

**ADDIS ABEBA UNIVERSITY
SCHOOL OF GRADUATE STUDIES**

**INTERNATIONAL RESPONSES FOR THE PROTECTION OF
CONFLICT INDUCED INTERNALLY DISPLACED PERSONS
SINCE 1991 IN SUDAN'S DARFUR AND SOMALIA**

BY

TIZAZU AYALEW TEKA

MAY 2014

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ADVISOR

DR. TAREKEGN ADEBO

**ADDIS ABEBA UNIVERSITY
SCHOOL OF GRADUATE STUDIES
COLLEGE OF SOCIAL SCIENCES, DEPARTMENT OF POLITICAL
SCIENCE AND INTERNATIONAL RELATIONS**

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APPROVED BY THE BOARD OF EXAMINARS

ADVISOR

SIGNATURE

INTERNAL EXAMINER

SIGNATURE

EXTERNAL EXAMINER

SIGNATURE

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Abbreviations

AU	African Union
AMIS	Africa Union Mission in Sudan
AMISOM	Africa Union Mission in Somalia
CIDPs	Conflict induced Internally Displaced Persons
CPA	Comprehensive Peace Agreement
ECOSOC	Economic and Social Council
ENDF	Ethiopian National Defense Force
ERC	Emergency Relief Coordinator
FAO	Food and Agricultural Organization
GPCWG	Global Protection Cluster Working Groups
GoS	Government of Sudan
HC	Humanitarian Coordinator
HCT	Humanitarian Country Team
IASC	Inter-Agency Standing Committee
ICRC	International Committee of Red Cross
ICU	Islamic Court Union
IDD	Internal Displacement Division
IDMC	Internal Displacement Monitoring Center
IDPs	Internally Displaced Persons
IFRC	International Federation of Red Crescent

IGAD	Inter Governmental Authority on Development
IHL	International Humanitarian Law
IHRL	International Human Rights Law
ILA	International Law Association
INGOs	International Nongovernmental Organizations
IOM	International Organization for Migration
JEM	Justice and Equality Movement
NGOs	Non Governmental Organizations
NRC	Norwegian Refugee Council
OCHA	Office for the Coordination of Humanitarian Affairs
OIOS	Office of Internal Oversight Services
RC	Resident Coordinator
SGBV	Sex and Gender Based Violence
SLM/A	Sudan Liberation Movement /Army
TFG	Transitional Federal Government
UN	United Nations
UNAMID	United Nation Africa Union Mission in Darfur
UNDP	United Nation Development Programm
UNHABITAT	United Nations Human Settlements Programme
UNHCR	United Nation High Commissioner for Refugees
UNICEF	United Nation International Children Emergency Fund
UNOSOM	United Nation Operation in Somalia
WFP	World Food Programm
WHO	World Health Organization

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Abstract

This study examines the existing international normative and institutional responses for the protection of conflict induced internally displaced persons (CIDPs) in the particular countries of Sudan's Darfur and Somalia. In meeting its objective, the thesis, with a very limited primary data obtained through in-depth interview, primarily depends on secondary data source focusing on extensive document analysis by using different publications such as books, articles, documents, reports, policy papers, proceedings and briefings and so on. Qualitative interpretation was entirely employed as a methodology of analysis. The study suggests that Sudan's Darfur and Somalia are at the forefront in hosting massive IDPs with a severe humanitarian crisis, resulted by their prolonged internal armed conflicts. Informed by the increasing crisis of IDPs in those countries as well as IDPs worldwide, the international community is significantly continued in responding for protection and assistance to IDPs ranged from the introduction of normative framework, to the existing a collaborative kind of institutional arrangements. Legal frameworks, such as the Guiding Principles and the Kampala Convention are came to the ground for the specific purpose of protecting and assisting IDPs. Moreover, under the Cluster Approach, the UN agencies and non-UN international intergovernmental and nongovernmental organizations are currently involved in the protection of IDPs in Darfur and Somalia. As the study examines the issue, focusing on the particular countries of Sudan's Darfur and Somalia's CIDPs, although the existing international legal and institutional as well as humanitarian and political response for protection and assistance to IDPs is significantly in a growing concern, the system is yet in ad hoc and fledgling nature of humanitarian support, with weak and unpredictable institutional arrangement.

CHAPTER ONE: INTRODUCTION

1.11. Background of the Study

Internal displacement is a new international agenda that first emerged in the late 1980s and got recognition internationally in the 1990s (Cohen, 2013; Mooney, 2005). According to the 2012 report of the UN High Commissioner for Refugees (UNHCR), internal displacement is the new challenging issue in the 21st century international system, and currently the numbers of displaced peoples are alarmingly increasing worldwide (UNHCR, 2012a:1-2). “By the end of 2012, 45.2 million people were forcibly displaced worldwide as a result of persecution, conflict, generalized violence and human rights violations” (ibid: 3); among these, 28.8 million are Internally Displaced Persons (IDPs), resulted by conflict related factors excluding IDPs that resulted by other causes like, natural and manmade disasters, large scale development projects and so on (ibid; see also Mehari, 2011).

Among most of these protracted conflict induced IDPs, around 12 million are in Africa (Allehone, 2009:156; Ferris, 2012:1; Fischer & Vollmer, 2009:39). In the sub-region of the Horn of Africa, Sudan and Somalia continues to host the highest number of IDPs to date, resulting from the countries protracted nature of instability. Accordingly, because of the long existed and yet the ongoing armed conflicts, there are rough estimated “2,445,000” IDPs in Sudan “as of 30 November 2013” and about “1,100,000” IDPs in Somalia “as of January 2014” (IDMC, 2013a; UNHCR, 2014).

The international community’s responses for the protection of IDPs evolved since the early 1990s as the issues first gained recognition globally (Mooney, 2005:10). Since then, various legal and intuitional as well as humanitarian and political responses have been done in responding to IDPs protection (see Cohen, 2005; Deng, 2004). Among the world states, Sudan and Somalia, as indicated above, are at the forefront in producing millions of IDPs at risk because of their long existed internal conflicts that challenge international communities in responding to the issues. Hence this research paper seeks to focus on examining the international responses for the protection of IDPs that resulted by armed conflicts in those countries.

1.2. Statement of the Problem

Currently, “internal displacement is the greatest tragedy of our time and internally displaced persons are among the most vulnerable of the human family” (UN, 2004a:1). This crisis of IDPs is critical in Darfur and Somalia that hosts large numbers of IDPs resulted from the counties prolonged internal conflicts, which needs international protection and assistance by large (OCHA, 2013:1). In Sudan’s Darfur and Somalia, IDPs are mainly the results of ‘armed conflict and insecurity’. Violent struggles between groups vying for access to natural resources, land, political representation and power were among the root causes of most of these displacements (IDMC:2011:36). For instance, the Darfur conflict in Sudan between the government and various Darfur’s armed groups since 2003 continues to displace millions of peoples (De Geoffroy, 2007). Similarly, the recurrent instability in Somalia since 1991 caused the current massive IDPs (Fellin, 2013a).

The human rights and humanitarian situation of IDPs in those countries has severely deteriorated. Access to basic necessities for these vulnerable IDPs population has been very limited (Mohamed, 2013; Massoud, 2013). According to the International Displacement Monitoring Center (IDMC) (2011), human right violations and abuses are frequently committed on IDPs. For example, in Somalia and Darfur, parties to the conflict attacked and killed civilians including IDPs population. “In Somalia, combatants reportedly attacked IDP settlements and recruited children from them into their ranks. In Darfur, fighting between the Sudanese Armed Forces and armed groups, inter-tribal violence and criminal activities led to the death of more than 600 civilians, including fleeing IDPs”(ibid; See also, IDMC, 2013a; IDMC, 2013b). Furthermore, particularly in Somalia, the protracted nature of conflict coupled with recurring drought, highly threatened the lives of IDPs (IDMC, 2011).

The magnitude of IDPs crisis and their vulnerability is very complicated. Unlike refugees and other vulnerable groups, IDPs neither have a legal status nor specific institutional mandate at the international level, in order to address their specific needs (Cohen, 2013; Mehari, 2011). This situation has aggravated the vulnerability of IDPs.

Nevertheless, in recent time there is a growing concern by the international community in providing a regime or normative frameworks as well as optional institutional mechanism¹ for the protection and assistance of IDPs (Allehone, 2009). For instance, UN has introduced Guiding Principles on Internal Displacement though not binding (Guiding Principles, 1998). Similarly, at the regional level AU introduced Africa Union Convention for the Protection and Assistance of IDPs, named Kampala Convention, on 29 October 2009 and it came into force on 6 December 2012 (Kampala Convention, 2009; IDMC, 2013a).

Nowadays, “an internationalization of the problem of internal displacement is...a reality and organizations such as UNHCR are operationally involved in providing assistance and protection to IDPs” (Allehone, 2009:156). For example, by the end of 2012, among the 35.8 million peoples concern of the UNHCR, 17.7 were the IDPs including from Sudan approximately 1.8 million and in Somalia an estimated 1.1 million (UNCHR, 2012a:22; see also UNHCR, 2014). Nevertheless, as Mehari (2011:94) argued, “the absence of binding law has left million of IDPs out of the compass of the international protection of human rights, thus resulting in a ‘protection gap’ ”.

In spite of the fact that, there is a growing tendency in the study of the problem of internally displaced persons, literature in the area is yet scanty; particularly the problem in Sudan’s Darfur and Somalia is yet not well studied. Moreover, the literature on the overall aspect of IDPs is limited, and mainly restricted to conceptual issues. The exhaustive study of IDPs’ problem is therefore, essential to come up with remedies and action in the ground. Therefore, this study will reduce the aforementioned gaps and could serve as base for further studies and knowledge base as well, related to the subject.

¹ See chapter two, section 4.2.2.2.

1.3. Central Argument of the Study

The study claims that, though the existing international legal and institutional as well as humanitarian and political response for protection and assistance to IDPs is significantly in a growing concern, examining the issue in the particular countries of Sudan's Darfur and Somalia's CIDPs, the system is yet in *ad hoc* and fledgling nature of humanitarian support with weak and unpredictable institutional arrangement.

1.4. Research Objective

- The overall objective of this study is to examine the international responses for protection of conflict induced Internally Displaced Persons (CIDPs) in Sudan's Darfur and Somalia. Moreover, the thesis aims to achieve the following specific objectives:
- To describe internal armed conflicts caused that IDPs, and the situations of these IDPs in Sudan's Darfur and Somalia.
- To assess the international normative and institutional responses for the protection of CIDPs in Darfur and Somalia.
- To explore the challenges of international efforts in responding to the protection and assistance of CIDPs.

1.5. Research Questions

The general research question for this study is: what are the international responses for protection of Conflict induced Internally Displaced Persons (CIDPs) in Darfur and Somalia? The following specific research questions are also drawn and served as a guide lines for the study

- What are the internal armed conflicts caused IDPs, and the situation of these IDPs in Darfur and Somalia?
- What the international normative and institutional responses for protection of IDPs by the international community looks like.
- Why the international response to the protection and assistance of IDPs is challenging?

1.6.Scope of the study

The problem of internal displacement in current international system is multifaceted and worldwide. However, the scope of this study is limited within the international responses in terms of legal and institutional aspects for protection of conflict induced Internally Displaced Persons (IDPs) in Sudan's Darfur and Somalia. Despite, internal displacement and related problems of IDPs is the problem of most of the world as well as African states, this thesis seeks to focus on Sudan's Darfur and Somalia, which are primarily affected by the problem of conflict related internally displaced peoples resulted from the countries recurrent internal conflicts. The time frame of the study is since the 1991 to the present.

1.7. Limitation of the study

Even if the final outcome of the thesis was intended to be substantiated by first hand data using experts in the area as key informants, it was not achieved well, because of the inaccessibility of the key informants. In general, inaccessibility of appropriate data along with the scanty nature of literature on the area, inability to access all the planned key informants for the intended interview, and financial constraint were the daunting challenges that that were faced in the process of working with this thesis.

1.8.Significance of The Study

IDPs crisis particularly, in Darfur and Somalia is presently, the most daunting challenge which seems beyond the capacity of the national governments that needs the international community response by large. In responding to the problem it is crucial first to investigate the issues scientifically which could enable to take a policy and related measure. Thus, for the different concerned bodies to IDPs, first and foremost identifying the problem of IDPs substantially is essential. Therefore, this thesis may add its own part in critically examining the international responses for the protection of the conflict resulted problems of IDPs, in Darfur and Somalia. In doing so, hopefully the final outcome of this thesis could provide the following major significances:

- ✓ It may adds a sort of knowledge on the current ongoing internal armed conflicts that have caused massive IDPs crisis in Darfur and Somalia

- ✓ It may provide a sort of understanding about the existing international normative and institutional responses for the protection of conflict induced internally displaced persons in Darfur and Somalia.
- ✓ It may identify the challenges that encountered the international communities in responding to IDPs protection and assistance.
- ✓ It could provide additional sources of data in the form of literature.
- ✓ It could serve as a base for policy formulation for the concerned bodies, and so on.

1.9. Methodology and Methods

The study has employed a qualitative approach. Data which obtained mostly from secondary sources have been analyzed using qualitative approach. As the study focuses on examining the existing international legal and institutional arrangements for the protection of the conflict induced IDPs in Darfur and Somalia, extensive document analysis has been conducted, primarily using secondary sources of data, which include different books, journal articles, reports, briefings, policy papers, legislations, magazines, news, archives, official documents and publication, internet sources and publication of different international institution working in the area. In addition limited primary source of data were used, that obtained through in-depth interview with an expert that currently works as an international consultant, and chairman and board of director for African Rally for Peace and Development.

10. Organizations of the study

This thesis is generally organized consisting of four main chapters. Following the introduction Chapter Two deals with conceptual framework and literature reviews which extensively stress on the conceptual issues of the study in line with surveying literatures related to the subject of the study. This is followed by Chapter Three, conflict-induced internally displaced peoples (CIDPs) in Sudan's Darfur and Somalia; it has focused on a brief description of conflict related internal displacement and the situations of IDPs in Sudan's Darfur and Somalia. Finally Chapter Four is an appraisal of the international responses for the protection of CIDPs in Darfur and Somalia; the normative/legal and institutional responses of the international community for the protection and assistance of IDPs in Darfur and Somalia; the challenges that encountered the international efforts in responding to of IDPs protection and assistance is also discussed under this part. It ends with a short and brief conclusion.

CHAPTER TWO

LITERATURE REVIEW

2.1. Overview

The issue of internal displacement is a new international agenda which first emerged after the Cold War in the 1990s (Mooney, 2005; Stavropoulou, 1998). Among the reasons that made IDPs to become a legitimized international agenda “is the steady rise in the number of internally displaced persons associated with the increase in internal conflict”. Also as Muggah, (2003) wrote “...the changed political environment from the end of the Cold War and the growing awareness of the consequences of (and potential refugee flows resulting from) internal conflict” is considerable factors for emergence of IDPs as a legitimized international issues. According to Deng (2007), “in 1982, it was estimated that there were 1.2 million internally displaced persons. By 1992, the number had increased to 24 million”. In account of the current IDMC report, the number of IDPs reached around 28.8 million at the end of 2012 (IDMC, 2012; UNHCR, 2012a). IDPs crisis are worldwide and around 52 states are affected by it (ibid). As Deng further stated, “while the crisis is global, some regions of the world are more affected than others. By far the worst hit is Africa, with more than half the world’s internally displaced” (Deng, 2007). The African countries, Sudan and Somalia, which are the case reference for this research paper, having around “2.4 million and 1.1 million”, as of November 2013 and January 2014 respectively are among the leading hosts of IDPs (IDMC, 2013b; UNHCR, 2014).

When the issues of IDPs were first raised by the international community, internal conflict has been considered as a factor for the steady rise and crisis of IDPs across the world, but other considerable root causes are also available for internal displacement². In the aftermath of the Cold War, with the changed political environment of the international system, while international/inter-state war has decreased, conversely intra-state/civil war has rapidly increased across many of the world states (Deng, 2007). Thus, the post 1990s expanded intra-state conflict, created massive internal displacement crisis as well as ‘potential refugee flows’ (Muggah, 2003). This situation leads to the development of theoretical discourses over, “Conflict Induced Displacement (CID)”, and scientific literatures continue to appear ‘in the first half of the

² See below section, 2.2.1.1.

nineties' (Terminski, 2023). For instance, *Masses in Flight: The Global Crisis of Internal Displacement written in 1995 and the Forsaken Peoples: Case studies on internally displaced persons written in 1998*, by the co-authors, R. Cohen and Francis M. Deng are the most known classic literatures in the area. Moreover, the international community (i.e. UN) recognized the issues of internal displacement as legitimized issues which lead to the adoption of 1998 UN Guiding Principles on Internal Displacement (GPID) (here after, Guiding Principles) which considered as a first significant step in responding to the protection of them. IDPs also increasingly become the subject of the debate and parts in humanitarian profiles of the international institution, such as UNHCR and ICRC (ibid)

The Guiding Principles, though till now not a binding law, is taken as significant step for the development of normative frameworks for the protection and assistance of IDPs. Inspired by the Guiding Principles, other normative frameworks have continued to emerge by different regional and international agents on the protection and assistance of IDPs. The London Declaration of International Law Principles on Internally Displaced Persons adopted in July 29, 2000 by the International Law Association (ILA), the 2006 Great Lake Protocol on internally displaced peoples, and the AU Kampala Convention for the protection and assistance to internally displaced persons adopted in 2009, as well as the 2003 Khartoum Declaration on the protections and assistance to IDPs on the IGAD³ sub region are new normative developments emerged following the Guiding Principles. In addition to the development of legal norms the international community is now conscious in responding to IDPs protection through institutional mechanism as well as political and humanitarian means (Deng, 2004).

2.2. Conceptualization of Internal Displacement and Internally Displaced Persons

Despite the problem of internally displaced persons becoming a legitimized international agenda since early 1990s, “there is still no commonly agreed or binding definition of who constitutes an internally displaced person (IDP)” at the international level (Muggah, 2000:135). Besides its elusiveness, unlike other vulnerable groups, like refugees, IDPs are not yet in a legal status

³ Inter-Governmental Authority on Development (IGAD) is the sub regional organization in the Greater Horn of Africa or the East African region constituting member states of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda. See Kidane (2011), “Critical factors in the Horn of Africa’s Raging conflicts”. *Nordiska Afrikainstitutet. Discussion Paper No. 67*, pp.1-39

(Mooney, 2005). However, currently there is a significant development towards legalizing IDPs statuses; particularly the Africa Union Kampala Convention at the regional level has come into force in 6 December 2012 as the first regional convention in recognizing IDPs legal status (IDMC, 2013a).

Initially when the issues of IDPs first arise, there was a theoretical and legal attempt to link the concept with other existing international instruments, for instance, with the Refugee Convention in order to set definitions to the issue. But as Muggah, (2000:135) further argued that, the “attempt to link concept of IDPs to refugees theoretically and legally have only served to complicate the issue”. Even, the Guiding Principles, despite considered as a significant step in development of normative frameworks for IDPs, is still strongly criticized among others because of “discrimination against others equally in need [which], leading to inequitable distribution of entitlements” (Muggah, 2000:135). This problem is equally raised in others recently developed regional and international normative frameworks. Moreover as, Terminski, (2013:10), claim that this “difficulty of precisely determining the meaning of the term ‘Conflict-induced Displacement’ or internally displaced peoples in general has created theoretical problems in analyzing internal displacement.

2.2.1. The genesis of Internally Displaced Persons as a term

It is believed that the to-date descriptive⁴ ‘functional definition’ of IDPs is resulted from “a restatement of existing human rights and humanitarian law” (Lwabukuna, 2011:135). The term internal displacement has been defined in various existing documents dealing with international law, international humanitarian law and international human rights law. More specifically, the current ‘international standard’ working definition of IDPs by the Guiding Principles has greatly considered and borrowed the terms and clauses of the definitions among others from the 1951 Geneva Convention on the Status of Refugees (Cohen, 2013) and from the 1974 Organization of African Unity (OAU) Convention, Governing the Specific Aspects of Refugee Problems in Africa (Deng, 1995a) by analogy.

