

A Critical Look at the National Institutional Mechanisms towards the Protection and Assistance of Conflict-Induced Internally Displaced Persons in Ethiopia

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Abstract

Internal displacement is one of the forced migration types that is increasing in an alarming rate which lacks global attention. The issue was an international agenda in the early 1990s, yet, there is no well-established international organization responsible to assist and protect IDPs. It is the state that is primarily taking the responsibilities. The study used qualitative research methodology and examined the institutional responses, gaps and the human rights protection of conflict-induced IDPs in Ethiopia. It has been found that there are scattered institutional structures at the federal and regional levels. The response of the Ethiopian Disaster Risk Management Commission, which is the primarily responsible organ, is reactive and sporadic. There is cluttered coordination and the issue of conflict-induced internal displacement becomes an appeal of rare attention by the three branches of the government. Besides, there is less engagement of CSOs and National Human Rights Institutions. These disparities have challenged the protection and assistance of IDPs in the country. Thus, conflict-induced IDPs become the subject of rare international attention and less national protection. Therefore, it is time for Ethiopia to revise its institutional structure and address the plights of conflict-induced IDPs in the country.

Keywords: Ethiopia, IDPs, Kampala Convention, Institutional Frameworks, Human Rights Protection

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1. Introduction

Internal displacement is one wave of forced migration that individuals are displaced from their place of origin and become refugee within the territory of their own country.¹ Every year, millions of people are forced to leave their homes because of conflict, violence, developmental projects, and climate change.² Some 71.1 million people were living in internal displacement as of the end of 2022 which is a sharp increase compared with 2021 and mostly the displacement has been caused by conflict, violence, and disasters.³ These numbers are not mere data; rather they tell about the suffering of human life and the disparate situation of the internally displaced persons.

The problem worsens in the global south and displacement of individuals has become a defining characteristic of sub-Saharan Africa.⁴ Natural disasters, conflict, and human rights abuses are the main triggering factors of displacement.⁵ However, conflict and violence become the most triggering factors of displacement.

Internal displacement is one of the challenges Ethiopia has faced at different times and remains pervasive throughout the country's history. Natural disasters, conflicts and developmental projects are the frequent causes of displacement in the country.⁶ However, since 2017 conflicts have become the main driver of displacement and the country has witnessed the displacement of millions of IDPs within its territory. In Ethiopia, as of March 2022, an estimated 5,582,000 persons were displaced within the country due to armed conflict and natural disasters.⁷

¹ Internal Displacement Monitoring Center, Internal Displacement, retrieved on 3/27, 2023, available at [Internal displacement | IDMC \(internal-displacement.org\)](https://www.internal-displacement.org/)

² Internal Displacement Monitoring Center, Retrieved on 9/3/2019, available at <http://www.internal-displacement.org/internal-displacement/history-of-internal-displacement>

³ Internal Displacement Monitoring Center retrieved on 5/23/2023 available at https://www.internal-displacement.org/sites/default/files/publications/documents/IDMC_GRID_2023_Global_Report_on_Internal_Displacement_LR.pdf

⁴ Crisp, J. (2010), Forced displacement in Africa: Dimensions, difficulties, and policy directions. *Refugee Survey Quarterly*, 29(3),

⁵ Mehari Taddele Maru, Causes, Dynamics, and Consequences of Internal Displacement in Ethiopia, working paper, May 2017, p. 16

⁶ Ibid

⁷ Relief web, Response to Internal Displacement in Ethiopia Fact Sheet - January to March 2022, retrieved on 5/23/2023, available at <https://reliefweb.int/report/ethiopia/response-internal-displacement-ethiopia-fact-sheet-january-march-2022>

IDPs are individuals of a country and the state has a primary obligation to ensure and protect their human rights.⁸ In doing this the state should have a strong institutional structure. Particularly, in cases of conflict-induced internal displacement, the IDPs become susceptible to different types of human rights violations and are forced to live in dire conditions. During the three phases (before, during, and after) of the displacement, numerous protection concerns are encountered by the IDPs, and the plights of the IDPs become severe mainly before and during the displacement. During these stages, displaced persons lack protection and have become vulnerable to different types of human rights violations. This includes violence, intimidation, killings, looting, property destruction, house burning, and other violations that would force them to flee from their homes.⁹ Thus, the state has the primary obligation to respond to and address the plights of the IDPs based on the available institutional structures.

Therefore, this research has employed a qualitative research methodology and attempted to critically examine and addressed to what extent the Ethiopian federal and regional government's institutional arrangements are adequate and coordinated for conflict-induced IDPs in the country. It also inquired the responses, coordination approaches, gaps, and challenges in protecting the rights of conflict-induced IDPs in the country.

2. A Nutshell on the Development of International Institutional Frameworks

It was in the early 1990s that internal displacement became one of the international agenda and was recognized as an important issue of global concern.¹⁰ At this juncture, internal displacement was a subject with neither a clear definition nor normative and institutional frameworks that demands a guide for effective responses of states and international humanitarian actors.

It was the preparation of the Guiding Principles on Internal Displacement that prompted the international community to think about the need for an institutional structure and different ways

⁸ Africa Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009), Uganda, Kampala, article 3, 4 and 5

⁹ United Nations General Assembly. (2018), '*Report of the special rapporteur on the human rights of internally displaced persons*', retrieved 11/20/2019 available at <https://reliefweb.int/sites/reliefweb.int/files/resources/G1810255.pdf>, p. 8

¹⁰ Internal Displacement Monitoring Center, An Institutional History of Internal Displacement, retrieved on 6/13/2022 available at, [An institutional history of internal displacement | IDMC \(internal-displacement.org\)](https://www.internal-displacement.org/)

of arrangement.¹¹ In 1992, the newly appointed representative¹² for IDPs was assigned a task to study the existing legal and institutional frameworks and to provide possible recommendations to address the gaps in the protection and responses of IDPs.¹³ The representative examined the existing laws, and institutional structures, and suggested three alternatives to the institutional arrangements for dealing with problems related to IDPs.

The establishment of a new organization was the first option though not realized because of political and financial constraints.¹⁴ Politically, states have the primary responsibility to safeguard their citizens and the issue of sovereignty becomes the subject of contestation. In addition, international organizations have a secondary role in supporting the states' responsibility and the establishment of a new organization is assumed to be a challenge for the state sovereignty. Besides, the increasing number of IDPs assumed to demand huge resources, and this was inconceivable and financially challenging.¹⁵

The second suggestion was the assignation of the responsibility of IDPs to an existing UN agency.¹⁶ The United Nations High Commissioner for Refugees (UNHCR) was the potential and suggested agency to take up the responsibility to protect the displaced individuals.¹⁷ The UNHCR has experiences with the responses of refugees, and IDPs also encounter similar challenges as the refugees are sheltering within the territory of the state. However, because of the large number of IDPs around the globe which has doubled the number of refugees, it was argued that the organization would lack the institutional capacity to provide assistance and protection to IDPs.¹⁸

The development of a collaborative approach among different relevant agencies coordinated by a central mechanism was the third and most feasible option which was approved and agreed to be

¹¹ Ibid

¹² In 1992, in response to the growing international concern about the large number of internally displaced persons throughout the world and their need for assistance and protection, the Commission on Human Rights through resolution 1992/73 requested the United Nations Secretary-General to appoint a representative on internally displaced persons and Francis M. Deng was appointed.

