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The Role of UN on the Legal Protection of Internally Displaced Persons (IDPs) in Ethiopia

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Abstract

The United Nations (UN) has the mandate to develop international legal norms for the protection of vulnerable groups including internally displaced persons (IDPs). However, unlike other vulnerable groups such as refugees and asylum-seekers, the legal lacunae in international law on the effective legal protection of internally displaced persons resulted in a number of different arguments on how the UN should fill the gap. Three basic arguments can be identified about the adoption of a new internationally binding legal instrument on internal displacement. The first argument argues that the protection provided by existing international law to internally displaced persons is sufficient and that this is only a matter of law implementation at all level. Accordingly, in this view, the reduction of widely available rules for internal displacement into a single legally binding instrument can significantly narrow the scope of applicable rules. The second argument suggests that without the adoption of a new law, ossifying of the existing law and the development of a new "international human rights standard" or the adoption of a "soft law" in this field are a more realistic option to address the issue effectively. The third argument, on the other hand, advocates for taking a comprehensive approach to displacement to

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address the problem of forced migration as a whole. The justification of this line of argument lies in the fact that refugees and internally displaced persons are two aspects of the same problem, i.e. forced displacement, which should be dealt with within a single instrument. Therefore, having separate standards for both groups can prove counterproductive, and a comprehensive approach to the problem of forced displacement, whether internal or external, should be adopted instead. Although the debates are still ongoing, the United Nations (UN) Guiding Principles on Internal Displacement was adopted in 1998, as the middle ground for the protection of IDPs. The principles incorporated in the document encompass a wide range of existing rules of international humanitarian and human rights law, though the document remains legally non-binding. In the absence of comprehensive legally binding instrument at the international level and domestic laws on IDPs, in great majority of countries, millions of IDPs in the world still live in the crack between international and domestic legal protection. Therefore, taking in to account the current debates, this article seeks to explore the role of the United Nations (UN) in the development of the international legal framework for the protection of IDPs and the implementation of the Guiding Principles at domestic level, taking Ethiopia as an example.

Öz

Birleşmiş Milletler (BM), ülke içinde yerinden olmuş kişiler de dahil olmak üzere hassas grupların korunması için uluslararası yasal normlar geliştirme yetkisine sahiptir. Bununla birlikte, mülteciler ve sığınmacılar gibi diğer savunmasız gruplardan farklı olarak, ülke içinde yerinden olmuş kişilerin etkili yasal korunmasına ilişkin uluslararası hukuktaki yasal lacunae (boşluk), BM'nin boşluğu nasıl doldurması gerektiği konusunda bir dizi farklı argümanla sonuçlanmıştır. Ülke içinde yerinden olma üzerine uluslararası bağlayıcı yeni bir yasal aracın kabulü hakkında üç temel argüman tanımlanabilir. Birinci argüman, mevcut uluslararası hukuk tarafından ülke içinde yerinden olmuş kişilere sağlanan korumanın yeterli olduğunu ve bunun sadece her düzeyde bir yasa uygulaması meselesi olduğunu savunmaktadır. Bu görüşe göre, ülke içinde yerinden edilme için yaygın olarak mevcut kuralların yasal olarak tek bir araca (enstrümana) indirgenmesi, uygulanabilir kuralların kapsamını önemli ölçüde daraltabilir. İkinci argüman, yeni bir yasa kabul etmeden ÜİYOK'leri korumanın mümkün olduğunu savunuyor. Bunun yerine, mevcut yasanın kemikleşmesi ve yeni bir "uluslararası insan hakları standardının" geliştirilmesi ya da bu alanda bir "yumuşak yasanın" kabul edilmesi, sorunu etkili bir şekilde ele almak için daha gerçekçi bir seçenektir. Üçüncü argüman ise zorla göç sorununu bir bütün olarak ele almak için yerinden edilmeye kapsamlı bir yaklaşım benimsemeyi savunuyor. Bu argümanın gerekçesi, mültecilerin ve ülke içinde yerinden olmuş kişilerin aynı sorunun iki yönü olması, yani zorla yerinden edilme gibi tek bir yasal araçta ele alınmasıdır. Bu nedenle, her iki grup için ayrı standartlara sahip

olmak ters etki yaratabilir ve bunun yerine iç veya dış zorla yerinden edilme sorununa kapsamlı bir yaklaşım benimsenmelidir. Tartışmalar halen devam etmekle birlikte, 1998 yılında Birleşmiş Milletler (BM) Ülke İçinde Yerinden Olma Konusunda Yol Gösterici İlkeler, ÜİYOK'lerin korunması için orta zemin olarak kabul edilmiştir. Belgede yer alan ilkeler, uluslararası yasal insani hukuk ve insan hakları hukukunun çok çeşitli kurallarını kapsamakla birlikte, belge yasal olarak bağlayıcı değildir. Uluslararası düzeyde hukuki bağlayıcılığı olan kapsamlı bir araç ve ülke içinde yerinden edilmiş kişilerle ilgili iç yasalar olmadığında, ülkelerin çoğunda, dünyada milyonlarca yerinden edilmiş kişi hâlâ uluslararası ve yerel yasal koruma arasındaki çatlakta yaşamaktadır. Bu nedenle, mevcut tartışmalar dikkate alındığında, bu makale ÜİYOK'lerin korunması ve Etiyopya'da iç düzeyde Rehberlik İlkelerinin uygulanması için uluslararası yasal çerçevenin geliştirilmesinde Birleşmiş Milletler'in (BM) rolünü araştırmayı amaçlamaktadır.

Anahtar Kelimeler: *Ülke İçinde Yerinden Olmuş Kişiler (ÜİYOK'ler), yasal koruma ve hassas gruplar*

1. Introduction

It is estimated that as of 2019, there are about 41.8 million internally displaced persons (IDPs)[1] in the world across 145 countries.[2] Over the same period, more than 10 million people were internally displaced in the Sub-Saharan African countries.[3] Ethiopia is now estimated to have approximately 3.1 million internally displaced people (IDPs) country wide, making it one of the countries with the highest number of IDPs in the world.[4] However, the government claims that 1.8 million IDPs have already returned to their place of origin as of June 2019. Internal displacement is a global problem with similar root causes even in different contexts.[5] Although there is no consensus on the root causes of internal displacement, the major causes of internal

[11] IDPs, for the purpose of this article, are defined as "persons or groups of persons who have been forced or obliged to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights, or other disasters (natural or human-made) and who have not crossed an internationally recognized state border." This definition intersects the definition provided in the UN Guiding Principles on Internally Displaced Persons (1997) and the AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2012).

[2] IDMC. 2020. *Global Report on Internal Displacement 2020.* June 8. https://www.internal-displacement.org/global-report/grid2020/.

[3] OCHA. 2019. *Ethiopia: IDP Population Movement - Emergency Plan of Action Final Report DREF n˚ MDRET019.* July 23. https://reliefweb.int/report/ethiopia/ethiopia-idp-population-movement-emergency-plan-action-final-report-dref-n-mdret019.

[4] Ibid

[5] Deng, Francis M. 2006. "Guiding Principles on Internal Displacement." *Introductory Note by the Representative of the Secretary-General on Internally Displaced Persons.* https://drc.ngo/media/1217434/guiding-principles-on-internal-displacement.pdf.

displacement are broadly categorized into five general grounds: armed conflicts (inter-state & intra-state war or civil wars); situations of generalized violence; gross violations of human rights; natural disasters (sudden impact, slow onset, and epidemic diseases); and man-made disasters (industrial or technological disasters and complex emergencies). Currently, some international legal instruments expressly mention 'development projects' as the causes of internal displacement[6]. Despite the multiplicity of the causes of internal displacement, only displacements due to armed conflicts have been legally protected in international human rights and humanitarian laws. Even the available international legal framework does not fully address the issues of internal displacements caused by conflicts. The rules are applicable only in case of armed conflicts. They do not govern all other cases of non-conflict induced internal displacements. This is based on the conception that internal displacements due to other causes are the internal affairs of the states concerned[7]. Thus, the legal protection of IDPs is principally assigned to the State and its agents. In situations of armed conflict, that responsibility extends

[6] For instance, the World Bank has developed a policy providing for compensation for losses suffered by persons displaced involuntarily as a result of development projects which give rise to severe economic, social and environmental problems. *See Operational Policy 4.12 on Involuntary Resettlement, World Bank Operational Manual, December 2001.*

[7] Cantor, David James. 2018. "'The IDP in International Law'? Developments, Debates, Prospects." *International Journal of Refugee Law* 30 (2): 191–217. Accessed June 10, 2020. doi:https://doi.org/10.1093/ijrl/eey031.

to all parties to the conflict under international humanitarian law, including armed opposition groups. Human rights, humanitarian and development actors play an important role as well, in particular when States and other authorities are unable or unwilling to fulfill their protection obligations.[8] In most cases, internal displacement occurs in tandem with forced migration.[9] However, while refugees enjoy a wide range of international protection, IDPs suffer from extremely limited international and national protection. In theory, IDPs do not share the same international legal protection as refugees because they are still under the protection of their home state. In reality, the type of violence that causes their displacement, often government persecution, makes them even more vulnerable than refugees.[10] The legal *lacunae* in international law as regards the effective legal protection of internally displaced persons, distinct from refugees and asylum seekers, has resulted in series of divergent arguments on how to fill the gap. Three key arguments can be identified on the adoption of a new internally binding legal instrument on internal displacement. The first line of argument

[8] UN. 2007. "Handbook for the Protection of Internally Displaced Persons." *Global Protection Cluster Working Group.* Geneva, Switzerland: United Nations.

[9] Mohammed, Fatima Kyari. 2017. "The Causes and Consequences of Internal Displacement in Nigeria and Related Governance Challenges." *Working Paper FG 8.* Berlin: German Institute for International and Security Affairs, April.

