manpower, awareness creation on human rights of the internally displaced, which is one part of preventing internal displacement has not yet been done.¹⁵¹ The Commission is rather mainly engaged in monitoring the human rights conditions of IDPs in various areas of the country. Nevertheless, lack of awareness about the Kampala Convention among concerned governmental officials and lower level administrative officials as well as the host community cause implementation challenges in provision of protection and assistance to IDPs.¹⁵²

The Commission is also mandated to undertake investigation of human rights violations and monitor the human rights situation in the country.¹⁵³ For instance, this year, EHRC in coordination with Office of the High Commissioner for Human Rights (OHCHR) have conducted joint human rights monitoring in five displacement affected areas in the country.¹⁵⁴ Then the findings of the assessments and recommendations have been submitted to the regional government authorities to address the root causes of displacement.¹⁵⁵

The other institution that acts on IDPs from the perspective of human rights advocacy is the Ethiopian Human Rights Council (EHRCO) which is engaged in activities of human rights advocacy, provision of human right awareness creation to different stakeholders to ensure protection of human rights and also releasing human rights reports after conducting human rights condition investigations in various areas of the country.¹⁵⁶ EHRCO operates in seven areas of the country through its branch offices and head office in Addis Ababa.¹⁵⁷

¹⁵⁰ Interview with Enguday Meskele, Senior Advisor for Refugees, IDPs and Migrants Department at Ethiopian Human Rights Commission, (Addis Ababa, June 8, 2021).

¹⁵¹ Ibid

¹⁵² Interview with Meba Teklewold, Field Officer in West and East Wellega at UNHCR (Addis Ababa, May 17, 2021).

¹⁵³ EHRC Amendment proclamation 1224/2020, Article 6(4,11,12 and13)

¹⁵⁴ Interview with Girmaye Negash, Human Rights Monitoring Officer at Ethiopian Human Rights Commission, (Addis Ababa, May 19, 2021).

¹⁵⁵ Interview with H.A., (Addis Ababa, May 20,2021)

¹⁵⁶ EHRCO Memorandum of Association , Article 4

¹⁵⁷ Ethiopian Human Rights Council Available at <<https://ehrc.org/>> accessed May 30,2021

For instance, the Council has undertaken human rights violations investigations in Metekel, Gedio, Ataye and Oromia region following the occurrences of internal displacement in these places.¹⁵⁸ The council uses three types of reporting mechanisms. These are press releases, special reports and annual reports. Press release is used to disclose EHRCO's position on specific matters. Special reports release the commission of gross and recurrent violation of human rights to relevant organs including media by requiring immediate actions of the government in bringing about accountability to offenders. Annual report is released once in a year about the human rights situation in the country.¹⁵⁹

Investigation reports along with recommendations have, for instance, been submitted to the concerned organs i.e. EHRC, MoP, Federal Attorney General, HoP and IOs despite lack of response from these organs.¹⁶⁰ This engagement shows that EHRCO, as a human rights advocacy institution, is implementing its obligation in alerting and pressing the government to fulfill its human rights obligation, in preventing the incident of CID as well as protection of IDPs.¹⁶¹

At pre-displacement stage, these human rights institutions play soft role which includes educating the public not to engage in human right violation activities, educating security forces and officials of state organs to provide protection without discrimination and alerting the government to take all necessary actions on issues that might lead to displacements and violations of human rights.

Hence there has to be awareness and same level of understanding that IDPs are holders of rights in order to safeguard and advocate for the rights of IDPs. Awareness creation to states organs, different associations and host communities as well as IDPs themselves is decisive to ensure the prevention of internal displacement and implementation of the Kampala Convention in general. Human rights advocacy institutions need to intensively work in the awareness creation by integrating relevant stakeholders to fill the existing gaps in this regard.

¹⁵⁸ Interview with Dan Yirga, Executive Director at Ethiopian Human Rights Council, (Addis Ababa, May 31,2021)

¹⁵⁹ Ibid

¹⁶⁰ Ibid

¹⁶¹ Ibid

3.4. Institutional Response During Internal Displacement

Once internal displacement has occurred, provision of protection and humanitarian assistance is essential along with finding a solution to the root causes of displacement.¹⁶² The concerned state needs to ask the support of IOs, humanitarian agencies, CSOs and other relevant actors when it is unable to provide adequate protection and assistance to IDPs.¹⁶³ In this regard, the Kampala Convention enumerates the role and responsibility of state parties as well as IOs and Humanitarian Agencies, by envisaging the state as primary responsibility bearer to safeguard and give humanitarian assistance to IDPs.¹⁶⁴ The concerned state is also charged with the responsibility to undertake needs and vulnerabilities assessment of IDPs,¹⁶⁵ coordinate humanitarian relief actions and safeguard security as well as facilitate situations for local and IOs and humanitarian agencies, CSOs and other pertinent actors to provide protection and assistance to IDPs.¹⁶⁶ Hence, as a state party to the Kampala Convention, it is the responsibility of the Ethiopian government to work in coordination with concerned organs to provide humanitarian assistance to displaced persons.

3.4.1. The Role of Ministry of Peace (MoP)

MoP, as a designated coordination organ for the implementation of the Kampala Convention, works in collaboration with relevant governmental and non-governmental bodies to enable and ensure protection as well as organizing humanitarian relief actions for IDPs. This is in addition to its responsibility to follow up NDRMC.¹⁶⁷ Related to this, MoP in collaboration with relevant organs works to ensure the implementation of rights guaranteed under the FDRE Constitution. This includes the right to be treated equally without any discrimination on the ground of race, nation, nationality, color, religion, etc.¹⁶⁸ in any part of the country; the right to liberty of movement and autonomy to choose

¹⁶² Ibid (n.29) 18

¹⁶³ Kampala Convention 5(6)

¹⁶⁴ Ibid Article 5(1), and 6

¹⁶⁵ Ibid Article 5(5)

¹⁶⁶ Ibid Article 5(7)

¹⁶⁷ The Kampala Ratification Proclamation no.1187/2020, Article 4

¹⁶⁸ FDRE Constitution Article 25

residence,¹⁶⁹ and the right to own property in any part of the country.¹⁷⁰ In this regard, the Law Enforcement Directorate at MoP is working on to ensure the prevalence of rule of law and monitor the proper implementation of the law in all the regions of the country.¹⁷¹ When these constitutionally guaranteed rights and rights of IDPs recognized in the Kampala Convention are infringed, this directorate provides legal and political recommendations to the concerned organs.¹⁷² However, interviews with IDPs revealed that they are displaced because of their ethnicity.¹⁷³ Reports issued by various organs also indicate that citizens in various areas of the country have been displaced on the ground of their color and ethnicity.¹⁷⁴ Several regional constitutions are also considered as causes for CID. For instance, the constitution of BGR discriminates citizens who do not belong to the five indigenous groups of the region.¹⁷⁵

However, though this contravenes the FDRE constitution, there have not been measures taken to correct such law. Alongside MoP, House of Federation in its power to entertain constitutionality of state laws as well as constitutional disputes according to Article 83 and 84(2) of FDRE constitution need to discharge their responsibility to correct unconstitutional act of any region in the country.

In regard to this, though it is controversial, there is a prominent case where HF ruled that National Election Board of Ethiopia decision unconstitutional for prohibitions of candidates from Amhara, Oromo and Tigray nationalities in BGR from participating in Zonal election for the regional council because of their inability to speak one of the five languages of the indigenous groups and declared Article 38 of Proclamation

¹⁶⁹ Ibid Article 32(1)

¹⁷⁰ Ibid Article 40(1)

¹⁷¹ Interview with Mengistu Abera (n.132)

¹⁷² Ibid

¹⁷³ Interview with Eshetu Tegen and A.M., IDPs displaced from Metekel(BGR) and A.W. displaced from Jawa Oromia Special Zone (Interviewed on Phone June 17,2021)

¹⁷⁴ OCHA(n.1); EIO monitoring report on humanitarian condition of IDPs displaced from Metekel, (January21,2021) and EHRCO urgent press release on Metekel case on (Dec25,2020)

¹⁷⁵ Benishangul Gumuz Regional Constitution (Approved on December 2,2002), Article 2

no.111/1995¹⁷⁶ constitutional, which requires to know the official language of the region to be eligible for candidacy.¹⁷⁷