¹³ Elizabeth Ferris and Sarah Deardorff Miller, Institutional Architecture: Does the International System Support Solutions to Internal Displacement? Research Briefing Paper
UN Secretary-General's High-Level Panel on Internal Displacement August 2020

¹⁴ Brun, Research guide on internal displacement, retrieved on 6/13/2022, available at [Possible topics and framework for a research guide on internal displacement \(mnstate.edu\)](https://journals.hu.edu.et/hu-journals/index.php/hujl) p.8

¹⁵ Ibid

¹⁶ Ibid

¹⁷ Supra note 13

¹⁸ Supra note 14

applied.¹⁹ To this effect, the Inter-Agency Standing Committee for Internal Displacement was established and in 1997 an Emergency Relief Coordinator was appointed as the focal point to take responsibility for coordinating the UN agencies on issues related to internal displacement.²⁰ Accordingly, all of the UN agencies are supposed to work jointly coordinated by the UN Emergency Relief Coordinator (ERC) at headquarters and the Resident/Humanitarian Coordinators (HR/RC) in the field and are expected to address the needs of the internally displaced.²¹

The Collaborative Approach worked from 1999 to 2005 and did not go further. It faced with different challenges and was not very successful in assisting the IDPs. The response was conducted in a dispersed manner and the approach resulted in no accountability mechanisms for IDPs.²² The coordinator and the authority many times lacked coordination and led the agencies to have effective responses to IDPs. This is because there were inconsistencies in the management of forced migrants including internal displacement, overlapping of mandates, and absence of organizations that had an explicit mandate to assist or protect IDPs, are the major challenges faced by the Collaborative Approach.²³

Thus, in 2005, the Inter-Agency Steering Committee (IASC) decided to establish a new system based on clusters that were intended to cover the gaps in the Collaborative Approach and to have effective assistance and protection.²⁴ However, still, the main challenge is lack of international institutional responsibility and there is no single UN agency that has a specific mandate to work on IDPs. Hence, many UN agencies are working and giving responses to IDPs without compromising their core mandates and this has challenged the IDP's response process and protection concern. Similar to the situation in the international arena, there has not been any specialized institutional mechanism for the protection and assistance of IDPs in Africa. However,

¹⁹ Ibid

²⁰ Dennis McNamara, 2006, Humanitarian reform and new institutional responses, Putting IDPs on the map: achievements and challenges in commemoration of the work of Roberta Cohen, Forced migration review special issues, P.9

²¹ Ibid

²² Supra note 4, P. 9

²³ Ibid

²⁴ Elizabeth Ferris and Sarah Deardorff Miller, 2020, Institutional Architecture Does the International System Support Solutions to Internal Displacement, Research Briefing Paper UN Secretary-General's High-Level Panel on Internal Displacement, P.2

institutions within the frameworks of refugee protection and human rights have taken some steps and developments to address it in a fragmented and tentative manner.²⁵

Article 8 of the Kampala Convention also imposed an obligation to the Africa Union to work in cooperation and share information on issues of internal displacement with the African Commission on Human and People's Rights and the Special Rapporteur of the African Commission on Human and People's Rights for refugee, returnees, IDPs and Asylum seekers.²⁶ Nonetheless, the issue lacks global attention. Even though Africa has a binding convention, the gaps at the international level become a challenge at the regional level too.

3. Synopsis of National Institutional Mechanisms

The state has the primary responsibility of maintaining law and order and ensuring full and equal access to justice for everyone within its jurisdiction.²⁷ This includes ensuring that all institutions and agents of the State: the executive, legislative, and judiciary have a responsibility to respect and protect the human rights of all individuals including the IDPs. To this effect, states are required to take all appropriate legislative, administrative, and other activities to prevent violations of rights, investigate violations effectively and prosecute or take the necessary measures against those allegedly responsible for such violations.²⁸

The Guiding Principles on Internal Displacement and the Kampala Convention emphasize that the primary responsibility of protecting and assisting IDPs is shouldered within the national governments.²⁹ These documents and other international human rights instruments imposed an obligation on states to ensure that IDPs can benefit from effective, appropriate, and sustainable protection and assistance. The international community also has a responsibility to support the national government to build its capacity to prevent, protect and respond to situations of internal displacement and to assist them in early recovery efforts following humanitarian crises. In doing

²⁵ Abebe, Allehone M. (2017), *The emerging law of forced displacement in Africa development and implementation of the Kampala Convention on internal displacement*, Routledge,

²⁶ See Article 8 of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), 2009

²⁷ The Brookings Institution-University of Bern Project on Internal Displacement, 2005, Addressing internal displacement a framework for national responsibility, retrieved on 18/3/2022 available at [Framework_fin.qxp \(internal-displacement.org\)](https://www.brookings.edu/wp-content/uploads/2005/06/IDP-Framework-Fin.pdf),

²⁸ Ibid

²⁹ See Article 5 of the Kampala Convention and Principle 3 of the Guiding Principles on Internal Displacement

this the international framework for national responsibility which is prepared by the Inter-Agency Standing Committee (IASC) is a key document, which sets out 12 steps for governments to take action to ensure IDP's protection and assistance.³⁰ This framework asserts that each branch of the government has the responsibility to protect and participate in the response process.

The executive authorities of the government have the primary responsibility for directing all protection and assistance activities toward the IDPs. It is the executive branch that has the main responsibility and the overall governance of the state. This responsibility mainly involves preventing conditions that lead to internal displacement, protecting citizens and habitual residents of the country against arbitrary displacement, mitigating the adverse effects of displacement, and working on durable solutions.³¹ The executive also has a responsibility to designate a national focal point or the lead agency for internal displacement and allocate specific tasks to the national and local government institutions and different government departments.³² It is the responsibility of national executive authorities to mobilize and allocate sufficient resources to address the needs of IDPs and to ensure that government staff and policymakers are adequately trained on the rights of IDPs and the government's responsibility.³³

On the other hand, the legislative authority is responsible for reviewing and adopting legislation, approving the budget, and generally overseeing the government's response to internal displacement.³⁴ The judicial authorities also have a responsibility to ensure that domestic, regional, and international laws relating to IDPs are properly applied and those responsible for violating these laws are brought to justice.³⁵

Furthermore, the national human rights institutions and CSOs have a responsibility to work with the government and other humanitarian partners in addressing the needs of IDPs. These institutions will participate in different aspects like monitoring, investigation, and advocacy and would support the government response process and protect the rights of IDPs.

³⁰ The Brookings Institution-University of Bern Project on Internal Displacement Addressing Internal Displacement: A Framework for National Responsibility, 2005

³¹ Erin Mooney, National responsibility and internal displacement: a framework for action, retrieved on 3/28/2023 available at [FMR 23 Supplement mc bw.indd \(fmreview.org\)](https://www.fmreview.org/FMR23/Supplement/mc/bw.indd)

³² Supra note 30

³³ Ibid

³⁴ Global Protection Cluster Working Groups, 2006, Hand-Book for the Protection of Internal Displacement, P. 68

³⁵ Ibid

Designating a national institutional focal point on internal displacement is essential to have comprehensive responses and to facilitate coordination within the government and between local and international partners. Also there are different designations of institutional structures and options for the protection and responses of IDPs.

