The Role of the African Union in Addressing the Lack of Legal Protection Afforded to Internally Displaced Persons in Ethiopia

Master Thesis

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The Role of the African Union in Addressing the Lack of Legal Protection Afforded to Internally Displaced Persons in Ethiopia

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<td>AP I</td>
<td>Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts</td>
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<tr>
<td>AP II</td>
<td>Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts</td>
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<td>AU</td>
<td>African Union</td>
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<tr>
<td>AWD</td>
<td>Acute Watery Diarrhoea</td>
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<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination against Women</td>
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<td>CMR</td>
<td>Cardiovascular Magnetic Resonance</td>
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<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<td>CRPD</td>
<td>Convention on the Rights of Persons with Disabilities</td>
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<td>DAG</td>
<td>Donor Assistance Group</td>
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<tr>
<td>DRMTWG</td>
<td>Disaster Risk Management Technical Working Group</td>
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<td>DSWG</td>
<td>Durable Solutions Working Group</td>
</tr>
<tr>
<td>DTM</td>
<td>Displacement Tracking Matrix</td>
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<tr>
<td>ECHO</td>
<td>European Civil Protection and Humanitarian Aid Operations</td>
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<td>EHF</td>
<td>Ethiopian Humanitarian Fund</td>
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<tr>
<td>EPRDF</td>
<td>Ethiopian People’s Revolutionary Democratic Front</td>
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<tr>
<td>ERCC</td>
<td>Emergency Response Coordination Centre</td>
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<td>EU</td>
<td>European Union</td>
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<td>GBV</td>
<td>Gender Based Violence</td>
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<tr>
<td>GC IV</td>
<td>Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War</td>
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<td>GoE</td>
<td>Government of Ethiopia</td>
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<tr>
<td>HC</td>
<td>Humanitarian Coordinator</td>
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<tr>
<td>HCT</td>
<td>Humanitarian Country Team</td>
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<td>HDRP</td>
<td>Humanitarian and Disaster Resilience Plan</td>
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<td>HRD</td>
<td>Humanitarian Requirements Document</td>
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<td>HRW</td>
<td>Human Rights Watch</td>
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<td>IAC</td>
<td>International Armed Conflict</td>
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<td>IASC</td>
<td>Inter-Agency Standing Committee</td>
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<td>ICCCG</td>
<td>Inter-Cluster Coordination Group</td>
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<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<tr>
<td>ICERD</td>
<td>International Convention on the Elimination of All Forms of Racial Discrimination</td>
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<tr>
<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
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<tr>
<td>ICGLR</td>
<td>International Conference on the Great Lakes Region</td>
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<tr>
<td>ICRC</td>
<td>International Committee of the Red Cross</td>
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<tr>
<td>IDMC</td>
<td>Internal Displacement Monitoring Center</td>
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<td>IDPs</td>
<td>Internally Displaced Persons</td>
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<tr>
<td>Acronym</td>
<td>Full Form</td>
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<tr>
<td>IGAD</td>
<td>Inter-Governmental Authority of Development</td>
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<td>IHL</td>
<td>International Humanitarian Law</td>
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<td>IHRL</td>
<td>International Human Rights Law</td>
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<tr>
<td>IOM</td>
<td>International Migration Organisation</td>
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<td>NDRMC</td>
<td>National Disaster Risk Management Commission</td>
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<tr>
<td>NGOs</td>
<td>Non-governmental organisations</td>
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<tr>
<td>NIAC</td>
<td>Non-International Armed Conflict</td>
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<td>OAU</td>
<td>Organisation of African Unity</td>
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<td>OLF</td>
<td>Oromo Liberation Front</td>
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<td>PFA</td>
<td>Psychological First Aid</td>
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<td>PBS</td>
<td>Protection of Basic Services</td>
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<td>RRP</td>
<td>Rural Resettlement Programme</td>
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<tr>
<td>S-MAC</td>
<td>Strategic Multi-Agency Coordination</td>
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<tr>
<td>SNNPR</td>
<td>Southern Nations, Nationalities and Peoples’ Region</td>
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<tr>
<td>SoE</td>
<td>State of Emergency</td>
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<tr>
<td>SRH</td>
<td>Sexual and Reproductive Health</td>
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<tr>
<td>UDHR</td>
<td>Universal Declaration on Human Rights</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>UNCHR</td>
<td>United Nation Commission on Human Rights</td>
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<tr>
<td>UNECA</td>
<td>United Nations Economic Commission for Africa</td>
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<tr>
<td>UNGA</td>
<td>United Nations General Assembly</td>
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<tr>
<td>UNOCHA</td>
<td>United Nations Office for the Coordination of Humanitarian Affairs</td>
</tr>
<tr>
<td>USA</td>
<td>United States of America</td>
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<tr>
<td>VRP</td>
<td>Voluntary Resettlement Programme</td>
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<tr>
<td>WB</td>
<td>World Bank</td>
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<tr>
<td>WaSH</td>
<td>Water, Sanitation and Hygiene</td>
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<td>WHS</td>
<td>World Humanitarian Summit</td>
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Glossary

**Assistance**: Aid provided to address the physical, material and legal needs of persons of concern. This may include food items, medical supplies, clothing, shelter, seeds and tools, as well as the provision of infrastructure, such as schools and roads.¹

**Development-induced Displacement**: Displacement induced by development-projects or investment projects.

**El Niño**: An anomalous warming of ocean water resulting from the oscillation of a current in the South Pacific, usually accompanied by heavy rainfall in the coastal region of Peru and Chile, and reduction of rainfall in equatorial Africa and Australia.²

**Gender-Based Violence**: Violence that is directed against a person on the basis of gender or sex. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion, or other deprivations of liberty. While women, men, boys and girls can be victims of gender-based violence, because of their subordinate status, women and girls are the primary victims.³

**Host Communities**: Communities that host large populations of refugees or internally displaced persons, typically in camps or integrated into households directly.⁴

**Humanitarian Assistance**: Aid that seeks, to save lives and alleviate suffering of a crisis affected population. This assistance is provided by humanitarian organization for humanitarian purposes (i.e., non-political, non-commercial, and non-military purposes).⁵

**Internal Displacement**: Involuntary movement of people inside their own country. This movement may be due to a variety of causes, including natural or human-made disasters, armed conflict, or situations of generalized violence.⁶

**Internally Displaced Persons**: Persons or groups of persons who have been forced or obliged to leave their homes or 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.⁷

**International Community**: all development organisations, humanitarian organisations, embassies, development departments of foreign governments, UN agencies active in Ethiopia.

² Ibid.
³ Ibid.
⁴ Ibid.
⁵ Ibid.
⁶ Ibid.
⁷ Ibid.
Protection: All activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. International Human Rights Law, International Humanitarian Law, International Refugee law).\(^8\)

Resettlement: The process of moving people to a different place to live, because they are no longer allowed to stay in the area where they used to live.\(^9\)

Sanitation: The application of measures and techniques aimed at ensuring and improving general hygiene in the community, including the collection, evacuation and disposal of liquid and solid wastes, as well as measures for creating favourable environmental conditions for health and disease prevention.\(^10\)

Self-Reliance: The ability of an individual, household or community to depend (rely) on their own resources (physical, social and natural capital or assets), judgement and capabilities with minimal external assistance in meeting basic needs, and without resorting to activities that irreversibly deplete the household or community resource base.\(^11\)

The Derg: The common name for the dictatorship that ruled Ethiopia between 1974 and 1989 under the command of Colonel Mengistu. The Derg’s rule was characterized by civil war, human rights abuses, the 1984-86 famine, and the “Red Terror” during which tens—and possibly hundreds—of thousands of people lost their lives.\(^12\)

Villagization: The Ethiopian government policy of resettling peoples into specific villages, typically carried out by government and military officials.\(^13\)

Xenophobia: A fear of everything that is not familiar.\(^14\)

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\(^8\) “Inter-Agency Standing Committee Policy on Protection in Humanitarian Action” (Inter-Agency Standing Committee 2016) rep <https://interagencystandingcommittee.org/system/files/iasc_policy_on_protection_in_humanitarian_action_0.pdf>


\(^11\) Ibid.

\(^12\) “We Say the Land Is Not Yours: Breaking the Silence against Forced Displacement in Ethiopia” (The Oakland Institute 2015) rep 3

\(^13\) Ibid.

\(^14\) *Groot Woordenboek van de Nederlandse Taal* (14th edn, Van Dale Lexicografie bv 2005)
1. Introduction

1.1 Background

In recent years, cross-border migration has been extensively discussed amongst politicians and international stakeholders while little attention has been paid to the millions of people internally displaced due to conflict, violence and (natural) disasters. During the World Humanitarian Summit (WHS) held on 23 and 24 May 2016, addressing internal displacement was put on the agenda as part of core responsibility number three (out of five): ‘leave no one behind’. The critical conditions and needs of internally displaced persons (IDPs) were at the core of the debate in which heads of state, civil societies and non-governmental organisations (NGOs), the private sector and academia participated. Former United Nations (UN) Secretary-General Ban Ki-moon stressed the importance of remaining committed to preventing internal displacement, concentrating on understanding the root causes and focussing on providing “safe, dignified and durable solutions for internally displaced people”. In addition, the international community expressed its commitment to decrease internal displacement globally with 50% by 2030.

Sadly, those commitments have afterwards to a great extent been neglected. While the efforts should have been built upon and strengthened during the 2016 UN Summit for Refugees and Migrants - which was hosted only a few months later- the issue of internal displacement was largely ignored. The sole reference made to IDPs was related to the possibility of a migration-displacement nexus: finding solutions for internal displacement was (and still is) viewed by many as an effective way of reducing migration flows. It is feared that with political efforts fixated on intensifying international border-control, the often dire conditions behind those borders will remain to be largely disregarded. This will have serious consequences for everyone: refugees, migrants in transit and refugees, but especially IDPs and their host communities.

The ignorance of the international community towards internal displacement is underscored by the Norwegian Refugee Council (NRC) in its yearly report “the World’s Most Neglected Displacement Crises”. In this report, ten displacement crises around the world are highlighted. According to NRC, these crises are neglected due to a lack of political will, media coverage and economic support. The internal displacement crisis in Ethiopia ranked number five in the 2017 list. With almost 1.7 million people displaced and only 46% of Ethiopia’s international aid appeal funded by the end of 2017, aid organisations were struggling to effectively respond to the needs of drought and conflict-affected...
communities. Currently only 38% of the predetermined funding requirements for 2018 is funded, an estimated 2.7 million people are internally displaced and the humanitarian needs continue to rise. To prevent a donor fatigue and pipeline breaks from happening, increased involvement from international, regional and national actors is crucial.

With the headquarters of the African Union (AU) based in Addis Ababa, the seeming lack of involvement of this regional organisation in addressing internal displacement in Ethiopia should be questioned. The AU announced that the organisation’s theme of 2019 will be “[the] Year of Refugees, Returnees and Internally Displaced Persons in Africa: Towards Durable Solutions to Forced Displacement”. However, it is unclear to what extent the AU is actually able to address internal displacement to ensure the prevention of this phenomenon and diminish the consequences for the affected population. Hence, this thesis will study the effectiveness of AU mechanisms in addressing internal displacement.

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23 “Ethiopia: 2018 H DPR Funding Update” (OCHA Ethiopia 2018) rep

1.2 Purpose and Research Question

The purpose of this thesis is to examine whether there is a solution to the lack of legal protection for IDPs in Ethiopia. More specifically, this thesis intends to address the legal aspect of the internal displacement crisis in Ethiopia and explore whether the African Union can provide a solution to this problem. The internal displacement crisis is multifaceted: it has a political, operational and legal side to it. These sides are interrelated and indivisible. However, by successfully addressing the legal issue, the operational and political issues can be partly addressed too.

The legal aspect of the problem of internal displacement constitutes a lack of protection under the international and national legal framework. This thesis will research to what extent the African Union can address this lack of protection. Hence, the following research question has been formulated:

“To what extent is the African Union able to address the gaps that exists in the international and national legal framework regarding the protection of the needs of internally displaced persons in Ethiopia?”

In order to answer this research question, different issues need to be addressed. First, the needs regarding protection and assistance of Ethiopian IDPs need to be identified. Secondly, it needs to be examined whether the international and national legal framework can provide protection to those identified needs. Hence, the following sub-questions have been formulated:

- “What are the needs regarding protection and assistance amongst Ethiopian IDPs”?

- “Can the existing international and national legal framework provide protection to the needs of IDPs”? 
1.3 Structure

A brief explanation of this thesis’ structure is deemed appropriate. The current chapter, Chapter 1, will provide a brief background to the problem of internal displacement. The methodology used to conduct this study will be explained and the relevance and limitations of the research will be discussed.

Chapter 2 will provide a comprehensive overview of the internal displacement crisis in Ethiopia. This chapter consists of descriptive non-juridical information that is essential to ensure the reader’s understanding of the scope and scale of the crisis. A short introduction into the history of displacement in Ethiopia will be provided in subchapter 2.1. Subchapter 2.2 will explain the root causes of the current internal displacement crisis in Ethiopia. The living conditions in displacement sites will be discussed in subchapter 2.3. The response of both the Government of Ethiopia and the international community will be discussed in subchapter 2.4. By comparing the living conditions of IDPs in Ethiopia and the response to those living conditions, the needs of Ethiopian IDPs are identified in subchapter 2.5.

Chapter 3 will consist of an analysis of the international and national legal framework. Subchapter 3.1 will closely examine the provisions laid down in international human rights law and international humanitarian law and determine to what extent these provisions provide protection to the needs identified in Chapter 2. Subchapter 3.2 will do the same regarding Ethiopian law. Section 3.3 will discuss the gaps that exist in the international and national legal framework regarding the protection of the needs of IDPs.

Chapter 4 will study the legal and institutional mechanisms of the African Union. Subchapter 4.1 will discuss the legal instruments of the African Union. In this section it will be determined to what extent those legal instruments can address the gaps identified in Chapter 3. Subchapter 4.2 will discuss the other African Union mechanisms. Here it will be determined to what extent these other mechanisms can contribute to addressing the gaps that were identified in Chapter 3. Subchapter 4.3 will provide an answer to the research question.

Chapter 5 is the conclusion chapter of this thesis. It will briefly sum up the findings and provide an answer to the research question. Recommendations to different stakeholders will be included.
1.4 Methodology

The research conducted in this thesis is primarily be based on the Compilation and Analysis of Legal Norms, written in 1995 by Francis M. Deng, the Representative of the Secretary-General. In this report, Representative Deng addresses displacement by reflecting on the actual needs of internally displaced persons. He examines whether and to what extent the law is able to provide protection to the needs of internally displaced persons. As a result, the gaps in the existing law are discovered. In this thesis, the same ‘needs-based’ approach is used. In Chapter 2, the needs regarding protection and assistance of internally displaced persons are identified. For each of these needs, the provisions included in international, national and finally regional law are analysed and it is determined to what extent these provisions can afford protection to the needs of Ethiopian IDPs.

Different types of sources have been used to conduct the research in this thesis. Firstly, legal sources were extensively studied to conduct the legal analysis. International human rights law instruments (UDHR, ICESCR, ICCPR, ICERD, CEDAW, CRC, ILO Convention NO.169, Torture Convention, Genocide Convention, DEVAW), international humanitarian law documents (Geneva Convention IV and Additional Protocols I & II), Ethiopian legislation (the Constitution of the Federal Democratic Republic of Ethiopia and other federal legislation) and regional legislation (the Kampala Convention, the African Charter on Human and Peoples’ Rights and Protocols and the African Charter on the Rights and Welfare of the Child) were studied. In addition to this, opinions and judgements of the African Commission on Human and Peoples’ Rights have been consulted.

Secondly, reports and data assessments produced by NGOs, United Nations Agencies and others have been studied and consulted to provide a comprehensive description of the internal displacement crisis in Ethiopia and identify the needs regarding protection and assistance of Ethiopian IDPs.

Thirdly, books and journals written by a variety of scholars have been used to provide a historical background to internal displacement in Ethiopia and complement the information included in thesis where necessary.

Lastly, inside information from embassy personnel and IOM personnel has been used to provide additional details that would not have been available otherwise.
1.5 Significance of Research

The research conducted in this thesis is of significance to the problem of internal displacement in Ethiopia. By studying to what extent the African Union can address internal displacement through the Kampala Convention and other relevant mechanisms, the steps that need to be taken to successfully address internal displacement are identified. In addition to this, the responsibilities of the different stakeholders are determined and can therefore lead to a more effective response to the needs of IDPs.

Even though this research focusses on the internal displacement crisis in Ethiopia, the information included in this thesis can be used to address internal displacement in other African countries too.
1.6 Limitations of Research

Despite its broad scope, this thesis is subject to limitations. Firstly, this thesis only studies the legal aspect of the internal displacement crisis. However, the political and operational aspect both play a crucial role in addressing internal displacement. The conclusion and the subsequent recommendations provided in this thesis can in theory offer solutions to the problem of internal displacement in Ethiopia. In reality, however, these solutions are heavily influenced by politics and funding.

Secondly, this thesis is solely based on desk research and information from secondary sources. Due to political instability and security issues, it was not possible to conduct field research. The needs regarding protection and assistance of Ethiopian IDPs discussed in Chapter 2 are identified based on information provided in NGO and UN reports.

Thirdly, a lack of information available or access to information limited the research possibilities of this thesis. Data assessments and response plans of organisations working on internal displacement were often not approved by the government of Ethiopia and therefore not made available to the public. In addition to this, limited information is available on the response of the Ethiopian government. Many policy documents are written in Amharic and others are simply not available to the public.
2. Internal Displacement in Ethiopia

This chapter will discuss the current (2015-2018) internal displacement crisis in Ethiopia. The aim is to identify the needs regarding protection and assistance of Ethiopian IDPs (hereinafter referred to as “needs”) that are at present insufficiently addressed by both the Government of Ethiopia (GoE) and humanitarian/development organisations (hereinafter referred to as “international community”).

The information included in this chapter entirely consists of descriptive non-juridical information. Due to the complex and opaque nature of the displacement crisis in Ethiopia, this information is relevant if not necessary to comprehend the full scope of the crisis, its causes and difficulties to find solutions. The internal displacement crisis in Ethiopia is multifaceted: the problem has a political, operational and legal side to it. This thesis will address the legal side of the crisis. However, since the three sides are interrelated and indivisible, an understanding of the political and operational side is key.

In order to identify the needs of Ethiopian IDPs, this chapter will start with a brief overview of the historical context of displacement in Ethiopia. This will be followed by an analysis of the scope and main drivers of the current internal displacement crisis in subchapter 2.2. Subchapter 2.3 will describe the living conditions in displacement sites including access to basic services. Subsequently, in subchapter 2.4, a summary of the response of the national authorities and the international community will be provided. Finally, the protection and assistance needs of Ethiopian IDPs that are at present insufficiently addressed will be discussed in subchapter 2.5. These identified needs will then form the foundation of the legal analysis.

2.1 Historical Context of Displacement

This subchapter contains descriptive and historical information and aims to give a comprehensive overview of Ethiopia’s history of resettlement, villagization and development-induced displacement that dates back to the 1960s. The information will be divided into two time-sections (1960-1991 and 1991-present) and into two movement-related sections (resettlement and villagization/development-induced displacement).

2.1.1 Resettlement during 1960-1991

During the imperial period resettlement took place through both planned settlement programmes and spontaneous, voluntary movements. With the inauguration of the Ministry of Land Reform and Administration in 1966 and the adoption of the Third Five-Year Development Plan in 1968, resettlement initiatives officially became part of government policy with the aim of spreading out the population and advancing less inhabited regions. At the beginning of the 1970s, despite the fact that critics had stated that local and individual settlement initiatives had proven to be more successful, both government and non-governmental agencies encouraged the implementation of high-cost, large-scale resettlement

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26 Ibid. VII
projects. Those projects were mainly set up with the aims of preventing famine and increasing food security, alleviating vulnerable land of population pressure and boosting agricultural production\textsuperscript{28}; many considered resettlement programmes to be a panacea. Hence, it comes as no surprise that the scale and pace of resettlement increased rapidly after the 1974 revolution. During the first years of the Derg rule, land nationalization, recurring droughts and the inability of the population to become drought-resilient caused around 187,000 people in 46,000 households to be resettled.\textsuperscript{29} Reports and research indicated that the resettlement programmes were highly flawed with high economic and social costs and limited benefits or positive impact.\textsuperscript{30} Nevertheless, the Derg regime - under the leadership of Colonel Mengistu Haile Mariam - continued its policies and resettlement, together with villagization, became an important part of the Ten-Year Perspective Plan (1983/84-1993/94) for the development of Ethiopia.\textsuperscript{31}

When in 1984 a disastrous famine hit the country, the planned resettlement as outlined in the Ten-Year plan was replaced by the ‘emergency resettlement’ plan which was launched at the end of October in 1984.\textsuperscript{32} Within the period of less than a year and a half, some 600,000 people were moved from the northern areas to the lowlands of western Ethiopia. Due to the lack of thorough preparation, poor planning and hasty implementation, the ambitious and complex programme constituted a recipe for a tremendous disaster: the well-being of the participating population was entirely ignored, families were torn apart, livestock and property were lost, severe damage was caused to the environment and many people lost their lives.\textsuperscript{33}

Government officials responsible for the implementation of the emergency resettlement projects relocated large numbers of people to the southwestern regions of Ethiopia, where they expected to find an abundance of unoccupied farmland. In due time, however, they found that land was not suitable for ox-plough farming and that the local environmental circumstances created health risks for both the farmers and their livestock. On top of that, the resettlement was implemented without the consent of the people involved and often constituted of a violation of rights of both the settlers and the host communities. All of these factors contributed to the failure of the resettlement system as a whole and led to large numbers of people leaving their new settlement sites to return to their original homes.\textsuperscript{34}

2.1.2 Resettlement under the EPRDF

Resettlement in Ethiopia took place in two main phases: some 600,000 people were relocated in 1985-1986 under the Derg regime and around 627,000 people during 2003-2007 under the Ethiopian People’s Revolutionary Democratic Front (EPRDF), the current ruling party.\textsuperscript{35}

The EPRDF seized power in 1991 after a long and hard-fought armed struggle against the Derg. The party was highly critical of resettlement programmes at the time of their rebellion, and reaffirmed their position

\textsuperscript{28} François Piguet, \textit{Moving People in Ethiopia: Development, Displacement and the State} (Alula Pankhurst ed, 1st edn, Boydell & Brewer Ltd 2009) 9
\textsuperscript{29} Ibid. 10
\textsuperscript{30} Ibid. 10
\textsuperscript{31} Kloos Helmut and Aynalem Adugna “Settler Migration during the 1984/85 Resettlement Programme in Ethiopia” (1989) 19 GeoJournal 115
\textsuperscript{33} Ibid. VII
\textsuperscript{34} Ibid. VII-VIII
\textsuperscript{35} François Piguet, \textit{Moving People in Ethiopia: Development, Displacement and the State} (Alula Pankhurst ed, 1st edn, Boydell & Brewer Ltd 2009) 138
towards the matter after they successfully ousted Mengistu Haile Mariam’s regime. The coercion,
enormous loss of lives, abuses and violation of settlers’ rights together with all the other negative
consequences made resettlement a very unfavourable strategy.36 However, as explained by Pankhurst and
Piguet, the problem of recurring droughts and the risk of famine in the back of their minds slowly caused
a change in opinion: “a shift in policy gradually took place to the point that resettlement came to be
considered not only a potentially viable option, but even a necessary aspect and crucial component of
food security”.37 As a result, a large-scale state-sponsored resettlement programme named the Voluntary
Resettlement Programme (VRP) or Rural Resettlement Programme (RRP) was launched in June 2003.
The programme sought to resettle up to 2.2 million people in 440,000 households within a period of three
years and was carried out in the four main food insecure regions: Amhara, Tigray, Oromia and Southern
Nations, Nationalities and Peoples’ Region (SNNPR).

The EPRDF was strongly aiming for their resettlement programme to be voluntary but there is much
debate amongst scholars on the voluntary nature of the 2003-2007 resettlement. On the one hand, settlers
were given the opportunity to return to their original homes if they felt discontented, assistance was
available where necessary and settlers were promised land-use rights for three years for their property in
their homeland. On the other hand, decision-making and the ability to make choices out of complete
freedom are often influenced by different factors. During the 2003-2007 resettlement, Ethiopians were
facing land shortages, recurring droughts and endemic poverty. Government officials would often
describe the resettlement sites as a picture-perfect place and would make promises in terms of support that
could, in reality, not be met. In addition to this, the people living in the drought-prone highlands were
informed that food aid would cease to exist, leaving them no choice but to resettle.38 Hence, in reality,
resettlement under the VRP was not entirely voluntary but contained elements of pressure, threats or
downright coercion.

Due to its controversial character, the fear of yet another humanitarian crisis emerging if the programme
would fail39 and concerns that their support would fund forced resettlement, the international donor
community was unwilling to contribute anything more than the life-saving nutrition and medical
necessities. By the end of 2007, due to the government’s failure to get the international donor community
on board and due to a lack of volunteers willing to resettle, the programme was discontinued.40

2.1.3 Villagization and Development-induced Displacement during 1960-1991

Although villagization can be implemented for different reasons than development, and development-
induced displacement can take place without villagization, these concepts often seem to go hand in
hand41. For that reason, the two will be discussed together.

36 François Piguet, Moving People in Ethiopia: Development, Displacement and the State (Alula Pankhurst ed, 1st edn, Boydell & Brewer Ltd
2009) 138
37 Ibid. 247
38 Ibid. 146
40 Laura Hammond, “Governmentality in Motion: 25 Years of Ethiopia’s Experience of Famine and Migration Policy” (2011) 6 Mobilities 428
41 “We Say the Land Is Not Yours: Breaking the Silence against Forced Displacement in Ethiopia” (The Oakland Institute 2015) rep 23
Villagization in Ethiopia was for the first time implemented on a large-scale under the Derg regime and was one of the main strategies to establish a system of rural socialism to reconstruct society. The Derg’s aim was to relocate all of Ethiopia’s rural population - about 38 million people - from their dispersed homes, small communities and traditional lands to complete newly designed villages in a timeframe of nine years. The government was well on its way of achieving its goal and announced in August 1988 that more than 12 million people had been villagized so far. However, in March 1990, the villagization programme abruptly ended when president Mengistu Haile Mariam announced that the programme would be discontinued.