3.4.2. The Role of National Disaster Risk Management Commission- NDRMC

NDRMC, which is accountable to MoP, is a focal governmental body charged with the responsibility to provide humanitarian assistance to IDPs by giving emergency responses in coordination with relevant bodies.¹⁷⁸ According to NDRMC establishment regulation no. 363/2013 Article 2(5), natural or manmade hazardous occurrences that cause death, bodily injury and loss of basic income etc. are considered as grounds of disaster. Thus, NDRMC views the issue of internal displacement from the perspective of disaster and internal displacement caused by conflict falls under the category of manmade disaster. When the occurrence of a disaster is beyond the capacity of the designated organs, NDRMC leads, coordinates and provides emergency responses such as food, NFI and service to protect victims' livelihood.¹⁷⁹

Given the fact that CID has become a national concern (and conflict is considered as a hazard¹⁸⁰ by NDRMC), NDRMC, besides its national treasure, mobilizes resource from domestic and international sources¹⁸¹ and make use of the collected resource, as well as following up the proper utilization of allocated resources.¹⁸² However, the provision of humanitarian assistance is based mainly on the capacity of the country and currently, the issue of internal displacement becomes beyond the capability of the country.¹⁸³

¹⁷⁶ Proclamation to make the Electoral Law of Ethiopia conforms with the Constitution of the Federal Democratic Republic of Ethiopia No. 111/1995, Negarit Gazeta, 54th Year, No. 9, 23 February 1995.

¹⁷⁷ HoF Decision on 'Constitutional Dispute Concerning the Right to Elect and be Elected in Benishangul Gumuz Regional State', Megabit 5, 1995 E.C (March 13, 2003)

¹⁷⁸ NDRMC Regulation no.363/2015, Article 6(5)

¹⁷⁹ Ibid

¹⁸⁰ Interview with Tadesse Bekele, Advisor to National Disaster Risk Management Commissioner, (June 2, 2021, Addis Ababa)

¹⁸¹ NDRMC Regulation no.363/2015, Article 9(7)

¹⁸² Ibid, Article 6(14) and 9(9)

¹⁸³ Interview with Demsue Shumye, Respond and Monitoring Department Senior Expert at National Disaster Risk Management Commission, May 27, 2021, Addis Ababa)

Moreover, in order to provide humanitarian assistance for IDPs throughout the country, there are also regional DRM bureaus which are decentralized at the Zone, Wereda and Kebele levels.¹⁸⁴ However, most of them lack structural uniformity, qualified human power and necessary resources.¹⁸⁵ NDRMC intervenes when it is beyond the regional state's capacity to provide response to IDPs found in the concerned region. Since NDRMC is assigned to coordinate, monitor, and provide proper support to designated sector institutions which include both federal and regional government offices with respect to activities carried out by the designated sector institutions, it should endeavor to strengthen the capacity of regional DRM bureaus.¹⁸⁶

Though the Commission is mandated with the aim to provide appropriate and timely response, the Commission encountered a challenge to provide adequate response due to a huge number of IDPs. Interview with several IDPs sheltered in Shewa Robit and Chagni which is located in Amhara region shows that the government used to provide them 1kg wheat per person for three months, but it has been three months since they get even such assistance until the date this data has been collected. In terms of consulting and involving IDPs in the protection and assistance decision, IDPs interviewed from Chagni said there has been continuous discussion and consultation both from federal and regional governmental organs that they are able to get pure water and medical care though they are unable to buy medicines that are ordered by medical centers. IDPs interviewed from Shewa Robit also stated that they have been receiving assistance mainly from NDRMC, Debre Berhane University and host community; however, they asserted that there is shortage of basic services like food, shelter, water, sanitation materials and medicine. As result of this, situations have been facilitated by government so that IDPs that are youths engage in various works to sustain their daily livelihood.¹⁸⁷ In relation to this, infants and mothers

¹⁸⁴ Ibid

¹⁸⁵ Mingizem Maru, National Program Officer of Emergency and Post-Crisis at IOM (May 24,2021, Addis Ababa)

¹⁸⁶ NDRMC Regulation no.363/2015, Article 4(2)

¹⁸⁷ Interview with A.W and B.G, IDPs displace from Jawa and sheltered in Shewa Robit (Interviewed on phone June23,2021)

have separated shelters but elderly IDPs especially with diabetic, blood pressure and other diseases are not getting medical treatment.¹⁸⁸

It is, therefore, evident that the NDRMC needs to collect resources from domestic as well as international community to be able to adequately respond to the needs of IDPs in the country.¹⁸⁹ It should be noted that this will be in compliance with the Kampala Convention that requires states to seek the assistance of IOs, humanitarian agencies, CSO and other relevant organs when they are incapable of providing the necessary protection and humanitarian assistance. However, the support from these international humanitarian agencies is not easily accessible due to limited resources and emergency nature of the matters since (conversely it takes time to raise funds from donors).¹⁹⁰

Besides, NDRMC is designated as national center for DRM information and also to support regional bureaus in establishing the same as reliable data recording is an important factor for proper provision of protection and humanitarian assistance to IDPs.¹⁹¹

In this regard, NDRMC has been undertaking joint assessment of situations of IDPs in collaboration with regional DRM and IOM.¹⁹² Once the assessment is finalized, it has to be approved by NDRMC before it is released in Displacement Tracking Matrix (DTM) which is an internal displacement data recording system that has been activated in 2016 and contains data related to internal displacement and returnees, based on site assessment undertaken every two months.¹⁹³ Though DTM data is utilized to notify humanitarian situations of the IDPs,¹⁹⁴ this data is not full-fledged since it does not cover areas that have security issues.¹⁹⁵

Lack of proper data recording system as well as maladministration in the lower levels of regional DRM bureaus have been raised as problem for proper provision of assistance to

¹⁸⁸ Ibid

¹⁸⁹ NDRMC Regulation Article 6(13) and 9(7)

¹⁹⁰ Interview with Mingizem (n.185)

¹⁹¹ NDRMC Regulation Article 6(12)

¹⁹² Interview with Tadesse (n.180) and Mingize (n.185)

¹⁹³ DTM, Ethiopia,(May 21,2021) Available at <<https://dtm.iom.int/ethiopia>>accessed July 4, 2021

¹⁹⁴ Ibid

¹⁹⁵ Interview with Tadesse (n.180) and Mingize (n.185)

IDPs that are found in different regions of the country.¹⁹⁶ As a result of this, NDRMC will verify the appropriateness of the information before providing the requested emergency relief.¹⁹⁷ In this regard, appropriate capacity building work should be given to regional DRM bureaus.

It is noteworthy that according to Article 13(1) of the Kampala Convention, it is the duty of the government to keep up to date recordings of all IDPs within its territory. But it is difficult to verify the implementation of this commitment in Ethiopia since the information is not accessible to the general public due to confidentiality issues. Thus, accessible and all-inclusive national data recording system is vital for effective provision of protection and assistance to IDPs.

3.4.3. The Role of International and National Human Rights Institutions

Once IDPs are displaced, their right to life, bodily integrity, and ownership right on house, land and property (HLP) as well as the right to vote and to be elected will be at stake. Most of IDPs are not able to get HLP and exercise their voting right in displaced areas. The main task of international and national human rights institutions is to monitor, investigate, report, advocate and advice the government as to the situation of vulnerable groups including IDPs.

In this regard, OHCHR is tasked to monitor, investigate and report the human rights conditions of IDPs.¹⁹⁸ Accordingly, OHCHR set up field officers in Nekemet, Gonder, Somali, Negelle Borena and Tigray, and undertakes human rights monitoring and investigation in collaboration with EHRC.¹⁹⁹ Then the investigation report will be submitted to the concerned government authority to take the necessary and corrective measures on the human rights conditions of IDPs in their area of administration.²⁰⁰ Moreover, to ensure the right to vote and to be elected, EHRC manages to advocate and

¹⁹⁶ Interview with Meba, (n.152)

¹⁹⁷ Interview with Demsu (n.183)

¹⁹⁸ IASC Guidance(n,68) 30

¹⁹⁹ Interview with E.A., (Addis Ababa, May 14,2021)

²⁰⁰ Ibid

succeed for issuance of directive no.13/2021²⁰¹ that enables the establishment of special poll station for IDPs.

The joint monitoring and advocacy work of OHCHR and EHRC is a great initiative to safeguard the right of vulnerable groups including IDPs. This effort needs to continue in other areas of the country where displacement could potentially occur.