[10] Lischer, Sarah Kenyon. 2009. "Causes and Consequences of Conflict-Induced Displacement." *Civil Wars* 9 (2): 142-155. Accessed March 15, 2020. doi:10.1080/13698240701207302.

holds that the protection provided by existing international law to internally displaced persons is sufficient and that it is only a matter of implementation of the law.[11] Thus, according to this view, the reduction of the widely existing rules on internal displacement in to a single legally binding instrument can significantly narrow down the scope of the applicable rules. The second argument holds that without any need to adopt any new law, substantiating the existing law and developing a new 'international human rights standard' or adopting a 'soft-law' on the area is a more realistic option to effectively address the issue.[12] The third line of argument, on the other hand, contends for adopting a comprehensive approach to internal displacement in order to address the problem of forced migration as a whole. Its justification lies in the fact that refugees and internally displaced persons are two aspects of the same problem, i.e. forced displacement, which should be dealt with within a single instrument.[13] Therefore, having separate standards for both

[11] Silska, Magdalena. 2014. "Protection of Internally Displaced Persons: An International Legal Obligation?" *Polish Yearbook of International Law* 34: pp. 249-271. Accessed April 23, 2020. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2676235.

[12] Goldman, Robert K. 2009. "Internal Displacement, the Guiding Principles on Internal Displacement, the Principles Normative Status, and the Need for their Effective Domestic Implementation in Colombia." *ACDI* 2: 59-86. Accessed June 10, 2020. http://www.corteidh.or.cr/tablas/r25153.pdf.

[13] Nair, Promod. 2001. "Towards A Regime For The Protection Of Internally Displaced Persons." *ISIL Year Book of International Humanitarian and Refugee Law.* Accessed June 10, 2020. http://www.worldlii.org/int/journals/ISILYBIHRL/2001/10.html.

groups can prove counterproductive, and a comprehensive approach to the problem of forced displacement, whether internal or external, should be adopted instead. Though the arguments still pend, as the middle ground to the debates, the United Nations Guiding Principles on Internal Displacement was adopted in 1998. The principles incorporated in the document encompass a wide range of existing rules of international humanitarian and human rights law, though the document remains legally non-binding. In the absence of comprehensive legally binding instrument at the international level and domestic laws on IDPs in great majority of countries, millions of IDPs in the world live a hard life in the cleft of legal protection. Thus, this article strives to explore the role of the United Nations in the development of the international legal framework for the protection of IDPs and the domestic enforcement of the rules taking Ethiopia as an example.

2. The Causes and Consequences of IDPs in Ethiopia

2.1 The Causes of Internal Displacement

2.1.1 Conflict-Induced Displacement

Internal wars, violent conflicts, severe socio-economic crises, and systematic violations of human rights have contributed to a number of genocides and displacements of populations in many

countries.[14] Historically, inter-state wars[15] and civil war[16] had been the major causes of internal displacement in Ethiopia. However, after the introduction of the current Ethno-lingual federal system as the administrative structure of the country, the number of internal displacement has significantly increased due to inter-ethnic and communal conflicts in some administrative regions of the country.[17] The ethnic federal structure has induced various conflicts including conflicts based on administrative boundaries between regional states; conflicts based on the recognition and status of ethnic identities as nationalities; conflicts based on administrative status as in the case of local government in the administrative units such as Zones, Woredas etc.; referenda on identities; conflicts over natural resources, including water and land usage; questions related to Addis Ababa and its relations with the federal and regional state of Oromia. Political instability and insecurity are interlinked with conflict,

[14] Otunnu, Ogenga. 2002. "Population Displacements: Causes and Consequences." *Canada's Journal on Refugees* 1-4.

[15] The 1976-78 Ethio-Somali War caused internal displacement in Ethiopian Ogaden region. Besides, in the wake of the 1998-2000 Ethio-Eritrean war, tens of thousands of Ethiopians were displaced from the Ethio-Eritrean border areas.

[16] As a result of the protracted Civil war in Ethiopia from 1976 to 1991, thousands of people had been internally displaced particularly in the Tigray and Afar regions of Ethiopia.

[17] Taye, Bekalu Atnafu. 2017. "Ethnic federalism and conflict in Ethiopia." *African Journal on Conflict Resolution* 17 (2). Accessed June 10, 2020. https://www.ajol.info/index.php/ajcr/article/view/167170.

ethnic-based violence, and localized grievances.[18] While conflict has played a significant role for the displacement, the intermingling of the underlying factors have fomented the internal displacement in Ethiopia in recent years. For instance, the climatic born conditions manifested as natural disasters such as drought, famine, landslides and floods; and planned resettlement programs and relocations due to development projects and excessive urbanization have complicated the pattern of internal displacement in the country.[19] Besides, inter-religious conflicts[20] have been common in the past three decades. Religious conflicts manifested in religious-based tensions and conflicts; inter-religion relations; concerns of religious-based terrorism and extremism. On top of this, weak implementation of the constitutional protection of ethnic minority rights in the current political dispensation has caused many ethnic groups to face security bottlenecks due to mobilizations based on fear and hate of "the other". Hate speech and disinformation on social media has been translated in to direct violence (violent conflict) against

[18] DeJesus, Kevin M. 2018. "Forced migration and displacement in Africa: contexts, causes and consequences." *African Geographical Review* 37 (2): 79-82. Accessed March 11, 2020. doi:10.1080/19376812.2018.1447332.

[19] Yigzaw, Gedifew Sewenet and Abitew, Endalsasa Belay. 2019. "Causes and Impacts of Internal Displacement in Ethiopia." *African Journal of Social Work* 9 (2): 1-10.

[20] For instance, in 2008, the conflict between Muslims and Christians has resulted in the temporary displacement of thousands of people in Jimma Zone of Ethiopia.

some ethnic groups during the political reform in Ethiopia.[21] Conflict-related displacement is nothing new in Ethiopia, but since the end of 2017 the number of people internally displaced by violence has risen significantly. The number of people newly displaced by conflict within the country rose from 296,000 in 2016 to 1.7 million in 2018.[22] This increase is mainly linked to the escalation of violence along ethnic lines. These episodes of violence have been taking place in a context of major shifts within the Ethiopian political system. Thus, in the Ethiopian context, the causes of internal displacements are highly interlinked. For instance, poverty, the effects of climate change, scarcity of resources, political instability, and weak governance and justice systems may all be catalysts for conflict-induced displacements.

2.1.2 Disaster-Induced Displacement

Disaster is defined as a serious disruption of the functioning of a community or a society causing widespread human, material, economic or environmental losses, which exceed the ability of the affected community or society to cope using its own resources. Most literature classify disasters into two main categories namely natural disaster and human made disaster.[23] Natural disasters

[21] Gagliardone, Iginio. 2014. "Mapping and Analysing Hate Speech Online." *SSRN Electronic Journal*. Accessed June 10, 2020. doi:10.2139/ssrn.2601792.

[22] MSF. 2019. "Displacement and humanitarianresponse in Ethiopia: challenges and dilemmas in complex crises." Barcelona: MSF.

[23] Kolmannskog, Vikram. 2010. "Climate change, natural disasters and displacement: A multi-track approach to filling the protection gaps."

cause an environmentally induced displacement and they currently constitute one of the dominant human conditions for forced mobility within national borders. Natural disasters are events or conditions originating in environmental change that may affect people and critical assets located in exposed areas. These naturally occurring environmental displacements result in permanent, interim or sudden change in environmental conditions relevant for human conditioning. Thus, population displacements and destruction of human lives and property result from environmental factors including the ravages of cyclones, tidal surges, hurricanes, floods, earthquakes, volcanic eruptions, pollution, droughts and famines.[24] On the other hand, the man-made aspects of disaster related displacement were results from the country's industrial and technological activities that lead to pollution, spillage of hazardous materials, explosion and fires. Furthermore, it includes nuclear and chemical accident at technical, industrial installation and sudden collapse of large buildings and construction. The underlying causes of such disasters are often neglected safety procedures and poor construction or management planning. While people may flee spontaneously, they may also be evacuated and relocated by the government either temporarily or, where return is impossible, permanently. In Ethiopia, the most consequential and recurrent

International Review of the Red Cross 92 (879): 713 - 730. Accessed June 10, 2020. doi:10.1017/S1816383110000500.

[24] Otunnu, "Population Displacements," 3.

natural disasters that have had significant impacts on people's lives and livelihoods are droughts, earthquakes, floods, human and livestock diseases, pestilence, wildfires, and landslides. Climate change has increasingly brought frequent and severe insecurities in water, food, and energy needs in Ethiopia.[25] Lack of a clear policy and institutional response mechanism for internal displacement due to environmental factors or natural disasters have aggravated the situation. Another driving factor for internal displacement from rural to urban centres in Ethiopia is environmental degradation and climate changes in areas of origin that have made earning a livelihood almost impossible for the IDPs.[26] People who live in some regions of the country are more prone to and extremely affected by natural disasters than others. Accordingly, the greatest number of natural disaster related internal displacements frequently occur in some regions like Afar, Somali, and Gambela.

[25] Kweon, Behigu Habte and Yun Jin. 2018. "Forced Migration Review." *Twenty Years of the Guiding Principles on Internal Displacement: Addressing internal displacement in Ethiopia.* October. https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/habte-kweon.pdf.

[26] UNDP. 2015. "Guidance Note: A Development Approach to Migration and Displacement." December. https://www.undp.org/content/dam/undp/library/Sustainable%20Development/Final%20Guidance%20Note%20Migration%20and%20Displacement%2016%20January%202016.pdf.

2.1.3 Violence-Induced Displacement

The existence of generalized violence, political instability and massive human rights violations cause internal displacements in many parts of the world.[27] While some of the conflicts appear to be caused by overlapping and mutually reinforcing regional, religious and ethnic divisions, but violence often stems from competition for scarce opportunities and communal resources. The totalitarian or authoritarian governance model significantly affects the increasing dynamism of internal displacement. Displacements in countries ruled by an "undemocratic" regime may be associated with the harassment of and discrimination against vulnerable group, and compulsory implementation of population resettlement schemes such as the politics of "villagization" in many African countries.[28] Political instability and violence have pervaded Ethiopian history.[29] During the Imperial regime (1930-1974), although there was no wide spread conflict or violence in many parts of the country, in the

[27] Olsen, Ann Mary. 2016. *Understanding and addressing root causes of displacement.* February 29. Accessed April 3, 2020. https://www.devex.com/news/understanding-and-addressing-root-causes-of-displacement-87785.