There is a variety of reasons why the government chose to pursue a policy of villagization: it sought to enhance agricultural production, simplify the process of providing basic services such as health clinics, schools and sanitary facilities to communities that were difficult to reach and increase land use efficiency amongst farmers. It was also seen as an effective strategy to keep control of the military situation and was used to combat the Oromo Liberation Front (OLF) and other resistance groups. Villagization was implemented in 12 of the 14 administrative regions of the country: Tigray and Eritrea - which was annexed by Ethiopia - were warzones at the time and thus excluded from the policy. However, even though it was carried out in a large part of the country, villagization was implemented in each region and area very differently. In particular, a distinction needs to be made between areas where the government’s control was relatively stable and areas where anti-government resistance groups were active. According to Survival International, villagization was implemented without obvious systematic and widespread violence in large parts of the country, however instances of use of force were reported every now and then. Even though the process of villagization was largely managed in a peaceful manner, “peaceful does not necessarily mean voluntary” and the policy was reluctantly accepted by the local communities. In areas where rebel movements were active, villagization was used as a means to manipulate and control the local communities and keep them from assisting and siding with the rebel forces. The implementation of the policy was characterised by great brutality and inhumanity: communities were deeply affected by the poor living-conditions in the new villages and the atrocities that were committed. In a report written by Africa Watch, a division of Human Rights Watch (HRW), accounts of killing rebellious farmers, destruction of property and crops as well as cattle theft were described.

2.1.4 Villagization and Development-induced Displacement under the EPRDF

The villagization programme of the EPRDF government was launched in 2010 and aimed to resettle about 1.5 million people by 2013 in four regions: Gambella, Afar, Somali and Benishangul-Gumuz. According to Inclusive Development International, SNNPR was also added to the scope of the

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42 “For Their Own Good: Ethiopia's Villagisation Programme : a Report from Survival International” (Survival International 1988) rep 13
43 Ibid. 18
44 Alex de Waal, “Evil Days: 30 Years of War and Famine in Ethiopia ”(Africa Watch 1991) rep 232-233
46 “For Their Own Good: Ethiopia's Villagisation Programme : a Report from Survival International” (Survival International 1988) rep 18
47 Ibid. 22
48 Ibid. 28
49 Ibid. 35
50 Alex de Waal, “Evil Days: 30 Years of War and Famine in Ethiopia ”(Africa Watch 1991) rep 230
51 “Waiting Here for Death: Displacement and 'Villagization' in Ethiopia’s Gambella Region” (Human Rights Watch 2012) rep 2
programme. By implementing villagization, the Ethiopian government sought to improve socio-economic infrastructure, enhance livelihoods and increase access of communities to basic services. The State Minister of Finance and Economic Development and the Minister of Federal Affairs at the time stressed the voluntary nature of the programme in a letter to the chairs of Development Assistance Group (DAG):

“[relocation] is planned and executed by respective regions and local authorities. (...) The program has thus far been guided by key principles such as voluntary movement and consent of people, community participation, provision of information and practice of consultation in the decision making process of [relocation].”

However, the villagization programme is controversial and has received lots of criticism from donors and international organisations such as HRW and think-tank the Oakland Institute.

Different field reports, policy reviews and research cannot seem to reach a consensus on the villagization programme and have presented findings that are very contradictory. According to a field visit and study conducted by the DAG Ethiopia, “the implementation of the [programme] has improved over time, and GoE has increasingly provided information to communities about resettlement.” They also reported that the quality of basic services, although sometimes the implementation was delayed, was decent or even better compared to previous living situations and no proof of systematic or widespread human rights abuses was found. Contrary to the DAG’s findings, HRW reports that villagization is carried out in an involuntary manner and goes hand in hand with widespread and systematic human rights abuses. In their 2012 report “Waiting Here for Death”, they state:

“Villagization (...) is carried out with no meaningful consultation and no compensation. Despite government promises to provide basic resources and infrastructure, the new villages have inadequate food, agricultural support, and health and education facilities. Relocations have been marked by threats and assaults, and arbitrary arrests for those who resist the move. The state security forces enforcing the population transfers have been implicated in at least 20 rapes in the past year (2011). Fear and intimidation are widespread among affected populations”.

On top of that, HRW and the Oakland Institute believe, based on research and interviews conducted with local communities and (former) government officials, that villagization and land investment are often connected and that the hidden agenda behind people’s displacement is clearing land for agricultural investment or development projects. According to HRW, 3.6 million hectares of land in Ethiopia had been assigned to foreign investors between 2008-2011 without consulting or compensating the farmers in

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52 “Ethiopia: Forced Villagization Program and the Promoting Basic Services Project” (Inclusive Development International) https://www.inclusivedevelopment.net/campaign/ethiopia-forced-villagization-program/<
54 Ibid.
57 “Waiting Here for Death: Displacement and ‘Villagization’ in Ethiopia’s Gambella Region” (Human Rights Watch 2012) rep 2
58 Ibid. 3
any way. Joakim Demmer presents evidence in his documentary ‘Dead Donkeys Fear No Hyenas’ that villagization is used to clear land for agricultural development and foreign investment. In the documentary it is claimed that the Protection of Basic Services (PBS) programme, which is financed by the United States of America (USA), European Union (EU) and the World Bank (WB), is contributing to the villagization programme of the government. Demmer states:

“The development programme PBS is meant to help the poorest. The intention is great but appears as if the Ethiopian government in Gambella is exploiting the development programme to clear land for the international investors”.

2.1.5 Conclusion

Since the 1960s different government policies implemented by the GoE caused communities to become internally displaced. Even though displacement in the past and present is not necessarily related, the historical overview is necessary to understand why the present-day internal displacement crisis is such a politically sensitive issue.

2.2 The Current Internal Displacement Crisis

Over the last 18 years, Ethiopia has experienced exceptional economic growth and the country is well on its way of reaching its goal to become a lower-middle-income country by 2025. While 55.3% of Ethiopians was living in extreme poverty in 2000, this percentage had dropped to 33.5% by 2011. Despite many positive effects, the confluence of rapid economic development, ethnic conflicts, recurrent droughts and lack of drought-resilience, seasonal floods and other natural disasters causes a large number of people to be internally displaced every year. The GoE has started to acknowledge the gravity of the situation and has in recent years adopted strategies to address some of the root causes of displacement. Yet, the number of new displacements each year continues to be alarmingly high.

Data on internal displacement is collected by IDMC and the International Migration Organisation’s (IOM) Displacement Tracking Matrix (DTM). Despite the high numbers presented in reports, the data is often inaccurate and significantly underestimates the full scale of displacement. Displacement related to the creation of national parks, human rights abuses, epidemics, technological and industrial disasters and large development-projects is not included in the data collected by IDMC. On top of that, it is nearly impossible for organisations like IDMC to determine the cumulative amount of people that are displaced by slow-onset disasters such as drought. Additionally, security issues and unwillingness of regional and local government officials to authorize data collection limit access to displacement sites and thus further inhibit the ability to monitor displacement. DTM, in contrast to IDMC, collects information through assessment rounds and closely monitors population movements. By the end of 2015, 636,305 individuals in Ethiopia were identified as internally displaced.

59 “Waiting Here for Death: Displacement and ‘Villagization’ in Ethiopia’s Gambella Region” (Human Rights Watch 2012) rep 17
60 Joakim Denner [Director], 'Dead Donkeys Fear No Hyenas' [Documentary] (WG Film 2017)
62 “DMC: Ethiopia: Country Information” (Internal Displacement Monitoring Centre (IDMC)) <http://internaldisplacement.org/countries/ethiopia>
63 Ibid.
displaced.65 This number rose to 718,000 during 2016.66 Between September-October 2017, a total of 1,615,444 IDPs67 was recorded and 1,743,586 individuals were identified as internally displaced between January-February 2018.68 During the latest data assessment round – round 11, data collection between May/June 2018 – 1,776,685 IDPs were identified.69 However, this number does not include the 822,178 IDPs displaced in Gedeo zone70 and an additional 147,040 IDPs displaced in West-Guji zone71 due to inter-communal violence along the border of the two regions. The Emergency Response Coordination Centre (ERCC) of the European Commission’s civil protection and humanitarian aid operations department (ECHO) estimates that the current total of IDPs in Ethiopia is around 2.7 million.72

This subchapter seeks to identify the root causes of the internal displacement crisis in Ethiopia and produce a detailed overview of the scale of the crisis. The information will be divided into four subsections. First, climate-induced displacement will be discussed. Secondly, conflict-induced displacement will be explained. Thirdly, the other causes of internal displacement will be reviewed and lastly, a conclusion will sum up the findings.

2.2.1 Climate-induced Displacement

In 2015 Ethiopia experienced its worst meteorological drought in 50 years.73 The drought, exacerbated by El Niño, affected more than 10 million people74 and displaced hundreds of thousands. The first signs that a humanitarian crisis was about to unfold appeared at the beginning of the year when the belg rains that typically take place between February and May did not arrive. On 4 June 2015, the Ethiopian government declared that the belg rains had officially failed, leaving 4.5 million people in need of emergency food assistance by August 2015. By the end of October, this number had increased to 8.2 million people due to insufficient rain during the kiremt season, influenced by El Niño. The humanitarian situation deteriorated further and by January 2016, 10.2 million people were in need of emergency food assistance (see Appendix 1).

The El Niño-induced drought continued to affect Ethiopia throughout the first half of 2016. While the belg rains failed again in some areas, in others exceptionally heavy belg rains caused severe flooding.75 Many communities throughout the country struggled with the enduring effects of the drought. The start of a new drought - which was caused by the negative Indian Ocean Dipole and led to insufficient rainfall
during the *hagaya/deyr* short rains in the southern and eastern regions – lead to further diminished coping capacities.\(^7\) Due to the cumulative effect of the recurrent crisis, the expected 5.6 million people to be in need of emergency food assistance in 2017 was increased to 8.5 million people by mid-2017 (see Appendix 2). With again unperformed *belg* and *hagaya/deyr* rains throughout the year, most vulnerable communities were unable to lift themselves out of their food-insecure situation. As a consequence, the assessed needs for 2018 described in the Humanitarian and Disaster Resilience Plan (HDRP) expected 7.88 million people to be in need of emergency food assistance and 8.49 million people in need of non-food humanitarian assistance.\(^7\)

Not everyone that is affected by drought and/or dependent on humanitarian assistance is internally displaced. In fact, the majority of the affected population stay in their own location, despite the scarcity of resources. According to DTM, climate-induced IDPs are people who are displaced due to “environmental factors such as drought, seasonal floods, flash floods and landslides”.\(^7\) However, why under the same circumstances, some become displaced and others don’t, remains to be unclear. A brief overview of the scope of climate-induced displacement will be provided below.\(^8\)

Based on data collected by IOM, more than 131,400 people were displaced due to the El Niño-induced drought, subsequent flooding and resource-based competition due to scarcity between August and October 2015\(^8\) and approximately 329,047 people\(^8\) were displaced between January and May 2016.\(^8\) Between September and October 2016, round 1 of the DTM assessment identified 112,351 climate-induced displaced IDPs.\(^4\) The number of displaced individuals fluctuates between the different assessment rounds because while some people end up in protracted displacement, others are able to return to their place of origin within a timeframe of approximately a few months.

Appendix 3 gives an overview of DTM round 2 till 8: while in February 2017, only 161,500 people were displaced due to climate-induced reasons, this number rose to 528,658 in December 2017.\(^5\) This is an increase of 228 % within one year. As of June 2018, 536,321 individuals are displaced due to climate-induced reasons.\(^6\)

\(^7\) This number again does not include approximately 4 million PSNP beneficiaries that were in need of assistance
\(^7\) “2018 Ethiopia Humanitarian and Disaster Resilience Plan” (2018) rep 10
\(^8\) As mentioned before, creating an accurate overview of climate-induced displacement is highly complex due to the limited data available. On top of that, all information gathered by the IOM’s DTM tool before November 2017 has not been approved by the GoE and is thus not publicly available. Nevertheless, reports published by different donor organisations give an indication of climate-induced displacement in 2015, 2016 and the first half of 2017.
\(^8\) Based on the average household size of 4.6 people per household, stated in the UN Household Size and Composition Around the World 2017 Data Booklet.
\(^8\) “201 Ethiopia Humanitarian Requirements Document Mid-Year Review” (2016) rep 18
2.2.2 Conflict-induced Displacement

After the Derg regime was overthrown, the EPRDF introduced a system of ethnic federalism in Ethiopia with the aim of achieving ethnic and regional autonomy without losing its political unity. The structure of the newly designed federation was to be based on ethno-national representation and was laid down in the 1994 constitution. Nine regional states, each named after the dominant ethnicity, and two federally administered city-states were created (see Appendix 4). However, critics state that regional autonomy is an illusion and that decision-making is in fact centralised and left to EPRDF leadership. On top of that, the system of ethnic federalism is believed to intensify ethnic tensions instead of encourage peaceful relations between ethnic groups and seems to be one of the root causes of ethnic conflict.

Ethiopia has in recent years been challenged by an increase in civil unrest and conflicts throughout the country. In November 2015 protests against the ‘Addis Ababa Integrated Master Plan’ - a plan outlining the expansion of the capital city into the surrounding farmlands of Oromia regional state- caused hundreds of casualties due to use of brutal violence by security forces. The plan was cancelled but the protests expanded to other parts of the country and continued as anti-government protests, demanding an end to human rights violations. As a consequence, the State of Emergency (SoE) was declared on 9 October 2016 and lasted for ten months. The SoE restored the stability to some degree but the underlying grievances and overall feeling of discontent with the federal government could not be silenced. The call for ending ethnic marginalization increased and made relationships between the different ethnic groups even more tense.

One of the conflicts that caused a large amount of people to be displaced over a short period of time is the Oromo-Somali conflict. Some of the causes of this conflict can be traced back to the tension created by the Ethio-Somali war in the 1970s and to system of ethnic federalism. Disagreements about the exact location of the Oromia-Somali border emerged when the regional states were created in 1991. The 2004 border referendum assigned 80% of the more than 420 disputed kebeles to Oromia, but official demarcation has not yet occurred. This has not only caused confusion amongst the populations that inhabit the border areas, but it has also increased hostility between the two ethnic groups.

Clashes between the two population groups have occurred sporadically throughout the years, some more violent than others, and it is therefore difficult to identify the start of the current Oromo-Somali conflict.

87 Alem Habtu, "Ethnic Federalism in Ethiopia: Background, Present Conditions and Future Prospects" (2003). International Conference on African Development Archives. Paper 2
89 ibid. 5
94 The smallest administrative unit in Ethiopia
Nevertheless, according to most humanitarian organisations, the majority of displacements have occurred since the fall of 2017. In September of that year, tensions between Oromos and Somalis boiled over when at least 18 people, mostly Somalis, were killed during protests in the town of Awaday. Subsequently, thousands of Oromos fled Jijiga, the capital city of Somali region, and its surrounding towns in fear of repercussions. Tit-for-tat ethnic violence is commonly used in the border region and causes thousands of people to be displaced each time. Both groups accuse the other’s regional special police force of using excessive violence and being responsible for most of the attacks. The role of the federal government is also disputed; some believe that the government does simply not have the means to resolve the conflict, whilst others are convinced that the government’s unwillingness to intervene is politically motivated and even accuse the EPRDF leadership of fuelling the conflict. What is beyond question, the underlying causes of the Oromo-Somali conflict are complex and affect the country as a whole. Tom Gardner, the Addis Ababa correspondent for The Economist, explains:

“Ethiopia’s ethnic-federal model has helped ensure the recognition of minority groups (...), but it has also aggravated regional tensions by binding once-fluid ethnic identity to administrative control over territory”.99

Conflict-induced displacement is not only a problem in the Oromia-Somali border dispute but also occurs in other parts of the country. In mid-November 2017 an interpersonal argument between an Oromo and Wolayta (SNNPR), leading to the death of the Oromo man, resulted in the displacement of thousands of people. Wolayta working and living in Ziway (city in Oromia), were threatened, expelled from their homes and their jobs and became the victim of excessive violence if they refused to leave. Local authorities did not intervene and the ethnic attacks were not covered by the media. Likewise, ethnic Amharas have been the victims of violent attacks in Oromia and Beninshangul-Gumuz regional states since October 2017 and the violence lead to the displacement of many. Recent waves of violence caused thousands of people to be on the brink of displacement and with the government’s failure to step in, another crisis could emerge. Many Amharic communities have been living in Oromia regional state since they were relocated under the Derg regime, but have now become a victim of xenophobia and ethnic attacks. In addition to this, a new wave of inter-communal violence in April 2018 sparked the start of another conflict and initially led to the displacement of at least 274,548 people from West-Guji (Oromia) to Gedeo zone (SNNPR). An additional 84,000 people were displaced within West-Guji. The conflict

99 Ibid.
100 Interview via the phone with an anonymous Policy Officer working at the Embassy of the Kingdom of the Netherlands in Ethiopia (Netherlands, 22 June 2018)
further deteriorated in the last few months and IOM estimates that roughly 970,000 people have been internally displaced since April 2018 due to this particular conflict.\textsuperscript{104}

Conflict has become the main driver of displacement in Ethiopia in the last few years.\textsuperscript{105} By the end of 2015, at least 450,000 people had been displaced by conflict and violence.\textsuperscript{106} Throughout 2016, a total of 296,000 new displacements was recorded.\textsuperscript{107} Between November and December 2017, the total number of conflict-induced IDPs rose to 1,078,429.\textsuperscript{108} According to the ERCC update of ECHO, there are currently about 1,965,391 conflict-induced IDPs in Ethiopia.\textsuperscript{109} With ongoing conflicts in different parts of the country, the problem of conflict-induced displacement is far from being solved.

\textbf{2.2.3 Other Causes of Displacement}

Some people in Ethiopia are not displaced due to conflict or drought but due to man-made or natural disasters. According to the DTM data, other causes of displacement include “economic/development projects, severe wind, social tensions and protracted displacement due to volcanic eruptions”.\textsuperscript{110} Although the number of people affected by one of these causes is significantly lower than the number of people affected by conflict or drought, numbers do not define the gravity of the situation. In the case of development-induced displacement, affected individuals are not able to return to their place of origin because the land they inhabited does no longer belong to them. The indigenous and pastoralist communities have a particularly important cultural and spiritual relationship with their land. The inability to return to their place of origin can thus have disastrous effects for their livelihoods, identity and spirituality.

There is limited data available on the number of IDPs per cause and it is thus hard to identify how many people are displaced annually due to development projects. Of the data available, only Displacement Report 7 of Oromia region differentiates between the causes that fall under “other” and identifies hydropower development as an important driver of displacement.\textsuperscript{111} Between May and June 2017, 52,397\textsuperscript{112} individuals were displaced due to “other” factors. This number almost doubled between July and August 2017 and rose to 99,467.\textsuperscript{113} According to the latest data assessment round, some 35,787 are displaced due to other factors.\textsuperscript{114}

\begin{footnotesize}
\textsuperscript{105} “Ethiopia - National Displacement Dashboard (May - June 2018)” (DTM Ethiopia 2018) rep \href{http://displacement.iom.int/ethiopia}{<http://displacement.iom.int/ethiopia>}
\textsuperscript{108} “Ethiopia - National Displacement Dashboard (November - December 2017)” (DTM Ethiopia 2018) rep \href{http://displacement.iom.int/ethiopia}{<http://displacement.iom.int/ethiopia>}
\textsuperscript{109} “Ethiopia | Drought, Conflict and Displacement in Oromia, Somali and SNNP Regions” (European Commission 2018) rep \href{https://reliefweb.int/sites/reliefweb.int/files/resources/ECDM20180809_Ethiopia_Displ_SNNRoromiaSomali_Aug2018_FINAL.pdf}{<https://reliefweb.int/sites/reliefweb.int/files/resources/ECDM20180809_Ethiopia_Displ_SNNRoromiaSomali_Aug2018_FINAL.pdf>}
\textsuperscript{110} “Ethiopia - National Displacement Dashboard (5 March - 5 April 2018)” (DTM Ethiopia 2018) rep \href{http://displacement.iom.int/ethiopia}{<http://displacement.iom.int/ethiopia>}
\textsuperscript{111} “Displacement Tracking Matrix (DTM) Oromia Region Ethiopia: Round 7; September to October 2017” (DTM Ethiopia 2017) rep
\textsuperscript{112} “Ethiopia – National Displacement Dashboard (July – August 2017)” (DTM Ethiopia 2017) rep
\textsuperscript{113} Ibid.
\textsuperscript{114} “Ethiopia - National Displacement Dashboard (May - June 2018)” (DTM Ethiopia 2018) rep \href{http://displacement.iom.int/ethiopia}{<http://displacement.iom.int/ethiopia>}
\end{footnotesize}
2.2.4 Conclusion

Between 2015 and August 2018 the number of IDPs in Ethiopia almost tripled.\textsuperscript{115} Although climate-induced displacement is responsible for a significant amount of IDPs and causes tremendous suffering to those affected by the displacement, inter-communal violence and ethnic-based conflict (conflict-induced displacement) are the primary cause of the current internal displacement crisis in Ethiopia. While the main drivers behind the conflict are not conclusively known, the system of ethnic federalism, scarcity of resources, disputed borders and ethnic marginalisation all seem to contribute to the violence. With the new conflict in West-Guji and Gedeo zones deteriorating and an estimated 2.7 million IDPs in need of humanitarian assistance, a lasting solution to the internal displacement crisis seems far from found.

2.3 Living Conditions in IDP Sites

This subchapter will discuss the living conditions and access to basic services in displacement sites. The needs of IDPs regarding protection and assistance can be identified and understood by carefully analysing those circumstances. This subchapter will only describe the general situation in displacement sites in Ethiopia. In reality, the situation, living conditions and access to basic services differ per displacement site and are influenced by the type of internal displacement, access to humanitarian assistance, and to what extent the host community is able to assist the IDPs.\textsuperscript{116} The information in this subchapter will be divided into access to basic subsistence goods (section 2.3.1), access to basic services (section 2.3.2), security and other risks (section 2.3.3) and population overview (section 2.3.4). The conclusion (section 2.3.5) will sum up the living conditions.

2.3.1 Access to Basic Goods

DTM round 11 and Rapid Response Assessment Reports for West-Guji and Gedeo Zone contain important information on the needs of IDPs. According to the West-Guji Zone report, the primary needs of the displaced population include access to food, NFI and access to safe drinking water.\textsuperscript{117} In addition to this, DTM round 11 reveals that most sites do not have access to school feeding programs, supplementary feeding for children and supplementary feeding for pregnant and lactating women (PLW).\textsuperscript{118} As a result, severe acute malnutrition (SAM) and food insecurity are real threats to IDP children and women.\textsuperscript{119} On top of that, IDPs often struggle with a lack of access to mosquito nets, hygiene kits, emergency shelter kits, cooking sets and bedding sets. In addition to a lack of NFI, most sites do not have access to electricity.\textsuperscript{120}

Besides food, NFI and drinking water, hundred thousands of people that were recently displaced are in need of access to (improved) shelter. Churches, schools and tents are used as shelter, adding to the substandard and unacceptable living situations: in some cases over 60 people were using one classroom as

\textsuperscript{115} From 636,305 by the end of 2015 to 2.7 million in August 2018
\textsuperscript{116} The needs of IDPs displaced due to the West-Guji/Gedeo conflict are generally more pressing since a tremendous amount of people was displaced in a very short timeframe and humanitarian organisations struggle with the scaling-up of the response.
\textsuperscript{118} “Ethiopia - National Displacement Dashboard (May - June 2018)” (DTM Ethiopia 2018) rep <http://displacement.iom.int/ethiopia>
\textsuperscript{120} “Ethiopia - National Displacement Dashboard (May - June 2018)” (DTM Ethiopia 2018) rep <http://displacement.iom.int/ethiopia>
their shelter.\textsuperscript{121} Other assessments reveal that certain displacement sites lack any type of shelter and consequently, people are forced to live outside or in open spaces.\textsuperscript{122}

All these factors are contributing to inadequate, unsatisfactory and inhumane living conditions.

2.3.2 Access to Basic Services

According to DTM round 11, IDPs are desperately in need of access to or improvement of WaSH-related services. Access to latrines and bathing areas is insufficient and often, in cases where those services are available, there are no separate areas for men and women. On top of that, the majority of sites struggles with a garbage and solid waste problem and there is evidence of open defecation.\textsuperscript{123} Although the current caseload is not as high as last year, AWD outbreaks have been reported in Tigray, Somali and Afar regions.\textsuperscript{124} Other health risks documented include pneumonia, skin diseases (scabies), malnutrition, eye infection and bronchitis.\textsuperscript{125}

In addition to WaSH, access to health services is included in the priority needs of IDPs. According to DTM round 11, not all assessed displacement sites have access to a health facility. When such a facility is accessible, services specifically related to GBV, CMR, PFA and SRH are often not available. On top of that, the necessary medication is not always available either.\textsuperscript{126}

Furthermore, access to education remains to be a large problem. While the majority of sites has access to formal primary education, access to all other types of education, including, alternative basic education, adult education and secondary education is limited. On top of that, in the majority of displacement sites, less than 50\% of IDP children attend school. Furthermore, often less than 50\% of school-going children are girls.\textsuperscript{127}

Finally, according to DTM round 11, most of the assessed IDP sites do not have access to income generating activities. An even larger percentage of sites does not have access to income generating activities for women. In addition to this, the majority of sites does not have access to land for cultivation, livestock on site, and access to a market.\textsuperscript{128}

2.3.3 Security and Other Risks

IDPs are amongst the most vulnerable groups of people in the world and often face serious risks and threats to their life, liberty, safety and security. Although it’s generally understood amongst humanitarian organisations that these risks exist, DTM data assessment reports often do not include specific information on those risks. It is therefore difficult to provide detailed information on the risks faced by Ethiopian IDPs. However, the Handbook for the Protection of Internally Displaced Persons provides an

\begin{itemize}
  \item \textsuperscript{121} “Gedeo and Guji Zone Market Assessment Report” (2018)
  \textsuperscript{122} “Displacement Overview West Guji Zone (Oromia) Site Level Assessment 23-28 July 2018” (DTM Ethiopia 2018)
  \textsuperscript{123} “Ethiopia - National Displacement Dashboard (May - June 2018)” (DTM Ethiopia 2018)
  \textsuperscript{124} “Ethiopia Humanitarian Situation Report” (UNICEF Ethiopia 2018)
  \textsuperscript{125} “Gedeo and Guji Zone Market Assessment Report” (2018)
  \textsuperscript{126} “Ethiopia - National Displacement Dashboard (May - June 2018)” (DTM Ethiopia 2018)
  \textsuperscript{127} “Ethiopia Humanitarian Situation Report” (UNICEF Ethiopia 2018)
  \textsuperscript{128} “Gedeo and Guji Zone Market Assessment Report” (2018)
\end{itemize}
overview of the most common threats to life, safety and security of IDPs. These risks are most likely affecting at least a part of the Ethiopian IDPs. The risks include:

- Stigmas, discrimination, marginalization.\(^{129}\)
- Arbitrary detention or arrest\(^ {130}\)
- Family separation\(^ {131}\)
- Threats to life and security.
- Torture or cruel, inhuman and degrading treatment.
- Sexual and gender-based violence, sexual exploitation, sexual slavery and harmful traditional practices.
- Enslavement, forced recruitment and human trafficking
- Forced displacement, forced return or relocation.
- Destruction of livelihoods and property, confiscation and disappearance of property.
- Obstructing and impeding of humanitarian assistance.\(^ {132}\)

In addition to this, site level assessments in West-Guji revealed that IDPs are in need of registration services.\(^ {133}\) Registration services include: registering people as IDPs, issuing the relevant documentation in situations where documentation is lost or destroyed and assuring access to basic services and humanitarian aid.