Similarly, the Ethiopian Institution of Ombudsman (EIO) is charged with responsibility to supervise, investigate and take appropriate measures when the decision or the conduct of the executive organs contravenes the constitutional rights of citizens.²⁰² Interview with IDPs that are displaced from Metekel and Shewa Robit, shows that regional and zonal administrative officers have been involved in causing the displacement.²⁰³ Following the internal displacement occurred in Metekel, Shewa Robit etc. EIO investigated and monitored the situation of IDPs and submitted report with its recommendation to HPR and concerned regional administrators.²⁰⁴ In spite of this, the institution has not so far taken any administrative measures on those administrative officers who contravene constitutional rights of citizens by causing the displacement through their decision or conduct. Despite such effort, awareness creation and advocacy work by the concerned international and national human rights institutions and CSOs to ensure and safeguard the rights of IDPs are not strong enough when compared with the current pressing situations of internal displacement in the country which requires larger attention.

3.4.4. The Role of Ethiopian Red Cross Society and International Committee of the Red Cross

The Ethiopian Red Cross Society (ERCS) which is encompassed under ICRC is charged with the responsibility to provide humanitarian assistance to people (including IDPs) affected by armed conflict and generally, by natural and man-made disasters all over the country.²⁰⁵ ICRC is globally mandated to protect and assist IDPs that are affected by armed

²⁰¹ Interview with Enguday (n.150)

²⁰² EIO Amendment Proclamation no.1142/2019, Article 7(1and2)

²⁰³ Interview with A.M and Eshetu (n.173) and B.G.(n.187)

²⁰⁴ Interview with Adane Belay, Maladministration Protection Director at Ethiopian Institution of the Ombudsman (Addis Ababa, June 2,2021)

²⁰⁵ ERCS Proclamation No.1067/2017(n.121), Preamble and Article 3(2)

conflict and other situations of violence.²⁰⁶ Thus, ICRC's primary focus regarding the issue of IDPs is on conflict-induced IDPs. Accordingly, ICRC and ERCS conjointly have been providing humanitarian assistance in Tigray, Amhara and Afar regions.²⁰⁷ Interview with IDPs sheltered in Mekelle confirmed that they are able to get blankets, sleeping mats and soap from ICRC; however, they alleged that children are not getting supplementary food.²⁰⁸ It is therefore, evident that diverse needs of IDPs cannot be addressed with a single agency alone, thus collaborative effort and support of other humanitarian actors is also required in this regard.

Moreover, ICRC in cooperation with ERCS takes direct and immediate action in response to emergency situations, while at the same time promoting and advocating IHL, and serves as neutral agent to address humanitarian problems.²⁰⁹ ERCS, as mandated to provide humanitarian assistance to vulnerable groups within the country, it is oftentimes the organ that presents itself first to provide assistance to the needs of IDPs.²¹⁰ ERCS conducts a wide range of humanitarian assistance by delivering food items and NFI i.e. Food, water, sleeping mats, medication, and sanitization materials in Tigray, Amhara, BGR and SNNPR, based on need assessment conducted after displacement occurs.²¹¹ Besides, when there is resource shortage during displacement, ERCS organized the host community through its volunteers to provide assistance to IDPs though it takes time to mobilize resources.²¹² Although resource shortage is a challenging factor for provision of immediate assistance, ERCS enable to give direct and immediate response than other humanitarian actors, as it has volunteers at the community level.

²⁰⁶ IASC Guideline (n.68) 39

²⁰⁷ ICRC, Operational update on Ethiopia(September 7, 2021) Available at <<https://www.icrc.org/en/document/operational-update-ethiopia-shifting-frontlines-north-push-more-people-flee-their-homes>> accessed September 10, 2021

²⁰⁸ Interview with Berhan Tekel and Tesfa Geberu, IDPs sheltered in Mekelle (Phone interview, June 18,2021)

²⁰⁹ IASC Guidance (n.68)39

²¹⁰ Interview with Daniel Ayele, Disaster Preparedness and Response Head at ERCS, (Addis Ababa, June4,2021)

²¹¹ Ibid, and Conflict and Violence Induced Disaster Assessment Report, (January 2021) available at <https://www.redcrosseth.org/images/Publication/Press-Release_Jan-2021,> accessed June 10,2021

²¹² Interview with Daniel (n.210)

In addition, ICRC is also engaged on issues relating to IHL by supporting the regional process that leads to the adoption of the Kampala Convention in 2009 and its ratification by Ethiopia in 2020. Following ratification, ICRC is trying to support its implementation through awareness raising mechanisms as well as supporting the integration of the Convention into national laws.²¹³

Various instances of conflict, violations of IHL and IHRL give rise to the displacement of civilians. Accordingly, ICRC has been working to ensure that armed forces and groups become aware of the rules of war.²¹⁴ It also monitors compliance to ensure that violations are not repeated.²¹⁵ Hence, ERCS and ICRC need to strengthen their effort in this regard and discharge their responsibility in promotion of IHL in order to prevent its violation as well as following up its implementation for effective protection and assistance of IDPs who are displaced as a result of conflict within the Ethiopian territory.

3.4.5. The Role of International Organizations and Humanitarian Assistant Organs

Various IOs and humanitarian assistance organs have the responsibility to provide protection and assistance to IDPs in accordance with their mandate though it is concerned government which is the primary duty bearer in provision of protection and humanitarian assistance within its territory. Although IDPs are not clearly entitled to protection and assistance under international laws, the Kampala Convention under Article 6 set out the responsibility and role of IOs and humanitarian assistance organs for provision of protection and humanitarian assistance. These organs are expected to work in collaboration with and assist states in provision of protection and humanitarian assistance to IDPs.²¹⁶ Correspondingly, the Convention also gives recognition to international partners and impose obligation on states to respect the mandate of UN and IOs to render protection and assistance to IDPs. This obligation of states includes facilitating and ensuring safe passage

²¹³ Interview with T.M, (Addis Ababa, June 25,2021)

²¹⁴ ICRC, Ethiopia: Army officers discuss laws of armed conflict and international human rights standards Available at <<https://www.icrc.org/en/document/ethiopia-army-officers-discuss-laws-armed-conflict-international-human-rights-standards>> accessed June 26,2021

²¹⁵ Interview with T.M,(n.213)

²¹⁶ Kampala Convention ,Article 9(3)

of humanitarian assistance equipment and personnel to IDPs.²¹⁷

A. Office for the Coordination of Humanitarian Affairs (OCHA)

OCHA as responsible organ to coordinate humanitarian response, implement cluster lead system which is activated by IASC.²¹⁸ Correspondingly, Ethiopian government also has its own coordination mechanism which is named Emergency Coordination Center (ECC).

The ECC being established by NDRMC and it jointly works with OCHA.²¹⁹ ECC by comprising different governmental and nongovernmental organs has started to function in Somali and Oromia cases in 2017 and continued in Gedeo Guji case and now it has started to operate in Tigray case.²²⁰ This indicates that the cluster agency operates along with its government counterparts.

Moreover, OCHA solicits fund from donor countries and use it for provision of humanitarian assistance. However, the issue of internal displacement, in Ethiopia, has continued for the last four years and has caused resource shortage as well as taking lengthy time to get and mobilize the required fund.²²¹ This results in provision of insufficient humanitarian assistance since the humanitarian actors are occupied by working on one crisis after another crisis. OCHA has also been playing major role in collecting, analyzing and disseminating pertinent information about IDPs²²² which has great significance as long as proper protection and assistance of IDPs is concerned.

Besides, OCHA, based on the evidence it has collected and assessed, undertakes humanitarian advocacy and negotiation with government on behalf of humanitarian actors, in order to avoid obstacles for provision of humanitarian assistance to IDPs.²²³ Though the government is cooperative, there are areas of the country which are not accessible to

²¹⁷ Ibid Article5(3and7)

²¹⁸ Interview with B.Y(June 10,2021, Addis Ababa)

²¹⁹ Interview with Tadesse (n.180)

²²⁰ Interview with B.Y (n.218)

²²¹ Ibid

²²² OCHA, Ethiopia; available at <<https://www.unocha.org/ethiopia>>accessed September 2, 2020

²²³ Interview with B.Y (n.218)

humanitarian actors as result of security issue.²²⁴ In this regard, the government is required to exert effort to keep the areas safe and secured so as to provide humanitarian assistance to IDPs.

Moreover, in discharging its responsibility, OCHA must be guided by the principle of humanity, impartiality, neutrality, independence as well as respecting the national law of the country as it is enunciated under Article 6 of the Kampala Convention. However, the Ethiopian government alleged that OCHA has shown impartiality and it is misleading the international community about the situation in Tigray.²²⁵ Thus, OCHA should abide by the above four principles while undertaking its activities.