[28] Terminski, Bogumil. 2013. "Development-Induced Displacement and Resettlement: Theoretical Frameworks and Current Challenges." May 3. https://dlc.dlib.indiana.edu/dlc/bitstream/handle/10535/8833/Bogumil%20Terminski,%20development-Induced%20Displacement%20and%20Resettlement.%20Theoretical%20frameworks%20and%20current%20challenges.pdf.

[29] Mehari, Taddele Maru. 2017. "Causes, Dynamics, and Consequences of Internal Displacement in Ethiopia." *Working Paper FG 8: Division Global Issues.* Berlin: German Institute for International and Security Affairs, May.

wake of serious of rebellions at the end of the 1960s, some people were internally displaced. The country-wide programs of villagization and resettlement policy during the Derg regime (1974-1991) has increased the number of internally displaced persons in Ethiopia. After the fall of the Derg regime, the Ethiopian People's Revolutionary Democratic Front (EPRDF) introduced a federal government structure with the aim of solving the age-long ethnic strife and struggles for ethnic self-determination. Although the FDRE Constitution granted equal protection of the human rights of all ethnic groups in the country, the constitutionally established ethno-centric federalism has caused structural violence, political marginalization of some dissident ethnic minorities, and wide spread public protests throughout the country resulting in massive internal displacements.[30] In 2014 to 2017 alone, hundreds of thousands of people have been internally displaced due to political violence and protest in Ethiopia.[31] Following the subsequent sweeping political reform that started in 2017, the

[30] Eisen, Habtamu Dugo and Joanne Dale. 2018. "The Great Displacements of 2017: Acts of Genocide in Ethiopia." *The Journal of Pan African Studies* 12 (6): 48-74. Accessed April 22, 2020. https://www.researchgate.net/publication/328969180_The_Great_Displacements_of_2017_Acts_of_Genocide_in_Ethiopia.

[31] ACLED. 2017. *Popular Mobilisation in Ethiopia: An Investigation of Activity from November 2015 to May 2017.* Armed Conflict Location & Event Data Project, 1-24. Accessed April 20, 2020. https://www.jstor.org/stable/pdf/resrep03802.pdf?refreqid=excelsior%3A6ad4a7a3eab72e00be0126444007d65d.

total number of internally displaced persons (IDPs) in Ethiopia reached 2.8 million, the highest ever in the history of the country. Due to political instability, inter-ethnic friction, and mob attacks, more than 800,000 ethnic Gedeo people were displaced from West Guji Zone[32]; about 656,579 people displaced within Somali and Oromia region[33]; and more than 191,752 people were displaced from Benshangul-Gumuz region.[34] The total number of IDPs, at some point in 2019, reached 3.1 million, the highest in the world.

2.1.4 Development-Induced Displacement

Huge development projects in many countries displace millions of people every year. Not only is development-induced displacement a widespread, and growing, phenomenon, but evidence suggests that while the beneficiaries of development are numerous, the costs are being borne disproportionately by the poorest and most marginalized populations. Causes or categories of development-induced displacement include the following: water supply (dams, reservoirs, irrigation); urban infrastructure; transportation (roads, highways, canals); energy (mining, power plants, oil exploration and extraction, pipelines); agricultural expansion; parks and forest reserves; and population

[32] OCHA, "Ethiopia,"2019.

[33] Ibid.

[34] DTM. 2019. *Ethiopia — Benishangul Gumuz/ East And West Wellega Rapid Response Assessment (8 — 16 February 2019).* March 12. https://displacement.iom.int/reports/ethiopia-%E2%80%94-benishangul-gumuz-east-west-wellega-1-rapid-response-site-assessment-report-date.

redistribution schemes. Those displaced are supposed to receive compensation of their lost assets, and effective assistance to re-establish themselves productively; yet this does not happen for a large portion of the displaced people. Ethiopia is carrying out massive developmental transformation in many sectors. Key among these projects is infrastructural projects such as dams, industries and industrial parks, railways, roads, and widespread urban renewal programmes, particularly in Addis Ababa. With the increased industrialization and urbanization projects, infrastructural and city renewal projects, such as land and identity related national parks and dams, development-induced displacement is expected to rise.[35] Thus, infrastructural development projects such as road and rail transportation; hydroelectric and irrigation dams; urbanization projects (urban renewals, integrated urban master plans, and the relocations of persons); industrial parks; national parks; commercial agricultural farms and processing industries; state sponsored resettlement programmes are the major indicators of development-induced displacements in Ethiopia.[36] Ethiopia's drive for socio-economic development promises various favorable prospects for the country with regards to large-scale

[35] Cotroneo, Angela. 2017. "Specificities and challenges of responding to internal displacement in urban settings." *International Review of the Red Cross* 99 (1): 283–318. Accessed June 10, 2020. doi::10.1017/S1816383118000164.

[36] Mehari,"Causes," 5.

projects such as the Grand Renaissance Dam (GERD)-Hydro-electric power project, Gibe III hydro-electric project, and Omo Kuraz sugar development project. However, problems related to the relocation of tens of thousands of people shows that there are numerous gaps in policy, legislation, legal procedures of expropriation, and institutional capacity which have serious implications for the displacement and resettlement of populations affected by their implementation.[37]

2.2 The Consequences of Internal Displacement

Eight highly interlinked risks or consequences intrinsic to displacement are identified: landlessness, joblessness, homelessness, marginalization, food insecurity, increased morbidity and mortality, loss of access to common property, and social disintegration.[38] Later on, two additional risks were added to the list, loss of access to community services and violation of human rights.[39] Subsequently, the risks of internal displacement are briefly elaborated below.

[37] Beirne, Jonny. 2014. "Gilgel Gibe III: Dam-Induced Displacement in Ethiopia and Kenya." *The State of Environmental Migration.* SEM. 215-234. Accessed April 5, 2020. http://labos.ulg.ac.be/hugo/wp-content/uploads/sites/38/2017/11/The-State-of-Environmental-Migration-2014-215-234.pdf.

[38] Cernea, Michael M. 1999. "Why Economic Analysis Is Essential to Resettlement: A Sociologist's View." *Economic and Political Weekly* 34 (31): pp. 2149-2158. Accessed April 6, 2020. : http://www.jstor.org/stable/4408255.

[39] OHCHR. 2018. "Monitoring and Protecting the Human Rights of Returnees and Internally Displaced Persons." *Training Manual on Human Rights Monitoring.* Accessed April 3, 2020. https://www.ohchr.org/Documents/Publications/training7part1112en.pdf.

2.2.1 Landlessness

In many cases, IDPs are forced to leave their land through persecution or expropriation. Land is an extremely valuable commodity in Ethiopia both at urban centers and rural areas.[40] The country continues to be primarily a rural with more than 80% of agricultural society, where land ownership and economic and political power are linked. Income generation is at the center of livelihoods and political status. Not surprisingly, land ownership and use is one of the key sources of conflict in the country.[41]. Prolonged displacement often causes displaced persons to be deprived of their land and property for years. They may escape without their land and property documents, or their documents may have been damaged, lost or confiscated during displacement. Property disputes are also common among families, especially among those who fled and who stood under the conflict to stay in their habitual residences. IDPs in Ethiopia are not only economically deprived due to loss of land, unemployment, erosion of capital and indebtedness but also socially deprived due to loss of identity, poor health, lack of education, etc. But, above all, they lose their home and cultivable land which they depend

[40] Cotroneo, "Specificities and challenges," 287.

[41] Macdonald, Ingrid. 2011. *Landlessness and Insecurity: Obstacles to Reintegration in Afghanistan.* February 9. https://www.globalprotectioncluster.org/_assets/files/aors/housing_land_property/Landlessness_Insecurity_Obstacles_Reintegration_Afghanistan_2011_EN.pdf.

on for their entire livelihood.[42] In cases of displacement due to development projects or investments, usually the displaced persons are not fully compensated according to the law. The law provides the procedures and the compensation they should receive before their relocation.[43] However, in many instances, the compensation for land expropriation is a fixed amount of money which is inadequate to restitute the loss and thus the evicted persons end up being internally displaced. Expropriation of land removes the basic foundation on which people's productive systems, commercial activities and livelihoods are built.[44] This is the basic form of de-capitalization and impoverishment of displaced people, as they lose both natural and man-made capital.

2.2.2 Joblessness

The risk of losing wage employment is very high both in urban and rural displacements for those employed in enterprises, services, or agriculture. Yet, creating new jobs is difficult and requires substantial investment. Unemployment or underemployment among resettlers often endures long after physical relocation has been completed. When IDPs flee, they

[42] Tuhin K. Das et al., "Deprivation of Internally Displaced Persons: Case Studies in India," *Power Publishers.* https://www.researchgate.net/publication/308595061_Deprivation_of_Internally_Displaced_Persons_Case_Studies_in_India.

[43] Sert, Deniz Şenol. 2010. "Internal Displacement: Return, Property, Economy." *International Migration* 52 (5). Accessed June 11, 2020. doi:10.1111/j.1468-2435.2010.00629.x.

[44] Cernea , "Why Economic Analysis Is Essential to Resettlement," 2150.

often have to leave their livelihoods behind, which results in lost income. Their arrival in host areas also has consequences for local labor markets, disrupting wage levels and increasing unemployment rates and the need for social protection.[45] Tensions emerge in host communities as IDPs overload existing community services, resources and opportunities for jobs or economic livelihoods.[46] This makes effective local integration between IDPs and host communities difficult and thus leads to prices' inflation and increases the cost of living in host communities, especially food, shelter, health and educational facilities. Therefore, internal displacement of people in Ethiopia is a negative human tragedy. It affects both IDPs and host and neighboring communities. Internal displacement results in tangible and intangible costs on IDPs, the host communities and the government at large. Displaced persons suffer from joblessness while creating economic pressure on the host communities and the government. More systematic, quantitative evidence is needed, however, to demonstrate the short and longer-term economic impacts of internal displacement at the local, national and international level and generate the political will to address the phenomenon.[47]

[45] IDMC, "*Global Report on Internal Displacement ," 2020.*

[46] Yigzaw, "Causes and Impacts," 8.