### 2.3.4 Population Overview

1,754,755 IDPs were identified in Oromia, Somali, Gambella, Tigray, Amhara and Afar region during DTM round 11.\(^ {134}\) On average, 47% of the IDPs is male and 53% is female.\(^ {135}\) Amongst this population, 718 child headed households, 16,328 elderly headed households, 19,115 single-female headed households, 7,453 single-male headed households, 35,674 pregnant girls and women, 58,672 breastfeeding mothers, 2,560 separated or unaccompanied children, 5,135 orphaned children, 6,493 persons with disabilities, 2,657 persons with chronic diseases or serious medical conditions, and 16,102 elderly without caregivers were identified.\(^ {136}\)

DTM considers the above-mentioned populations as groups with specific vulnerabilities.\(^ {137}\) These vulnerable groups are often in need of special assistance and additional support.


\(^ {130}\) Ibid. 197

\(^ {131}\) Ibid. 205

\(^ {132}\) Ibid. 148


\(^ {134}\) This does not include displacement in Beninshangul-Gumuz and SNNPR and also does not include the displacement in West-Guji and Gedeo.


\(^ {136}\) Cumulative amount of Displacement Tracking Matrix (DTM) Oromia, Somali, Gambella, Tigray, Amhara and Afar region round 11 retrieved from <https://displacement.iom.int>

\(^ {137}\) “Displacement Tracking Matrix (DTM) Oromia Region Ethiopia: Round 7: September to October 2017” (DTM Ethiopia 2017) rep 9
2.3.5 Conclusion

Ethiopian IDPs are vulnerable and are often faced with different risks and threats. Their substandard and deprived living conditions often cause their situation to become worse. IDPs are struggling with food insecurity and a lack of nutrition, lack of access to safe drinking water, WaSH and health services, decent shelter opportunities, education and income generating activities. On top of that, difficulties with registration and a lack of documentation or identification papers can inhibit their access to services and humanitarian aid. In addition to this, they often face threats and risks to their life, security and belongings.

2.4 Response of the Ethiopian Government and the International Community

The prevention of internal displacement and the protection of those affected by it is the responsibility of a country’s domestic authorities. However, sometimes a State is unwilling or unable to provide protection to IDPs, particularly in conflict situations or in cases where the authorities are responsible for causing the displacement. In those situations, a gap in protection is created and the international community becomes responsible for taking up that crucial protection role. Addressing this “protection gap” has often proven to be difficult due to the political sensitivity of internal displacement and the lack of an international legal and institutional framework for IDPs. Nevertheless, it is of utmost importance that the international community keeps on collaborating with a State’s authorities to find long-lasting and sustainable solutions to internal displacement.

This subchapter will discuss the response of the GoE and the international community to the internal displacement crisis in Ethiopia. It aims to create an understanding of the full scope and scale of this response. In order to do this, first the concept of ‘durable solutions’ will be discussed. This will be followed by an overview of the response of the GoE and the response of the international community. The conclusion will describe the gaps in protection and assistance, after which the needs of IDPs regarding protection and assistance can be identified.

2.4.1 Durable Solutions

The right to durable solutions for IDPs - although not explicitly mentioned as ‘durable solutions’ - is laid down in section five of the 1998 Guiding Principles on Internal Displacement. Principles 28-30 set out the right to voluntary return, resettlement or reintegration for IDPs and the duties of national authorities and humanitarian organisations. To foster a better understanding of what a durable solution is and how it should be achieved, the 2010 IASC Framework on Durable Solutions for Internally Displaced Persons (hereinafter referred to as “the framework”) was created. This document sets out the definition of durable solutions, the key principles for finding durable solutions, how a rights-based approach should support durable solutions and when a durable solution is achieved.

<http://www.unhcr.org/4c2355229.pdf>
As explained in the Framework, durable solutions for internal displacement can be achieved through:
❖ “Sustainable reintegration at the place of origin (hereinafter referred to as “return”);”
❖ Sustainable local integration in areas where internally displaced persons take refuge (hereinafter referred to as “integration”);
❖ Sustainable integration in another part of the country (hereinafter referred to as “resettlement”).”

However, simply returning to their place of origin, resettling in another part of the country or integrating in the host community does not mean that a durable solution has been achieved. The lack of access to basic services, failure of fulfilment of primary needs and violations of human rights - all as a consequence of their displacement - need to be resolved. A durable solution is reached once IDPs are no longer in need of humanitarian assistance and the fulfilment of their human rights is ensured, allowing them to live their lives without suffering from discrimination.

The primary responsibility of dealing with internal displacement lies with the national authorities. It is their duty to create the appropriate circumstances under which IDPs can safely and voluntarily return, resettle or integrate. Humanitarian and development actors can provide support when and where necessary. By effectively cooperating and coordinating their strategies, people affected by internal displacement can be prevented from falling into protracted displacement and durable solutions can be achieved.

2.4.2 Response of the Ethiopian Government

For a long time the GoE’s approach towards internal displacement was to deny its existence and prevent awareness on and institutionalisation thereof. This position was not accounted for in any official policy document. However, statements made by high officials made it seem that the GoE considered the existence of internal displacement in the country a sign of the administration’s failure. To prevent the perception of a flawed and weak regime from arising, internal displacement was denied and ignored all together.

With the tremendous increase in IDPs from September 2017 due to the Oromia-Somali conflict, the government slowly started to realise it could no longer turn a blind eye. Partly due to effective lobbying of international organisations and donor countries, IOM’s DTM was officially endorsed by the NDRMC in October 2017 and situation reports on internal displacement have become available for public

140 Ibid. 5
141 Ibid. 8
circularity.\(^{144}\) However, the emergency tracking tool is still not endorsed by the GoE with the aim of keeping the ‘official’ numbers lower, and is therefore not included in the DTM data collection.\(^{145}\)

The current response of the GoE towards the internal displacement crisis consists of two layers: the response on the federal level and the response on the regional level.

On the federal level, HaileMariam Desalegn, the former Prime Minister, set up a National Steering Committee under the Ministry of Federal and Pastoralist Affairs in September 2017. The Steering Committee, which is meeting on a weekly basis, is chaired by the Deputy Prime Minister and NDRMC and the National Security Force are members of the Committee. Its mandate is to assess the humanitarian situation, identify and address the needs of IDPs and others affected. Ultimately, it aims to achieve durable solutions to the internal displacement crisis.\(^{146}\) The Steering Committee consists of three sub-committees: the Emergency Assistance and Re-establishment of IDP committee, the Cross-Border Development committee, and the Border Demarcation committee.\(^{147}\) The first committee, in collaboration with humanitarian partners, is responsible for supervising the humanitarian assistance to conflict-induced IDPs. The other two committees are responsible for establishing and completing the demarcation of disputed borders and the finalizing and execution of the cross-border infrastructure development plan with the aim of creating long-term solutions to the inter-communal and ethnic conflicts in Ethiopia.\(^{148}\)

On the regional level, different strategies are adopted to meet the specific needs of those affected by internal displacement; IDP rehabilitation plans, relocation and return plans and livelihood options and compensation packages are developed by a multi-disciplinary team.\(^{149}\) An example of this is the Durable Solutions Strategy that was formed by the Somali Regional Government in collaboration with the Durable Solutions Working Group (DSWG).

The latest wave of inter-communal violence in the West-Guji and Gedeo zones resulted in the displacement of hundreds of thousands of people and created an enormous rise in humanitarian needs. Consequently, the government and its partners established Emergency Operation Centres (EOCs) in the affected zones. The EOC’s function as operational hubs from where the relief and assistance missions are coordinated.\(^{150}\) The response to the latest crisis is slowly improving - partly due to the willingness of the GoE to be involved in the response – but more funding is necessary to assist all those who are affected by violence and the subsequent internal displacement.\(^{151}\)

### 2.4.3 Response of the International Community

Addis Ababa is often referred to as the ‘diplomatic capital of Africa’. Besides the African Union, the United Nations Economic Commission for Africa (UNECA) is also headquartered in the city. In addition

\(^{144}\) “Ethiopia: Conflict Displacement Situation Report” (OCHA Ethiopia 2018) rep 1 [https://reliefweb.int/sites/reliefweb.int/files/resources/ethiopia_conflict_displacement_situation_report_0.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/ethiopia_conflict_displacement_situation_report_0.pdf)

\(^{145}\) Interview with an anonymous staff member of the DTM unit, IOM Ethiopia (Addis Ababa, Ethiopia, 28 February 2018)

\(^{146}\) “Ethiopia: Conflict Displacement Situation Report” (OCHA Ethiopia 2018) rep 3 [https://reliefweb.int/sites/reliefweb.int/files/resources/ethiopia_conflict_displacement_situation_report_0.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/ethiopia_conflict_displacement_situation_report_0.pdf)

\(^{147}\) “Ethiopia: Oromia – Somali Conflict-Induced Displacement Situation Report No. 4” (OCHA Ethiopia 2018) rep 3-4 [https://reliefweb.int/sites/reliefweb.int/files/resources/ethiopia___oromia_somali_conflict_induced_displacement_june_2018c.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/ethiopia___oromia_somali_conflict_induced_displacement_june_2018c.pdf)

\(^{148}\) Ibid.

\(^{149}\) Ibid.


to this, an abundance of embassies, development organisations, and humanitarian organisations is based in Addis Ababa and all are in one way or another involved in humanitarian or development aid. With so many organisations working on development and humanitarian interventions, the coordination structure can become very unclear. Annex 1 shows the 2017 overview of the humanitarian and development coordination structure. In brief, NDRMC, with support of the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), chairs the Disaster Risk Management Technical Working Group (DRMTWG) and is in charge of the overall (government and non-governmental) humanitarian response. This working group brings together the sector task force chairs, cluster coordinators, UN organisations, NGOs and donors to plan and coordinate humanitarian response efforts. In addition to this, the NDRMC also participates in the Strategic Multi-Agency Coordination (S-MAC) meeting which is co-chaired by the Humanitarian Coordinator (HC) and brings together heads of cooperation, UN organisations, NGOs and Ethiopian ministries to guarantee a well-planned approach to the humanitarian response and to optimize collaboration between government agencies and the broader humanitarian community. On the humanitarian operational level (see Annex 1), an Inter-Cluster Coordination Group (ICCG), chaired by UNOCHA, is organised every two weeks to determine primary needs, guarantee consistency and to ensure an integrated and complementary response. This group reports to the Humanitarian Country Team (HCT) - which is chaired by the HC and consists of UN organisations, international and national NGOs, donor representatives and others and makes recommendations regarding decision making and advocacy points. The HCT is the primary body coordinating the response of humanitarian organisations.

Funding for humanitarian interventions is raised in different ways. Donor countries can decide to donate funds to the Ethiopian Humanitarian Fund (EHF) which is managed by the HC with support from UNOCHA. This fund was established with the aim of ensuring a prompt response to identified humanitarian needs in the bi-yearly HRD and to unanticipated immediate needs due to arising disasters. Donors, however, can also decide to contribute earmarked or unearmarked funds directly to UNOCHA Ethiopia or allocate funds to the Humanitarian Response Plan. The funding that has been made available is divided over eight clusters, depending on gaps, priority areas and most critical needs. For 2018, the HRDP expected 1.658 billion USD to be necessary to cover the assessed needs. Appendix 5 shows the division amongst the eight clusters. As of 18 July 2018, only 38% of the required amount is funded.

The HDRP covers all needs throughout Ethiopia and IDPs only form one part of a larger humanitarian needs assessment. There is no report available that solely focuses on the needs of those affected by internal displacement throughout the entire country and it is therefore not possible to have a complete and detailed overview of the entire humanitarian response to internal displacement. However, situation reports and flash updates include emergency response highlights, giving details about the response in specific areas (see Annex 2). On top of that, the Immediate Humanitarian Funding Priorities, released on 24 May

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153 Namely, International Federation of Red Cross and Red Crescent Societies (IFRC), International Committee of the Red Cross (ICRC), Ethiopian Red Cross Society (ERCS) and Médecins Sans Frontières (MSF)
156 Meaning the 2018 Humanitarian and Disaster Resilience Plan
157 “Ethiopia” (OCHA) <https://www.unocha.org/ethiopia>
2018, focusses for a large part on the immediate needs of IDPs and host communities. According to this document, 280.4 million USD is necessary to fund the most critical gaps for the next six months.\textsuperscript{159}

On 22 June 2018, an emergency response plan was released focussing on the West-Guji/Gedeo internal displacement crisis. The expected financial requirements are 117.7 million USD of which only 6.99 million USD has been made available by the GoE and donors so far. This amount is not included in the HDRP or the Immediate Humanitarian Funding Priorities and will only cover the most critical and immediate needs, which means that additional funding is necessary to create and achieve durable solutions.\textsuperscript{160} With such a large funding gap, it is nearly impossible to provide IDPs with the assistance that they need and successfully address their deprived living conditions.

2.4.4 Conclusion

Despite the efforts of the federal/regional authorities and the international community to mitigate the effects of internal displacement on the Ethiopian population, approximately 2.7 million people are currently internally displaced and are desperately in need of food assistance, emergency shelter and access to other basic services. Whilst the response has been scaled-up and government and humanitarian partners are working together to provide assistance to all those in need, funding gaps and violence are impeding the emergency relief operations and possibilities for durable solutions.

2.5 Conclusion: What are the Needs Regarding Protection and Assistance amongst Ethiopian IDPs?

The consequences of internal displacement can have disastrous and long-lasting effects on both IDPs and host communities. Not only are human rights often violated in the context of (forced) displacement, the loss of property, homes, access to livelihoods and the separation of families following the displacement cause IDPs to be unable to enjoy their fundamental rights. Subsequent the displacement, IDPs often become dependent on the local authorities, humanitarian organisations or host communities for access to the most basic needs and services such as food, water, shelter, health care, education, sanitation and income generating activities. With national authorities and humanitarian organisations struggling to get the situation under control, IDPs are at risk of ending up in protracted displacement. This in turn makes sustainable reintegration into society and durable solutions more difficult to achieve.\textsuperscript{161}

After analysing the living conditions of Ethiopian IDPs at their displacement sites and the response of the GoE and the international community, the following protection and assistance needs amongst IDPs have been identified and can be subdivided under nine general categories\textsuperscript{162,163}


\textsuperscript{160}“2018 Response Plan to Internal Displacement around Gedeo (SNNPR) and West Guji (Oromia) Zones” (2018) rep <https://reliefweb.int/sites/reliefweb.int/files/resources/Ethiopia_Response Plan to Internal Displacement between Gedeo and West Guji zones_22 June_0.pdf>


\textsuperscript{162} These nine categories have been identified by the Representative of the Secretary-General in his compilation and analysis of legal norms as the general needs of IDPs regarding protection and assistance.

A. Needs regarding equality and non-discrimination
   e.g. protection from discrimination, unequal treatment and marginalisation
B. Needs regarding life and personal security
   e.g. protection from violence, conflict and common threats to life and security
C. Needs regarding personal liberty
   e.g. protection from forced recruitment, (sexual) slavery and unlawful detention
D. Subsistence needs
   e.g. access to food, drinking water, shelter, NFI, health and WaSH services. Vulnerable groups are often in need of special assistance and additional support.
E. Movement-related needs
   e.g. protection from forced displacement, relocation and return, opportunities for durable solutions
F. Need for personal identification, documentation and registration
   e.g. access to birth, marriage and death certificates and identification documents
G. Property-related needs
   e.g. protection of property and personal belongings, right to restitution or compensation
H. Need to maintain family and community values
   e.g. response to family separation
I. Need to build self-reliance
   e.g. access to education and income generating activities.

These protection and assistance needs will form the foundation of the legal analysis conducted in this thesis. The next chapter will review the international and national legal framework and examine whether the law affords sufficient protection to the above-mentioned needs of Ethiopian IDPs.
3. Legal Framework: Protection of the Needs of IDPs under International and National Law

In Chapter 2, the current internal displacement crisis in Ethiopia was discussed and the needs of Ethiopian IDPs were identified. Chapter 3 will review the existing legal framework, using these identified needs. It aims to answer the question whether the existing international and national legal framework are able to provide protection to the needs of IDPs. In order to do so, the framework of international law will be studied in subchapter 3.1 and the framework of national law will be studied in subchapter 3.2. Both analyses will be conducted through a “needs-based” approach. This approach is based on the Representative of the Secretary-General’s, report named ‘The Compilation and Analysis of Legal Norms’. The Representative prepared this report upon encouragement of the United Nation Commission on Human Rights (UNCHR) to review the protection of and assistance to IDPs. In this report, Deng evaluates “obligations within the framework of existing norms as well as identifies areas where existing international law does not respond adequately to the protection and assistance needs of internally displaced persons”. Deng describes the different situations in which internal displacement can occur - situations of tensions and disturbances, or disasters where international human rights law is applicable and situations of non-international and international armed conflict where international humanitarian law is applicable - and the general protection and assistance needs that are applicable to IDPs. For each need, the different situations and the law applicable to those situations are reviewed to answer the question of whether international law does or does not afford sufficient protection to IDPs.

The relevant bodies of law for this thesis are IHRL, IHL and national (Ethiopian) law. Protection of IDPs under refugee law and the possibility of including IDPs in the refugee framework are not covered by this thesis. IDPs are not mentioned in and protected by the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Phuong, in her book, argues that there is a justification for the exclusion of IDPs from the protection and rights afforded to refugees. According to Phuong, a legal synthesis between refugees and IDPs is worthless and IDPs should not be awarded a separate legal status under international law for the reasons that the protection system for refugees could be threatened and the notion of national sovereignty would be affected. As this thesis studies the efforts of the African Union to provide protection to IDPs, exploring whether IDPs can or should be included in the refugee framework, which has been researched by Phuong and others before, does not contribute to answering the research question and is therefore deemed irrelevant.

The analyses in subchapter 3.1 and 3.2 are structured in the same way: the needs will be briefly explained, the legal norms applicable to these needs will be reviewed and it will be determined whether these norms provide protection to this need or whether there is a gap in protection. The findings of these analyses will be summed up in subchapter 3.3.

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164 See glossary
165 Replaced by the United Nations Human Rights Council in 2006
166 UN Commission on Human Rights, 51st Session, Report of the Representative of the Secretary-General, Mr. Francis M. Deng, December 5
167 Ibid.
168 Ibid.
3.1 Framework of International Law

In many cases, IDPs and refugees are victims of the same harmful circumstances that force them to flee their homes. Yet, those similar conditions lead to a different outcome: whilst refugees become displaced outside of their national territory and are therefore entitled to protection under international refugee law, IDPs become displaced within their national territory and thus remain to fall under the responsibility of their own national authorities. Despite the fact that governments bear the primary responsibility of protecting those who have become internally displaced, protection often falls short for a number of reasons. A State’s government can be unable or unwilling to provide the necessary assistance and protect all those affected by internal displacement, but more importantly, national authorities are frequently suspected of causing or at least deliberately ignoring internal displacement.

IDPs, just like any other human being, are entitled to enjoy the rights and freedoms laid down in international law. However, in reality, those who are displaced are often - purposely or not - deprived of those rights and freedoms. On top of emotional trauma, displacement in numerous cases causes family separation and the destruction of the social and cultural community. Basic private and public sector services such as health clinics and schools are often inaccessible, making groups with special needs such as pregnant women and children even more vulnerable.

This subchapter will examine the international legal framework applicable to IDPs. It seeks to answer the question whether existing international legal instruments provide protection to the needs of IDPs. Internal displacement can occur in situations of armed conflict, in situations of tensions and disturbances (e.g. internal strife) or due to disasters and different legal instruments are applicable to these situations. Hence, the legal protection available to IDPs is situation-dependent. Catherine Phuong, in her book ‘the legal protection of internally displaced persons’, argues that IHRL or IHL separately do not afford adequate legal protection to IDPs, but if they are used together, the possibility of providing sufficient protection exists. In the analysis it will be examined which provisions in IHRL and IHL are relevant to IDPs, and whether they indeed, together, offer adequate protection to IDPs. Even though regional human rights instruments might contain relevant provisions as well, they will not be reviewed for the reason that most regional instruments are not applicable to IDPs in Ethiopia. The regional instruments and mechanisms relevant to IDPs on the African continent will be discussed in Chapter 4.

In order to find an answer to the sub-question, IHRL and IHL will be analysed first. This analysis, described in sections 3.1.1 and 3.1.2 will be followed by an analysis of the Guiding Principles on Internal Displacement. Although not binding, this document outlines the most important legal norms applicable to IDPs. After that, the relevance of the international legal instruments that were studied to Ethiopia will be discussed. Lastly, the conclusion will describe whether the existing international legal framework provides protection to the needs of IDPs.

172 Ibid.
173 This is a non-exhaustive list.
3.1.1 International Human Rights Law

Human rights are basic freedoms and rights that are applicable to all human beings regardless of their gender, ethnicity, nationality, race, religion, language or any other status. These rights and freedoms are laid down in IHRL - which consists of customary law, treaty law, general principles and other sources - and compel States to respect, protect and fulfil these rights without discrimination. More specifically, States are responsible for upholding universal human rights within their territory and ensuring that all individuals within their jurisdiction, including IDPs, can enjoy those basic and fundamental rights.

It is commonly agreed that the Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly (UNGA), is the foundation of IHRL. Despite its non-binding character, the declaration is considered to be an important benchmark. The rights set out in the UDHR have been translated into law - in the form of conventions, treaties, protocols, customary law and other documents - and international human rights law has greatly evolved since the adoption of the declaration. The UDHR, together with the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), make up the International Bill of Human Rights. Although IDPs are not specifically mentioned in any of these documents, the provisions included in those documents can still provide them with protection.

IHRL aims to protect individuals from state abuse. The rights and freedoms laid down in the various human rights instruments result in duties of the sovereign state towards all human beings within their jurisdiction. These duties consist of negative obligations (not to subject individuals to torture or cruel, inhuman and degrading treatment or punishment) and positive obligations (to ensure access to education). Regarding internal displacement, the most important negative obligation for a state would be to not displace individuals and the most important positive obligation would be to prevent individuals from being displaced (by others). Yet, no explicit references to internal displacement or rights and freedoms related to those affected by internal displacement are included in the nine core human rights and other international human rights instruments.

The following analysis is based on the research put forward in The Compilation and Analysis of Legal Norms by Francis M. Deng and extensive examination of the nine core international human rights and other relevant human rights instruments.

A. Protection of the needs regarding equality and non-discrimination

IDPs are prone to be subjected to discrimination and unequal treatment based on their status of ‘being displaced’. This discrimination and unequal treatment can occur in different forms i.e. unequal treatment

177 Ibid. 3
179 Ibid. 44
180 ICERD, ICCPR, ICESCR, CEDAW, CAT, CRC, ICMW, CPED, CRPD, ILO Convention No. 169, DEVAW.
before the law, unequal protection of the law and discrimination on the grounds of ethnicity. IHRL affords protection against discrimination and unequal treatment or inequality. Even though there is no provision in IHRL prohibiting the discrimination of IDPs on the grounds of ‘being displaced’, a large amount of provisions in different human rights instruments include prohibitions of discrimination and guarantees of equal protection. For example, article 26 of the ICCPR states:

“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

The term ‘other status’ is meant to be interpreted broadly and refers to the non-exhaustive character of the grounds on which discrimination is prohibited. Discrimination on the basis of ‘being displaced’ is therefore prohibited by this article. However, it is desirable to include a more specific reference to the prohibition of discrimination on the grounds of ‘being displaced’ to prevent confusion on what ‘other status’ entails.

Other forms of discrimination often experienced by IDPs on the basis of race, ethnicity and gender are prohibited by the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). These conventions also contain several provisions that set out the right to equal treatment. Discrimination and unequal treatment of people with disabilities is prohibited by the Convention on the Rights of Persons with Disabilities (CRPD). Discrimination and unequal treatment of children is prohibited by the Convention on the Rights of the Child (CRC) and by, amongst other provisions, article 24(1) of the ICCPR:

“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

In sum, IDPs are protected from discrimination and unequal treatment by IHRL. However, a specific reference to the prohibition of discrimination or unequal treatment on the grounds of ‘being displaced’ is desirable.

**B. Protection of the needs regarding life and personal security**

Threats to the life and personal security of IDPs include acts of violence, killings, genocide, torture and ill-treatment and GBV. In general, adequate protection is afforded to IDPs by IHRL. Due to the large variety of applicable provisions and space constraints, only the most important provisions will be discussed.

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181 UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, A/6316, art. 26
182 *Ibid.*, art. 24(1)
The most fundamental right regarding the needs regarding life and personal security is the right to life. This right is laid down in article 6(1) of the ICCPR:

“We human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”184

In addition to this, torture and inhuman and degrading treatment are prohibited by article 7 of the ICCPR:

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”185

This prohibition is repeated in similar wording in the CRC in article 37(a). Moreover, the use of violence against children is prohibited in CRC article 19(1):

“States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”186

Additionally, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment prohibits States from engaging in acts of torture and requires States to take appropriate measures to prevent acts of torture from happening, be it by a state official or a private citizen.187 The Convention on the Prevention and Punishment of the Crime of Genocide prohibits genocide and calls upon States to prevent genocide from happening and punish perpetrators when an act of genocide is committed.188

GBV breaches important norms and is prohibited under IHRL. For example, GBV violates the right to the highest attainable standard of physical and mental health, laid down in article 12(1) ICESCR. On top of that, GBV directed at women is in violation of article 3 CEDAW regarding women’s exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men. In addition to this, article 6 CEDAW prohibits all forms of trafficking in women and exploitation of prostitution of women. This provision is of tremendous importance to displaced women who are often vulnerable and prone to become victim of sexual exploitation.189 In addition to the core human rights instruments, the Declaration on the Elimination of Violence against Women (DEVAW) prohibits any type of violence against women and calls on States to protect women from GBV.190

184 UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, A/6316, art. 6(1)
185 Ibid. art. 7
187 UN General Assembly, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, 10 December 1984, A/39/51
190 UN General Assembly, *Declaration on the Elimination of Discrimination against Women*, 7 November 1967, A/RES/2263(XXII)
In sum, IHRL offers adequate protection to needs of IDPs regarding life and personal security. Women and girls are awarded additional protection from threats to life and personal security such as sexual violence, abuse and exploitation, traditional harmful practices and other types of GBV.