In some countries, responsibility of the internally displaced people is added to the mandate of an existing executive government agency, such as the government body charged with refugee issues or the Department of social welfare.³⁶ In other countries, a separate body is designated to focus exclusively on IDPs or a government committee, a working group is established that regularly brings together officials from the relevant ministries to jointly discuss IDP needs, facilitate coordination with the international community, and develop strategies for ensuring effective response.³⁷

However, whichever institutional option is selected, the institution must have a mandate for both protection and assistance. Besides, its staff should be trained and be aware of IDPs related laws including the Guiding Principles and the Kampala Convention.³⁸

4. The Federal Government Institutional Arrangement and Responses

In the Ethiopian federal state structure, both the federal and state governments have considerable legislative, executive, and judiciary power.³⁹ The 1995 Federal Democratic Republic of Ethiopia Constitution (FDRE constitution) specifies the power of the federal government and left out the undesignated power to the regional governments.⁴⁰

Ethiopia seems it has preferred and adopted the establishment of a single institution the National Disaster Risk Management Commission that is responsible for the protection and responses of IDPs. Nonetheless, this institution mainly focuses on assistance rather than the protection of IDPs. Thus, other national institutions are supporting the protection and response process towards internal displacement and conflict-induced IDPs in the country. The following are the main institutions primarily responsible for the needs of IDPs in the country.

³⁶ Ibid

³⁷ Ibid

³⁸ Ibid

³⁹ Article 50 (2) of the 1995 FDRE Constitution

⁴⁰ Ibid Articles 51 and 52

4.1. Ethiopian Disaster Risk Management Commission

The first formal government disaster management institute was established in 1974 and is known as Disaster Relief and Rehabilitation Commission (DRR) which was mandated to provide relief assistance to internal displacement.⁴¹ At that time, Ethiopia had a unitary state structure and this national institution was responsible to give protection and assistance to internal displacement at the national level. However, as the name indicates the response of the commission focused on relief and rehabilitation and was limited to prevention, mitigation, and responses to natural disasters displacement. Particularly, the commission was established for responses to natural disaster displacement and it was futile to conflict-induced internal displacement.

In 1993, the government enacted the first National Policy Directives on Disaster Prevention and Management (NPDPM) and in 1995, the National Disaster Preparedness and Prevention Commission (DPPC) has established. This institution has a mandate for relief supplies and disaster prevention by linking relief to development.⁴²

The FDRE Constitution also imposes an obligation to the government to take necessary measures to avert any natural or man-made disasters and to provide timely assistance to the victims.⁴³ In this regard, the NDRMC was established as an autonomous federal government office having the prime responsibility to protect and respond to the needs of IDPs.

This institution has gone through different institutional structures and in 2004 it was named Disaster Prevention and Preparedness Authority (DPPA) focusing on emergency responses and practically relief oriented.⁴⁴ In 2009, following the Business Process Re-engineering (BPR) study, which was conducted by the Ministry of Agriculture and Rural Development (MoARD), the Disaster Risk Management and Food Security Sector (DRMFSS) was established. The DRMFSS, which consists of the Early Warning and Response Directorate (EWRD) and the Food Security

⁴¹ The Relief and Rehabilitation Commission was established in June 1974 following the outbreak of famine in the two northern provinces of Ethiopia Wollo and Tigray. It was given the mission of preventing disasters by tackling their root causes - Prevention, building in advance the capacity necessary to reduce the impact of disasters - Preparedness, ensuring the timely arrival of necessary assistance to victims of disasters, and working on emergency response.

⁴² Proclamation no. 10/1995 a Proclamation to provide for the establishment of the disaster prevention and Preparedness Commission

⁴³ Article 89 of the 1995 FDRE Constitution

⁴⁴ Proclamation No. 383/2004, Disaster Prevention and Preparedness Commission Establishment /Amendment Proclamation

Programme Directorate, is responsible for the overall coordination and leadership towards the implementation of the Disaster Risk Management (DRM) approach.⁴⁵ In 2015, the sector was changed to National Disaster Risk Management Commission and mandated full DRM pillars including prevention, mitigation, preparedness, responses, recovery, and rehabilitation under the supervision of the Prime Minister.⁴⁶

However, practically, the Commission focuses on response, recovery, and rehabilitation activities.⁴⁷ It hardly works on prevention and mitigation and gives less attention to conflict-related internal displacement. The commission has the responsibility to coordinate, follow up and evaluate disaster risk reduction, disaster response, and rehabilitation programs for disaster victims.⁴⁸ In addition to this, following the official declaration of a disaster, it is empowered to mobilize resources from domestic and international sources: to utilize secured resources for emergency responses such as during and after displacement.⁴⁹ It also establishes national and local structures of internal displacement governance, ranging from the Federal to District level. During and after displacement, the Commission was empowered to assist IDPs by mobilizing resources from domestic and international sources and utilizing secured resources such as food and non-food items.⁵⁰

The Commission is empowered to collect data related to IDPs by leading and coordinating the development as well as revision of displacement risk profiles.⁵¹ It also serves as a national information center for displacement risk management and provides support for similar repositories at the regional level. The commission in cooperation with the International Organization for Migration Displacement Tracking Matrix collects displacement-related data and releases the report to the international community and demands to participate in the response process.

⁴⁵ Ibid

⁴⁶ Regulation No. 363/2015, National Disaster Risk Management Commission Establishment Council of Ministers Regulation

⁴⁷ Interview conducted with a member of the National Disaster Risk Management Commission, February 21, 2021, Addis Ababa.

⁴⁸ Proclamation No. 383/2004, Disaster Prevention and Preparedness Commission Establishment /Amendment Proclamation

⁴⁹ Ibid Article 6

⁵⁰ Ibid

⁵¹ Ibid

Generally, the Commission undertakes and coordinates all types of studies and assessments that are conducted at the national level in different stages of displacement. Because of such functions, despite the roles of other institutions within the nation, the Commission plays the primary and pivotal role in the responses to IDPs.

In 2018, the commission was restructured under the Ministry of Peace⁵² and again in 2021, it came under the Prime Minister and was renamed as Ethiopian Disaster Risk Management Commission.⁵³ However, there is no change in the organizational structure. The early warning and emergency responses directorate and the disaster risk reduction and rehabilitation directorate are the fronts in the responses to internal displacement. There is also a partner cooperation and resources mobilization directorate that is responsible to coordinate the international and national actors in the responses to internal displacement.

Practically, the NDMC along with its Regional, Zonal as well as District centers has provided different humanitarian assistance for IDPs in the nation.⁵⁴ However, the commission worked retroactively and the early warning and emergency response directorate of the commission was mainly focused on natural disaster displacement rather than addressing the plights of conflict-induced IDPs.