⁴ “Internally displaced persons” is a descriptive, rather than legal, definition under the UN Guiding Principles. It simply describes the factual situation of a person being displaced within one’s country of habitual residence. The term does not connote or confer a special legal status in the same way that recognition as a “refugee” does (Mooney; 2005:14)

Furthermore, what is currently used as international standard working definition of IDPs was emerged eventually from a great deal of process, to arrive at the present definition. Thus, when the UN Commission on Human Right, considered issues of internal displacement for the first time in 1992 (Deng, 1995a; Mooney, 2005), IDPs was described as “persons or groups who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disaster, and who are within the territory of their own country”. This first attempt to define IDPs, even if it includes the core elements of internal displacement, that is ‘involuntary movement within borders’, it commonly criticized because of its too narrowness, and its temporal and numerical criteria. Later on, when Guiding Principles was officially adopted in 1998 the specific narrow aspects of IDPs description has been somehow eliminated (Mooney, 2005). Hence, according to the Guiding Principles:

Internally Displaced Persons 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.

Even if the Guiding Principles definition for IDPs is considered as “the first international standard specifically tailored to the needs of Internally Displaced Persons (IDPs)” (Muggah, 2003), it is strongly criticized that narrowly described IDPs without including other vulnerable groups in similar needs, such as internal displaced persons by large scale development projects (Muggah, 2000). Some writers believe that, the definitions of IDPs on the Guiding Principles did not specifically and explicitly mention IDPs caused by large scale development projects, rather it heavily focuses on conflict induced IDPs (see Mooney, 2005; Termniski,2013). However the content of the Guiding Principles on its principles 6 provision stated that Guiding Principles are meant to also apply in situations of development (Guiding Principles, 1998).

Inspired by the Guiding Principles, there are also three normative frameworks that emerged and define the term IDPs in their own respect. These are the 2000 International Law Association (ILA), Declaration of International Law Principles on Internally Displaced Persons; the 2006 Great Lake Protocol on internally displaced persons, and the Kampala Convention for the protection and assistance of internally displaced persons, adopted in 2009.

For the ILA declaration on internally displaced person, the term IDPs refers to "persons or groups of persons who have been forced to flee or leave their homes or places of habitual residence as a result of armed conflicts, internal strife or systematic violations of human rights, and who have not crossed an internationally recognized State border" (ILA, 2000). Unlike the Guiding Principles, the ILA declaration did not include victims of natural or human-made disasters as IDPs. Instead, Article 1(2) extends the definition of IDPs "also to persons internally displaced by whatever causes, such as natural or man-made disasters or large-scale developmental project, whenever the responsible State or *de facto* authority fails, for reasons that violate fundamental human rights, to protect and assist those victims".

The other two normative frameworks (Great Lake Protocol and Kampala Convention) are almost similar with the Guiding Principles in defining IDPs. However, the 2006, Great Lake Protocol, on its provision Article 1(5) "has gone further than the Guiding Principles [and Kampala conventions], and additionally defines IDPs" as:⁵

Internally Displaced Persons shall also mean 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 large scale development projects, and who have not crossed an internationally recognized State border.

Despite, the slight differences among these normative frameworks in defining the term IDPs, what commonly agreed is on the two core characteristics of IDPs (involuntary movement and stay within borders), and in addition the attempt to consider IDPs as a special category, to address their human rights dimensions through protection and assistance.

2.2.2. Internal Displacement

Displacement, regarding its lots of related terminology such as "forced evictions," "population transfers," "mass exoduses," "internal displacement"⁶ and so on, has created confusion, since the

⁵ Lwabukuna (2011), "Internal Displacement in Africa: African solutions to African problems? Challenges and Prospects". *Journal of Internal Displacement*, Vol. 1, No.1, pp: 131-141.

⁶ See Stavropoulou, (1998). "Displacement and Human Rights: Reflections on UN Practice". *Human Rights Quarterly*, Vol. 20, No. 3 , pp. 515-554

meanings of those related terminology among others “refers to different forms of displacement, overlapping content or identical or very similar meaning” (Morel, 2013?:50). This problem is still the exiting issue.

Displacement has no universally accepted meaning. However as an overarching notions Stavropoulou, has defined displacement as “the process of being forcibly moved from one’s home and/or land, or the situation in which a person so moved finds him/herself [which] could mean both internal and external (beyond the state borders)” (Stavropoulou, 1998). Similarly, Morel (2013:51) describe displacement as “any instance of forced movement, removal or migration... both internal and cross-border movement, regardless of the precise cause or context of displacement and irrespective of the extent of involvement of the state in the displacement”. As Morel further noted, “displacement exclusively encompasses forced, involuntary or coerced movements. Where an individual chooses to move or migrate, there can be no displacement” (ibid). Generally, what can be deduced from all those above notions of displacement is, as a core characteristics “displacement” is forced or involuntary movement that involves some forms of ‘de-territorialization’ which could takes place within a state border (e.g. internally displaced person) and or across an internationally recognized border (e.g. refugee) (Muggah, 2003:7).

Thus, “Internal displacement” as one form of displacement, “means the involuntary or forced movement, evacuation or relocation of persons or groups of persons within internationally recognized state borders” (Kampala Convention, 2009). There are two core defining elements in understanding the concept of internal displacement. First, involuntary or forced nature of the movement; and the second is “the fact that such movement takes place within national borders – a criterion which distinguished the internally displaced from refugees who, according to international law, by definition are outside of their country” (Mooney, 2005:10).

2.2.2.1. Causes of Internal Displacement.

As different literatures claim, there are various reasons to forced displacement in general and internal displacement in particular (Lwabukuna, 2011; Mehari, 2011). However, these “causes of displacement are manifold and complex” (Morel, 2013). Moreover, even if there is a significant development of scientific literatures on the area, there is no a general consensus to specifically

identify categories of causes for internal displacement. Accordingly, different writers (Morel, 2013; Muggah, 2000; Terminski 2013) in the area have identified different causes of internal displacement, though these different categories are not mutually exclusive and at some point they do overlap. However, this study focuses on Morel (2013:51), who identified roughly five categories of causes of displacement more broadly. These are “conflict-related displacement, development-related displacement, disaster-related displacement, displacement related to systematic human rights violations, and displacement related to other circumstances” (ibid).

i. Conflict related causes of internal displacement

Conflict is a common documented and a primary root causes for internal displacement (Lwabukuna, 2011). According to Terminski (2013:11), “the most fundamental cause of displacement is the presence of dynamic conflict among several categories of actors within a static and limited territory”. Conflict related factors encompass various aspects of conflicts including “international and/or internal armed conflict, civil war, foreign occupation or intervention, internal strife, communal or generalized violence and violent raids” (Morel, 2013:51). However, the current “most conflict-induced displacement has been caused by civil war as opposed to international war” (Lischer, 2009:147). And internal conflict is also the root cause of massive internal displacements of peoples in countries like Sudan (Assal, 2011) and Somalia (Abby & Mahamoud, 2005) along with other considerable causes.

As a consequence of these conflicts and conflict related factors “people may either feel compelled to leave their homes in order to protect themselves from physical violence, or they may be actively and involuntarily displaced or evicted from their houses and lands by state forces or non-state armed groups” (Morel, 2013: 51; see also Lwabukuna, 2011:137). As Morel further wrote, “for their own safety, people living near violent areas may also be evacuated and relocated to safety zones by government actors” (ibid: 51). As a result of all those conflict related factors peoples who are forced to displaced from their habitual residents but do not cross another states border are commonly called “Conflict induced internally displaced Persons” (CIDPs) (Bohnet et al, 2013).

ii. Development related causes

Development, particularly large scale development projects carried out by states is the other considerable factor which resulted in ‘Development Induced internally Displaced Persons’ (DIDPs) (Terminski, 2013; Muggah, 2013; Nuhu, 2012). According to Nuhu (2012:8), “Development Induced Displacement is the compulsory displacement or removal of persons from their homes that occurs for development reasons, to give way to or facilitate government projects”. Moreover as Morel, (2013:11) discussed:

Development-related displacement encompasses all instances of forced movement resulting from policies and projects implemented in the name of development. People may be forced to move to make way for development and infrastructure projects, such as large dams, ports, railways, highways, airports, irrigation canals, large-scale industrial or energy projects, mining industries and other extractive industries, and housing projects. Similarly, displacement may be caused by land-acquisition measures linked to urban renewal or redevelopment, slum upgrades, city beautification, housing renovation and agricultural programmes. Development-induced displacement may also be carried out for environmental purposes, for example in the context of climate change adaptation and mitigation projects, environmental conservation projects, and deforestation.

iii. Disasters

The third categorized cause for internal displacement is disaster which includes both natural and human made disasters and also environmental changes. Particularly, natural disaster such as famine, floods and any other natural calamities especially those resulting from climate change (Lwabukuna, 2011:136) are “currently the cause of internal displacement on the largest scale worldwide” (Terminski, 2013:12). According to Morel (2013:11), “natural disasters include tsunamis, earthquakes, floods, hurricanes, landslides and drought (and resulting from that, famine)”.

Environmental changes are also considered as disasters causes to displaced peoples. Terminski (2013:12), “another significant cause of involuntary internal mobility is displacement or forced migration associated with slow-onset environmental changes”. Environmental change and mismanagement, involving land degradation, desertification, progressive temperature increase in the area, global warming, and the possibility of rising sea levels in future are environmental problems contributing to peoples internal displacement (Morel, 2013;Terminski, 2013).

Disaster is not only limited to natural disasters rather human made disasters are also another significant factors for people's internal displacement. Morel (2013:12), "human-induced disasters include nuclear and chemical accidents at technical, industrial installations and sudden collapses of large buildings and constructions such as dams. The underlying causes of such disasters are often neglected safety procedures and poor construction or management planning. While people may flee spontaneously, they may also be evacuated and relocated by the government, either temporarily or, where return is impossible, permanently".

iv. Systematic human right violation

Systematic human right violation is the other major cause for peoples forced displacement which could be committed by state and non-state actors (Morel, 2013). Stavropoulou (1998:516) strongly argued that, despite the claim that displacement is not a human right issues, she claim, there is conceptual area in which human rights issues and displacement issues converge; among others "human rights violations [is considered] as causes of displacement and displacement as a human rights violation" (ibid). Among the most common used violation resulted into internal displacement under this categories are "ethnic cleansing, war crimes, crimes against humanity, persecution, torture, discrimination and racism, cultural or traditional practices such as female genital mutilation, domestic violence and trafficking" (Morel, 2013).

v. Other cause of internal displacement

It is impossible to limit the overall causes of internal displacement on those the above list of specific interrelated categories as long as root causes are complex and manifolds. (ibid):

Various other circumstances and state policies can constitute direct or indirect causes of displacement. Among these are property, real estate and land disputes; unbridled land speculation; property and housing market forces; government decisions to remove or reduce housing subsidies for low income groups; absence of state support to the poor in times of deteriorating economic conditions and, more generally, bad socio-economic governance; unlawful occupation by a tenant of a landlord's property; acts of damage by a tenant to private property without good reason; execution of environmental and spatial planning laws; and immigration laws.

2.2.2.2. Impacts of Internal Displacement

There are reach scientific literatures discussing the resulted consequences of forced displacement (Deng, 1995a; Deng, 2007; Morel, 2013). As Deng, (1995a:52) has pointed out in his article entitled “Dealing with the Displaced: A Challenge to the International Community”, regardless of disagreements on understanding who constitute IDPs, “it is generally acknowledged that internally displaced persons face more risks with regard to their physical safety than the rest of the population and are generally perceived to be a high-risk group”. Morel, (2013:53) “displacement generally has a severe, traumatic impact on the individuals concerned, and where it takes place in relatively large numbers, displacement may in addition have significant consequences (of socio-economic, environmental and cultural character) for the home as well as the host communities”. As a consequence of internal displacement, IDPs are⁷:

deprived of such essentials as shelter, food, medicine, education, community, and a resource base for a self-sustaining livelihood. Worse, they remain within the borders of a country at war with itself, and even when they move to safer areas, they are viewed as strangers, discriminated against, and often harassed. Those who are uprooted from their homes have been shown to be especially vulnerable to physical attack, sexual assault, abduction, disease, and deprivation of basic necessities. They suffer higher rates of mortality than the general population, sometimes as much as fifty times greater.

Morel, further noted that, “apart from the frequently occurring human rights violations following displacement, the psychological impact of displacement on victims can be far-reaching. Displacement is inherently connected with the loss of home and belonging” (ibid). Moreover, Cernea (1999), “displacement is a disruptive and painful process creating a high risk of impoverishment”. Landlessness, joblessness, homelessness, marginalization, food insecurity, increased morbidity, loss of access to common property resources, and community disarticulation or social disintegration are the eight interlinked potential risks of displacement that lead to impoverishment (ibid). The impact of displacement is much severe which leads to “massive loss not only of commodities... but also of less tangible symbolic goods, such as cultural heritage, friendship and a sense of belonging to a particular place” (Mooney, 2005).

⁷Deng (2007) “Internally Displaced Populations: the Paradox of National Responsibility”. MIT Center for International Studies.pp,2

2.3. Conflict induced Internally Displaced Persons

Resulted from various root causes, which has been briefly discussed in the above sections, there are different categories of internal displacement. Among these, Conflict induced Internal Displacement; Development induced Internal Displacement; Disaster induced Internal Displacement, and Environmentally-induced Internal Displacement (Terminski, 2013). However, as Terminski, noted, “despite the theoretical usefulness for broad consideration, these categorizations are very rarely appear in literatures; nor do recognized in all recently developed normative frameworks” (ibid). Terminski, considered the former one, i.e. Conflict induced Internal Displacement as the basis for development of theoretical conceptualizations of all the later categories of internal displacement (ibid). It is not the scope of this research paper to deal with these all categories; rather, the Conflict induced Internal Displacement and the international response in particular reference to Sudan’s Darfur and Somalia is the main focus.

The conceptual and all other aspects of the development of CIDPs cannot be separated from the genesis of the concept of IDPs issues (ibid). Thus, as Terminski further noted, the “overall meaning of the term ‘internally displaced persons’ (IDPs) “is similar to a narrow understanding of ‘Conflict induced [Internal] Displacement’, that “refers to peoples who forced to leave their habitual place of residence as a result of current escalation of internal violence”. More generally for Lischer “the term ‘conflict-induced displacement’ describes situations in which people leave their homes to escape political violence” or “escalation of violent conflict” (Lischer, 2009: 149). Moreover, “Conflict Induced Displacement...includes displacements resulted by ‘armed conflict, situations of generalized violence, and violations of human rights” (Mehari, 2011). The type of conflicts that resulted in Conflict induced internally displaced persons (CIDPs) may include internal armed conflicts or civil wars including “genocidal government, or [and] rampaging militias” especially in failed states and inter-state/international wars consisting of invasion, border wars, and multilateral intervention (Lischer, 2009).

Resulted from the difficulty of having a precise meaning for IDPs in general and CIDPs in particular, literatures which currently rarely appeared on the area tried to view CIDPs differently in theoretical and conceptual aspects. For instance, Çelik (2005) tried to see conflict induced internal displacements as the results of *inter alia*, “state formation”, particularly in developing

worlds and “failure of the polity”. His underlying assumption on state formation as causes of internal displacement is, CIDPs has been the common phenomena in “developing world during the process of state formation or as a result of efforts to keep nation-states homogenous”. Also he further noted that, “in most cases, internal displacement is a result of conflict between different ethnic groups or between governments and ethnic, racial, linguistic, or religious minority groups” (ibid). Moreover, Çelik claim that, conflict induced internal displacement could be caused by the failure of the polity which means “the state's active involvement in a conflict (i.e., the state choosing a side in the conflict through its policies), its inability to perform its functions by failing to isolate itself from incompatible interests, or its failure to take seriously or to even comprehend the nature of the conflict” (ibid).

Some other documents including current international and regional normative frameworks, and literatures frequently released by IDMC and so on, tries to include general violence, systematic human right violation and persecution resulted displacements, under conflict induced internal displacement. For instance, as Mehari wrote considering, the Kampala Convention, Conflict induced Displacement may also resulted by “situations of generalized violence, and violations of human rights” in addition to armed conflict (Mehari, 2011).

The other difficulty on literatures in understanding the concept of CIDPs is resulted from the presumption that inter-state conflicts are in decline compared to civil war in the post Cold War era. The discourses were/are not much in consideration of internal displacements resulted by international conflicts, while it was/is for civil war resulted displacements (see, Terminski, 2013) However, some writers including Morel, (2013) in his broad conceptualization of the causes of displacements, and Lischer (2009) treated both internal and international/inter-state conflicts under conflict related causes of displacements. Generally, regardless of disagreements on which aspects of conflicts are causes for Conflict induced displacements, what commonly agreed is, CIDPs are peoples who forced to leave their habitual residence and stay within border, as a result of different conflict related factors.

2.4. The Protection of IDPs

Internally displaced persons (IDPs) as a civilian population are said to be protected using domestic laws, international human rights and humanitarian laws (Bagshaw & Paul, 2004:25-

26). The current emerged normative frameworks for the specific purpose of protecting and assisting IDPs are also essential instruments. However, in the pre 1990s period, the issue of internal displacement was not considered as a human right issues and protection was narrowly considered as “provision of humanitarian aid (material assistance) to those displaced” (Morel, 2013:56). Nowadays protection is viewed comprehensively and it “covers not only needs for physical security and safety but also the broad range of civil and political and economic, social and cultural rights provided for in international law” as clarified below (Bagshaw & Paul, 2004:26).

2.4.1. Definition of Protection

The definition of protection was first adopted by the participants of humanitarian organizations, human rights NGOs and United Nations agencies “at the third of a series of protection workshops organized by the International Committee of the Red Cross (ICRC)” in 1999 (ibid). Accordingly, protection is defined as “all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law, namely human rights law, international humanitarian law and refugee law” (IASC, 1999; ICRC, 2001). Protection ‘aims to ensure the full and equal respect for the rights of all individuals, regardless of age, gender, ethnic, social, religious or other background’ (GPCWG, 2007). As Cohen & Deng (2008:28) noted “on the basis of the Guiding Principles, the definition [of protection] was interpreted to mean defending the physical security of IDPs, providing them with the basic necessities of life and promoting the enjoyment of their fundamental economic, social, cultural, civil and political rights”. Moreover Deng, (1995a:50) while he conceptualizes protection, stated that, the:

origin of protection is (sic) in a human rights context and is defined with reference to the whole of the range of human rights. What need to be protected are the human rights of the persons concerned. Those rights are defined in the corpus of international human rights law and may vary from state to state, depending on whether the state of nationality of the person concerned has acceded to one instrument or the other. Along with those rights, the human rights that form part of international customary law, by nature binding, also fall in the range of the rights to be protected.

Deng, with respect to how the international law is applicable in context of vacuum of protection of individual rights, further noted that, “International law aims in a variety of contexts to

construct the protection that the home country either cannot or will not provide. It may relate to the status, the rights, and the interests of the persons concerned or may require presentation to governments at the political level, if the requisite measures of assistance and the necessary solutions are to be found”(ibid).

According to ICRC (2001: 5; see also Bagshaw & Paul, 2004) in its operational aspect, protection is said to be seen into three dimensions:

- i. **Protection is an objective** which requires full and equal respect for the right of all individuals, without discrimination, as provided for in national and international law. Protection is not limited to survival and physical security but covers the full range of rights, including civil and political rights, such as the right to freedom of movement, the right to political participation, and economic, social and cultural rights, including the rights to education and health
- ii. **Protection is a legal responsibility**, principally of the State and its agents. In situations of armed conflict, that responsibility extends to all parties to the conflict under international humanitarian law, including armed opposition groups. Humanitarian and human rights actors play an important role as well, in particular when States and other authorities are unable or unwilling to fulfill their protection obligations
- iii. **Protection is an activity** because action must be taken to ensure the enjoyment of rights. There are three types of protection activities that can be carried out concurrently:(a) **responsive** – to prevent or stop violations of rights; (b) **remedial** – to ensure a remedy to violations, including through access to justice and reparations; and (c) **environment-building** that promotes a social, cultural and legal environment conducive to respect for the rights of the individual in accordance with the spirit and the letter of the text of relevant laws.

2.4.2. The Evolution of International Response for Protection of IDPs

It is commonly agreed that the primary responsibility to protect and assist IDPs is vested on national states (Deng, 1995a; Deng, 2001). However, “the international community also has an

important role to play, in particular when the national authorities lack the capacity, or are unwilling, to ensure an effective response to a humanitarian crisis” (GPCWG, 2007:35).