C. Protection of the needs regarding personal liberty

IDPs are subjected to heightened risks regarding their personal liberty during their flight from their place of origin and upon arrival at a displacement site. These risks include (unlawful) detention, forcible recruitment and (contemporary) slavery practices.

Arbitrary arrests and unlawful detention are prohibited by article 9(1) ICCPR and by article 37(b) CRC. International standards concerning arrests are laid down in article 9(2) to 9(5) ICCPR. It can thus be concluded that IDPs are protected from unlawful detention under IHRL. However, it is unclear whether and under which conditions detention of IDPs in closed camps is permissible in situations of tensions/disturbances or disasters under IHRL. This gap in international law needs to be addressed since IDPs are at risk of becoming a victim of this uncertainty in the law.

Regarding forcible recruitment of IDPs, a gap in protection under IHRL exists. Article 38(3) CRC states:

“States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest”. 191

However, minors older than 15 years old are not offered sufficient protection by this article. Persons older than 18 years are not protected at all from forcible recruitment by any provision under IHRL. IDPs, due to their status of ‘being displaced’ are vulnerable and at risk of becoming victim to unlawful discriminatory practices. Protection from forcible recruitment is therefore important to safeguard their personal liberty. 192

Regarding (contemporary) slavery practices, IHRL provides adequate protection. Firstly, slavery is prohibited by article 8 ICCPR. In addition to this, different human rights instruments have been attributed to slavery, slavery-like practices and forced labour. These instruments prohibit slavery and any similar practices, sale into marriage, forced marriage, trafficking of human beings, with particular attention to women and children. 193 On top of that, the CRC provides extensive protection to children with regard to abuse, neglect and violence (art. 19), child labour (art. 32), use of drugs and drugs trafficking (art. 33), sexual exploitation and abuse (art. 34), sale and trafficking of children (art. 35) and any other forms of exploitation (art. 36). 194

193 Ibid.
194 UN General Assembly, Convention on the Rights of the Child, 20 November 1989, A/44/49,
D. Protection of subsistence needs

Subsistence needs of IDPs include access to basic goods and services such as food, safe drinking water, shelter and other NFI, WaSH services and health facilities. The necessity of these goods and services is provided for in IHRL and several provisions set out the right to these services. For example, article 25(1) UDHR states:

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services (....).”

Article 25(2) describes the need for special assistance for mothers and children. Similarly, article 11 ICESCR sets out the right to an adequate standard of living. On top of that, this article includes the right to be free from hunger and requires State parties to take the appropriate measures to ensure the realization of these rights. Article 27 CRC describes the right adequate standard of living for children. The article includes the responsibility of parents or other caretakers to ensure realisation of this right and the responsibility of State Parties to provide assistance in the form of material support or support programmes, if deemed necessary.

Regarding health-related needs, article 12 ICESCR “recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”. Article 24 CRC addresses the enjoyment of the highest attainable standard of health for children. This article sets out the measures State parties have to take in order to ensure realisation of this right. Healthcare for mothers is also addressed in this article.

IHRL also includes the rights of women to subsistence needs. Article 12 CEDAW recognizes the right of women to equal access to healthcare services, including family planning, all necessary services related to pregnancy and access to adequate nutrition during pregnancy and lactation. Article 14 CEDAW addresses the rights of women living in rural areas and recognizes the right to equal access to healthcare services and adequate living conditions.

Even though subsistence needs are recognized under IHRL, there is a need for increased guarantees of food, safe drinking water, shelter and NFI as well as access to basic services for IDPs. Whilst the right to food is recognized under IHRL, the right to safe drinking water or the right to nutritionally-balanced diet is not specifically recognized. The subsistence needs of IDPs and the duty of States to guarantee the fulfilment of these needs should explicitly be included in international law to ensure access to an adequate standard of living for all IDPs. In addition to this, the need for special assistance and additional support of vulnerable groups such as women, children, disabled people, elderly and the sick needs to be provided for to ensure protection is afforded to their special needs.

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195 UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), art.25(1)
E. Protection of movement-related needs

Movement-related needs of IDPs include the right to choose their own place to live, move around freely within their own region or country, protection against forced relocation and protection against forced return. IDPs are in need of the right to durable solutions which include, voluntary return to their place of origin, voluntary relocation to a third location or voluntary and sustainable integration into the host community.

There is limited coverage of the right to freedom of movement, the right to choose one’s residence, protection from forced relocation and protection from displacement itself. In IHRL, the rights related to freedom of movement and freedom to choose one’s residence are recognized in article 12(1) ICCPR. Often however, these rights are restricted by internal displacement because the very nature of internal displacement limits one’s ability to move around freely and decide on a place to live.198 Regarding displacement and relocation, article 16 of the Indigenous and Tribal Peoples Convention of 1989 (hereinafter referred to as “ILO Convention No. 169) is the only provision in IHRL that prohibits or limits the possibilities of States to displace or relocate peoples from their land. However, this provision is only applicable to tribal or indigenous peoples.199 Even though tribal and indigenous communities can be amongst IDPs, this provision does not provide adequate protection to all IDPs.

Despite the fact that the right to freedom of movement and the right to choose one’s residence inherently are incompatible with displacement and therefore prohibit displacement, no international human rights instrument specifically recognizes the right not to be displaced.200 With large amounts of people worldwide becoming newly displaced each year,201 it is of utmost importance that this gap in existing human rights law is addressed as soon as possible. Additionally, no specific provisions are in place that prohibit forced relocation or recognize the right to voluntary return to one’s place of origin, relocate to a third location or integrate in the host community. These durable solutions should be recognized under IHRL to achieve a sustainable solution to internal displacement.

F. Protection of the need for personal identification, documentation and registration

IDPs are at risk of losing their documentation and personal identification during their flight. Lack of documentation often creates difficulty with regards to registration. This includes registration of births, deaths and marriage but also registration that is necessary to access basic social services such as health care and education.202

The right to a legal personality in IHRL is included in article 2 UDHR and article 16 ICCPR: “Everyone shall have the right to recognition everywhere as a person before the law”.203 Regarding children, article 7

203 UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, A/6316, art. 16
CRC states that “the child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality (...).” Article 8 CRC states:

“1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.”

However, these provisions do not recognize the right to have personal identification papers or documentation. No measures are included in any provisions under IHRL that should protect IDPs, except for children, who have lost their personal identification papers or documentation. This gap in IHRL needs to be addressed in order to ensure that IDPs can register important life events and are able to access basic services.

G. Protection of property-related needs

IDPs are susceptible to property loss and loss of personal belongings, as well as destruction of property once they become displaced. Upon return, IDPs are often faced with the occupation of their property by others, or the disappearance of their property altogether. In order for IDPs to overcome their vulnerable conditions caused by their displacement, restitution of property or compensation of lost or destroyed property is of importance.

In IHRL, the provision recognizing the right to own property for all human beings and prohibiting the arbitrary deprivation of property is article 17 UDHR. Additionally, article 5(d)(v) ICERD describes the right to hold property without discrimination, article 12(5) CRPD recognizes the right of people with disabilities to hold or inherit property without discrimination, and prohibits arbitrary deprivation of this property and article 15(1)(h) CEDAW includes the equal right of men and women within a marriage to ownership, acquisition, management, administration, enjoyment and disposition of property.

With regards to tribal and indigenous peoples, article 14(1) ILO Convention No. 169 protects their right to ownership and possession of traditional lands and article 16 ILO Convention No. 169 prohibits the removal of these people from their lands. This article also recognizes the right to return to traditional lands and describes the possibilities of restitution and compensation. Article 16(4) states:

“When such return is not possible, as determined by agreement or, in the absence of such agreement, through appropriate procedures, these peoples shall be provided in all possible cases with lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development. Where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated under appropriate guarantees.”

204 UN General Assembly, Convention on the Rights of the Child, 20 November 1989, A/44/49, art. 7
205 Ibid. art. 8
206 International Labour Organization (ILO), Indigenous and Tribal Peoples Convention, C169, 27 June 1989, art. 16(4)
However, as was the case with the prohibition of relocation and displacement, all provisions included in ILO Convention No. 169 are only applicable to tribal and indigenous peoples. These rights are thus not applicable to all IDPs. It can be concluded that there is a gap in IHRL concerning the right to restitution of property that was lost as a consequence of displacement and the right to compensation for any lost or damage property. On top of that, while the right to property for IDPs is indirectly protected under IHRL due to the prohibition of discrimination clause in the ICERD, a more specific right safeguarding this right for IDPs is desirable.

H. Protection of the need to maintain family and community values

Situations leading to internal displacement can cause families to be separated. Whilst it is important for all members of families and communities to remain together during situations of internal displacement, separation particularly affects children and women. In order to prevent prolonged situations of separation, family reunification is of utmost importance.\(^{207}\)

In general, IHRL recognizes the family as a fundamental unit of society and offers protection to the family as such. This is for example recognized in article 23(1) ICCPR, article 10(1) ICESCR and article 16(3) UDHR. On top of that, arbitrary interference with one’s privacy, family, home and correspondence is prohibited by article 17(1) ICCPR and article 12 UDHR.

Special protection is offered to children and minors under IHRL. Article 5 CRC stresses the importance of respect for the responsibilities, rights and duties of parents, article 7 CRC recognizes the right to know and be cared for by a child’s parents, article 8 CRC sets out the prohibits unlawful interference and advocates for respect of a child’s nationality, name and family and article 9 CRC discusses the right of children to not be separated from their parents against their will. However, family reunification is only protected with regards to parents and children residing in different states, or refugee children. Consequently, a gap concerning family reunification of families separated as a result of their displacement exists under IHRL.

I. Protection of the need to build self-reliance

As a consequence of their displacement, IDPs have often lost their property, land, livelihoods, livestock, economic activities and access to basic social services such as education. In order to prevent protracted dependency on humanitarian aid, government aid or on the host community, self-reliance amongst IDPs is vital.\(^{208}\)

There are quite a few provisions applicable to the general concept of building self-reliance. Due to space constraints, a brief summary will be provided of the protection of the right to employment and education.

Regarding employment and other economic activities, IHRL offers broad protection through various provisions in different human rights instruments. Examples are: the right to work, free choice of employment, just and favourable conditions of work, protection against unemployment, and equal pay for men and women.

\(^{207}\) In Mr. Deng’s analysis, language needs and religious needs are also discussed. However, Ethiopian IDPs have not expressed the importance of language and religious needs. These needs are therefore not included in this analysis.

\(^{208}\) In Mr. Deng’s analysis, participation in government and public affairs is also discussed. However, Ethiopian IDPs have not expressed the importance of participation in government and public affairs. These needs are therefore not included in this analysis.
equal work and just and favourable remuneration. Additionally, equal rights for women with regards to employment and economic activities are recognized in the CEDAW and other conventions.

Regarding education, the right to education for all is guaranteed by article 26(1) UDHR and article 13(1) ICESCR. Discrimination inhibiting the right to education is prohibited under international law and specifically mentioned in article 5(d)(v) ICERD, related to racial discrimination, article 10 CEDAW, related to discrimination against women and article 24 CRPD, related to discrimination of persons with disabilities. Additionally, article 13(2) ICESCR sets out important conditions related to the right of education for all. It states:

“The States Parties to the present Covenant recognize (...) : (a) Primary education shall be compulsory and available free to all; (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education; (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education; (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education; (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.”

These conditions are included in similar wording and added upon in article 28 and 29 CRC.

In sum, the right to employment and education are thoroughly protected under IHRL. However, it is desirable to include a specific clause under IHRL that recognizes the need of IDPs to build self-reliance. Access to all types of education – whether this is primary, secondary or adult education, vocational and technical training – and access to income generating activities are key to building self-reliance and should be made available to all IDPs.

J. Additional Findings

Firstly, it is important to note that IHRL allows for certain limitations, derogations and restrictions of the rights and freedoms set out in the different human rights instruments. Even though these limitations, derogations and restrictions are regulated by specific and strict conditions, they can have a negative effect on the protection of IDPs. This is especially true in situations of disturbances and tensions or disasters, in which humanitarian law is not applicable. However, restrictions, limitations and derogations must always be in conformity with other human rights and a State’s additional international legal obligations and must fulfil the principle of non-discrimination. On top of that, some rights are considered non-derogable. Article 4(2) ICCPR states that no derogation is allowed from: the right to life (art. 6), prohibition of torture and cruel, inhuman and degrading treatment or punishment (art. 7), prohibition of slavery, slave-trade and servitude (art. 8), prohibition of imprisonment on the ground of inability to fulfil a contractual

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210 UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, A/6316, art. 13(2)
<http://www.unhcr.org/4c2355229.pdf>
obligation (art. 11), prohibition of punishment for any act which did not constitute a criminal offense at the time when it was committed (art. 15), right to recognition everywhere as a person before the law (art. 16) and freedom of thought, conscience and religion (art. 18).\footnote{UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, A/6316, art. 4(2)} Hence, IDPs will always be protected by these rights and freedoms but protection offered by other provisions is not always guaranteed.

Secondly, the Compilation and Analysis of Legal Norms does not consider development-induced displacement and the protection of development-induced IDPs under international law. These IDPs require special attention and assistance since the option of voluntary return is not a possibility for them.

Thirdly, IHRL is usually only considered to be binding on States. In situations of tensions and disturbances where non-State actors are involved, IDPs are insufficiently protected. Additionally, States who have not ratified certain human rights instruments cannot be held accountable for human rights violations.\footnote{UN Commission on Human Rights, 51st Session, Report of the Representative of the Secretary-General, Mr. Francis M. Deng, December 5, 1995, (E/CN. 4/1996/52/Add.2), ”Internally Displaced Persons – Compilation and Analysis of Legal Norms” 104


\footnote{Ibid.}

3.1.2 International Humanitarian Law

IHL, also referred to as *jus in bello*, is the legal framework that regulates the means and methods of warfare. The main sources of IHL are the four Geneva Conventions of 1949 and their two additional protocols of 1977. It is distinct from *jus ad bellum*, which regulates the justifications and limitations of the use of armed force and is set out in the United Nations Charter of 1945.\footnote{”What Is International Humanitarian Law?” (ICRC 2004) rep <https://www.icrc.org/eng/assets/files/other/what_is_ihl.pdf>}

IHL aims to minimize human suffering in times of armed conflict by protecting persons who do not, or no longer, take part in hostilities and by restricting the ways in which warfare is conducted. It is applicable to situations of armed conflict and is binding on both State and non-State actors. Under IHL, situations of armed conflict are classified as either international armed conflict (IAC), which is a conflict between two or more States and is regulated by all four Geneva Conventions and additional Protocol I (AP I), or non-international armed conflict (NIAC), which is a conflict between a State and a non-State actor, or between two or more non-State actors and is regulated by Common Article 3 and additional Protocol II (AP II).\footnote{”Handbook for the Protection of Internally Displaced Persons” (Global Protection Cluster Working Group 2009) rep 28 <http://www.unhcr.org/4c2355229.pdf>}

In theory, both IHL and IHRL are applicable during times of armed conflict. In reality however, the rights and freedoms guaranteed under IHRL, except for the core and non-derogable rights, can be limited, restricted or derogated from during times of armed conflict. Hence, IHL plays a crucial role in the protection of IDPs.\footnote{Ibid.}

For the purpose of this thesis, only Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War (GC IV) and the two additional Protocols are of relevance and will thus be examined. There is no specific reference to IDPs in any of the Geneva Conventions or their additional Protocols.

Nevertheless, IDPs who find themselves in situations of armed conflict, provided that they refrain from partaking in hostilities, should be offered the same protection as civilians under IHL.
The following analysis is based on the research put forward in The Compilation and Analysis of Legal Norms by Francis M. Deng and extensive examination of the Geneva Convention IV and the two Additional Protocols.

A. Protection of the needs regarding equality and non-discrimination

IDPs are at risk of becoming a victim of discrimination and unequal treatment in times of armed conflict. Protection from discrimination and unequal treatment is of paramount importance during armed conflicts to prevent needless suffering.

In situations of IACs, IDPs are protected from unequal treatment and discrimination by articles 13 and 27 GC IV and 75(1) AP I in which it is stated that civilians shall be treated and enjoy protection without any adverse distinction.

In situations of NIACs, IDPs are protected from discrimination by Common Article 3 and articles 2(1) and 4(1) AP II. Common Article 3 states:

“persons taking no active part in the hostilities (...) shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria”.

This is repeated in similar wording in articles 2(1) and 4(1) AP II. “Any other similar criteria” refers to the non-exhaustive character of the list of the grounds on which discrimination is prohibited. Discrimination on the grounds of ‘being displaced’ is therefore in theory also prohibited.

In sum, IDPs are protected from discrimination and unequal treatment by IHL. However, a clause specifying the prohibition of discrimination and unequal treatment on the grounds of ‘being displaced’ is desirable.

B. Protection of the needs regarding life and personal security

IDPs, like all other civilians, are to be treated humanely and their life and dignity is to be protected and treated with respect. In situations of armed conflict, the lives and personal security of IDPs can be at risk and protection from violence, inhumane and degrading treatment or punishments or other types of misconduct is therefore crucial.

In situations of IACs, IDPs are protected from physical suffering and acts of violence. This is laid down in articles 27 and 32 GC IV and more extensively in articles 51 and 75 AP I. These prohibitions include
collective punishments (GC IV Art. 33; AP I Art. 75(2)(d)), hostage taking (GC IV Arts. 34 and 147; AP I Art. 75(2)(c)), rape and other forms of sexual violence (GC IV Art. 27; AP I Arts 75(2), 76 and 77).

In situations of NIACs, broad protection is offered to the life and dignity of IDPs and their right to humane treatment. To this end, Common Article 3 prohibits the following acts:

“a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
b) taking of hostages;
c) outrages upon personal dignity, in particular humiliating and degrading treatment;
d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples”

These prohibitions are repeated in similar wording in article 4 AP II and the prohibition of collective punishments, acts of terrorism, rape, enforced prostitution, any form of indecent assault, slavery, slave trade in all their forms, pillage and threats to commit any of these acts were added. Additionally, article 13 AP II offers protection to the civilian population, which includes IDPs, “against the dangers arising from military operations”. This includes the prohibition of attacks on the civilian population and acts and threats of violence aiming to spread terror amongst civilians.

In sum, the needs of IDPs regarding life and personal security are protected by IHL. IHRL remains applicable during times of armed conflict and can complement this protection where necessary.

C. Protection of the needs regarding personal liberty

Threats to the personal liberty of IDPs who find themselves in situations of armed conflict include arbitrary arrests and/or (unlawful) detention, forcible recruitment and slavery or slavery-like practices.

In situations of IACs, articles 42, 43 and 79-135 GC IV deal with internment of protected persons and the treatment of internees. These provisions are however only applicable to protected persons, and as will be explained below, IDPs are often not considered protected persons under GC IV. Regarding other threats to personal liberty, article 77(2) AP I prohibits forcible recruitment of children below the age of 15 and article 51 GC IV prohibits the forcible recruitment of protected persons by the Occupying Power. GC IV or AP I do not specifically prohibit slavery or slavery-like practices. However, the prohibition of slavery in IHRL is non-derogable and thus also valid in times of armed conflict.

In situations of NIACs, IHL does not provide any protection to persons who are deprived of their liberty other than article 4(3)(c) AP II which prohibits the forcible recruitment of children below the age of 15 and article 4(2)(f) AP II which prohibits slavery.

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220 International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, 75 UNTS 287, art. 3
221 International Committee of the Red Cross (ICRC), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, 1125 UNTS 609, art. 4
222 Ibid. art. 13(1)
223 Ibid. art. 13(2)
In sum, slavery and slavery-like practices are sufficiently protected by IHL or the combination of IHL and IHRL. Additionally, forcible recruitment of children below the age of 15 are also adequately protected by IHL. However, the prohibition of forcible recruitment of persons over the age of 15 and unlawful detention or deprivation of liberty is not sufficiently protected. On top of that, the rules regarding the detention of IDPs in closed camps remain to be unclear.

D. Protection of subsistence needs

IDPs are often denied access or simply unable to access basic essentials and services that are necessary for a minimum standard of living. These essentials and services include access to food, drinking water, NFI, shelter and access to health facilities and WaSH services.224

In situations of IACs where forced displacement or relocation occurs, protected persons should be provided with proper accommodation and satisfactory conditions of hygiene, health, safety and nutrition.225 This is laid down in article 49 GC IV. On top of that, IHL prohibits attacks, destruction or the removal of “objects indispensable to the survival of the civilian population such as foodstuffs, agricultural areas for the production of food, crops, livestock (...”).226 GC IV article 55 states that all parties to a conflict have the duty to provide sufficient food, medical supplies and other products to the population under its control.227 However, in cases where the occupying State is lacking the resources to ensure access of the population to these basic needs, it is of critical importance that impartial humanitarian organisations are able to run relief operations. Articles 10 and 59 GC IV allow for the International Committee of the Red Cross (ICRC) or any other impartial humanitarian organisation to provide relief aid to the population in need. Relief actions shall supply the most basic needs including food, medical supplies, NFI and shelter to the population of the occupied territory, without any adverse distinction (art. 69 AP I). The basic needs of IDPs and host communities are often not sufficiently met and the responsible authorities often fail to provide access to these basic needs. Guaranteed access of humanitarian organisations is therefore vital to IDPs and host communities alike.

In situations of NIACs, Common Article 3 and AP II are limited in providing protection to the right of an adequate standard of living for the civilian population. Nevertheless, some provisions indirectly demand Parties to the conflict to meet the civilian population’s needs. For example, starvation as a method of combat is prohibited. To prevent this from happening, attacking, destroying or removing the basic objects necessary for the survival of the civilian population is prohibited under article 14 AP II. These objects include foodstuffs, crops, livestock and drinking water installations.228 On top of that, article 18(2) AP II permits impartial humanitarian organisations such as the ICRC to carry out humanitarian relief operations in the case of hardship suffered by the civilian population due to a lack of basic goods such as food and

225 International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, 75 UNTS 287, art. 49
226 International Committee of the Red Cross (ICRC), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, 1125 UNTS 3, art. 54(2)
227 International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, 75 UNTS 287, art. 55
228 International Committee of the Red Cross (ICRC), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, 1125 UNTS 609, art. 14
medical supplies.\textsuperscript{229} This is of critical importance to IDPs, who are often dependent on humanitarian organisations for access to basic needs and services because their own government is unwilling or unable to provide this assistance to them.

In sum, subsistence needs are in theory sufficiently protected under IHL in cases of IACs. In the case of NIAC’s however, these needs are not sufficiently protected. Even though IHRL is also applicable during situations of armed conflict, the rights related to subsistence needs are not explicitly mentioned as non-derogable rights. The subsistence needs of IDPs are therefore in need of extended and more detailed protection.

E. Protection of movement-related needs

The right to freedom of movement and freedom to choose one’s residence can be suspended, limited or derogated from during times of emergency. This means that IHRL cannot always provide protection to these rights and freedoms in situations of armed conflict. Yet, these rights and the prohibition of forced relocation and forced return are of critical importance to IDPs.

In situations of IACs, article 49 GC IV and article 85(4)(a) AP I prohibit forced population transfers by parties to the conflict unless “the security of the population or imperative military reasons so demand”.\textsuperscript{230} Additionally, article 147 GC IV considers “unlawful deportation or transfer (...) of a protected person”\textsuperscript{231} a grave breach of the convention. Article 49 GC IV also recognizes the right of those who were displaced to return to their place of origin as soon as hostilities have stopped.\textsuperscript{232}

In situations of NIACs, civilians are protected from forced displacement under article 17 AP II. According to this article, civilians are not to be displaced for reasons related to the conflict. In the case that displacement does occur, adequate services for shelter, hygiene, health, safety and nutrition shall be provided to the civilian population.\textsuperscript{233} There are no provisions under AP II that discuss the right to voluntary return. Common article 3 does not include any mention of the prohibition of forced displacement or the right to voluntary return.

In sum, IHL prohibits forced relocation but does not prohibit forced return. The prohibition of forced relocation is only applicable to certain people in certain situations and does therefore not provide sufficient protection to all IDPs in all situations. It is therefore necessary to include a specific, detailed right to not be displaced under international law.

\textsuperscript{229} International Committee of the Red Cross (ICRC), \textit{Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)}, 8 June 1977, 1125 UNTS 609, art. 18(2)

\textsuperscript{230} International Committee of the Red Cross (ICRC), \textit{Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)}, 12 August 1949, 75 UNTS 287, art. 49

\textsuperscript{231} \textit{Ibid}, art. 147

\textsuperscript{232} \textit{Ibid}, art. 49

\textsuperscript{233} International Committee of the Red Cross (ICRC), \textit{Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)}, 8 June 1977, 1125 UNTS 609, art. 17
F. Protection of the need for personal identification, documentation and registration

IDPs are at risk of losing their personal documentation during their flight and this risk can be increased during times of armed conflict. Lack of personal identification and documentation can create all sorts of problems, especially regarding the registration of births, deaths and marriage and may inhibit the ability of IDPs to access basic services.

Art. 50 GC IV states that the Occupying Power shall facilitate the identification of children. This provision is however only applicable to protected persons under the convention. Except for this article, rights related to personal identification, documentation and registration are not mentioned in IHL. Therefore, a clear gap exists under IHL.

G. Protection of property-related needs

IDPs are at risk of losing their belongings and property during their displacement. Especially in situations of armed conflict, property can be damaged, destroyed or pillaged. In the case of lost or damaged property and belongings, IDPs are in need of compensation or restitution. During times of armed conflict, property-related rights under IHRL can be suspended or derogated from and do therefore not always offer protection to IDPs.

In situations of IACs, pillaging and reprisals against property of protected persons is prohibited by article 33 GC IV. Additionally, article 53 GC IV prohibits the destruction of property by the Occupying Power, unless this destruction is deemed necessary by military operations. Furthermore, extensive destruction and appropriation of property is considered to be a grave breach of the Geneva Conventions. There are no provisions included in GC IV or AP I that refer to restitution or compensation rights of lost or damaged property.

In situations of NIACs, a lack of the protection of property-rights exists. Only article 4(2)(g) of AP II offers some protection by prohibiting pillaging.

In sum, property-related rights are not sufficiently protected under IHL or in combination with IHRL. While the destruction of, pillaging and appropriation of property is prohibited in some cases, this is not sufficient to safeguard the property-needs of IDPs. On top of that, compensation and restitution is not provided for under IHL.

H. Protection of the need to maintain family and community values

Families are susceptible to separation when internal displacement occurs. The family as a unit is therefore in need of protection, especially during times of armed conflict.