[47] IDMC, "*Global Report on Internal Displacement ," 2020.*

2.2.3 Homelessness

IDPs also face an especially high risk of losing ownership of their housing and other property. This dispossession can lead to loss of livelihoods and economic security as well as physical security. Loss of shelter tends to be only temporary for many resettlers; but, for some, homelessness or a worsening in their housing standards remains a lingering condition. In a broader cultural sense, loss of a family's individual home and the loss of a group's cultural space tend to result in alienation and status deprivation. There are a variety of challenges to housing, land, and property rights that arise in the context of conflict-induced displacement. They range from redressing the past politicization and ethnicization of property ownership and customary land regimes that discriminate against women and minorities to overcoming land scarcity, soil degradation, and massive destruction of housing and public services such as water pipes and electrical networks.[48] In some situations of mass displacement, IDPs seeking to return to their homes and land must first evict squatters and post-displacement occupants, some of whom may have unknowingly acquired title to property on the basis of fraudulent

[48] Solomon b, Andrew. 2016. "Forced Displacement and Housing, Land and Property Ownership Challenges in Post-Conflict and Reconstruction." *INPROL Consolidated Response (09-003).* International Network to Promote the Rule of Law (INPROL). Accessed April 11, 2020. https://www.brookings.edu/wp-content/uploads/2016/06/02_internal_displacement_solomon.pdf.

and forged sales transactions. Others must contend with having sold or transferred title to their property under circumstances of extreme duress or coercion. Finding shelter is among IDPs' main priorities in Ethiopia, and its provision is a core priority for those involved in humanitarian responses to crises. However, still the majority of them live in extremely shanty tents devoid of any facility needed to sustain life. People forced out of areas affected by conflict and disasters are in some cases offered temporary shelter in refugee camps set up by non-governmental organizations (NGOs) and governments as (initial) temporary responses to displacement, but many more end up in cities.[49]

2.2.4 Marginalization

Decades of political and economic marginalization have contributed to low level of development in those areas with high internal displacement in Ethiopia. Infrastructure, facilities and basic services are weakly developed, access to water is problematic, the road network is poor, health facilities are unevenly distributed and only few areas are connected to the national electricity network.[50] Marginalization occurs when

[49] Amy Kirbyshire, Emily Wilkinson, Virginie Le Masson and Pandora Batra. 2017. "Mass displacement and the challenge for urban resilience." *Working Paper*, January: 1-24. Accessed April 11, 2020. https://www.odi.org/sites/odi.org.uk/files/resource-documents/11202.pdf.

[50] Bonneau, Pierre. 2013. "Drought and Internal Displacements in Northern Kenya in 2012: An Assessment." *The State of Environmental Migration 2013.* Accessed April 12, 2020. http://labos.ulg.ac.be/hugo/wp-

families lose economic power and spiral on a "downward mobility" path. Many individuals cannot use their earlier acquired skills at the new location; human capital is lost or rendered inactive or obsolete. Economic marginalization is often accompanied by social and psychological marginalization, expressed in a drop in social status, in resettlers' loss of confidence in society and in themselves, a feeling of injustice, and deepened vulnerability.[51] Nearly all IDPs, particularly those in urban areas, suffer from the unavailability of adequate affordable housing and concerns about a lack of socio-economic security, notably due to difficulties in securing employment and accessing social protection in their hosting communities. They are socially excluded and marginalized by the host community. The lack of access to social services creates a situation of progressive marginalization of IDPs. IDPs are so highly marginalized that they are not given enough attention and assistance by the government, the IDPs in West Guji Zone are the best examples in Ethiopia. The displaced people in that zone were on the verge of complete destruction due to the lack of international and local humanitarian assistance.[52]

content/uploads/sites/38/2017/11/The-State-of-Environmental-Migration-2013-101-116.pdf.

[51] Cernea , "Why Economic Analysis Is Essential to Resettlement," 2153.

[52] Arbouw, M.A. 2018. "The Role of the African Union in Addressing the Lack of Legal Protection Afforded to Internally Displaced Persons in Ethiopia." *Master Thesis.* Accessed April 7, 2020. http://arno.uvt.nl/show.cgi?fid=146413.

2.2.5 Food Insecurity

Food security refers to the ability of IDPs to secure their food needs through their own production, purchases, barter or other means.[53] However, in most cases, IDPs are unable to access resources to meet their food demands. Thus, food insecurity, an aftermath of homelessness, landlessness and lack of access to of common resources, is one of the fundamental problems facing displaced people and contributing to their impoverishment. In the same vein, it is identified by vast literature that malnutrition as a particularly visible problem among displaced people, mostly girls and women.[54] Forced uprooting increases the risk that people will fall into temporary or chronic undernourishment, defined as calorie-protein intake levels below the minimum necessary for normal growth and work. It was noted that due to denied access to land and other resources, IDPs were dependent on food aid for their household food security.[55] Little is known, for example,

[53] Harrelson, Sarabeth. 2011. "Food Security of Refugee and Displaced Women: Best Practices." *Issue-Specific Briefing Paper: Humanitarian Assistance in Complex Emergencies University of Denver*, 1-12. Accessed April 11, 2020. https://www.du.edu/korbel/crric/media/documents/sarabethharrelson.pdf.

[54] Alabi and Omotunde, "Socio-economic Consequences of Development-induced Internal Displacement and the Coping Strategies of Female Victims in Lagos Nigeria: An ethno-demographic Study." *African Population Studies* 30 (2): 2520-2532. Accessed April 12, 2020. http://apps.journals.ac.za.

[55] Sithole, Wonesai Workington. 2011. "A Critical Analysis of the impact of food aid on internally displaced persons: The case of Manicaland food aid interventions in Zimbabwe." Accessed April 12, 2020. https://www.ufs.ac.za/docs/librariesprovider22/disaster-management-

about the impact of displaced communities on the cost and availability of food, housing and jobs.[56]

2.2.6 Increased Morbidity and Mortality

The miserable living conditions of IDPs away from adequate public health services expose them to high rate of mortality.[57] Massive population displacement threatens to cause serious decline in health levels. Displacement-induced social stress and psychological trauma are sometimes accompanied by the outbreak of relocation related illnesses, particularly parasitic and vector-borne diseases such as malaria and schistosomiasis.[58] Unsafe water supply and improvised sewage systems increase vulnerability to epidemics and chronic diarrhea, dysentery, and so on. The weakest segments of the demographic spectrum, infants, children, and the elderly, are affected most strongly. In cases of deteriorating health conditions, a direct social consequence of displacement, women have been found to be the worst affected

training-and-education-centre-for-africa-(dimtec)-documents/dissertations/2305.pdf?sfvrsn=f4fef821_2.

[56] Amy Kirbyshire et al., "Mass displacement and the challenge for urban resilience, " 5.

[57] Larissa Vernier et al.,"High levels of mortality, exposure to violence and psychological distress experienced by the internally displaced population of Ein Issa camp prior to and during their displacement in Northeast Syria, November 2017." *Conflict and Health* 1-9. Accessed April 6, 2020. https://conflictandhealth.biomedcentral.com/track/pdf/10.1186/s13031-019-0216-y.

[58] Mesfin Araya, Wolde Tensai. 2007. "Postconflict internally displaced persons in Ethiopia: Mental distress and quality of life in relation to traumatic life events, coping strategy, social support, and living conditions." *Umea University Medical Dissertations.*

by increased morbidity and mortality, as their nutritional and health status goes down proportionately in the event of an overall decrease in the health status, caused by lack of access to good food, potable water and sanitation.[59]

2.2.7 Loss of Access to Common Property

For poor people, loss of access to the common property assets that belonged to relocated communities (pastures, forest lands, water bodies, burial grounds, quarries, and so on) result in significant deterioration in income and livelihood levels.[60] Development-induced displacements are accompanied by very serious negative social consequences, one of which is economic insecurity, exemplified by loss of means of livelihood, unemployment and limited access to the natural resources on which the people and the communities depend, lack of access to common resources, involuntary relocation and lack of supports, all of which make it difficult to maintain a standard of living, and eventually causing long term poverty.[61] Being displaced from one's habitual place of residence also means being uprooted from one's familiar ecosystem and natural resources. This is particular detrimental to

[59] Alabi and Omotunde, "Socio-economic Consequences," 2522.

[60] Lakshman, Kopalapillai Amirthalingama and Rajith W.D. 2015. "Impact of internal displacement on agricultural livelihoods: evidence from Sampur, Sri Lanka." *Migration and Development* 1-22. Accessed April 2, 2020. doi: 10.1080/21632324.2014.969480.

[61] Alabi and Omotunde, "Socio-economic Consequences," 2524.

indigenous communities whose lives and livelihoods are closely linked to their environment.[62]

2.2.8 Social Disintegration

The main feature of forced displacement is that it dissolves existing social organization models in depth.[63] This unraveling takes place at many levels. When people are forced to move, production systems are dismantled. While long-established residential communities and settlements are erratic, kinship groups and family systems are often scattered. Lifelong informal social networks that provide mutual assistance are no more functional. Trade links between producers and customer bases are cut and local labor markets are disrupted. Formal and informal associations and self-organizing services are eliminated by the sudden dissolution of their membership. Traditional management systems tend to lose their leaders. The coerced abandonment of symbolic markers (such as ancestral shrines and graves) or of spatial contexts (such as mountains and rivers considered holy, or sacred trails) cuts off some of the physical and psychological linkages with the past and saps at the roots of the peoples' cultural identity. The cumulative effect is that the social fabric is torn apart. Internal displacement results in the disintegration of the

[62] IDMC, "*Global Report on Internal Displacement ," 2020.*

[63] Harris-Brandts, David Gogishvili and Suzanne. 2019. "The social and spatial insularity of internally displaced persons: "neighbourhood effects" in Georgia's collective centres." *Caucasus Survey* 134-156. Accessed June 11, 2020. doi:https://doi.org/10.1080/23761199.2019.1617652.

entire social system which the victims have built and depended on for many decades to meet their socio-economic needs through social cooperation. During displacement, community structures such as family units, traditional hierarchies, social responsibilities will become shattered, increasing stress on displaced persons.[64] IDPs are usually dispersed in rural and urban areas, where they have either supported themselves or relied on the limited resources of host communities.[65] Thus, separation from their families, friends and social support networks caused by displacement makes IDPs vulnerable, particularly unaccompanied and separated children, female-headed households and elderly persons remain the most vulnerable. Displacement disrupts social networks in both the community of origin and in the host community.[66]

[64] Kunder, James. 1998. "The Needs of Internally Displaced Women and Children: Guiding Principles and Considerations." *Office of Emergency Programmes Working Paper Series*, September: 1-39. Accessed April 12, 2020. https://reliefweb.int/sites/reliefweb.int/files/resources/2E33B9CFFB3B8F7BC1256C7C004EFCAA-UNICEF.pdf.