IDPs crisis is now an obvious phenomena (Deng, 2007). Even if the international community legitimized the issues of IDPs since early 1990s, its response is not as such notable as far as the crisis of IDPs continues to be questionable to date. As Deng ,(1995a) wrote, “despite the magnitude of the [IDPs] crisis, the international community is both legally and organizationally ill prepared for an effective response to this global humanitarian and human rights tragedy”. Even internal displacement was not considered as a human right issue until the late 1980s and 1990s, including by United Nations, non-governmental organizations or scholars (Morel, 2013). However, it is not meant that the international community has done nothing in responding to IDPs protection. Beginning from early 1990s, there is a significant development by the international community in responding to IDPs protection. For example the UN has showed significant responses to IDPs that ranged from the 1998 adoption of Guiding Principles as standard framework, to its institutional arrangements in providing assistance and protection. Regional bodies, intergovernmental organization, humanitarian organization and NGOs have also continued to contribute in IDPs protection (Terminski, 2013).

Initially the international community was reluctant in responding to the plights of IDPs because of among others, the consideration of internal displacement as an ‘internal problem’; “it was seen as something falling within state sovereignty and therefore not the concern of neighboring states or of the global community more generally” (Deng, 2007). Moreover, internal displacement was not even considered as human right issues including by the UN before late 1980s, instead, it “was largely approached in a *post factum* manner, whereby the focus was on the provision of humanitarian aid (material assistance) to those displaced”(Morel, 2013). This situation however, changed beginning from the 1990s with the changed international system and conception of “sovereignty as a responsibility”⁸ and when “the plights of internally displaced emerged into

⁸ First coined by Francis Deng, conceptualize sovereignty positively as the responsibility of states “for the protection and general welfare of the citizens and of those falling under state Jurisdiction; ... if states cannot discharge those responsibilities for lack of capacity or resources, they are expected to seek, or at least welcome, international assistance”. See Deng, (1995b). “Frontiers of Sovereignty”, *Leiden Journal of International Law*. Vol. 8, No.2, pp. 249–286 ; Deng (2001), The Global Challenge of Internal Displacement, *Journal of Law & Policy* vol.5,pp:141-155; Deng, (2007). “Internally Displaced Populations the Paradox of National Responsibility”. *MIT Center for International Studies*,pp:1-5

international consciousness” resulted from the steady rise of the number of IDPs in the post of the Cold War (Muggah, 2003).

As many writers claim, international response to IDPs protection remains to be a dilemma as long as there is no legal status and institutional mandate (Deng, 2007; Cohen, 2013; Mehari, 2013). What makes the issues of IDPs protection more paradoxical is the legal and institutional protection given for refugees who are equally vulnerable groups and are currently more than ‘twice’ outnumbered by IDPs (Çelik, 2005; Cohen, 2013). Benefiting from the 1951 refugee convention, refugees are special categories having legal status for the protection under the UNCHR, which has specialized institutional mandate for protection and assistance of refugees. Many writers commonly explain that, IDPs are now more vulnerable (Weiss: 2003) and more than ‘twice’ (Çelik, 2005) outnumbered refugees which get hardly a protection because of the international community’s “protection gaps” (Mehari, 2011), that is “the legal and institutional gaps that had become evident in the international system” (Cohen, 2013).

Despite the presence of neither legal nor institutional mandate specifically to the protection of IDPs, currently the international community including inter-governmental organizations and NGOs are in fact, has continued in providing protection and assistances to IDPs. Among the notable UN bodies, inter-governmental organizations and NGOs which provide a sort of protection and assistance to IDPs, beginning from the early 1990s are: the UN High Commissioner for Refugees (UNHCR); the Commission on Human Rights; the UN International Children’s Emergency Fund (UNICEF), the Food and Agriculture Organization of the United Nations (FAO), the UN Office for Coordination of Humanitarian Affairs (OCHA), the United Nations Development Programme (UNDP), the World Food Programme (WFP), the World Health Organization (WHO) and other international humanitarian organizations (like, International Committee of Red Cross (ICRC); International Organizations for Migration (IOM) are among the notable institutions which currently continues in contributing for the protection and assistance of IDPs (UN, 2003). “Other mechanisms of the Commission on Human Rights, peace keeping and peacemaking operations, and regional intergovernmental and nongovernmental organizations all [also] have played and continue to play important functions” (Deng, 1995a).

There are also “scientific international institution” currently working in the areas of forced displacement like, the International Displacement Monitoring Center (IDMC), the Norwegian Refugee Council (NRC)/ Global IDPs project, and the Brooking Institution (Terminski, 2013). Particularly, IDMC, which is established at the request of UN “meticulously maintains data on conflict-induced internal displacement in fifty-two countries” (Kidane, 2011:11).

2.4.2.1. The Development of International Normative and Institutional Frameworks for the Protection of IDPs

i. Normative Frameworks

The international effort in responding to IDPs protection and assistance *inter alia* through introducing normative frameworks was evolved since the late 1980s and early 1990s. By 1990s, while the crisis of IDPs mounting with a steady rise of their numbers, the “international humanitarian organizations began to ask how to define IDPs, what rights they had and what responsibilities governments and the United Nations had toward them” (Cohen, 2013). Besides, the UN and other international humanitarian organizations, NGOs has also played a leading role especially through publicizing and statistical records of the issues of IDPs, and through calling the UN to appoint special rapporteur that could address the IDPs human right dimensions in the late 1980s (Cohen, 2013; Deng, 2007; Weiss, 1999). Particularly, NGOs, like “the Quaker UN Office, the Refugee Policy Group and the World Council of Churches developed a joint strategy to achieve the appointment of a UN rapporteur or expert to address the human rights dimension of the problem and to oversee the development of international standards” (Cohen, 2013).

Under this circumstance, in 1992 the UN began tangible works by appointing a representative of Secretary General on IDPs as an impetus for the development of the Guiding Principles (Bagshaw, 1999). In the process, the UN Commission on Human rights produced “an analytical report on internally displaced persons”, up on the request of the Australian government draft resolution during its 1991 session (Deng, 2007). The analytical report of the Commission “found ‘no clear statement’ of IDP rights in international law and recommended that the Commission on Human Rights develop ‘one comprehensive, universally applicable body of principles’ from existing standards to assure effective human rights protection” (Cohen, 2007; see also Bagshaw, 1999; Deng , 2007). The 1992 analytical report of the Commission further recommended or

“called for the designation of a focal point on internal displacement within the UN human rights system” (Deng, 2007). It was through this process that “UN Secretary-General, at the request of the Commission on Human Rights, appointed Dr. Francis Deng as the Representative of the Secretary-General on internally displaced persons” (Bagshaw, 1999). Finally, Deng has brought the 1998 UN Guiding Principles on Internal Displacement as the first international normative standards that are specifically designed to the protection and assistance of IDPs (Lwabukuna, 2011).

The UN Guiding Principles on Internal Displacement (GPID), is the first in recognizing “the right to be protected against arbitrary displacement” in explicit and formal ways (Morel, 2013:119). Inspired by the Guiding Principles, other international and regional normative frameworks have been adopted for similar purposes. However, with respect to the “international law perspective”, the Guiding Principles and the Kampala Convention are the main instruments in recognizing formally the human rights dimensions of IDPs (ibid).

a) The Guiding Principles

The Guiding Principles are considered as “the first international standards specifically tailored to the needs of Internally Displaced Persons (IDPs)” (Lwabukuna, 2011:125). The Guiding Principles are by nature the restatement of the already existing internal laws, international human right law, internal humanitarian law and “refugee law by analogy which (*sic*) covered the broad range of IDPs needs prior to displacement (or protection against arbitrary displacement), during displacement and during return or resettlement and reintegration” (Cohen, 2013:2). It is a soft law, not binding law like state treaty laws. However, it is based on the existing hard or binding international laws (Islam, 2006).

The provision of the Guiding Principles “cover all phases of internal displacement, from prevention from arbitrary displacement, to protection and assistance during displacement, to finding durable solutions that will lead to return in safety and dignity, alternative resettlement, and reintegration and self- -sustaining development” (Lwabukuna, 2011). And as Cohen briefly put it, the Guiding Principles come into the ground for three main purposes: to “1) define persons forcibly uprooted within their own countries; 2) identify the rights to which they were entitled;

and 3) set forth the obligations of governments, international organizations and non-state actors to these populations” (Cohen 2013:2).

The Guiding Principles, despite the strong criticisms forwarded by different writers (see, Muggah, 2000; Mehari, 2011), it is already acknowledged by the international community as ‘an important framework for the protection and assistance of IDPs’ (Kalin, 2008). In September 2005 in New York, “193 heads of state at the World Summit recognized the Principles in their outcome document as an important international framework for the protection of internally displaced persons” (Cohen, 2013). Furthermore, “an increasing number of States, United Nations agencies and regional and non-governmental organizations are applying them as a standard” (UN, 2003). For example, regional bodies especially in Africa, the 2006 Great Lake Protocol and the 2009 AU Kampala Convention, are significant manifestations of the increasing widespread acceptance of the Guiding Principles as an international framework. Interestingly enough, the Kampala Convention (discussed below), became a binding law, and replaced the soft law character of the Guiding Principles towards a hard law, though it is said to be limited to the continent of Africa in its applicability (Morel, 2013; IDMC, 2013a).

In spite of significant international acceptance of the Guiding Principles, ranged from incorporating in domestic laws and policies, to continental binding laws, to see the development of international normative framework beyond its rhetoric nature, many writers argued that, IDPs are yet in ‘protection gap’ since there is no an international binding legal as well as institutional regime for protection of the specific human right aspects of internally displaced persons (Mehari, 2011).

b) The Kampala Convention

After eleven years of the adoption of the Guiding Principles, the African Union adopted on 23 Oct, 2009, the Convention for the Protection and Assistance of Internally Displaced Persons in Africa, the so called Kampala Convention, and came into force on 6 Dec, 2012, after 15 states of the signatories ratified it (IDMC, 2013a). The Kampala Convention is “the only legally binding hard law” in recognition of the comprehensive human right of IDPs both at international and regional level (Morel, 2013:128).

The Convention containing 23 articles contextualizes the Guiding Principles with the specific aspects of the continent. Like the Guiding Principles, the provisions of the Kampala Convention cover all phases of internal displacement-“prevention of displacement, protection and provision of assistance to IDPs during displacement, and durable solution to IDPs in the form of return, relocation or resettlement” (Mehari, 2011:96). However, unlike the Guiding Principles, the Kampala Convention is more “comprehensive in terms of covering all phases and causes of internal displacement” (ibid). Moreover, it has a more detailed provision of responsibilities to all actors compared to the Guiding Principles; “the duties to AU, UN and Regional Economic Communities, Civil Societies Organizations and aid organizations are enumerated” (ibid). In general, with respect to normative framework developments concerning protection of IDPs, the Kampala Convention could be taken as a “stepping stone” (IDMC, 2013a), since it has transformed the soft law characters of all other conventions or declarations including the Guiding Principles into binding hard law taking in to account the specific context of the African continent.

ii. Institutional Frameworks

With respect to institutional framework, “responsibility has not yet (*sic*) vested unequivocally to any international body” (Deng, 1995a:54), or there is no any “international body currently exists with the specific mandate to monitor, implement and/or enforce the existing legal protection against [internal] displacement” (Morel, 2013:57). It is emanated from this fact that, the international community is strongly criticized since it has put IDPs in ‘mandate gap’ resulted from the absence of legal international regime (Mehari, 2011; Mooney, 2005). Nevertheless, Deng (2004), “in parallel with the development and promotion of a normative framework for internal displacement, the international community has become more active and coherent in its own operational or institutional response to internal displacement over the last decade.” Hence, UN and its different specialized bodies and other international human right and humanitarian organizations including development organizations are significantly playing a role in providing protection and assistances to IDPs since the early 1990s.

Concerning, the creation of special international institution for IDPs protection, some writers believe that it is “totally infeasible” and “outside of the question” to create special institutions;

rather they recommend “a better institutional division of labor within the UN system as (*sic*) the most feasible approach” (Weiss, 1999:368; see also Weiss, 2003). Deng strengthen this assumption by stating that, “while international agencies are becoming increasingly concerned and involved with the internally displaced, it is unlikely that one organization will be mandated to assume full responsibility for the internally displaced. Nor is the international community likely to establish a new mechanism for the internally displaced” (Deng, 1995a:56). Above all, it is commonly argued that, the politics of sovereignty of states and the lack of the international community political commitment to create special institutional mandate to the protection of IDPs is the revealed fact behind the existed protection gap (Couldrey & Tim, 2005).

2.4.2.2. The International Institutional Approaches for Protection of IDPs

It is believed that creating special institutional mandate to the needs of IDPs is unequivocal solution to address the plights of internally displaced, if possible. However, this alternative is unthinkable or totally infeasible *inter alia* because of strong resistance from a number of states considering the issue as a threat to their sovereignty (ibid). Besides the barrier of the politics of state sovereignty to create special institutional mandate, the international community (.i.e. the UN) itself is criticized, because of its lack of a firm political commitment on the issue (ibid). As a result of this, there have been a number of⁹ designed options by the international community in responding to IDPs protection. Out of which the following three options were put on the ground for selection: (i) creating a new agency with a mandate for the internally displaced; (ii) assigning responsibility to an existing agency and (iii) collaboration among the various relevant agencies (Stites & Tanner, 2004). Finally, UN system has opted the third one which termed as “Collaborative Approach” (GPCWG, 2007; see also, IASC, 2004; IASC, 2005).

i. The Collaborative Approach

The logic of international collaborative system of response to IDPs protection is emanated from the absence of/or the infeasibility of creating a single special institutional mandate. Taking in

⁹ See Weiss, (1999), Whither International Efforts for Internally Displaced Persons?” *Journal of Peace Research*, Vol. 36, No. 3, pp. 363-373; Weiss, (2003) “Internal Exiles: What Next for Internally Displaced Persons?”. *Third World Quarterly*, Vol. 24, No. 3, pp. 429-44, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>, accessed: on 02/12/2013 01:34

account this situation Weiss, (2003) advise that, “better co-ordination of existing capacities seems more plausible” since “creating a special institution to work exclusively on behalf of IDPs is” infeasible. The underlying assumption behind Weiss’s idea is “establishing a better division of labour within the UN system and mainstreaming the issue into every agency's work programm” (ibid). In rationalizing the collaborative response system some argued that the scale of IDPs crises and the scope of such human suffering are beyond the capacity of any single institution (GPCWG, 2007; Couldrey & Tim, 2005). This is generally the notion of a collaborative response.

Theoretically, Collaborative Approach means “working as a team using available national and international resources in a specific country context, in the absence of any one organization with a specific mandate to protect and assist IDPs” (Couldrey, & Tim, 2005:17). Further, as IASC, (2004:4) noted, a collaborative response is “...a response in which a broad range of UN and non-UN, governmental and non-governmental actors (including humanitarian, human rights and development actors) work together in a transparent and cooperative manner to respond to the needs of IDPs on the basis of their individual mandates and expertise”. To do with this assumption Couldrey & Tim, (2005:17) noted the following requirements¹⁰:

(a) leadership and the presence of actors with the requisite expertise, capacity and resources to respond to the different needs of the displaced ;(b) consultation with the UN Country Team and international and local NGOs, to decide on the division of labour, addressing gaps and avoiding overlap in apportioning roles and implementing activities; (c) participation and consultation with the IDPs themselves in the return planning process; (d) development of a Strategic Action Plan by relevant local and international stakeholders - to address key IDP issues (maintenance, return, assistance, protection.

Generally the Collaborative response, regardless of its nature of ideal and related weakness is considered as a potential necessity to “systematically meet the protection and assistance needs of internally displaced people” (ibid: 15).

The collaborative approach, however remained a weak system because of among others the absence of “clear delineation of responsibilities, coordination among the different actors has been inconsistent, and critical gaps have resulted, particularly regarding protection of IDPs”

¹⁰ IASC, (2004) *Implementing the Collaborative Response to Situations of Internal Displacement: Guidance for United Nations Humanitarian and/or Resident Coordinators and Country Teams*, IASC September, 2004

(ibid). This situation influenced the international community to set a reform in its institutional approaches of IDPs protection. Thus, in order to strengthen the collaborative response and to overcome those gaps the “cluster approach” was designed under the 2005 IASC comprehensive reform on the humanitarian response system (IASC, 2005).

ii. The Cluster Approach

The Cluster Approach was first introduced in 2005 for the aims “to ensure greater leadership and accountability in key sectors where gaps in humanitarian response have been identified, and to enhance partnerships among humanitarian, human rights and development actors, including the UN, NGOs and other organizations” (GPCWG, 2007:36). Thus, the aim of the Cluster Approach is “to improve leadership, predictability and accountability in humanitarian response” (Kemp, 2013:15). With this notion nine cluster/sector or “areas of humanitarian activity” to be led by the UN operational agencies and by other international humanitarian organization with particular expertise in the area has identified by the 2005 IASC comprehensive reform Table, 1 below shows (IASC, 2005).

Table.1 Sector areas or humanitarian activities and cluster lead under Cluster Approach

	CLUSTER / Area of Activities	GLOBAL CLUSTER LEAD
1	Logistics	World Food Programme
2	Emergency telecommunication	Office for the Coordination of Humanitarian Affairs– OCHA (Process Owner) UNICEF (Common Data Services) WFP (Common Security Telecommunications Services)
3	Camp coordination and management	UNHCR for conflict-generated IDPs IOM for natural disaster-generated IDPs
4	Emergency shelter	International Federation of Red Cross/Crescent (IFRC)
5	Health	World Health Organisation
6	Nutrition	UNICEF
7	Water, sanitation and hygiene	UNICEF
8	Early recovery	United Nation Development Program (UNDP)
9	Protection	UNHCR for conflict-generated IDPs UNHCR, UNICEF and Office of the UN High Commissioner for Human Rights (OHCHR) for natural disaster-generated IDPs

Source: - IASC (2006)

As the table above shows pre-existing humanitarian activities including other cross cutting issues are identified and responsibilities are set for specialized international agencies to primarily lead for the implementation of cluster approach in protection of the human rights of IDPs. As noted on ISAC document, cluster leadership accountabilities are set at global and country level (IASC, 2006). At the global level, global cluster leads are designated under the responsibility of the “Global Protection Cluster Working Group (GPCWG) for coordinating all protection activities in humanitarian action” (GPCWG, 2007: 36). And each clusters lead are accountable to “the Emergency Relief Coordinator[ERC] for ensuring system-wide preparedness and technical capacity to respond to humanitarian emergencies, and for ensuring greater predictability and more effective inter-agency responses in their particular sectors or areas of activity”(IASC,

2006:4). The global cluster leads are responsible for the following three main operational areas: standards and policy-setting; building response capacity and operational support¹¹.

At the country level sector/cluster leaderships are assigned to UN Humanitarian Coordinator (HC) and/or UN Resident Coordinator (RC) which appointed by the ERC, in consultation with the IASC. The HC has the responsibility of (GPCWG, 2007: 40):

ensuring that any protection gaps are addressed; promoting respect for human rights and humanitarian law and for the Guiding Principles on Internal Displacement; advocating with the national authorities and other actors for respect for humanitarian principles, including unimpeded access to affected populations; promoting gender mainstreaming and women's rights at the policy, planning and implementation levels; and mobilizing resources for the humanitarian response.

There is also inter-agency Humanitarian Country Team (HCT) under the leadership of HC/RC which facilitates coordination while HC/RC discharges its responsibility in consultation with humanitarian agencies (ibid).

However, the cluster system has been also failed to meet the intended international humanitarian responses to complex emergencies and it was after the “widely recognised failures of the system in the response to the Haiti earthquake and Pakistan floods”, that IASC “has proposed more far-reaching improvements to the [Cluster] system, under an initiative known as the ‘transformative agenda’, or TA” (Kemp, 2013:15). Thus, the new initiative or the transformative agenda (TA) stresses that “coordination structures are a means to an end, the ultimate aim of the humanitarian community being to serve vulnerable populations effectively. To that end, it recognises that HCs and HCTs must be able to develop coordination arrangements suited to local requirements” (ibid).

