The Adequacy of Law and Policy Frameworks on Internal Displacement in Ethiopia: A Critical Appraisal

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Abstract

With three million displaced people over the last couple of years, Ethiopia has one of the highest populations of internally displaced persons (IDPs). Large number of people are forced to flee their homes within the country due to conflict. The aim of this chapter is to doctrinally examine the adequacy of existing legal and policy frameworks concerning IDPs in Ethiopia. This chapter examines whether the existing national frameworks adequately protects IDPs, and if not, what gaps exist. This chapter argues that while existing domestic legal and policy frameworks contain elements relevant to protection of IDPs, they are not comprehensive and do not comprehensively respond to the specific needs and vulnerabilities of IDPs. This chapter makes the point that the absence of an adequate domestic legal and policy framework for protection of IDPs underlines the importance of domesticating the Kampala Convention.

Keywords

Internally displaced persons · Internal displacement · Law · Kampala Convention · Ethiopia

1 Introduction

Internal displacement has been an on-going challenge in Ethiopia for many years. Conflict over resources and local boundaries combined with recurrent drought and seasonal floods generate population displacement every year (IDMC 2019a). New waves of violence have triggered significant internal displacement (IDMC 2018: 5). About 2.9 million people were forced to flee their homes as a result of conflict-induced displacement in the first half of 2018 (IDMC 2019b: 14). According to the latest Displacement Tracking Matrix (DTM), published on August 2019, conflict is the leading driver of displacement followed by displacement due to natural disasters exacerbated by climatic factors (IOM 2019a). As of January 2019, the number of displaced people stood at 2.23 million and conflict-induced displacement counts the largest (IOM 2019b). In the late 2020, the military confrontation between the Federal
Government of Ethiopia and the Tigray People’s Liberation Front governing (TPLF) (governing the Tigray region in the north of Ethiopia) also triggered population displacement (DW 2020).¹

Internal displacement has already left hundreds of thousands of Ethiopians in dismal condition by disrupting livelihood and food security, and affecting access to basic social services like health and education (OCHA 2019a). Many IDPs have been exposed to malnutrition, deteriorated health and living condition and disruption of education. The UN Office for the Coordination of Humanitarian Affairs (OCHA) has reported that 3.19 million IDPs and returnees are in need of assistance, among which 30% are in acute need (OCHA 2019b: 4). Moreover, it has been revealed that emergency shelter and non-food items are priorities (OCHA 2019b: 50 and 52).

In response to the displacement crisis, the government has attempted to take a number of measures ranging from establishing a Ministerial Task Force (entrusted with the mandate of addressing the displacement crisis) to setting up Emergency Operation Centres in affected area (Refugees International 2018: 8). Moreover, the government, in cooperation with humanitarian partners, has responded to critical needs of displaced persons by providing food and other materials to displaced persons living in various camps (OCHA 2019c: 1). The government adopted a Strategic Plan to address Internal Displacement and a costed Recovery/Rehabilitation Plan in 2019 (OCHA 2019c: 3). The overall objective of the Plan is to ensure the voluntary, safe, dignified and sustainable return or relocation of those persons displaced by inter-communal conflict in different regions of the country (OCHA 2019c: 3).

Although there have been various efforts in response to the critical needs of displaced persons, IDPs continue to live in dire circumstance in the absence of sustainable solutions and inadequate levels of assistance. Humanitarian assistance has been hampered by resource constraints and security issues (OCHA 2019c: 1 and 2). Resource shortfall has affected life-saving activities, particularly delivery of assistance in three sectors such as food, health and nutrition (OCHA 2019c: 1). Following the adoption of the Strategic Plan, the government has carried out intensive return operations in Oromia, SNNPR and in the Somali region (OCHA 2019d: 2–7). Though the government has claimed that the return is voluntary and security conditions in return areas have been assessed, the mass return operation has been criticised for being forceful and premature (Refugee International 2019). The government-led mass return operation has been undertaken through restricted humanitarian aid in the area of displacement, the dismantling of IDP sites and the coercion of displaced persons to move to return areas where aid would be provided, essentially leaving them with no choice but to return (Refugee International 2019). Nonetheless, many IDPs could not actually return to their houses fearing security threats and the lack of rehabilitation support that helps them to resume their livelihood and get on with their life in their area of origin (Refugee International 2019). As a result, a majority of returnees are living in secondary displacement conditions in areas close to their home (OCHA 2019e: 2). This government-led relocation process has seriously affected the efforts of humanitarian aid workers in the protection of IDPs (OCHA 2019d: 1).