In Ethiopia, conflict-induced internal displacement mostly occurred because of ethnic or territorial conflict and the issue becomes politicized. This has affected the response process and sometimes the intervention needed a political decision. There is a Disaster Risk Management Council composed of different ministries and is led by the Deputy Prime Minister that would intervene and give directions when mass displacement occurs. This council has bi-annual meetings and evaluates the works of the NDRMC. For instance, following the 2018 huge conflict-induced internal displacement as a result of the Gedeo-Guji and Oromo-Somali ethnic and territorial conflicts and the 2020 northern Ethiopia conflict, the council organized a ministerial task force and attempted

⁵² Proclamation No.1097-2018 is a Proclamation to provide for the Definition of the Powers and Duties of the Executive Organs

⁵³ Proclamation No. 1263/2021 Definition of Powers and Duties of the Executive Organs Proclamation

⁵⁴ The Commission has provided different assistance composed of food and non-food items like fifteen kilograms of wheat per month for each individual and 0.45-liter oil, supplementary food for children, clothes, soap, sanitary pads, plastic shelters, blankets, bed sheets as well as different household equipment for IDPs locating at the different part of the country.

to address the plight of the IDPs. However, the response lacked coordination and mostly focused on a forced and premature return process that tradeoffs the human rights of the IDPs.⁵⁵

4.2. The Ministry of Peace

The Ministry of Peace was recently established in 2020, and is one part of the executive organ of the government. The ministry is composed of different directorates and agencies that work on peace and security in general. It has the responsibility to collaborate with the relevant Regional Organs and facilitate the provision of proper protection of citizens as well as identifying factors that serve as causes of conflict.⁵⁶ The ministry has the mandate to participate in pre-emptive protection mechanisms and prevent any form of internal displacement by giving training and raising the awareness of the public regarding the positive and negative aspects of displacement as well as the rights and duties of every individual within the country.⁵⁷ Furthermore, it has the responsibility to protect individuals from arbitrary displacement, to create a sense of equality among the citizens of the nation, and to protect them from any form of discrimination. It also has to manage the appropriate preparations for natural and man-made disasters to facilitate the resolution of disputes.⁵⁸

Within the Ministry of Peace, there is an Early Warning and Recovery Desk that is responsible to assess and respond to precipitating conflicts.⁵⁹ This desk mainly focused on conflict-induced internal displacement and attempted to address the causes of the conflict and work on reconciliation and peace process in collaboration with other desks.⁶⁰ Though it was a newly established institution, the Ministry of Peace practically undertook different tasks. It visited IDPs and discussed the issues of effective response and protection with relevant government and

⁵⁵ The Guardian, (2019), *Go and we die, stay and we starve*; the Ethiopians facing a deadly dilemma. Retrieved 10/2/2019 from <https://www.theguardian.com/global-development/2019/may/15/go-and-we-die-stay-and-we-starve-the-ethiopians-facing-a-deadly-dilemma>

⁵⁶ See Articles 9 and 13, Proclamation No.1097-2018 a Proclamation to provide for the Definition of the Powers and Duties of the Executive Organs

⁵⁷ Ibid

⁵⁸ Ibid

⁵⁹ Interview conducted with a member of the Early Warning Directorate at the Ministry of Peace, February 17, 2021, Addis Ababa.

⁶⁰ In the Ministry of Peace Organogram, there is a conflict governance main executive branch that has three desks Early warning and recovery, Conflict research and analysis, and Conflict follow-up. However, these desks are not well structured at regional levels and on the other hand, most of the conflicts have happened at the regional level.

international organizations. It led and coordinated the provision of humanitarian assistance through the NDRMC.⁶¹

Thus, the Ministry of Peace is the principal institution within the nation regarding the protection of the rights and freedoms of IDPs with a broad mission of bringing peace and stability across the nation by collaborating with the regional and federal governments as well as other concerned organizations.

Nonetheless, the ministry became negligent to address and prevent the recurrently occurring conflict-induced internal displacement in the country. The task of the NDRMC was also limited to the responses to the humanitarian needs of the IDPs rather than protections. This has challenged the coordination and response process. There is no clear jurisdiction between the works of the Early Warning Desk of the Ministry of Peace and the Early Warning and Emergency Responses Directorate of the Commission.⁶² This has created a conflict of interest between the NDRMC and the Ministry of Peace.

In 2021, the government restructured the Council of Ministers and the National Disaster Risk Management Commission becomes out of the Ministry of Peace and made to be directly responsible to the Prime Minister and renamed as Ethiopian Disaster Risk Management Commission.⁶³ Hence, the Ministry of Peace restructured with new arrangements though it has the power to work on identifying causes of conflicts among local communities that would probably force them into displacement.⁶⁴ The task of the Ministry mainly revolved around conflict prevention and reconciliation. It has also a responsibility to protect and addresses the needs of conflict-induced internally displaced persons in the country. Accordingly, it has enacted the National Durable Solution Initiative for all types of displacement and has also a mandate to domesticate the Kampala Convention. However, the split out of the NDRMC from the ministry has raised the concern of jurisdiction and challenged the domestication processes of the Kampala Convention, and also greatly affect the full implementation of the National Durable Solution Initiative. Besides, the Ministry of Peace is challenged to work on protection, and its task mainly relied upon reconciliation and peace-building in which after a huge number of internal displacements occurred in the country.

⁶¹ Ibid

⁶² Ibid

⁶³ Proclamation No. 1263/2021 Definition of Powers and Duties of the Executive Organs Proclamation

⁶⁴ Ibid

On the other hand, the NDRMC has the mandate to protect and respond to conflict-induced internal displacement however, it is hardly engaged in the protection and responses to conflict-induced internal displacement. The tasks of the commission traditionally resembled responses than protection and were dominated by natural disaster displacement giving rare attention to conflict-induced and developmental-induced internal displacements.

These have implied that the works of these institutions are mainly dominated by reactive responses than prevention and mitigation. As a result, conflict-induced internal displacement increased from time to time and recurrent challenge in the country. Furthermore, the responses of these institutions are limited to humanitarian assistance, and the human rights protection of the IDPs is compromised.

Hence, understanding such gaps, recently, based on the recommendations of the Ethiopian Human Rights Commission and OHCHR⁶⁵, the government has established Inter-Ministerial Task Force to oversee redressed and accountability measures in response to conflict-induced internal displacement and to give responses for the human rights violations committed in the northern part of Ethiopia.⁶⁶ The task force set up four committees namely investigation and prosecution, refugees and IDP affairs, sexual and gender-based violence, and resource mobilization committees, and commenced its task. The human rights protection of IDPs and durable solutions are the primary concern of the task force. However, the task force did not fully commence its activities and it will be a premature judgment to examine it.

4.3. The National Human Rights Institutions

The other organizations that are responsible for the protection and responses to IDPs related matters are the National Human Rights Institutions. National Human Rights Institutions (NHRIs) may take the form of Human Rights Commissions, Ombudsmen, or specialized national institutions that are assigned to protect a specific group at risk.⁶⁷ These bodies have received their

⁶⁵ The joint investigation team of the UN Human Rights Office and the Ethiopian Human Rights Commission (EHRC) investigated the alleged violations of human rights, humanitarian and refugee law committed by all parties to the conflict in Tigray and released the reports on November 2021. One of the recommendations was the establishment of a ministerial-task force to give responses for the human rights violation of internally displaced persons that occurred during the conflict.