[65] IDMC. 2011. *People Internally Displaced by Conflict and Violence: Global Overview.* The Norwegian Refugee Council's Internal Displacement Monitoring Centre (IDMC). Accessed April 13, 2020. https://www.unhcr.org/IDMC/IDMC-report.pdf.

[66] IDMC . 2018. *The ripple effect: economic impacts of internal displacement.* June. https://www.internal-displacement.org/sites/default/files/inline-files/20180608-idmc-economic-impacts-intro_0.pdf.

2.2.9 Loss of Access to Public Services

IDPs have extremely limited access to public services.[67]Access to public services such as education, health, water and sanitation may be more difficult for IDPs to access. This could include anything from health clinics to educational facilities, but especially costly both in the short and long term are lost or delayed opportunities for the education of children. They also suffer discrimination as a result of being displaced and can be denied access to government services and the right to vote and participate in public life.[68] Basic services including food, electricity, medical assistance, education, household items, hygiene products and transportation are rarely available to most IDP families. Factors that may draw IDPs from camps to urban areas either for an interim period or for a long-term basis include greater access to public services, livelihood opportunities and physical security than in rural areas or small towns as well as kinship networks or social ties.[69] The government has the duty to provide IDPs with equal access to basic services and infrastructure as local residents on the one hand and recognize

[67] DeJesus, "Forced migration and displacement in Africa,"6.

[68] Joseph K. Kamara et al., "The social and political dimensions of internal displacement in Uganda: Challenges and opportunities – a systematic review," *Journal of African Studies* 76 (3): 444-473 . Accessed June 10, 2020. doi:https://doi.org/10.1080/00020184.2017.1346387.

[69] Brookings. 2013. *Project on Internal Displacement.* January 24. Accessed April 11, 2020. https://www.brookings.edu/wp-content/uploads/2016/06/Under-the-radarIDPs-outside-of-camps-Oct-2013.pdf.

their right to return to their places of origin and to their homes or places of habitual residence, in safety and with dignity on the other.

2.2.10 Violation of Human Rights

Human rights violations frequently precede or trigger displacement and also occur during or after displacement.[70] IDPs in general, and women, children, older people, those with disabilities and other minority groups in particular, are at higher risk of violence during displacement.[71] Displacement from one's habitual residence and the loss of property without fair compensation can, in itself, constitute a violation of human rights. In addition to violating economic and social rights, listed above, arbitrary displacement can also lead to violations of civil and political rights, including: arbitrary arrest, degrading treatment or punishment, temporary or permanent disenfranchisement and the loss of one's political voice. Finally, displacement carries not only the risk of human rights violations at the hands of state authorities and security forces but also the risk of communal violence when new settlers move in amongst existing

[70] Cohen, Roberta. 2004. "The Guiding Principles on Internal Displacement: An Innovation in International Standard Setting." *Global Governance* 10: 459–480. Accessed April 24, 2020. https://www.refworld.org/pdfid/4c51531f2.pdf.

[71] IDMC , "*The ripple effect," 2018.*

populations.[72] In conflict situations, women are often the last to escape, they often run away with children and may have to have procedural sex to provide food for themselves and their children. This increases the chances of exposure to physical and mental health problems, infectious diseases, and sexual infringement.[73] IDPs are subject to heightened vulnerabilities in areas of personal safety, human rights, and livelihoods. They are often unable to escape the effects of armed conflicts and can fall victim to the violence. Women and children, who make up the majority of IDPs, face an acute risk of sexual exploitation and abuse. The main human rights concerns facing IDPs in Ethiopia include violent attacks, including gender-based violence, sometimes by government officials, humanitarian workers, fellow IDPs and members of host communities; lack of food, water and sanitation; and lack of livelihoods.[74] In numerous internal displacement situations, internally displaced persons do not obtain justice or they achieve only partial redress or reparations for the human rights violations that they have suffered, including for loss of housing, land or property. Even where such mechanisms exist,

[72] Eisen and Dale, "The Great Displacements of 2017," 3.

[73] Oluwakemi C. Amodu, , Magdalena S. Richter, and Bukola O. Salami. 2020. "A Scoping Review of the Health of Conflict-Induced Internally Displaced Women in Africa." *International Journal of Environmental Research and Public Health* 1-21.

[74] Kamungi, Prisca. 2011. "National Response to Internal Displacement: Achievements, Challenges and Lessons from Kenya." *Case Studies: Georgia, Kenya, Afghanistan and Sri Lanka*, November: 233-257. Accessed April 15, 2020. https://www.brookings.edu/wp-content/uploads/2016/06/From-Responsibility-to-Response-Nov-2011_Kenya.pdf.

traditionally, the range of serious civil and political rights violations addressed has been too narrow and has relatively neglected internally displaced persons.[75]

3. The International Protection of IDPs

3.1 International Human Rights Instruments

Internal displacement has become a global problem but there is no legally binding comprehensive convention that provides for the legal protection of IDPs as yet. The first milestone document adopted in the history of the UN was the 1948 Universal Declaration of Human Rights (UDHR). The declaration provided bill of rights for all human beings including all vulnerable groups in any society across the world. Although the concept of 'internal displacement' is not expressly addressed in the text of the document, the rights provided concern the needs of IDPs. UDHR has become a touchstone for actions by governments, individuals, and nongovernmental groups in many countries. It has been ratified by almost all countries in the world. Practically no other international instrument can claim this honor. In short, the UDHR has acquired a moral and political significance matched by only few other human rights documents.[76] The other important multilateral convention negotiated under the auspices of the UN

[75] OHCHR, "Monitoring and Protecting," 2020.

[76] Welch, Claude. 2015. *Universal Declaration of Human Rights: Why does it matter?* December 17. Accessed April 22, 2020. http://www.buffalo.edu/ubnow/stories/2015/12/qa_welch_udhr.html.

was the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. This convention was adopted to save those vulnerable racial, national, ethnic or religious groups from the crime of complete or partial destruction through killings, causing bodily or mental harm, impeding births, and forcibly transferring children of the group to another group[77]. This convention seems to have included several principles that help protect the rights of IPDs but the rules are too general to meet the specific conditions of these vulnerable groups. The 1949 Four Geneva Conventions provided many rules and principles that directly apply to all civilians and IDPs in the context of armed conflict. For instance, article 49 of the Conventions prohibit forcible transfer of civilians and other protected persons from their villages during armed conflict by the occupying power except the evacuation is meant to protect the people affected. The occupying power has to take the maximum care of those displaced people and restore them to their villages after the ceasefire. The Geneva Conventions still cover only some aspects of internal displacement as it is confined to the case of displacement due to armed conflict. The 1977 Additional Protocols to the Geneva Conventions also provide for a wider protection of civilians by all parties to the conflict; particularly the protocols protect civilians specially children from evacuation for whatsoever reason except

[77] Refer to the definition provided to 'genocide' under article II of the Convention.

temporarily for health or medical services[78]. The 1951 United Nations Convention Relating to the Status of Refugees, although it covers only those persons who have become refugees as a result of events occurring before 1 January 1951, also covers some principles that apply to internally displaced persons. For instance, in case of the re-establishment of IDPs lost nationality, the rules of the convention may apply[79]. The 1967 Protocol Relating to the Status of Refugees was thus adopted to address the issues of new forms of refugees as the 1951 Convention was too limited to cover the wider spectrum of the rights of refugees. Since the basic needs of both refugees and internally displaced persons are predominantly similar, many of the principles that apply to refugees can also be applied to IDPs. More importantly, the 1979 Convention on the Elimination of All Forms of Discrimination Against Women, having recognized all the past injustice and the vulnerability of women, introduced women rights as part of human rights with a view to eliminate all forms discrimination against women in all spheres of their lives. The convention aims at eliminating all sorts of economic, political, social and cultural discriminations against women in all conditions of life. Above all, the convention provides equal rights for women to acquire

[78] Refer Article 78 of the Additional Protocol I of 1977.

[79] See Article 1 (C) (2) of the 1951 United Nations Convention Relating to the Status of Refugees.

property and administer the family[80], to have access to reproductive health care[81], to conclude contracts and administer property[82], to access agricultural land[83], and to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications[84]. Thus, while the rules of the convention apply to all women equally, they should be equally applicable to those internally displaced women. As it has been briefly elaborated above, all the existing international humanitarian and human rights documents had not given due attention to the meet the specific needs of IDPs. Thus, in 1990s, after a series of deliberations on whether to adopt a comprehensive single convention on internal displacement or not, the UN finally came up with the 1998 Guiding Principles on Internal Displacement for the international and domestic legal protection of IDPs. The Guiding Principles are more than a simple compilation and restatement of legal rules. They provide a comprehensive framework for identifying protection concerns and for planning, implementing and monitoring protection activities in situations of internal displacement.[85] They can be used by governments, international agencies, NGOs and IDPs

[80] Article 16(1)(h) of CEDAW 1979
[81] Ibid., article 12(1)
[82] Ibid., article 15(1)
[83] Ibid., article 14(2)(g)
[84] Ibid., article 14(2)(h)
[85] Cantor, "'The IDP in International Law'?," 5.