Despite there are the above iterations, OCHA plays prominent role in information management, humanitarian advocacy and coordination of humanitarian actors for provision of assistance by assessing the needs of IDPs.

B. United Nations High Commissioner for Refugees- UNHCR

UNHCR, as lead of the Protection Cluster, bears the prime responsibility for the protection of IDPs by guiding and supporting states, among others, on national IDP frameworks development.²²⁶ Accordingly, UNHCR has been playing immense role in legislative reform for protection of IDPs and exerted great endeavor for ratification of the Kampala Convention by Ethiopia government in collaboration with MoP, EHRC and other relevant partners.²²⁷ Moreover, it has been monitoring the humanitarian situation of IDPs in various areas of Ethiopia by partnering with relevant international NGOs and pertinent governmental organs. In this regard, for instance, IDPs settled in Gembi/West Wellega(Oromia region) confirmed that UNHCR has constructed shelters for IDPs displaced from Kamashi.²²⁸ In addition, UNHCR jointly works with national and regional

²²⁴ Ibid and Meba (n.152)

²²⁵ Addis standard (2021) News: Fed. Gov't Accuses OCHA of Misinformation; Discuss Conditions for Humanitarian Flights to Tigray Available at <https://addisstandard.com/news-fed-govt-accuses-ocha-of-misinformation-discuss-conditions-for-humanitarian-flights-to-tigray/>>accessed July 31, 2021

²²⁶ Ibid(n.18) 48

²²⁷ Interview with Wubrest Fantahun, Legal Officer at UNHCR, (Addis Ababa, May 31,2021)

²²⁸ Interview with Mamo Bulie , IDPs displaced from Kamashi (Interviewed on phone, June16,2021)

DRM bureaus and international partners in providing protection and assistance to IDPs.²²⁹ This shows that UNHCR supports the government in the legislative reform process as well as works on monitoring the humanitarian conditions and providing the required humanitarian assistance to IDPs.

Conversely, lack of coordination, neutral and appropriate data recording skill, and low level of awareness and understanding as to the needs for protection and assistance of IDPs create implementation challenges in regional DRM bureaus at Zonal and Wereda levels.²³⁰ Hence, to safeguard the right of IDPs and follow up the implementation of provision of humanitarian assistance, there needs to be adequate awareness from the respective government personnel, host communities and IDPs themselves. Thus, capacity building and awareness creation needs to be given to pertinent governmental organs, host community and IDPs in addition to the creation of accountable and neutral system at lower level administrations.

Besides, there are also some other bottlenecks which makes the UNHCR and its humanitarian partners are unable to render the required assistance²³¹ this is partly due to security issue in Wellega, Asosa and Metekel. In this regard, government has the obligation to guarantee security to humanitarian actors. Thus, government needs to exert effort to facilitate safe passage of humanitarian assistance to IDPs.

C. International Organization for Migration - IOM

In collaborative response, IOM has been assigned as cluster lead in providing shelter and it is also known for undertaking situation assessments, recording of IDPs and transporting humanitarian equipment's for IDPs.²³² Accordingly, IOM jointly operates with governmental agencies like NDRMC and regional DRM bureaus in registration and assessment of IDP situation.²³³ Obviously, to address the dire needs of IDPs, appropriate and accurate information about IDPs is required. In this regard, the role of IOM and NDRM (DTM of NDRM) in maintaining IDP data is significant for integrated and

²²⁹ Interview with Meba (n.152)

²³⁰ Ibid

²³¹ Ibid

²³² IASC Guidance (n.68)38

²³³ Interview with B.Y,(n.218)

collaborative humanitarian response for IDPs. In discharging this task, security issue is still a challenge.²³⁴ In such situations, IOM receives IDPs data from Zonal administrators in the area of displacement which includes numbers of IDPs; service and items required; and IDPs who require special care. Then need assessment and verification will be done.²³⁵ This kind of assessment is encouraging as special protection and prioritization should be given to IDPs with special needs according to Article 9(2, d) of the Kampala Convention.

However, shortage of resources from the side of humanitarian actors as well as government's unwillingness to acknowledge the existence of IDPs in some parts of the country are still challenging factors to provide immediate response to the needs of IDPs.²³⁶

In general, it is noteworthy that the issue of protection and humanitarian assistance to IDPs requires multi-sector involvement and integrated response both from governmental and non-governmental organs of protection and humanitarian actors, human rights institutions and development organs as well.

3.5. Institutional Response in post-displacement stage

IDPs should be able to lead sustainable livelihoods in the aftermath of displacement. This can be achieved by providing durable solutions to IDPs which is said to be attained when IDPs no longer seek assistance that is related to their displacement. In this regard, Ethiopian Durable Solutions Initiative (DSI) launched with the aim to collaborate and guide all concerned partners on durable solutions in the country.²³⁷ MoP, NDRMC, IOM and UN Resident Coordinators' Offices are designated as responsible organs to support the implementation of the DSI.²³⁸

Moreover, the Kampala Convention under article 11(1) obliges national governments to find durable solutions to IDPs through the creation of suitable conditions for voluntary return, reintegration and resettlement. Though it is mainly the responsibility of the government to create lasting solution to IDPs, according to Article 11(3) of the Kampala

²³⁴ Interview Mingezie(n.185)

²³⁵ Interview with Meba (n.152)

²³⁶ Interview with B.Y(n.218)

²³⁷ Ethiopia DSI (n.3)

²³⁸ Ibid,15

Convention, government should collaborate with IOs, humanitarian actors and CSOs in finding and implementing durable solutions to IDPs.

3.5.1. The Role of Ministry of Peace and National Disaster Risk Management Commission

The Ethiopian government has been undertaking different activities to return resettle and relocate IDPs. These include peacebuilding and reconciliation process among the conflicting parties, restoring justice to the victims, and reinstating the security of the area in coordination with relevant organs. Specifically, MoP works to ensure safety and security of IDPs situation; lead the political negotiation to facilitate return of IDPs and engage consultation of IDPs for providing sustainable solutions with support and coordination of concerned regional governments. This has been undertaken by deploying teams (composed of members from different institutions) in SNNP, Benishangul, and Amhara and Somali regions.²³⁹In relation to this, interviews with IDPs, who are reintegrated in Gembi and Negelle Borena stated that they are able to obtain shelters with the support of the regional government and IOs. However, they said they don't have any means to maintain their livelihood.²⁴⁰ Given this fact, it is impossible to say that durable solution is provided to IDPs without providing a means to restore and sustain their livelihood permanently.

Moreover, government has deployed command-post in Wellega, Metekel, North Shewa, South Wello and Oromia Special Zones with the view to safeguarding the security of the areas.²⁴¹ However, IDPs that have been displaced from Metekel and Oromia Special Zone areas said that, though the security of the area has been improved, intermittent killings still continue which makes IDPs fear to return to their former places. Similarly, at the time of conducting the interview, IDPs sheltered in Chagni/ BGR said that though government officials requested them to return, they are unwilling to return unless the security of the area is restored and perpetrators that cause the displacement are held accountable.²⁴² It is

²³⁹ Interview with Megabaru(n.136)

²⁴⁰ Interview with Mamo (n.228) and Interview with Abdinur Ali, IDPs integrated in Negele Borana (Interviewed on phone June16,2021)

²⁴¹Addis Standard (June 16, 2021) Analysis: Post-Violence Recovery in Oromo Special, North Shewa Zones, available at <<https://addisstandard.com/analysis-post-violence-recovery-in-oromo-special-north-shewa-zones-reel-as-thousands-remain-displaced/>>accessed June 30, 2021

²⁴² Interview with A.M and Eshetu (n.173)

also confirmed that government is returning IDPs that have been displaced because of conflict in Metekel, North Shewa and Oromia Special Zones despite requests from IDPs and humanitarian actors to ensure adherence to the principle of return,²⁴³ which has the effect of secondary displacement and humanitarian crisis.

Related to this, the regional government of Benishangul-Gumuz signed an agreement with unidentified group who is alleged to be the cause for mass-displacements in the region with aim of restoring the security of the region.²⁴⁴ However, if sustainable justice is needed some perpetrators of the crime including some officials of the region and others who seem to be untouched should be brought to justice and be punished accordingly. Reconciliation should be done within the community so as to enable them live together accommodating their differences. Thus, there has to be genuine peacebuilding and reconciliation that is inclusive of justice and accountability in order to give durable solutions for IDPs.