¹¹ For detail see Global Protection Cluster Working Group(GPCWG, 2007), *Hand book for the protection of Internally displaced Persons, ch. 3, pp.36-37*

CHAPTER THREE

CONFLICT INDUCED INTERNALLY DISPLACED PERSONS IN SUDAN'S DARFUR AND SOMALIA

3.1. Introduction

Sudan and Somalia are located in the most intermittently conflict affected region- Horn of African - the place where one of the largest numbers of IDPs live therein at risk (Allehone, 2011; Brosché, 2008; Massoud, 2013:3). The common feature of these two countries is the long drawn out internal armed conflicts that resulted in the displacement of a massive number of populations (Keyanti, 2007:4). For more than two decades, Sudan's Darfur conflict, beginning from "the late 1980s", and Somalia's from 1991 onwards are engulfed by a severe internal turmoil, civil war or armed conflicts (Middleton & O'Keefe, 2006; Assal, 2011). The worst part is that, the seemingly complex types of these countries' intra-state conflicts have yet not been resolved and continues to destabilize the countries' overall socio-economic as well as political conditions. Forced mass population displacements, either displacement within the state border what commonly termed as IDPs and cross border displacement, legally termed as refugees (Islam, 2006:358), is one of the serious destructive impacts of those countries' protracted intra-state conflicts (Laura, 2013). These countries still remain at the top among the world states in lists of producing large number of both IDPs and Refugees (IDMC, 2013b; IDMC, 2013c; Massoud, 2013).

Sudan, for instance, as a result of its continuous civil war beginning from independence has produced around 6.1 million IDPs up to the 2005 Comprehensive Peace Agreement (CPA) (Assal, 2011; Brosché, 2008; Global IDPs project, 2005). Until the 2005 CPA and the later 2011 South Sudan independence, there were two major civil wars (from 1955- 1972 and from 1983-2005) between the Southern and Northern parts of Sudan. From the perspective of intra-state conflict, the north-south confrontation has ended since 2005 CPA which granted greater autonomy for South Sudan and its later independence in August 2011 (Amnesty International, 2012:316). However, border confrontation and tension erupted as an inter- state/international conflict between the South Sudan and Sudan, particularly on the strategic border areas the so called *Abyei*, and by 'other related complex factor'. This newly emerged security issue has still continues as another factor for displacement of peoples in the area (Yousif & Rothbart, 2012).

The other devastating civil war which has yet not resolved and has continued to greatly displace the Sudanese is the Darfur conflict since “February 2003” (Lischer, 2009:144). The cause of Darfur conflict is somewhat similar with the already resolved North-South confrontation that fundamentally rooted in ‘structural violence’ and other complex factors. As commonly suggested, “structural violence”, meaning the overall marginalization of the south and other African origins of the Sudanese by the Government of Sudan (GoS) from the center Khartoum since independence was/ is the major factor for the conflict (Udombana, 2005; see also; Brosché, 2008; Gramizzi & Tubiana, 2012; Tar, 2006).

Similar internal political dynamics is also accounted for Somalia’s forced internal population displacement. In the post 1991 era Somalia is in a bitter civil war among different clan groups, warlords or armed groups each striving to assume power (Solomon, 2009). This wide spread, intra-state conflict resulted in the absence of central government in Somalia which is termed as a “failed state” for more than two decades (Fellin, 2013a; Menkhaus, 2007). It was suggested that Somalia’s current internal conflict was rooted in the long aged “clan rivalries”¹² which was later strengthened by Siad Barre’s (1969-1990) dictatorial “divide and rule policies” (Fellin, 2013b; Global IDPs project, 2004a). When Barre’s regime fell in 1991, Somalia found itself in situation of anarchy and armed conflict among different clan groups. Even, immediately after the fall of Barre’s regime, many regions of Somalia declared independence, though none of them is recognized by the international community. For example, Somaliland since 1991 and Putland since 1998 took the lead in declaring themselves as independent and autonomous states, respectively (IDMC, 2011). The former one is still in *de facto* independence (Mohamed, 2013).

Currently, the main confrontation in Somalia is between the newly established “Federal Government of Somalia” mainly backed by AMISOM and Al Shabaab with other factions

¹² Clan rivalries emanated from the nature of Somalia’s deep rooted clan based society, remain the determinant for the country’s internal political dynamics as well as socio- cultural relation of the public. As commonly suggested there are six main clan families, such Dir, Isaq, Darod, Hawiye, Digil and Rahanwein in Somalia; the rest are considered as minorities. See Abby & Mahamoud (2005), “Internally Displaced Minorities in Somalia and Somaliland”. available from http://oxfordhouse.org.uk/download/minority_IDPs.PDF, accessed on 14, 2014, 10:26:08 PM

(Laura, 2013). The overall impact of Somalia's lingering internal armed conflict is the deterioration of the country's socio-economic and political apparatus. Under this circumstance, the inevitability of forced population displacement is obvious. Thus, Somalia by January 2014 is among the leading states both in hosting around 1.1 million IDPs and in producing larger number of refugees (UNHCR, 2014). Generally, this chapter is devoted for a brief description of the internal armed conflicts that resulted in IDPs in Sudan's Darfur and Somalia. In addition, the human rights and humanitarian situation of IDPs are discussed under this chapter.

3.2. Internal Displacement as a Result of Prolonged Internal Conflicts in Sudan's Darfur and Somalia.

3.2.1. Sudan: Overview of Forced Internal Population Displacement

Internal displacement in Sudan is not a new phenomenon; rather "since the late 1980s population displacements instigated by famines, civil wars and the resultant impoverishment of rural communities have become striking features of mobility in the Sudan" (Assal, 2006:9; see also Assal, 2011). Historically, the peoples of Sudan are believed to be highly mobile that on average 40% of the population may move for one or another reason¹³. It is believed that the current internal population displacement is the continuation of the previous regimes forced internal population displacement, for relatively similar reasons but with different patterns of displacement ¹⁴(ibid).

One of the reasons that historically forced the peoples of Sudan to be displaced from their normal inhabitation is internal conflict in the form of inter-communal conflict, armed conflict or by extension in the form of civil war. This situation of internal conflict as the fundamental causes of internal displacement is historically rooted in Sudan since independence (Deng, 2006). It is commonly recorded that, "Sudan has been intermittently at war with itself since independence on

¹³ For detail historical factors of internal population displacement in Sudan, See Saeed & Badri, (2009) "Sudan's Internal Population Displacement and Migration – Magnitude and Policy Issues in the New Millennium". Policy Analysis Report. EDULINK

¹⁴ While the patterns of internal displacement especially in Darfur conflict are different from the earlier one that the displacement is in massive scale and mostly within the greater Darfur, the primary factors for displacement since Sudanese independence is internal armed conflict. See, M. Assal, (2006), "Whose Rights Count? National and International Responses to the Rights of IDPs in the Sudan". *Development Research Centre on Migration, Globalisation and Poverty*. University of Sussex

June 1, 1956, with only ten years of precarious peace between 1972 and 1983” (Deng, 2006:155). According to Kidane (2011:11), “among Sudan’s most important [civil] wars are the North-South war of 1955–72; the North-South war of 1983–2005; the Darfur Conflict, 2003–present; the Beja Congress and the Rashaida Free Lions of the East; and rebellion of the Nuba mountain region”. As a result of this frequent and protracted conflict, Sudan remains at the forefront in hosting the largest IDPs at risk.

The North-South confrontation which had its roots in the divisive Anglo-Egyptian condominium rule brought a bitter curse for the post-independence Sudanese unity as well as forced massive population displacement (Nguendi, 2012:9). The Anglo-Egyptian colonial rule from 1898-1956 that had created greater structural disparities between the predominately Muslim Arab of the North and the predominantly black Africans of the South, was considered as the crucial factors for the post-independence Sudanese chronic civil war (Saeed & Badri, 2009:4-5).

Consequently, two major civil wars, (the first from 1955 to 1972 and the second from 1983 to 2005) occurred devastatingly between the North and South Sudan. During the first civil war, an estimated 170,000 civilian were killed and “1 million” population had been [internally] displaced; in addition “4 million” peoples [internally] displaced in the second civil war (De Geoffroy, 2007:5). Later on, as a result of the 2005 CPA, the North-South confrontation was resolved on the agreement to provide independence for South Sudan through a referendum following a six year autonomous administration. Now civil war between North-South is over. It was ended by the secession of south Sudan on June 2011.

However, another devastative civil war has erupted in western part of Sudan, the Darfur region starting from 2003(Flint, 2010; Zaremba, 2011; Gramizzi and Tubiana, 2012). The Darfur conflict is still going on and, though the tension started much earlier, it erupted and spread in 2003 resulting in more than 2 million of IDPs since then (De Geoffroy, 2007: 7-8). The conflict is not yet resolved. Rather, “piecemeal efforts to end conflicts and pave the way for durable solutions have failed” to date (IDMC, 2013b:1). In addition to the Darfur conflict, there are also armed conflicts particularly in South Kordofan, Blue Nile and Red Sea states of Sudan that currently produce IDPs. Out of the total estimated IDPs in different regions of Sudan, there are “around 930,000 people in South Kordofan, 185,000 in Blue Nile... internally displaced” as of

the end of April 2013 and 150,000 IDPs in the eastern states of Red Sea, Kassala and Gedaref as of May 2013 (ibid: 4). In the capital Khartoum there were also “35, 000 South Sudanese origin IDPs” in different official IDPs camps (ibid, Assal, 2011). But the greatest share of IDPs crises and massive protracted displacement of at least 2.4 million IDPs as of June 2013 is in Darfur (IDMC, 2013b). Hence, in the proceeding section, the conflict in Darfur and the resulted IDPs are discussed as far as the scope of the study is concerned.

3.2.1.1. The Darfur Conflict Since 2003

Darfur means the ‘land of the Fur’, a region in western Sudan (International Media Support (IMS), 2009). “It is populated by approximately seven million people and has more than 30 ethnic groups; most falling into two major categories: African and Arab” (Zaremba: 2011:44). As historical records show, Darfur had experienced its own independent statehood beginning from the 17th century and was administered by different sultans (Kahn, 2008). By 1916, it had been annexed as an Anglo- Egyptian territory in Sudan by the British during World War I (O’Neill & Cassis, 2005:13). Since the territory was not strategic to them, it remained largely ignored, albeit with a local populace that was increasingly frustrated, until the 1950s. Therefore the socio-economic and political marginalization of Darfur which is the main cause for the regions current crisis was rooted during the colonial era.

Nevertheless, after Sudan gained its independence in 1956, the deliberate marginalization of Darfur since colonial era has not been well addressed by the government of Sudan centered at Khartoum (Mohamed, 2005). Political and economic marginalization of the region along with other complex factors has caused the current ongoing civil war in Darfur. According to Flint (2011:9) “the conflict in Darfur is the product of a complex set of factors, including disputes over access to and control of natural resources, the inequitable distribution of economic and political power, the absence of strong, just governance, militarization, and the proliferation of small arms”. Flint further noted that, “in the mid-1980s,... the great drought of 1984–85, spillover of war from Chad, and a new political ideology of Arab supremacism imported from Libya (and encouraged by Khartoum) brought pastoralist and farmer, Arab and non-Arab, into sustained confrontation” (ibid).

To sum up, as many writers suggested, for the civil war in Darfur, political and economic marginalization of the region; the mobilization of armed militias by Government of Sudan (GoS); emergence of armed rebel movements in Darfur (the Sudan Liberation Army/Movement (SLA/M) and Justice and Equality Movement (JEM)); scarce resources along with environmental decline and so on, are the basic root causes, and some of them are the immediate causes as well (Nguendi, 2012; O'Neill & Cassis, 2005; Zaremba, 2011: 43).

The civil war in Darfur erupted in April 2003, immediately after the two Darfur rebel groups (the Sudan Liberation Army/Movement (SLA/M) and Justice and Equality Movement (JEM)) massively attacked the North Darfur capital El-Fashir, and destroyed various Sudanese military facilities (O'Neill & Cassis, 2005:14; Tar, 2006). The key political motivations behind the rebellion were the claim 'that Khartoum authorities address the marginalisation and underdevelopment to which the region was reportedly subjected', and bring 'an end to tribal militias, and adopt a power share of the peripheral west with the central government' (Zaremba, 2011: 43). However the government has rejected the call of those rebel groups. Instead, the situation led to a complex crisis when the GoS orders the deployment of huge military forces in Darfur which operated against the whole peoples indiscriminately. As a result, deliberate "attacks on civilians, including massacres, rape, torture, abductions, forced recruitment and systematic looting and burning of villages" have prevailed (Global IDPs project, 2005:5; see also, Amnesty International, 2012). Since then the civil war has continued between the GoS and the rebel groups as well as other various factions, which has become a serious factor for humanitarian crises and for chronic population displacement (Saeed & Badri, 2009:5).

Though a number of negotiations and ceasefire agreements were conducted with the help of different mediators between the GoS and the Darfur rebel groups, ranging from the 2004 cease fire agreement and the 2006 Darfur Peace Agreement (DPA) to the 2011 Doha Document for Peace Darfur (DDPD), none of them provided adequate solution to the ongoing Darfur conflict. Rather they "...either failed to impact events on the ground or have actually made matters worse in Darfur" (Omer, et al 2011:1).

3.2.1.2. IDPs Resulted by the Darfur Conflict

The Darfur conflict which began in February 2003 and still going on in a lesser extent is reported as one of “the world’s worst humanitarian crisis” and a “genocide”¹⁵ by the United Nations and the United States respectively (Thu, 2004; the 2009 International Media Support (IMS); see also, Vanrooyen et al, 2008). It was recorded as the current another massive and ruthless cruelty against humanity next to the 1994 Rwandan genocide. Using anecdotal estimates, “it is believed that almost 5 million people have been affected by the Darfur conflict” (International Media Support (IMS), 2009). An estimated 300,000 people have died from combined effects of war, famine and disease; and from 2.4 to 2.7 million people – “715,700, 770,800 and 480,000 IDPs in West, South and North Darfur respectively” has been internally displaced (Global IDPs Project, 2005:5; see also, Ferris, 2008; Seferis, 2010; Zaremba 2010).

Arguably, it is easy to guess how far the conflict in Darfur resulted in massive IDPs crises in addition to other devastative consequences. Within a year after the civil war began, as of August 2004 “an estimated 1.2 [to 1.6] million people have been [internally] displaced” and another 200,000 fled crossing the border to Chad as refugees (UN, 2004b:5; Middleton & O’Keefe, 2006:548). The estimated number of IDPs increased nearly 1.8 by the year 2006 as the war escalated (IDMC, 2006). Internal displacement along with the unending armed conflicts in Darfur has still continued. For example, according to OCHA only in “early March 2014 between 60,000 - 75,000 people displaced in North Darfur following clashes between Government forces and a paramilitary group in Saraf Omra and attacks by SLA-Mini Menawi (*sic*) in the Tawisha area”(OCHA, 2014a).

¹⁵ Since 2003 while the civil war erupted in Darfur, the Government of Sudan is accused of committing “genocide”, a kind of ethnic cleansing against the non Arab Darfurians using the ethnic Arab militias- the Janjaweed- with the support of the national military force named Popular Defense Force. Considering the killing of an estimated 300,000 to 40,000 Darfurians by the GoS as “genocide” is however subjected to debate. See Vanrooyen et al, (2008) “Employment of a livelihoods analysis to define genocide in the Darfur region of Sudan”, *Journal of Genocide Research*, vol.10, No.3, pp: 343–358; Ferris, E (2008), “Internally Displaced Persons in Darfur: Taking tock”, available from <http://www.brookings.edu/experts/Ferrise>. accessed on April 13, 2014, 9:09:13 AM

However, these figures of IDPs are contested by the Government of Sudan¹⁶ (UN, 2004b:5). And figures of IDPs is in fact not a well verified because of *inter alia* the difficulty to have a comprehensive and appropriate figures of IDPs as well as the “lack of access to affected areas and the piecemeal... fragmented nature of any data” (IDMC, 2013b:1) that existed and the fluctuation of figures (Assal, 2007) with respect to the rise and fall of the conflict. Thus the working estimated figures of IDPs are currently ranged between 2.4 and 2.7 million IDPs in Darfur alone (Kahn, 2008; Seferis, 2010; UNICEF, 2013).

Table.2. Estimated number of people newly displaced per year in Darfur from 2003-2013

Year	Number of IDPs
2003	989,920
2004	N.A *
2005	853,000
2006	270,000
2007	300,000
2008	317,000
2009	175,000
2010	268,000
2011	80,000
2012	114,000
2013	380,000

*N.A: Not Available

Source: - OCHA, 2014a

3.2.2. Somalia: Overview of Forced Internal Population Displacement

Forced population displacement in Somalia seems like an inherent phenomenon, especially in the post 1991 as a result of the countries deteriorated internal political situation. In spite of the fact

¹⁶ According to the interview with Dr. Mehari Taddele, for an hour, on 17/04/ 2014, at Gihon Hotel, the number of IDPs in Darfur that claimed by the government of Sudan are around 500 in contrast to the international estimates. Currently Dr Mehari is an international consultant and chairman and board of director for African Rally for Peace and Development.

that, there are so many reasons¹⁷ for the displacement of peoples in Somalia, internal displacement as a result of conflict begun since the late 1970s and 1980s (Fischer and Vollmer, 2009:41; Laura, 2013:12). Particularly, the Ogaden war or the 1977-1978 Ethio- Somalia war had resulted in calamities of thousands of population of both participants and forced displacement of larger number of person (Gebru, 2009). It is not only the Ogaden war, “since the 1970s Somalia has drifted from one emergency to another, running the whole gamut of repression, civil war, invasion, fragmentation, drought and famine” that consequently made peoples displaced from their normal inhabitations (Global IDPs project, 2004b). However, “it is unusually hard to give meaningful figures for displacement in a country where two thirds of the population led a nomadic or semi-nomadic existence, traditionally moving with their herds to and from grazing and agricultural lands, water sources and trading centre”(ibid; see, also Lyytinen, 2009:7-8).

Even if the post 1991 Somalia’s conflict induced population displacement is believed to be rooted in the 1980s armed struggle against Barre’s oppressive regime, the patterns of displacements and the plights of IDPs is relatively severe both in magnitude and in intensity (Laura, 2013). The present day severe internal armed conflict was begun in the late 1980s to topple the regime of Said Barre, the “common enemy” for the various clan based armed groups (Global IDPs project, 2004b; see also, Menkhaus, 2007). Thus, the late 1980s Somalia was full of “civil war, starvation, banditry, and brutality” since the struggle was there to topple Barre’s regime from power (ibid). Finally, by January 1991 Said Barre’s regime attacked by armed group named Somalia National Movement (SNM) which was dominated by Isaak clan, with the help of Southern Somalia factions such as the Somali Patriotic Movement (SPM) and the United Somali Congress (USC) forcing Barre to leave the capital, Mogadishu (Abby & Mahamoud, 2005; Thakur, 1994). Since then Somalia remain in the recurrent inter-clan warfare with the absence of stable central government. Consequently, the situation adversely affected the normal situation of the public life and directly forced millions of Somalis to be displaced.

¹⁷ Root causes for the general population displacement in Somalia are believed to be complex and manifolds. Nevertheless, Fellin suggested that there are “four frequently interrelated factors leading to population displacement, including armed conflict, persecution based on ethnicity and race, “natural disasters” such as drought, floods, and famine, and development projects that caused major changes to land use and ownership” (Fellin, 2013a:42).

3.2.2.1. The Post-1991 Internal Armed Conflict

The post-1991 Somalia, especially in the academic discourse, is commonly described as a “failed state” with ‘fragile government institution’, combined with ‘continuous inter-clan armed conflict, terror, severe droughts’ and deteriorating humanitarian conditions (Fellin, 2013a; Teodorescu, 2012). The notion of considering Somalia as a failed State is emanated from the breakdown of “Somalia’s civil society including the armed forces, the police force, the People’s Militia, government ministries, and the People’s Assembly and schools and health institutions...” (Bamfo, 2009:57). Moreover, the post-1990s Somalia is a “collapsed state” as Lischer described it, in which “regional militias, warlords, criminal gangs, and bandits perpetrate violence motivated by political and economic goals” (Lischer, 2009:147). And this state collapse situation in Somalia is also accounted as symptom for massive population displacement (Fischer and Vollmer, 2009:42). Above all, the country is now in intermittent armed conflict and terror by the Al Shabaab-Islamic militant group (Wise, 2011). One of the adverse impacts of Somalia’s decade of internal armed conflict which existed for the last 22 years is the suffering of millions of IDPs (IDMC, 2013c).