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234 International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287, art. 53
235 Ibid, art. 147
236 International Committee of the Red Cross (ICRC), *Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)*, 8 June 1977, 1125 UNTS 609, art. 4(2)(g)
In situations of IACs, article 27 GC IV ensures respect for family rights. Additionally, Occupying Powers are responsible for preventing the separation of families during transfers or evacuation (art. 49 GC IV). Moreover, all Parties to the conflict shall facilitate reunification of families that were separated due to the war (art. 26 GC IV and art. 74 AP I). In cases where children under 15 become orphaned or separated from their families, parties to the conflict are responsible for ensuring that these children are not left to their own care.\(^{237}\)

In situations of NIACs, limited protected to the family as a unit in society is offered by common article 3 and AP II. However, article 4(3)(b) does provide for the reunification of families who have temporarily been separated.

In sum, while some family-related rights could use some more protection in situations of NIACs, family reunification is sufficiently protected under IHL.

\textbf{I. Protection of the need to build self-reliance}

In order to overcome their vulnerable state of being displaced, IDPs are in need of measures that allow them to become self-reliant again. These include access to employment or economic activities and education.

In situations of IACs, article 39 GC IV states that protected persons should be given the ability to find employment if they lost their employment due to the war.\(^{238}\) Regarding education, the Occupying Power, together with the national and local authorities, is responsible for facilitating access to education of children (art. 50 GC IV). Moreover, it is the duty of all Parties to the conflict to ensure that children under 15 who are orphaned or separated from their families will continue to have access to education (art. 24 GC IV) and that access to education will also be provided to children who have been evacuated (art. 78 AP I).

In situations of NIACs, IHL does not address the right to employment or economic activities. Similarly, limited protection is offered to education by common article 3 and AP II. Only article 4(3)(a) states that children shall be provided with access to education, including religious and moral education.

In sum, while IHL provides some protection to the need to build self-reliance of IDPs in situations of IACs, the need to build self-reliance in situations of NIACs is not sufficiently protected under IHL.

\textbf{J. Additional Findings}

While IHL offers broad protection in some areas that are very relevant to the plight of IDPs, there are a few important preconditions to this protection. Firstly, most of the provisions included in GC IV and AP I (except for art. 13-26 GC IV and art. 48-71 AP I) are only applicable to a distinct part of the civilian population. According to article 4 GC IV:

\[^{237}\text{International Committee of the Red Cross (ICRC), } \text{Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, 75 UNTS 287, art. 24}
\[^{238}\text{Ibid, art. 39}\]
“Persons protected by the Convention are those who at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals”. 239

Hence, civilian non-nationals in IACs are offered extensive protection from mistreatment of another State’s government under IHL while civilian nationals are offered very limited protection from mistreatment by their own government. Yet, this type of protection is often needed the most amongst the internally displaced in times of conflict. 240

Secondly, while AP II is more detailed and elaborates on the protection offered by Common Article 3, the baseline for the application of AP II is quite high. According to article 1 AP II:

“This Protocol (...) shall apply to all armed conflicts (...) which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organised armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operation” 241.

This means that AP II is only applicable to non-international armed conflicts that fit this description. More importantly, the article also states that AP II is not applicable to situations of internal disturbances and tensions. Yet, internal strife is an important root cause of internal displacement.

Due to these preconditions, the protection of the needs of IDPs under IHL is often limited because IDPs find themselves in situations that are not protected by IHL. On top of that, while IHRL is in theory also applicable during times of war, many of those rights can be suspended, limited or derogated from. Consequently, the combination of IHL and IHRL does not provide protection to all the needs of IDPs.

3.1.3 Guiding Principles on Internal Displacement

In his Compilation and Analysis on Legal Norms, Francis M. Deng distinguishes three types of gaps regarding the protection of IDPs under the framework of international law. These types are: applicability gaps, consensus gaps and normative gaps. 242 The gaps in protection under IHL and IHRL identified in chapter 3.1.1 and 3.1.2 can be classified under these three categories.

Applicability gaps exist for a number of reasons. Firstly, the applicability of a substantial amount of the provisions analysed above is situation-dependent. IHL for example is only applicable to situations of armed conflict. This category itself is also limited. In the case of NIACs, any situation of internal strife or generalised violence or situations of armed conflict that falls below the application threshold of common Article 3 and AP II are not protected by IHL. However, in Ethiopia, situations of internal strife and ethnic violence cause large numbers of people to become internally displaced. Secondly, the applicability of some of the provisions discussed is limited to a certain part of the population, which may consequently

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239 International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, 75 UNTS 287, art. 4
241 International Committee of the Red Cross (ICRC), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, 1125 UNTS 609, art. 1(1)

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lead to the exclusion of IDPs from protection under international law. Part III of Geneva Convention IV, for example, is only applicable to ‘protected persons’. In a similar way, the scope of application of ILO Convention No. 169 is limited to indigenous and tribal peoples. Thirdly, ratification gaps contribute to the issue of applicability of international law to IDPs. While some legal instruments include provisions that are of special importance to IDPs, these norms can only offer protection to the internally displaced if the State with primary responsibility has ratified these instruments. Lastly, non-state actors are not bound by international human rights instruments and can therefore not be held accountable for violations. Even though IHRL includes positive obligations that result in the duty of States to prevent individuals from violating the human rights of others, this is often not enough to prevent populations from becoming victim to grave human rights violations.243

On top of the applicability gaps, consensus gaps exist due to the fact that there is a lack of general agreement on how the general norms in international law can be relevant to IDPs. Deng argues:

“Insufficient coverage results where a general norm exists but a corollary, more specific right has not been articulated that would ensure implementation of the general norm in areas of particular need to internally displaced persons”.244

An example mentioned by Deng is the general norm of prohibition of discrimination. Whereas the notion of ‘other status’ can, in theory, include the status of internal displacement, a more specific norm that explicitly states that discrimination on the grounds of ‘being displaced’ is prohibited is desirable to prevent confusion and ensure effective implementation.245

Additionally, normative gaps exist where the needs of IDPs are not protected or addressed by any specific norm of provision under international law. According to Deng, this is the case for: arbitrary detention of IDPs, personal identification, documentation and registration of IDPs and property-related needs.246

To address the weakness of existing international law regarding the protection of IDPs - as outlined in the Compilation and Analysis of Legal Norms and discussed above - thirty Guiding Principles on Internal Displacement were drafted by Deng and a team of international legal scholars supervised by Mr. Walter Kälin and presented to the Commission on Human Rights in 1998.247 The Guiding Principles are applicable to all who have been forcibly displaced, within the borders of State, due to armed conflict, situations of generalised violence, violations of human rights or natural and human-made disasters. It aims to offer guidance to not only States, but also “all other authorities, groups and persons in their relations with internally displaced persons and intergovernmental and non-governmental organizations when addressing internal displacement”.248 This very broad scope of application, both in the sense of duty bearers and beneficiaries, makes the Guiding Principles of great significance to IDPs worldwide.

245 Ibid. 36
246 Ibid. 106-107
The Guiding Principles cover all phases of displacement: protection from displacement (principles 5-9), protection during displacement (principles 10-23) and protection post-displacement (principles 28-30). Principles 24-27 are dedicated to humanitarian assistance. The Principles are based on existing legal norms in human rights law, humanitarian law and refugee law but provide additional information to address the specific needs of IDPs. “In principle, the law is not modified, only clarified and simplified”, as explained by Phuong. However, for some principles, a significant adjustment to the existing norm had to be made for it to meet the needs of IDPs. For example, article 16 ILO No. 169 states that indigenous and tribal peoples cannot be removed from their lands. This provision was changed to be applicable to all human beings and a list of prohibited actions that can possibly induce displacement was added in Guiding Principle six to ensure protection from arbitrary displacement for all. In order words, by stretching the limits of existing law, the Guiding Principles aim to achieve maximum protection for IDPs and possibly even contribute to the formation of new legal standards for internal displacement.

The Guiding Principles serve to strengthen the legal protection of IDPs, remind States of their legal obligation towards IDPs, provide practical guidance to all those working with IDPs and raise awareness on the suffering of IDPs. Besides a ‘soft law’ document, the Guiding Principles on Internal Displacement are considered an important tool for advocacy. Yet, this constitutes the document’s biggest weakness. Due to its soft law/non-binding character, States and other actors do not have a legal obligation to respect the Principles and can therefore not be held accountable for violating them. The implementation of the Guiding Principles, thus, depends for a large part on the willingness of States and other actors to abide by them.

3.1.4 Relevance to Ethiopia

The effectiveness of the protection provided by international law depends on the willingness of States to be bound by international law, i.e. without a legal obligation to respect an international law instrument, States can violate the instrument without being held accountable. It is therefore important that States ratify international law treaties. To be able to get a complete overview of the gaps in the international legal framework regarding the protection of the needs of IDPs, the relevance of the above-mentioned documents to Ethiopia needs to be considered. Firstly, as pointed out earlier, the Guiding Principles on Internal Displacement are not considered to be binding on States. Ethiopia can therefore not be held accountable for violating the principles set out in this document. The Principles provide comprehensive guidance to international and local humanitarian organisations and are therefore of significant importance to the emergency response and relief operations in Ethiopia. Still, regarding the duty of the Ethiopian government to protect the rights of IDPs, the Guiding Principles on Internal Displacement are of limited relevance. Secondly, the UDHR is not a binding document either. Due to the fact that it is not a treaty, the UDHR cannot create legal obligations for States. However, over the years, some scholars are of the opinion that

252 Ibid. 67-68
the document gained the status of customary international law. Others recognise some provisions of the UDHR as customary international law. Unquestionably, the UDHR sets out fundamental human rights and freedoms of which many have been translated into national law under the Ethiopian Constitution (i.e. right to life). Moreover, the DEVAW is not considered to be a legally binding document since it’s an UNGA Declaration. However, the document constitutes a strong statement on the prohibition of violence against women and sets out important principles.

The following legal instruments have either been ratified or acceded by Ethiopia: Geneva Conventions I, II, III, IV and Additional Protocol I and II, the ICERD, the ICCPR, the ICESCR, the CEDAW, the CRC, the CAT, the CRPD and the Genocide Convention. Ethiopia therefore has the legal obligation to abide by all the provisions laid down in these instruments and can be held accountable for violating any of these instruments. Ethiopia has not signed, ratified or acceded the ILO Convention No.169. This is especially troubling since lots of indigenous and tribal peoples are living in Ethiopia and are in need of the protection offered by this convention.

Besides ratification/accession status of Ethiopia to the international legal instruments, the scope of application of those instruments also plays an important role in the relevance of these instruments to Ethiopian IDPs. Firstly, in the case of the current displacement crisis in Ethiopia, the Geneva Conventions and its Additional Protocols are not of any relevance. Situations of internal tensions and disturbances, internal strife and ethnic violence, or disasters, are not protected by Geneva Convention IV and AP I, and fall below the threshold for applicability of Common Article 3 and AP II. IHL, in general, is therefore not relevant to the case of Ethiopia. Secondly, of the legally binding instruments that Ethiopia has ratified or acceded to, many provisions can be suspended, limited or derogated from during times of public emergency. Even though this is not directly connected to the internal displacement crisis, Ethiopia has imposed a SoE twice between 2016 and 2018. The first was declared on 9 October 2016 and lasted for 10 months. The second was declared on 17 February 2018 and lasted roughly three and a half months. During these two periods of SoE, human rights were restricted and derogated from, which subsequently led to human rights abuses. This negatively impacted the basic rights and freedoms of the Ethiopian population, including IDPs, and made it extremely difficult for humanitarian organisations to provide emergency and relief aid and to advocate for more protection of IDPs. IHRL, therefore, is not always fully applicable and thus capable of providing protection to the IDPs.

3.1.5 Conclusion: Protection Gaps in International Law

It can be concluded that the existing framework of international law does not provide complete protection to the needs of IDPs. Some basic rights and freedoms are sufficiently protected by international legal instruments such as the right to life, the prohibition of slavery and the prohibition of torture. Violations of those rights would be the result of the unwillingness of a State to abide by these norms, rather than a lack of legal protection. However, a substantial part of the identified needs of IDPs is not sufficiently protected by international legal instruments. The findings per need are briefly summed up:

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A. **Protection of the needs regarding equality and non-discrimination**
   Protection is provided by provisions under international law. However, there is a need for a more specific reference to the prohibition of discrimination on the grounds of ‘being displaced’.

B. **Protection of the needs regarding life and personal security**
   Protection is provided by provisions under international law. No gap exists.

C. **Protection of the needs regarding personal liberty**
   Protection is not sufficiently provided for by provisions under international law. IDPs over 18 years old are not protected against forcible recruitment. The conditions under which IDPs are allowed to be held in detention centres remain to be unclear.

D. **Protection of subsistence needs**
   Protection is not sufficiently provided for by provisions under international law. There is a need for more specific rights related to the subsistence needs of IDPs and specific duties of States to fulfil those needs. The right to safe drinking water is not specifically recognized under international law. Additionally, the special needs of vulnerable groups should be sufficiently recognized.

E. **Protection of movement-related needs**
   Protection is not provided for by provisions under international law. A general prohibition – meaning this prohibition is applicable to all situations - of forced displacement, relocation or return is not included in international law. The right to durable solutions is not recognized.

F. **Protection of the need for personal identification, documentation and registration**
   Protection is not sufficiently provided for by provisions under international law. There is no explicit right to possess documentation or identification papers. No protection is offered to those who lost their documentation.

G. **Protection of property-related needs**
   Protection is not sufficiently provided for by provisions under international law. There is a need for more specific property rights for IDPs. The right to restitution or compensation is not recognized.

H. **Protection of the need to maintain family and community values**
   Protection is not sufficiently provided for by provisions under international law. Family reunification is protected by IHL. However, this is only applicable in certain situations. There is a need for a general right to family reunification that is applicable to all situations in which internal displacement occurs.

I. **Protection of the need to build self-reliance**
   In theory, protection is provided by the provisions under IHRL. However more specific provisions recognizing the need for IDPs to access education and income generating activities is desirable. Needs to build self-reliance are not sufficiently protected under IHL.
In conclusion, the application (and also ratification), consensus and normative gaps identified show that the existing international legal framework – IHRL or IHL separately, and IHRL and IHL together - is not providing protection to the needs of Ethiopian IDPs.

3.2 Framework of National Law

As provided for in international law, States bear the primary responsibility of protecting and fulfilling the rights and freedoms of all that fall under their jurisdiction. Hence, national legislation serves as the principal legal basis for the protection of IDPs. Nevertheless, national legislation should be in line with a State’s obligations under international law. This means that a State’s commitments under international law need to be put into practice by embracing them within their national legislation.\(^{256}\) In order to provide protection from, during and after displacement, it is strongly recommended that States revise their national legislation and enforce the Guiding Principles on Internal Displacement through their national laws and policies.\(^{257}\)

This subchapter will review the national legislation of Ethiopia. It seeks to answer the question whether the existing national laws of Ethiopia provide protection to the needs of IDPs. In order to do so, the same ‘needs-based’ approach as used in subchapter 3.1 will be used to study the Ethiopian Constitution and other legislation. Since Ethiopia does not have any IDP-specific legislation, only generally applicable norms and laws will be discussed.

3.2.1 General Laws and Norms in Ethiopian Legislation

The following analysis is based on the research put forward in The Compilation and Analysis of Legal Norms by Francis M. Deng and extensive examination of the Constitution of Ethiopia and other federal legislation.

A. Protection of the needs regarding equality and non-discrimination

Ethiopian IDPs are, just like others who are internally displaced, prone to discrimination and unequal treatment. As explained in Chapter 2, inter-communal and ethnic violence constitutes an immense problem in Ethiopia. Members of ethnic groups can experience discrimination and unequal treatment prior to their displacement but the likelihood of them becoming victims of discrimination and inequality increases during their displacement. Not only are they at risk of being discriminated because of their ethnic origin, their status of ‘being displaced’ may create all kinds of issues upon arrival at their displacement site.

The Constitution of the Federal Democratic Republic of Ethiopia is the supreme law of the country and is most relevant regarding the safeguarding of the principles of equality and non-discrimination. In Article 9(4) it is stated that all international agreements ratified by Ethiopia are a fundamental part of Ethiopian legislation.\(^{258}\) Hence, all principles regarding equality and non-discrimination in the ICCPR, ICERSC and

<http://www.unhcr.org/4c2355229.pdf>  
\(^{257}\) Ibid. 36  
\(^{258}\) Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No. 1/1995, art. 9(4)
other international legal instruments are also of effect under Ethiopian legislation. On top of that, article 13(2) states that all fundamental rights and freedoms included in the Constitution shall comply with and reflect the principles that are laid down in the UDHR and the core international human rights instruments (provided that they are ratified by Ethiopia).\(^{259}\)

Regarding the specific right to equality and the prohibition of discrimination, article 25 states:

“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall guarantee to all persons equal and effective protection without discrimination on grounds of race, nation, nationality, or other social origin, colour, sex, language, religion, political or other opinion, property, birth or other status.”\(^{260}\)

This provision should in theory offer protection to Ethiopian IDPs from discrimination and unequal treatment based on their status of ‘being displaced’, as part of the ‘other status’. On top of that, this provision should also offer protection from discrimination and unequal treatment based on ethnicity, which is an important factor in the displacement crisis in Ethiopia. However, without an explicit reference to the prohibition of discrimination on the basis of ‘being displaced’ and ethnicity, protection offered to IDPs on this matter remains insufficient.

B. Protection of the needs regarding life and personal security

Ethiopian IDPs are at risk of becoming victims of conflict, violence and threats to life, security and safety such as sexual and GBV and inhuman or degrading treatment. Many displacement sites are not equipped with enough security to safeguard all the people seeking shelter and a large amount of displacement sites are overcrowded. A lack of social cohesion and community ties can increase the level of violence between IDPs or between IDPs and host communities.

Articles 14, 15 and 16 of the Constitution set out the right to life, personal security and protection against bodily harm.\(^{261}\) On top of that, article 18 prohibits the use of inhuman treatment. This includes cruel, inhuman and degrading treatment and punishment, slavery, servitude, trafficking of persons and forced labour.\(^{262}\) Additionally, article 35(4) prohibits all laws, customs and practices that result in mental or physical harm to women.\(^{263}\)

It can be concluded that the Constitution of Ethiopia, in theory, provides sufficient protection to rights and needs regarding life and personal security. It is however the only national legal document that sets out these rights. On top of that, these rights can be derogated from during a SoE.\(^{264}\)

\(^{259}\) Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No. 1/1995, art. 13(2)
\(^{260}\) Ibid. art. 25
\(^{261}\) Ibid. art. 14, 15 and 16
\(^{262}\) Ibid. art. 18
\(^{263}\) Ibid. art. 35(4)
\(^{264}\) Ibid. art. 93(4)(b)
C. Protection of the need regarding personal liberty

Ethiopian IDPs are vulnerable due to their displacement and are at risk of losing their personal liberty. This may result from arbitrary arrest or detention, forcible recruitment and slavery practices. Article 17 of the Constitution sets out the right to personal liberty and states that no individual may be deprived of his or her liberty, except on the grounds that are in accordance with the law. It also states that no individual shall be subject to arbitrary arrest or detention. Additionally, slavery practices are prohibited by article 18. While these general rights are briefly mentioned in the Constitution, no specific provisions are included to provide protection to those who are internally displaced. On top of that, most rights can be derogated from during a SoE. According to Article 93(4)(c), only the rights laid down in article 1 (nomenclature of the State), 18 (prohibition against inhuman treatment), 25 (right to equality) and sub-articles 1 and 2 of article 39 (rights of nations, nationalities and peoples) cannot be suspended, limited or derogated from during a SoE. This means that protection from arbitrary detention can be limited during a SoE and this possibility of derogation or limitation has in fact lead to the arrests of tens of thousands of people during the 2016-2017 SoE. Furthermore, forcible recruitment is not prohibited by Ethiopian law.

In conclusion, Ethiopian legislation only offers limited protection to the rights regarding personal liberty and offers no specific protection for IDPs.

D. Protection of subsistence needs

Ethiopian IDPs are in need of access to basic goods and services and remain to be largely dependent on relief operations. With again a new wave of inter-communal and ethnic violence that emerged in June 2018 and left hundreds of thousands displaced, food, safe drinking water, shelter and other NFI are amongst the most vital subsistence needs of Ethiopian IDPs.

Article 41(3) of the Constitution sets out the right of Ethiopian nationals to access publicly funded social services. However, these services are not specified in the Constitution. Additionally, article 41(4) describes the duty of the GoE to improve public health, education and other social services through funding. Furthermore, Article 43(1) sets out the right of all Ethiopians to improved living standards and sustainable development. It is also not specified what is meant by improved living standards. Most importantly, Article 90(1) states: “To the extent the country’s resources permit, policies shall aim to provide all Ethiopians access to public health and education, clean water, housing, food and social security”. However, the above-mentioned articles are subject to the government’s ability and the country’s resources. Access to basic subsistence needs is therefore not guaranteed.

In sum, the rights regarding subsistence needs are insufficiently protected by Ethiopian legislation. Ethiopia bears the primary responsibility for protecting all their citizens. However, many subsistence

265 Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No. 1/1995, art. 17
266 Ibid. art. 93(4)(c)
268 Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No. 1/1995, art. 41
269 Ibid. 43(1)
270 Ibid. art. 90(1)
needs necessary for an adequate standard of living are not included or only very briefly included in the Constitution. Shelter, NFI and sanitary facilities are amongst the needs that are not provided for in Ethiopian legislation. This lack of protection under national legislation is especially troubling for IDPs. Without any specified legislation for the protection of IDPs, the duty of the national government to provide protection is limited.

E. Protection of movement-related needs

Ethiopian IDPs are first and foremost in need of protection from involuntary displacement. On top of that, they seek protection of the right to choose their own residence, to move around freely and the prohibition of forced relocation and return. In addition, they are in need of durable solutions to displacement by either facilitated voluntary return, voluntary relocation or voluntary and sustainable integration.

Article 32(1) of the Constitution sets out the right to the freedom of movement and the freedom to choose his or her residence.271 On top of that, article 44(2) states:

“All persons who have been displaced or whose livelihoods have been adversely affected as a result of State programmes have the right to commensurate monetary or alternative means of compensation, including relocation with adequate State assistance.”272

In addition, the Expropriation of Landholdings for Public Purposes and Payment of Compensation Proclamation No. 455/2005 sets out the power of the authorities to expropriate rural or urban landholdings for public purpose. Expropriation, as states in the Proclamation, must be compensated by means of monetary compensation or by means of land and displacement compensation shall be paid to those who were displaced as a result of this expropriation.273 Furthermore, 40(5) states that Ethiopian pastoralists have the right to not be displaced from their lands.274 These provisions are of paramount importance to Ethiopian IDPs because all persons affected by development-induced displacement and displacement caused by other State-initiated programs are entitled to compensation. In addition, the displacement of Ethiopian pastoralists is prohibited by law. Unfortunately, this prohibition of displacement is only applicable to pastoralists and not to all Ethiopians. On top of that, the prohibition of forced return and the durable solutions are not provided for in Ethiopian legislation.

While the Ethiopian Constitution prohibits the displacement of pastoralists and provides for compensation to those who are displaced due to State programs, this is not sufficient to protect all Ethiopians from displacement.

F. Protection of the need for personal identification, documentation and registration

IDPs are at risk of losing their identification documents. For Ethiopian IDPs this often creates difficulties regarding the registration for basic services. On top of that, the registration of births, deaths and marriage becomes impossible.

271 Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No. 1/1995, art. 32(1)
272 Ibid.art. 44(2)
273 Expropriation of Landholdings for Public Purposes and Payment of Compensation, Proclamation No. 455/2005
There is no provision in the Ethiopian Constitution that sets out the right to personal identification, documentation and registration, other than the rights related to the Ethiopian nationality. However, the Ethiopian Nationality Proclamation No.378/2003 states in article 13 that all Ethiopian citizens above 18 should be provided with a national identity card.275 Yet, this is not sufficient to address the problems IDPs encounter when they lose their documentation.

G. Protection of property-related needs

Ethiopian IDPs are at risk of losing their property and personal belongings when they become displaced. If they are able to voluntarily return to their place of origin, they often find their property to be damaged or destroyed, occupied by others or that their property and belongings have disappeared altogether.

Article 40 of the Constitution sets out the right to property. It states that “every Ethiopian citizen has the right to ownership of private property”276. However, this does not include rural or urban land and its natural resources. Ownership of land exclusively vested in the State. Nevertheless, Ethiopian peasants have the right to obtain land without payment and are protected against eviction, and Ethiopian pastoralists have the right to free land for grazing and cultivation and have the right to not be displaced from their lands.277 As described under the section of ‘movement-related needs’, those whose property got expropriated are entitled to compensation and displacement compensation. The system of holdings of rural land is further defined in the Federal Democratic Republic of Ethiopia Rural Land Administration and Land Use Proclamation No. 456/2005. On top of that, article 35(7) states the right of women to acquire, administer, control, use and transfer property.278

However, the rights laid down in Ethiopian legislation do not offer sufficient protection to all Ethiopian IDPs. While compensation arrangements are available for those whose property was expropriated for a public purpose, there are no policies in place for IDPs who lost their land due to their displacement as a consequence of conflict or disasters.

H. Protection of the need to maintain family and community values

Family separation frequently occurs as a consequence of displacement. During their flight, Ethiopian IDP children are at great risk of becoming separated from their parents or caregivers. As a result, separated family members, but especially separated and unaccompanied children as well as mothers are vulnerable and at risk of becoming victims of amongst other things discrimination and violence. To prevent prolonged separation, policies working towards family reunification need to be implemented.

Article 34(3) of the Constitution states that the family is a natural and fundamental unit of society and that it is entitled to protection of the State.279 However, what is meant by protection is not specified. On top of that, article 36(1)(c) states that the child has a right to know and be cared for by his parents or legal

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275 Ethiopian Nationality, Proclamation No. 378/2003, art. 13
276 Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No. 1/1995, art. 40
277 Ibid. art. 40
278 Ibid. art. 35(7)
279 Ibid. art. 34(3)
Additionally, article 41(5) describes the duty of the State to allocate resources to provide the rehabilitation and assistance to children who are left without their parents or guardian. There is no law specifically addressing family reunification in the case of family separation.

Ethiopian legislation does not provide sufficient protection to protect family and community values of IDPs. As a consequence of displacement, communities are torn apart and families can become separated. While the law states that the family is entitled to protection of the State and the State is responsible for assisting children that are left without their parents, family reunification is not provided for.

I. Protection of the need to build self-reliance

It is important that Ethiopian IDPs are offered ways to build self-reliance. The only way to overcome their state of being displaced and their deprived and vulnerable way of life as a consequence of their displacement, is to become self-reliant again. To achieve self-reliance, employment and education are of paramount importance.

Article 41 of the Constitution describes the economic, social and cultural rights of every Ethiopian. It states that every Ethiopian has the right to choose its means of livelihood, profession and occupation and to freely engage in economic activity. The article also describes the duty of the State to increase gainful employment opportunities for its citizens and to undertake programmes and public works projects to assist the unemployed and the poor.