themselves to promote and protect the rights of internally displaced persons. The document provides a definition of internally displaced persons; it affirms that the Principles reflect international human rights law and IHL; and it explains that the purpose of the Principles is to provide guidance in situations of displacement. It is not a binding international treaty by nature. According Principles 1-4, national authorities have the primary responsibility to protect and assist IDPs within their jurisdiction; IDPs are entitled to enjoy in full equality the same rights and freedoms as other persons in their country and shall not be discriminated against; and certain IDPs, especially unaccompanied minors, expectant mothers, mothers with young children, female heads-of-households, persons with disabilities and the elderly, might require specific attention. Principles 5 to 9 provide for protection from arbitrary displacement. Most importantly, the major provisions include a right not to be arbitrarily (unlawfully) displaced and spells out the situations in which displacement is absolutely prohibited; a duty on states to avoid the displacement of populations unless absolutely necessary and to protect against the displacement of groups with a special dependency on their lands; and when displacement is unavoidable, states shall provide certain guarantees for the displacement to be lawful. Principles 10 to 23 generally provide for protection and assistance during displacement. Among other things, IDPs shall enjoy their civil and political as well as social,

economic and cultural rights including the right to life and to protection against acts of violence and torture, sexual and gender-based violence, landmines, and recruitment of children into armed forces or groups and their participation in hostilities; to safe access to essential food, potable water, basic shelter, appropriate; clothing, medical services and sanitation; to freedom of movement, including in and out of IDP camps; to seek asylum in another country; to personal documentation; to respect for family life and unity; to education and training, equally for women and girls; to employment and participation in economic activities; to vote and participate in government and public affairs. In addition, principles 24-27 provide for access to humanitarian assistance. Accordingly, when State authorities are unable or unwilling to provide assistance to the displaced, international organizations have the right to offer their services and to enjoy rapid and unimpeded access to the displaced; and humanitarian assistance shall be provided consistent with the principles of humanity and impartiality and without discrimination; and humanitarian actors should take into account and work to address not only the assistance but also the protection concerns of IDPs. Finally, principles 28-30 of the Guideline provide for durable solutions to IDPs including the right to return to their place of origin, integrate locally at displacement site, or resettle elsewhere in the country-voluntarily, safely and in dignity; to participate in planning their return or settlement and reintegration; to return of lost property or, where not possible, to

receive compensation; and to equal access to public services. Thus, there are no internationally binding legal instruments dedicated to protecting the internally displaced. IDPs are not afforded any special status in international law. However, they do enjoy the rights and freedoms guaranteed to all individuals by international human rights and humanitarian law. The Guiding Principles do not create new law. They restate existing rights and freedoms found in binding instruments such as the International Covenant on Civil and Political Rights, International Covenant on Economic, Social, and Cultural Rights, Convention against Torture, Geneva Conventions, and the Universal Declaration on Human Rights and customary international law and interpret them in the context of IDP vulnerabilities and protection needs.

3.2 Regional Human Rights Instruments

At regional level, in the wake of the Second World War, an estimated 60 million people were displaced in Europe.[86] The problem of refugees and internal displacements were intensified in Europe immediately after the Second World War (1945 to 1953). Following the adoption of UDHR at UN in 1948, the Council of Europe adopted several human rights instruments, most notably the European Convention for the Protection of

[86] Giada Zampano, Liam Moloney, Jovi Juan. 2015. *Migrant Crisis: A History of Displacement* . September 22. http://graphics.wsj.com/migrant-crisis-a-history-of-displacement/.

Human Rights and Fundamental Freedoms (1950) and its 14 Protocols, which contain important provisions relevant to IDPs, including the right to property. The Council of Europe recommends that States confronted with internal displacement base their national legislation and practice on the UN Guiding Principles on Internal Displacement in addition to all relevant instruments of human rights and international humanitarian law. It has spelled out how the European Convention on Human Rights can be applied to the specific needs faced by IDPs, including safeguarding the civilian nature of camps, facilitating family reunification, and providing protection from forcible return to an area where IDPs' physical safety would be at risk. The Council of Europe has specifically affirmed the rights of IDPs to replacement documentation, compensation for deprivation of property, education, and political participation[87]. More importantly, the European Court of Human Rights reviews cases of alleged violations of the Convention and its protocols. IDPs can bring cases directly to the European Court for consideration. In recent years, the Court has issued a number of important binding judgements relating to rights violations suffered by IDPs, particularly regarding the right to property, and awarded victims of such violations financial compensation. Also relevant are the "human dimension" commitments adopted by the Organization for Security and Cooperation in Europe (OSCE), comprising 56

[87] See Recommendation 6 on internally displaced persons adopted by the Committee Ministers on 5 April 2006.

States across Europe, including all the successor States of the former Soviet Union, Canada and the United States.[88] Besides, the OSCE's Office for Democratic Institution and Human Rights (ODIHR) and its High Commissioner for National Minorities both undertake work relevant to IDP protection. Thus, although not legally binding, these commitments reinforce and promote international human rights of IDPs.

In the Inter-American Human Rights System, the Organization of American States (OAS), composed of the governments of Latin America, the Caribbean, and North America, has adopted a number of human rights instruments, most notably the American Convention on Human Rights (1969). The monitoring implementation of the American Convention are done by the Inter-American Commission on Human Rights and, for judicial issues, the Inter-American Court of Human Rights. The Commission, composed of independent human rights experts, has been active in monitoring and reporting on situations of internal displacement, and making recommendations to governments for more effective national responses. Spearheading these efforts has been a Special Rapporteur on Internally Displaced Persons (1996-

[88] UNHCR. 2000. "Internally Displaced Persons: The Role of the United Nations High Commissioner for Refugees." *Position Paper.* United Nations High Commissioner for Refugees (UNHCR), March 6.

2004). IDPs can even submit complaints of human rights violations directly to the Commission for referral to the Court. Particularly, in the context of development-induced displacement, the Court has increasingly considered cases and issued decisions, which are binding on the State concerned, on issues relating to internal displacement. In particularly important cases, concerning IDPs in Colombia, the Court has concluded that arbitrary displacement violates Article 22 of the American Convention (concerning the right to freedom of movement) and has also insisted that governments must protect persons from displacement. The OAS has called on all States in the region to address the causes of displacement and, if displacement occurs, to commit to providing IDPs with protection and assistance in accordance with the UN Guiding Principles on Internal Displacement[89]. Thus, despite the fact that states are not legally bound by it, the Guiding Principles still play central role in the domestic protection of IDPs in the region.

In the African Human Rights System, the 1981 African Charter on Human and Peoples' Rights affirms the range of civil, political, economic, social and cultural rights, including the right of every individual to freedom of movement and choice of residence, and the right to property. Supplementing the Charter's provisions for the protection of the rights of women and children are the African Charter on the Rights and Welfare of the Child

[89] See OAS resolution 2229 of 2006.

and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Both instruments include specific provisions relating to State obligations to respect human rights in times of armed conflict, and reiterate the responsibility of States to respect and ensure respect for international humanitarian law, including protection of civilians. While the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa protects the specific needs of women in Africa, the 1990 African Charter on the Rights and Welfare of the Child provides for the protection of the rights of African children in every realm of life. For instance, the Charter on the Rights of the Child affirms that no child under 18 is to be recruited or otherwise take direct part in hostilities[90], and makes express reference to the need to protect and assist internally displaced children and to ensure family reunification in situations of displacement[91]. The Protocol on the Rights of Women also includes commitments to protect internally displaced women against all forms of violence, rape and sexual exploitation and ensure perpetrators are brought to justice[92]; ensure the increased participation of displaced persons,

[90] Article 22 states that children should not be recruited as soldiers, nor should they take a direct part in fighting wars.

[91] See articles 23-25 of the 1990 African Charter on the Rights and Welfare of the Child.

[92] Refer article 11(3) of the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

particularly women, in the management of camps and settlements[93]; and devote attention to widows' property rights, which is key for women heads-of-households whose numbers tend to increase dramatically during displacement[94]. In addition to the previous charters, the 1994 Addis Ababa Document on Refugees and Forced Population Displacement in Africa has also played a significant role in the regional protection of internally displaced persons in Africa. By the time the document was adopted, there were more than 20 million internally displaced persons in the continent[95]. This document underscored the severe problems of IDPs in Africa and forwarded several recommendations for concerned states to take all measures to protect and provide humanitarian assistance to IDPs on equal par with refugees. Most importantly, the 2012 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, also Known as the Kampala Convention, is the first regional treaty to comprehensively address the issue of internal displacement in Africa. It is the world's first continental instrument that legally binds governments to protect the rights and ensure the wellbeing of people forced to flee their homes by conflict, violence, disasters

[93] See article 9 of the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

[94] Refer articles 20-21 of the Protocol.

[95] Refer Part I (4) of the 1994 Addis Ababa Document on Refugees and Forced Population Displacement in Africa.

and human rights abuses.[96] The Convention tackles a major humanitarian, human rights, and development issue for the African continent.[97] The treaty builds on the 1998 Guiding Principles on Internal Displacement, integrating international human rights and humanitarian law norms as they relate to internal displacement, and incorporating principles from African regional standards such as the African Charter on Human and Peoples' Rights, and the Great Lakes Protocol.[98] The Convention advances the normative standard on internal displacement in a number of important areas, including in terms of the prohibition on arbitrary displacement; the responsibilities of international and regional organizations; internal displacement linked to the effects of climate change; and remedies for those affected by displacement. Under the treaty, States Parties are required to enact or amend legislation in line with their obligations under the Convention, and to develop appropriate strategies and policies on

[96] IDMC.2014. "The National Responsibility to Protect Internally Displaced People: The Kampala Convention." *Workshop* . Addis Ababa, Ethiopia: Internal Displacement Monitoring Centre. 1-16.

[97] Bradley, Mike Asplet and Megan. 2013. "Introductory note to the African Union Convention for the Protection and assistance of Internally Displaced Persons in Africa (Kampala Convention)." *International Legal Materials* 52 (1): 397-410. Accessed March 2, 2020. http://www.jstor.org/stable/10.5305/intelegamate.52.1.0397.