However, this is contrary to relevant international standards. On 13 February 2020, Ethiopia ratified the AU Convention for the Protection and Assistance of IDPs in Africa (2009) (the Kampala Convention). Against this backdrop, this chapter examines the adequacy of national standards in

¹Several months of tensions between the Federal Government and the TPLF reached its peak when on 4 November 2020, the Federal Government launched a military attack against forces of the TPLF in response to an alleged assault by the TPLF on the Ethiopian National Defence Force base in Tigray (Atlantic Council 2020). The fragile relationship dates back to 2018 when the Prime Minister Abiy Ahmed came into power. The ruling coalition at the time—the Ethiopian Peoples’ Revolutionary Democratic Front (EPRDF) was subsequently dismantled and replaced with a single national party—the Prosperity Party (PP), which the TPLF refused to join (International Crisis Group 2020). The relationship rapidly deteriorated following the Federal Government’s postponement of the national election that was to take place in August due to the COVID-19 pandemic. However, the Tigray region held its own election in September 2020 (International Crisis Group 2020).
the furtherance of IDP protection and assistance in Ethiopia.

This chapter is divided into three main sections. The first section discusses national legal and policy frameworks relevant to protection of internally displaced persons, while the second section critically assesses the gaps within existing legalisations and policies relevant for the protection of IDPs. The third section examines the implication of ratifying the Kampala Convention.

2 Law and Policy Frameworks Relevant to Internal Displacement

Despite the absence of a specific framework to guide response to internal displacement in Ethiopia, internal displacement issues have been addressed within the general legislation and disaster response system. The Constitution of the Federal Democratic Republic of Ethiopia (the FDRE Constitution) make reference to displacement. The FDRE Constitution states that “All persons who have been displaced or whose livelihoods have been adversely affected as a result of State programmes have the right to commensurate monetary or alternative means of compensation, including relocation with adequate State assistance” (Article 44). Furthermore, the Constitution guarantees protection against displacement for Ethiopian pastoralists (Article 40(5)). These provisions of the Constitution are of paramount importance for persons affected by development-induced displacement or displacements caused by state-initiated programmes.

In addition to this, the Constitution contains bills of rights which apply without reservation to all IDPs such as the right to life, personal security, the right to movement and protection against discrimination (Article 14, 15, 25 and 31). Moreover, the Constitution underscores the fact that “Government shall take measures to avert any natural and man-made disasters, and, in the event of disasters, to provide timely assistance to the victims” (Article 89(3)). However, the aforementioned provisions are not complemented by domestic legislations or policies that are tailored to particular needs and vulnerabilities of IDPs. Thus, neither the civil law nor the criminal law legislations contain provisions elaborating on the above constitutional stipulations.

Besides the FDRE Constitution, the most relevant instrument in the context of internal displacement is the National Policy and Strategy on Disaster Risk Management of 2013 (the DRM policy). This Policy and Strategy is an amendment of the 1993 National Policy on Disaster Prevention and Management. The DRM Policy provides for a comprehensive framework of disaster risk management system that focuses on multi-hazard and multi-sectoral approaches as well as on measures that need to be taken before, during and after the disaster period (DRM Policy 2013). The DRM Policy has brought a paradigm shift by moving away from a disaster management approach that focuses on drought and provision of emergency relief assistance to a more proactive, multi-sectoral and multi-hazard DRM approach (DRM Policy 2013: 5). It recognises the fact that Ethiopia is vulnerable to multiple hazards and associated disasters caused by climate changes and conflict (DRM Policy 2013: 3). The policy stipulates the need to save lives, protect livelihood and ensure all disaster affected populations are provided with recovery and rehabilitation assistance (DRM Policy 2013). By doing so, the policy extends protection to all disaster-affected people including people who are victims of disaster induced displacement.