The right to education is not directly included in Ethiopian legislation. Article 36(5) describes the duty of the State to encourage the establishment of institutions that ensure the education of orphans. On top of that, the State has the duty to allocate resources to provide education to the public, as stated in article 41(4) and to provide access to education for all Ethiopians, as stated in article 90(1). However, no provisions are included that address the rights of those who have lost (temporary) access to education.

Regarding the need to build self-reliance, education is the least protected under Ethiopian legislation. Even though it is the duty of the State to provide access for all Ethiopians to education, this duty is subject to the ability of the government to do so. On top of that, no special protection is offered to girls, women, persons with disabilities and IDPs. Primary, secondary, higher and adult education as well as vocational and technical training are of critical importance to someone’s ability to become self-reliant again. No specific rights recognizing the need of IDPs to have access to income generating activities or other activities key to building self-reliance are included in Ethiopian legislation.

280 Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No. 1/1995, art. 36(1)(c)
281 Ibid. art. 41(5)
282 Ibid. art. 41
283 Ibid. art. 36(5)
284 Ibid. art. 41(4)
285 Ibid. art. 90(1)
J. Additional Findings

Article 89 of the Constitution describes the economic objectives of the State. This article discusses, amongst other things, the duty of the government to ensure equal opportunity for all Ethiopians to improve their economic conditions and to avert natural and man-made disasters and provide timely assistance to the victims of such disasters. This is especially of relevance to IDPs since they are often displaced due to disasters and suffer from poor economic conditions as a consequence of their displacement.

3.2.2 Conclusion: Protection Gaps in National Law

It can be concluded that the existing framework of Ethiopian law does not provide sufficient protection to the needs of IDPs. Similar to the framework of international law, some basic rights and freedoms are protected by Ethiopian laws, policies and proclamations. Violations of these rights and freedoms are therefore the result of the unwillingness of the federal government, regional government or other government institutions to abide by the law. However, insufficient protection is offered to most of the identified needs amongst Ethiopian IDPs by Ethiopian law. Education, subsistence needs, family reunification, identification and documentation are only a few examples. The findings per need will be briefly summed up:

A. Protection of the needs regarding equality and non-discrimination
   Protection is provided by provisions under Ethiopian law. However, there is a need for a more specific reference to the prohibition of discrimination on the grounds of ‘being displaced’ and ethnicity.

B. Protection of the needs regarding life and personal security
   Protection is in theory provided by Ethiopian law. However, some rights can be derogated from during SoE.

C. Protection of the needs regarding personal liberty
   Protection is not sufficiently provided for by Ethiopian law. Forcible recruitment is not prohibited. Other rights related to personal liberty can be derogated from during a SoE. No specific rights are included that protect IDPs.

D. Protection of subsistence needs
   Protection is not sufficiently provided for by Ethiopian Law. The majority of subsistence needs are not explicitly stated in Ethiopian Constitution. In addition to this, the duties of the GoE mentioned in the Constitution are subject to the GoE’s ability to do so. This therefore does not guarantee access to basic services.

E. Protection of movement-related needs
   Protection is not sufficiently provided for by Ethiopian law. Pastoralists are protected from forced displacement. Compensation is available for those whose land or property was

286 Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No. 1/1995, art. 89
expropriated for a public purpose. However, this is not sufficient to provide protection to all IDPs.

F. Protection of the need for personal identification, documentation and registration
Protection is not provided for by Ethiopian law.

G. Protection of property-related needs
Protection is not sufficiently provided for by Ethiopian law. While compensation is available for those whose land or property was expropriated, compensation is not available for all other causes of displacement or loss of property.

H. Protection of the need to maintain family and community values
Protection is not sufficiently provided for by Ethiopian law. There is a gap regarding the right to family reunification.

I. Protection of the need to build self-reliance
Protection is not sufficiently provided for by Ethiopian Law. The duty of the GoE to provide all Ethiopians with access to education is subject to its ability to do so. Access of IDPs to income generating activities is not recognized. In addition, no other provisions specifically address the needs of IDPs are included.

In conclusion, on top of the protection gaps identified in the existing international legal framework, protection gaps also exist in the national legal framework. Hence, both international and national legislation are unable to provide sufficient protection to the needs of IDPs in Ethiopia.

3.3 Conclusion: Can the Existing International and National Legal Framework Provide Protection to the Needs of IDPs?

In this chapter international and Ethiopian law were reviewed to identify any possible gaps in the law regarding the protection of the needs of IDPs. It can be concluded that both the international legal framework and the national legal framework cannot provide sufficient protection to the needs of IDPs. Hence, the identified needs of Ethiopian IDPs remain largely unaddressed. While some of those needs are not addressed simply due to the unwillingness of Ethiopia to abide by international and national legal norms, other needs exist because there is a lack of legal norms providing protection to IDPs. The not legally binding Guiding Principles on Internal Displacement could address a substantial part of the needs of Ethiopian IDPs, but as long as those principles are not implemented through national legislation, a gap in international and national law will continue to exist.

The next chapter will discuss to what extent the AU is able to address the plight of IDPs. Regional mechanisms will be reviewed and it will be explored whether those mechanisms can address the gaps that exist under the international and national legal framework – which were identified in this chapter - with regards to the protection of the needs to IDPs.
4. The Role of the African Union in Addressing Internal Displacement

In Chapter 3, the protection gaps in international law and national/Ethiopian law regarding the protection of the needs of IDPs were identified. Chapter 4 will explore whether these gaps can be addressed by the AU. The AU is a continental organisation and includes all 55 countries on the African continent. It was formerly known as the Organisation of African Unity (OAU) and was established in 1963 in Ethiopia. In 2002, the AU was officially established and thereby replaced the OAU.287

The AU is a large organisation with a complex structure and consists of multiple organs, committees and working groups. The supreme organ of the AU is the Assembly and includes all Heads of States and Governments. Other important organs are the Executive Council, the Pan-African Parliament, the AU Commission and the Judicial and Human Rights Institutions. The organs of the AU are together responsible for working towards realizing the objectives of the organisation and promoting peace, stability and security on the African continent.288 In order to achieve peace, stability and security amongst and within all Member States of the AU, one of many things that needs to be addressed is internal displacement.

This chapter will discuss the role of the AU in addressing internal displacement. More specifically, it will be studied to what extent the AU is able to address the gaps that exist in the international and national legal framework regarding the protection of the needs of IDPs. In order to do so, subchapter 4.1 will analyse the regional legislation on internal displacement and subchapter 4.2 other legal and institutional mechanisms that are part of the AU. The conclusion that can be derived from the combination of those two analyses will provide an answer to the research question of this thesis.

4.1 African Union: Legislation on Internal Displacement

This subchapter will study the African regional legislation on internal displacement. It seeks to answer the question whether this legislation can address the gaps that exist in the international and national legal framework regarding the protection of the needs of IDPs. In order to do so, the same “needs-based” approach as used in chapter 3 will be used to study the law.

For the purpose of this thesis, only the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (hereinafter referred to as “Kampala Convention”) will be studied. While other regional documents on internal displacement exist, the Kampala Convention is the most relevant to answering the research question since it is the only binding continent-wide legislation on internal displacement. For reference, a brief overview of the other regional internal displacement documents is provided.

The Khartoum Declaration is one of those other regional documents. The Declaration was adopted by the Ministerial Conference on Internal Displacement in the IGAD Region at the Conference of Internal Displacement in the IGAD Sub-Region in 2003.289 The Inter-Governmental Authority of Development

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287 “Member State Profiles” (AU in a Nutshell | African Union) <https://au.int/en/memberstates>
(IGAD) is a regional organisation in East-Africa which includes the countries of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda. The Declaration is of importance because it expresses the intent of the IGAD Member States, including Ethiopia, to address internal displacement within their territories. In the Declaration, it is encouraged amongst Member States to develop national policies and strategies on internal displacement and to take note of the Guiding Principles on Internal Displacement when addressing internal displacement, since it serves as a useful tool. Following the Khartoum Declaration, the Nairobi Declaration was adopted during the 2006 Ministerial Conference on Refugees, Returnees, and Internally Displaced Persons in the IGAD Region. Similar to the Khartoum Declaration, the Nairobi Declaration expresses intent of the Member States to address root causes of forced displacement and protect the victims of forced displacement. However, both declarations express not more than intent. They do not include any detailed information on how internal displacement should be addressed, how the needs of IDPs can be addressed and how durable solutions can be achieved. One might therefore argue that these declarations constitute more of a political courtesy of the Member States rather than a real commitment to get involved and actively address the problem of internal displacement.

2006 Protocol to the Great Lakes Pact on the Protection and Assistance to Internally Displaced Persons (hereinafter referred to as “Great Lakes IDP Protocol”) is another regional instrument dealing with internal displacement in Africa. The Protocol is part of the Pact on Security, Stability and Development in the Great Lakes Region (hereinafter referred to as “the Pact) and was adopted by the 11 Member States of the International Conference on the Great Lakes Region (ICGLR). The Great Lakes IDP Protocol is of paramount importance since it is the first legally binding document on internal displacement. Its objectives are to domesticate the Guiding Principles and ensure the adoption and implementation of these Principles in national legislation, to prevent and eliminate the root causes of internal displacement and ensure legal protection of the physical safety and material needs of IDPs. The Great Lakes IDP Protocol is far-reaching and offers extensive protection to IDPs within the Great Lakes Region. However, for IDPs in Ethiopia, and other countries that are not a Member State to the ICGLR, the Protocol is of little significance. Even though Ethiopia is one of the seven ICGLR co-opted countries, they have neither signed nor ratified/acceded to the Pact and are not legally bound by the Pact and the Protocol and can therefore not be held accountable for any violations.

4.1.1 Kampala Convention

The Kampala Convention was adopted during the 2009 Special Summit of Heads of State and Government on Refugees, Returnees and Internally Displaced Persons in Africa. It is the first legally binding continent-wide instrument for the protection and assistance of IDPs. Its objectives are to establish a legal framework for the protection and assistance of IDPs and for solidarity, cooperation and mutual

290 “The IGAD Region” (IGAD) <https://igad.int/about-us/the-igad-region>
291 Intergovernmental Authority on Development (IGAD), Khartoum Declaration: Ministerial Conference on Internally Displaced Persons In the IGAD Sub-Region, 2 September 2003
292 Intergovernmental Authority on Development (IGAD), Nairobi declaration: Ministerial Conference on Refugees, Returnees, and Internally Displaced Persons in the IGAD Region, 21 February 2006
293 The ICGLR currently exists of 12 member states. South Sudan joined as a separate state after its independence.
support amongst Member States to combat and prevent internal displacement and promote durable solutions. On top of that, the Convention seeks to establish and advance national and regional policies and strategies to address internal displacement.297

The needs of IDPs, as identified in Chapter 2, will be used to study the Kampala Convention. Chapter 3 identified the gaps that exist in the international and national legal framework regarding the protection of those needs. The following analysis seeks to determine whether the Kampala Convention can address those identified gaps.

A. Protection of the needs regarding equality and non-discrimination

The gap in the protection of the needs of IDPs regarding equality and non-discrimination identified under international and national law constitutes a lack of an explicit prohibition of discrimination or unequal treatment on the grounds of ‘being displaced’.

The Kampala Convention contains provisions that are directly and indirectly addressing this gap in international and national law. First of all, article 3(1)(d) states that State Parties shall “respect and ensure respect and protection of the human rights of internally displaced persons, including humane treatment, non-discrimination, equality and equal protection of the law”.298 Secondly, and more importantly, article 9(1)(a) states:

“States Parties shall protect the rights of internally displaced persons (...) by refraining from, and preventing (...) discrimination against such persons in the enjoyment of any rights or freedoms on the grounds that they are internally displaced persons”.299

This provision directly addresses the gap that exists under the international and national law. On top of that, article 9(2)(a) states that States Parties shall “take necessary measures to ensure that internally displaced persons are received, without discrimination of any kind and live in satisfactory living conditions of safety, dignity and security”.300 Moreover, article 3(1)(b) states that State Parties shall “prevent political, social, cultural and economic exclusion and marginalisation, that are likely to cause displacement of populations or persons by virtue of their social identity, religion or political opinion”.301 This of importance to the Ethiopian context since many cases of displacement occur due to conflict between different ethnicities.

In sum, the Kampala Convention successfully addresses the gap that exists under international and national law regarding the protection of the needs of IDPs relating to equality and non-discrimination. On top of that, under the Convention, States Parties have the duty to prevent exclusion or marginalisation that can lead to the internal displacement of persons. This is of importance to Ethiopian IDPs since ethnic marginalisation contributes to one of the root causes of the Ethiopian internal displacement crisis; conflict-induced displacement.

298 Ibid, art. 3(1)(d)
299 Ibid. art. 9(1)(a)
300 Ibid. art. 9(2)(a)
301 Ibid. art. 3(1)(b)
B. Protection of the needs regarding life and personal security

After reviewing IHRL, IHL and Ethiopian legislation, it was concluded that no gap exists within international law regarding the protection of the needs of IDPs related to life and personal security. However, under Ethiopian law, rights that are related to life and personal security can be derogated from under a SoE. This can therefore still create risks for IDPs.

The Kampala Convention includes several provisions that protect the life and personal security of IDPs. Article 3(1)(d) states that “States Parties shall respect and ensure respect and protection of the human rights of internally displaced persons, including humane treatment”. On top of that, article 9(1)(b) states that “States Parties shall protect the rights of internally displaced persons (…) by refraining from and preventing (…) genocide, crimes against humanity, war crimes and other violations of IHL against internally displaced persons”. Additionally, article 9(1)(c) adds to this that States Parties shall prevent and refrain from “arbitrary killing, summary execution, arbitrary detention, abduction, enforced disappearance or torture and other forms of cruel, inhuman or degrading treatment or punishment.” Furthermore, article 9(1)(d) and (e) state that States Parties shall prevent and refrain from “sexual and gender based violence in all its forms, notably rape, enforced prostitution, sexual exploitation and harmful practices (…)” and “starvation.”

There is no provision included in the Convention that allows for derogations from any of the abovementioned rights and freedoms of IDPs. However, it remains unclear whether the Kampala Convention can protect IDPs from threats to life and personal security during a SoE.

C. Protection of the needs regarding personal liberty

The gaps in the protection of the needs of IDPs regarding personal liberty identified under international law include: lack of protection regarding forcible recruitment and a lack of unambiguous rules of when detention in closed IDP camps is permissible.

Article 7(5) of the Kampala Convention states that members of armed groups are prohibited from “recruiting children or requiring or permitting them to take part in hostilities under any circumstances”, “forcibly recruiting persons, kidnapping, abduction or hostage taking, engaging in sexual slavery and trafficking in persons especially women and children.” On top of that, article 9(1) states that it is prohibited for States Parties to engage in any activities constituting or relating to “arbitrary detention, and abduction”, “enforced prostitution, sexual exploitation, slavery, recruitment of children and their use in hostilities, forced labour and human trafficking and smuggling.” In addition, article 9(2)(f) states that States Parties shall:

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302 African Union, African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa ("Kampala Convention"), 23 October 2009, art. 3(1)(d)
303 Ibid. art. 9(1)(b)
304 Ibid. art. 9(1)(c)
305 Ibid. art. 9(1)(d)
306 Ibid. art. 9(1)(e)
307 Ibid. art. 9(1)(f)
308 Ibid. art. 7(5)(e)
309 Ibid. art. 7(5)(f)
310 Ibid. art. 9(1)(c)
311 Ibid. art. 9(1)(d)
“guarantee the freedom of movement and choice of residence of internally displaced persons, except where restrictions on such movement and residence are necessary, justified and proportionate to the requirements of ensuring security of internally displaced persons or maintaining public security, public order or public health”.311

Under the Kampala Convention, members of armed groups are prohibited from recruiting children and forcibly recruiting persons. States, however, are only prohibited from recruiting children, leaving adults vulnerable and without protection from forcible recruitment. Regarding detention of IDPs in closed camps, the law remains unclear. States are prohibited from arbitrary detention, but restrictions on the freedom of movement and choice of residence of IDPs are allowed under certain conditions. Under a SoE imposed to maintain public security, public order or public health, those rights can be limited, suspended or derogated from, leaving IDPs vulnerable to detention in closed camps.

D. Protection of subsistence needs

The gap in the protection of subsistence needs of IDPs identified under international and national law is related to the need for increased guarantees to food, safe drinking water, shelter and other NFI, access to WaSH services and access to health facilities for all IDPs. Additionally the need for special assistance and additional protection of vulnerable groups with special needs such as women, children, female heads of households, the elderly, the sick and the disabled is not explicitly recognized.

The most important provision in the Kampala Convention to address this gap is article 9(2). This article sets out the duties of States Parties by stating their responsibilities to:

- “provide IDPs to the fullest extent practicable and with the least possible delay, with adequate humanitarian assistance, which shall include food, water, shelter, medical care and other health services, sanitation, education and any other necessary social services”;312
- “provide special protection for and assistance to IDPs with special needs, including separated and unaccompanied children, female heads of households, expectant mothers, mothers with young children, the elderly, and persons with disabilities or with communicable diseases”;313
- “take special measures to protect and provide for the reproductive and sexual health of internally displaced women as well as appropriate psycho-social support for victims of sexual and other related abuses”.314

In addition to this, article 3(1)(j) states that States Parties shall “ensure assistance to internally displaced persons by meeting their basic needs as well as allowing and facilitating rapid and unimpeded access by humanitarian organizations and personnel.”315 On top of that, to protect relief operations by humanitarian organisation, members of armed groups are prohibited from “hampering the provision of protection and assistance to IDPs”, “denying IDPs the right to live in satisfactory conditions of dignity, security,
sanitation, food, water, health and shelter” and “impeding humanitarian assistance and passage of all relief consignments, equipment and personnel to IDPs”.

In sum, the gaps that existed under international law such as specific recognition of the right to water, increased guarantees of subsistence needs and guarantees of special assistance to those who are vulnerable and have specific needs, are addressed by the Kampala Convention.

E. Protection of movement-related needs

The gap in the protection of the movement-related needs of IDPs identified under international law includes the lack of the right ‘to not be displaced’ and/or a general prohibition against arbitrary displacement, a lack of a prohibition of forced relocation and return, and a lack of a right to durable solutions i.e., voluntary return, integration or relocation.

A large amount of provisions under the Kampala Convention address arbitrary displacement. The most important one is article 4(4). It states:

“All persons have a right to be protected against arbitrary displacement. The prohibited categories of arbitrary displacement include but are not limited to:

a. Displacement based on policies of racial discrimination or other similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the population;
b. Individual or mass displacement of civilians in situations of armed conflict (...);
c. Displacement intentionally used as a method of warfare or due to other violations of international humanitarian law in situations of armed conflict;
d. Displacement caused by generalised violence or violations of human rights;
e. Displacement caused by generalised violence or violations of human rights;
f. Forced evacuations in cases of natural and man-made disasters or other causes (...);
g. Displacement used as a collective punishment;
h. Displacement caused by any act, event, factor, or phenomenon of comparable gravity to all of the above and which is not justified under international law, including human rights and international humanitarian law.”

In addition, States Parties have the duty to refrain from, prohibit and prevent the arbitrary displacement of populations and are responsible for preventing and avoiding circumstances that can lead to the arbitrary displacement persons by abiding by their obligations under international law. The prohibition of carrying out arbitrary displacement is also applicable to members of armed groups.

Regarding the freedom of movement and the prohibition of forced return or relocation, article 9(2)(f) provides for the freedom of movement and freedom to choose one’s residence of IDPs. However, as

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316 African Union, African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (“Kampala Convention”), 23 October 2009, art. 7(5) (b), (c) and (g)
317 Ibid. art. 4(4)
318 Ibid. art. 3(1)(a)
319 Ibid. art. 4(1)
320 Ibid. art. 7(5)(a)
mentioned above, these rights can be restricted.\textsuperscript{321} Article 9(2)(e) prohibits forced return or resettlement and grants IDPs the right to seek safety in another part of the State.\textsuperscript{322}

The Kampala Convention also indirectly refers to the right to durable solutions in article 11:

- “States Parties shall seek lasting solutions to the problem of displacement by promoting and creating satisfactory conditions for voluntary return, local integration and relocation on a sustainable basis and in circumstances of safety and dignity”;\textsuperscript{323}
- “States Parties shall enable internally displaced persons to make a free and informed choice on whether to return, integrate locally or relocate by consulting them on these and other options and ensuring their participation in finding sustainable solutions.”\textsuperscript{324}

In sum, the gap that exists under the international legal framework regarding the prohibition of arbitrary displacement, forced relocation and return and a lack of a right to durable solutions is addressed by the Kampala Convention. Even though the Convention does not specifically state the right ‘to not be displaced’, the non-exhaustive list of prohibited categories of arbitrary displacement and the general prohibition of arbitrary displacement of populations and persons still addresses this gap. Similarly, even though the term ‘durable solutions’ is not included in the Convention, the essence of the concept of durable solutions is included in article 11. Of paramount importance is the clause that allows IDPs to make free and informed choices on whether they would like to return, integrate or relocate and ensures their full participation in this process.

\section*{F. Protection of the need for personal identification, documentation and registration}

The gap in the protection of the needs of IDPs regarding personal identification, documentation and registration identified under international law includes a lack of the right to have personal identification and documentation papers and lack of protection in case these documents are lost or destroyed.

Article 13 of the Kampala Convention is devoted to registration and personal documentation of IDPs and acknowledges that people have equal rights in obtaining documents related to personal identification and documentation.\textsuperscript{325} On top of that, the article states:

- “States Parties shall ensure that internally displaced persons shall be issued with relevant documents necessary for the enjoyment and exercise of their rights, such as passports, personal identification documents, civil certificates, birth certificates and marriage certificates”;\textsuperscript{326}
- “States Parties shall facilitate the issuance of new documents or the replacement of documents lost or destroyed in the course of displacement, without imposing unreasonable conditions, such as requiring return to one’s area of habitual residence in order to obtain these or other

\begin{footnotes}
\footnote{321} African Union, \textit{African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (“Kampala Convention”)}, 23 October 2009, art. 9(2)(f)
\footnote{322} \textit{Ibid.} art. 9(2)(c)
\footnote{323} \textit{Ibid.} art. 11(1)
\footnote{324} \textit{Ibid.} art. 11(2)
\footnote{325} \textit{Ibid.} art. 13(4)
\footnote{326} \textit{Ibid.} art. 13(2)
\end{footnotes}
required documents. The failure to issue internally displaced persons with such documents shall not in any way impair the exercise or enjoyment of their human rights."

It can thus be concluded that the Kampala convention addresses the gap that exists under the international legal framework with regards to personal identification, documentation and registration. However, it would still be desirable to more specifically address what is meant by ‘enjoyment of human rights’ to ensure that IDPs - in cases where their documentation is lost or destroyed and issuance of new documents is impossible - are granted to access all basic (social) services and are able to receive humanitarian assistance if necessary.

G. Protection of property-related needs

The gap in the protection of the property-related needs of IDPs identified under international law includes a lack of the right to restitution of property, to compensation for lost or damaged property, and a lack in general and specific protection of property. Ethiopian legislation includes a right to property for all Ethiopians but also lacks the right to compensation or restitution for property of IDPs that was lost, damaged, destroyed or expropriated during or because of their displacement.

Article 9(2)(i) refers to the protection of property of IDPs and states that States Parties are responsible for protecting individual, collective and cultural property left behind by IDPs. This is the only provision that refers to the protection of property of IDPs. No specific provision is included that prohibits, for example, the confiscation or destruction of land or property.

Article 12 is devoted to compensation and states:

- “States Parties shall establish an effective legal framework to provide just and fair compensation and other forms of reparations, where appropriate, to internally displaced persons for damage incurred as a result of displacement, in accordance with international standards.”

- “a State Party shall be liable to make reparation to internally displaced persons for damage when such a State Party refrains from protecting and assisting internally displaced persons in the event of natural disasters.”

However, the right to restitution of property or compensation specifically for property that was lost, damaged, destroyed or confiscated during the course of displacement is not included.

In sum, the Kampala Convention is not able to fully address the gaps that exist under international and national law regarding property-related needs. While the Convention includes a general duty of States Parties to protect the property of IDPs, specific prohibitions of damaging, confiscating or destroying the

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328 Ibid. art. 9(2)(i)
329 Ibid. art. 12(2)
330 Ibid. art. 12(3)
property of IDPs is not included. On top of that, the right to compensation and reparations does not specifically include the right to compensation, restitution or reparations for property.

H. Protection of the need to maintain family and community values

The gap in the protection of the needs of IDPs regarding family and community values identified under international law constitutes the lack of acknowledgement of the need for family reunification under Ethiopian law and in IHRL.

Article 9(2)(h) states that States Parties shall “take necessary measures, including the establishment of specialized mechanisms, to trace and reunify families separated during displacement and otherwise facilitate the re-establishment of family ties.”

Thus, the gap that exists under IHRL and Ethiopian law is addressed by the Kampala Convention.

I. Protection of the need to build self-reliance

The gap in the protection of the need to build self-reliance of IDPs identified under international and national law constitutes broader and more detailed recognition and protection of this need. While the rights to find gainful employment or participate in economic activities are protected under the international legal framework, these rights can be limited, suspended or derogated from. On top of that, while the right to education is broadly recognized under IHRL, the specific needs of IDPs are not included.

Only one provisions under the Kampala Convention refers to the need of IDPs to build self-reliance, namely article 3(1)(k). This article states the duty of States Parties to “promote self-reliance and sustainable livelihoods amongst internally displaced persons, provided that such measures shall not be used as a basis for neglecting the protection of and assistance to internally displaced persons, without prejudice to other means of assistance.”

The need for education and gainful employment are not addressed at all under the Kampala Convention. Access to education, gainful employment and economic activities are critical in allowing IDPs to become self-reliant again. The Kampala Convention does not provide the broader and additional protection of these needs and thereby not fully addresses the gap that exists under the international legal framework.

J. Additional Findings

As explained in Chapter 2, the main root causes of internal displacement in Ethiopia are conflict and natural disasters (drought/climate change). The Kampala Convention includes different provisions that (indirectly) address these root causes of displacement and aims to protect those who have become internally displaced and prevent more people from becoming internally displaced due to these causes.

331 African Union, African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (“Kampala Convention”), 23 October 2009, art. 9(2)(h)

332 Ibid. 3(1)(k)
Regarding conflict-induced displacement, article 3(1)(g) is of tremendous importance. It states that States Parties have the duty to hold individuals that are responsible for acts of arbitrary displacement accountable.\textsuperscript{333} Intercommunal violence and ethnic conflict are a substantial and complex problem in Ethiopia and sometimes leads to the displacement of hundreds of thousands of people. By acknowledging that individuals can be responsible for these displacements, victims can get justice and escalation of such conflicts can be prevented.