In this regard, the DSI contains specific activities that have major significance in facilitating voluntary, safe, and sustainable return, reintegration and relocation i.e. inviting IDPs to visit the area as well as reinforcing grassroots level conflict resolution and reconciliation.²⁴⁵ Accordingly, government should first restore the security of the area, make criminals accountable and then respect the right of IDPs to informed and voluntary decisions. Thus, government should be abided by the international principle of return which is safety, dignity, voluntariness and sustainability.

Similarly, NDRMC has a mandate to follow-up and cooperate rehabilitation projects of disaster victims and also the mandate to mobilize resources from international and domestic sources at the same time to ensure that such response is interconnected to development programmes²⁴⁶ in order to alleviate dependency on aid. Thus, providing durable solutions requires meeting the development assistance needs of IDPs.

²⁴³ OCHA; Ethiopia Humanitarian bulletin (July 2021), <<https://reliefweb.int/report/ethiopia/ethiopia-humanitarian-bulletin-issue-9-21-june-11-july-2021>> accessed August 2,2021

²⁴⁴ Addis Standard (2021) News: Benishangul-Gumuz Regional Government Appoints 25 Former Rebels in Different Positions, available at <<https://addisstandard.com/news-benishangul-gumuz-regional-government-appoints-25-former-rebels-in-different-positions/>> accessed July 10, 2021

²⁴⁵ Ethiopia DSI (n.3) 8

²⁴⁶ NDRM Regulation no.363/2015, Article 6(4 and 13) and 9(8)

With regard to providing durable solutions to IDPs, DSI has been launched in 2019 by MoP with a view to provide lasting solutions to IDPs. However, DSI has not started to be implemented due to lack of resources and reluctance from the side of IOs and humanitarian actors to provide fund for its implementation despite the promises they made before.²⁴⁷ Besides, allocation of fund by the United Nations (UN) for durable solutions is minimal when compared to funds provided to emergency response and assistance.²⁴⁸ However, there is an effort from IOM, ICRC and ERCS in construction of houses, provision of household equipment's, seeds and startup income that could enable IDPs to sustain their livelihood.²⁴⁹

In relation to this, according to ISAC guidance for implementing collaborative response to the situation of internal displacement issued in 2004, OCHA has been assigned to ensure linkage and coordination tasks to relevant government and developmental agencies. Though this has been in discussion for the last 20 years, it is not implemented.²⁵⁰ This indicates that both government and international actors mainly focus on emergency response than that of provision of lasting solutions to IDPs.

Hence, implementing DSI at national, regional and local levels require cooperative effort of both governmental and non-governmental organs to overcome resource shortage. So, the government specifically, MoP and NDRMC which are the responsible organs to support the implementation of DSI need to urge IOs and development actors to engage themselves and support the implementation of DSI as well as the Kampala Convention.

3.5.2. The Role of Federal Attorney General- FAG

Federal Attorney General as the main law enforcement agency in the country has been mandated to investigate and prosecute perpetrators that cause criminal acts which are the causes for CID i.e. killings, grave bodily injury, rape, property looting and destruction in various areas of the country.²⁵¹ Besides, FAG leads the investigation and prosecution of

²⁴⁷ Interview Taddress (n.180)

²⁴⁸ Interview with B.Y. (n.218)

²⁴⁹ Interview with Mengize (n.185)and Daniel(n.210)

²⁵⁰ Interview with B.Y (n.218)

²⁵¹ Federal Attorney General Establishment Proclamation no.943/2016, Federal Negarit Gazette, 22th Year No.62, Article 6(3)

such cases in partnership with Federal and Regional Police.²⁵² Moreover, as per Article 4(9) of the Federal Court Proclamation no.1234/2021, it is the federal court that has jurisdiction to entertain conflicts among different ethnic, religious and political groups.

In spite of this, the Criminal Code envisages neither the act of inflicting ethnic conflict nor arbitrary displacement and also crimes against humanity as crime. Most of such cases are being prosecuted based on Article 240(1) and (2) of the Criminal Code under the crime of rising civil war and participation thereof, though they don't fulfill the criminal elements. And criminal acts which are the causes for CID i.e. killings, torture, grave bodily injury, rape, homicide; property looting and destruction are charged based on the provisions that govern the specific crimes in collaboration with Article 32(1) whenever it is possible to distinguish the offenders.

In addition, various courts also have different stances on accepting the criminal law provisions on which the charges are based, for instance, Oromia regional Courts which entertain federal cases through delegation deny such kinds of charges by stating that they don't fulfill the requirements of Article 240 and changed the provisions to crimes of rioting under Article 488, whereas federal courts that see cases through mobile bench accept the charges. In addition, though most of ethnic conflict cases that cause displacements fall under crime of genocide in Article 269, it is not used practically because it is difficult to prove the mental intent.²⁵³ This shows that the existing Criminal Code does not adequately protect IDPs and enables to provide legal remedies to victims.

The government also has obligation under Article 3(1), (g) and (h) of the Kampala Convention to ensure individual responsibility and accountability of non-state actors for their acts of arbitrary displacement or participation thereof based on national or international criminal law. Article 7(4) of the Convention also requires members of armed groups to be held criminally liable for infringing the rights of IDPs under domestic and international law. Hence, as the Kampala Convention only set out general rules, it is

²⁵² Interview with Addisu Milkesa, the Federal public prosecutor of transitional crimes at the Federal Attorney General, (Addis Ababa, May 13, 2021).

²⁵³ Interview Bewuketue Temesgen, Federal public prosecutor of transitional crimes at the Federal Attorney General, (Addis Ababa, June 18, 2021)

necessary to issue detailed legislation that could enable bringing accountability and hold individuals and groups responsible for causing arbitrary displacement.

One of the main reasons why IDPs refuse to return to their homes is because of the fear that offenders might inflict attack again. IDPs displaced from Metekel, Wellega and Special Oromia Zone (Jawa and Qallue) revealed that they are displaced because of their ethnic identity and administrative authorities of the areas were reluctant to provide protection to them. They also alleged that regional government officials and regional Special Forces are also involved in acts of arbitrary displacement by the side of armed (rebel) groups.²⁵⁴ In this regard, some authorities who are involved directly and indirectly in the arbitrary displacement that causes mass destruction of property and loss of life are prosecuted, though, many of the cases were discontinued due to witness disappearance and lack of evidence, and there are still authorities which stay in power.²⁵⁵ This is evident from FAG 2013 E.C. annual report related to CID and crimes in that, for instance, in BGR/Kamashi Zone criminal charges have been opened on 643 persons and 543 of them did not appear in court; and in Jawi and Metekel area, criminal charges have been opened on 1737 persons and 1259 of them did not appear in court.

Though there is an effort undertaken by law enforcement organs like FAG to give legal remedies for rights violations committed on IDPs and bring about accountability on perpetrators, in most of the cases, the regional polices are unable or unwilling to get the perpetrators which lastly give rise to the continuation of the displacement. Thus, both federal and regional law enforcement organs need to take cooperative measures so that durable solutions could be provided for IDPs.

²⁵⁴ Interview with A.M and Eshetu (n.173); Temsegen (n.143), and Ahmed Mohammed, IDPs displaced from Oromia Special Zone (Amhara region), (Interviewed on phone, June 17, 2021)

²⁵⁵ Interview with Bewuketu (n.253)

Chapter Four

Conclusion and Recommendations

4.1. Conclusion

- To address the issue of internal displacement, the Ethiopian government has ratified the Kampala Convention, which is a big step forward to enable the country to have a legal framework. However, it has not started to be implemented and the government neither issued enabling legislation for its implementation nor develops a comprehensive policy. The Ethiopian Criminal Code also does not consider an act of arbitrary displacement and inflicting ethnic conflict as crime unless it is related to war crime. This causes practical challenge for prosecution and to give effective legal remedies to victims. Both **DRM policy** and strategy, and its respective regulation view the issue of internal displacement from the perspective of disaster and do not directly address internal displacement caused by conflict, though, the Commission practically renders humanitarian assistance to IDPs displaced due to conflict and has been designated as one of the responsible organs for the execution of DSI. This shows that there is still a gap. **Thus**, it's possible to say that the existing normative framework do not respond effectively to the problems of IDPs in Ethiopia.
- **With respect to institutional responses at the prevention phase**, MoP is given power and structural set up that would enable it to respond to CID in addition to its mandate to implement and coordinate the implementation of the Kampala Convention. Accordingly, MoP has started to establish EWS that is currently operating at pilot stage in seven areas of the country; undertaking peace dialogue within the community to prevent conflict. Despite such efforts, displacement caused by conflict continues to break out in various areas of the country. Lack of well-functioning countrywide EWS, lack of institutional experience, lack of all-inclusive peace dialogue and national consensus, and lack of strong coordination among pertinent organs are the major shortcomings of MoP to give effective prevention for CID as well as to implement the Kampala Convention. Therefore, MoP is not effectively responding at the preventive phase.
- To prevent arbitrary displacement which is caused by violation of human rights, both national and international human rights advocacy institutions play prominent role in

creating awareness to respect the human rights of vulnerable groups i.e. IDPs, which start with the promotion of the Kampala Convention to the wider public, concerned governmental and non-governmental organs. However, this has not been started yet, though internal displacement becomes a pressing issue of the country. These institutions mainly engage in monitoring the situation of IDPs and investigate the human rights violation committed during displacement. **Thus**, it is possible to conclude that institutions which have the mandate and prominent role to prevent CID are not effectively responding at prevention phases.