Even though those various Somalis clans and opposition militant groups formed a provisional government under the umbrella of the “United Somali Congress” immediately after fall of Barre regime, they were not able to save Somalia from being a failed state (Bamfo, 2009). Since then, Somalia lacks strong centralized government and is divided into several conflicting clan groups for decades (ibid). Consequently, Somalia has become a place where massive number of internally displaced peoples continues to suffer greatly to date.

As the “breakdown of social, economic and administrative structure intensified in 1992” because of the inter clan conflicts, the estimated number of IDPs reached around “two million” in the country (Global IDPs project, 2004b:11). While the situation become worsened and humanitarian situation deteriorated, the UN under the United Nation Operation in Somalia (UNOSOM) sent 500 soldiers to facilitate cease fire and to provide humanitarian assistance (Menkhaus, 2007; Thakur, 1994). In the same year USA intervened with its “Operation Restore Hope and United Task” (Klarevas, 2000). By 1993 though cease fire was agreed by 14 warring groups, the conflict continued. Under this circumstance the UN conference on national reconciliation convened in Addis Ababa and UNOSOM II sent again 28,000 troops to ensure

protection and allow reconciliation. However, the civil war continued adversely; even aid agents were not able to survive under that circumstance and by 1995 including the US and troops of UN withdrew from Somalia (Cilliers et al, 2010).

Although, the civil conflict continued among the warring clan groups, none of them were able to secure power and control the state apparatus (Powell et al, 2006). However, there was a considerable ascendancy of power by the Islamic Courts Union (ICU)- a coalition of various radical Islamic groups that relatively secure power and become a main counter attacker for TFG until it had been ousted from its base in mid 2006 (Chitiyo & Rader, 2012).

3.2.2.2. From the Confrontation between ICU and TFG to Confrontation of Al Shabaab and TFG/the Government of Somalia

Beginning from the early 1991 the conflicting clan groups and war lords in Somalia were mostly “radical Islamists” (Bamfo, 2009). Hence, these radicalists organized in the name of “Islamic Court Unions” (ICU) since the fall of Barre’s regime shows a significant ascendancy in controlling the state apparatus. Most parts of Somalia including Mogadishu and South Central Somalia was under the control of ICU with relative stability until 2006 (IDMC, 2007:7). Despite the ICU control of most parts of Somalia including the capital Mogadishu, Somalia was yet under civil war and state crises.

Amongst the various attempt to bring “peace and order”, the establishment of Transitional Federal Government (TFG) in 2004 by the help of IGAD member states and the UN was a significant achievement until it finished its mandate in August 2012. However TFG did not guarantee peace in Somalia, rather it falls under a severe counter attacks by the ICU and other factions. Starting from December 2006 a devastating confrontation between ICU and the Ethiopian backed TFG occurred in Somalia (Fischer & Vollmer, 2009). A bloodshed war had been took place until ICU was ousted from its base and later the TFG controlled Mogadishu by the help of ENDF in January 2008 (UNHCR, 2007a). It was recorded that, the humanitarian crisis and population displacement was at the highest rate during the war between Ethiopian backed TFG and ICU (Fischer and Vollmer, 2009). Humanitarian agents reported that roughly “16,000 civilians were killed” by the war (ibid: 42). In the end, even if ICU was dislodged and TFG had set up its base at the capital Mogadishu and controlled most central and south western

Somalia, the country was still far from peace and order (Cilliers et al, 2010). Unfortunately, in the footsteps of ICU, al Shabaab emerged as another Islamic militant group committed to attack the Transitional Federal Government of Somalia (Solomon, 2010; Wise, 2011).

Nowadays, Al Shabaab is the chronic security headache not only to Somalia but also for the East Africa or the international community's by large. Al Shabaab was "a relatively moderate Islamic organization" while its ascendancy began in the early 2006 (Wise, 2011:1). Its earliest period movement was as a militant Islamic guerrilla fighter against TFG, motivated by the Ethiopian intervention in Somalia¹⁸. However from the early 2008 onwards Al Shabaab's movement has two-fold character: a nationalist organization using a conventional militarily means to attack its enemy, and a transitional terrorist group having a tie with al Qaeda (ibid). Al Shabaab as transnational terrorist group has continued in frequently attacking civilian not only in Somalia but also the East African countries by large (Solomon, 2010).

Even the international response, including the presence of AMISOM since March 2007 has not deterred Al Shabaab's destabilizing impact to date. The Mandate of TFG was already replaced by a Federal Government of Somalia led by President Hassan Sheik Mohamud in August 2012 (Fellin, 2013b; Laura, 2013). Nonetheless, peace and order in Somalia is yet far, as long as the frequent attack of Al Shabaab is there as well as the confrontation between other clan groups, for instance, the confrontation between the leaders of Putland and Somaliland because of the contested border area is still going on. Moreover, "the Islamic militia Al-Shabaab, despite being ousted from some areas it controlled for years, remains a major threat to peace and security [of the country]" to date (IDMC: 2013c).

To sum up, despite the different attempts made by the international communities and neighborhood IGAD member states to stabilize the situation, Somalia has still not recovered from the protracted internal armed conflict. Ranging from the establishment of the 2000 Transitional National Government (TNG) and the 2004 Transitional Federal Government (TFG) (Cilliers et al, 2010:2), to the newly established parliamentary government were among the attempts made to normalize the internal condition in Somalia (Fellin, 2013b). Nevertheless, "the

¹⁸ Wise, (2011), believed that the Ethiopian intervention in Somalia from December 2006- January 2009 was directly responsible for the Al Shabaab's rise to a powerful radicalist militant group. For, detail see his article entitled "Al Shabaab" Case Study. *CSIS.No. 2*.

conflict and civil insecurity across most of southern and central Somalia, and the border conflict between Puntland and Somaliland in the north and northwest... [and the frequent Al Shabaab's ongoing terror and frequent confrontation with the combined force of Somalia's National Defense Force and AMISOM continues to]... caused massive displacement" (Fischer and Vollmer, 2009; OCHA, 2014b).

3.2.2.3. IDPs Resulted by the Long Existed Somalia's Internal Armed Conflict

The internal conflict in Somalia existed unresolved almost for the past 22 years. The waves of massive displacement, which begun in 1991 is still not overcome. There is no reliable figure of internally displaced; however considering anecdotal estimates of different international organizations in Somalia there were 1.1 million IDPs - 129,000 in Puntland, 84,000 in Somaliland, and a 893,000 in South Central as of February, 2014 (UNHCR, 2014). However, with respect to the fluctuation of the conflict IDPs crisis also vary. Hence, in the early 1990s while the conflict erupted the crisis of IDPs was alarmed and the estimated figures of IDPs were more than two million (Mohamed, 2013). For instance, in the first waves of internal displacement from "1991- 2000 there were 250,000 displaced in Mogadishu; 70,000 in Puntland, 40,000 in South-Central Somalia and another 40,000 in Somaliland" (UNHCR, 2014). Beginning from the mid 2006 up to July 2007 while the conflict escalated between the ICU and the Ethiopian backed TFG there was a considerable displacement crisis (ibid).

From 2007-2012 major confrontation between AMISOM backed TFG and Al Shabaab, and the Kenya's intervention in October 2012 in support of TFG which later joined AMISOM was considered as primary factors for the continued IDPs crises (Chitiyo & Rader 2012). IDPs crisis is still continued and the new parliamentary government remain weak and fragile that could not able to resist Al Shabaab's counter attack insurgencies and terror. For example, only between December and January 2013, there was internal displacement of about 80,000 peoples resulted by the insecurity conditions (UNHCR, 2014). According to the report of OCHA the waves of violence are still going on, especially in South Central Somalia and out of the total estimates of IDPs "81 per cent (893,000 people) are settled in south-central region, mainly in Mogadishu (over 300,000) and Galgaduud (approx. 119,000), Lower Shabelle (approx. 100,000) and Gedo (approx. 76,000) regions" (OCHA, 2013).

3.3. The Human Right Situation of IDPs in Darfur and Somalia

3.3.1. Abuse against Human Rights of IDPs

Even if IDPs are nowadays provided with standards of international human right entitlement (Morel, 2013; Stavropoulou, 1998), particularly in Darfur and Somalia the insecurity situation yet continues in affecting these vulnerable groups. IDPs resulted by the prolonged internal armed conflicts in Darfur and Somalia are said to be the most vulnerable human groups. The human right and humanitarian crises of IDPs in those countries are complex and multidimensional. As long as they are the victims of armed conflicts, they are highly potentially threatened including to their life, physical security, socio-economic needs and cultural values (Amnesty International, 2012, IDMC, 2013b; IDMC, 2013c). A serious abuse against the human rights and humanitarian rights of IDPs in Sudan's Darfur and Somalia is common. Although the problems are by large for all civilians in areas of conflict, IDPs owing to their vulnerability are major victims of human rights abuse by the conflicting parties (Amnesty International, 2013a; Amnesty International, 2013b; Massoud, 2013; Zaat, 2005). Above all, IDPs what they suffer all from such abuse and violation are against the international law provisions (see, chapter four).

As different humanitarian agents frequently reported, "a deliberate human right abuse" occurred on IDPs both "during displacement and after displacement"(Amnesty International, 2012; Amnesty International, 2013a; Global IDPs project, 2005; IDMC, 2011; IDMC, 2013b; IDMC, 2013c; OCHA, 2011; UNHCR, 2007a). Violations such as, frequent rape and abduction on women and girls, recruiting children's for military service, sudden bombing and explosion of IDPs camps, arbitrary arrest and detention, "restrict freedom of movement and hamper livelihoods", prohibiting IDPs from humanitarian access are commonly carried out by combatants of conflicting parties (IDMC, 2013b; IDMC, 2013c). Even, armed groups particularly in Sudanese Darfur and in South Central Somalia sometimes undertook a measure of displacing peoples massively from their inhabitants for the sake of political as well as economic and logistic advantages (ibid; Global IDPs project, 2005; UN, 2004b: 2).

As IDMC in 2013 reported "IDPs in Somalia face risks to their lives, safety, security and dignity due to dire living conditions, ongoing violence and conflict"(IDMC, 2013c:5). The human right crisis facing IDPs was very acute on those living in different camps of Hargeisa ("Somaliland")

and Bossaso ("Puntland") and Kismayu in south Somalia (Abby & Mahamoud, 2005; Chitiyo & Rader, 2012:16-17). The vulnerability of IDPs in Somalia is also complex, especially "as a result of their ambiguous status with the various de facto authorities across most of the country" to date (OCHA, 2002a). With respect to the different regions of Somalia the situation of IDPs also varies. For instance, IDPs in the northeast (Puntland) and northwest (Somaliland) are in a better situation where there is a relative stability compared to the highly vulnerable IDPs of South and Central Somalia "where intermittent insecurity prevails in regions such as Gedo, Lower and Middle Juba and Mogadishu" (ibid; see also Laura, 2013).

Similarly, there is a "deliberate human rights abuses" in Sudan's Darfur by the conflicting parties (IDMC, 2013a). Since outbreak of the conflict in Darfur, "the... social, cultural, economic, political and civil rights violations and abuses facing IDPs remain extreme" (Zaat, 2005:5). Francis Deng in his visit "from 25 July to 1 August 2004" to the Darfur crisis reported that "while the camps themselves are relatively secure, IDPs who ventured outside, which many must do to collect needed firewood or attend to their animals, are still exposed to attacks, killings, and rape"(UN, 2004b: 2). Worst, the conflict is not yet resolved both in Darfur and Somalia which exist at least for more than 20 years that created the protracted nature of internal displacements. There were IDPs both in camps and self-settlement areas existed in protracted displacements for more than 20 years particularly in Darfur, and in south central Somalia (Laura, 2013; Massoud, 2013).

3.3.2. Abuse against Physical Security of IDPs

IDPs are by their nature unfortunate for physical protection since they are forced to live in area of conflict zones in which the combatants treat them in the eyes of suspicion. In Sudan's Darfur the primary humanitarian concern was 'crisis of IDPs' physical and moral integrity' and in Somalia due to ongoing conflicts near the IDPs location, threats to security and dignity were prevalence as IDMC reported in 9 July 2013 and 1 October 2013, respectively (IDMC, 2013b; IDMC,2013c). IDPs settlements and camps were controlled by both government forces and opposition armed groups in Darfur and Somalia. However, it was suggested that lack of physical protection for IDPs was chronic (IOM, 2013a; REACH, 2013). For instance, in Darfur IDPs' camps which are located in government forces' controlled area are suffered in physical assault,

murder, torture, rape and so on by Janjaweed let alone obtain physical security protection (Salima, 2004; Hermanson, 2007). NRC reported that by the deliberate attack on Aro Sharow IDP camp in Darfur by GoS forces and Janjaweed “29 IDPs were killed and around 1,000 forced to flee their camp in one attack in September 2005” (Global IDP Project, 2005:29). Similarly, IDMC in its 9 July 2013 report noted that there were “repeated reports of targeted attacks on IDPs and their camps, often in retaliation for the activities of one party or another to the conflict and IDPs’ perceived support for them”(IDMC, 2013b).

The situation in Somalia is worst in the absence of central government for the last 22 years and the recent federal government “remains weak and potential for further instability”(IDMC, 2013c) that enables IDPs to exist in area controlled by ragtag militant clan groups across the country (Amnesty international, 2013b). Especially in South central Somalia, IDPs which existed in Al Shabaab controlled places, before it had recently been ousted from most of the area by the combined forces of AMISOM (Chitiyo and Rader, 2012:11), were targeted for various deliberate physical attacks. Moreover the fighting of the combatants “has continued near IDP settlements, some of which have reportedly been attacked” (IDMC, 2013c). In October 2011, up to five IDPs were killed and some 45 injured at the IDP camp in the southern Somalia town of Jilib when fighting took place between Kenya’s backed TFG and Al Shabaab (IDMC, 2011). Similarly, in 2007 in the conflict torn area of South Central Somalia reported that IDPs has chronically suffered from abuse of physical security and integrity (IDMC, 2007).

In sum, threat to physical security of IDPs in Darfur and Somalia was chronic as it has been repeatedly reported. Resulted from the ongoing conflicts in the nearby areas of IDPs settlements, the presence of combatant force in the nearby areas of IDPs and the perception of considering IDPs supporter of enemy in the conflict, internally displacees continues to suffer in torture, physical assault, murder, abduction and rape” and so on. Worst, these violations are severe on women, children and minority IDPs (Laura, 2013; Massoud, 2013).

3.3.3. Violence against Women and Children IDPs

The most vulnerable section of IDPs in terms of human right violations are women and children. “Sexual and Gender based violence (SGBV)” are common and frequently perpetrated on IDPs (IDMC, 1013c; see also Amnesty International, 2013; Human rights Watch, 2013; IDMC,

2013b). Rape and abduction on women and girls by the combatants both in settlement camps and outside camps while they are in some tasks such as, collecting fire woods and fetching water have commonly occurred. For example, according to the report of IDMC “there were 1,700 cases of rape in IDP camps in Mogadishu in 2012” (IDMC, 2013c). Similarly, in Darfur, “displaced women and girls are particularly at risk” especially when they are outside camps for different purposes (IDMC, 2013b). The living conditions of women IDPs and their children in Darfur was miserable that their only skill of “brewing and sale of alcohol”, which “criminalized under Sudanese law” resulted them to overcrowded the prisons (Massoud, 2013:5-6). The Norwegian Refugee Council in its 2005 documents stated that “Darfur IDP women exposed to abductions, sexual violence, rape; most abuses are committed by armed militias outside the camps and the victims insulted and humiliated, often threatened with death” (Global IDPs project, 2005). Surprisingly, in Darfur and Somalia rape and sexual violence on women and girls was also taken as a war strategy by the conflicting parties (Allehone, 2011)

Human right violation on children is also the most occurred abuse in IDPs camps and settlement areas. Especially during displacement children’s are victimized of losing their families or family separation which leads them “at risk of exploitation, human rights violations and becoming street children” (IDMC, 2013c; IDMC, 2013b). Exploitation and forced recruitment of children by combatants is also the other usual violation. In Somalia, “children as young as nine are still frequently recruited to serve as combatants” (IDMC, 2013c). According to Laura, (2013:20), children solders across Somalia are not only recruited by militant groups such as ICU and Al Shabaab “but also by the TFG’s own military forces”. Similar violation on IDPs children of Darfur was observed; according to UNICEF, (2004:4), children which were the largest proportions amongst IDPs population in Darfur,” have either been direct victims of violence, or have witnessed violent acts” (see, also UNICEF, 2009).

3.3.4. Violence on Minority IDPs

Minorities, particularly in Somalia are also the major victims of deliberate human right abuse (Abby & Mahamoud, 2005; OCHA, 2002a). Minorities¹⁹ in Somalia, “constitutes a subordinated

¹⁹ Bantu, Bravenese, Rerhamar, Bajuni, Eyle, Galgala, Tumul, Yibir and Gaboye are among the minority groups in Somalia that “have faced prior and after the war discrimination and exclusion” (IDMC, 2007), see also, Fellin, 2013a) “The Historical Impact of Western Colonial and Imperial Policies and Interventions on Conflict and Internal Displacement in Somalia”. *Journal of Internal Displacement Vol. 3 No. 2, pp. 41--62*

group” because of the country’s “clan society” (Abby &Mahamoud, 2005). In Somalia outside of the six main clan families the rest are considered as minorities which suffer in holistic discrimination by the dominant clans. As a result of this, minority IDPs are victims of perpetrated human right abuse. In 2002 the UN-OCHA reported that even the largest compositions of IDPs in camps were from minority groups like the Bantu resulted from their greater vulnerability to displacement. Similarly, Laura (2013:17), in Basaso out of 32 smaller settlements with an IDP population ranging between 6000 and 7000 the majority IDPs are from the “marginalised clans such as the Rahanweyne and Somali Bantus from South Somalia”. The problem minorities’ faces in Somalia were very complex which includes denial of “national and international protection, denial of durable solutions - i.e., return, housing and property restitution. They are beset by hunger, disease, and lack of adequate shelter” (Abby & Mahamoud, 2005).

In the case of Darfur, from the beginning the conflict was between the nomadic Arab tribes and the ethnic minority Africans such as the Fur, Zaghawa and Massalit (Islam, 2006). Unfortunately, GoS sided with Arab tribes by arming as well as recruiting them for the country’s Popular Defense Force (PDF) intentionally to crash the African origin Darfurians (Cohen & Deng, 2008). Consequently, for the Darfur internal displacement crises, the victims were the ethnic minorities African origin Darfur tribes who are considered by the GoS and the Arabs as inferiors. And the large numbers of IDPs populations in Darfur were from these groups which targeted by GoS and by its tribal militias the Janjaweed. In the end, these “ethnic minority groups composed of non-Arab Africans have suffered extreme dispossession and abandonment” (ibid: 22). Above all these ethnic minority IDPs in Darfur were seriously subjected to the frequent deliberate human right abuse by the Janjaweed and the forces of GoS.

3.4. The Humanitarian Situation of IDPs

3.4.1. Access to Basic Necessities

The greatest challenge for the conflict caused IDPs of Darfur and Somalia was inadequate access to basic necessities which are in fact crucial requirements for survival (Mohamed, 2013; Seferis, 2010). Although humanitarian agents were there, the insecurity situation because of the ongoing conflicts, and because of the deliberate hampering and diversion by the combatants, basic

necessities such as “adequate shelter, food security, health services, water and sanitation, education and capacity building for sustainable income-generating skills and access to economic opportunities”, are critically inadequate, if not all the time (OCHA, 2002a; see also Islam, 2006: 356; IOM, 2013a).

i. Food Security

The problem of food insecurity is a nationwide issue in Somalia and Sudan (Saeed & Badri, 2009; The Fund for Peace, 2011). But IDPs resulting from their vulnerability “have only very limited access to food” and sometimes malnutrition was “above the emergency threshold” (IDMC, 2013b; IDMC, 2013c; see also, IDMC, 2004; IDMC, 2007; IDMC, 2009; IDMC, 2011). Food remains inaccessible because the IDPs lack the means to secure food, and assistance cannot reach them or is diverted by parties to the conflict. In Darfur “access to food aid is difficult and irregular” especially in areas which were not controlled by GoS (IDMC, 2013a). Particularly, in the early period of the war in Darfur, as NRC noted, food insecurity and malnutrition was very severe; “only about 6% of the IDPs did [have the means to secure food] in 2004” and malnutrition situation was “beyond emergency thresholds” (Global IDPs project, 2005).