Regarding natural disasters and climate-induced displacement, article 5(4) states that States Parties have the responsibility to facilitate the protection and assistance of IDPs whose displacement was caused by natural or man-made disasters, including climate change.\textsuperscript{334} This provision is critical to the internal displacement crisis in Ethiopia, since the GoE has been reluctant to provide protection and assistance to climate-induced IDPs.\textsuperscript{335} The GoE contests the definition of climate-induced IDPs since this ‘type’ of IDPs consists for a large part of (former) pastoralists, who traditionally do not have a sedentary way of living.\textsuperscript{336} Even though article 5(4) does not specifically provide for the assistance of pastoralists, it does state the obligation of States Parties to provide assistance to all who have been displaced due to natural disasters or climate-change.

In addition to this, the Kampala Convention addresses development-induced displacement. Despite a lack of specific figures, development-induced displacement is a cause of concern in Ethiopia. Article 10 states the duty of States Parties to prevent, where possible, the displacement caused by public- and private actor projects, to ensure that public and private stakeholders consider other options and to conduct environmental and socio-economic impact assessments of the projects, prior to the start of the proposed project.\textsuperscript{337} In addition to this, article 4(5) states that States Parties are responsible for protecting communities that have a special relationship with their traditional lands and/or of which their livelihoods are dependent on their traditional lands from displacement from those lands. Such displacement is only allowed in the case of overriding public interests.\textsuperscript{338} While the displacement of individuals or communities for the benefit of development projects or investments is not explicitly prohibited, the Kampala Convention does provide some guidance on how to prevent development-induced displacement.

4.1.2 Relevance to Ethiopia

In order for the Kampala Convention to be binding, and thus relevant to Ethiopia and Ethiopian IDPs, Ethiopia must be a State Party to the Convention. Currently, Ethiopia is only a signatory state to the Convention and has neither ratified, nor taken any statutory steps to domesticate the Convention.\textsuperscript{339}

When a State signs a convention, it expresses its political support of this convention and its preparedness to proceed with the treaty-making process. While the State is not legally bound by this convention, it is

\textsuperscript{333} African Union, \textit{African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (“Kampala Convention”)}, 23 October 2009, art. 3(1)(g)

\textsuperscript{334} Ibid. art. 5(4)

\textsuperscript{335} Interview with an anonymous staff member of the Emergency & Post Crisis unit, IOM Ethiopia (Addis Ababa, Ethiopia, 27 February 2018)

\textsuperscript{336} Interview with an anonymous staff member of the DTM unit, IOM Ethiopia (Addis Ababa, Ethiopia, 28 February 2018)

\textsuperscript{337} African Union, \textit{African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (“Kampala Convention”)}, 23 October 2009, art. 10

\textsuperscript{338} Ibid. art. 4(5)

\textsuperscript{339} “IDP Laws and Policies” (IDMC) <http://www.internal-displacement.org/law-and-policy/country/ET>
“obliged to refrain from acts which would defeat the object and the purpose”\textsuperscript{340} of the convention it has signed. When a State ratifies a convention, it expresses its consent to be legally bound by this convention. \textsuperscript{341} This means that Ethiopia, while it should refrain from acts that are not compatible with the purpose of the Kampala Convention, is not legally bound by the Convention and cannot be held accountable for violating the provisions included therein.

4.1.3 Conclusion

It can be concluded that the Kampala Convention can address most of the gaps that exist in international and national law regarding the protection needs of IDPs in Ethiopia. The findings per need will be briefly summed up:

A. **Protection of the needs regarding equality and non-discrimination**
The provisions included in the Kampala Convention successfully address the gap that exists in international and national law regarding the protection of the needs of IDPs relating to equality and non-discrimination.

B. **Protection of the needs regarding life and personal security**
The provisions included in the Kampala Convention cannot successfully address the gap that exist in national law regarding the protection of the needs of IDPs regarding life and personal security. It remains unclear whether the Kampala Convention offers protection to these needs during a SoE.

C. **Protection of the needs regarding personal liberty**
The provisions included in the Kampala Convention cannot successfully address the gap that exist in international and national law regarding the protection of the needs of IDPs regarding personal liberty. IDPs over 18 years old are not protected from forcible recruitment. Regarding detention of IDPs in closed camps, the law remains unclear.

D. **Protection of subsistence needs**
The provisions included in the Kampala Convention successfully address the gap that exists in international and national law regarding the protection of the subsistence needs of IDPs.

E. **Protection of movement-related needs**
The provisions included in the Kampala Convention successfully address the gap that exists in international and national law regarding the protection of movement-related needs of IDPs.

F. **Protection of the need for personal identification, documentation and registration**
The provisions included in the Kampala Convention address the gap that exists in international and national law regarding the protection of the need for personal identification, documentation.


\textsuperscript{341} *Ibid.*, art. 11
and registration. However, a specific provision recognizing the need of IDPs to be able to access basic services and humanitarian aid without documentation is still desirable.

G. Protection of property-related needs
The provisions included in the Kampala Convention cannot successfully address the gap that exist in international and national law regarding the protection of property-related needs of IDPs. Specific prohibitions of damaging, confiscating or destroying the property of IDPs is not included. Additionally, the right to compensation and reparations does not specifically include the right to compensation, restitution or reparations for property

H. Protection of the need to maintain family and community values
The provisions included in the Kampala Convention successfully address the gap that exists in international and national law regarding the protection of the need of IDPs to maintain family and community values.

I. Protection of the need to build self-reliance
The provisions included in the Kampala Convention cannot successfully address the gap that exist in international and national law regarding the protection of the need to build self-reliance. Additional protection and more specific provisions relating to the need to build self-reliance were desirable. This is not provided by the Kampala Convention

However, in order for the Kampala Convention to effectively provide this protection to IDPs in Ethiopia, the GoE should ratify the Convention. Until this steps has been taken by the GoE, the Kampala Convention cannot address the gaps that exist in international and national law regarding the protection of the needs of IDPs in Ethiopia. As a result, all those affected by displacement will remain vulnerable and are left without adequate protection.

4.2 African Union: Other Legal and Institutional Mechanisms

In addition to the Kampala Convention, there are several mechanisms within the AU that can play a role in addressing internal displacement. This subchapter seeks to answer the question to what extent the other AU mechanisms contribute to addressing the gaps that exist in international and national law regarding the protection of the needs of IDPs.342

In order to do so, subsection 4.2.1 will discuss the regional human rights instruments. This will be followed by an analysis of the mandate and activities of the African Commission on Human and Peoples Rights (subsection 4.2.2) and the African Court on Human and Peoples Rights (subsection 4.2.3). The mandate and activities of the Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons in Africa will be discussed in subsection 4.2.4. The findings will be described in subsection 4.2.5.

342 The African Union Humanitarian Policy Framework, the Department of Political Affairs - Division of Humanitarian Affairs, Refugees and Internally Displaced Persons (HARDP), the PRC Sub-Committee on Refugees, Returnees and Displaced Persons, and the Specialised Technical Committee (STC) on Migration, Refugees and Displaced Persons are special mechanisms of the AU that are working on internal displacement. Due to a lack policy documents, reports, communications or other forms of information on their work and activities, their effectiveness in addressing internal displacement is impossible to determine. These special mechanisms are therefore not discussed in this thesis.
4.2.1 Regional Human Rights Instruments

The African Charter on Human and Peoples Rights (hereinafter referred to as the “Banjul Charter”) is the regional human rights instrument for Africa that sets out the human rights and freedoms of all people and the duties of African States. The Charter was adopted in 1981 and entered into force in 1986. The Charter includes rights and freedoms that are comparable to the rights set out in the UDHR and other international human rights instruments. Similar to the human rights instruments discussed in Chapter 3, the Banjul Charter does not include any reference to IDPs or internal displacement. It is therefore not able to provide additional or special protection and assistance to IDPs. Nevertheless, the Charter is of importance. Contrary to the UDHR, the Banjul Charter is legally binding. It was signed and ratified by all Member States to the African Union except for South Sudan. Monitoring of compliance and interpreting the Charter are tasks assigned to the African Commission on Human and Peoples Rights (hereinafter referred to as “the Commission”). States can thus be held accountable for violations of the Charter by the Commission.

In addition to the Banjul Charter, the Protocol to the African Charter on Human and Peoples Rights on the Establishment of an African Court on Human and Peoples Rights (hereinafter referred to as the “African Court Protocol”) was adopted in 1998 and came into force in 2004. The Protocol established the African Court on Human and Peoples Rights (hereinafter referred to as “the Court”) with the objective of complementing the mandate of the Commission. Presently, only 24 of the 55 Member States to the AU have signed and ratified the African Court Protocol. Additionally, 25 States have signed the Protocol but are yet to ratify it. Amongst those States is the Federal Democratic Republic of Ethiopia.

Despite the fact that the Banjul Charter and the African Court Protocol do not include a specific reference to IDPs, the documents are still of paramount importance to the plight of IDPs on the African Continent. First of all, the human rights and basic freedoms that are included in international law instruments are reaffirmed and drawn up in such a way that is relevant to the context of the African continent. More importantly, the documents establish mechanisms that have the power to monitor compliance, strengthen human rights protection and address human rights violations.

The Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (hereinafter referred to as “Maputo Protocol”) sets out the rights and freedoms of women and provides protection against violence, discrimination and other risks suffered by women. The Protocol does not specifically address the rights of IDP women. Nevertheless, the provisions included in this Protocol are of tremendous importance to women who are internally displaced and can contribute to providing protection.

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347 Morocco has re-joined the AU in 2017
to their needs. However, the Maputo Protocol has not been ratified by Ethiopia and is therefore not able to offer protection to IDP women in Ethiopia.\textsuperscript{351}

Another important regional human rights instrument is the African Charter on the Rights and Welfare of the Child. The Charter sets out the rights and freedoms of children and provides protection against violence and other risks. Article 23 of the Charter states that the same rights, mutatis mutandis, are applicable to internally displaced children.\textsuperscript{352} This specific clause is of paramount importance to the protection of IDP children. Despite the fact there are no other references to IDPs in the Charter, this clause acknowledges that IDP children, similar to refugee children, are in need of additional protection and assistance. Hence, this clause, in combination with the generally broad protection provided to children by the Charter, allows this instrument to contribute greatly to the protection of the needs of internally displaced children. The Charter has been signed and ratified by Ethiopia and is therefore applicable to Ethiopian IDPs.\textsuperscript{353}

In sum, the Banjul Charter, the two Protocols and Charter on the Rights and Welfare of the Child are able to make a significant contribution to addressing the gaps that exist in international and national law regarding the protection of the needs of IDPs. Despite the fact that these instruments cannot address the gaps in protection that are left by the Kampala Convention, they do provide comprehensive protection to a large part of the identified needs of IDPs. Hence, the protection provided by international, regional and national law is strengthened through these instruments. However, the protection of Ethiopian women is subject to ratification of the Maputo Protocol.

\textbf{4.2.2 African Commission on Human and Peoples Rights}

The African Commission on Human and Peoples Rights was established by article 30 of the Banjul Charter.\textsuperscript{354} Its mandate is set out in article 45 and includes: the promotion and protection of human and peoples’ rights and the interpretation of the Charter.\textsuperscript{355} Specifically, the Commission has the mandate to accumulate documents, conduct studies on human rights issues on the African continent, host seminars, symposia and conferences, distribute information, support and strengthen domestic human rights institutions and offer recommendations to Member States on issues related to human and peoples’ rights.\textsuperscript{356} The Commission also has the mandate to inspect the reports that are to be submitted by Member States every two years\textsuperscript{357} and considers the overall improvement of the human rights situation and the legislative and other efforts taken by Member States to promote, implement and abide by the rights and freedoms set out in the Charter. The recommendations made to States by the Commission are based on the outcomes of the inspection of the report.\textsuperscript{358}

\begin{footnotesize}
\begin{itemize}
\item[\textsuperscript{351}] “Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa” (ACHPR) \hspace{1cm} <http://www.achpr.org/instruments/women-protocol/>
\item[\textsuperscript{353}] “Ratification Table: African Charter on the Rights and Welfare of the Child” (ACHPR) <http://www.achpr.org/instruments/child/ratification/>
\item[\textsuperscript{355}] \textit{Ibid}. art. 45
\item[\textsuperscript{357}] \textit{Ibid}. art. 62
\end{itemize}
\end{footnotesize}
According to article 55, the Commission shall also consider complaints filed by individuals regarding alleged human rights violations committed by a State Party to the Banjul Charter. The Commission, as stated in article 46, may investigate the complaint and issue recommendations where necessary.\textsuperscript{359} Additionally, the Commission shall receive and consider information from put forward by NGO shadow reports, special rapporteurs, working groups and missions.\textsuperscript{360}

Due to its broad mandate, the Commission has, in theory, the ability to address the issue of internal displacement, give recommendations to States on how to prevent or limit the impact of internal displacement and promote and protect the human rights of IDPs and thereby addressing, at least partly, their needs. On top of that, the option of submitting individual complaints provides IDPs with a tool to draw the attention of their government, the UN, NGO’s and the AU to their (vulnerable) situation. One example of a complaint submitted by individuals related to the situation of IDPs is the case of Abdel Hadi, Ali Radi & Others v Republic of Sudan.\textsuperscript{361} The Commission decided that the complainants – 88 Sudanese nationals who were at the time of the violations internally displaced – were the victims of torture and other forms of ill-treatment, arbitrary arrest and arbitrary detention and were denied the right to effective legal remedies. On top of that, the Commission decided that the State of Sudan failed to respect and protect the rights guaranteed in the Charter.\textsuperscript{362} Consequently, the Commission made recommendations to the State of Sudan to pay adequate compensation to the victims, initiate an effective and impartial investigation, amend legislation that is incompatible with the Charter and offer training to security officers.\textsuperscript{363} The decision of the Commission is significant because it demonstrates the ability of the Commission to address human rights violations by IDPs and reaffirms the responsibility of States to promote, protect and fulfil those human rights for all human beings under their jurisdiction. However, the decision also reveals the weakness and the limitations of the Commission and the Banjul Charter. As stated in the communication submitted by the complainants, police officers and soldiers tried to forcibly relocate thousands of IDP families.\textsuperscript{364} However, since the Banjul Charter does not include a prohibition of forced relocation or a right not to be displaced, the Commission was not able to address this.

Despite the fact that the Banjul Charter does not provide protection to all the specific needs of IDPs and the Commission is limited to promoting and protecting the provisions included in the Charter, its mandate gives the Commission the ability to advocate for the protection of IDPs and conduct studies related to the plight of African IDPs. However, critics state that the Commission has made little effort to become actively involved in promoting the rights and protecting the needs of IDPs. According to them, the Commission’s role in addressing the issues of internal displacement in Africa is therefore limited.\textsuperscript{365}

In sum, while the Commission has a clear and broad mandate that allows for the promotion and protection of the rights and needs of IDPs, its involvement is currently not sufficient to safeguard those rights and needs and to address the gaps in protection that exist under the international, regional and national law.

\textsuperscript{359} Ibid.
\textsuperscript{360} “Mandate of the Commission” (ACHPR) <http://www.achpr.org/about/mandate/>
\textsuperscript{361} Abdel Hadi, Ali Radi & Others v Republic of Sudan (Decision on Communications) Communication 368/09 (22 October - 5 November 2013)
\textsuperscript{362} Ibid.
\textsuperscript{363} Ibid.
\textsuperscript{364} Ibid.
\textsuperscript{365} Allehone Mulugeta Abebe, Legal and Institutional Dimensions of Protecting and Assisting Internally Displaced Persons in Africa, p.161
4.2.3 *African Court on Human and Peoples Rights*

The Court was established with the aim of complementing the functions of the Commission, as is stated in article 2 of the African Court Protocol. Its jurisdiction is both contentious and advisory. As laid down in article 3, the Court has jurisdiction over “all cases and disputes submitted to it concerning the interpretation and application of the Charter, this Protocol and any other relevant human rights instrument ratified by the States concerned”. On top of that, the Court may also offer its opinion on any legal question/issue related to the Charter and/or other relevant human rights instruments upon request of an AU Member State, AU organ or an African organization that is recognized by the AU. This legal question/issue can however not already be under examination by the Commission. Additionally, as stated in article 5(3), NGOs with observer status before the Commission and individuals may submit cases to the Court. However, these complaints are only admissible if the State against which the complaint is filed has accepted the competence of the Court to consider these cases. Presently, only eight States have recognized this particular part of the Court’s jurisdiction.

The Court has to this date not dealt with any cases related to internal displacement. Neither has it produced any advisory opinions on the matter of internal displacement within a Member State of the AU or on the African continent in general. While it has the mandate and the jurisdiction to protect the human rights of IDPs and to set important precedents for the prohibition of human rights violations in situations of internal displacement, the Court has remained silent. The Court does therefore currently not contribute to addressing the gap in the protection of the needs of IDPs that exist under international, regional or national law.

4.2.4 *Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons in Africa*

The Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons in Africa (hereinafter referred to as “the Special Rapporteur”) is a special mechanism under the Commission and was established in 2004. Its mandate is broad and includes: keeping abreast on, investigating and acting upon the situation of IDPs, conducting studies, research, fact-finding missions, investigations and other related activities, visiting displacement camps, raising awareness and promoting the implementation of the Kampala Convention, and submitting reports to the Commission on the situation of IDPs in Africa. By engaging in dialogue with Member States of the AU, intergovernmental organisations, NGOs, and international, regional and national human rights mechanisms and by supporting the development of appropriate and effective policies, regulations, laws and strategies, the Special Rapporteur aims to improve and strengthen the protection of IDPs and ultimately prevent internal displacement in Africa.

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367 Ibid. art. 3(1)
368 Ibid. art. 4
369 Ibid. art. 34(6)
371 This mandate is also applicable to refugees, asylum seekers and migrants.
The Special Rapporteur informs the Commission and reflects on his/her activities in intersession reports that are submitted to the Commission. In these reports, the Special Rapporteur describes, amongst other things, the ratification status of the Kampala Convention, the current situation regarding internal displacement in Africa and recommendations for Member States of the AU, the AU itself, NGOs and other stakeholders.\(^{373}\) The Special Rapporteur is also strongly involved in creating awareness on internal displacement by attending workshops, issuing press statements, producing declarations and lobbying with relevant stakeholders.\(^{374}\) However, despite the willingness to engage and the extensive mandate to act, the effectiveness and successfulness seems to be limited. Currently, only 27 States of the 55 AU Member States have ratified the Kampala Convention.\(^{375}\) On top of that, in countries such as Ethiopia, South Sudan, Sudan and Democratic Republic of Congo\(^{376}\), the numbers of IDPs remain to be extremely high.

It is unrealistic to expect that the Special Rapporteur could solve the overall problem of internal displacement in Africa by itself and/or in a short amount of time. However, with such an extensive mandate, more effective involvement and action could be realized. The current Special Rapporteur, Ms Maya Sahli Fadel, is also working as Commissioner and is part of several working groups.\(^{377}\) In her intersession reports, she reflects on her work under her capacity as Commissioner and Special Rapporteur. In addition to this, as Special Rapporteur, she has to monitor, report, advocate for and investigate on the situation of four related, but very distinct vulnerable groups of people with each very specific needs. It could be argued that IDPs do not receive the full attention they require due to these institutional arrangements. Establishing a Special Rapporteur on just IDPs in Africa, with the same mandate, might offer more possibilities in effectively addressing internal displacement.\(^{378}\)

In sum, while the Special Rapporteur can in theory, due to its broad mandate, contribute to addressing the gaps that exist under the international, regional and national law regarding the protection of the needs of IDPs, in reality, due to politics and institutional arrangements, the extent to which the Special Rapporteur actually does so is very limited.

4.2.5 Conclusion

This subchapter sought to answer the question to what extent the other AU mechanisms contribute in addressing the gaps that exist in international and national law regarding the protection of the needs of IDPs. After reviewing these other mechanisms, it can be concluded that in theory, these mechanisms can contribute in addressing these gaps, but due to political, institutional, and possibly other restraints, their contribution in reality remains limited.

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\(^{374}\) "Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons" (ACHPR) <http://www.achpr.org/mechanisms/refugees-and-internally-displaced-persons/>


\(^{376}\) (DTM Understanding Displacement) <https://displacement.iom.int/>

\(^{377}\) "Maya Sahli Fadel (Ms)” (ACHPR) <http://www.achpr.org/members/maya-sahli-fadel/>

\(^{378}\) This is the author’s interpretation of current events.
4.3 Conclusion: To what Extent is the African Union Able to Address the Gaps that Exist in the International and National Legal Framework Regarding the Protection of the Needs of Internally Displaced Persons in Ethiopia?

In this chapter the Kampala Convention and other legal and institutional mechanisms of the AU were examined and reviewed to find out to what extent the AU is able to address the gaps that exist within the international legal framework regarding the protection needs of IDPs in Ethiopia. It can be concluded that in theory, the AU can to a large extent address those gaps. Most of the gaps that exist in international and national law are addressed by the Kampala Convention. The Convention provides a strong and broad legal framework for the protection and assistance of IDPs and despite the fact that not all identified gaps are completely filled by the provisions of this Convention, most of those gaps are. This can significantly improve the plight of IDPs. In addition to this, the Commission, the Court and the Special Rapporteur together have an extensive mandate that allows for the protection and promotion of the rights and freedoms of IDPs, investigations, research and studies of situations of internal displacement and alleged human rights violations, judgements and advisory opinions on human rights violations, and many other things. In theory, these mechanisms, especially by working together, could significantly improve the situation of IDPs and address the gaps that are currently still existing in international and national law regarding the protection of the needs of IDPs by publishing, for example, advisory opinions on those matters.

However, in reality, the AU’s ability to address those gaps regarding the protection of the needs of IDPs in Ethiopia is very limited. First of all, Ethiopia has not ratified the Kampala Convention and is therefore not obligated to abide by the duties, rights and freedoms laid down in the Convention. On top of that, Ethiopia cannot be held accountable for violating the Convention. Secondly, the Commission, Court and Special Rapporteur are all limited in their actions due to political and institutional restraints. The Commission’s mandate only allows for the interpretation of the Charter. Whilst the Charter includes many relevant human rights and freedoms, it does not specifically mention IDPs. The Court, in contrast to the Commission, has the mandate to give judgements on violations of all human rights instruments (which includes the Kampala Convention) that have been ratified by the State concerned. However, Ethiopia has neither ratified the Kampala Convention nor the African Court Protocol and cases against Ethiopia can therefore not be brought before the Court. The Special Rapporteur’s involvement in addressing internal displacement, despite its broad mandate, is too little compared to the gravity of the situation. One reason for this could be the fact that the Special Rapporteur deals with the situation of not only IDPs, but also migrants, asylum seekers and refugees. While these groups often have a lot of similarities, they are in fact different vulnerable groups with different needs.

In sum, the AU is currently only to a limited extent able to address the gaps that exist in international and national legal law regarding the protection of the needs of IDPs in Ethiopia. This is due to institutional but mostly political restraints. Only if Ethiopia is willing to truly get involved in addressing internal displacement, protecting and assisting those in need and aiming to prevent displacement in the future, the mechanisms of the AU can successfully contribute to addressing internal displacement.
5. Conclusion and Recommendations

The purpose of this thesis was to research the extent to which the AU can provide a solution to the lack of legal protection afforded to IDPs in Ethiopia. Specifically, this thesis aimed to answer the question to what extent the AU is able to address the gaps that exist in the international and national legal framework regarding the protection of the needs of IDPs in Ethiopia. To find a comprehensive answer to this question, the research was divided into chapters, with each chapter focussing on a different sub-question.

Firstly, in Chapter 2, the protection and assistance needs of Ethiopian IDPs were identified. These needs are a consequence of the complexity of the internal displacement crisis in Ethiopia. Drought and conflict are the main root causes behind the displacement. IDPs have often lost everything upon arrival at their displacement site, are likely to suffer from psychological trauma and are in need of immediate humanitarian assistance. However, due to the limited funding available, the large numbers of people displaced and the conflict and violence inhibiting the access to displacement sites, the GoE and humanitarian organisations are experiencing difficulties with delivering a timely and adequate response. Hence, as a result, the needs of Ethiopian IDPs are critical and should be addressed.

The needs that were identified in Chapter 2 formed the foundation of the legal analysis and were used to assess whether the different legal instruments afforded protection to each distinctive need. The purpose of Chapter 3 was to determine the gaps in protection in international and national law. The framework of international law was examined first. Provisions included in IHRL and IHL were thoroughly reviewed and it was determined whether those provisions afforded protection to each of the identified needs of Ethiopian IDPs. It was discovered that only the need regarding life and personal security was fully protected under International law. Hence, clear gaps in international law were identified. Following this conclusion, the national legal framework was examined. It was discovered that limited legislation was available for the protection of the needs of IDPs and that the Constitution of Ethiopia included the most relevant provisions. However, after analysing the applicable law it was determined that Ethiopian law is not able to afford protection to the needs of IDPs. Hence, in Ethiopian law too, clear gaps were identified. Appendix 6 provides an overview of the gaps in international and national law regarding the protection of the needs of IDPs in Ethiopia.

After the needs of Ethiopian IDPs and the gaps in international and national law had been identified, Chapter 4 aimed to find an answer to the research question. First, the Kampala Convention was analysed. For each need of Ethiopian IDPs, the gaps in international and national law were discussed. After a careful examination of the provisions included in the Kampala Convention, it was determined to what extent these provisions can address the gaps that exist in international and national law regarding the protection of the needs of Ethiopian IDPs. It was discovered that the Convention can afford protection to most of the needs of IDPs and accordingly most, but not all of the gaps that exist in international and national law are addressed. As a result, the gaps regarding needs concerning life and personal security, personal liberty, property and self-reliance remain. These findings are included in the overview provided in Appendix 6. It is important to note that the effectiveness of the Kampala Convention depends on its ratification status. Ethiopia has not ratified the Kampala Convention and can therefore not be held accountable for violating this Convention. As long as Ethiopia refrains from ratifying the Convention, no protection can be afforded to IDPs by this Convention. Following this conclusion, other mechanisms of
the AU – regional human rights instruments, the African Commission on Human and Peoples’ Rights, the African Court on Human and Peoples’ Rights and the Special Rapporteur Refugees, Asylum Seekers, Migrants and Internally Displaced Persons in Africa – were briefly reviewed. It was found that these mechanisms have, in theory, the potential to contribute to addressing the gaps that exist in international and national law regarding the protection of the needs of IDPs. However, due to political and institutional restraints, their ability to do so in reality is limited.

In conclusion, the African Union is to a limited extent able to address the gaps that exist within the international and national legal framework regarding the protection of the needs of IDPs in Ethiopia. This limited extent is mostly due to political and institutional restraints. While the Kampala Convention does not address all the gaps that exist in international and national law, it is able to afford protection to most of the needs of Ethiopian IDPs. However, without Ethiopia’s ratification of the Kampala Convention, the protection provided in this Convention is not applicable to Ethiopian IDPs. The other African Union mechanisms could in theory contribute to providing protection to IDPs and addressing the gaps regarding the protection of IDPs, but again due to politics and a lack of organisational efficiency, the impact of these mechanisms is limited.