- **During displacement phase**, protection and timely, adequate and basic humanitarian assistance should be provided to IDPs. With regard to **humanitarian assistance**, NDRMC has been rendering humanitarian assistance to the people displaced in various areas of the regions when the issue become beyond regional capacity. Though there is an effort, the Commission encountered a resource shortage to give immediate and adequate assistance due to unprecedented occurrences of large scale CID in a short period of time. Therefore, NDRMC is not able to give adequate responses.
- Though there are security related problems and limited access to IDP sites, OCHA and IOM have been playing a predominant role in collecting, analyzing and disseminating pertinent information about IDPs; whereas the UNHCR has been able to exert great endeavour in legislative reform for the protection of IDPs and ratification of the Kampala Convention. ICRC has also been able to provide humanitarian assistance for civilians displaced because of armed conflict in the Tigray, Amhara and Afar regions. Hence, both humanitarian assistance and international organizations are effectively responding in protection and humanitarian assistance giving to IDPs during displacement phase.
- **Concerning protection**, though MoP is mandated with the responsibility to protect citizens living in any part of the country by safeguarding their constitutional rights in coordination with relevant organs, when there is violation of these rights, the only thing the MoP was able to do is to give legal and political recommendation to the concerned organs. However, this doesn't adequately protect citizens from displacement in various areas of the country because of their identity and the discriminatory laws of the regions. Moreover, administrative officials and law enforcement organs did not protect citizens neither from arbitrary displacement nor from the commission of various crimes against them. They mainly focus on punishing the offenders rather than working on prevention

and protection of arbitrary displacement. **Therefore**, MoP and law enforcement organs as well as the existing systems are not effectively protecting citizens that are living in various areas of the country.

- Both international and national human rights institutions have been undertaking various monitoring and advocacy work as to the conditions of IDPs; conducting human rights investigations; releasing press statements and submitting recommendations and advice as to the corrective measures that need to be taken by the concerned government organs. **So**, both international and national human rights institutions are effectively responding during the displacement phase.
- **Regarding institutional response in providing durable solutions after displacement**, the government is returning IDPs involuntarily without safeguarding their safety and security; without also undertaking genuine reconciliation at the grassroots level; giving effective legal remedies and establishing accountability. **Therefore**, MoP, NDRMC and FAG are not adequately responding in providing durable solutions to IDPs displaced due to conflict.
- Concerning DSI, it has not started to be implemented due to lack of resources and unwillingness from the side of IOs and development actors to give fund for its implementation, as promised. **Thus**, NDRM, MoP, IOM and UN resident office which are responsible organs for the implementation of DSI as well as humanitarian actors and developmental agencies are not responding effectively in the provision of durable solutions to IDPs. Both government and international actors mainly focus on emergency response than that of the provision of lasting solutions to IDPs.

4.2. Recommendations

The research recommends the following so as to give solution to the problems of IDPs in Ethiopia and enhance institutional response thereof.

- The government shall enact detailed implementation legislation and develop a comprehensive policy to make the Kampala Convention justiciable and operational in a way to bring institution, group and individual accountability; to assign responsibility among pertinent organs and to give effective legal remedies to IDPs.
- To prevent CID the government and more specifically, MoP in cooperation with relevant organs, shall undertake all-inclusive and continuous dialogue within the

community as well as work to bring political consensus among political power holders, opposition parties and other stakeholders.

- MoP should strengthen its capability and be in a capacity to operationalize EWS throughout the country especially in conflict prone areas. This should be supported by specialized experts of political science, law and federalism that could forecast the occurrence of conflict based on their expertise.
- CID requires multi-sector involvement; therefore, MoP as a focal institution for the implementation of the Kampala Convention should establish strong and accountable coordination mechanism among concerned organs by stating their specific responsibility in the implementation legislation. This should also be reinforced by designating one **separate department** within MoP with special expertise that could operate mainly on following up IDPs situations, advocate on the rights of IDPs, providing up-to-date information as well as forecast and prevent occurrences of internal displacement in partnership with relevant organs.
- Human rights advocacy institutions should be in such a capacity to create awareness about the rights of IDPs as were incorporated in the Kampala Convention. They shall do this within the community, at all governmental levels including law enforcement organs and to IDPs themselves in order to respect the rights and prevent violation against IDPs and facilitate its implementation.
- In order to provide timely and adequate humanitarian assistance to IDPs, the government should allocate separate budget that could administer the issue of IDPs. In the meantime the government should give attention to prevention, to minimize the humanitarian cost and suffering.
- Correspondingly, the government should create safe and secured passage of personnel and equipment of humanitarian actors by discharging its primary responsibility of ensuring peace and security throughout the country so that IDPs can get immediate and adequate humanitarian assistance.
- The MoP should be able to use its coordination role, to take strong measures for protecting citizens and ensuring existence of rule of law in the country. In this regard, the Ethiopian government should first discharge its primary responsibility of protecting citizens; **law enforcement organs** should protect citizens from arbitrary displacement and various criminal acts and regional states should also give legal recognition for the minority living in the various part of the country.

- Government, in giving durable solutions, should abide by international norms and principles of return, reintegration and relocation by providing effective legal remedies; conducting participatory peacebuilding and sincere reconciliation within the lower level of the community; providing durable political solution; providing basic service and ensuring security of the areas prone to conflict as well.
- Both NDRMC and MoP should mainstream DSI to the lower levels of concerned government organs; and encourage and create enabling environment for IOs and development actors to engage themselves in the implementation of DSI by integrating the issue of IDPs in their development programs.

In a nutshell, all concerned governmental and non-governmental organs should give due attention on prevention work and providing sustainable solutions to CID.

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2021)

- Interview with Adane Belay, Maladministration Protection Director at Ethiopian Institution of the Ombudsman (Addis Ababa, 2 June, 2021).
- Interview with Addisu Milkesa, the Federal public prosecutor of transitional crimes at the Federal Attorney General, (Addis Ababa, 13 May, 2021).
- Interview with Ahmed Mohammed, IDP displaced from Oromia Special Zone- Kello Kebele (Amhara region) and Oromia Special Zone-Arsuma kebele, (Interviewed on phone, 17 June, 2021)
- Interview with A.M, IDPs displaced from Metekel/ Benishangul Gumuz Region and Sheltered in Chagni/Amhara Region (Interviewed on Phone 17 June, 2021)
- Interview with A.W, IDP displaced from Jawa /Oromia Special Zone and sheltered in Shewa Robit town in North Shewa Zone of the Amhara Region (Interviewed on phone 23 June, 2021)
- Interview with Berhan Tekel, IDP displaced from Humera/Amhara Region and sheltered in Mekelle/Tigray Region (Interviewed on phone, 18 June, 2021)
- Interview Bewuketue Temesgen, Federal public prosecutor of transitional crimes at the Federal Attorney General, (Addis Ababa, 18 June, 2021)
- Interview with B.G, IDP displaced from Jawa /Oromia Special Zone and sheltered in Shewa Robit town in North Shewa Zone of the Amhara Region (Interviewed on phone 23 June, 2021)
- Interview with B.Y., Anonymous (Addis Ababa, June 10, 2021)
- Interview with Dan Yirga, Executive Director at Ethiopian Human Rights Council, (Addis Ababa, 31 May, 2021)
- Interview with Daniel Ayele, Disaster Preparedness and Response Head at Ethiopian Red Cross Society, (Addis Ababa, 4 June, 2021)
- Interview with Demsue Shumye, Respond and Monitoring Department Senior Expert at National Disaster Risk Management Commission, (Addis Ababa, 27 May, 2021)
- Interview with Demise Yalew, IDPs displaced from Wellega(Oromia Region) and currently sheltered in North Wollo/Amhara Region, 15 June,2021
- Interview with E.A., Anonymous (Addis Ababa, 14 May, 2021)