[98] Beyani, Chaloka. 2006. "The Elaboration of a Legal Framework for the Protection of Internally Displaced Persons in Africa." *Journal of African Law* (School of Oriental and African Studies) 50 (2): 187-197. Accessed March 12, 2020. http://www.jstor.org/stable/27607971.

internal displacement at the local and national levels. At the same time, to the extent possible, States Parties are to designate funds and appoint authorities or bodies responsible for ensuring protection and assistance for IDPs in accordance with the treaty. However, there is no provision under the Convention for individuals to bring claims for a state's lack of compliance. Rather, the emphasis is on ensuring implementation of the agreement by integrating it into domestic laws. The Convention takes a holistic view of displacement, encompassing displacement caused by factors including armed conflict, generalized violence, human rights violations, development projects, and disasters (natural and human-made). Its provisions address the prevention of internal displacement (Articles 4, 10); assistance and protection during displacement (Articles 5-9); and durable solutions to displacement (Article 11). The agreement also addresses displacement due to development projects (Article 10); redress for those affected by displacement (Article 12); documentation (Article 13); and a range of procedural issues (Articles 14-23). The Convention is significant for a variety of other reasons. It is the first instrument intended to legally bind an entire region on matters related to preventing situations of mass displacement and to resolving the vulnerabilities and needs of those who have been displaced. Another ground-breaking aspect of the Convention is its formal recognition of displacement triggers other than armed conflict and situations of generalized violence. The Convention recognizes and embraces a much more

comprehensive list of factors that force people to flee their homes and communities. Moreover, the Convention makes a significant contribution to the law of internal displacement by recognizing the rights of IDPs and the obligations states have toward them during all phases of displacement, from prevention, to treatment of persons while they are displaced, and through their return, local integration, or resettlement. No multilateral legal instrument is perfect and the Convention does have limitations. Concerns over the lack of effective enforcement mechanisms and insufficient guarantees for equality, non-discrimination, and other human rights have been raised. Similarly, there is some question regarding the extent to which non-state actors and armed groups called upon by the Convention to protect IDPs can be bound by its provisions.[99]

4. The Domestic Protection of IDPs in Ethiopia

4.1 National Legislative Protection of IDPs

National laws form the primary legal basis for IDP protection.[100] However, all States have a responsibility to ensure that their

[99] Solomon, Andrew. 2010. "African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa." *International Legal Materials* (American Society of International Law) 49 (1): 83-100. Accessed March 10, 2020. http://www.jstor.org/stable/10.5305/intelegamate.49.1.0083.

[100] Silska, Magdalena. 2014. "Protection of Internally Displaced Persons: An International Legal Obligation?" *Polish Yearbook of International Law* 34: pp. 249-271. Accessed April 23, 2020. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2676235.

national laws and policies respect and reflect their obligations under international law, including those contained in international human rights and humanitarian law.[101] States must therefore take action, by all appropriate means, to give effect to their international legal obligations at the national level. More specifically, national legislative and policy frameworks should respect the rights and guarantees to which IDPs are entitled under international law, and be consistent with the State's international legal obligations. Protection strategies and activities should also take into account relevant domestic traditional, customary, or religious dispute resolution mechanisms. States are generally encouraged to strengthen legal frameworks for the protection of IDPs and to promote the Guiding Principles on Internal Displacement through national legislation. This does not mean that it is necessary or even appropriate in all contexts to adopt IDP-specific legislation.[102] IDPs are citizens or habitual residents of the country they live in and therefore have the same rights and freedoms as other people in the country. In any case of internal displacement, two different types of national legislation should be considered[103]: first, general laws that generally deal with matters affecting internally displaced persons, although they will

[101] Ahmad, Nafees. 2017. "Internally Displaced Persons and International Refugee Law: Protection Gaps,Challenges and Implementation in Practice." *The King's Student Law Review* 8 (2): pp. 94-117.

[102] Wyndham, Jessica. 2007. "A Developing Trend: Laws and Policies on Internal Displacement." *The Brookings Institution.* January. http://conflictrecovery.org/bin/brookings-idp-jan2007.pdf.

[103] Ibid

generally not address internal displacement. Examples include administrative laws that determine how individuals can recover lost personal documents; property laws that lay down rules and procedures for claiming compensation; election codes determining voter eligibility criteria; and education laws that define admissibility criteria and languages of instruction. Secondly, some laws focus specifically on addressing internal displacement. These can take several forms. In some cases, governments have adopted laws on a particular phase of displacement, for example, spelled the minimum standards to be observed during a return to another location or during the settlement and reintegration process. In other cases, governments have adopted comprehensive national laws covering all stages of displacement, including all causes of displacement, including solutions from displacement. Any specific legislation on internal displacement must have as its aim and effect to ensure that IDPs enjoy their rights equally with other citizens or habitual residents of the country.[104] Caution must be exercised to ensure that the consequence of an IDP-specific law is not to isolate IDPs as a separate legal category, which, in extreme cases, might lead to their marginalization from the rest of the community and even the violation of their rights. Whether IDP-specific legislation would be necessary to ensure the protection of IDPs' rights will depend

[104] Ibid.

upon the context. In many cases, modification of existing legislation might well be sufficient to address the particular protection concerns that arise in situations of internal displacement. Indeed, even when there is IDP-specific legislation, amendments to general legislation often will be essential. For instance, to address the particular obstacles that IDPs face in enjoying their rights to property, documentation, education or political participation, simply affirming these rights in an IDP law will usually not be sufficient; rather, it will be necessary to amend the relevant piece of general national legislation (e.g. civil status legislation, education act or electoral code) to remove the legislative impediments that IDPs face or to establish simplified procedures. In Ethiopia, despite the dire problem of internal displacement, there is no effective legal framework sufficient enough to address the issue of IDPs[105]. The Federal Democratic Republic of Ethiopia (FDRE) Constitution establishes ethno-centric federal administrative structure with a view to promote ethnic self-determination and peaceful co-existence of all nations, nationalities and peoples of Ethiopia based on the principles of equality, non-discrimination, political participation and cultural-pluralism. The Constitution is the supreme law of the country. It provides for human rights and fundamental freedoms under chapter three. In Article 9(4), it is

[105] Arbouw, "The Role of the African Union," 7.

stated that all international agreements ratified by Ethiopia are the integral part of Ethiopian legislation. Besides, article 13(2) states that all fundamental rights and freedoms included in the Constitution shall comply with and be interpreted in line with the principles that are laid down in the UDHR, International Convention on Civil and Political Rights, International Convention on Economic, Social and Cultural Rights and other international agreements ratified by Ethiopia. Ethiopia has so far ratified eight core international human rights documents. These international agreements once ratified by Ethiopia will be automatically used to provide general protection to IDPs in Ethiopia. However, Ethiopia has neither ratified the legally binding Kampala Convention nor adopted any national legislation dedicated to IDPs. This legal gap calls for international protection of IDPs in Ethiopia as they live in the cracks of the two legal regimes of protection.

4.2 The Institutional Protection of IDPs

4.2.1 Protection by Governmental Institutions

There are a number of government organs that are directly or indirectly tasked with the protection of IDPs in Ethiopia. As the inter-ethnic tension and public protests increased in the country as of 2014, the Ministry of Peace was established in 2018 by Proclamation No.1097/2018. One of the primary legal

responsibilities of the new ministry is to identify the causes of conflicts among communities and to devise and implement sustainable solutions to disputes and conflicts that may arise within regional states (inter-ethnic conflicts)[106]. Though the ministry is not given an exclusive mandate for the protection of IDPs, it plays significant role in conflict resolution and peacebuilding for the effective resettlement of internally displaced persons. The other main government organ that has to do with IDPs is the Ethiopian Human Rights Commission (EHRC). The Commission is one of the independent human rights institutions established by the constitution. It contributes to the protection of IDPs by doing independent investigations of human rights violations and reporting the matter to the House of People's Representatives (HPR) and to other international human rights institutions. However, as the IDP issues are highly politicized[107], the commission is so highly influenced by the ruling party that it rarely reports the full teething troubles of IDPs in Ethiopia. In addition to this organs, to address inter-ethnic conflicts due to border demarcation, identity and administrative boundaries, the **Administrative Boundaries and Identity Issues Commission has been established in 2018. The commission is vested with the responsibility of identifying and recommending pacific settlement of conflicts that transcend administrative boundaries facilitating the restoration of**

[106] See article 13(1) (g) & (q) of Proclamation No.1097/2018.
[107] Arbouw, "The Role of the African Union," 9.

internally displaced persons[108]**. Finally, the** Ethiopian National Disaster Risk Management Commission plays an indispensable role in early warning and emergency response in cases of natural disaster related internal displacements.[109]

4.2.2 Protection by Nongovernmental Organizations

Aside from the regular government organs, other national and international organizations play vital roles in the protection of IDPs in Ethiopia. There are several domestic and international Civil Society Organizations (CSOs) that are highly engaged in the protection of the human rights of vulnerable groups such as IDPs. It is obvious that Civil Societies Organizations play profound role in the enforcement of human rights through humanitarian assistance, development programs and rights advocacy. Besides, these organizations help the effective enforcement of human rights through their financial support to the government and their shadow reports to international human rights organizations. These institutions help in fostering the human rights culture (through training, education, and dissemination of information although universities and higher educational institutions also share this responsibilities), in stimulating the state commitment to the human rights values (through technical assistance and

[108] See the details of the draft establishment proclamation at: https://chilot.me/2018/12/administrative-boundaries-and-identity-issues-commission-establishment-draft-proclamation/.

[109] OCHA, "Ethiopia,"2019.

capacity building schemes), and in making interventions to facilitate the enjoyment of some rights by the public such as through counselling and legal aid services to victims, through conducting policy research and lobbying.[110] In the past, the law[111] that governs Civil Society Organizations (CSOs) in Ethiopia was too restrictive to allow Nongovernmental Organizations (NGOs) to engage in human rights protection and enforcement through a right based approach. However, as part of the new political reform in the country, a new law[112] is in place that allows domestic and foreign NGOs to freely engage in the protection and enforcement of human rights of vulnerable groups through human rights advocacy.[113] Accordingly, numerous domestic and international

[110] Regassa, Tsegaye. 2009. "Making Legal Sense of Human Rights: The Judicial Role in Protecting Human Rights in Ethiopia." *Mizan Law Review* 3 (2).

[111] The Charities and Societies Proclamation of Ethiopia was one of the post-2005 repressive laws that governed the establishment and operation of civil society organizations (CSOs) in Ethiopia. The Proclamation contains various provisions that made both the formation and effective working of CSOs highly difficult, if not impossible. This clearly contravenes the human rights guarantees stipulated under the Constitution as well as the regional and international human rights frameworks the country has ratified. This has been constantly condemned by human rights groups, academics and activists over the years.