⁶⁶ Ethiopian News Agency [Gov't Establishes Inter-Ministerial Task Force to Oversee Human Rights Violations in Northern Ethiopia | Ethiopian News Agency \(ena.et\)](https://www.ena.et/)

⁶⁷ Elizabeth Ferris and Sarah Deardorff Miller, 2020, Institutional Architecture Does the International System Support Solutions to Internal Displacement, Research Briefing Paper UN Secretary-General's High-Level Panel on Internal Displacement, P.2

mandate and power from governmental authorities; however, they are also expected to be independent.⁶⁸

These institutions have a broader mandate based on universal human rights standards to both promote and protect all human rights at the national level they must be provided adequate resources by the State to let them serve as a bridge between civil society and the government.⁶⁹ The unique position of NHRIs gives them credibility and access to information not often available to government officials or NGOs.⁷⁰ As national institutions, they have a good understanding of the country, and the social and political environments within which they operate, and are key national actors.⁷¹ Depending on their mandates, NHRIs can play several roles in the protection of IDPs. They have the responsibility to monitor, conduct inquiries on serious human rights violations, follow up on early warning of displacement, create awareness, and advocate for better human rights protection of IDPs.⁷²

In Ethiopia, after Prime Minister Dr. Abiy Ahmed took power, the reshuffle of the Ethiopian Human Rights Commission was one part of the reform. The Commission restructured thematically with one commissioner, deputy commissioner, and three commissioners mandated on issues of Civil, political, and socio-economic rights, women and children rights and disability rights, and the rights of older persons. The issue of internal displacement becomes one of the basic concerns of the Commission and a new directorate has been established and mandated to work on issues of refugee, internally displaced persons, and migrants' rights.

Thus, the Commission conducted different human rights monitoring activities and investigated the alleged human rights violation of IDPs. The Commission also created awareness of the rights of IDPs. It advised the government to ratify the Kampala Convention and advocate for the domestication process.⁷³ It is also working on a durable solution for IDPs and conducting different consultative workshops with stakeholders, government organizations, and humanitarian partners.

⁶⁸ Ibid

⁶⁹ Ibid

⁷⁰ Global Protection Cluster Working Groups, Handbook on the protection of Internally displaced persons, available at [Handbook for the Protection of Internally Displaced Persons \(internal-displacement.org\)](https://www.internal-displacement.org/publications/handbook-on-the-protection-of-internally-displaced-persons) p. 71

⁷¹ Ibid

⁷² Supra note 67

⁷³ Interview conducted with a staff of the Ethiopian Human Rights Commission Refugee, returnee, and IDP Directorate on February 21, 2022, in Addis Ababa.

It is also currently working with other partners on the issues of restorative justice and reconciliation.

However, the commission was negligent and rarely worked on identifying signals and early warning of displacement. It focused on retroactively after conflict-induced internal displacements have occurred. These were evident in the case of Gedeo-Guji and Oromo-Somali conflict-induced internal displacement. The commission released a press statement and conducted monitoring activities after the conflict happened and a huge number of IDPs were displaced.

However, after a new structure has been established, the Commission has aggressively worked on early warning, monitoring, and investigation independently as well as jointly with international organizations. It is also engaged in the preparation of different consultative workshops to enhance the assistance and human rights protection of IDPs in the country. Furthermore, it is currently participating in the domestication processes of the Kampala Convention and advocating for the better protection of IDPs in the country and issues of a durable solution.⁷⁴

States have the primary obligation to protect human rights, however; international human rights instruments would allow individuals to form Non-Governmental Organizations /NGOs/ and Charitable Societies and Organizations /CSO/s to work on the promotion and protection of human rights. The role of civil society in the protection and promotion of the human rights of IDPs is indispensable. Particularly, in developing countries like Ethiopia civil societies are expected to have a great role. Accordingly, the new Organizations of Civil Societies Proclamation No. 1113/2019 came up with a broad range of mandates for national and international CSOs to work on the promotion and protection of human rights.

However, the work of these CSOs remains limited in terms of addressing the growing number and plights of IDPs. Most of the CSOs are negligent to work on the human rights and protection of IDPs.

The Ethiopian Human Rights Council is a Non-Governmental Organization that extensively works on the realization, protection, and promotion of human rights in Ethiopia. Since its establishment in 1991, the Council was remaining the only human rights monitoring and reporting NGO in the

⁷⁴ Ibid

country. The council has extensive experience and a good reputation in its human rights monitoring and reporting activities.⁷⁵

However, in terms of conflict-induced internal displacement, the task of the Ethiopian Human Rights Council is limited and mainly focuses on reactive activity. The council did not go further than releasing statements and conducting research on the dared condition of conflict-induced IDPs in the country. The council did not have an active presence in conflict-induced IDP areas and was limited in closely working with government organizations and humanitarian partners. It is mostly releasing a press statement at the Addis Ababa level and lacks an active regional presence in different parts of the country.

Furthermore, CSOs like CEHRO (Consortium of Ethiopian Human Rights Organizations) have been extensively lobbying and pushing the government to ratify the domestication of the Kampala Convention. However, their tasks need to be consistent and should address the real challenges of IDPs.

4.4. The Legislative Body and IDPs

The legislative branch of the government is the responsible organ to enact different internal displacement-related laws and check out the work of other branches of the government. The legislative authority (national parliament), is responsible for reviewing and adopting legislation, approving a budget, and overseeing the government's response to internal displacement in general.⁷⁶

There is a gap in the international normative frameworks, and the enactment of national legislation is an essential cure for better protection and assistance of IDPs.⁷⁷ In this regard, the national parliaments play a crucial role in protecting internally displaced citizens through legislative action. The legislator also has a responsibility to lobby the government (or executive) to sign the relevant treaties and incorporate the standards into a specific IDP law.⁷⁸ The development of a national IDP

⁷⁵ Interview conducted with a staff of the Ethiopian Human Rights Council on February 2022, in Addis Ababa.

⁷⁶ Global Protection Cluster Working Groups, Handbook on the protection of Internally displaced persons, retrieved on 6/8/2022 available at [Handbook for the Protection of Internally Displaced Persons \(internal-displacement.org\)](https://www.internal-displacement.org/publications/handbook-for-the-protection-of-internally-displaced-persons) P. 69

⁷⁷ Handbook for Parliamentarians No 20 – 2013, Internal Displacement: Responsibility and Action

⁷⁸ Ibid

law should therefore be a national priority. It can ensure not only that IDPs are better protected and assisted, but also that the country complies with its international obligations to provide such protection and assistance.⁷⁹

In Ethiopia, the House of People's Representatives is the national legislative body and is responsible to enact different national laws. Nonetheless, until now there are no IDP-specific laws that are enacted by the House. It is after a decade that the house has approved the ratification of the Kampala Convention and which has not been domesticated yet. There is a Legal and Justice Committee in the House; however, its work was limited to visiting the IDP sites and it did not advise the House for the enactment of IDP-related legislation. Besides, the issue of conflict-induced internal displacement is politicized and lacks legislative attention by the House. On top of this, the HPRs failed to examine the executive responses toward conflict-induced IDPs in the country and to enact proper normative frameworks.⁸⁰ It also became negligent to question the work of the executive organ on the responses and protection of conflict-induced IDPs in the country. The House of Federation and the House of People Representatives have allocated a budget for the National Disaster Risk Management to address the issue of internal displacement. However, there is a challenge on the institutional responsibility towards conflict-induced IDPs and they are living in dared conditions. Particularly there is a challenge in realizing durable solutions for conflict-induced IDPs. Hence, in most cases, the task of the House mainly focused on retroactively rather than identifying and minimizing the root causes of conflict-induced internal displacement in the country and enacting legislation.