In Somalia “IDPs remain the group most affected by the food crisis”. Especially, aggravated by recurrent drought, food become inaccessible to reach IDPs. In 2011 famine had been declared in Mogadishu and Afgoye area “which had the largest internally displaced populations of Somalia” (IDMC. 2011). The situation led to “high levels of severe acute malnutrition” resulted from “the scarcity of food” on IDPs of those two particular areas; eventually, the situation even led to high level of under five mortality rates (ibid). Similarly in August 2013, nutrition was deteriorated in Hargeisa Somaliland. The food insecurity problems also vary geographically in Somalia with respect to the insecurity condition (IDMC, 2013c; OCHA, 2002a; UNHCR, 2007a).

ii. Adequate Shelter

Access to adequate housing is also a challenge, particularly for newly displaced people. Settlements are overcrowded with very poor qualities (OCHA, 2014a). Electricity and some other necessary facilities in IDPs settlements are insecure (Massoud, 2013; Amnesty international, 2013b). Worst, there were sudden destructions of IDPs settlements through

bombing by the combatant and fire is also common resulting from open cooking's, especially in dry season. Sometimes IDPs are also forced to be relocated and dispossessed by the conflicting parties (Amnesty international, 2013b). For example, in west Darfur of Garsila, the “government had taken possession of ... [IDPs] homes and given them to military and government officials” (Global IDPs project, 2005). IDPs in camps in Darfur often live in rudimentary makeshift shelters which provide only limited protection from the elements. Similarly in Somalia housing condition was dire and in urgent needs. According to the report of IDMC, most IDPs in Somalia are forced to settle informally in and around urban centers on municipal land or in abandoned government buildings (IDMC, 2013c; see also, Amnesty international, 2013b; Laura, 2013).

iii. Health Service

Resulted by the long existed devastative armed conflicts in both Darfur and Somalia, most of the existing health infrastructures are already destroyed. In Somalia “even where there are some facilities, the staffs have been displaced and there is shortage of drugs and equipments” (Abby & Mahamoud 2005; see also Mussa, & Hamid, 2010). The situation forced humanitarian organization to provide “mobile primary health care”. Moreover, because of the ongoing conflict it was risky for humanitarian agents even to provide health service. In August 2013, in Somalia, for example, a humanitarian organization “Médecins Sans Frontières, decide to pull out of the country” as a result of the high level of the violence (IDMC, 2013a). The problem is dire especially for IDPs that lived far from urban areas, forcing them to travel long to arrive at mobile clinics as well as hospitals (Abby & Mahamoud 2005).

In Darfur, especially in early period of the crisis where humanitarian organization was not accessible, there was a dire condition of health service. According to the Global Health through Education, Training and Service [GHETS] (2013), during the height of the conflict in Darfur in the mid 2000's IDPs Camps in Darfur witnessed an increased spread of HIV/AIDS due to lack of proper health” service. Moreover, Mussa & Hamid (2010:11) indentified that “mental health problem amongst internally displaced women” was at the highest rate due to the overall insecurity situation and the resulted lack of socio- economic service including heath service.

iv. Water and Sanitation

As long as the problems that IDPs face are interrelated, it is obvious that water and sanitation service could not be exceptional. Hence, “water, sanitation and waste disposal challenges are severe” for IDPs of Darfur and Somalia (IDMC, 2013b; Global IDPs project, 2005; see also IDMC, 2013b). In Somalia, “IDPs have insufficient water storage and collection facilities and water sources are often stagnant, polluted or contaminated by flash floods” (IDMC, 2013a; see also, IDMC, 2007; IDMC, 2009; IDMC, 2011). There is also lack of waste disposal system, which resulted in “poor hygiene” system that eventually led to “the outbreak of diseases such as cholera, diarrhea and malaria”. Further, in Somalia, IDMC reported that there was “high rates of disease and mortality” because of “lack of access to safe drinking water and poor sanitation” in IDPs settlements (ibid).

The problem was, chronic in Darfur, especially in the early period of the war and before the existence of humanitarian organization in large. As NRC, noted in its 2005 document, majority of IDPs including the whole conflict affected communities did “not have access to safe drinking water” and “access to sanitary means of excreta disposal”(Global IDPs project, 2005; UN, 2004b) . And despite, the humanitarian support, it was not sufficient and water and sanitation needs had remained huge.

v. Education

In prolonged internal armed conflict and in the resulting prolonged internal displacement, it is too easy to guess how much educational infrastructures could be destructed and eventually general education system negatively affected. This was the reality for Sudan’ Darfur and Somalia, especially for vulnerable population of IDPs. The worst thing is that the situation aggravated the already weak education systems of these countries. For example, in both Somalia (IDMC, 2013c) and Darfur (Global IDPs project, 2005), it was recorded that enrollment rate was the lowest; particularly in the most conflict prone area of South Central Somalia the problem is chronic. However, displacement sometimes create positive opportunities for rural children as they fled to urban- more opportunistic for education compared to the rural area. Within these little educational opportunities drop out of IDPs students are high because of the risk of insecurity situation among other problems (Global IDPs project, 2005; IDMC,

2013b; IDMC, 2013c). Generally, limited accessibility to education has prevailed and continued to date for IDPs population of Sudan Darfur and Somalia resulted by inter alia the unresolved conflicts.

vi. Access to Economic Opportunities

IDPs of Darfur and Somalia, as a dispossessed population, who were from rural communities depending on agriculture for their livelihoods, were in dire condition. The land and properties which these IDPs depend on for earnings were already dispossessed, destroyed or looted. Thus, their only means of earnings relied either on humanitarian aid or on daily and temporary basis inferior works. In Somalia and Darfur, IDPs for their subsistence income sources, in addition to the insufficient humanitarian aid are forced to “depend on small businesses, petty trade, sale of firewood and other goods, daily casual labour, domestic work, begging and remittances”(IDMC, 2013c; see also IDMC, 2013b). These economic opportunities are, however, considered as unsustainable, often short-term, unreliable and insufficient to ensure food security (ibid; IDMC 2013b). Women and Minority IDPs are too much suffered from inaccessibility of economic opportunities and means of livelihoods than the rest, resulted by discrimination (Massoud, 2009; Laura, 2013; Seferis, 2010).

In sum, the conflict in Darfur and Somalia is still not resolved and internal displacement crisis mounted (OCHA, 2014a; UNHCR, 2014). IDPs including those who live in protracted displacement continue to suffer in human right abuse and violation. Although there were humanitarian organizations providing protection and assistance to IDPs, because of *inter alia*, the insecurity situation, their support remains insufficient. In nutshell, IDPs grave sufferings remain the day to day phenomena along with the unending armed conflicts.

CHAPTER FOUR

THE INTERNATIONAL RESPONSES FOR THE PROTECTION OF CIDPs IN DARFUR AND SOMALIA

4.1. The International Legal and Institutional Responses

The International normative as well as institutional arrangement for protection of IDPs is now a reality since the early 1990s (Deng, 1995a; Turton, 2011). The UN is now increasingly involved in issues of IDPs ranging from providing international human right entitlements to its collaborative response of institutional arrangements. Other international governmental and nongovernmental organizations, regional and sub regional bodies and so on, also continued in contributing to IDPs protection and assistance. Regional and sub regional developments, particularly the Africa Union is more progressive, especially in providing the first binding legal frameworks to the specific human rights dimensions of IDPs (Morel, 2013). Hence, this chapter is devoted to examine how far the CIDPs of Darfur and Somalia are treated through these existing international normative and institutional arrangements.

4.1.1. International Legal Standards

With respect to normative frameworks, in addition to the presence of formal international standards specifically tailored to the needs of IDPs such as the Guiding Principles and the Kampala Convention, IDPs as a part of civilian population are entitled to the various international human rights law and humanitarian law provisions by analogy (Collinson et al, 2009:46). Provisions of Universal Declaration of Human Right (UDHR), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESR), the 1951 convention relating to the status of refugees, the 1981 African Charter on Human and Peoples Rights (ACHPR), the 1969 Convention governing the specific aspects of refugee problems in Africa, and so on are significant to protect the conflict resulted IDPs of Darfur and Somalia (Salima, 2004). Moreover, international humanitarian laws such as the four Geneva Conventions of 1949 could have significant contribution especially for the armed conflict caused IDPs (Collinson et al, 2009: 46-47). These entire international instruments are said to be used in protection of the human rights of IDPs by analogy. However, in strict sense,

there are gaps in provisions of these international laws and they failed to meet the specific human right dimensions of IDPs (Deng, 1995a; Islam, 2006; Collinson et al, 2009). And this was the main reason behind the need for the adoption of the 1998 UN Guiding Principles on Internal Displacement (Deng, 2004:25).

Currently, various international as well as regional and sub regional legal frameworks are adopted in order to address the specific needs of IDPs. But “in perspective of international law” the Guiding Principles and Kampala Convention are the main instruments which formally and explicitly recognized the specific human right dimensions of IDPs to date (Morel, 2013:119). Thus, in the proceeding sub-section emphasis is given to look at how far the conflict caused IDPs of Sudan’s Darfur and Somalia have benefited from these provisions.

4.1.1.1. Examining the Provisions of the Guiding Principles and Kampala Convention

The Guiding Principles with its 30 principles and the Kampala Convention consisting of 23 articles, both explicitly provide entitlements to IDPs protection and assistance. The provisions on both frameworks encompasses privileges in all phases of internal displacement ranging from prohibiting arbitrary displacement including, by armed conflict²⁰, to the situation after displacement occurred, including IDPs to enjoy their civil, political, economic and socio-cultural rights and to be treated genuinely in account of their special needs; moreover, it provides entitlement for “durable solution” to problems of IDPs mainly through three alternatives: 1) return or “sustainable reintegration at the place of origin”, 2) resettlement or “sustainable local integration in areas where internally displaced persons take refuge”, and 3) reintegration²¹ or “sustainable integration in another part of the country (settlement elsewhere in the country)” (IASC, 2010:5).

The basic question is how these standards are observed for the protection and assistance of IDPs in Sudan’s Darfur and Somalia? With respect to *inter alia* the “*ad hoc* and fledgling” (Cohen, 2005:8), nature of the international responses for protection and assistance of IDPs, these international standards remain minimal in contributing to the particular IDPs in Darfur and Somalia as well as IDPs worldwide (see also, Kemp, 2013; Seferis, 2010; Turton, 2011).

²⁰ See principle 6(a) of Guiding principles and Art 4(b) of Kampala convention

²¹ See principles 28-30 of Guiding principles and Art 11 of Kampala convention

These provisions underlined the primary responsibility of states in responding to the needs of IDPs in adherence to international law principles²². According to these provisions, international agents “have the right to offer service” to IDPs and responsibilities are put on states to create conducive environment for the international actors’ humanitarian assistance (Guiding Principles, 1998: principle 25(2), (3) & 26; Kampala, Convention, 2009: art 5(3)). Further, states have an obligation to design policies and legislations as well as modalities in line with international laws dealing with IDPs protection and assistance²³ (Kampala Convention, 2009: art 3(2) (a)).

However, Sudan and Somalia in responding to all such provisions, despite some developments (both Sudan and Somalia ‘enact national policies for IDPs protection and assistance’) (see Sudanese National Policy on Internally Displaced Persons, 2009; UNHCR, 2012b), their adherence remain minimal. With undefined reason²⁴ Sudan neither signed nor accessed to the Kampala Convention to date, while Somalia ratified in 2012 though not accessed to it (Laura, 2013). Even in violation of these provisions, the GoS, for example, have used a measure of banning humanitarian actors (OCHA, 2006); however, in case of Somalia such problems were mostly raised by non-state actors or the armed groups (Zimmerman, 2011:1). In both Darfur and Somalia, “restricting humanitarian assistance” through certain direct and indirect pressures by the government authorities as well as opposition groups was a common phenomenon (Barber, 2009:373). Above all, the crisis and violation of IDPs human rights which began in both countries much earlier before the adoption of those standards, has still continued severely (see IOM, 2013a).

The primary set of provision under the Guiding Principles and Kampala Convention is “the right to be protected against arbitrary displacement” including “in situation of armed conflict” (Kampala Convention, 2009: art 4 (b); Guiding Principles, 1998: principle 6 (b)). And all alternatives should be exhaustively used at least to minimize internal displacement; for example, “early warning systems” and informed consent of those potentially to be displaced is needed (ibid). However, the IDPs in Darfur and Somalia were unlucky to enjoy these privileges and through deliberate violation of these international standards, armed groups in Darfur as well as Somalia continued in arbitrarily displacing civilians (see OCHA, 2014a; OCHA 2014b).

²² See principle 25 of Guiding Principles and art 5(1) Of Kampala Convention

²³ see also Khartoum Declaration, 2003, paragraph 16 & Great Lake Protocol, 2006:art 6

²⁴ An interview with Dr Mehari Taddele on 17/04/ 2014.

The serious violations of these international entitlements were not limited during the first phase of displacement. Rather, during displacement and in protracted displacement IDPs in Darfur and Somalia, except the insufficient humanitarian support they obtain from humanitarian agents, their living condition and their physical security were sometimes below the human dignity (Barber, 2009; Laura, 2013; Seferis, 2010). Threat and violations against the provisions under section 4 & 5 of the Guiding Principles, and the provision under art 7(4), (5), a-i and art 9 of the Kampala Convention was perpetrated by the combatants.

These standards also provide rights for IDPs to get lasting and sustainable solution for their overall internal displacement problem (Guiding Principles, 1998, principle 28-29; Kampala Convention, art 11). However, IDPs are yet living in protracted displacement, especially in most conflict affected area of South Central Somalia (Laura, 2013; UN, 2010) and North and South Darfur areas (OCHA, 2014a). Even if there were an attempts to provide durable solution for IDPs by the authorities in support of humanitarian agents, in effect the process was not comprehensively planned and implemented to “ensures the security, fundamental rights and basic needs of the IDPs” (Amnesty International, 2013b:6; see also Amnesty International, 2008:19; Mohamed, 2013). To mention some examples in Somalia, Amnesty International had seriously accused the Somalia government for its January 2013 plan to relocate hundreds of thousands IDPs from Mogadishu to the insecure area outside of the capital (Amnesty International, 2013). Similarly, “violent eviction” of IDPs in Mogadishu was in increasing situation in 2013, while “private landowners and government officials” reclaimed “land for reconstruction and development” (Yarnell, 2013). In Darfur, the GoS and local official for political advantages mostly forced IDPs “to return ‘voluntarily’ to their villages” and intimidation or material assistance were provided to make IDPs voluntarily return to their original places (UN, 2004b:2; see also Seferis, 2010; UNDP, 2013).

Women, children, handicapped persons, elderly and person with communicable disease are among IDPs with special needs requiring special protection and assistance under the Kampala Convention and Guiding Principles (Kampala Convention, 2009: art 9(c); Guiding Principles, 1998: principle 19). However, the reality on the ground for these special vulnerable groups of IDPs in Darfur and Somalia was in contrary to the provision. Especially, labour exploitation,

SGBV, exploitation of children and recruiting them for military service were frequently committed (see chapter three, section, 3.5.1.2.).

4.1.1.2. Sub Regional Normative Frameworks

i) Khartoum Declaration

The IGAD member states in the East African sub region to which Sudan and Somalia are members have adopted a declaration named Khartoum Declaration aimed to protect and assist IDPs in the region. The declaration was adopted on 2 September 2003 by the IGAD Ministerial Conference on Internally Displaced Persons in the Sub-Region (Khartoum Declaration, 2003). The declaration recognized the Guiding Principles as “a useful tool for addressing IDP issues”²⁵ (ibid, 2003:3). Further, the declaration by understanding the deteriorated humanitarian situation of IDPs in the region²⁶, noted that humanitarian assistance provided by donors and International Organizations was “still below the basic needs of the IDPs”, and stress on the commitments to endeavor in addressing the root causes of the problem of internal displacement, and to create conducive environment as well as ensuring durable solution for IDP. To this effect, the declaration call up on the international community’s²⁷ for assistance on issues and for member state “to work out modalities to ensure the implementation” of the Declaration (ibid: 6).

ii) Great Lake Protocol on the Protection and Assistance to Internally Displaced Persons

The other sub regional legal framework to which especially Sudan is the member for the Great Lake Region²⁸ and its IDPs may appeal to is the Great Lake Protocol on the Protection and Assistance to Internally Displaced Persons. The Protocol is adopted on 30th November 2006 by the member states of the region for three main objectives: to establish a legal framework for the adoption of the Guiding Principles and a legal basis for their implementation in national law; to ensure legal protection of the physical and material needs of IDPs; and to reinforce member

²⁵ See paragraph 7(ii) of the Khartoum Declaration, (2003)

²⁶ See paragraph 1 of the Khartoum Declaration

²⁷ See paragraph 7(v), & 8 of the Khartoum Declaration

²⁸ The Great Lake Region constitutes eleven countries of central and eastern Africa. Angola, Burundi, Central African Republic, Republic of the Congo, Democratic Republic of the Congo, Kenya, Rwanda, Sudan, Tanzania, Uganda and Zambia are lists of the Great Lake Region Countries. See Internal Displacement Monitoring Centre (IDMC) & International Refugee Rights Initiative (IRRI) (2008). “The Great Lakes Pact and the rights of displaced people: A guide for civil society”, pp.9

states' commitment to prevent and eliminate the root causes of displacement²⁹ (Great Lake Protocol, 2006). The Guiding Principles are central for the Protocol and already annexed to it. Moreover, the Protocol obligate member states to enact national legislation and policies to implement the national laws by the standards set out in the Guiding Principles (ibid).

The Provisions under the Great Lake Protocol consisting of 7 articles set out entitlements for IDPs in all phases of internal displacement, special protection for vulnerable section of IDPs and imposes primary responsibility on states in addition to international and regional bodies for IDPs protection. Uniquely, the Protocol also orders member states to “specify the organs of government responsible for providing protection and assistance to internally displaced persons, disaster preparedness and the implementation of the legislation incorporating the Guiding Principles”(ibid, art(4), c). Generally the Protocol is an essential instrument for IDPs protection and assistance with the specific context of the sub region.

4.4. The International Institutional Responses

Currently, there is no specific international institution mandated to protect and assist the human right needs of IDPs (Morel, 2013). However, the UN and the international community have not totally neglected the increasing crisis of IDPs worldwide (Deng, 2004). Beyond the development of international normative frameworks, alternative institutional mechanisms are also avail to oversee the protection and assistance of IDPs, though remain weak, less effective and resulted in strong criticism (see, Islam, 2006; Kemp, 2013; Turton, 2011). Thus, the UN system for IDPs protection, opted Collaborative Approach or a more system wide Cluster Approach, rather than creating a new agency or assigning responsibility to an existing agency for the protection of internally displaced. The cluster approach is already adopted in Somalia and Sudan's Darfur since 2006 and 2008, respectively (UNHCR, 2007a; Darfur Protection Cluster Strategy, 2009).

4.4.1. New International Institutional Posts

With respect to the UN system's increasing concern for the alarming humanitarian crisis including the IDPs crisis, new humanitarian reforms were made and institutional posts are opened since early 1990s (Turton, 2011). Among the new institutional posts that opened along

²⁹ See Great Lake Protocol art 2(1)-(4).

with humanitarian reforms in order to coordinate as well as lead the system are the Emergency Relief Coordinator (ERC), the Inter Agency Standing Committee (IASC), Representative of Secretary General on Internally Displaced Persons, the Internal Displacement Division-OCHA and so on. Some of them are discussed below.

i) The Emergency Relief Coordinator

Emergency Relief Coordinator (ERC) was created in 1991 “with the aim of improving the coordination of emergency assistance” in general (Turton, 2011:8), and the responses for the protection and assistance of IDPs in particular. The UN Secretary General on the 1997 reform affirmed the ERC to have the responsibility of ensuring the protection and assistance for IDPs (Salima, 2004). The ERC is the chair of IASC and serve as a focal point for “the inter-agency coordination of protection and assistance to IDPs” (Bagshaw & Paul, 2004:31). It has the functions of “advocating for protection and assistance, mobilizing political and financial support, briefing the Security Council, and engaging in dialogue with governments, humanitarian agencies, and other relevant actors” (GPCWG, 2007:43). The ERC has also a special responsibility to bring protection matters relevant to IDPs to the Security Council (Bagshaw & Paul, 2004: 31).

ii) The Inter-Agency Standing Committee

The Inter-Agency Standing Committee (IASC) is the inter-agency forum for coordination, policy development and decision-making, involving the key UN and non-UN humanitarian partners (GPCWG, 2007:43). The IASC was established in June 1992 with the primary role of the inter-agency coordination of humanitarian assistance. Under the leadership of the ERC, the IASC develops humanitarian policies, agrees on a clear division of responsibility for the various aspects of humanitarian assistance, identifies and addresses gaps in responses, and advocates for effective application of humanitarian principles (Bagshaw & Paul, 2004).