Moreover, the policy and its associated Strategic Programme and Investment Framework (DRM-SPIF) contain important statements that could boost the reliability of government’s response to internal displacement issues. The DRM activities implemented during the pre-disaster phase contribute to the prevention and mitigation of conditions that might lead to disaster-induced displacement. For instance, the DRM policy emphasises the need to provide a response on the basis of early warning or disaster assessment information system (DRM Policy 2013: 6). This is very helpful to the prevention or mitigation of climate change-induced displacement. It is generally acknowledged that measures taken to reduce risks in areas prone to climate-
induced disasters help to reduce the scale of disaster-induced displacement and its impact. Also, the DRM policy lays down general direction and major implementation strategies on a decentralised DRM system, information management, funding, international cooperation and integration of disaster risk reduction into development plans (DRM Policy 2013). Giving effect to these provisions could help efforts to address disaster-induced displacement.

Though the DRM policy comes with provisions relevant to disaster-induced displacement, it is not specifically tailored to the particularities and challenges of internal displacement. It is against this backdrop that the Ethiopian government launched the Federal Government’s Strategic Plan to address Internal Displacement and a costed Recovery/Rehabilitation Plan (the IDP Strategic Plan) with the aim of ensuring the voluntary, safe, dignified and sustainable return/relocation of people uprooted by conflict in seven regions\(^2\) and one administrative City (OCHA 2019c).\(^3\)

The IDP Strategic Plan sets out activities in order to achieve the following four results: Result 1—Restoring law and order and the restoration of justice to address crimes committed; Result 2—Ensuring peace and reconciliation and the formation of enabling systems to allow for IDPs’ informed decision to pave the way for voluntary and informed return or relocation; Result 3—Rehabilitation and livelihood support in areas of return or relocation; and Result 4—Interim multi-sector assistance of affected persons in areas of displacement, return or relocation (OCHA 2019c: 3). This instrument aims to return/relocate/reintegrate IDPs in three phases. Accordingly, the first phase addresses persons displaced from within their region of origin and where conditions allow voluntary, dignified and sustainable return. The second phase targets persons displaced from areas where substantial security and rehabilitation of basic services are required before returns. The third phase deals with persons displaced from areas where alternative solutions to returns are preferred, including IDPs whose place of origin is deemed viable for return but who still choose not to return (OCHA 2019c: 4). Proper implementation of the Strategic Plan will improve the IDP situation and pave the way for finding durable solutions. That is why the international community welcomed the government’s effort to advance durable solutions and, also affirmed its support (OCHA 2019c).

With the major aim of guiding the efforts of all partners engaged in finding durable solutions for IDPs, the Ethiopia Durable Solutions Initiatives (herein after DSI) was launched on December 2019. It aims at providing a principled operational framework and platform to design and implement durable solutions in support of internally displaced persons (IDPs) in Ethiopia and host communities/communities at locations of return, relocation or local integration (Ethiopia DSI 2019). The Ethiopia DSI intends to coordinate collective action and cooperation between the Ethiopian government at various levels and with international actors. This instrument reflects principles and standards in the UN Guiding Principles on Internal Displacement (1998) and the Inter-Agency Standing Committee (IASC) Framework on Durable Solutions for IDPs by stating key principles that should guide the search for durable solutions including rights and need-based approach to durable solutions, participatory and community-based approaches and government-led processes in support of durable solutions (Ethiopia DSI 2019).

Unlike the IDP Strategic Plan, the Ethiopia DSI provides a comprehensive base to guide efforts in pursuit of durables solutions. The Durable Solution Initiative seeks lasting solutions to displacement problems by promoting and creating a conducive environment for local integration, safe and voluntary return and sustainable relocation. Moreover, the DSI articulates provisions of start-up capital, social protection benefits and affordable housing as means to find individualised solutions (Ethiopia DSI 2019). Besides, it envisages the integration of displacement issues into development programmes and humanitarian actions as part of a comprehensive durable solution (Ethiopia DSI 2019). The significance of the

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\(^2\)Tigray, Amhara, Oromia, Somali, SNNP, Benishangul Gumuz and Harari regions.