4.5. Mandates and role of the Judiciary branch and IDPs

The judiciary has a great role in the protection and adjudication of conflict-induced internal displacement cases. Access to justice is a basic right as well as a key means of defending other human rights and ensuring accountability for crimes, violence, and abuse. Justice plays an important role in combating impunity, ending discrimination and poverty, and paving the way for peace and national reconciliation.⁸¹ Efforts to strengthen the rule of law and ensure full and equal

⁷⁹ Ibid

⁸⁰ Interview conducted with a member of the legal drafting and disseminating directorate at the Ministry of Justice, February 2021, Addis Ababa

⁸¹ Global Protection Cluster Working Groups, Handbook on the protection of Internally displaced persons, retrieved 19/2/2022 available at [Handbook for the Protection of Internally Displaced Persons \(internal-displacement.org\)](https://www.internal-displacement.org/handbook-for-the-protection-of-internally-displaced-persons) p. 71

access to justice for all, including internally displaced persons (IDPs) should form part of the humanitarian response from the outset of an emergency.⁸² In most cases, IDPs encounter challenges in accessing justice because of their displacement situations. Beyond the humanitarian response, strengthening the rule of law and promoting access to justice should be planned as early as possible.⁸³

The ability to access justice is essential to combat impunity and prevent and respond to protection risks and concerns.⁸⁴ IDPs and other affected populations, however, often lack or have limited access to justice owing to several factors.

First, armed conflict, generalized violence, and collapse of institutions and infrastructure frequently resulted in a breakdown in the rule of law and access to justice.⁸⁵ In some cases, the functioning justice system remained out of reach for displaced individuals and communities owing to discrimination, marginalization, and poverty.⁸⁶ Having fled their homes and lost their livelihoods as well as the protective presence of their families and communities, IDPs found themselves at an increased risk of violence, exploitation, and abuse at the same time their access to justice and other remedies was curtailed because of the displacement.⁸⁷

Second: the lack of clarity of legislation in terms of prosecuting persons involved in creating the IDP situation is a challenge in the prosecution and adjudication processes. The Kampala Convention specified that states have a responsibility to ensure individuals' responsibility for acts of arbitrary displacement. The state should criminalize arbitrary internal displacement and make accountable those who have participated and violated the human right of the IDPs. In doing this, the state may use domestic laws or international criminal laws.

In Ethiopia, there is no specific provision of the code that deals with internal displacement and conflict-induced internal displacement in particular. Rather, all provisions of the criminal code are applied to crimes committed on conflict-induced IDPs like ordinary citizens of the country. Besides, the criminal code provisions that deal with genocide and war crimes against civilians have

⁸² Ibid

⁸³ Ibid

⁸⁴ Ibid

⁸⁵ Ibid

⁸⁶ Ibid

⁸⁷ Ibid

direct applicability to crimes committed against conflict-induced IDPs. However, Ethiopian criminal law lacks deficiency and there is no clear provision that prohibits arbitrary displacement or makes individuals responsible for their violations. This has affected the effectiveness of investigations and prosecution of persons involved in displacement-linked crimes, and complicated vindications availed to IDPs themselves;

The judiciary in Ethiopia has a slight role in the protection of internally displaced persons. Until now there are no issues that are brought before a court of law and serve as a landmark case. Besides, the gap in the normative frameworks and institutional structure affects the judiciary in the protection of conflict-induced IDPs in the country and the lack of clear criminal provision also exacerbates the situation. As a result, there is the question of accountability and in most cases, conflict-induced internal displacement ended with reconciliation and the perpetrator failed to be accountable. The response process is mostly dominated by political decisions and the issue of accountability becomes neglected. This is evident from the recurrently happened conflict-induced internal displacement in different parts of the country like Oromia, Somali, Benshangul Gumuz, and the recent conflict in the northern part of the country; Tigray, Amhara, and Afar.

Thus, all of these institutional responses were disorganized and seemed to have failed to address the root causes of the displacement, because of gaps in the normative and institutional frameworks, the response processes were mostly sporadic, it also focuses on retroactively and politically dominated.

This has made the displacement situation to continue in different parts of the country. Particularly, for the last few decades, Ethiopia was hampered by natural disaster displacement mostly caused by drought. These days, conflict becomes the main driver of displacement and the displacement situation has remained vicious in the country.

4.6. The Regional Governments Institutional Structure and Responses

Regional and local governmental authorities have closer contact with IDPs sheltering in their region than the central government and they are in a better position to understand the problems they face.⁸⁸ In most cases, national policy decisions are made at the central level and the

⁸⁸ Supra note 81, p. 69

involvement of local government authorities is essential for the implementation and coordination of protection and assistance activities on the ground.⁸⁹ The local administration also plays a critical role in allowing access to IDPs and other civilian populations at risk. Moreover, in decentralized States, or where national authorities lack sufficient capacity, provincial, regional, or local government authorities may be the main interlocutor for humanitarian agencies.⁹⁰

In the Ethiopian federal state structure, there is a National Disaster Risk Management Commission that is responsible for the protection and responses to internal displacement in the country. At the local level, each regional government has its Disaster Risk Management Office/Bureau/ Agency and/or Authority. Some of the offices are responsible for the regional presidents while others are under the regional Agriculture Bureau.⁹¹

For instance, in the Somali regional state, the disaster risk management bureau is under the structure of the president, and the structure is extended to the district level.⁹² The Somali region has experience in IDP management, particularly in disaster-induced displacement. The region is the only and the first one that has enacted a regional durable solution strategy in 2017 and revised it in 2022.⁹³ The region is the opener in enacting a durable solution strategy before the federal government and has established durable solution working groups. During the Oromo-Somali conflict-induced internal displacement the bureau was highly engaged in the protection and responses process. It was the Early Warning Directorate that was primarily responsible for and engaged in the protection and assistance of IDPs. Thus, in coordination with the federal DRMC, the Office addressed the needs of the IDPs and tried to work on durable solutions.

Similarly, to this effect, in Oromia and SNNP regional states the disaster risk management bureau was responsible for the president. The structure was also established at the zonal and district levels.

⁸⁹ Ibid

⁹⁰ Ibid

⁹¹ Interview conducted with a member of the National Disaster Risk Management Commission, February 2021, Addis Ababa.