Member of IASC are composed of the representative of all UN operational agencies (UNDP, UNICEF, UNHCR, WFP, FAO, WHO, UN-HABITAT, OCHA) and a standing invitation to the International Organization for Migration (IOM), three consortia of major international NGOs [International Council of Voluntary Agencies (ICVA), Inter Action and Steering Committee for Humanitarian Response (SCHR)], the International Committee of the Red Cross (ICRC), the

International Federation of Red Cross and Red Crescent Societies (IFRC), Office of the High Commissioner for Human Rights (OHCHR), United Nations Population Fund (UNFPA), Representative Secretary General on IDPs and the World Bank (GPCWG, 2007:43).

iii) The Representative of UN Secretary General on Internally Displaced Persons

It was the growing crisis of IDPs worldwide since the 1990s that influenced the UN system to appoint an independent representative of the Secretary General on IDPs. Thus, while the UN concerns for IDPs protection and assistance significantly grown, at the request of the Commission on Human Rights by its Resolution 1992/73 of 5 March 1992, the UN Secretary General appointed a representative of the Secretary-General on internally displaced persons in July 1992 (Deng, 1995:45). Since then, the representative of the Secretary General becomes the only position on the UN system with a mandate from the Commission of Human Rights and the Secretary-General which exclusively focus on the problem of IDPs (Salima, 2004). The representative has three main areas of work as a mandate. These are: visits to countries affected by internal displacement; promoting an institutional framework at both the international and regional levels; and developing a legal or normative framework (Bagshaw, 1999:3; see also Cohen, 2013). In addition, conducting “ongoing research into specific issues of concern” is also the other task of the representative. In materializing these major mandates the representative has continued in providing significant achievement for IDPs protection and assistance.

Sudan and Somalia as the forefront countries affected by IDPs crisis has been visited by the representative and reports with recommendation has been made (see UN, 2004b; UN, 2010). Thus, Francis Deng, the then Representative of UN Secretary General on IDPs visited the Darfur crisis “from 25 July to 1 August 2004” and reported the situation of internally displaced person (UN, 2004b:2). His country missions include all the three states of North, South and West Darfur focusing on internal displacement. In his report underlined that “the security and protection of the civilian population, especially internally displaced persons (IDPs)” were in urgent needs of attention (ibid). And humanitarian access to IDPs was below the average constrained by insecurity situation and “reported that only 30 percent of those in need have clean water and that up to 500,000 IDPs remain inaccessible to any humanitarian assistance whatsoever” (ibid).

Similarly, country mission has been under taken in Somalia by the Representative of Secretary General Walter Kälin “from 14 to 21 October 2009” (UN, 2010:2). Kalin in his mission to Somalia had visited the IDPs situation in Putland and Somaliland except South Central Somalia because of the severe insecurity situation. The representative reported that the protracted internal displacement with the influx of new arrivals was exacerbated in all parts of Somalia. The general situation of IDPs was miserable according to the mission report; “during flight and in settlements, the internally displaced remain exposed to grave human rights abuses, in particular rape and domestic violence. Many of their rights and needs, including shelter, food, water, health care and education, remain unaddressed” (ibid). And the existing humanitarian assistance was insufficient because of lack of access and funds. Finally, the representative in understanding the “very serious humanitarian crisis” that face IDPs in Somalia, had recommended that “a greater degree of international attention is needed”, and he further has called up on all international community stakeholders to undertake available measures in order to improve the situation (ibid:18-21).

iv. Internal Displacement Division-OCHA

In 2004 the Internal Displacement Division (IDD) (the former IDPs Unit)³⁰ was established within OCHA with the main objective of promoting system wide improvements in response to the needs of IDPs and to provide target support to the specific country situation (OCHA, 2005). The IDD Main areas of work are focused on protection of IDPs, field support, capacity building or training and advocacy or information (ibid).

To the particular countries of Somalia and Sudan’s Darfur, the IDD-OCHA, among its achievement, has carried out field visit from 21-24 July 2002 and from 24 August – 2 September 2004, respectively (OCHA, 2002b; OCHA, 2004). The field visit on both countries mainly targeted to understand the overall protection situation of IDPs and to identify as well as determine measures for effective protection of IDPs needs. Even if the mission in Darfur appreciated the significant protection activities by different agencies, it “concluded that the grave protection situation in Darfur call for a more comprehensive and assertive protection response”

³⁰ IDD is established to replace the Internal displacement unit (IDPs Unit) within OCHA which exist from 2002 until its replacement in 2004

(OCHA, 2004). In Somalia, the mission had also facilitated a workshop conducted on vulnerable communities, including IDPs and drafted an operational framework for addressing these vulnerable groups (OCHA, 2002b).

4.4.2. The UN Operational Agencies in Protection and Assistance to IDPs in Darfur and Somalia

All the UN operational agencies are currently participating in providing protection and assistance to IDPs, though it is outside of their specialized mandates. When, the UN system introduced the collaborative approaches for improved responses of humanitarian emergencies, including for the needs of IDPs, all operational organizations were invited to do with this coordinated effort (IASC, 2006). Especially, while IASC in 12 December 2005 set up a comprehensive humanitarian reform, and adopted the Cluster Approach, all UN operational agencies including other international humanitarian organizations and NGOs agreed up on the division of labour in responding to humanitarian emergencies (IASC, 2005). Thus, below some of the UN operational agencies contributions in protecting and assisting IDPs of Darfur and Somalia are discussed.

4.4.2.1. UNHCR

The United Nations Higher Commissioner for Refugees (UNHCR) involvement in IDPs protection and assistance began since early 1970s long before the new UN humanitarian reforms such as collaborative and cluster approaches were designed for IDPs protection (Laura, 2013:27). Under the cluster response approach the UNHCR leads the protection cluster, co-leads the emergency shelter and the camp coordination as well as camp management clusters for conflict-related IDPs (IASC, 2006).

Concerning its engagement with IDPs, UNHCR issued a document entitled 'Policy Framework and Implementation Strategy: UNHCR's role in support of an enhanced humanitarian response to situations of internal displacement' in June 2007, and policy paper on "The Protection of IDPs and the Role of UNHCR", in February 2007 (UNHCR, 2007c; UNHCR, 2007b). In these documents UNHCR, explicitly outlined guide lines, principles of requirements and implementation strategies in line with the Cluster Approach in dealing with IDPs protection. For instance, it set out three main requirements to provide humanitarian assistance to IDPs: 1) there must be a specific request for involvement from the Secretary General or a competent

United Nations organ; 2) The need to undertake additional activities should be a natural extension of the mandate of the Office of the UNHCR; and 3) The concerned state should in principle consent to the UNHCR's involvement (UNHCR, 2007b, paragraph: 10).

Concerning, UNHCR's operation in protections of IDPs in Darfur and Somalia, it is the leading agent in both countries and its presence began as IDPs crisis escalated due to the internal armed conflicts (Laura, 2013:25; Seferis, 2010). In Somalia, UNHCR has been present since the early 1990s. However, its early involvement in Somalia's IDP protection was minimal; "its mandate, as well as financial limitations, staffing, and other constraints restrict UNHCR's capacity to respond to IDP needs in all situations" (Abby & Mahamoud, 2005).

Somalia is among the first countries³¹ to which the Cluster Approach was first implemented since July 2006 (UNHCR, 2007a). However, until early 2007, Basaso and Somaliland were the only areas of Somalia in which the cluster approach was implemented and UNHCR involved because of the increasing insecurity situation and insufficient as well as inconsistent field staff presence in other parts the of country (ibid).

Currently, UNHCR is involved in IDPs protection and assistance in Somalia through various aspects. For instance, it co-chairs protection and shelter cluster with UNOCHA and HABITAT respectively (ibid). It engaged in distributing food and non food items or providing basic needs and essential services, providing physical protection, building infrastructures, assisting and coordinating IDPs returnees and so on (UNHCR, 2014; UNHCR, 2012b). Moreover, UNHCR's involvement in dealing with IDPs was comprehensive as it had also provided technical assistance to the Federal Government of Somalia and regional governments in Puntland and Somaliland while they draft IDPs policy in 2012 (UNHCR, 2012b).

According to the February 2014 UNHCR briefing, it "leads protection and emergency relief interventions targeting 700,000 IDPs out of a total IDP population" in Somalia (UNHCR, 2014). From 2005 to February 2014 the total IDPs population concern of UNHCR had ranged between 400,000 and 1,550,000 as Table 3 below shows. In 2013 "household goods are provided to 90,000 [IDPs] households" and "emergency shelter is provided to 20,000 [IDPs] households" by

³¹ Democratic Republic of Congo, Liberia, Uganda and Somalia were the countries on which the cluster approach was first implemented since 2006 (UNHCR, 2007a:1).

UNHCR (UNHCR, 2013a). Furthermore, UNHCR provides physical security protection from violence and exploitation to IDPs of Somalia. For example, through protection monitoring network, it undertook measures to protect IDPs from the effect of armed conflict in Somalia; similarly it provided protection for IDPs from SGBV. Physical, legal and psychological support as well as access to medical treatment is provided to all victims of SGBV (ibid). UNHCR in Somalia also significantly facilitates and coordinates a durable solution for IDPs in collaboration with authorities and other agents. It provides a significant assistance to all returnee IDPs (UNHCR, 2012b).

Table.3. UNHCR's total IDP populations of concern from 2005 to February 2014 in Somalia

Year	Total IDPs of concern	Of whom assisted by UNHCR
2005	400,000	N.A*
2006	400,000	400,000
2007	1,000,000	1,000,000
2008	1,277,200	597,400
2009	1,550,000	1,550,000
2010	1,463,800	290,100
2011	1,356,800	711,300
2012	1,133,000	427,000
2013	1,360,000	700,000
2014	1,119,466	700,000

Source:- UNHCR, 2005a; UNHCR, 2006a; UNHCR, 2007d; UNHCR, 2008a; UNHCR, 2009a; UNHCR, 2010a; UNHCR, 2011a; UNHCR, 2012b; UNHCR, 2013a; UNHCR, 2014

* N.A:- Not Available

Sudan was the first country where the UNHCR start protection and assistance to IDPs in 1972 outside of its specific mandate. The United Nations ECOSOC under the resolution of 27 July 1972 called the UNHCR ‘to extend assistance...to persons displaced within the country’ which later affirmed by the General assembly resolution 2958, 12 December 1972 (ECOSOC resolution, 27 July 1972, cited in UNHCR, 2007b). With respect to Sudan’s Darfur crisis, UNHCR was among the leading humanitarian organization in providing protection and assistance to conflict induced internally displaced, since the eruption of the conflict. However, in the early period of the crisis in Darfur, particularly until 2007 the UNHCR only operated in limited areas of Western Darfur with a people of concern approximately 65 percent of the internally displaced persons because of the severe insecurity and inaccessibility situation (UNHCR, 2005b; UNHCR, 2006b; UNHCR, 2007e). Now, beginning from 2008 the UNHCR presence covered the entire regions of Darfur with significant responses to the growing needs of IDPs in the region (UNHCR, 2008b).

In Darfur, UNHCR in collaboration with other local and international agents, has continued in playing a role for IDPs protection. Specifically, its roles includes providing leadership and input for Protection Working Groups, set up and coordinates Return Working Groups, and also it provides additional role of coordination and management of the emergency shelter and non-food items sector since April 2012 (UNHCR, 2005b; UNHCR, 2006b; UNHCR, 2012c). UNHCR’s role for Darfur IDPs is comprehensive enough which includes the provision of physical security protection, providing basic necessities and essential services, special protection from SGBV, promotion and assistance of voluntary IDP returnees (UNHCR, 2005b; UNHCR, 2006b; UNHCR, 2007e; UNHCR, 2008b; UNHCR, 2009b; UNHCR, 2010b, UNHCR, 2011b; UNHCR, 2012c).

4.4.2.2. OCHA

The UN Office for the Coordination of Humanitarian Affairs (OCHA) was created in 1991 under the request of the General Assembly resolution 46/182 for the purpose of “improving the overall effectiveness of the UN’s humanitarian operations in the field” (Salima, 2004). OCHA is the co-cluster leads for emergency telecommunication cluster with UNICEF and WFP (IASC, 2006).

In Somalia and Darfur, OCHA is currently working in a broad spectrum of protection and assistance of IDPs in collaboration with other humanitarian agents. OCHA is working in Somalia since 1999 with the following main objectives: to increase sustainable access to basic humanitarian services for vulnerable populations; to enhance the protection of and respect for the human rights and dignity of internally displaced persons (IDPs) and vulnerable populations; to enhance preparedness of humanitarian partners as well as local capacity to respond to natural disasters or complex emergencies; support the shift from emergency to recovery in zones in transition; and to enhance advocacy activities and resource mobilization (Office of Internal Oversight Services (OIOS), 2010:1).

OCHA Somalia in line with its objectives, mobilizes and coordinates humanitarian assistance efforts in collaboration with national and international actors. It provides awareness raising to the plights of IDPs closely with other humanitarian agents like UNHCR, Representative of the Secretary General on IDPs and with protection-related IASC agencies (Abby & Mahamoud, 2005). OCHA is the pioneer in disseminating information and highlighting the plights of IDPs (ibid). Moreover it provided significant contribution in monitoring and reporting the human rights and humanitarian abuse or violation against IDPs (see, OCHA, 2014a; OCHA, 2014c).

The general objective of OCHA in Sudan's Darfur is similar with OCHA Somalia as mentioned above. Currently, OCHA operates in all Darfur's state opening sub offices. In meeting its mandate OCHA addresses and facilitates issues relating to coordination, communications and humanitarian financing, and serves the entire humanitarian community in Darfur as well as in Sudan in general. OCHA also provides support to the Humanitarian Coordinator (HC) and the Humanitarian Country Team (HCT). The OCHA-facilitated Sudan Humanitarian Work Plan (HWP) and manages the Sudan Common Humanitarian Fund (CHF) which are keys for the humanitarian communities (OCHA, 2011).

4.4.2.3. UNICEF

UNICEF is the other important organization in providing humanitarian assistance for IDPs of Somalia and Darfur. Under the cluster response UNICEF leads nutrition, water, sanitation and hygiene sectors of humanitarian activities (IASC, 2006). In fact, focusing on children as its mandate "UNICEF has been one of the most active agencies responding to humanitarian needs

on the ground in Darfur” and Somalia and leads three focus areas of humanitarian activities on the ground – nutrition, education, water and sanitation (UNICEF, 2009; UNICEF 2007). Conflict resulted IDPs as parts of humanitarian emergencies both in Darfur and Somalia are the focus of UNICEF’s humanitarian support and protection.

Providing access to education, health, safe water, food and hygiene for IDPs children was the main areas of humanitarian contribution of UNICEF. For instance, according to its 2009 report in Darfur, UNICEF focusing on schools and health centers has contributed in areas of “rehabilitating, maintaining and constructing water and sanitation infrastructure and promoting hygiene among internally displaced persons...” (UNICEF, 2009). UNICEF also provided protection to conflict affected IDPs children. In Darfur, for those conflict affected children IDPs, UNICEF provided “child-friendly spaces” and psychological support; furthermore, “campaigns on the prevention of child recruitment into armed forces and groups” is the other significant areas of UNICEF role in IDPs child protection. Similarly, in Somalia protection for children and other vulnerable IDPs were undertaken by UNICEF through designing “community-based programmes to build a rights-based culture amongst vulnerable groups” (UNICEF, 2007). UNICEF also provided non-food items such as shelter and family relief kits to IDPs of Darfur and Somalia.

4.4.2.4. UNDP

UNDP is assigned to lead early recovery sector of humanitarian activity (IASC, 2005). Accordingly, in Somalia “since the late 1990s, the UNDP has taken responsibility for coordination of relief programs for IDPs. UNDP programs also focused on reintegration of uprooted persons following the cessation of hostilities and resolution of political crisis leading to displacement” (Abby & Mahamoud, 2005). In its early recovery program, the UNDP implemented “income generation through work” and behavioral change training focusing on the most vulnerable in society including IDPs (UNDP, 2010: xi). Moreover, rule of law program is one of the key areas of work for UNDP in which mobile legal clinic service are delivered to the vulnerable populations of IDPs in Somalia (UNDP, 2012). Generally, the UNDP Somalia is working to improve the livelihoods of the IDPs population, including other vulnerable groups.

Similarly, in Darfur the UNDP revived its presence since the mid 2004 (UNDP, 2008:9-10). In its early engagement key areas of involvement were early recovery economic activities,

vocational training, employment creation, livelihood and life skill training and so on some of which directly focused on Darfur's IDPs population. For instance, the UNDP in Darfur among its focus early recovery livelihood components, IDPs has been provided with vocational and employment opportunities; and life skill and livelihood training were activated focusing on youth IDPs in Darfur (ibid).

4.4.2.5. WFP

In Sudan's Darfur, WFP is the co-lead of the Food Security and Livelihoods Sector with FAO and "has been co-lead of the Nutrition Sector together with UNICEF" (WFP, 2013a). Accordingly, the WFP is the key agent in food assistance intervention in Darfur. Its 2013 evaluation document noted that the highest food commodities in 2012, around 82 percent out of the total in Sudan were delivered in Darfur to the vulnerable population like IDPs (ibid:29). The WFP is generally provided food security and nutrition assistance through direct food distribution, through food for work mechanism and through school feeding largely in Darfur. The WFP in Darfur also promotes and assists the voluntary returnee IDPs (ibid: 34). Similarly, in Somalia WFP is the key agent in providing food and nutrition to the vulnerable population including to IDPs (WFP, 2013b).

4.4.2.6. UN-HABITAT

"Basic service delivery and shelter for internally displaced persons (IDPs) and urban poor" is among the pillars of the United Nations Human Settlements Programme (UN HABITAT) engagement in Darfur and Somalia (OIOS, 2011; see also, UN-HABITAT, 2009; UN-HABITAT, 2013). Currently, the UN-HABITAT under its Shelter/IDPs is sectors involved in the general improvement of living conditions of IDPs through providing shelter and basic services, working for protection, reintegration, and resettlement of IDPs and assisting IDP returnees through shelter construction and employment generation.

4.4.3. Non-UN International Inter-governmental and Nongovernmental Organizations

Under the international institutional arrangement, some International Non-Governmental Organizations (INGOs) and intergovernmental organizations were invited to work together with the coordinated effort of the protection of IDPs. Accordingly, in the cluster system particularly

ICRC, IFSC and IOM already agreed on the division of labour to lead and coordinate certain humanitarian activities (IASC, 2005; IASC, 2006). And other INGOs such as the three consortia of major international NGOs- International Council of Voluntary Agencies (ICVA), Inter Action and Steering Committee for Humanitarian Response (SCHR) are currently standing invitation members of IASC. Currently, there are a number of international inter-governmental and nongovernmental organizations working together with the UN agencies and other humanitarian actors in providing protection and assistance to IDPs in Somalia and Darfur. To mention some of them ICRC IFSC, IOM, International Rescue Committee, American Refugee Committee, Norwegian Refugee Council, Danish Refugee Council, Médecins Sans Frontières, Oxfam Great Britain, and so on (see Barber, 2009; Kemp, 2013; Zaat, 2005). ICRC and IOM which are equally important like the UN operational agencies are discussed below.

NGOs, however, complained about the UN agencies “dominated cluster system” as an obstacle for effective humanitarian assistance intervention a situation caused the poor NGOs-UN relation particularly in Somalia (Kemp, 2013). Humphries, (2013) describe this UN dominated cluster system, as a system which “failed to create a sense of NGO ownership and involvement”. Beyond this poor coordination between NGOs and UN bodies in provision of humanitarian assistance to IDPs and other vulnerable population, INGOs were particularly targeted by the government forces in Sudan, in restricting their humanitarian assistance, and this has been revealed when the GoS expelled 13 INGOs in March 2009 (Barber, 2009:377).