\(^3\)Dire Dawa city administration.
DSI lies in its intervention approaches sensitive to conflict induced displacement. For instance, strengthening the capacity of local level conflict resolution mechanisms and reconciliation activities considered as location-specific activities which facilitate safe and voluntary return (Ethiopia DSI 2019). Another important aspect is that the DSI places a higher premium on cooperation among the Ethiopian government’s authorities at national, regional and local level and with the international community in pursuit of durable solutions.

The National Social Protection Policy of Ethiopia 2012 is another instrument which aims to address IDP issues indirectly. The Policy highlights specific strategic priorities to better support different section of the population particularly those who are vulnerable, which technically includes displaced persons as well.

Another major legal development concerning IDPs is in the Somali Region of Ethiopia. In October 2017, Ethiopia’s Somali Regional State adopted a regional durable strategy with the aim of assisting the Somali Region IDPs including pastoralist populations in finding durable solution (Somali Regional State Government 2017). The strategy was the first of its kind at regional as well as national level. The Strategy is aligned with international principles and frameworks including the UN Guiding Principles on Internal Displacement, the IASC Framework on Durable Solutions for IDPs, and Kampala Convention (Somali Regional State Government 2017: 5). It also establishes linkage with relevant national frameworks (Somali Regional State Government 2017). Moreover, the strategy reflects the definition of an IDP proposed by the UN Guiding Principles and Kampala Convention (Somali Regional State Government 2017). The strategy also covers all the types of IDPs. Although the application of the strategy is limited to particular regions, it is the first framework specifically dedicated to the furtherance of IDP safeguards. Thus, the strategy fills an important gap within the national framework by enacting IDPs’ entitlements and setting out corresponding institutional responsibilities. Essentially, it provides an opportunity to better organise durable solutions at the regional level and facilitate tailored responses to the region’s displacement situation. The Somali region’s strategy can provide a template for other regions and can also be scaled up nationally. While there are frameworks that provide some level of protection for IDPs, these are piecemeal. The next section examines the gaps in the existing frameworks.

### 3 Gaps in the Existing Law and Policy Frameworks

While certain provisions of the FDRE Constitution as well as the DRM policy are relevant to the protection of IDPs, Ethiopia does not have a comprehensive legal or policy instrument that guides responses to internal displacement. This lacuna poses a protection imbalance that could hamper the efforts to resolve the vulnerabilities of IDP holistically. Clearly, the FDRE Constitution provides a legal base for the protection of displaced persons by stating that “All persons who have been displaced or whose livelihood have been adversely affected as a result of State programmes have the right to commensurate monetary or alternative means of compensation, including relocation with adequate assistance” (Article 44(2)). However, the scope of the provision is limited to State programmes such as situations of development induced displacement so that it does not cover all causes of displacement. As such, persons displaced as result of conflict or man-made or natural disasters do not benefit from the protection guaranteed under this provision.

In similar vein, Article 40 of the FDRE Constitution which recognises the right to property provides insufficient basis on which to address IDPs’ specific needs and vulnerabilities. IDPs are often at risk of losing their property and personal belongings at times of displacement. Undoubtedly, legal protection of property-related interests is a key part of finding durable solutions.
for IDPs. Article 40 of the FDRE Constitution guarantees property rights that remain applicable for IDPs as well (Article 40(1)). Moreover, the Constitution affirms Ethiopian peasants and pastoralists have the right to obtain land for free, and guarantees protection against eviction and displacement (Article 40(5) and (6)). These constitutional provisions are backed up by other legislation that deals with compensation schemes for those affected by development-induced displacement (Expropriation of Land Holding for Public Purposes, Payment of Compensation and Resettlement of Displaced People Proclamation No. 1161/2019). Accordingly, those who have lost the right to the use of land as a result of expropriation for public purpose are entitled to compensation (Expropriation of Land Holding for Public Purposes, Payment of Compensation and Resettlement of Displaced People Proclamation No. 1161/2019). However, the rights laid down under the FDRE Constitution as well as the complementary legislation exclude non-pastoralist and non-peasant communities from protection against displacement and the right to get compensated as a result of displacement. Thus, there are no laws or policies in place for IDPs who lose their land due to conflict-induced displacement or displacement caused by man-made or natural disasters.