⁹² Interview conducted with the Somali regional state DRMA focal Person, February 2021

⁹³ Somali Region Durable Solutions Strategy 2017-2022

During the Gedeo-Guji conflict, it was the zone and District disaster risk management focal point that was highly engaged in the response and protection process. The zone administration also had an early warning and response team that is primarily responsible for responding to the IDPs.⁹⁴

5. Protection Approach and Coordination: Global and National

Globally there is no institution solely established for the protection and response to IDPs. The task was assigned to different UN agencies to take the responsibilities and engage in the response process.

In 1997, the UN assigned the overall responsibility of coordinating the protection and assistance of internally displaced persons to the emergency relief coordinator the senior UN humanitarian official.⁹⁵ In December 1999, the IASC adopted a policy expressly for the protection of IDPs that sought to spell out the process for implementing the collaborative responses both at headquarters and in the field. In the beginning, it was the collaborative approach that has been preferred by the international community because it allows for a comprehensive and holistic response, involving various agencies and spanning all phases of displacement.⁹⁶ Hence, all of the UN agencies were supposed to work jointly, coordinated by the UN Emergency Relief Coordinator (ERC) at headquarters and the Resident/Humanitarian Coordinators (HR/RC) in the field.

However, the approach was not very successful in assisting IDPs; rather it faced with several critical voices in the ongoing debate over the management of IDPs.⁹⁷ There was particular concern about the absence of predictable leadership and accountability in key sectors or areas of responsibility. Guidance was not being implemented effectively, agencies continued to pick and choose areas of involvement and the Humanitarian Coordinator was frequently unable to identify reliable actors in key sectors.⁹⁸ This led to ad hoc and under-resourced responses. The serious

⁹⁴ Interview conducted with Gedeo and Guji Zones DRMA focal persons, March 2021, Dilla

⁹⁵ Dennis McNamara, 2006, Humanitarian reform and new institutional responses, Putting IDPs on the map: achievements and challenges in commemoration of the work of Roberta Cohen, Forced migration review special issues, P.9

⁹⁶ Ibid

⁹⁷ Ibid

⁹⁸ Ibid

problem of coordination persisted and many IDPs continued to fall through the cracks, leaving their pressing needs unmet, and serious questions remain unanswered.⁹⁹

Consequently, in response to these widely publicized deficiencies, the ERCs' office in December 2005 came up with a sectorial approach called the Cluster Approach or commonly known as cluster leads under which different agencies would be expected to carve out areas of responsibilities based on their expertise and carry them out regularly in emergencies.¹⁰⁰ This was approved by the Inter-Agency Standing Committee (IASC) (chaired by the ERC and composed of the heads of the major UN humanitarian and development agencies). The agencies agreed to designate global cluster leads especially for humanitarian emergencies in nine sectors/areas of activity which in the past either lacked predictable leadership or where there was considered to be a need to strengthen leadership and partnership with other humanitarian actors (such as between NGOs, international organizations, the International Red Cross and Red Crescent Movement and UN agencies).¹⁰¹

The main rationale of this approach is to strengthen the partnership and ensure more predictability and accountability in international responses to humanitarian emergencies, by clarifying the division of labor among organizations and defining their roles as well as responsibilities within the key sectors of the response.¹⁰² Moreover, it would enable these key actors to act as the provider of last resort.

The cluster approach is about transforming a may-respond into a must-respond attitude.¹⁰³ It is about achieving more strategic responses and improved prioritization and available resources by clarifying the division of labor among organizations and better defining their role and responsibilities.¹⁰⁴ The approach would be applied in all countries with humanitarian crises, both in conflict-related humanitarian emergencies and in disaster situations.¹⁰⁵ However, the cluster

⁹⁹ Ibid

¹⁰⁰ 'IASC Guidance Note on Using the Cluster Approach to Strengthen Humanitarian Response,' IASC 2006, <https://interagencystandingcommittee.org/working-group/documents-public/iasc-guidance-note-using-clusterapproach-strengthen-humanitar>

¹⁰¹ Ibid

¹⁰² Ibid

¹⁰³ Dennis McNamara, 2006, Humanitarian reform and new institutional responses, Putting IDPs on the map: achievements and challenges in commemoration of the work of Roberta Cohen, Forced migration review special issues, P.9

¹⁰⁴ Ibid

¹⁰⁵ Ibid

approach may not constitute radical reform for instance the establishment of a new UN agency with a specific mandate for protecting and assisting IDPs.¹⁰⁶

5.1. Protection Approach and Coordination in Ethiopia

Ethiopia has largely experienced the role of humanitarian partners/aid agencies in the 1970s when drought displaced a massive number of IDPs in the country. It was also at this time that the government established the first Relief and Rehabilitation Commission.¹⁰⁷ Since then, different UN agencies, INGO, and NGOs have participated in the response process to conflict and natural disaster displacement. However, the establishment of the Ethiopian Humanitarian Fund (EHF) in 2006 has played a great role in financing different humanitarian partners and advancing responses to natural and man-made disasters.

In response to the 2018 mass conflict-induced internal displacement, the Ethiopian government collaborated with the international humanitarian community, setting up Emergency Operations Centers (EOCs) in the affected areas, particularly in Gedeo and Guji zones.¹⁰⁸ Hence, sectorial clusters led by the government and co-led by international organizations responded to the critical needs of displaced persons, including food, nutrition, health, protection, and non-food items.¹⁰⁹ Additionally, the International Organization for Migration (IOM) and the government conducted displacement tracking of IDPs.¹¹⁰ The government's willingness to work collaboratively with the UN, donor governments, and international non-governmental organizations (INGOs) on the response was highly welcomed and marked a departure from the prior government, which did not openly acknowledge the existence of conflict-induced IDPs.¹¹¹

Nonetheless, during the response process, there were challenges. For instance, there were few humanitarian organizations based in southern Ethiopia at the onset of the Gedeo-Guji conflict-induced IDPs.¹¹² Government permissions for such groups to operate were required at the local

¹⁰⁶ Ibid

¹⁰⁷ Ethiopian Humanitarian Fund, retrieved January 2023, available at [About EHF 15 November 2022\[33\] \(unocha.org\)](https://unocha.org)

¹⁰⁸ Refugees International The crises below the headlines CONFLICT DISPLACEMENT IN ETHIOPIA

¹⁰⁹ Ibid

¹¹⁰ Interview conducted with a member of the National Disaster Risk Management Commission, February 21, 2021, Addis Ababa.

¹¹¹ Abebe, Allehone (2017), *The emerging law of forced displacement in Africa development and implementation of the Kampala Convention on internal displacement*. Routledge, Taylor, and Francis Group London/New York

¹¹² Ibid

levels, and the lines of communication between these levels of government were not always clear.¹¹³ Many of the aid organizations that did work in Ethiopia oriented towards long-term development assistance and responded to slow-onset crises like droughts.¹¹⁴ There were no experiences in the protection and responses to conflict-induced IDPs. Besides, EOCs were only created in climate-induced emergencies based in Addis Ababa; they were never been deployed at the local or regional level.¹¹⁵ However after Gedeo-Guji conflict-induced internal displacement, different EOCs have been established in the areas where a massive number of displacements have occurred.¹¹⁶

5.2. Protection Approach and Durable Solutions

Durable solutions are one of the human rights of IDPs which would help them to minimize future risks and lead their life sustainably and peacefully. There are three options for a durable solution as return, relocations as well as re/integrations.¹¹⁷ It is the government's primary responsibility to seek long-lasting solutions to the problem of displacement by promoting and creating satisfactory conditions for the best durable solutions. The humanitarian partners have a secondary role and support the government in realizing a durable solution for the IDPs. IDPs are the center for choosing the best durable solution. Based on the government resources and humanitarian partners' support, the rights of the IDPs will be protected.