4.4.3.1. ICRC

In addition to the UN operational agencies, ICRC is at the forefront amongst the other inter-governmental and nongovernmental international humanitarian organizations which provide a sort of protection and assistance to IDPs. Thus, to look at ICRC’s role, conflict induced IDPs are naturally at the heart of the International Committee of Red Cross’s (ICRC) humanitarian response since its “humanitarian response is guided by vulnerability and the needs of all people affected by armed conflict and violence” (Kellenberger, 2009:475).

ICRC co-leads the emergency shelter cluster with IFRC (IASC, 2006). It is among the leading international humanitarian agents in providing protection and assistance to IDPs of Somalia and Darfur (OCHA, 2006). Since the beginning of IDPs crisis, in Darfur and Somalia, ICRC

contributed a lot to IDPs mainly through provision of emergency humanitarian relief assistance such as food, water, and other essential household items (ICRC, 2012; ICRC, 2013). Provisions of medical care especially to wounded and sick, support to health centers and hospitals, cash grants and training, assisting detainees and so on are among the ICRC's humanitarian assistance to vulnerable population including the IDPs. In addition to emergency relief service, ICRC works for sustainable resilience of conflicted affected IDPs through provision of productive inputs mainly for farmers, capacity building, cash grant and facilitating the means to generate income safely including to returnee IDPs (see, ICRC, 2013; ICRC, 2014b).

4.4.3.2. IOM

The International Organization for Migration (IOM) in collaboration with other humanitarian organizations and state authorities involved in the protection and monitoring of IDPs return and relocation movements, registration of IDPs and aid beneficiaries, population tracking and village assessment, and support to returnees; and transport for the non-food items both in Darfur and Somalia (IOM, 2010a; IOM, 2010b; IOM, 2013a, IOM, 2013b). IOMs also works on humanitarian assistance provision such as on food security, access to water and sanitation health service to IDPs and other vulnerable populations. Moreover it promote and assist for IDPs durable solution, providing protection to IDPs with special needs such as IDPs with communicable disease and IDPs affected by SGBV (IOM, 2013a).

4.5. UNAMID and AMISOM as an Other Existing International Response

Peace keeping operations during armed conflicts are the other significant mechanisms of protecting civilian including IDPs population. Peace keeping through military intervention by the international and regional organization is commonly used in order to avert mass human right violations against civilians and to provide humanitarian assistance as well as to bring peace and order (Agada, 2008). For example, in asserting the role of AU mission both in Darfur and Somalia, the African Union Peace and Security Commissioner, Ramtane Lamamra, forwarded that “the AU operations in Darfur and in Somalia were, and remain, specifically mandated to ensure the protection of displaced persons and the delivery of humanitarian assistance, and to prevent serious human rights abuses from being committed against the civilian population” (AU, 2012:2).

Since the escalation of the internal armed conflicts in Darfur and Somalia, peace keeping operations are undertaken both by the UN system and AU regional mechanisms. Thus, UNOSOM (United Nation Operation in Somalia) from 1992-1995 and the AMISOM which is still operating are the notable peace keeping operation in Somalia. Similarly, in Darfur AMIS (Africa Union Mission in Sudan and UNAMID or the hybrid mission of the UN and AU in Darfur contribute their own role (Seferis, 2010). AMISOM and UNAMID which are yet operating in Somalia and Darfur respectively, discussed below.

4.5.1. AMISOM

The Africa Union Mission in Somalia (AMISOM) since March 2007 was established to protect the TFG and strategic infrastructures and to “provide support for humanitarian assistance for the Somali population” (Cilliers et al, 2010:1). In addition to AMISOM, UNISOM beginning from 1992 had also provided civilian protection and peace negotiation for the Somalia internal armed conflicts, until it has been withdrew in 1995 (Thakur,1994). AMISOM, until 2013 was not, however, explicitly mandated to protect civilians. It was after the late May 2013 that AMISOM adopted a mission wide protection of civilians and significantly mandated in protection of civilians (Williams, 2013). Prior 2013, there was no reference point to AMISOM which authorized it to stop harms against civilian where the peace keeper themselves were eye witness.

It did not mean, however, that AMISOM has provided nothing in protecting civilian including IDPs prior 2013. AMISOM was mandated to the adherence of IHL in its operation and its rule of engagements also authorized to utilize ‘deadly force to protect civilians, including humanitarian workers, under imminent threat of physical violence’ even before 2013 (ibid). And the fact that AMISOM has been engaged in humanitarian assistance such as it “provide medical care, water supplies electricity generators and humanitarian assistance to significant numbers of Mogadishu’s stricken civilians” including to IDPs before 2013 (ibid). Now AMISOM, taking in to account among its primary mandate such as the “creation of conditions for delivery of humanitarian assistance” and “protection of civilians”, has significantly continued in implementing these mandate in collaboration with the UN agencies and other humanitarian bodies (UN, 2013:10-13). Nonetheless, AMISOM is not specifically mandated to the protection

and assistance of IDPs, rather within the general civilian population, IDPs as part of them are treated under the spectrum of AMISOM's operation.

4.5.2. UNAMID

The UN Security Council (UNSC) under the Resolution 1769 of 31 July 2007 established joint force of UN and AU, named the United Nations African Union Mission in Darfur (UNAMID) (Darfur Consortium, 2008). UNAMID is the immediate successor of AMIS which operated in Darfur from 2004 to 2007. Though failed to provide protection to civilians, including to IDPs, because of capacity and political constraints, it was able to facilitate cease fire agreements and peace negotiation was among its notable achievements until it was incorporated into UNAMID force (Bellamy & Williams, 2006:145; Williams, 2013).

Deployed since the early 2008, UNAMID, with a major mandate of "protection of civilians and bringing peace to Darfur..." is indeed contributing to IDPs protection and assistances in its operation areas (Darfur Consortium, 2008). Despite its broad mandate of protection of civilians, security of humanitarian workers and creating an enabling environment for the delivery of humanitarian assistance, UNAMID resulted in strong criticism since its role remains inadequate and less effective especially in protecting the vulnerable displaced population from the combatants frequent attacks and various violations (Darfur Consortium, 2008).

4.6. Challenges that Encountered the International Responses for the Protection of IDPs in Darfur and Somalia

Despite the increasing involvement of the international community's in the overall issues of IDPs protection and assistance beyond its less previous experience (see, Humphries, 2013; Turton, 2011), certain challenges are also observed particularly dealing with the specific country context of Sudan's Darfur and Somalia's conflict induced internally displaced protection and assistance. Thus, the following are suggested as some of the major challenges that currently encountered the international responses in protection of IDPs.

4.6.1. Volatile Insecurity Situation, Insufficient Access and Capacity in the Areas of Humanitarian Operations

The first and foremost challenge to the international agents in their efforts to humanitarian assistance and protection of IDPs are the serious insecurity situation and the ongoing conflicts in the area of IDPs settlement (Seferis, 2010; see also, Kemp, 2013; OCHA, 2014c). Particularly, as many operational organization reported, in Darfur especially early in the civil war (OCHA, 2014a; UNHCR, 2012c), and in the South-Central Somalia since the beginning of the crisis, were not effectively reached by humanitarian actors (OCHA, 2014b; UNHCR, 2013a). In violation of international law principles³², hampering and diversion of humanitarian assistance, looting, kidnapping and killing of humanitarian staffs were among the frequent attacks by armed groups (Barber, 2009; OCHA, 2006; Seferis, 2010). Moreover, humanitarian staffs and their assets were seriously targeted by the armed groups (Seferis, 2010; UNDP, 2008; Yarnell, 2013). Due to the volatile insecurity situation, Darfur and Somalia were listed under the “most deteriorating environment for the provision of humanitarian assistance” (Barber, 2009:373).

To mention some examples, in Darfur, only in 2008 it was recorded that “11 staff killed, 189 staff abducted, 261 vehicles hijacked, 172 assaults on humanitarian premises and 35 ambushes and lootings of convoys” (ibid:377). Similarly in Somalia “a total of 146 incidents directly involving humanitarian agencies or their personnel, with 36 humanitarian staff killed, 17 injured and 28 abducted” only in 2008 (ibid:379). Moreover the problem is severe in Somalia, even most of the humanitarian actors head offices are forced to operate remotely from Nairobi Kenya (UNDP, 2010: xii). The OCHA on its 7 April 2004 decumbent noted that, in Somalia “security and access remain the primary challenges to... deliver humanitarian aid” (OCHA, 2014c). The situation of abusing humanitarian staff and restricting humanitarian assistance is still the real phenomena (see, ICIR, 2014a; WFP, 2013b). In general, “due to extreme volatility, and deteriorated security conditions” the humanitarian actors were sometimes forced to delay as well as suspend their operation (OIOS, 2011; see also OCHA, 2006; UNHCR, 2012c; UNHCR, 2013a).

³² See Principle 24(1) and 25(2), (3) of the Guiding Principles and Article 7 (5), (a), (g) & (h) of the Kampala Convention

In addition to the volatile insecurity situation, lack of sufficient humanitarian access along with inadequate human and material resources was the other challenge. In both Darfur and Somalia not only international humanitarian actors themselves were rare especially in volatile areas, but lack of funds and needed qualified staffs are challenging issues in their humanitarian operation (Kemp, 2013; OCHA, 2006). For instance, the UNHCR frequently reported that lack of adequate “human” and “material resources” along with inadequate funding was the major challenge for its operation (UNHCR, 2005a; UNHCR, 2005b). Moreover, in 2010 the Representative of the Secretary General on IDPs Walter Kälin, reported that, in Somalia the “existing humanitarian assistance is insufficient, because of a lack of humanitarian access as well as a lack of funds” (UN, 2010:2).

4.6.2. The Politics of States Sovereignty and Nature of the States

As long as IDPs are vulnerable population which remains within the states national border, in perspective of states sovereign authority, the ultimate jurisdiction lies on states themselves to treat these vulnerable populations (Chang, 2007). And states may consider the international humanitarian as well as political intervention into their internal affairs as a threat to their sovereignty. Although, the international community has currently developed a positive interpretation of ‘sovereignty as a responsibility’³³ through a newly emerged norm of humanitarian intervention called “responsibility to protect (R2P)”³⁴, the system “remains weak and strongly contested” (Williams & Bellamy, 2005:27). Moreover, the politics of state sovereignty is also considered as an obstacle behind the international community’s inability to create special institutional mandate to the specific needs of IDPs (Couldrey & Tim, 2005) as well as for the existing optional institutional mechanism of humanitarian support. For example, the humanitarian assistance in Darfur crisis was critically obstructed and delayed as a result of the frequent pressures from GoS (Minear, 2005: 81-82; OCHA, 2006:1-2; UNHCR, 2012c). At its

³³ See, ICISS (2001) Responsibility to Protect. Report of the International Commission on Intervention and State Sovereignty (ICISS); and See Deng, (1995). ‘Frontiers of Sovereignty’, Leiden Journal of International Law. Vol. 8, No.2, pp. 249–286

³⁴ Significantly R2P “changes the way that traditional sovereignty is viewed, based on right to full responsibility” which by extension broaden the opportunities to the Protection of Civilian including displacedes. the main argument behind R2P is “that sovereignty inherently implies responsibility, and when governments are failing to live up to their responsibilities, the international community has the responsibility to step in informed by “ the idea that massive suffering by population warrants attention by the international community, especially if the host government is unwilling or unable to do anything to alleviate this suffering” (Chang, 2007:6)

climax, the GoS expelled “13 international NGOs” in Darfur in March 2009 only as mentioned previously, which seriously affected humanitarian provisions to vulnerable populations (Barber, 2009:377).

The other issues to be raised here dealing with IDPs of Sudan’s Darfur and Somalia are the natures of the states³⁵ themselves. Sudan and Somalia are “conflict vulnerable” and among the “more fragile” states in Africa owing to their “low capacity and poor performance” of security and development (Cilliers & Sisk, 2013:1). Particularly, Somalia which remained a failed state almost for two decades come to be controlled by rag tang militant and clan groups across the country without strong central government (Mohamed, 2013). The problem is severe in Somaliland where IDPs are considered as foreigners or refugees and “encountered challenges in consistently maintaining international standards of protection for IDPs” (UNHCR, 2012b:2). The situation in Sudan, though in better position with functioning central government, armed groups in Darfur were in *de facto* control of certain territories outside the reaches of GoS (WFP, 2013a:6). The situation has created a strong barrier to the international humanitarian agents as they were expected to deal with those various militant groups in providing protection and assistance to IDPs.

4.6.3. Humanitarian agents unable to adhere with International Law Principles in their humanitarian provision

With respect to the specific needs of IDPs, provisions of international laws such as Guiding Principles and the Kampala Convention have already granted special entitlement to IDPs, including responsibilities to humanitarian actors in their assistance and protection operation³⁶ (Guiding Principles, 1998; Kampala Convention, 2009). However, international actors in protection of IDPs “...have not always adhered to these principles” in their operation (Seferis, 2010:69). For instance, in Darfur, as Seferis briefly discussed, sometimes pushing pressures are including by the international humanitarian actor used for IDPs return, for the advantage of completing their job (ibid:70; see also, Amnesty International, 2008; Kemp, 2013).

³⁵ Dr Mehari (an interviewee) suggested that the nature of states along with the political forces both in Sudan and Somalia is needs to be changed to bring comprehensive solution for the long existed internal armed conflicts and the resulted displacement crisis. By nature of state and political forces, he wants to underline that the overall state machineries needs to be inclusive enough with the existing various groups, and the existing bad political mobilization by the political forces has to be altered (an interview with Dr Mehari Taddele on 17/04/2014)

³⁶ See principle 24, 25 & 27 of the Guiding Principles and Article 6 of the Kampala convention

4.6.4. Weak International Legal and Institutional Arrangement

To date, what commonly the international system criticized is because its weak legal as well as institutional arrangements in addressing the specific human right dimensions of the internally displaced (see, Allehone, 2009; Cohen, 2005; Mehari, 2011; Turton, 2011). The UN system, despite its current significant efforts in protection and assistance to IDPs, has neither provided a binding legal regime nor established specific international institution mandated to protect and assist IDPs which resulted in the increasing crisis of these vulnerable populations in a ‘protection gap’ (Mehari, 2011).

The absence of a common strategic framework along with unpredictable and weak institutional arrangement resulted in the inadequate humanitarian support for the needs of IDPs (Humphries, 2013; Minear, 2005; OCHA, 2006; UNHCR, 2007a). For example, the UNHCR office of Policy Development and Evaluation Service in its September 2007 evaluation document noted that, conversely to the intended coordinated efforts of responding to the needs of IDPs, “agencies and NGOs are largely operating according to their separate mandates, with limited coordination; with minimal common needs assessment or mutually agreed priorities, varying target regions, and multiple beneficiaries” (UNHCR, 2007a:2; see also, Minear, 2005; OCHA, 2006). The situation led to conclude that “a new common strategic framework for humanitarian intervention for IDPs...” is needed along with a more predictable and effective institutional arrangement (ibid).

Even if, with respect to legal frameworks, the AU has already come up with binding convention, indeed that changed the soft law nature of the Guiding Principles with the specific context of the continent, its regional mechanisms neither have the interest nor the capacity to develop institutional mechanisms specific to the needs of IDPs in the region³⁷. The AU Kampala Convention is also, beyond the rhetoric recognition of IDPs rights, did not bring any relevant contribution to the protection of Sudan Darfur’s and Somalia’s IDPs to date. Sudan has not still sign even the Convention. On the other hand, though Somalia has become a state party since 2012 the weak government at Mogadishu did not yet able to adhere (IDMC, 2013c).

³⁷ An interview with Dr Mehari Taddele on 17/04/2014

Conclusion

Currently, the internationalization of the issues of IDPs is already an obvious phenomenon. Raging from the adoption of various normative frameworks to the increasing international institutions involvement in addressing the issues of IDPs worldwide, is significantly the manifestation of the international community's growing concern in responding to the IDPs crisis. International, regional and sub regional normative frameworks have already emerged for the specific purposes of protecting and assisting IDPs. Despite the absence of specific institution created to protect and assist IDPs globally, the existing UN and non-UN international organizations are in fact engaged in the support of IDPs. Further, in post 1990s, the UN system seems more conscious in responding to the increasing IDPs crisis resulting from the increasing internal armed conflicts across the world. In addition to the adoption of the Guiding Principles on Internal Displacement, the UN system is significantly working through the present cluster approach of the institutional responses to IDPs protection. Thus, the Sudan's Darfur and Somalia's current massive number of conflict resulted IDPs are not exceptions to be treated through this existing international legal and institutional arrangement.

Resulted by the long existed internal armed confrontation in Somalia and Darfur, the humanitarian crisis of IDPs become at the forefront to date. Yet the unresolved conflicts which began in the 1990s and 2003 in Somalia and Darfur, respectively, resulted in the current massive number of forced internal as well as cross-border displacement. The worst is the internally displaced population in those countries, which are neither treated by their own governments nor yet obtain sufficient protection from the international communities. Despite the increasing international actors' involvement in support of IDPs in those countries, their engagement is not with broad mandate to protect and assist these specific vulnerable populations. Arguably, the UN system itself has yet not effectively gone further beyond its rhetoric recognition of IDPs crisis. Hence, the international community's firm political commitments need to go further than the present activities for better and effective protection of IDPs.

The UN system's current cluster responses to IDPs protection as an optional institutional mechanism instead of creating specific institution has remained weak and resulted in strong criticism. This collaborative kind of the UN system response to IDPs protection and assistance has already been implemented since the escalation of the crisis in Somalia and Darfur. The

cluster response which was adopted by 2005 comprehensive reform of the UN Inter-Agency Standing Committee in order to strengthen the international collaborative institutional response to humanitarian emergencies including to IDPs crisis has been activated also in Somalia and Sudan's Darfur since 2006 and 2008, respectively. Although, in Darfur and Somalia while the IDPs crisis was mounted much earlier before this reform, the system drew strong criticism from observers and remained a kind of *ad hoc* and fledging in its real operation. Moreover, the Cluster system is not inclusive to the roles of INGOs that failed to create the sense of NGOs ownership and involvement. The existing different international humanitarian actors operation was in accordance with their separate mandate with limited cooperation than working commonly for the urgent needs of IDPs across these countries. Creating a comprehensive common strategic framework for a broader mandate to IDPs protection is essential.

In addition to the UN system, legal frameworks are now a reality in the region and sub regions of Africa. The Khartoum Declaration, the Great Lake Protocol and the Kampala Convention are the current essential instruments to which the conflict affected IDPs of Somalia and Darfur are said to be protected. Interestingly, the Kampala Convention has become a binding law since 2012 and Somalia is a party to it. However, beyond the rhetoric recognition of IDPs rights, the entire provision's contributions to the practical IDPs protection and assistance remain minimal to date. For example, the Kampala Convention which is a binding main instrument in the region is yet not sign by Sudan and although Somalia became a party its weak government along with volatile insecurity situation cannot allow for its adherence. Creating an enabling environment for the practical implementation of these regional and sub-regional legal frameworks could be a vital task for effective protection of IDPs.

Both in Somalia and Darfur, in addition to the strong challenges of the volatile insecurity situation and insufficient accessibility of staff and capacity for humanitarian operation, the absence of a common strategic framework for predictable and effective provision of protection and assistance to the needs of IDPs is suggested as a critical barrier. In a nutshell, though the existing international legal and institutional as well as humanitarian and political response for IDPs protection and assistance is significantly in a growing concern, the system is yet in *ad hoc* and fledgling nature of humanitarian support with weak and unpredictable institutional arrangement. Thus, the international community needs to revisit its legal and institutional

arrangement to come up with better remedies in ensuring effective protection and assistance to IDPs.

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Interview

With Dr. Mehari Taddele Maru, for an hour, on 17/04/ 2014, at Gihon Hotel. Currently Dr Mehari is an international consultant and chairman and board of director for African Rally for Peace and Development.

Declaration

I, the undersigned, declare that this thesis is my original work and has not been presented for a degree in any other university and that all sources of material used for the thesis have been duly acknowledged.

Tizazu Ayalew Teka

May 2014

This thesis is submitted for examination with my approval as an advisor of the candidate

Dr Tarekegn Adebo

May 2014