- Interview with Enguday Meskele, Senior Advisor for Refugees, IDPs and Migrants Department at Ethiopian Human Rights Commission, (Addis Ababa, 8 June, 2021).
- Interview with Eshetu Tegen, IDP displaced from Metekel/ Benishangul Gumuz Region and Sheltered in Chagni/Amhara Region (Interviewed on Phone 17 June, 2021)
- Interview with Girmaye Negash, Human Rights Monitoring Officer at Ethiopian Human Rights Commission, (Addis Ababa, 19 May 2021).
- Interview with H.A., Anonymous (Addis Ababa, 20 May, 2021)
- Interview with Mamo Buli, Displaced from Kamashi/ Benishangul Gumuz Region and integrated in Gembi/Oromia Region, (Interviewed on phone, 16 June, 2021)
- Interview with Meba Teklewold, Field officer in West and East Wellega at UNHCR (Addis Ababa, 17 May, 2021).
- Interview with Megbaru Ayalew, Conflict Early Warning and Durable Solution Director at MoP, (Addis Ababa, June 8, 2020).
- Interview with Mingizem Maru, National Program Officer of Emergency and Post-Crisis at IOM (Addis Ababa, 24 May, 2021)
- Interview with Mingistu Abera, Crime Monitoring and Controlling Director at MoP, (Addis Ababa, 9 June, 2020)
- Interview with Omer Abdi, IDPs displaced from Kello Kebele/ Oromia Special Zone- (Amhara region) and Oromia Special Zone-Arsuma kebele, (Interviewed on phone, June17, 2021)
- Interview with Tadesse Bekele, Advisor to National Disaster Risk Management Commissioner (Addis Ababa, 2 June, 2021)
- Interview with Tadesse Tassew, Maladministration Protection Senior Officer Directorate at Ethiopian Institution of the Ombudsman (Addis Ababa, 2 June, 2021).
- Interview with Tadelo Tesfaye, Human Rights Monitoring Officer at Ethiopian Human Rights Council, (Addis Ababa, 31 May, 2021)
- Interview with Temsegen Abate, IDPs displaced from Wellega(Oromia Region) and currently sheltered in North Wollo/Amhara Region 16 June,2021
- Interview with Tesfa Geberu, IDP displaced from Humera/Amhara Region and and sheltered in Mekelle/Tigray Region (Interviewed on phone, 18

June, 2021)

- Interview with T.M., Anonymous (Addis Ababa, June 25, 2021)
- Interview with Wubrest Fantahun, Legal Officer at UNHCR, (Addis Ababa, May 31, 2021)
- Interview with Yisak Guya, IDP displaced from Somali Region and currently integrated in Negele Borena/Oromia Region (Interviewed on phone, 12 June, 2021)

Annex-I

A. List of Key Informants

No	Respondent Name	Position	Date of Interview
1.	Adane Belay	Maladministration Protection Director at Ethiopian Institution of the Ombudsman	2 June, 2021
2.	Addisu Milkesa	Federal public Prosecutor of Transitional Crimes at the Federal Attorney General	13 May, 2021
3.	Bewuketue Temesgen,	Federal public Prosecutor of Transitional Crimes at the Federal Attorney General	18 June, 2021
4.	B.Y	Anonymous	10 June, 2021
5.	Dan Yirga,	Executive Director at Ethiopian Human Rights Council	31 May, 2021
6.	Daniel Ayele	Disaster Preparedness and Response Head at Ethiopian Red Cross Society	4 June, 2021
7.	Demsue Shumye	Respond and Monitoring Department Senior Expert at National Disaster Risk Management Commission	27 May, 2021
8.	E.A	Anonymous	14 May, 2021
9.	Enguday Meskele	Senior Advisor for Refugees, IDPs and Migrants Department at Ethiopian Human Rights Commission	8 June, 2021
10.	Girmaye Negash	Human Rights Monitoring Officer at Ethiopian Human Rights Commission	19 May 2021
11.	H.A	Anonymous	20 May, 2021
12.	Meba Teklewold	Field officer in West and East Wellega at UNHCR	17 May,2021
13.	Megbaru Ayalew	Conflict Early Warning and Durable Solution Director at MoP	8 June, 2020

14.	Mingizem Maru	National Program Officer of Emergency and Post-Crisis at IOM	24 May, 2021
15.	Mingistu Abera	Crime Monitoring and Controlling Director at MoP	9 June, 2020
16.	Tadesse Bekele	Advisor to National Disaster Risk Management Commissioner	2 June, 2021
17.	Tadesse Tassew	Maladministration Protection Senior Officer at Ethiopian Institution of the Ombudsman	2 June, 2021
18	Tadelo Tesfaye	Human Rights Monitoring Officer at Ethiopian Human Rights Council	31 May, 2021
19.	T.M	Anonymous	25 June, 2021
20.	Wubrest Fantahun	Legal Officer at UNHCR	31 May, 2021

B. List of IDPs Interviewed

No	Name	Place of Displacement	Place of Shelter	Date of Interview
1.	Abdinur Ali	Somali Region and	Negele Borana/Oromia Region	16 June, 2021
2.	Ahmed Mohammed	Oromia Special Zone-Kello Kebele /Amhara region	Oromia Special Zone-Arsuma kebele/ Amhara region	17 June, 2021
3.	A.M	Metekel/ Benishangul Gumuz Region	Chagni/Amhara Region	17 June, 2021
4.	A.W	Jawa /Oromia Special Zone	Shewa Robit town in North Shewa Zone of the Amhara Region	23 June, 2021
5.	Berhan Tekel	Humera/Amhara Region	Mekelle/Tigray Region	18 June, 2021
6.	B.G	Jawa /Oromia Special Zone	Shewa Robit town in North Shewa Zone of the Amhara Region	23 June, 2021

7.	Demise Yalew	Wellega/Oromia Region	North Wollo/Amhara Region	15 June,2021
8.	Eshetu Tegen	Metekel/ Benishangul Gumuz Region	Chagni/Amhara Region	17 June, 2021
9.	Mamo Buli,	Kamashi/ Benishangul Gumuz Region	Gembi/Oromia Region	16 June, 2021
10.	Omer Abdi	Kello Kebele/ Oromia Special Zone- (Amhara region)	Oromia Special Zone-Arsuma kebele	17 June, 2021
11.	Temsegen Abate	Wellega/Oromia Region	North Wollo/Amhara Region	16 June,2021
12.	Tesfa Geberu	Humera/Amhara Region	Mekelle/Tigray Region	18 June, 2021
13.	Yisak Guya	Somali Region	Negele Borena- Oromia Region	12 June, 2021

C. List of Institutions Interviewed

No	Organizations
1.	Ministry of Peace- MoP
2.	National Disaster Risk Management Commission –NDRMC
3.	United Nations High Commission for Refugee- UNHCR
4.	United Nations Office for the Coordination of Humanitarian Affairs –OCHA
5.	United Nations Office of High Commissioner for Human Rights –OHCHR
6.	International Committee of the Red Cross- ICRC
7.	Ethiopia Red Cross Society –ERCS
8.	Ethiopian Human Rights Commission –EHRC
9.	Ethiopian Institution of the Ombudsman –EIO
10.	Ethiopian Human Rights Council- EHRCO
11.	International Organization for Migration –IOM
12.	FDRE Attorney General

Annex II - Data Collection Tool

I. General Interview Guidelines for Respondents

I am conducting research on the topic of **‘Responding to Internal Displacements in Ethiopia: Normative and Institutional Aspects’** in partial fulfillment of my LL.M degree program at Addis Ababa University College of Law and Governance Studies. This interview aims to analyze the normative and institutional protections available to IDPs in Ethiopia. The purpose of this interview is to collect information and data, to be used for academic purpose.