While the frameworks prohibit the displacement of pastoralists and provide compensation for those who are affected by the State development projects, the need to achieve durable solutions is not provided for in the legislations. In addition, the FDRE Constitution contains bill of rights that could potentially address protection needs of IDPs regarding life and personal security, non-discrimination, personal liberty, protection of subsistence, and movement-related needs (Article 14, 15, 16, 17, 32 and 41). Unfortunately, there is no national law, policy or strategy to help translate these provisions into actual tools towards better protection of IDPs. It can be concluded that the FDRE Constitution does not provide a sufficient basis of protection for various IDPs.

On the other hand, Article 89 sub-article 3 of the FDRE Constitution obliges the government to avert natural or man-made disasters, and in the event of disasters, to provide timely assistance to the victims. In line with this obligation, the government has adopted the National Policy and Strategy on Disaster Risk Management of 2013. The DRM policy of 2013 intends to address the needs and vulnerabilities of all disaster affected persons by moving away from an approach that focuses on drought and the provision of emergency relief assistance (DRM Policy 2013). The revised DRM policy of 2013 is of paramount importance for improving the protection and well-being of IDPs. Pre-displacement prevention efforts often include measures that aim to eliminate or mitigate the causes of displacement. It has been noted that disaster-risk activities that integrate the concern of internal displacement may help efforts to eliminate or mitigate displacement problems (IDMC 2013: 70).

The revised DRM policy had defined displacement as “the process of people being forced to move from their home to other places because of a natural hazard, war/conflict, other human-made action” (DRM Policy 2013). Thus, the policy recognises conflict- as well as disaster-induced displacement though without providing the definition of an IDP. The revised DRM policy and its respective Strategic Plan and Investment Framework promote disaster risk reduction efforts through establishing and implementing comprehensive approach (DRM Policy 2013). In line with this commitment, the DRM policy and its strategic plan set out measures to be taken at pre-disaster, disaster and post-disaster phases (DRM Policy 2013). The pre-disaster phase includes prevention, mitigation and preparedness activities that are relevant to reduce and substantially mitigate causes of internal displacement. Thus, prevention, mitigation and preparedness activities such as early warning systems, risk and vulnerability assessment, contingency plan which forms part of the disaster risk management framework are also useful in terms of preventing or mitigating disaster induced displacement. Moreover, humanitarian/emergency responses and recovery/rehabilitation components that are part of disaster and post-disaster phase of disaster risk management system may help efforts to
improve the protection of IDPs. Thus, measures and activities undertaken as part of disaster risk management system are also relevant in the context of internal displacement.

However, the revised DRM policy and its Strategic Programme and Investment Framework do not address issues of particular concerns to IDPs apart from defining the term displacement in the policy document. First of all, the definition of who an IDP is, is not provided under the Policy document. Second of all, it does not consider specific needs of IDPs such as the need to receive relief and humanitarian assistance, restoration of lost properties and documents.

The DRM policy and its strategy link protection and durable solution needs of all affected population by stating that “In time of disasters, to save lives, protect livelihoods, and ensures all disaster affected population are provided with recovery and rehabilitation assistance”. However, it does not provide in great details the mechanisms on how best to save lives and promote livelihoods, recovery and restoration of the living situation of IDPs as it limits itself mainly to preparedness, mitigation, early warning and response to natural disasters such as drought- and flood-related risks. Thus, the DRM policy and its strategic programme do not specifically address protection, assistance and the need to find durable solutions.

In addition, the DRM and its respective strategic programme do not spell out mechanisms to deal with risks associated with conflict which is a primary displacement driver (IOM 2019a). Hence, the disaster risk management approach is unable to respond to the challenges of the current situation of displacement. Moreover, certain prevention and preparedness measures undertaken in the course of disaster management process are not responsive to vulnerabilities of persons displaced by inter-ethnic and inter-regional conflicts. For instance, IDPs face difficulties in claiming entitlements to the Productive Safety Net Program (PSNP, which is part of the prevention and mitigation activities) due to administrative barriers for registration in the area of displacement and conflict (Protection Cluster-Ethiopia 2017: 3). It is practically impossible to access the PASNP services for those IDPs who fled their area of origin due to inter-ethnic conflict as they cannot return back because of security issues. At the same time, it is difficult to access the services in the area of displacement since it depends on the willingness of host community and the availability of resources there. Hence, avoiding administrative barriers for registration in area of displacement is crucial so as to address challenges that IDPs experience in accessing PASNP and other long-term assistance.