Based on the findings presented in this thesis, the following recommendations are made to:

**The Government of Ethiopia**

1. The Government of Ethiopia should sign, ratify or accede to the following legal instruments:
   a. 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa
   b. Indigenous and Tribal Peoples Convention, 1989 (No. 169)
   d. Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa

2. The Government of Ethiopia should, in addition to ratifying the Protocol to the African Charter on Human and Peoples Rights on the Establishment of an African Court on Human and Peoples Rights, also officially declare that it accepts the jurisdiction of the Court to accept cases from individuals and NGOs.

3. The Government of Ethiopia should take note of the Guiding Principles on Internal Displacement and take statutory steps to domesticate the principles included in this document. Statutory steps to domesticate the provisions included in the Kampala Convention should also be taken.

4. The Government of Ethiopia should devote effort to raising awareness of the Guiding Principles on Internal Displacement and the Kampala Convention. All actors – including IDPs, host communities, civil societies, aid organisations, militant groups, security forces and federal, regional and local authorities – should have knowledge of the information included in these documents, their rights, their duties and their obligations.
5. The Government of Ethiopia should develop a national strategy on internal displacement. This strategy should be developed in close cooperation with aid organisations and organisations working on internal displacement to ensure a coordinated and effective response. It would be advisable to conduct needs-assessments and include a plan of action on how to address those needs in this strategy.

6. The Government of Ethiopia should engage in dialogue with IDPs about the options for durable solutions. The participation of IDP communities is key to creating sustainable solutions.

**African Union**

1. The African Commission on Human and Peoples’ Rights should take up a more active role in addressing internal displacement on the African continent. Specifically, the Commission should become actively involved in creating awareness of the plight of IDPs, how to protect IDPs and how to prevent internal displacement by hosting seminars, symposia, conferences and distributing information. In addition to this, the Commission should offer recommendations to Member States on how to protect, promote and fulfil the human rights of IDPs.

2. The African Commission on Human and Peoples’ Rights should establish a separate Special Rapporteur for the Protection of Internally Displaced Persons in Africa with a similar mandate to the Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons in Africa. By appointing a separate Special Rapporteur for just this vulnerable group, the efforts to address the plight of IDPs, promote the rights of IDPs and prevent internal displacement will most likely be more effective.

3. The African Union should ensure that in 2019 - the AU Year of Refugees, Returnees and Internally Displaced Persons in Africa: Towards Durable Solutions to Forced Displacement - effective measures are taken to increase the number of ratifications of the Kampala Convention and Member States engage in constructive dialogue on how to address the plight of IDPs and prevent internal displacement.

**International Community**

1. The international community – embassies, NGOs, UN agencies and others – should engage in dialogue with the Ethiopian authorities to promote the ratification of the Kampala Convention.

2. The international community should contribute to raising awareness of the rights and freedoms of IDPs and work in close cooperation with the Ethiopian authorities to prevent violation of those rights.

3. The international community, in close cooperation with the national, regional and local authorities, should ensure a timely and effective response to the needs of IDPs.
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Interview via the phone with an anonymous Policy Officer working at the Embassy of the Kingdom of the Netherlands in Ethiopia (Netherlands, 22 June 2018)
### Appendix

**Appendix 1**

<table>
<thead>
<tr>
<th>CRISIS TIMELINE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Jan 2015</strong></td>
</tr>
<tr>
<td>2.9 million relief food beneficiaries as identified in 2014 meher assessment</td>
</tr>
<tr>
<td><strong>4 Jun 2015</strong></td>
</tr>
<tr>
<td>The Government declared failed belg rain</td>
</tr>
<tr>
<td><strong>18 Aug 2015</strong></td>
</tr>
<tr>
<td>belg verification assessment</td>
</tr>
<tr>
<td><strong>13 Oct 2015</strong></td>
</tr>
<tr>
<td>Rapid pre-meher assessment</td>
</tr>
<tr>
<td><strong>Jan’16</strong></td>
</tr>
<tr>
<td>2.9M ppl</td>
</tr>
<tr>
<td><strong>Jun</strong></td>
</tr>
<tr>
<td>4.5M ppl</td>
</tr>
<tr>
<td><strong>Aug</strong></td>
</tr>
<tr>
<td>8.2M ppl</td>
</tr>
<tr>
<td><strong>Oct</strong></td>
</tr>
<tr>
<td>10.2M ppl</td>
</tr>
</tbody>
</table>

Appendix 2

Appendix 3

CRISIS TIMELINE

Jan’17  Feb’17  Mar’17  Apr’17  May’17

Mar

DTM round 3 identified 355,720 climate induced IDPs

DTM round 4 identified 385,400 climate induced IDPs

May

DTM round 5 identified 375,000 climate induced IDPs

DTM round 6 identified 429,900 climate induced IDPs

Jun

Peak of AWD cases in Somali region

Surge in acute malnutrition in Somali region

Aug - Sep

Oromia-Somali border conflict resulted in new displacements

Sep

DTM round 7 identified 468,970 climate induced IDPs

Nov

Mehor assessments conducted

Dec

2018 HRD was launched

Jan’18

Feb

Mar - May

Below average & erratic guinea rains in south and southeastern regions

Oct - Dec

Poor djeb ray forecast for south and southeastern regions

Begning of Jan

539,658 climate induced IDPs

1.1 million conflict IDPs

(whiich includes 837,000 newly displaced in 2017)

Mar - Jun

Anticipated impact of La Niña on spring rains

Appendix 4

Source: “2018 Ethiopia Humanitarian and Disaster Resilience Plan” (2018) rep 8
### Appendix 6

<table>
<thead>
<tr>
<th>Needs of IDPs</th>
<th>International Law</th>
<th>Ethiopian Law</th>
<th>Kampala Convention</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Needs regarding equality and non-discrimination</strong></td>
<td>Protection is provided by provisions under international law. However, there is a need for a more specific reference to the prohibition of discrimination on the grounds of ‘being displaced’.</td>
<td>Protection is provided by provisions under Ethiopian law. However, there is a need for a more specific reference to the prohibition of discrimination on the grounds of ‘being displaced’ and ethnicity.</td>
<td>The provisions included in the Kampala Convention successfully address the gap that exists in international and national law regarding the protection of the needs of IDPs relating to equality and non-discrimination.</td>
</tr>
<tr>
<td><strong>Needs regarding life and personal security</strong></td>
<td>Protection is provided by provisions under international law. No gap exists.</td>
<td>Protection is in theory provided by Ethiopian law. However, some rights can be derogated from during SoE.</td>
<td>The provisions included in the Kampala Convention cannot successfully address the gap that exist in national law regarding the protection of the needs of IDPs regarding life and personal security. It remains unclear whether the Kampala Convention offers protection to these needs during a SoE.</td>
</tr>
<tr>
<td><strong>Needs regarding personal liberty</strong></td>
<td>Protection is not sufficiently provided for by provisions under international law. IDPs over 18 years old are not protected against forcible recruitment. The conditions under which IDPs are allowed to be held in detention centres remain to be unclear.</td>
<td>Protection is not sufficiently provided for by Ethiopian law. Forcible recruitment is not prohibited. Other rights related to personal liberty can be derogated from during a SoE. No specific rights are included that protect IDPs.</td>
<td>The provisions included in the Kampala Convention cannot successfully address the gap that exist in international and national law regarding the protection of the needs of IDPs regarding personal liberty. IDPs over 18 years old are not protected from forcible recruitment. Regarding detention of IDPs in closed camps, the law remains unclear.</td>
</tr>
<tr>
<td><strong>Subsistence needs</strong></td>
<td>Protection is not sufficiently provided for by provisions under international law. There is a need for more specific rights related to the subsistence needs of IDPs and specific duties of States to fulfil those needs. The right to safe drinking water is not specifically recognized under international law.</td>
<td>Protection is not sufficiently provided for by Ethiopian Law. The majority of subsistence needs are not explicitly stated in Ethiopian Constitution. In addition to this, the duties of the GoE mentioned in the Constitution are subject to the GoE’s ability to do so. This therefore does not guarantee access to basic services.</td>
<td>The provisions included in the Kampala Convention successfully address the gap that exists in international and national law regarding the protection of the subsistence needs of IDPs.</td>
</tr>
<tr>
<td>Category</td>
<td>Protection in International Law</td>
<td>Protection in Ethiopian Law</td>
<td>Protection in Kampala Convention</td>
</tr>
<tr>
<td>----------------------------------------------</td>
<td>----------------------------------</td>
<td>-------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>Movement-related needs</td>
<td>Protection is not provided for by provisions under international law. A general prohibition of forced displacement, relocation or return is not included in international law. The right to durable solutions is not recognized.</td>
<td>Protection is not sufficiently provided for by Ethiopian law. Pastoralists are protected from forced displacement. Compensation is available for those whose land or property was expropriated for a public purpose. However, this is not sufficient to provide protection to all IDPs.</td>
<td>The provisions included in the Kampala Convention successfully address the gap that exists in international and national law regarding the protection of movement-related needs of IDPs.</td>
</tr>
<tr>
<td>Need for personal identification, documentation and registration</td>
<td>Protection is not sufficiently provided for by provisions under international law. There is no explicit right to possess documentation or identification papers. No protection is offered to those who lost their documentation.</td>
<td>Protection is not provided for by Ethiopian law.</td>
<td>The provisions included in the Kampala Convention address the gap that exists in international and national law regarding the protection of the need for personal identification, documentation and registration. However, a specific provision recognizing the need of IDPs to be able to access basic services and humanitarian aid without documentation is still desirable.</td>
</tr>
<tr>
<td>Property-related needs</td>
<td>Protection is not sufficiently provided for by provisions under international law. There is a need for more specific property rights for IDPs. The right to restitution or compensation is not recognized.</td>
<td>Protection is not sufficiently provided for by Ethiopian law. While compensation is available for those whose land or property was expropriated, compensation is not available for all other causes of displacement or loss of property.</td>
<td>The provisions included in the Kampala Convention cannot successfully address the gap that exist in international and national law regarding the protection of property-related needs of IDPs. Specific prohibitions of damaging, confiscating or destroying the property of IDPs is not included. Additionally, the right to compensation and reparations does not specifically include the right to compensation, restitution or reparations for property</td>
</tr>
<tr>
<td>Need to maintain family</td>
<td>Protection is not sufficiently provided for by provisions under international law.</td>
<td>Protection is not sufficiently provided for by Ethiopian law.</td>
<td>The provisions included in the Kampala Convention successfully</td>
</tr>
<tr>
<td>and community values</td>
<td>Family reunification is protected by IHL. However, this is only applicable in certain situations. There is a need for a general right to family reunification that is applicable to all situations in which internal displacement occurs.</td>
<td>There is a gap regarding the right to family reunification.</td>
<td>address the gap that exists in international and national law regarding the protection of the need of IDPs to maintain family and community values.</td>
</tr>
<tr>
<td>----------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Need to build self-reliance</td>
<td>In theory, protection is provided by the provisions under IHRL. However more specific provisions recognizing the need for IDPs to access education and income generating activities is desirable. Need to build self-reliance are not sufficiently protected under IHL.</td>
<td>Protection is not sufficiently provided for by Ethiopian Law. The duty of the GoE to provide all Ethiopians with access to education is subject to its ability to do so. Access of IDPs to income generating activities is not recognized. In addition, no other provisions specifically address the needs of IDPs are included.</td>
<td>The provisions included in the Kampala Convention cannot successfully address the gap that exist in international and national law regarding the protection of the need to build self-reliance. Additional protection and more specific provisions relating to the need to build self-reliance were desirable. This is not provided by the Kampala Convention.</td>
</tr>
</tbody>
</table>
I. Displacements Overview

Displacement Tracking Matrix 9

The 9th round of the Displacement Tracking Matrix - a joint data collection exercise led by IOM in collaboration with NDRMC - was conducted between 2 January and 6 February 2018. According to this tracking tool, a total of 1,737,752 persons displaced by climatic and conflict factors are settled in 916 sites across the country (this excludes sites in SNNPR, which are not covered by DTM). Seventy per cent of these IDPs (some 1,222,123 persons) have been displaced by conflict or social tensions.

Tensions between Somali and Oromo communities and conflict along the border separating the two regions has displaced around 1.070 million IDPs (representing more than 87% of the total number of conflict-IDPs). These IDPs are located in 439 sites (constituting of nearly half of all sites tracked to date by the DTM-9). While some of these displacements date back from 2012, the vast majority occurred in 2017 (Figure 1). The highest concentration of conflict IDPs are hosted in East Hararghe (210,000 persons) and Dawa zones (188,000 persons) of Oromia and Somali Regions respectively.

The Qoloji IDP sites host the largest number of IDPs (around 80,000 persons) congregated in a single cluster of sites in the country. Around 144,000 persons displaced from Jijiga and other urban centers in Somali region in September 2017 are reported living in 204 different sites in Oromia, Dire Dawa and Harar, of which 43,000 are hosted in 29 collective or transit centers.

DTM-9 identified 98 additional sites (previously not tracked by the DTM, albeit not necessarily being new sites and most of which having been set-up before November 2017) hosting some 206,200 persons displaced by the conflict along the border areas of Oromia and Somali regions. Since this round of the DTM data collection, returns were reported in a few locations, particularly in Guchi woreda in Borana zone. Exact estimates of the total number of IDPs having returned are however not available.

New displacements

New displacements were reported along the Somali-Oromia border since mid-January/early February 2018 (some of these were not captured by the DTM 9, which was conducted over the month of January). Ethnic Somalis were reported to be moving out of Negele town and surrounding kebeles in Guji zone of Oromia Region.
Most were reported arriving in Hudet woreda (Dawa zone, Somali region), where they congregated in Ceel Maan IDP site, a spontaneous settlement in the vicinity of Hudet town. As of mid-February, NDRMC registered 7,797 newly displaced households in that site. Other sporadic displacements were reported in February, towards Chinaksen woreda in Oromia region, as well as Lagahida, Salahad and Meyu Muluke woredas in Erer zone in Somali region.

**Sites with new arrivals**

In the rest of the country, new displacements were reported from various parts of Oromia and Amhara, towards Tigray region. Tigray regional authorities report that nearly 9,000 persons arrived in the region between January and March 2018. Most of them settled among host communities in Mekelle town, and in other localities between Mekelle and Alamata. According to the region, most of these displaced populations wishes to return to their areas of displacement in Oromia and Amhara regions as soon as security conditions are re-established.

Violent incidents in Moyale town (Borana zone, Oromia) on 10 March, led to the displacement of 7,000 to 9,700 persons into Kenya (sources: Ethiopia State of Emergency Command Post and UNHCR Kenya, 23/03 and 19/03). Kenyan authorities and humanitarian agencies based in Kenya are mobilizing response to these populations, while the Ethiopian Government is engaged in efforts to facilitate a quick return of these populations back to Ethiopia.

**II. Access**

Enumerators of the Displacement Tracking Matrix were not able to access 81 of the 916 IDP sites recorded during the ninth round of the DTM. Majority of these (66 sites) were not able to be accessed due to matters related to insecurity along the border areas of Oromia and Somali regions on the days/period enumerators tried to visit. In general, almost all IDP sites are accessible by humanitarian agencies, even if operations may occasionally be delayed or logistical arrangements need to be modified to adapt to the changing context. Sporadic unrest along main supply roads has only very marginally impacted delivery of humanitarian assistance to conflict IDPs in Somali and Oromia regions. The only major incident occurred on 11 February when five WFP-contracted trucks transporting PSNP top-up food from Adama to Kebridehar were destroyed/burnt in Hamarea IDP site. NDRMC is in the process of doing a full inventory of Government infrastructures and services affected by the Somali-Oromia conflict. The assessment covers health and education facilities as well as water schemes.

Access to Dawa zone in Somali region had been a challenge for several months in late 2017. There were improvements in January 2018 after the completion of a new bridge over the Dawa river serving as direct road connection between Dawa zone and the rest of Somali region. The new bridge allowed several agencies to transport supplies to Dawa zone up to the first half of March. Heavy rains have however prevented the use of the bridge since then.

**III. Update on Coordination of Response**

Making use of the new DTM data, OCHA updated the ‘Matrix’, detailing site locations, critical response gaps and commitments by partners, used initially to mobilise partner response and now used for coordination, including in the regions and zones. Link to an interactive dashboard representing data from the site-level response and response gaps tracking ‘Matrix’ is available here: [https://bit.ly/2nTDUCf](https://bit.ly/2nTDUCf)

The Federal Government concluded missions (undertaken in 23 days) to areas affected by conflict along the border of Oromia and Somali Regions. The mission, comprising of 4 groups of 39 experts from the National Disaster Risk Management Commission; Ministry of Federal and Pastoralist Development Affairs; Ministry of Health; Ministry of Education; Ministry of Water, Irrigation and Electricity; Ministry of Women and Children Affairs; Ministry of Livestock and Fisheries as well as Regional Governments, to assess damage on infrastructure (schools, health services, etc.) and assets / livelihoods (crops, livestock, etc.). The final report is expected to be released during the second week of April, discussed with Regional Governments, submitted to the Council of Ministers and findings will be shared with donors and partners to inform rapid mobilization of response to identified gaps. Donors and partners will be invited to undertake missions to these areas of displacement as well as resettlement.

Since February 2018, multi-agency teams have been conducting a round of multi-sectoral assessments in areas affected by conflict along the border areas of Oromia and Somali – in Moyale and Guchi woredas as well as East Hararghe and Dawa zones – where findings were presented in zonal and national coordination forums to ensure effective mobilization of response amongst operational partners. Thus far, Food, Nutrition and ES/NFI clusters have mobilized response in Dawa zone. The mission to East and West Hararghe (conducted during end March 2018) prioritized collective centers and IDP sites that are in need of scale up for assistance. Findings of the mission will be discussed with operational partners during the first week of April to get their commitment to provide response to prioritized needs. The inter-agency assessment in Moyale aimed to examine the level of disruption to services. Since the assessment concluded (end March), however, the level of disruption has improved with 13 out of the 19 health posts resuming functions. The woreda Education Office expects schools to reopen during the first week of April as most of the displaced teachers have returned and are anticipated to resume work in the coming days.
IV. Durable Solutions

Oromia

In early December 2017, the Regional Government in collaboration with Haromaya University conducted intention surveys amongst persons displaced in Oromia due to the conflict along the border between Oromia and Somali Regions. Findings showed that nearly all IDPs preferred to resettle within the Oromia region.

Currently the focus of the Regional Government is to resettle 144,470 IDPs displaced from Somali region. It is expected that a resettlement plan, led by the Regional Government, is to be implemented in three phases, first of which aims to resettle 86,400 IDPs across 11 urban/semit urban sites. So far, 22,466 people have been settled across these 11 towns, and around 120,000 remain displaced. The Regional Government has informed that the settlements are built as extensions of existing urban areas, in line with relevant urban master plans and urban planning norms. Additionally, in March, 4000 IDPs, mainly youths, have undergone a skills development workshop with linkages to employment opportunities and/or organized under microfinancing schemes (with the planned provision of startup capital to start businesses). The Regional Government prioritizes households for resettlement based on agreed vulnerability criteria and selection of resettlement towns is done as a lottery selection. In East Hararghe zone, where majority of Oromo IDPs are hosted, prioritization exercises for resettlement are led by the Regional-level steering committee and zonal emergency task force in consultation with the IDP committees. Pre-orientation is given to the IDPs and assignment to cities was made using lottery method. The Zone reported that some 900 IDPs from Hamareasa site and over 15,000 IDPs from Kera collective centre have so far been relocated.

A recent UN-Habitat mission to some of the completed resettlement areas highlighted that these temporary shelters may prove to be cold during winter, and IDPs may find it difficult to adapt due to the climatic differences with their places of origin. The Regional Government has invited support from development partners in upgrading shelters, providing basic services and reviewing site layouts. The importance and need for business development support and start-up loans was also stressed given a significant portion of these IDPs originally having been traders.

Somali

Starting from February 2018, the Somali Regional Government undertook a registration and validation exercise of conflict IDPs in various IDP sites across the Region. The registration and validation tool, jointly developed in consultation with the UN Country Team in Somali Region, additionally aimed to gauge resettlement intentions amongst IDPs and areas of preferred settlement. This registration and validation exercise is ongoing with some sites completed. Training of data entry clerks and data entry of completed IDP sites will begin on 2 April, under the guidance of the UN.

The Regional Government and humanitarian partners agreed on minimum criteria for resettlement. Efforts now are focusing on a survey tool to assess possible sites. Joint multi-sector assessments will be conducted to assess the capacity of identified sites to absorb incoming IDP communities, access to basic services within those areas, and evaluate community clan dynamics to gauge ability of IDPs to assimilate into hosting communities and mitigate any community conflicts that may arise subsequent to resettlement. The village assessment tool is currently being developed and expected to be finalized in the first week of April and assessments are expected to commence during the first half of the month. For resettlement to be a success, the Somali Regional Government has made it clear that humanitarian and development partners have been requested to support via investment in sustainable infrastructure in resettlement locations – schools, health centers, boreholes, irrigation schemes, as well as livelihood / income generating activities.

In parallel to the validation exercise, the Somali Regional Government together with community elders, identified the ten potential locations for resettlement namely Gode; Kalafo; Abaqarow; West Imey; East Imey; Hadhigale; Aldem; Erer (Sitti); Wiji Waji; and Baka (Figure 3). The Regional Government invited and welcomed technical support to help with the resettlement of conflict IDPs, which will replicate existing BBC resettlement pilot model – a Somali acronym – that is applied by the Somali Regional Irrigation and Basin Development Bureau to resettle drought-induced IDPs. The Federal Government has allocated approximately USD 18.5 million for the resettlement of the conflict IDPs, which is estimated to cost $15,000 for each family, depending on the intentions of those families. Meanwhile, the humanitarian community has continued to advocate with the regional / local government that any relocation / settlement of displaced persons be voluntary and ensure adequate consultations with the IDPs in accordance with UN Guiding Principles on Internal Displacement.

The Somali Region, through the Durable Solutions Working Group, had developed a Durable Solutions strategy (endorsed and launched in October 2017) and while the strategy primarily focuses on climate induced IDPs, it also recognizes the needs of vulnerable host communities where IDPs will integrate. This strategy, widely disseminated to key stakeholders-including government counterparts, donors, humanitarian and development partners, will also serve as a guiding document to the overall durable solutions to displaced populations in the region (link available here: https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/171117_final-du- rable_solutions_strategy_for_somali_region_2017-2020.pdf).
V. Emergency Response Highlights

Agriculture

- Multisector cash is distributed in Babile, Golo Oda, Meiso and Doba woredas targeting 16,500 drought and conflict affected communities in Bishan Babile, Burka, Walitane and Biyo sites.

Education

- As of January 2018, NGO partners distributed learning kits for 11,900 IDP school children in Oromia. Trainings were also conducted for 2,040 Parent-Teacher Association members and 100 Facilitators in Oromia region. WFP also provided school feeding for 45,622 children in Oromia region. Some 1.4m school-aged IDP children (of 2.2m targeted) have so far been reached with emergency school feeding with Government’s allocation of $10.7m. The Government was also able to re-programme $1.1m from the phase II of the General Education Quality Improvement Programme (GEQIP) to provide learning supplies for some 112,000 school-aged IDP children.

Emergency Shelter and Non-Food Item (ES/NFI)

- A total of 12,781 IDP HHs were supported through NFI distributions and cash grants. Over 30,000 NFI kits remain in stock and are planned to be distributed amongst conflict IDPs in Borena zone of Oromia and Dawa and Liben zones of Somali.

Food

- The Government through NDRMC is assisting 702,279 conflict-affected IDPs in Oromia region, with an estimated 35,494MT of food, which amounts to a three months allocation. As of the 23 March, 84 per cent (29,872 MT) of the allocation was dispatched and 77 per cent (27,597MT) was distributed. In Somali region, for round 7 WFP is planning to assist 294,344 beneficiaries, with an allocation of 4,989MT. As of the 19th of March, about 85 per cent of allocated food commodities (4,220Mt) were dispatched and 82 per cent distributed (4,081Mt). In round 8, WFP received request to support IDPs in Qoloji 1 and 2, and as of the 22 March the full allocation of 882 MT was distributed to 52,054 IDPs.

Health

- In Somali and Oromia regions, 215 emergency drug kits (EDKs) (by FMoH) and some 270 inter-agency emergency health kits (IEHKs) (by WHO and UNICEF) have been distributed. WHO with Regional Health Bureaus (RHBs) provided training for 90 health staff on the new Mobile Health and Nutrition Teams (MHNTs). 115 health workers from 12 proposed resettlement towns (Oromia) were trained on surveillance/early warning, IPC (Infection prevention and control) and Environmental Health. To strengthen the IDP response in Oromia zonal level (Borena, Bale East and west Hararghe, and Guji), 59 PHEM officers were trained on Integrated Disease Surveillance and Reporting (IDSR), minimal standard health package for IDP response sectoral and inter-sectorial Coordination, and M&S. Moreover, the Oromia Regional Health Bureau allocated nearly 273,000 to provide medicines (TB, chronic diseases, epilepsy and malaria) for conflict-IPDs. In Dire Dawa, 94 health workers and Environmental Health Officers trained on AWD and Dengue Fever (surveillance/early warning, rapid response management and outbreak response). WHO and Woreda health teams conducted social community engagement in 10 Somali zones (all except Siti zone) on AWD with a focus on IDP communities covering 9,000 community leaders. Primary health care medicines were distributed to NGOs running MHNTs in Somali and Oromia regions to support the IDP response.

Nutrition

- The Nutrition Cluster completed distribution of Quarter 2 nutrition supplies in all IDP sites in Oromia and Somali regions. The RHB, with support from UNICEF, managed Nutrition screening in all IDP sites for 6-59 months old children and pregnant and lactating women for further referral to appropriate nutrition services. A consignment of essential drugs and nutrition (CMAM) supplies were delivered to all facilities serving the IDP population in Oromia. UNICEF deployed 5 CMAM monitors in Oromia. Technical support was also provided on spot in facilities serving IDP sites. In January 2018, all 6-59 months aged IDP children (a total of 87,981 children) in Oromia received a 10 days’ ration of BP5 (high emergency biscuit). Some 150 emergency focal points from key sectors in 30 woredas were trained on coordination.

Water, Sanitation and Hygiene

- The WaSH Cluster continued providing water trucking through 175 trucks (63 in Oromia and 112 in Somali regions). It’s estimated that around 365,114 beneficiaries were reached through deep wells and different water schemes. The Cluster distributed WaSH NFIs for 7,392 IDP HHs. Additionally, multi-purpose soaps were distributed in Qoloji 2 IDP camp targeting 3,600 vulnerable HHs in order to promote handwashing practices.