For instance, in the case of Gedeo Guji conflict-induced internal displacement particularly on the issue of a durable solution, the EOC was not able to hear the voices of humanitarian partners; rather it was engaged in implementing premature and forced return plans of the government.¹¹⁸ As a result, humanitarian partners on the ground were unclear as to why the government shifted abruptly to conduct forced returns. The government's return plan became disconnected at every level between the NDRMC and the EOCs; between humanitarian actors and the government.¹¹⁹ Hence, by late September, the government already moved to return most of the IDPs in Gedeo and

¹¹³ Ibid

¹¹⁴ Interview Conducted with a focal person from the Office of High Commissioner for Human Rights East Africa Regional Office, Somali Filed Office, August 2021

¹¹⁵ Ibid

¹¹⁶ The establishment of the Emergency Operation Center at Gedeo-Guji was the first in terms of conflict-induced internal displacement. Later on, it was also established in Somali, Amhara, Afar, and Tigray regional states.

¹¹⁷ Kampala Convention 2009, Article 11

¹¹⁸ Ibid

¹¹⁹ Ibid

West Guji; however, the majority of them at that time were in secondary displacement sites near their home areas.¹²⁰

On the other hand, in the Somali Region of Ethiopia, a durable solutions working group was established in 2014.¹²¹ The group was mainly established aiming in response to natural disaster displacement. When the 2018 conflict-induced internal displacement occurred, the regional and federal governments used such a platform and attempted to protect and assist the IDPs.¹²² Furthermore, contrary to the Gedeo-Guji cases in the Oromo- Somali conflict-induced IDPs, the Federal and Oromia Regional Governments opted for relocation other than return as a durable solution.¹²³ Hence the Oromia regional government relocated the IDPs to some areas on the outskirts of Addis Ababa like Legetafo, Sululta, Sebeta, and Kuye Feche.¹²⁴

On the other hand, among IDPs who were displaced from Oromia to the Somali Regional State, the majority of them were sheltering at College found in the Somali Regional State and at the Millenium Park Dire Dawa town while others were living with the host community at different parts of Somali Regional State.¹²⁵ Besides, the Oromia and Somali regional government has also relocated some of the IDPs to different place including Oromia and Somali regions.

6. Challenges and Gaps in the Institutional Responsibilities

The gaps in the normative frameworks are also reflected in the institutional structure. It is the National Disaster Risk Management Commission that is established as the primary institution in the protection and response of IDPs in the country. The commission was restructured and amended its name at different times.

The commission was established in 1974 primarily aiming at responding to natural disaster displacement which occurred at that time. However, most of the Commission's recent activities are also dominated by natural disaster displacement. The task of the commission is mainly focused on responses and there was a gap in the human rights protection of the IDPs.

¹²⁰ Focus Group Discussion with Gedeo-Guji IDPs, Oromia Regional State, Bule Hora town, June 2021

¹²¹ Interview Conducted with Somali regional state DRMO focal person, Jigjiga, August 2021

¹²² Ibid

¹²³ Interview conducted with Oromia regional state DRMO Bule Hora town, June 2021

¹²⁴ Ibid

¹²⁵ Interview conducted with Somali regional state DRMO focal person, Jigjiga, August 2021,

The Commission works as a national institution and the regional governments also have their regional disaster authority, bureau, or office. Some of these regional organizations are responsible for the regional President while others are under the structure of the Agriculture Bureau. These affected the comprehensive responses and coordination between the federal and regional governments. Besides, these regional organizations mainly focused on natural disaster displacement, and the issue of conflict-induced internal displacement was an appeal to rare attention.

Furthermore, there is no regional disaster risk management authority in some of the regional states, particularly in towns. The structure mostly exists at the Zone and Districts levels. This impacted the response process in towns that did not have the structure and the experiences in the protection and responses of IDPs.

There were also gaps in the task of CSOs and national human rights institutions. These institutions have the primary role in the protection of the IDPs; however, most of them participated reactively and it was limited to giving press statements and issuing letters. They did not properly engage in monitoring activities and identified the prevailing gaps on the ground. Thus, these disparities at the institutional level have been challenging the protection and assistance of IDPs in the country.

7. Conclusion

The issue of internal displacement has risen since the 1990s; however, the international community failed to establish an independent institution because of the nature of the discipline and the concept of state sovereignty. The international community preferred a multi-agency response and adopted a coordination approach. This approach was not effective because there were no accountability mechanisms and the multi-agencies were focused on their respective activities. These hindered the IDP's protection and response process. Accordingly, the international community replaced the coordination approach and changed it with cluster one, and assigned a lead agency for each cluster.

Ethiopia was frequently affected by natural disaster displacement and it was in 1974 that the first relief and rehabilitation institution was established. For the last decades, this institution changed its structure and was renamed at different times. However, its scope mainly stuck on natural disasters and failed to address the plights of conflict-induced IDPs in the country.

In 2018 the Ethiopian government made reforms and established a new Ministry of Peace that had the role of protection and response to internal displacement. Besides, the government has ratified the Kampala convention and given the responsibility of domestication to this Ministry. The Ministry has enacted a national durable solution initiative and established an early warning system though it was not effective to stop conflict-induced displacement; rather it has increased throughout the country. The Ministry did not domesticate the Kampala Convention yet.

The role of the legislative and judiciary branches of the government was minimal and invisible. There were no comprehensive laws or judicial decisions that served as a precedent in the protection and responses to conflict-induced IDPs.

The national human rights institutions were the base and independent organs to monitor and support the protection and responses to IDPs. Nonetheless, these institutions were not properly functioning; mainly they were focusing on releasing press statements than engaging practically in the protection and responses process and working on early warnings. Thus, the lack of a strong and comprehensive institutional framework affects the response and protection process.

Therefore, the federal and regional governments should designate an institutional focal point to provide meaningful protection and assistance to IDPs and revisit the structural arrangement, and mandate responsible for human rights protection and assistance to conflict-induced internal displacement. The institutional mandates towards the protection of conflict-induced internal displacement have to be clear and undergone through regional levels. The issue of conflict-induced IDPs needs special attention and the participation of different international, NGOs. The federal and regional governments should support the work of UN agencies, humanitarian partners, CSOs, and National Human rights Institutions engaging in the human rights protection of IDPs. Also the government should strengthen the coordination mechanisms between humanitarian partners and follow a rights-based approach. Besides, in cases of conflict-induced internal displacement, having institutional structures is not enough; rather the political decision has a great role in ensuring a durable solution for the IDPs. Hence, the government should make the responses to internal displacement a political priority