General Information: -

- a. Job position
- b. Work Experience

A. Interview questions for respondents of MoP and NDRMC

1. How do you explain the current situation of internal displacement in Ethiopia?
2. What is the main reason/s of internal displacement in the country?
3. What are the actual problems or gaps in the provision of prompt and responsible prevention of IDPs in the country? And also in protection and assistance of IDPs?
4. What is your institution’s responsibility in relation to the prevention, protection and assistance of IDPs? How is your institution implementing its responsibility?
5. How is your institution responding to IDPs currently occurring in different parts of the country? What measures taken by your institution to prevent and mitigate phenomena of IDPs in the country? What has been done and planned in the future to prevent displacement that is recurrently occurring in the country?
6. As a Focal institution of the country in the prevention, protection and assistance of IDPs, how do you work with the concerned governmental and NGO entities in addressing the needs of IDPs?
7. What are the major implementation gaps of policy and laws that you are facing in the prevention, protection and assistance of IDPs? How do you overcome this?
8. It is required to adopt legislation and policies to ensure the implementation of the Kampala Convention. What is your institutional role in this regard? What measure taken and planned to strengthen the national legal framework, policy and strategies of the country?

9. What do you recommend for better prevention, protection as well as a rendering of a durable solution for IDPs in the country?

B. Interview questions for respondents of EHRC,EHRCO and OHCHR

1. How do you explain the current situation of internal displacement in Ethiopia?
2. What is the main reason/s of displacement in the country?
3. What types of violations are committed against IDPs during the time of displacement and what are the measures taken by governmental and non-governmental organs to prevent such acts, to protect and assist the victim?
4. What is your institution's responsibility in relation to prevention and protection of IDPs? How is your institution implementing its responsibility? As an institutional advocator of human right what are the measures taken by your organization with regard to protection of IDPs,
5. How is your institution's responding to IDPs currently occurring in different parts of the country? What measures taken by your institution to address the problem of IDPs in the country?
6. How do you evaluate the effectiveness of your institution in the implementation of laws that are relevant to IDPs? What are the challenges you faced in regard to this? How do you overcome this?
7. What do you recommend for better prevention, protection as well as rendering of durable solution for IDPs in the country?

C. Interview questions for respondents of EIO

1. How do you explain the current situation of internal displacement in Ethiopia?
2. What is the main reason/s of displacement in the country?
3. What types of violations are committed against IDPs during the time of displacement and what are the measures taken by governmental and non-governmental organs to prevent such acts, to protect and assist the victim?
4. What is your institution's responsibility in relation to prevention and protection of IDPs? How is your institution implementing its responsibility?
5. How is your institution's responding to IDPs currently occurring in different parts of the country? What measures taken by your institution to address the problem of IDPs in the country?

6. How do you evaluate the effectiveness of your institution in the implementation of laws that are relevant to IDPs? What are the challenges you faced in regard to this? How do you overcome this?
7. What do you recommend for better prevention, protection as well as rendering of durable solution for IDPs in the country?

D. Interview questions for respondents of ERCS and ICRC

1. How do you explain the current situation of internal displacement in Ethiopia?
2. What is the main reason/s of displacement in the country?
3. What is your institution's responsibility in relation to prevention, protection and assistance of IDPs? How is your institution implementing its responsibility?
4. How is your institution's responding to IDPs currently occurring in different parts of the country? What measures taken by your institution to address the problem of IDPs in the country?
5. How do you evaluate the effectiveness of your institution in the implementation of laws that are relevant to IDPs? What are the challenges you faced in regard to this? How do you overcome this?
6. As humanitarian assistance actors, how do you work with the concerned organs in addressing the needs of IDPs in the country? What are the actual gaps in provision of prompt and responsible prevention, protection and assistance of IDPs in the country?
7. What do you recommend for better prevention, protection as well as rendering of durable solution for IDPs in the country?

E. Interview questions for respondents of OCHA

1. How do you explain the current situation of internal displacement in Ethiopia?
2. What is the main reason/s of internal displacement in the country?
3. What is your institution's mandate in relation to the protection and assistance of IDPs? How is your institution implementing its responsibility?
4. How is your institution responding to IDPs currently occurring in different parts of the country?
5. As a coordinator of humanitarian assistance organ, how do you work with the concerned governmental and NGO entities in addressing the needs of IDPs?
6. What are the actual gaps in the provision of immediate humanitarian assistance to IDPs

7. How do you evaluate the effectiveness of your institution in the implementation of laws that are relevant to IDPs? What are the challenges you faced in regard to this? How do you overcome this?
8. What do you recommend for better prevention, protection as well as a rendering of a durable solution for IDPs in the country?

F. Interview questions for respondent of IOM

1. How do you explain the current situation of internal displacement in Ethiopia?
2. What is the main reason/s of internal displacement in the country?
3. What is your institution's mandate in relation to the protection and assistance of IDPs? How is your institution implementing its responsibility?
4. How is your institution responding to IDPs currently occurring in different parts of the country?
5. As a humanitarian assistance organ, how do you work with the concerned governmental and NGO entities in addressing the needs of IDPs?
6. What are the actual gaps in the provision of immediate humanitarian assistance to IDPs?
7. How do you evaluate the effectiveness of your institution in the implementation of laws that are relevant to IDPs? What are the challenges you faced in regard to this? How do you overcome this?
8. What do you recommend for better prevention, protection as well as a rendering of a durable solution for IDPs in the country?

G. Interview questions for respondents of UNHCR

1. How do you explain the current situation of internal displacement in Ethiopia?
2. What is the main reason/s of internal displacement in the country?
3. What types of violations are committed against IDPs during the time of displacement and what are the measures taken by governmental and non-governmental organs to prevent such acts, to protect and assist the victim?
4. What is your institution's mandate in relation to the prevention and protection of IDPs? How is your institution implementing its responsibility?
5. How is your institution responding to IDPs currently occurring in different parts of the country?

6. As UN leading agency on IDPs, how do you work with the concerned governmental and NGO entities in addressing the needs of IDPs?
7. It is required to adopt legislation and policies to ensure the implementation of the Kampala Convention. What is your institutional role in this regard? What measure taken and planned to strengthen the national legal framework, policy and strategies of the country?
8. How do you evaluate the effectiveness of your institution in the implementation of laws that are relevant to IDPs? What are the challenges you faced in regard to this? How do you overcome this?
9. What do you recommend for better prevention, protection as well as a rendering of a durable solution for IDPs in the country?

H. Interview questions for Federal Public Prosecutors

1. What types of rights violation are committed against IDPs during the time of displacement?
2. How does your institution responding to the violation committed against IDPs in different parts of the country? How do you work with the regional justice sector in the administration of the criminal justice system in bringing the perpetrators before a court of law?
3. What are the challenges you faced in the implementation of IDPs protection laws? What are the major implementation gaps you are facing in the prosecution of IDPs cases?
4. Does the government able to fulfill it is obligations in providing legal remedy for current displacement affected groups?
5. Various governmental authorities failed to protect IDPs from arbitrary displacement despite a call for help in various areas of the country. What legal action taken against these individuals?
6. As a law enforcement organ, what are the measures taken in the rendering of justice to the victims?
7. What do you recommend for better prevention and protection of IDPs in the country?

II. General Interview Guidelines for IDPs

I am conducting research on the topic of ‘**Responding to Internal Displacements in Ethiopia: Normative and Institutional Aspects**’ in partial fulfillment of my LL.M degree program at Addis Ababa University College of Law and Governance Studies. This interview aims to analyze the normative and institutional protections available to IDPs in Ethiopia. The purpose of this interview is to collect information and data, to be used for academic purpose.

General Information

- Date and place of displacement
- Current location and statuses of IDPs
- Duration of stay in the shelter

• Interview questions

1. What are the main causes for your displacement?
2. Did you ask the concerned governmental organ to protect you from displacement or attack? If so what was the response?
3. What are the measures taken to prevent you from displacement and attacks?
4. What are the problems you are facing in accessing basic services during displacement?
5. What kinds of basic humanitarian assistance have been provided? (Food, medical, non-food items, Education,) by whom is it provided?
6. What challenges are you facing now?
7. Is there any discussion or consultation from the government side to render lasting solution to IDPs?
8. What kinds of measures government plan to take/have taken in order to give durable solution to IDPs?
9. What are the measures taken by the government in providing legal remedy?
10. Is there any activity of reconciliation and peace building process that has been undertaking to restore lasting solution to the problems of displacement?
11. Are you willing to return to your place of displacement? Why? On what conditions?
12. What should be done from both government and non-government side to alleviate the problems of IDPs and for better protection of your rights?

Thank you!