[112] The new Civil Society Organizations Agency Proclamation No. 1113/2019 was approved on March 7, 2019 in the House of Peoples' Representatives with the main objectives of creating an enabling environment to enhance the role of civil society organizations in the development and democratization of the country.

[113] Teshome, Roman G. 2019. *Does the revised Ethiopian civil society proclamation deliver the promise of reform?* February 16. https://www.thereporterethiopia.com/article/does-revised-ethiopian-civil-society-proclamation-deliver-promise-reform.

NGOs are working in collaboration with the government and other UN agencies in protecting and assisting IDPs in Ethiopia.

5. The Role of UN and Its Specialized Agencies in Protecting IDPs

The UN has played a paramount role in the creation of international normative framework for the legal protection of IDPs at international, regional and national levels. By adopting the Guiding principles on Internal Displacement in 1998, the UN has called for all member states to adopt these principles in their domestic laws to address the issues of IDPs in conformity with the international standard. The principles have significantly impacted many countries across the world. The document has been widely accepted by the Inter-American, European and African Human Rights systems as briefly elaborated in the previous section. There are three main reasons underlying the global acceptability of the document. The first and most important of the reasons for this receptivity was that the principles responded to a deep international need for a document to turn to in the field, operational agencies in particular welcomed their completion.[114] Secondly, the fact that the principles reflect existing law already negotiated and accepted by states gave many

[114] Cohen, "The Guiding Principles on Internal Displacement," 5.

governments the confidence to use them domestically.[115] Finally, the other reason for the support the principles received was the inclusive process by which they were developed as almost all the major UN agencies and international NGOs took part in it. The Guiding Principles can play a significant role in raising awareness of the needs of IDPs, mobilizing support within the humanitarian community and helping field colleagues to find solutions when confronted with the protection and assistance needs of the internally displaced.[116] Within the UN system, there are a number of intergovernmental bodies as well as of agencies and offices that could potentially deal with the issue of internal displacement although most, to date, have not yet undertaken substantial efforts in this regard. Some have mandates to serve IDPs, refugees and migrants; others have mandates that include human rights, humanitarian aid, and development. Some function as rapporteurs and advocates; others are operational organizations with field staff placed throughout the world.[117] To show how the UN is taking the lead in organizing all its specialized agencies and other international humanitarian organizations to assist and protect

[115] Kälin, Walter. 2005. "The Guiding Principles on Internal Displacement as International Minimum Standard and Protection Tool." *Refugee Survey Quarterly*, 27-36. Accessed April 24, 2020. doi:10.1093/rsq/hdi050.

[116] Deng, "Guiding Principles on Internal Displacement," 6.

[117] Paul, Simon Bagshaw and Diane. 2004. *Protect or Neglect? Toward a More Effective United Nations Approach to the Protection of Internally Displaced Persons.* The Brookings-SAIS Project on Internal Displacement. Accessed April 23, 2020. https://www.brookings.edu/wp-content/uploads/2016/06/protection_survey.pdf.

IDPs, it is very imperative to briefly identify the roles played by some important UN agencies. The primary UN agency which is vested with the task of protecting both refugees and IDPs is the United Nations High Commission on Refugees (UNHCR). UNHCR's Executive Committee and the UN General Assembly have also authorized the refugee organization to use its "good offices" to serve other vulnerable populations, including people who are stateless or whose nationality is disputed and, in some circumstances, internally displaced persons. In fact, UNHCR has been aiding various IDP populations for more than six decades. UNHCR has an interest in the protection and welfare of persons who have been displaced by persecution, situations of general violence, conflict or massive violations of human rights, because of their similarity to refugees in terms of the causes and consequences of their displacement and their humanitarian needs.[118] The other UN agency involved is the UNICEF, which helps vulnerable children meet their basic needs, and to help them reach their full potential. UNICEF devotes special attention to the protection of the world's most vulnerable and disadvantaged children especially victims of war, disasters, extreme poverty, all forms of violence and exploitation, and those with disabilities who live in IDP camps in many countries.[119] The other UN

[118] UNHCR, "Internally Displaced Persons," March 6, 2000.

[119] UNICEF. 2020. *UNICEF in Emergencies & Humanitarian Action.* April 24. https://www.unicef.org/emergencies/index_displacedchildren.html.

agency worth mentioning is the World Food Programme (WFP). Although internally displaced people are one of WFP's main beneficiary groups, most of those targeted have been persons affected by conflict and natural disaster in general. Specifically, WFP has offered logistical and operational services on behalf of the internally displaced; it has committed to strengthening the capacity of national and NGO partners working with IDP populations through training, capacity building and even direct funding; and it has promised to continue to contribute to the global IDP knowledge base and to promote the sharing of ideas and information.[120] In addition, the UN-Habitat is an important UN agency as it concerns the shelter needs of IDPs, it has been monitoring and evaluating the implementation of the Habitat Agenda, formulated at the Second UN Conference on Human Settlements (Habitat II) held in Istanbul, Turkey in 1996[121]. UN-Habitat also provides technical assistance to countries and cities in the areas of urban governance, housing, environmental management, disaster mitigation, post-conflict rehabilitation, urban safety, water management and poverty reduction especially

[120] Awoke, Melese. 2018. *Food proves a lifeline to those fleeing conflict in Ethiopia.* December 3. https://insight.wfp.org/food-and-nutrition-support-proves-vital-to-idps-in-ethiopia-e7008b62b9d9.

[121] The twin goals of the Habitat Agenda are "adequate shelter for all" and "sustainable human settlements development in an urbanizing world." Another goal is to support the *Declaration on Cities and Other Human Settlements in the New Millennium* adopted by the General Assembly in May 2001, which targets improving the lives of at least 100 million slum dwellers by 2020.

for those countries with IDP problems. As regards the problem of migration and internal displacements, the International Organization for Migration (IOM) is playing a key role. Since it is common that internal displacements and migrations occur together, the IOM helps governments and civil society through rapid humanitarian responses to sudden migration flows; post-emergency return and reintegration programs; facilitation of labor migration; training and capacity-building of officials; measures to counter trafficking in persons; migration medical and public health programs; and research related to migration management and other services for migrants. To IOM, migrants include both those who migrate internally and internationally. The organization has been actively engaged worldwide in helping persons displaced by conflict to return and resettle by providing transport and reintegration assistance.[122] Moreover, the United Nations Development Program (UNDP) helps the protection of internal displacement through development interventions. It is the UN's principal provider of development technical assistance, advocacy and grant support. UNDP provides expertise in a number of areas, including democratic governance, poverty reduction, energy and environment, peacebuilding and disaster mitigation, HIV/AIDS, and information and communications

[122] IOM. 2017. *IOM Framework for Addressing Internal Displacement.* https://www.iom.int/sites/default/files/press_release/file/170829_IDP_Framework_LowRes.pdf

technology. In post-conflict situations in many countries, UNDP in particular has become increasingly involved in programs involving the resettlement and reintegration of internally displaced populations. Its role with IDPs also extends to emergency situations, where the Resident Representative normally serves as the Resident Coordinator of the entire UN system. In this capacity, Resident Representatives have "the function of coordinating assistance to the internally displaced, in close cooperation with Governments, local representatives of donor countries and the United Nations agencies in the field.[123] Finally, it is noteworthy to mention the role of International Committee of the Red Cross (ICRC) on humanitarian assistance to IDPs in conflict and post-conflict setups. ICRC helps all victims of war and internal violence, attempting to ensure implementation of humanitarian rules restricting armed violence. In the field, it performs a variety of tasks, which include providing protection and assistance to civilian populations, conducting health-related activities, visiting prisoners of war and security detainees, and restoring contact between family members separated by war.[124] Therefore, the UN and its specialized

[123] UNDP. 2015. "Guidance Note: A Development Approach to Migration and Displacement." December. https://www.undp.org/content/dam/undp/library/Sustainable%20Development/Final%20Guidance%20Note%20Migration%20and%20Displacement%2016%20January%202016.pdf.

[124] ICRC. 2018. *International Committee of the Red Cross.* April 1. https://www.icrc.org/en/document/internally-displaced-people.

agencies are playing indispensable role to fill the gaps in the domestic protection of IDPs.

6. Conclusion

Scholarly views are divided on the need for developing a specific legal framework to meet the assistance and protection needs of IDPs. One viewpoint contends that the existing regime of international human rights and humanitarian laws offer a firm basis to enforce the accountability of States towards the protection of IDPs at domestic level. According to this view, any attempt to produce a separate or a new legal regime for IDP's could undercut the extensive legal framework which already exists. However, contrary to this view, this article has shown that the existing laws at the international level do not provide sufficient protection for all types of internal displacements today as such laws focus entirely on conflict-induced internal displacements. The other viewpoint believes that there is a need for a definitive legal statement of the principles and norms applicable to internal displacements, thus patching the gaps in the existing laws can be enough to meet the needs of IDPs. However, as it is shown in this paper, there is no single legally binding body of law that deals with the issue of internal displacement at the international level. Still the third line of argument advocates for the adoption of a single legal instrument to address the problem of internal displacement, which is substantially the same problem

with refugees. This track of argument is still problematic because adopting a binding international legal instrument on internal displacement contravenes the sovereignty of States as the issue is seen as an entirely the internal affairs of States. Accommodating all these arguments, the UN has finally developed an international legal framework for the protection of IDP's by adopting a comprehensive document, the Guiding Principles on Internal Displacements in 1998. Though the document is not legally binding, the entire principles encompassed in the document are underpinned by binding rules of international humanitarian and human rights laws. Accordingly, the document is widely accepted across the world and most regional legal developments on internal displacements have been shaped by it. For instance, the African Union has adopted the Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention) by incorporating the Guiding Principles. In addition to this, significant and highly innovative efforts are being made in Ethiopia by United Nations institutions and non-governmental organizations' (NGOs) staffs to provide protection to internally displaced persons (IDPs) and other vulnerable groups who are often in extremely difficult and dangerous conditions. The UN and some NGO staffs have provided an open and practical framework for protection programs and activities for the promotion and dissemination of Guiding Principles on Internal Displacement to national and local authorities. Therefore, it is possible to conclude that despite the

dearth of domestic laws on IDPs, the UN has played a significant role in the legal and institutional protection of IDPs in Ethiopia.

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