The 2019 Federal Government’s Strategic Plan to address Internal Displacement and costed Recovery/Rehabilitation is another important instrument which provides governments with the much-needed base to engage in efforts to resolve displacement problems sustainably (OCHA 2019c). This instrument is limited in scope as it is designed to address a particular phase of the displacement process, i.e. the need to achieve durable solutions. The IDP Strategic Plan was adopted with the overall aim of ensuring the voluntary, safe, dignified and sustainable return/relocation of people uprooted by conflict in different parts of the country (OCHA 2019c). It envisages a phased approach to return/reintegrate or relocate IDPs. It aims to ensure return of 80% of IDPs to their areas of origin, while 15% of the total IDPs will be reintegrated in current areas of displacement and 5% of the total IDPs will be relocated to other areas (OCHA 2019c). Accordingly, the government has completed the first phase of government-led return operations (OCHA 2019c). Though the government insists that return operations have been carried out in adherence with internationally established principles and practices, there have been incidents that demonstrate that the return process is involuntary and premature. Thus, the government has been coercing IDPs to return to unsafe areas through demolishing displacement sites and restricting access to humanitarian assistances (Refugee International 2019; OCHA 2019d).

On the other hand, both the Guiding Principles and the Kampala Convention emphasise that a competent authority has the duty to ensure that IDPs’ return/reintegration or reset-
tlement process is voluntary, in safety and dignity (UN Guiding Principles 1998; AU Kampala Convention 2009). The IASC Framework on Durable Solutions for IDPs also emphasises that one of the key principles that should guide the search for durable solutions is respect for the right of IDPs to make an informed and voluntary choice on what durable solution to pursue and also to participate in the planning and management of durable solutions (Brooking Institution 2010). It has been noted that the needs, rights and legitimate interest of IDPs should be the primary consideration when making decisions on durable solutions. In contrast, Ethiopian government-led return operation has disregarded individual rights and access to aid given the dismantling of displacement sites, the dispersing of IDPs upon return and minimal to non-existent assistance made available in the areas of return (OCHA 2019d). In some areas, IDPs were intimidated, detained and beaten by security force (OCHA 2019d). Although all durable solution operations are to be conducted upon prior assessments of availability of services and security conditions in area of returns, many returnees end up in secondary displacement sites near their village due to inadequate security and the lack of interim assistance in the area of return (OCHA 2019d).

The IDP strategic plan has a number of limitations that may affect its potential to address the displacement crisis sustainably. First of all, the IDP Strategic Plan of 2019 is designed to address the durable solution needs of conflict-induced IDPs. Thus, this instrument does not provide much support for those persons displaced, for instance, by climate change factors. Secondly, it does not spell out the rights of IDPs and the corresponding responsibilities of state and other actors in detail. Consequently, there are gaps in the implementation of the strategic plan. While conditions that help to attain long-term safety, security and freedom of movement are emphasised, the IDP strategic plan does not provide intervention mechanisms to restore livelihood without which displaced persons cannot achieve sustainable solutions. In contrast, the Ethiopia DSI circumvents the weakness of the IDP Strategic Plan by explicitly articulating location-specific activities that need to be in place to achieve local integration, safe and voluntary return and sustainable re-location (Ethiopia DSI 2019). Moreover, it also provides for restitution of land and other property and addresses challenges related to housing, land and property (Ethiopia DSI 2019). However, the DSI does not address both development-induced displacement and climate change-induced displacement in greater detail given that most intervention approaches envisaged under the DSI designed in response to conflict-induced displacement.

On the other hand, the Somali Regional Durable Solutions Strategy is much more detailed than the DSI. Thus, the former seeks to assist various categories of IDPs in the region to find durable solutions (Somali Regional State Government 2017). Moreover, it clearly articulates the rights of IDPs and responsibilities of the state and other actors (Ibid). Also, the strategy reflects international established principles on IDPs (Somali Regional State Government 2017). However, this strategy is not applicable to all IDPs since its scope is limited to IDPs in certain geographic area.

In view of the existing gaps in the furtherance of IDP protection, it is important for Ethiopia to adopt a specific law on internal displacement. This chapter examines the potential of the Kampala Convention in filling this gap.

### 4 Implication of Ratification of the Kampala Convention

Ethiopia ratified Kampala Convention on 13 February 2020 with reservations (FDRE House of People’s Representative 2020). The instrument fused into national law through “ratification proclamation” entitled African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa Ratification Proclamation No. 1187/2020 (herein after Kampala Convention ratification proclamation). According to the proclamation, Ethiopia accepts the definition of IDPs as provided under Article
1(k) of the convention (Kampala Convention Ratification Proclamation No. 1187/2020). This marks a milestone achievement for the country that has witnessed a significant rise of internal displacement over the past years. As one of the State Parties to the Convention, Ethiopia committed itself to very detailed obligations to protect IDPs’ rights. One can plausibly argues that the ratification of the Kampala Convention creates a conducive environment to urge government to adopt law and/or policy to give it domestic effect, as well as to amend existing laws or policies which are not compatible with the rights guaranteed under the treaty.

The need to consider the domestication of the Kampala Convention is largely dictated by the reality that Ethiopia is among the leading countries in internal displacement which are disproportionately affected by the challenges of displacement. Unresolved and cyclical inter-ethnic tensions combined with recurrent drought and other natural disasters continue to generate large number of IDPs, highlighting the importance of systematic and comprehensive approach to resolve internal displacement problem. The Kampala Convention provides an excellent opportunity for states to put in place mechanisms (including adoption of national frameworks) that guide comprehensive responses to internal displacement problems (Kampala Convention 2009). The more compelling reason is the fact that the existing legal and policy frameworks do not provide adequate bases for responding to the specific needs and vulnerabilities of IDPs in Ethiopia. Evidently, the absence of adequate domestic legal and policy frameworks for the protection of IDPs underscores the importance of domesticating the Kampala Convention and the possible contribution it can make to national efforts to deal with displacement challenges.

Very important is the fact that the Kampala Convention provides a basis for the accountability of those who cause displacement (Dieng 2017). The importance of this provision lies in the fact that more often than not, displacement is caused by a breakdown in the rule of law (Dieng 2017: 276). This holds true in the Ethiopian context where most of the displacements are instigated by individuals and groups who are “attempting to profit at the expense of citizenry and in violation of human rights” (Addis Standard 2019). On the other hand, the Kampala Convention articulates state obligation to ensure individual accountability and accountability of non-state actors who involves in displacing others (Article 3(1)). This provision is critical in the face of the increased incident of displacement instigated by non-state actors like individuals and group of persons in the country. In addition, the Kampala Convention’s provision in relation to obligations of international organisations and humanitarian agencies (Article 6), compensation (Article 12), registration and personal documentation (Article 13) are relevant to improving the protection of IDPs in Ethiopia.

5 Conclusion

The issue of internal displacement has become a daunting challenge in Ethiopia due to the escalation of inter-ethnic clashes and recurrent drought and seasonal floods. Nevertheless, Ethiopia is yet to establish the required legislative and policy framework. While the existing domestic legal and policy frameworks contain provisions relevant to the protection of IDPs, they did not provide a sound basis to address the specific needs and vulnerabilities of IDPs during all phases of displacement. Most of the government’s and partner’s efforts to deal with internal displacement are based on short-term strategic plan and soft law instruments that are unsuited to the displacement situation. This protection imbalance exacerbates the situation of IDPs in Ethiopia. Having ratified the Kampala Convention, Ethiopia has made a giant stride in reinvigorating its commitment towards IDPs. However, Ethiopia needs to domesticate the Kampala Convention which has the potential of providing comprehensive guidance on the protection and assistance of IDPs.
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